

## **“A totally false picture of the genocide”**

### **A critical analysis of Luc Reydam's “NGO Justice: African Rights as Pseudo-Prosecutor of the Rwandan Genocide”**

Jos van Oijen, June 2017

*“I am sad when I note that the genocide became an answer to every criticism emitted against the regime of president Kagame. That is the political instrumentalization of the genocide but we can't fight that with revisionism.”* – A former employee of the NGO African Rights.

#### **Introduction**

*NGO Justice: African Rights as Pseudo-prosecutor of the Rwandan Genocide* is an article about the former NGO African Rights (AR) and its alleged influence on the International Criminal Tribunal for Rwanda (ICTR).<sup>1</sup>

Central to *NGO Justice* is the theory that the familiar narrative of the genocide against the Tutsi in Rwanda was shaped and spread by African Rights on behalf of the Rwandan Patriotic Front (RPF) in their report *Death, Despair and Defiance (DDD)*, published in September 1994.

The theory isn't new. Many genocide researchers have been accused of working for the RPF one time or another. Or, alternatively, of spreading genocide ideology. Such is the nature of the polarized debate about the genocide. This should be reason to be cautious with allegations that are predominantly based on uncorroborated rumors and anecdotal evidence.

Before conclusions can be drawn and defamatory statements published, which is what Reydam's does in *NGO Justice*, rigorous fact checking is necessary to separate the facts from the fiction. In the publication of *NGO Justice* this most basic standard has not been met.

According to Reydam's *DDD* was part of a propaganda scheme designed to gain foreign support for the RPF and to secure impunity for its senior officers. Building on this assumption, for which he does not provide verifiable evidence, he accuses the former AR directors of unethical behaviour motivated by greed and by competition for fame. The ICTR is depicted as gullible for falling into their trap.

However, an analysis of the text reveals a number of serious flaws which include invented facts, and some inaccuracies are repeated throughout. *NGO Justice* smears and defames the authors of *DDD* without including a fair representation of their side of the story.

Several informants of *NGO Justice* complain that the information they provided to Reydam's in interviews is distorted. Factual evidence is altered to suit his pre-conceived conclusions. Disconfirmatory information is omitted. The article reports scurrilous rumor as fact.

In this document I provide a list of these errors and comment upon each one. The list describes 231 flaws, and starts on page 7.

#### **Implications**

This many flaws in a scholarly article is cause for alarm. Firstly because *NGO Justice* falsely accuses two senior human rights professionals of fraud and corruption. Secondly because the sheer number of flaws, some of which are hard to miss, shows that no proper peer review was applied. Thirdly

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<sup>1</sup> Luc Reydam's. “NGO Justice: African Rights As Pseudo-Prosecutor Of The Rwandan Genocide.” *Human Rights Quarterly*, Vol. 38 No. 3, August 2016: 547-588

because the pseudo-scientific quality of the article is confusing to readers, some of whom may be policy makers, legal advisers, etc. And finally because not a single one of the genocide survivors who contributed to *DDD* has been consulted by the author to check the validity of his assumptions.

Not only facts are distorted. Journalists who were in Rwanda during the genocide point out an overall lack of understanding in *NGO Justice* regarding the conditions in Rwanda in 1994:

“Only those of us who were there can tell you how truly dreadful those days were and how exceptional bravery and methods had to be employed to cover it,” according to Jonathan Clayton of Reuters News Agency. “Luc himself presents a totally false picture of the genocide.”

“I’ve marveled at the lack of empathy regarding the situation in 1994,” Dutch journalist Koert Lindijer adds. Mark Doyle of the BBC concludes: “I don’t know what Mr Reydam’s intention is but it is clear Rakiya Omaar [of AR] saw a massive gap in the way the genocide was being reported and filled it. That doesn’t mean she was biased. It means she was filling a gap.”

### **The “grand narrative”**

The theories in *NGO Justice* - of *DDD* being the origin of the “grand narrative” of the genocide, of *DDD* being responsible for the “bystanders to genocide” narrative, and of *DDD* being responsible for framing Colonel Theoneste Bagosora as the mastermind of the genocide - are problematic for several reasons. The most obvious one is the timeline. *DDD* was published on 29 September 1994, which is more than five months after Kenneth Roth, the director of Human Rights Watch (HRW), described the basic elements of the narrative in an open letter to Colin Keating, the president of the Security Council of the United Nations (UNSC).

In the letter, dated 19 April 1994, Roth declared the violence in Rwanda a genocide and explained that the widespread massacres were systematic, premeditated, and targeted the Tutsi minority as an ethnic group. Roth identified those responsible as Colonel Bagosora, Col. Bizimungu and Capt. Simbikangwa. He also warned for catastrophic consequences if the international community decided to abandon Rwanda, which promptly happened two days later.

Roth’s letter was the culmination of what had been communicated in the press during the first two weeks of the genocide by several journalists and Rwanda experts. In France, journalist Philippe Ceppi reported the “genocide of the Tutsi” on 11 April ’94, after witnessing an organized massacre and speaking to Philippe Gaillard of the International Committee of the Red Cross (ICRC).

Three days later professor Filip Reyntjens told the press that the most likely explanation was the implementation by the presidential guard of a well-considered plan that had been expected for years. And in the USA similar conclusions were published during the second week of the genocide by HRW consultants Frank Smyth and Alison Des Forges, and scholars like Catharine and David Newbury.<sup>2</sup>

This premeditated genocide, or “genocide-as-conspiracy” narrative, was further developed by Alison Des Forges and others in many articles, human rights reports, demonstrations, and appearances on major news channels. Des Forges also produced the first expert report for the ICTR a year later.

The importance of Des Forges in educating the world about the genocide is widely acknowledged. David Newbury and Filip Reyntjens write:

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<sup>2</sup> Kenneth Roth. *Letter to His Excellency Colin Keating, president, Security Council, United Nations*. Washington: Human Rights Watch, 19 April 1994; Philippe Ceppi. 1994. “Kigali livré à la fureur des tueurs Hutus.” *Libération*, April 11.

“In a world prone to denial, one of the first widely-circulated print documents to establish the fact of genocide was HRW’s “Genocide in Rwanda” (May 1994), which fully documented the “systematic slaughter” by the government side and firmly denounced the ineffective response by the international community. (Des Forges had published several newspaper articles and testified to several forums on the genocide before this report but this was the first formal published report).”<sup>3</sup>

Scholars Scott Straus and Lars Waldorf add: “When the genocide broke out on 6 April 1994, Alison was well-placed to draw the international community’s attention to the unfolding horrors and to counter simplistic portrayals of “ancient tribal hatreds.” While policy makers dithered, Alison and Human Rights Watch called the systematic slaughter by its rightful name – genocide.(...) She also played a crucial role in bringing *genocidaires* to justice ...”<sup>4</sup>

By the time *DDD* was published, the genocide-as-conspiracy narrative was already the consensus view. However, In *NGO Justice* the contributions of Des Forges and others are sidetracked or ignored.

### Rumors

So how did it come to this? *DDD* is largely based on the testimonies of genocide survivors who were interviewed by Rakiya Omaar in May and June 1994.<sup>5</sup> Soon after its publication in September ’94 rumors about involvement of the Rwandan Patriotic Front (RPF) were spread by supporters of the ousted genocidal government. Elements of the rumors are documented in various publications.

Hassan Ngeze, a notorious propagator of anti-Tutsi sentiments in the Rwandan press before and after the genocide, suggested in an open letter to “Mister” Rakiya Omaar, that: “All of the evidence put forward in the report was apparently provided to you by the RPF and its members.”<sup>6</sup>

Jean Bosco Barayagwiza, leader of the extremist party Coalition for the Defense of the Republic (CDR), described AR as a blind and unconditional ally of the RPF, calling the information about major suspects in *DDD* “inspired” by the RPF.<sup>7</sup>

Similar accusations were leveled against other observers who documented human rights violations in Rwanda: UN reports were allegedly produced by pro-RPF agents in Uganda. The expert testimony of Alison des Forges in 1995 was described as “... so coloured by prejudice as to be without objectivity.”<sup>8</sup>

Even before the genocide an International Commission of Investigation (ICI), co-chaired by Des Forges, was publicly discredited in similar terms.<sup>9</sup> Luc Reydamas still calls the ICI report “a propaganda victory for the RPF”, which shows the persistence of such rumors.<sup>10</sup>

<sup>3</sup> David Newbury & Filip Reyntjens. “Alison Des Forges and Rwanda: From Engaged Scholarship to Informed Activism.” *Canadian Journal of African Studies*, Vol. 44 No. 1, 2010, p. 54

<sup>4</sup> Scott Straus & Lars Waldorf. *Remaking Rwanda: State Building and Human Rights after Mass Violence*. Madison, 2011, pp. xiv-xv.

<sup>5</sup> African Rights. *Rwanda: Death, Despair and Defiance*. London: African Rights, 1994.

<sup>6</sup> Hassan Ngeze. *Letter-reply from Hasan Ngeze, to Mr Rakiya Omar from African Rights*. Namur: Februari 2, 1995, ICTR doc nr 44/K95

<sup>7</sup> Jean Bosco Barayagwiza. *Le Sang Hutu, est-il Rouge? Vérités cachées sur les massacres*. Yaoundé, 1995

<sup>8</sup> Pierre Turmel. *Decision in the case between Leon Mugesera and Minister of Citizenship and Immigration*. Immigration and Refugee Board of Canada. Montreal, 11 July 1996, p. 29.

<sup>9</sup> International Commission of Investigation on Human Rights Violations in Rwanda Since October 1, 1990. *Final Report*. FIDH/Africa Watch/UIDH/CIDPDD, March 1993; ARHO-TABARA/LIDEL/ARDEVI-TABARA/Misericordia. *Commentaire sur le “Rapport de la Commission Internationale d’Enquete sur les Violations des Droits de l’Homme au Rwanda Depuis le 1er Octobre 1990.”* Kigali, 2 April 1993 (a group led by Ferdinand Nahimana).

<sup>10</sup> Email message of 17 August 2014 (Luc Reydamas to Alex de Waal)

Four years later Des Forges' book *Leave None to Tell the Story* got a comparable reception.<sup>11</sup>

Over the years, an international group of fringe scholars, radical defense lawyers and journalists emerged who publish skeptical articles and books about what they call the “official” genocide narrative. They have accused both Des Forges and Omaar of being part of a secret RPF/US-intelligence network, shielding the new leaders from prosecution for alleged war crimes.<sup>12</sup> Most of their concepts are repeated in *NGO Justice*, with the difference that Alison Des Forges is ostensibly spared. (See Appendix 1)

### **Confirmation bias**

The key elements of the rumors are reflected in some unusual remarks Reydam's sent to Rakiya Omaar and Alex de Waal, the former directors of African Rights, and to a former AR employee, when he interviewed them by email at the outset of his research in August-October 2014. Some examples:

#### Reydam's to de Waal:

“My conclusion is that during most of her field work in April-May 1994, Rakiya was only one step away from Kagame and the witnesses she interviewed were brought to her in Mulindi.”<sup>13</sup>

“I am inclined to think that only a intelligence apparatus could have collected what African Rights collected between mid April and September 1994.”<sup>14</sup>

#### Reydam's to AR employee:

“As I wrote before, I am not questioning your integrity but of the person behind AR.”<sup>15</sup>

“Everything about AR seems 'unusual'. In fact, one is left to wonder whether there is anything 'normal' about AR. So far the answer seems no.”<sup>16</sup>

#### Reydam's to Omaar:

“One of my reservations about *DDD* is its claim that you visited and interviewed -- in the midst of war -- survivors in northern, eastern, central and southern Rwanda.”<sup>17</sup>

“Some people can do extraordinary things under extraordinary circumstances but this seems too much and calls for an explanation.”<sup>18</sup>

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<sup>11</sup> Alison Des Forges (ed.). *Leave None to Tell The Story, Genocide in Rwanda*. Human Rights Watch/FIDH, 1999.

<sup>12</sup> See the articles and books of Pierre Pean, Robin Philpot, Christopher Black, Keith H. Snow, Edward Herman & David Peterson and ICTR reports by Helmut Strizek (ICTR-99-50-1615), Serge Desouter (ICTR-98-41-13469) and others. According to Strizek, Des Forges “... can henceforth be considered, by virtue of her close cooperation with Rakiya Omaar, as having already belonged, in 1993, to a kind of undeclared RPF ‘network’.” In their book *The Politics of Genocide* (2010) Herman & Peterson write: “Des Forges badly misinformed a whole generation of scholars, activists, and the cause of peace and justice as well.” (pp. 129-130); For a lucid review of their arguments, see: Roland Moerland. *The Killing of Death, Denying the genocide against the Tutsi*. Cambridge, 2016, esp. chapter 5 “Recycling official denial,” pp. 187-229

<sup>13</sup> Email message of 18 August 2014

<sup>14</sup> Email message of 28 September 2014

<sup>15</sup> Email message of 8 October 2014

<sup>16</sup> Email message of 9 October 2014

<sup>17</sup> Email message of 22 August 2014

Reydams nevertheless received polite and informative answers, but most of the information provided to him is missing from *NGO Justice*. This concerns the big issues, but also the most trivial ones. He suggested for instance that de Waal had disowned *DDD*, based on the fact that the book was erroneously listed as an article on his university’s website. De Waal explained that he wasn’t aware of the error and would correct it,<sup>19</sup> but Reydams insisted: “The fact that you publicly disown *DDD* suggests that you know it is toxic.”<sup>20</sup> *NGO Justice* concludes: “It is noteworthy that two decades later, de Waal seems to disown the famous “yellow book” on his Fletcher webpage...”

Fixed and stable initial opinions play an important role in a confirmation bias. The correspondence from 2014 reveals that Reydams ignored De Waal’s elaborate explanations from the start, except for a few statements that fit his initial beliefs but were largely misunderstood. “I am discouraged,” de Waal remarks after a few emails, “that despite all I have written you write that you “begin to believe” that AR was “an empty box”.” Reydams ends their correspondence with: “The evidence I have against *DDD* is overwhelming. As you say in your article with Julie Flint, *case closed*.”<sup>21</sup>

However, on the date of his “case closed” verdict, Reydams still had to interview all of his other informants, do basic archival research and review the relevant literature. He never went back to consult Omaar or de Waal on new rumors he collected. Then in 2016, after *NGO Justice* was published, some of his informants complained that the article misrepresents their information, expressing “shock” and distress. It’s incomprehensible that a journal like *Human Rights Quarterly* publishes 42 pages of uncorroborated rumors without hearing the other side, ignoring all disconfirmatory evidence, and without considering their effect on survivors.<sup>22</sup>

### Other rumors

Some rumors about African Rights originate from reputable sources as well. To see if there was any merit in Reydams’ initial suspicions, I also checked some of these other rumors. The most persistent is the alleged involvement of African Rights in the “Rusatira Affair” in 2002. However, documentary evidence shows that African Rights could not have been involved. Errors in the timeline are at the basis of the confusion (see Appendix 4). To be fair to the authors who first reported on this case, some crucial evidence was not readily available in 2002. However, the story they’ve created has been cited as a fact by a wide range of academics and journalists, thus contributing to the tainted image of AR. A minor rumor I found in an MSF document of 15 June 1994 was not confirmed by the involved doctors so I won’t discuss it here.

### Sources of this document

This document lists 231 errors of fact and other flaws, starting with the ones found in the abstract of *NGO Justice* and ending with those in its conclusions. The errors were identified during a fact checking exercise in which the claims of *NGO Justice* were compared with the referenced literature; information in AR reports was compared with what other organizations and experts were reporting; additional information was gathered in email exchanges and telephone calls with dozens of informants, many of whom were in Rwanda during the genocide.

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<sup>18</sup> Email message 6 September 2014

<sup>19</sup> Email message of 7 October 2014 (De Waal to Reydams)

<sup>20</sup> Email message of 8 October 2014 (Reydams to De Waal)

<sup>21</sup> Ibid

<sup>22</sup> A rebuttal was sent to the editor of HRQ on 20 September 2016 but was returned without an explanation. It should be noted that neither Reydams nor the journal consulted a single one of the many genocide survivors who were interviewed by AR during its existence.

These include: international journalists; prominent genocide-survivors; ICTR investigators; a former ICTR prosecutor; doctors of Medecins Sans Frontieres and Physicians for Human Rights UK; a senior ICRC representative; Human Rights Watch representatives; former AR employees and the two former AR directors; genocide researchers; former officials of the RPF; a former Habyarimana era official; and a number of senior scholars. The former AR employees and a former teamleader of ICTR investigators wish to remain anonymous.

For clarity four appendices are added with specific details: a comparison of themes and opinions in *NGO Justice* and publications of Keith Harmon Snow, a well known genocide skeptic from the USA (Appendix 1); a list of statements made prior to the publication of *DDD* by Alison Des Forges and other observers on the concept of premeditated genocide in Rwanda (Appendix 2); a list of persons interviewed by Physicians for Human Rights (UK) in July 1994 (Appendix 3); a description of the Rusatira Affair (Appendix 4).

By way of conclusion I will quote here Jonathan Clayton’s response to reading the accusations in *NGO Justice*, as it best expresses the distress caused to survivors and the few foreign witnesses of the genocide:

“I find these slurs and accusations against former colleagues and activists who risked their lives in really appalling conditions to tell the story of what was really happening there so unfair, not to mention the huge disrespect to the victims.”<sup>23</sup>

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<sup>23</sup> Email message of 8 March 2017

## The List of Errors

### Short recap of introduction:

The premise of *NGO Justice* is that the generally accepted narrative of premeditated genocide in Rwanda in 1994 is basically propaganda of the RPF and responsible for the impunity of RPF war crimes. According to author Luc Reydam's the narrative was first published by African Rights (AR) in their report *Death, Despair and Defiance (DDD)*, allegedly produced in full partnership with the Rwandan Patriotic Front (RPF).

However, all the basic elements of this “grand narrative” had been published before by consultants of Human Rights Watch (HRW) in articles and press releases.<sup>24</sup> One of these consultants, historian Alison Des Forges, also produced the first genocide report in May '94,<sup>25</sup> she lobbied the White House, the US Congress and the UN Security Council (UNSC).<sup>26</sup>

On 19 April 1994, HRW-director Kenneth Roth wrote to the UNSC: “The campaign of killing was planned weeks before the death of President Habyarimana (...) The organized campaign of atrocities against the Tutsi as an ethnic group has become so concerted that we believe it constitutes genocide.”

Roth identified the main perpetrators, like Colonel Bagosora. “The targeting of large numbers of victims on the exclusive basis of their ethnicity,” he wrote, “demonstrate[s] that the Rwandan officers named above, and their associates, intend “to destroy, in whole or in part, a national, ethnical, racial or religious group, as such [by] killing members of the group [and] causing serious bodily or mental harm to members of the group ...”

Roth called on the international community to “take steps to suppress and punish this horrendous crime.” A year later Alison Des Forges produced the first expert report for the International Criminal Tribunal for Rwanda (ICTR).<sup>27</sup>

<sup>24</sup> Frank Smyth 1994. “French Guns, Rwandan Blood.” *N.Y. Times*, April 14; Alison Des Forges. 1994. “The Method In Rwanda’s Madness: Politics Not Tribalism, Is The Root Of The Bloodletting.” *Washington Post*, April 17; Alison Des Forges. 1994. “A Life Saved.” *Washington Post*, April 19; Washington Post. 1994. “So that the world does not forget Rwanda.” *Washington Post*. April 24 (interview AdF); Frank Smyth. 1994. “Why Hutu and Tutsi Are Killing Each Other: A Rwanda Primer.” *Baltimore Sun*, April 24; Human Rights Watch/Africa, *Press Release*. New York: Human Rights Watch, April 29, 1994; Frank Smyth. 1994. “Blood Money and Geopolitics.” *The Nation*, May 2; Frank Smyth, 1994. “Rwanda’s French Connection.” *The Village Voice*, May 3; Lindsey Hilsum. 1994. “The radio station whose call sign is mass murder.” *The Observer*, May 15 (interview AdF); Frank Smyth. 1994. “The Horror.” *New Republic*, June 20; Stephen Goose and Frank Smyth. 1994. “Arming genocide in Rwanda.” *Foreign Affairs*, September 3. (This list is not exhaustive)

<sup>25</sup> Human Rights Watch/Africa. *Genocide in Rwanda, April/May 1994*. New York: Human Rights Watch, May 1994

<sup>26</sup> Kenneth Roth. *Letter to His Excellency Colin Keating, president, Security Council, United Nations*. Washington: Human Rights Watch, 19 April 1994; John Shattuck. *Meeting with human rights activist*. Cable from Secretary of State Washington DC to UN Mission Geneva. United States Department of State, 22 April 1994; Human Rights Watch/Africa. *Statement of Alison Des Forges before the House Foreign Affairs Subc. on Africa*. New York: Human Rights Watch, 4 May 1994; Des Forges, Alison. “Prepared Statement” in: Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations United States Senate, *Crisis in Central Africa*, US Senate, 26 July, 1994.

<sup>27</sup> Alison Des Forges. *Rapport d’Expert préparé par Alison Des Forges: Testimony of Alison Des Forges*. 25 May 1995 (Draft Date). See: *ICTR Interoffice memorandum of 3 July 2006 from Anne Bodley to ‘A toutes les équipes de la défense,’* subject: “Prior expert reports of Dr. Alison Des Forges at the ICTR.”

This history poses a major problem for Reydams’ theory. He is looking to attack the dominant narrative, but realizes that his critique can’t target the late Alison Des Forges, because she used to be friends with many of the senior Rwanda scholars, including his mentor Filip Reyntjens.

To rationalize this congruence problem, Reydams simply pushes Alison Des Forges and HRW out of the picture, arguing that their involvement was not influential until her book *Leave None to Tell the Story, Genocide in Rwanda* was published in 1999.<sup>28</sup> With Des Forges out of the way he feels free to attribute the origins of the narrative to *DDD* and embarks on a thorough character assassination of the AR directors, who are sitting ducks because of all the prior rumors, hoping the narrative will go down with them.<sup>29</sup>

To solve the problem of inserting the alleged RPF involvement, a new conspiracy theory is developed in *NGO Justice*: Rakiya Omaar of AR is alleged to have been enlisted by an RPF-official in April '94, who then sent her to Rwanda to write “RPF-friendly” reports with the aim of securing foreign support and future impunity. This theory, as we will see, is refuted by an analysis of the available evidence.

#### The Errors:

1. (page 547)

*Based on numerous interviews, the article shows that African Rights was coopted in the first weeks of the genocide by the Rwandan Patriotic Front (RPF) and that the report was produced with its active support.*

- The accusations stated in this sentence are not based on “numerous interviews” but on a single source: Theogene Rudasingwa. This is a significant difference because Rudasingwa’s story is controversial. Not only does Rakiya Omaar deny it, her side of the story is verifiable as we shall see whereas Rudasingwa’s is not. Reydams did not check either one. He just assumes that Rudasingwa has no reason to lie. This assumption is debatable.

In the absence of corroborating evidence, as is the case here, the credibility and impartiality of the source are factors of concern. Theogene Rudasingwa is an exiled former Public Relations officer of the RPF. As such he may be a potential source of relevant information but it also means that he is skilled in the manipulation of facts for public consumption. Furthermore, the original RPF propaganda on the genocide, which differs on some crucial aspects from *DDD* and from what Reydams imagines it to be, was written and published by Rudasingwa.<sup>30</sup>

Then there is his current role as a politician. Rudasingwa is a political rival of president Kagame with an agenda of his own.<sup>31</sup> His habit of accusing scores of experts of being on the payroll of the RPF does not speak for a state of intellectual independence either.<sup>32</sup> These conditions are no grounds for assuming that his statements should be taken at face value.

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<sup>28</sup> Des Forges. *Leave None to Tell The Story*, see note 11.

<sup>29</sup> When *DDD* was published on 29 September 1994 the HRW narrative was already the consensus view.

<sup>30</sup> Theogene Rudasingwa. *Rwanda: Background to Genocide*. Kampala: Rwandese Patriotic Front (RPF), 1994. Contrary to what Reydams believes, the RPF version does acknowledge victims of other ethnicities and does not mention Bagosora as the mastermind of the genocide.

<sup>31</sup> Immigration and Refugee Board of Canada. *Rwanda: the Rwanda National Congress (RNC), including information on its structure and leaders; treatment of RNC members by the government*, 26 March 2014, RWA104829.E , available at: <http://www.refworld.org/docid/543b89e14.html> [accessed 8 April 2017]; Mehdi Ba. 2013. “Rwanda : les introuvables révélations de Théogène Rudasingwa sur l’attentat du 6 avril 1994.” *Jeune Afrique*, April 26 (blog): <http://www.jeuneafrique.com/171069/politique/rwanda-les-introuvables-r-v-lations-de-th-og-ne-rudasingwa-sur-l-attentat-du-6-avril-1994/>

<sup>32</sup> See: <http://www.fdu-rwanda.com/wp-content/uploads/2014/10/Theogene-Rudasingwas-letter-to-BBC.pdf>.

The story as told in *NGO Justice* is as follows: Rudasingwa met Rakiya Omaar at his press conference in Nairobi, Kenya on 26 April 1994. He immediately saw an opportunity, enlisted her, and consequently put her in touch with RPF field commanders in Rwanda. Details about how this played out in real life are missing. *Death, Despair and Defiance* mentions that AR attended the press conference in Nairobi, so this is common knowledge, but the rest is not supported.<sup>33</sup>

A major omission of *NGO Justice* is that Reydams did not give Omaar the opportunity to respond to Rudasingwa’s story. When I asked her myself she replied: “I never spoke to Rudasingwa in Nairobi or had any kind of meeting with him in Nairobi. I went to a press conference he gave as Secretary-General of the RPF attended by many journalists.”<sup>34</sup> And although Reydams has not asked her to comment on Rudasingwa’s claims, their correspondence shows that Omaar on her own accord explained how she got involved in the genocide research:

“As African Rights, we felt we should say something about the horrible events unfolding in Rwanda. But we didn’t want to just speak out from a position of ignorance. I was due to go to Nairobi for a meeting on Somalia in mid-April, so we decided we would use that occasion to interview some of the people who were being evacuated. By then, there were daily briefings on Rwanda for diplomats, NGOs, journalists at The Intercontinental or Hilton, I forget. At the first meeting I attended, I met a senior official from the ICRC who had liked our work on Somalia and who we had been in touch with. He immediately arranged for me to meet Rwandans and foreigners who had been evacuated, introduced me to others, and my work on Rwanda began.”<sup>35</sup>

Geoffrey Loane, the senior ICRC official, confirms that Omaar attended the ICRC briefings in Nairobi and remembers he met her for lunch. A few days later Omaar travelled with the ICRC to a refugee camp in Ngara, Tanzania where she stayed for a couple of days. Although Loane can’t remember details, because so much was happening at the time and there were lots of flights, he says it does ring a bell that he made those arrangements for her.<sup>36</sup> Unfortunately the flightrecords were kept for only ten years and can’t be consulted anymore.

Then Omaar crossed into Rwanda with a group of journalists to visit hospitals in eastern Rwanda where she interviewed surviving genocide victims for a week. She did not travel to the RPF head quarters in Mulindi until three weeks later, which she did in the company of a crew of Reuters press agency on her way to Byumba where she continued her research.<sup>37</sup>

The journalist who headed the Reuters crew, Buchizya Mseteka, confirms that he took her from Uganda to Mulindi.<sup>38</sup> Passing through Mulindi was unavoidable according to Mark Doyle of the BBC:

“It is ridiculous to say that the fact of going to Mulindi is to sign up with the RPF agenda. It was the only way, in the early few days of the genocide, to get safely into Rwanda with an “authority” (albeit a rebel one). I’m sure there were unofficial crossings available at land borders but that would have been for the very brave.”<sup>39</sup>

Other journalists who later met Omaar in the field (Jonathan Clayton, Corinne Dufka) do not recall a military presence or anything out of the ordinary. A couple of prominent survivors (Jean Paul Biramvu,

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<sup>33</sup> AR. *DDD*, p. 682

<sup>34</sup> Email message of 17 February 2017

<sup>35</sup> 15 September 2014 (Omaar to Reydams)

<sup>36</sup> Email message of 6 June 2017

<sup>37</sup> Email message of 15 September (Omaar to Reydams)

<sup>38</sup> Email message of 8 March 2017

<sup>39</sup> Email message of 18 January 2017

Francois Xavier Nsanzuwera) confirm that they spoke freely with Omaar when she interviewed them, which they did in French without an interpreter present. They comment that the circumstances were the same as in other camps and claim the interviews they gave her have been reproduced accurately in *DDD*.<sup>40</sup>

2. (p. 547)

*The article further shows that after 1994, African Rights gradually became a single-issue NGO (focused on the Rwandan genocide) and proxy for the new RPF-dominated Rwandan government.*

- From the absence of evidence for the coopting-suggestion, we now move on to no evidence for becoming an RPF-proxy. Luc Reydam, the author of *NGO Justice*, repeats the concept of enlisting, coopting, becoming a proxy, etc. many times in his article. This is a common fallacy known as the ‘ad nauseam’ fallacy, meant to frustrate a discussion but it also creates an illusion of truth in the mind of the reader. In the field of social psychology this effect is called the “mere exposure effect.”<sup>41</sup> As we will see further down the list, no evidence is provided to support the repeated claims.

Researching the genocide as a main objective of AR is portrayed as something negative or suspicious in *NGO Justice*. However, many aspects of the genocide have not been studied in depth by most other organizations. Aside from researching and reconstructing large massacres, the work of AR includes reports on: teaching human rights in Rwandan schools; problems of HIV-positive rape victims; stories of courageous Hutu who have risked their own lives to save Tutsi; etc.<sup>42</sup>

3. and 4. (p. 547)

*In 2003, African Rights became an outright RPF-front organization funded by and working closely with the RPF’s intelligence apparatus.*

- This is the third repetition of “coopting” and “becoming a proxy”: an “outright front”. As noted in the previous comments, *NGO Justice* provides no evidence to support this claim beyond uncorroborated, suggestive remarks. The only relevant document that offers a clue, a 2008 letter from the CNLG, is not investigated. Reydam merely takes the fact that the letter exists as confirmation of his many assumptions, without establishing the story and the facts behind it.

- The suggested connection with the RPF’s intelligence apparatus - a nondescript entity in *NGO Justice* - is based on a series of factual mistakes and errors of logic that will be discussed in detail further down the list. A few short examples: In one case the source of “suspicious” information, which according to Reydam “could only have come from an intelligence apparatus,” is actually mentioned in footnotes 2 on page 664 and 45 on 696 of *DDD*: an article in the New York Times of 10 June 1994.<sup>43</sup> In another case the information consists of short bios of well known media personalities and politicians that every journalist or human rights researcher would know.

5. (p. 547)

*... the article demonstrates the impact of its publications on the International Criminal Tribunal for Rwanda, on scholarship, and on mass media.*

<sup>40</sup> Email messages of journalists and survivors received between January and March 2017

<sup>41</sup> Robert Zajonc. *The attitudinal Effects of mere Exposure*. Technical Report No 4 (monograph), Institute for Social Research, University of Michigan September 1965; Robert Bornstein. *Exposure and affect: Overview and meta-analysis of research, 1968–1987*. Psychological Bulletin, 1989. Vol. 106 No. 2, 265-289; Alter Adams & Daniel Oppenheimer. “Uniting the Tribes of Fluency to Form a Metacognitive Nation.” *Personality and Social Psychology Review* 2009. Vol. 13 No. 3, 219-235.

<sup>42</sup> See the AR reports: *The Heart of Education* (2001); *Tribute to Courage* (2002); *Broken Bodies, Torn Spirits* (2004)

<sup>43</sup> Douglas Jehl. 1994. “Officials Told to Avoid Calling Rwanda Killings ‘Genocide’”, *New York Times*, June 10

- The suggested impact on the ICTR is grossly exaggerated. This will be shown with plenty of evidence further down the list. A short example: Three former ICTR employees: a prosecutor, a legal adviser and a teamleader of the investigators, all state that *DDD* was just one of many open sources read by ICTR staff. It was not used in specific investigations. Those other sources will be listed at the appropriate errors discussed below.

As for its alleged contribution to RPF impunity, this appears to have been the result of other, more practical issues:

“I do think the Tribunal failed to prosecute the RPF which damages its legacy,” according to Sara Darehshori. “There were some investigations into RPF crimes, but it was hard particularly since the office was based in Kigali and there was no witness protection and there were concerns about leaks of confidential information. The early days of the tribunal were rough because the UN was creating a judicial system with tools that had been meant for peacekeeping operations”<sup>44</sup>

Astonishingly, Reydams makes a complete switch in the draft of his new article for Human Rights Quarterly, “Politics or Pragmatism”, in which he comes to a similar conclusion as Darehshori.

6. and 7. (p. 547)

*African Rights was instrumental in shaping and spreading an easily consumable one-sided narrative of the Rwandan conflict.*

- The narrative Reydams is referring to was actually first published by Human Rights Watch between mid April and early May 1994. It was partially based on earlier research, reports of local human rights activists, the unfolding pattern of the slaughter, witness accounts, and consultations with other observers.<sup>45</sup> The narrative has been at the core of the consensus view ever since. *DDD* contributed more details to what Des Forges and other experts had already established. To give an example: After Kenneth Roth had already outlined the genocide-as-conspiracy narrative on 19 April, Des Forges writes in a press release ten days later:

“The groundwork for the slaughter was carefully laid over a period of months through a virulent propaganda campaign on the radio against the political opposition, human rights activists and the Tutsi minority and also by the training and arming of the militias attached to Habyarimana’s MRND political party and its ally the CDR. Within ten minutes of the crash on April 6, members of the Presidential Guard and the militia barricaded roads around the capital of Kigali and the killings began within an hour after that.

(...) In fact the names of the military authorities are well known, and Human Rights Watch/Africa has called upon the United Nations Security Council to denounce them by name: Colonel Bagosora, the military officer in charge during the first days of the massacre; Colonel Augustin Bizimungu, Commander in chief of the Rwandan Armed Forces, and Captain Pascal Simbikangwa, a military figure implicated in many killings and cases of torture who is reportedly directing the anti-Tutsi killings by the militia from the office of the presidency.”<sup>46</sup>

<sup>44</sup> Email message of 20 April 2017

<sup>45</sup> See notes 24, 25 and 26; Also see the information in (a.o.): Filip Reyntjens. „Les Escadrons De La Mort Au Rwanda.” *Bulletin CRIDEY*, no. 109, 1993; Africa Watch. *Beyond the Rethoric, continuing human rights abuses in Rwanda*. Africa Watch, June 1993; B.W. Ndiaye. *Report by Mr. B.W. Ndiaye, Special Rapporteur, on his mission to Rwanda from 8 to 17 April 1993*. United Nations Commission on Human Rights, 11 August 1993. UN doc. No. E/CN.4/1994/7/Add.1; Willy Kuijpers. *Letter of senator Willy Kuijpers to president Juvenal Habyarimana*. Herent, 2 October 1993; HRW Arms Project. *Arming Rwanda: The arms trade and human rights abuses in the Rwandan war*. Human Rights Watch, January 1994; US Department of State. *Colonel blames right wing military for Kigali’s nightmare*. Fax from US embassy Nairobi to Sec of State Washington DC. Nairobi, 10 April 1994.

<sup>46</sup> HRW/A, *Press Release*. April 29, 1994. Also see note 2, the letter of Kenneth Roth of 19 April ‘94

For information on war crimes committed by the RPF, AR depended on other sources like HRW:

“Preliminary evidence for some killings has emerged, which requires further investigation. The most serious accusation so far comes from Nyagakombe in Mukingi commune. According to witnesses who spoke to Human Rights Watch/Africa, RPF troops opened fire on a crowd on 19 June. There are mass graves in the vicinity containing possibly several hundred bodies, including corpses of women and children.”<sup>47</sup>

- Reydam's often uses the term “conflict” to describe both the genocide against the Tutsi and the war between the RPF and the government army (FAR). In an interview with the Belgian newspaper *De Standaard* in 2016 he even reduced the victims of the genocide to “witnesses to an armed conflict.” Neglecting to make a clear distinction between the genocide against unarmed civilians and “the shooting war” between the two armies is confusing to readers. Readers should be informed that mixing up these events was also an important part of the extremist propaganda.<sup>48</sup>

8. (p. 548)

*Virtually unknown before April 1994*

- In the USA, but also in Belgium, Reydam's home country, African Rights was well known for a row surrounding the peacekeepers who were stationed in Somalia in 1993. AR revealed the killing of hundreds of Somali civilians by the soldiers.<sup>49</sup> The case, initially supported by an MSF report,<sup>50</sup> and later corroborated by others,<sup>51</sup> became a recurring scandal involving the usual initial denial and cover ups, followed by controversial court martials and many years of debate in the Belgian parliament. In 1993 Belgian minister Delcroix “questioned the impartiality of African Rights because this organization is in principle opposed to military intervention in Somalia.”<sup>52</sup>

9. (p. 548)

*No single institution or individual published more.*

- Reydam's probably means to say that no other NGOs published more. Institutions of the United Nations and several institutes for war documentation and genocide studies - and probably also the

<sup>47</sup> DDD p. 647. The information is taken from *The Aftermath of Genocide in Rwanda*, HRW September 1994.

<sup>48</sup> Ine Roos. 2016. “Dankzij een ngo bleven Kagame en zijn militie al die jaren buiten schot. *De Standaard*, July 30; RAF Command in Exile. *Contribution of RAF to the Search for the Truth on the Rwandan Tragedy*. December 1995. According to the exiled officers “...the Tutsi were killed as a consequence of the civil war started by those who attacked Rwanda and assassinated President Habyarimana, and not an intent or general plan of the Hutu to decimate the Tutsi. Without mens rea, the claim of Tutsi genocide, as touted by RPF, is unfounded.”

<sup>49</sup> African Rights. *Somalia: HR abuses by the United Nations Forces*. London: African Rights. July 1993

<sup>50</sup> Peter Casaer. *Rapport met de feiten over het gedrag van de Belgische para-commando's in Kismayo, Zuid-Somalië*. Brussel, Mediciens sans Frontières. 14 July 1993;

<sup>51</sup> Amnesty International. *Amnesty International Report 1994*, London 1994. See p. 263: “Many of the hundreds of killings by UN peace-keeping and US troops appeared to violate human rights or humanitarian standards. In most cases, neither the UN nor the governments of the troops concerned carried out investigations in accordance with international standards.”

<sup>52</sup> Laurence Binet et al (ed.). *Somalia 1991-1993: civil war, famine alert and UN “military humanitarian” intervention 1991-1993*. Médecins Sans Frontières, September 2013, pp. 169-175; Trouw. 1997. “Onderzoek krijgsraad na schokkende onthullingen door anonieme ex-soldaat.” *Trouw*, April 3; Bert Anciaux. “De Wandaden van de Belgische para's en de rol van het Belgische leger.” *Belgische Senaat, Parlementaire Handelingen - Vergaderingen van donderdag 5 juni 1997*, pp. 3081-5; Hilde Dierickx. *Operaties in Somalië*. - *Wandaden para's*. De Kamer van Volksvertegenwoordigers (Belgian House of Commons) 4th Session of the 51st period, 19 June, 2006, pp. 24566-8

University of Antwerp - published more titles. The negative connotation is misleading because the diversity of AR's research within the context of 'genocide' is not mentioned.<sup>53</sup>

10. (p. 548)

*Thus, AR saw itself as pseudo-prosecutor of the Rwandan genocide.*

- Reydams suggests that this is something extraordinary or unique to African Rights, which it is not. For instance, HRW states on its website that it "... defends the rights of people in 90 countries, spotlighting abuses *and bringing perpetrators to justice.*"<sup>54</sup> Reydams also forgets, or doesn't know, that in May 1994, Human Rights Watch and Reporters without Borders were among the first organizations to name suspected perpetrators and call for their prosecution.<sup>55</sup> Human Rights Watch in general and Alison Des Forges in particular have actively supported the work of the ICTR from the very beginning, as will be shown in detail below.

11. (p. 548)

*... its going dormant in 2009.*

- AR went dormant in 2013, not 2009. Several reports released from 2009 onwards and a cooperation with the British NGO Redress (2007-2012) and occasionally with the Southern Africa Litigation Centre are in evidence.<sup>56</sup> *NGO Justice* even refers to an AR report from 2010 in footnote 85.<sup>57</sup>

12. (p. 548)

*This article focuses on the period May 1994–1998*

- *NGO Justice* does not focus on this timeframe but discusses all the periods of AR's existence except for the final years (after 2008).<sup>58</sup>

13. (p. 548)

*African Rights clearly was far ahead of everyone else.*

- AR were not far ahead, except for collecting survivor testimonies. Rakiya Omaar was the only human rights researcher in Rwanda during the genocide and this gave AR the opportunity to speak to survivors immediately after their escape from massacres. Others had to rely on scarce contacts via telecommunications or reports from journalists. Nevertheless, organizations like Human Rights Watch and Amnesty International were quicker to publish their first reports.<sup>59</sup> NGOs like Oxfam and ACT had

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<sup>53</sup> See note 42

<sup>54</sup> <https://www.hrw.org/about-our-research>

<sup>55</sup> In *Genocide in Rwanda* (see note 25), Des Forges called for the "creation of an exceptional jurisdiction if necessary."; Philippe Dahinden. *Address given by Reporters without Borders before the United Nations Human Rights Commission special session on Rwanda*. 24 May 1994. Dahinden called for the arrest and prosecution of RTLM announcers and promoters, including Ferdinand Nahimana and Agathe Kanziga, who had fled to France.

<sup>56</sup> The last of these reports was: Southern Africa Litigation Centre and REDRESS. *Closing the Impunity Gap: Southern Africa's Role in Ensuring Justice for the 1994 Genocide in Rwanda*. Johannesburg/London 2012.

<sup>57</sup> REDRESS and African Rights. *Major Pierre-Claver Karangwa- Accused of Genocide in Rwanda, today living in The Netherlands*. Mugina Commemoration Report, London, 2010.

<sup>58</sup> Instead of making an effort to substantiate the suggestions of the 1994 "enlistment theory" with verifiable facts, *NGO Justice* spends many pages on other, later rumors that do not pass the stage of hypothesizing either.

<sup>59</sup> Amnesty International. *A call for human rights action on Rwanda and Burundi*. AI index: IOR 41/002/1994. London, 30 April 1994; Human Rights Watch/Africa. *Genocide in Rwanda, April/May 1994*, 20 May 1994 (see note 25); Amnesty International. *Rwanda: Mass murder by government supporters and troops in April and May 1994*. AI Index: AFR 47/11/94. London, 23 May 1994.

already published books about the genocide by the time AR released *DDD* on 29 September 1994.<sup>60</sup> *DDD* states that it did not have the opportunity to investigate RPF crimes in May and June 1994, and for that information relied on others, notably Physicians for Human Rights, the UNHCR, Human Rights Watch, and the media.

Not far behind in publishing were Colette Braeckman, Alain Destexhe and Els de Temmerman (books in October and December 1994), and the many scholars and journalists who published books in 1995 (Jean-Pierre Chretien, Filip Reyntjens, Gérard Prunier, André Guichaoua, Fergal Keane etc.). In between there was - of course - a multitude of reports and articles published by NGOs, the UN and a variety of scholars and human rights activists, throughout the genocide. This started with an article by Frank Smyth of HRW in the *New York Times* on 14 April 1994,<sup>61</sup> followed by Alison Des Forges and Catharine and David Newbury on 17 April,<sup>62</sup> and just about everyone else in the weeks and months after that.<sup>63</sup> The AR directors did not publish any articles about Rwanda until June '94.<sup>64</sup>

14. (p. 548)

*Classics like Gérard Prunier's The Rwanda Crisis: History of a Genocide, ... did not come out until 1996.*

- Prunier finished writing his book in December 1994 (this he states in the 1997 updated version).<sup>65</sup> Its publication was delayed until October 1995.

15. (p. 548)

*In the Office of the Prosecutor of the fledgling International Criminal Tribunal for Rwanda (ICTR), Death, Despair and Defiance became known as "the Bible."*

- The "Bible" reference is something Reydams introduced at a conference in 2014,<sup>66</sup> before he had interviewed any of his respondents - including the anonymous ICTR investigator who had supposedly told him this in an email three weeks later.<sup>67</sup> Reydams uses it as a catch phrase. However, the suggestion that *DDD* was used as the 'bible' at the ICTR is not confirmed by the insiders I have contacted.

My interviews with two ICTR investigators (legal adviser Humbert de Biolley and a police chief who wishes to remain anonymous) and a former prosecutor who now works for Human Rights Watch (Sara

<sup>60</sup> Guy Vassall Adams. *Rwanda: An Agenda for International Action*. Oxfam Publications, September 1994; ACT. Rwanda: Achtergronden van een tragedie. Brussel, 15 Juli 1994.

<sup>61</sup> Frank Smyth. 1994. "French Guns, Rwandan Blood." *New York Times*, April 14.

<sup>62</sup> Alison Des Forges. 1994. "The method in Rwanda's madness." (see note 24); Catharine Newbury and David Newbury. 1994. "The Politics of Turmoil." *News and Observer*, April 17

<sup>63</sup> See Johan Pottier. "Genocide in Rwanda." *Anthropology Today*, Vol. 10, No. 4. August 1994, p. 28. Pottier notes that: "Some wrote or spoke publicly (Chretien on TV5; DesForges on CNN; Lugan in Le Figaro; 30 Belgian Africanists in an open letter to the Belgian authorities, the EC and the UN), while others exchanged information on Internet."

<sup>64</sup> Alex de Waal. "Genocide in Rwanda." *Anthropology Today*, Vol. 10, No. 3. June 1994, pp. 1-2; Alex de Waal. 1994. "Rwanda genocide took four years to plan." *The Times*, June 18. AR did publish a report in late May '94: African Rights. *Rwanda: Who Is Killing, Who Is Dying, What Is To Be Done*. London: African Rights, May 1994

<sup>65</sup> Gerard Prunier. *The Rwanda crisis: History of a genocide*. London, 1995/1997

<sup>66</sup> Pierre-Claver Nkinamubanzi. 2014. "Rwanda: Le deuil des morts, le souci des vivants, 20 ans après le génocide." *The Rwandan*, October 2 (blog): <http://www.therwandan.com/fr/conference-internationale-organisee-par-le-crc-a-montreal-le-27-septembre-2014/> Reydams is quoted: "The black book was a kind of bible for lawyers and judges to ICTR." The "black" book is a reference to the second edition of *DDD*, released in 1995

<sup>67</sup> See *NGO Justice* footnote 132

Darehshori), made it clear that *Death, Despair and Defiance* was used *for context only*, along with a large number of other sources. “Certainly not a bible,” de Biolley laughed when he heard the story.<sup>68</sup>

It is quite possible that Reydams picked up the phrase from a 2007 article by Keith Harmon Snow, titled *Hotel Rwanda, Hollywood and the Holocaust in Central Africa*.<sup>69</sup> Many theories in Snow’s articles are similar to those in *NGO Justice*, but the major difference is that Snow tends to target Alison Des Forges instead of Rakiya Omaar. In *Hotel Rwanda* we read:

“Des Forges has written a book which has become the bible regarding Rwanda,” says Jean-Marie Higiro, former Director of the Rwandan Information Office (ORINFOR) who fled the killing, with his family, in early April 1994. “Everyone points to her book even though some of what she has produced is fiction. I don’t think she is an intentional liar, but I don’t know why she investigated Hutu human rights abuses but no RPF human rights abuses.”

Another article by Snow, titled *The Rwanda Genocide Fabrications: Human Right Watch, Alison Des Forges & Disinformation on Central Africa*, goes a lot further and reads like a template for *NGO Justice*.<sup>70</sup> It discusses the same themes and produces the same arguments, except that Des Forges fills up the role of Omaar, see Appendix 1.

The former teamleader of the ICTR field investigators writes in an email-message that a lot of information was available when he arrived in September 1995.<sup>71</sup> Examples are: open sources used to determine context and timeline like *Death, Despair and Defiance* of African Rights, but also the book of Els de Temmerman and *Trois jours qui on fait basculer l’histoire* by Filip Reyntjens. Furthermore, they had access to the news archives of major news agencies and a specialized bureau, and a document database of the Rwandan government containing 5500 documents.

“In late 1995 we also got the information of a Belgian research team led by the examining magistrate Damien Vandermeersch,” the former teamleader adds. “A colleague and I collected this information in Brussels. It concerned the investigation into the murder of 10 Belgian peacekeepers. We questioned journalists in Belgium, England and Canada, and Filip Reyntjens in Antwerp. At that time he was regarded as one of the best experts on Rwanda.”

The teamleader also refers to obvious sources such as UNAMIR, the UN peacekeeping force in Rwanda, but the main source of information was the own intelligence acquired by the researchers on the spot: information provided by the local population, aid workers and university staff for example. “The mass grave in Muganza was discovered in this way.”

On the alleged language difficulties of ICTR investigators, he comments: “In the selection stage we did a French and English language test to determine our level. Then we were trained at the KIT [Royal Tropical Institute in Amsterdam] to raise the level. I spoke English and basic French, but there were several colleagues who spoke French fluently! I wanted to prevent a possible bias through the interpreters so if I had to interrogate I used two interpreters, a Tutsi and a Hutu interpreter.”<sup>72</sup>

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<sup>68</sup> By telephone, 15 March 2017

<sup>69</sup> Keith Harmon Snow. 2005. “Hotel Rwanda, Hollywood and the Holocaust in Central Africa.” *Global Research*, July 1 (blog): <http://www.globalresearch.ca/hotel-rwanda-hollywood-and-the-holocaust-in-central-africa/1096> and a revised version dated 1 November 2007 at: <http://www.allthingspass.com>

<sup>70</sup> Keith Harmon Snow. 2009. “The Rwanda Genocide Fabrications: Human Right Watch, Alison Des Forges & Disinformation on Central Africa.” *Allthingspass*, April 6 (blog): [http://www.allthingspass.com/uploads/html-267The%20Rwanda%20Genocide%20Fabrications%20\[2\].htm](http://www.allthingspass.com/uploads/html-267The%20Rwanda%20Genocide%20Fabrications%20[2].htm)

<sup>71</sup> Email message of 9 March 2017

<sup>72</sup> Email message of 9 March 2017

16. (p. 548)

*One would be hard pressed to find a more influential NGO report.*

- Reydam's has not investigated the influence of NGO-reports. This is a suggestive but unsupported claim.

17. (p. 549)

*This “genocide credit,” I further submit, was the result of a pensée unique according to which heroic Tutsi rebels fought a just war against Hutu génocidaires.*

- All experts, AR included, agree that the RPF were no heroes but it's hard to deny that the RPF did end the genocide with their military victory which ousted the interim government and drove the militia into exile. The true heroes in *DDD* are the brave Hutu who risked their lives to save Tutsi and other threatened individuals. If someone created an image of heroic Tutsi rebels, it was not *DDD*. AR later published a 299 page report titled *Tribute to Courage*, which is exclusively dedicated to the exceptional stories of brave Hutu.<sup>73</sup>

It's not a surprise that after the genocide many observers regarded the RPF led government to have a moral advantage over the former regime, but this “penséé unique”, as Reydam's calls it, did not originate with AR. Frank Smyth, the former HRW consultant, recalls:

“The US led Western affinity for the RPA developed after the RPA assumed power. The drive for this came as much from the World Bank and anti-poverty advocacy groups like Oxfam as it did from any government. It was part of the lack of corruption that many observers saw in the then dubbed “New Leaders of Africa,” most of whom were former guerrilla-leaders turned statesman who came to power leading leftist oriented movements but who were notably intolerant of corruption that tends to plague most other sub-Saharan African regimes. I and a co-author documented this in “Africa's New Leaders” in *Foreign Affairs*. But we and others failed to see that the same leaders in almost every nation would quickly become intolerant of dissent and democratic progress as well.”<sup>74</sup>

18. (p. 549)

*I want to emphasize that my criticism is directed against the foreign directors of African Rights, not against its Rwandan staff whose important contribution to oral history I acknowledge.*

- Reydam's has included several of such “disclaimers” in his article but each one is contradicted by the actual text. Throughout the article it is suggested that the interviews with survivors were not genuine, nor accurate.

19. (p. 550)

*This section consists mostly of a content analysis of Death, Despair and Defiance*

- Reydam's did not do a proper content analysis. The mistakes with the alleged intelligence apparatus described in error No 4 are cases in point. There are too many of such mistakes in *NGO Justice*. As a result Reydam's has missed and ignored a lot of relevant information which has led to misguided speculations and distortions of the facts, as will be shown further down the list.

20. (p. 550)

*Death, Despair and Defiance's methodology is most obscure*

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<sup>73</sup> See note 42

<sup>74</sup> Email message of 17 January 2017

- The methodology is self explanatory. The text and the footnotes of *DDD* mention the places and the dates of the interviews as well as names of the interviewed persons, although some are pseudonyms. Other sources that were used by AR are also referenced in the footnotes and text and the cooperation with Physicians for Human Rights who did research in Rwanda after Omaar had left is explicitly stated.<sup>75</sup>

21. and 22. (p. 550)

... AR field investigator enjoyed unusual privileges and conducted hundreds of in-depth interviews in a short time.

- There is no evidence that AR's field investigator Rakiya Omaar was treated differently than others. Omaar comments on this issue:

"...can anyone say that I was granted "special" access that was denied to anyone else? If so, who? I was the only human rights researcher on the ground during the genocide. No one else sought access to do human rights documentation of the genocide that was unfolding. The only other people who were there and pursuing information were journalists. They certainly were not denied access."<sup>76</sup>

Note that Reydam's assumptions about restricted access were not about the territories conquered by the RPF during the war but about the narrow RPF zone along the Ugandan border in 1992 and 1993.<sup>77</sup> In *NGO Justice* he also refers to a single example from August 1994, more than a month after the genocide had ended.<sup>78</sup> Two representatives of HRW were interrupted by soldiers during their field research. However, not mentioned is that other researchers travelled freely throughout Rwanda in July, August and early September. Examples are Physicians for Human Rights and a UNHCR team.<sup>79</sup> Reydam's has not gathered information about the situation in the liberated areas during the genocide. We will return to this issue in more detail further down the list.

De Waal's comment on working fast and travelling with 'minders':

"If you look at our AR report on the Nuba Mountains of 1995, the entire report of several hundred pages, based on hundreds of interviews, was written in 4 weeks. Were we also stooges of the SPLA? I think not, if you consider what we wrote about them... but yes we did rely on the SPLA for security."<sup>80</sup>

- The number of interviews collected by Omaar is mentioned in *NGO Justice* as a "red flag" to signal RPF involvement. However, the average number of five interviews a day does not differ significantly from what the other researchers achieved. The source mentioned in *NGO Justice*, a former AR employee, did not work as a researcher before 1995. He was not present during Omaar's interviews in 1994, and has declared that his information was distorted by Reydam's.<sup>81</sup> Some examples to demonstrate these issues will be provided in another comment down the list.

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<sup>75</sup> AR. *DDD*, p. ii

<sup>76</sup> Email message of 15 September 2016

<sup>77</sup> Email message of 6 September 2014 (Reydam's to De Waal)

<sup>78</sup> *NGO Justice*, p. 553

<sup>79</sup> Physicians For Human Rights (UK). *Rwanda 1994: A Report Of The Genocide*. Physicians For Human Rights, 1994; UNHCR Emergency Repatriation Team. *Summary of UNHCR Presentation Before Commission of Experts: Prospects for early repatriation of Rwandan refugees currently in Burundi, Tanzania and Zaire*. Geneva: United Nations High Commissioner of Refugees, 1994.

<sup>80</sup> Email message of 9 August 2016

<sup>81</sup> Email message of 24 August 2016. Omaar added during a Skype interview on 12 September 2016 that if right now she had to look for five survivors to testify it would take her a week to locate them. But in May and June 1994 they were all together in camps and hospitals. According to Omaar she could easily do ten interviews a

A matter of concern is that Reydams tends to take his own skills and achievements as a standard for what he believes others are capable of. “I have done field research in the DRC, after the war, and one or two good interviews per day was a success,” he wrote to Alex de Waal in an email.<sup>82</sup> The incomparable circumstances and the notion that others might be more talented, more experienced and more efficient seems to elude him.

23. (p. 550)

... *the authors of Death, Despair and Defiance had access to an instant archive*

- Nearly all sources used for writing *DDD* are cited in the footnotes and throughout the text of the book. Some of the documents mentioned in *DDD* were collected in Rwanda and brought back to London by Omaar. These included tapes of RTLM broadcasts. Omaar obtained these tapes in Rwanda during the genocide directly from Rwandans taping the broadcasts, which was a common habit in Rwanda. Tapes of radio broadcasts were also obtained by Alison Des Forges, by UNAMIR, and by the FBI.<sup>83</sup>

24. (p. 550)

*Death, Despair and Defiance contains a grand narrative of the conflict and at the same time overwhelms by its details*

- The basic elements of this “grand narrative” were actually published by HRW director Kenneth Roth in his open letter to the UNSC of 19 April 1994, by Alison Des Forges in articles and reports between mid April and early May '94, and others. A complete narrative was presented by Alison Des Forges in her speech on 26 July to the US Senate, who published it in the document *Crisis in Central Africa*. The speech was an expanded version of the narrative in *Genocide in Rwanda* of May '94. By the time *DDD* was published in late September of '94, the narrative had already become the consensus view. The role of Des Forges in shaping and spreading the “grand narrative” has been acknowledged by senior Rwanda experts and skeptics alike.<sup>84</sup>

The “overwhelming” details in *DDD* were provided by survivors. Researchers from other human rights organizations and journalists received similarly detailed information from people they interviewed. A survey among Kigali residents in August -September 1994 carried out by local human rights organizations CLADHO and Kanyarwanda produced a database of 2000 (!) suspects with details of crimes they were accused of.<sup>85</sup> The fact that survivors were keen to share their detailed knowledge

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day then: “It was the easiest research I had ever done in my life in terms of gathering information. What was difficult was post-processing the information, etc.”

<sup>82</sup> Email message of 17 August 2014

<sup>83</sup> Christine Kellow and H. Leslie Steeves. “The Role of Radio in the Rwandan Genocide.” *Journal of Communication*, Summer 1998, p. 112. The authors note: “Because of how the tapes were collected, most excerpts quoted were undated. Therefore we relied on Reporters Sans Frontières’s data in our study. The themes and messages in the excerpts contained in Chrétien et al.’s (1995) report were consistent with those in the African Rights report, strengthening their mutual validity.”; A special agent of the FBI copied a number of tapes from collections at the Office Rwandais d’Information and a library in 1994, see ICTR doc No 99-52-6720; The HRW/A report *The Aftermath of Genocide in Rwanda* mentions the RTLM tapes located by Des Forges.

<sup>84</sup> See notes 3 and 4; Also see Serge Desouter. *Expert Report presented by Serge Desouter*. ICTR 2006, JRAD doc No ICTR-98-41-13469, p. 17: “She subscribes to a general consensus based on the premise - of which she too was at the origin - that there exists overwhelming evidence of systematic and planned acts of genocide against the Tutsi by the Hutu authorities and that there were no such acts or “plan ” by RPF against the Hutu.”

<sup>85</sup> Jean Bosco Iyakaremye et al. *Rapport de l’Enquete sur les Violations Massives de Droits des Hommes Commises Au Rwanda A Partir Du 06 Avril 1994*. Kigali: CLADHO-Kanyarwanda, 10 December 1994

with Omaar and other researchers can be verified in the testimonies that were collected by other NGOs and ICTR investigators shortly after the genocide.<sup>86</sup>

25. (p. 550)

*AR publications echoed RPF positions and systematically defended the RPF against criticism*

- As we will see in different comments below, the few specific examples provided in *NGO Justice* to support these suggestions collapse under scrutiny. What AR wrote was quite similar to what other organizations published. For instance, in June '94 a newspaper quotes Alison Des Forges: “The Tutsis aren't entirely innocent of attacking civilians, she says, but their actions don't compare to those of the Hutu leaders.”<sup>87</sup> A serious omission is that *NGO Justice* exclusively highlights a few perceived similarities between AR and RPF statements but completely ignores any contradictory statements, which goes against all scientific principles. *DDD* is very critical of the RPF invasion of 1990 for instance and Col. Bagosora is not mentioned once during the genocide in any of the RPF publications I have been able to trace down.<sup>88</sup>

Also, no comparison is made with the (similar) statements of other NGOs, who should be considered as an alternative source for the “echoed” statements. Reydams even manages to confuse the chronology of statements, thereby reversing their cause and effect relationship. In one example the RPF statement was published six weeks *after DDD*.<sup>89</sup> This is a textbook example of the ‘ante hoc ergo propter hoc’ fallacy, of which there are several in *NGO Justice*. In such cases it is more likely that the RPF echoed AR statements than the other way around, or that no relationship between the statements existed at all.

26. (p. 550)

*Death, Despair and Defiance was endorsed by the RPF.*

- Reydams did not investigate the endorsement of books and reports by the RPF in 1994 and cannot know this.

27. and 28. (p. 550)

*... only they seemed to have the resources and expertise to produce a volume like Death, Despair and Defiance.*

- “They” means Human Rights Watch, Amnesty International and FIDH. These organizations might indeed have produced a report the size of *DDD* had they been represented in Rwanda during the genocide. But the reality is that they were not. There's no reason to believe that the directors of AR were incapable of writing a report like *DDD*. They were experienced HRW researchers when they started AR and had produced large reports before *DDD*.<sup>90</sup>

29. (p. 551)

<sup>86</sup> For examples see some of the testimonies contained in JRAD record ICTR-99-54-0073

<sup>87</sup> Jerry Zremski. 1994. “Long time advocate in WNY cries out for beloved Rwanda.” *Buffalo News*, June 26.

<sup>88</sup> I have retrieved the following RPF publications: RPF press releases of 9 April, 13 April, 27 April, 30 April, 18 May, 23 May and 7 July 1994; letters to the United Nations of 13 April, 3 May and 12 May '94 (to Colin Keating, Boutros Boutros Ghali and Ibrahim Gambari respectively); a booklet: Theogene Rudasingwa. *Background to Genocide*. Kampala: RPF, July 1994; and an article: Theogene Rudasingwa. 1994. “Behind the genocide in Rwanda,” *Green Left Weekly*, 10 August 1994

<sup>89</sup> See *NGO Justice* footnote 45

<sup>90</sup> Africa Watch. *Evil Days: 30 Years of War and Famine in Ethiopia*. Africa Watch 1991; Africa Watch. *Somalia: A government at war with its own people. Testimonies about the killings and the conflict in the North*. Africa Watch, 31 January 1990; Africa Watch. *Sudan: Denying the honour of living*. Africa Watch, 1989.

*NGOs usually need money but AR appears to be an exception.*

- This kind of belittling sarcasm is exemplary for the attitude in *NGO Justice*. We will see more of such examples as we progress down the list. Reydam's did not investigate which donors supported AR in 1993 for instance, and as a result he has no clue about their financial situation at the start of 1994.

30. (p. 551)

*Readers also might have confused African Rights with Africa Watch, then one of the regional divisions of Human Rights Watch.*

- Rakiya Omaar founded Africa Watch in 1988 and was its executive director until she founded African Rights. Not long after that Africa Watch changed its name to Human Rights Watch/Africa. Reydam's provides no examples of confusion (besides his own) between African Rights and Africa Watch.

31. (p. 551)

*One would indeed have expected a volume like *Death, Despair and Defiance* to come from a powerhouse like HRW.*

- As noted before, Omaar and de Waal were themselves experienced HRW researchers at the time they founded African Rights. Omaar had researched and written an important report on the war in Somalia, titled *Somalia: A Government at War With Its Own People*. This report of 270 pages is based on five weeks of field research and was published by HRW in 1990. Omaar did the research by herself. And in 1991 they published a 355 page report on Ethiopia. They're still available on the HRW website.<sup>91</sup> In the years after the genocide AR also produced a number of lengthy reports on Sudan. There's no reason to assume that AR couldn't handle a big report on the genocide after nine weeks of fieldresearch (24 April – 26 June 1994) and desk top research with three additional months to fit it all together.

32. (p. 551)

*“[HRW] policy was to call for intervention, but when it was announced she completely reversed herself without consulting anyone. She switched publicly.”*

- This is about a difference of opinions between Omaar, who was the HRW expert on Somalia, and the HRW directors in the New York office, about the large scale military intervention in Somalia in 1992. In *NGO Justice* Reydam's quotes a remark about Omaar made by an anonymous HRW representative but without providing proper context. He ignores the explanation of Omaar that is quoted in the same newspaper article for instance. Besides these omissions, Reydam's might have mentioned that, in hind sight, Omaar was right. The intervention ended in disaster.

33. (p. 551)

*People who know her invariably describe her as passionate, highly intelligent, a workhorse, and outspoken. “Faced with even mild disagreement, she does not concede, but presses home her argument with even greater force.”*

- These are the words of the journalist who wrote the article, not a description by “people who know her” as Reydam's suggests.

34. *Omaar and de Waal did not leave quietly and argued their case in the opinion section of The New York Times*

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<sup>91</sup> [https://www.hrw.org/sites/default/files/reports/somalia\\_1990.pdf](https://www.hrw.org/sites/default/files/reports/somalia_1990.pdf);  
<https://www.hrw.org/sites/default/files/reports/Ethiopia919.pdf>

- *NGO Justice* cites a letter to the editor of the *N.Y. Times* by Omaar and de Waal which is about the lack of authority of the UN in parts of Africa, not about their “case” of leaving HRW as Reydams suggests.<sup>92</sup>

35. *Together they founded a new NGO whose mission statement is a permanent reminder of their tumultuous departure at HRW.*

The suggested reference in AR’s “mission statement” is not quoted here so it is not made clear to the reader what is meant with this remark. The 1993 report about human rights abuses by UN troops in Somalia offers the following explanation for setting up African Rights:

“Our urgent motivation for setting up this organization is that we have become acutely aware of the limitations upon existing human rights, humanitarian and conflict resolution approaches to the most severe problems in Africa. This has become most evident in Somalia: we believe that the current U.S./U.N. military occupation of the country highlights the shortcomings of established methods of dealing with these interlinked problems. (...) African Rights intends to work in the neglected area of identifying and advocating solutions to the interlinked problems of conflict, famine and the need for civil reconstruction.”<sup>93</sup>

36. (p. 552)

*What they did not bring to their new organization was Rwanda expertise (see Section III B)—but only insiders would have known this.*

- Omaar’s first hand experience of the genocide gave her a unique expertise which the unnamed “insiders” did not have. Omaar was not an expert on Rwanda like Alison Des Forges but she did not move around in Rwanda as much as the journalists did, except to reach specific destinations like camps and hospitals where she then remained for days. She did some work on Rwanda in 1991-1992 when she commissioned a research mission to Rwanda carried out by Alison Des Forges, and edited the resulting report. Not well known is that Alex de Waal exchanged information with Des Forges until mid May 1994.<sup>94</sup>

37. (p. 552)

*Even an amateurish NGO report usually contains a paragraph on methodology*

- More sarcasm and, again, not true. *NGO Justice* offers one example of a report with such a paragraph, which was not an NGO report but the report of an international commission of experts.<sup>95</sup> Moreover, the methodology paragraph, titled “The Investigation,” does not provide any details that cannot be found in the text of *DDD* as well. A review of reports by other NGOs shows that some did have a separate paragraph but most did not.<sup>96</sup> The entire methodology paragraph in the MSF report on the Kibeho massacre merely states that the report is based on eyewitness accounts of MSF staff.

<sup>92</sup> Rakiya Omaar & Alex de Waal. 1992. “The UN and Somalia.” *N.Y. Times*, December 17

<sup>93</sup> AR. *Human Rights abuses by the United Nations Forces*, see note 49.

<sup>94</sup> Africa Watch. “Rwanda: Talking Peace And Waging War Human Rights Since The October 1990 Invasion.” *News From Africa Watch* (Human Rights Watch) IV, nr. 3 (1992); Skype interview of 12 September 2016, repeated in email message of 20 March 2017

<sup>95</sup> See *NGO Justice* footnote 21

<sup>96</sup> The Africa Watch reports *Talking Peace and Waging War* (1992) and *Beyond the Rethoric* (1993) do not have such a paragraph and do not mention the name of the fieldresearcher. *Arming Rwanda* (Jan. 1994) by Human Rights Watch provides the names of two fieldresearchers in the acknowledgement, but little details about informants or regarding the actual fieldresearch. *Genocide in Rwanda* (May 1994), also by HRW, does not mention anything about methodology. None of the reports of Amnesty International on Rwanda from 1994 have a paragraph on methodology, nor do they provide any details about fieldresearchers, conditions, etc. in

38. and 39 (p. 552)

*When was the AR researcher in Rwanda and where? Under what conditions did he or she travel inside Rwanda? To whom did he or she have access, and to whom not? Etc.*

- On the next page of *NGO Justice* Reydams writes: “If we piece together the dates and places mentioned in the footnotes we can trace where and when she went in April-June 1994,” which is the answer to his first question. Most other answers can be found in *DDD* as well: in the acknowledgement, the footnotes and throughout the text.

However, what Reydams seems to expect is a detailed description of methodology as is customary in scientific publications. But *DDD* is not a scientific paper, it is a human rights report that needs to consider a number of dilemmas regarding the personal safety of local sources, assistants and researchers.

- None of the NGO reports from 1992-1995 provide details like “which field researcher did what.”<sup>97</sup> Even Alison Des Forges used to refer to herself anonymously as “a representative of Human Rights Watch.” However, contrary to Reydams’ suggestions that AR had something to hide, his correspondence with both AR directors shows that they were very accommodating to Reydams’ questions about the conduct of their research, providing information most of which he ignored.

40. (p. 553)

*Any foreigner who had been to Rwanda in the period 1990–1994 would have asserted that the RPF never allowed him or her to travel freely in the zone under its control.*

- This is not true. There are many examples of foreigners who travelled freely through RPF territory during and after the genocide. Well known examples are the representatives of Physicians for Human Rights (UK) in July 1994 and Robert Gersony of the UNHCR in August and early September.<sup>98</sup> Reydams is confusing several issues here. Travelling without an escort was not allowed in the RPF territory along the Ugandan border and the demilitarized zone before the genocide.

According to seven international journalists I have interviewed who were in Rwanda during the genocide, it all depended on where you were and how adventurous you felt.<sup>99</sup> There was a war going on with fast changing frontlines, there were pockets within the RPF occupied territory that were still infested with Interahamwe militia or ordinary bandits, there were unsafe areas in liberated zones because of mine-fields and booby traps, etc. But, as the battlefield shifted further to the west, this opened up larger safe areas.

41. (p. 553)

*Here is what a Human Rights Watch representative experienced*

The experience of the HRW representative happened in late August ‘94, which is after the genocide had ended and a new situation developed.<sup>100</sup> Besides, one isolated example cannot be taken to be representing the general experience. This is a characteristic flaw in the method of *NGO Justice*. Reydams exclusively searches for confirmation of the thesis, but ignores any counter-arguments and

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the texts. The MSF report *Events in Kibeho Camp, April 1995* (1995) does have a methodology paragraph but it does not provide anything else but a short general statement.

<sup>97</sup> Ibid

<sup>98</sup> UNHCR Emergency Repatriation Team, see note 79

<sup>99</sup> Mark Doyle, Mark Fritz, Peter Smerdon, Corinne Dufka, Koert Lindijer, Jonathan Clayton, Buchizya Mseteka.

<sup>100</sup> Human Rights Watch. *The aftermath of genocide in Rwanda: Absence of prosecution, continued killings*. HRW, September 1994, p 8.

disconfirmatory evidence. Such an approach to research is called ‘hypothesis myopia’ in science,<sup>101</sup> or ‘confirmation bias’ in social psychology.<sup>102</sup> The resulting belief perseverance makes it increasingly difficult to notice, let alone accept, anything else.

42. (p. 553)

*The claim that Omaar traveled unescorted is not repeated in Death, Despair and Defiance, perhaps because it was too implausible.*

- Omaar first entered Rwanda from the southeast. Later she entered from the north. According to Omaar and the journalists, in the north everyone was given a minder/guide by the RPF. Rakiya Omaar explained her experience to Reydam's in their correspondence and provided him with the name of her minder.<sup>103</sup> According to Reuters journalist Jonathan Clayton, the main task of the minders was to provide security:

“They were there more to protect us. I remember one chasing away a group of interahamwe coming towards us with pangas drawn. They never affected what I reported and wrote. I imagine it was similar for Rakiya who would have been raped and murdered had she fallen into Interahamwe clutches.”<sup>104</sup>

43. (p. 553-554)

*That's a lot of travel and border crossings in a short time, especially for someone who arrived in the region without any preparation*

- Reydam's reconstructs Omaar's itinerary and concludes that there's a lot (too much in his eyes) of travelling. However, in a different section of *NGO Justice* he presents a report by Physicians for Human Rights (UK) for comparison.<sup>105</sup> That report describes a similar amount of travelling but in a much shorter period (12 days). This relevant information is not included by Reydam's. The amount of travelling is not as spectacular as it seems because Rwanda is a very tiny country that can be crossed in a single day.

The travelling of the PHR doctors is not the only piece of relevant information which is deliberately omitted in *NGO Justice*. Reydam's seeks to create the illusion that the PHR report supports the premise of *NGO Justice* while in reality it contradicts *NGO Justice* in all respects. Not considered either are the journalists who travelled extensively in Rwanda and its neighbouring countries within the same timeframe. The remark about a lack of preparation suggests that anyone other than the planners of the genocide could have been prepared for the situations it created.

44. (p. 554)

<sup>101</sup> Regina Nuzzo. “Fooling Ourselves.” *Nature* 526, nr. 7572. 2015, pp. 182-185. On-line version at: <http://www.nature.com/news/how-scientists-fool-themselves-and-how-they-can-stop-1.18517>

<sup>102</sup> Raymond Nickerson. “Confirmation Bias: A Ubiquitous Phenomenon in Many Guises.” *Review of General Psychology* 1998, Vol. 2 No. 2, pp. 175-220; Hugo Mercier & Dan Sperber. “Why do humans reason? Arguments for an argumentative theory.” *Behavioral and Brain Sciences* 34, 2011, pp. 57-111; Keith Stanovich, Richard West & Maggie Toplak. “Myside bias, Rational Thinking and Intelligence.” *Current Directions in Psychological Science* 2013, Vol. 22 No. 4, pp. 259-264; Aiden P. Gregg, Nikhila Mahadevan & Constantine Sedikides. “The SPOT effect: People spontaneously prefer their own theories.” *The Quarterly Journal of Experimental Psychology*, 2016; Constanza Villarroya, Mark Felton & Merce Garcia-Mila. “Arguing against confirmation bias: The effect of argumentative discourse goals on the use of disconfirming evidence in written argument.” *International Journal of Educational Research*. 79, 2016, pp. 167-179

<sup>103</sup> Email message of 3 October 2014 (Omaar to Reydam's): “When the Reuters crew and I arrived in Mulindi, we were all assigned people to help us with the practical arrangements necessary in a war zone”; Email message of 15 September 2014 (Omaar to Reydam's): “I only ever had one person, and his name was Peter Karake.”

<sup>104</sup> Email message of 24 February 2017

<sup>105</sup> See note 79

... counted 220 over forty-four days, or five per day. That is a lot of interviews under any circumstances.

- Contrary to this suggestion, five interviews a day compares well to what other researchers achieved, as will be shown in more detail further down the list. Reydams forgets that Omaar reportedly worked 14-16 hour days, that she stayed in the camps, churches and hospitals with the survivors for days, and that she received help from educated survivors who were able to speak French.<sup>106</sup> The doctors of PHR did not speak French but still managed sixteen interviews on their most productive day. Robert Gersony of the UNHCR who interviewed hundreds of people in 41 different communes and a number of refugee camps in the space of five weeks, moving every day to a new location, noted that an average interview took about an hour, which translates to a similar average.<sup>107</sup>

45. (p. 554)

*The quality and length of the interviews is also remarkable given that most survivors, understandably, “were still in a state of shock.”*

- The interviews with survivors were conducted in places where they were gathered in large numbers. According to Omaar they were literally lining up to be interviewed: “And because they had nothing to do, and talking was also a cathartic experience, many of the most educated – university lecturers, journalists, priests - were more than willing to interpret/look for strong witnesses etc... I speak French well, and that helped a lot.”<sup>108</sup>

46. (p. 554)

*Rwanda 1994: a Report of the Genocide by Physicians for Human Rights (UK) provides a useful comparison. Two delegates spent twelve days in Rwanda in July 1994, “examining and recording evidence from witnesses and sites of massacres.” Their mission had similar objectives and the situation on the ground was still chaotic. Together they collected twenty interviews and had brief chats with children in a hospital. This is just a fraction of the interviews recorded by African Rights.*

- This is a major deception. I have already touched upon it in earlier comments. Here are some of its details: The two PHR-doctors spent twelve days collecting 44 interviews (instead of the twenty mentioned by Reydams) and doing a questionnaire with 248 respondents in two hospitals - which alone took them three days. See appendix 3. They travelled to five regions of Rwanda to interview people in six medical centres and inspect some grave sites.

So, with three days spent on the questionnaire, this leaves only nine days for the 44 interviews, the travelling, and the inspection of grave sites. This makes an average of at least five interviews per day, the same as *DDD* and Gersony. We also have to remember that the PHR doctors did not speak French and were not experienced researchers in Africa like Omaar.

Note that in the accompanying footnote in *NGO Justice* there is a reference to Dr Peter Hall, the author of the PHR report, who says that they had used all their interviews for their report. Dr Hall confirmed to me that this means 44 interviews.<sup>109</sup> Another one is quoted in *DDD*, one of a total of fifteen PHR interviews quoted in *DDD*. Just like Rakiya Omaar, the PHR doctors ended up using an interviewee, who was a local human rights activist, as their translator (and guide).

47. (p. 554)

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<sup>106</sup> Email messages of 15 September and 3 October 2014 (Omaar to Reydams)

<sup>107</sup> See note 79

<sup>108</sup> Email message of 15 September 2014 (Omaar to Reydams)

<sup>109</sup> Email message of 30 August 2016

*Finally, it is noteworthy that Omaar was able to interview a broad range of Rwandan officials and politicians but, for some reason, none from the RPF.*

- The Rwandan officials whom Omaar interviewed were themselves survivors, living among the internally displaced people in IDP-camps or safehouses. RPF officials were obviously busy elsewhere. Omaar comments that she was not interested in the political and military developments of the war but focused instead on the details of the genocide that was still unfolding.<sup>110</sup>

48. (p. 554)

*The conspicuous absence of interviews with RPF officials coupled with the claim that African Rights had traveled unescorted in RPF territory suggests an attempt by the authors to avoid the impression of any association with the rebel army.*

- The “conspicuous” lack of interviews with RPF-officials in *DDD* is contradicted by another suspicion in *NGO Justice*: the interviews Philip Gourevitch conducted with four RPF officials is taken as evidence for his RPF affiliation.<sup>111</sup> With this kind of logic it becomes impossible to escape suspicion whatever one does: You’re damned if you do and damned if you don’t. The part about travelling with or without an RPF escort reveals the same fallacy: Both are reason for suspicion in *NGO Justice*.

49. (p. 555)

*Neither Omaar nor de Waal had shown any particular interest in Rwanda before 1994.*

- As mentioned earlier, Omaar did some work on Rwanda when she was the head of Africa Watch. They apparently organized protest letter writing actions in 1991 and published an article in the July 1991 issue of *The Nairobi Law Monthly*.<sup>112</sup>

50. (p.555)

*And yet, Death, Despair and Defiance quotes or references sources which only a few Rwanda experts might have had on file at the time.*

- Reydam's does not reveal which documents he is referring to or which experts might have had them on file. We keep having to fill in the details of such vague statements ourselves throughout the article. Reydam's forgets that Alex de Waal and Alison Des Forges were exchanging information until mid May 1994 which is when they started publishing their first reports on the genocide. De Waal retrieved a lot of information from sources such as the BBC Summary of World Broadcasts and the documents Omaar had collected in Rwanda. He also refers to documents carried by Rwandans who had deserted and gone into exile in England.<sup>113</sup>

51. (p. 555)

*Before Omaar and de Waal could even begin chasing these documents and transcripts, they had to know that they existed.*

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<sup>110</sup> Email message of 15 September 2014 (Omaar to Reydam's). Comment of Omaar: “I spent most of my time staying for days on end in hospitals, churches and camps for the displaced where survivors congregated, so my needs and demands were minimal. The journalists were more demanding as they were interested in interviewing top commanders, having access to military terrain.”

Note that Reydam's suspects Philip Gourevitch of ties with the RPF *for quoting* RPF officials, see *NGO Justice* p. 585. What we have here is a false dilemma: damned if you do, damned if you don't.

<sup>111</sup> See *NGO Justice* p. 585

<sup>112</sup> Human Rights Watch. *World Report 1992*, chapter on Rwanda. Available at: [https://www.hrw.org/reports/1992/WR92/AFW-07.htm#P451\\_159300](https://www.hrw.org/reports/1992/WR92/AFW-07.htm#P451_159300)

<sup>113</sup> Email messages of 29 September and 3 October 2014 (De Waal to Reydam's)

- See the previous comment.

52. (p. 555)

*... it is still unlikely that either had the time to collect them themselves.*

- Reydam's takes himself as the standard for deciding what is possible and what is not. A big mistake. He does not have a concept of what the skills and work ethics of others are, especially in cases he's not there to observe. He believes he could not have done it himself, which is quite different. But even this he can't know, not having been in that position. Besides, not every athlete is Mo Farah or Usain Bolt either.

53. (p. 555)

*The question is who these Rwandese were and why they would rush—in the midst of war and slaughter—to find, copy, and translate all sorts of documents and transmit them to Omaar in Rwanda or de Waal in London.*

- The answer to this question is provided by Omaar: the survivors were keen to share information with anyone who was seriously interested in their fate. Also note that not the whole of Rwanda was the front line. Especially in the later stages large areas of the country were relatively calm, after the Hutu had fled en masse.

On 12 May 1994 the RPF wrote to the president of the UN Security Council that law and order had been restored to more than half of the national territory under its control. According to the RPF, UN protection was still needed in the Southwestern part of the country and parts of Gitarama and Kigali which were still under government control.<sup>114</sup>

54. (p. 555)

*How could its antennas not have picked up the important RPF press releases of April, May, and June 1994?*

- Another mistaken assumption. The fact that *DDD* does not print direct quotes from RPF press releases does not mean they were not picked up. References to RPF standpoints are made throughout the text of *DDD*. One striking example is found on page 682 of *DDD*, which we will discuss later in detail. We should also consider that the RPF publications from those days did not contain much useful information not already covered by the survivors. More important for Reydam's theories is that the RPF publications did not concur with the “grand narrative” described in *NGO Justice*. As mentioned before, Col. Bagosora, the alleged “mastermind”, was not mentioned in RPF publications or press releases during the genocide.

55. (p. 556)

*Besides detailed accounts of the massacres at the local, regional, and national level, *Death, Despair and Defiance* also contains an elaborate two-pronged grand narrative of the conflict.*

- *NGO Justice* claims that the “grand narrative” originated with AR, but it was actually published by Alison Des Forges and others before *DDD* was released.<sup>115</sup> This has been explained in a number of comments already, but will be revisited as often as Reydam's mentions it. The “genocide-as-conspiracy” narrative with a central role for Col. Bagosora and the “bystander-to-genocide” narrative

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<sup>114</sup> Gerald Gahima & Claude Dusaidi. *Consultation on the deployment of the proposed force in Rwanda*. Letter to Ibrahim Gambari, president of the UN Security Council. The Political Bureau of the RPF, 12 May 1994.

<sup>115</sup> See notes 24-26

was adopted by many organizations and scholars between May and September 1994 and it had become the consensus view by the time *DDD* was published on 29 September.<sup>116</sup> See Appendix 2.

56. (p. 556)

*After just three weeks in Rwanda, AR's investigator had compiled "extensive evidence"*

- Prior to going to Rwanda, Omaar had already spent two weeks interviewing evacuated expatriates, missionaries, aid workers and journalists in Nairobi, and refugees in Tanzania. AR also had the benefit of information published by Human Rights Watch in articles and press releases, and in their personal communications with Alison Des Forges. See previous comments.

57. (p. 556)

*Death, Despair and Defiance quotes a witness who had heard him [Col. Bagosora] say after the signing of the Arusha Accords in August 1993 that he was returning to Kigali to "prepare for the apocalypse."*

- Reydamas hides the identity of this "witness" to downgrade his importance as an expert, but this was actually former minister Marc Rugenera who took part in the Arusha peace negotiations. The text in *DDD* reads:

"Like every other politically informed person we interviewed in Rwanda, Marc Rugenera, Minister of Finance, identified Colonel Theoneste Bagosora as one of the key men responsible for this strategy: 'Bagosora participated in the Arusha process. When we had nearly completed the negotiations, he told us publicly that he was returning to Kigali 'to prepare for the apocalypse'." <sup>117</sup>

The Pulitzer Prize winning journalist Mark Fritz interviewed Marc Rugenera on or about the same date as Omaar.<sup>118</sup> Associated Press published the apocalypse remark on 20 May 1994, four months before *DDD* was published. There are several other witnesses who heard Bagosora make the remark, according to a 1997 testimony by James Gasana, another former minister.<sup>119</sup>

58. (p. 556)

*AR even knows how, why, and by whom the president was assassinated.*

- This is not very different from the eye-witness account of a Belgian peacekeeper with the name Bruno Vandriessche.<sup>120</sup> He was at the airport when the assault on the presidential aircraft took place. Vandriessche witnessed the missiles being fired from the direction of Camp Kanombe, which implicated the elite forces of the Rwandan Army as the most likely suspects. Vandriessche's story was reported in *The Guardian* on 12 April 1994. Belgian journalist Els de Temmerman also spoke to Vandriessche and reported his story in her book. Belgian minister Claes confirmed the story in Frank Smyth's article *The Horror*.<sup>121</sup>

Alison Des Forges wrote on 17 April 1994: "Habyarimana's plane crashed on April 6, reportedly after having been hit by rockets fired from the immediate vicinity of the Kigali airport, an area controlled by

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<sup>116</sup> See notes 63 and 100; In *The Aftermath of Genocide*, HRW notes that the international community was "shamefully absent" during the genocide.

<sup>117</sup> AR. *DDD* p. 79

<sup>118</sup> Mark Fritz. 1994. "Planning For The Apocalypse", *Associated Press*, May 20.

<sup>119</sup> ICTR. *Statement of James Gasana*. Lausanne, 29 March 1997. Record id in JRAD: ICTR-98-41-14226

<sup>120</sup> Mark Huband. 1994. "Belgians say rebels could not have killed president." *The Guardian*, April 12.

<sup>121</sup> Els De Temmerman. *De doden zijn niet dood. Rwanda, een ooggetuigenverslag*. December 1994, p. 23; Frank Smyth. 1994. "The Horror." *The New Republic*, June 20, pp. 19–21.

the Rwandan army”; Rwanda scholar René Lemarchand writes in June '94: “suspicions that it could have been the work of the presidential guard harden into reality.”<sup>122</sup>

Forensic research published in 2012, carried out by commission of magistrates Nathalie Poux and Marc Trevedic, confirmed Vandriessche’s testimony, suggesting that Camp Kanombe was indeed the most likely location of the assault.<sup>123</sup>

59. (p. 556)

*AR further claims that there is “strong evidence” that the missiles were of French origin and that “powerful circumstantial evidence” suggests the attack was the work of the Presidential Guard “as part of a coup attempt to bring hard line politicians to power and to destroy the peace process and transition to democracy.”*

- This was the consensus view at the time, not particular to AR. Alison Des Forges noted in a prepared speech in July '94: “As you know, extremist Hutu mounted a political/military coup in Rwanda in early April launching genocide against the Tutsi and systematically and thoroughly exterminating Hutu political rivals..”<sup>124</sup> Filip Reyntjens has described the likely scenarios in detail in 1995.<sup>125</sup>

60. (p. 556)

*The second prong of the grand narrative is that the “international community” stood by and abandoned Rwanda.*

- This again is not particular to AR. Newspaper articles reported this as early as 12 April 1994: foreign soldiers standing idly by while Rwandans are massacred in front of their eyes.<sup>126</sup> And again: the bystander role of the international community was one of the central themes of Alison Des Forges’ work. Des Forges actively lobbied the White House, the US Congress and the UN Security Council throughout the genocide in attempts to change their attitude. On 4 May 1994 she asked delegates of the US Congress: “Many people care, but nothing happens. Why is that?”<sup>127</sup>

The reason for the apathy of the international community was, according to Des Forges, the aggressive disinformation campagne launched by the self proclaimed government.<sup>128</sup> This “disinformation” reinforced western prejudices about Africa by “confirming” the perception of the genocide as a spontaneous tribal anarchy:

<sup>122</sup> See note 24; René Lemarchand. “The apocalypse in Rwanda.” *Cultural Survival Magazine*, Vol. 18 No.2 June 1994

<sup>123</sup> Claudine Oosterlinck, Daniel Van Schendel, Jean Huon, et al. *Destruction en vol du Falcon 50 – KIGALI (RWANDA) Instruction n° 2272/00/13&1341 – Parquet n° 9729523030*. Cour d’Appel de Paris Tribunal de Grande Instance de Paris, 21 April 2012; Also see Christophe Chatelot. 2012. “Paul Kagame ‘cleared’ of part in downing of Rwandan presidential plane.” *Guardian/Le Monde*, January 17

<sup>124</sup> Alison Des Forges. “Prepared Statement” in: Hearing before the Subcommittee on African Affairs of the Committee on Foreign Relations United States Senate, *Crisis in Central Africa*, US Senate, 26 July, 1994, p. 45

<sup>125</sup> Filip Reyntjens. *Rwanda, Trois Jours Qui Ont Fait Basculer L’Histoire*. Bruxelles: Institut Africain-CEDAF, 1995; An alleged French involvement was also reported in the summer of 1994 by *Le Soir*: Colette Braeckman. 1994. “L’Avion Rwandais abattu par deux Français.” *Le Soir*, June 17; Colette Braeckman and Jacques Cordy. 1994. “La piste des deux Français Suite le Quai d’Orsay dément avec force.” *Le Soir*, June 18

<sup>126</sup> Mark Huband. 1994. “UN Troops Stand By And Watch Carnage.” *The Guardian*, April 12; Victoria Brittain & Edward Luce. 1994. “Aid Agencies Condemn UN Pull-out from Rwanda.” *The Guardian*, April 23; Mark Huband & Ed Vulliamy. 1994. “Escape of The Living Dead.” *The Observer*, May 1

<sup>127</sup> House Subc. On Africa. *The Crisis in Rwanda*, 103- 2, Hearing before the Subcommittee on Africa of the Committee on Foreign Affairs House of Representatives, May 4 1994, p. 20; Also see note 100: In *The Aftermath of Genocide*, Des Forges notes that the international community was “shamefully absent” during the genocide.

<sup>128</sup> HRW/A press release 29 April 1994, see note 24

“They describe the Hutu and Tutsi as tribes and assume that the conflict between them dates from the dawn of time and will continue to the end of time. Hence, there is no point in seeking to resolve it. This analysis is just plain wrong, and leads to erroneous policy decisions.”<sup>129</sup>

61. (p. 556)

*There is not one word, however, about the RPF’s categorical rejection of any sort of armed humanitarian intervention.*

- This is not true. *DDD* states for instance:

“From the very beginning, the RPF repeatedly and publicly dismissed the possibility of anything other than a brief, localized truce for the evacuation of civilians, the delivery of relief aid, or the visit of an international dignitary. Senior RPF commanders made it crystal clear that there could be no question of a ceasefire unless the killings came to an end.”<sup>130</sup>

Reydams does not specify which humanitarian interventions he means, which would be useful information considering that the United Nations withdrew most of their UNAMIR peace keeping force on 21 April 1994 and did not send any reinforcements until the genocide was over. The French Operation Turquoise of late June 1994 met with resistance from many quarters. In France itself 20 NGOs protested against the plans, suspecting a hidden agenda of the French government, and professor Filip Reyntjens declared the French intervention “hypocritical” and “suspicious”.<sup>131</sup>

*NGO Justice* even provides a reference to an article in the New York Times that discusses a one sided RPF-ceasefire: “Theogene Rudasingwa, secretary general of the Rwandan Patriotic Front, said the cease-fire was meant as a “last chance” for army forces to stop widespread massacres in Kigali, the Rwandan capital.”<sup>132</sup>

62. (p. 557)

*So much detail reeks of the work of an intelligence apparatus. The RPF itself had published a list of 220 “masterminds” in July, and the first twenty-five names on that list are without exception on the AR list. That is a striking coincidence.*

- The first 25 names on the “RPF”-list are the nineteen names of the entire genocidal government and a few prominent Akazu-members.<sup>133</sup> These names were hardly a secret and had been published by newspapers and NGO reports long before *DDD* was published. The Belgian NGO ACT had published a full list of interim government members in a book about the genocide in July '94.<sup>134</sup>

The suggestion that the details in *DDD* came from an intelligence apparatus ignores the fact that the sources of *DDD* are well referenced.<sup>135</sup> The interviewed victims often knew the killers as members of

<sup>129</sup> House Subc. On Africa. *The Crisis in Rwanda*, p. 56. See note 127

<sup>130</sup> AR. *DDD*, p. 682

<sup>131</sup> Frank Kools. 1994. “‘Politieke oplossing Rwanda goed denkbaar’ Misschien is die etnische scheiding maar het beste.” *Trouw*, July 12

<sup>132</sup> Donatella Lorch. 1994. “Rwanda Aide Calls Truce ‘Last Chance’.” *N.Y. Times*, April 27

<sup>133</sup> André Guichaoua. *Les crises politiques au Burundi au Rwanda 1993-1994, Analyses, faits et documents*. Université des Sciences et Technologies de Lille, 1995, p. 724.

<sup>134</sup> See note 60; The names of extremists were already published years before the genocide, in connection to their involvement in the Interahamwe militia, see for instance: Anastase Gasana. *Dossier “Interahamwe za Muvoma, Ou Les Irreductibles du MRND.” Essai de Deracinement du Mal*. Report of Mouvement Democratique Republicain (MDR) Steering Committee, 14 May 1992. JRAD doc. No. 98-41-8302

<sup>135</sup> See the comment at error no. 4

their own community as Mark Huband of *The Guardian* notes on 8 May in Rwamagana: “Most survivors are able to identify by name at least some of the *interahamwe* death squads.”<sup>136</sup>

Among the survivors were also moderate Hutu-politicians, journalists, attorneys, human rights activists and other experts with insider’s knowledge. Local leaders of human rights organizations, such as Francois Xavier Nsanzuwera and Jean Paul Biramvu, confirmed to me that *DDD* reproduced their interviews accurately.<sup>137</sup>

Reydams did not bother to contact a single person who was ever interviewed by AR to check if there was any truth to his theory.

63. (p. 558)

*Another red flag are the similarities between RPF and AR views and positions.*

- The five similarities that Reydams managed to dig up are as misleading as the ‘suspicious’ 25 names of the perpetrators list, see previous comment. Reydams did not look for any *differences* between RPF and AR statements, which is needed to establish the significance of the similarities. For a discussion of the five similarities mentioned in *NGO Justice* see the next five comments below.

64. (p. 558) Example 1:

*The massacres were carefully planned in advance and systematically executed to ensure the complete extermination of those perceived as opponents of the regime.*

- I have found dozens of similar statements of experts and journalists, all published prior to *DDD*: See Appendix 2.

Alison Des Forges of Human Rights Watch stated on 29 April 1994:

“The groundwork for the slaughter was carefully laid over a period of months through a virulent propagand campaign on the radio against the political opposition, human rights activists and the Tutsi minority and also by the training and arming of the militias attached to Habyarimana's MRND political party), and its ally the CDR.”<sup>138</sup>

And on 4 May ‘94: “The slaughter of Tutsi in Rwanda is genocide, a planned campaign to eliminate this minority people who make up about 15% of the population of this small central African Nation.”<sup>139</sup>

Des Forges made these statements before Rakiya Omaar had even set foot on Rwandan soil.<sup>140</sup> If we were to follow Reydams’ theory, professionals like Des Forges would have to be suspected of echoing the RPF as well.

65. (p. 558) Example 2:

*The time for U.N. intervention is long past. The genocide is almost completed.... [Should the UN use] Chapter VII of the UN Charter to send troops to enforce a cease-fire . . . the results would be disastrous*

- Most killings had in fact occurred in April. There was also a consensus amongst aid workers that a ceasefire would prolong the genocide, the reason being that there was no military force standing by to

<sup>136</sup> Mark Huband. 1994. “Survivors name henchmen of Rwanda genocide.” *The Guardian*, May 8.

<sup>137</sup> Email messages of 26 January 2017 and 5 February 2017

<sup>138</sup> See note 24

<sup>139</sup> See note 26

<sup>140</sup> Rakiya Omaar entered Rwanda from Tanzania on 5 May 1995

go in behind the government side of the frontline and stop the militia.<sup>141</sup> This similarity is just a coincidence and an expression of common sense. As Human Rights Watch reported in May 1994: “The south and west, where some of the worst massacres have taken place, are remote from the actual war zones.”<sup>142</sup>

66. (p. 558) Example 3:

*No representatives of the government should be allowed to visit abroad on official or personal business.*

- Again Alison Des Forges is the anchor here, not the RPF. Des Forges writes on 29 April 1994 in a HRW/A press release:

“Human Rights Watch/Africa welcomes the decision of the Belgian government to deny visas for representatives of this self-appointed regime for this purpose and calls on other governments to follow suit.”<sup>143</sup>

And she states on 4 May: “The Clinton Administration, we are glad to report, has made it plain that these individuals are not welcome in the United states.”<sup>144</sup>

67. (p. 559) Example 4:

*Rawson was a disaster as an Ambassador for the United States in this country . . . bears great responsibility for the formulation of US policy—or lack of it—on Rwanda.*

- This is one of the most obvious fallacies of *NGO Justice*. The RPF statement that was supposedly echoed in *DDD* is from 8 November, six weeks *after DDD* was published.<sup>145</sup> This mistake is known as the ‘ante hoc ergo propter hoc’ fallacy: before it, therefore because of it. The only cause and effect relationship could have been a reversed one: of the RPF echoing AR. Worse than this fallacy is that Reydamas has overlooked the real source of *DDD*, which is a New York Times article from 10 June 1994 cited in two footnotes.<sup>146</sup>

68. (p. 559) Example 5:

*Democracy and peace are certainly the aims a future government should aspire to, but time should be taken to explore new formulae that may promise greater stability.* Etc.

- Here once more we have a general, widely debated issue which means there were lots of possible sources. For instance, four moderate Hutu leaders told Els de Temmerman in June 1994 that the war had not started with the RPF invasion of 1990, but with the introduction of the multi-party system in 1992.<sup>147</sup> Some of de Temmerman’s sources were also interviewed by Omaar.

<sup>141</sup> Claire Piroette, Bernard Husson & Francois Grünwald. *Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid*. London-New York: Zed Books, 1999, p. 133. In the book Development organization ACORD explains why it opposed a ceasefire: “The international community being powerless to act, the RPF represented the best hope of ending the massacres. [A ceasefire] would have consolidated the front line and allowed the massacres to continue behind it.”; Karel Kovanda. “The Czech Republic on the UN Security Council: The Rwandan Genocide.” *Genocide Studies and Prevention* 5, nr. 2 (2010): 192-218. Karel Kovanda, the Czech envoy at the UN Security Council, compared the ceasefire negotiations at the end of April to “persuading Hitler to reach a ceasefire with the Jews.”

<sup>142</sup> HRW. *Genocide in Rwanda*, p. 5. See note 25

<sup>143</sup> See note 24

<sup>144</sup> House Subc. On Africa. *The Crisis in Rwanda* p. 64. See note 127

<sup>145</sup> See *NGO Justice* footnote 45, which refers to an article in the N.Y. Times of 8 November 1994.

<sup>146</sup> See note 43

<sup>147</sup> De Temmerman. *De doden zijn niet dood*, p. 87. See note 121

69. (p. 559)

*Human rights reports usually do not defend a warring party. Yet, Death, Despair and Defiance does exactly that.*

- Reydam's is repeatedly sowing confusion between the realities of the shooting war and that of the genocide. As Alison Des Forges stated in an interview on 22 April 1994: "This is not 'intertribal fighting' or 'ethnic conflict.' First, it's not fighting, it's slaughter. There are military engagements between the (rebel) RPF and the Rwandan army, but that's apart from the slaughter of civilians."<sup>148</sup>

Reydam's statement suggests that AR was supportive of an RPF victory, instead of an intervention that would stand a chance of stopping the genocide. The reality is that after the UN had pulled out most of its peacekeeping force in April, and no reinforcements were on the horizon, the RPF was the only option left to achieve this in the short term. Jonathan Clayton remarked that in this case: "It was not possible to have balance between two opposing sides like in traditional conflicts."<sup>149</sup>

70. (p. 560)

*Allegations that the RPF was massacring civilians were "hysteria" and journalists who ran such "stories" were not doing their work properly.*

- Reydam's distorts the information of this section of *DDD*. AR did research in Rwanda in the months of May and June '94. Rakiya Omaar spent most of her time with survivors in the places where they were congregated: churches, hospitals and camps. What happened outside of her view, or after she had left Rwanda, AR took from other sources. In this case *DDD* refers to a Human Rights Watch report of early September '94, to an interview with Panos Moutzsis of the UNHCR, and to a controversy between journalists in the media: some of whom were repeating rumors without checking reliability while others recognized that their "hysteria" was manipulated by the killers.

In fact *DDD* states this about RPF massacres: "That there have been cases of revenge killings by RPF soldiers is not in dispute. The question is whether the RPF has a policy of vengeance killings."<sup>150</sup> Before *DDD* was published in late September 1994, this question was a subject of debate among observers. The speech of Alison Des Forges at the US Senate on 26 July stated the following:

"After extensive investigation among reliable sources, both Rwandan and foreign, representing clergy, staff of nongovernmental organizations, and journalists. Human Rights Watch/Africa has concluded that there is at present no credible evidence that the RPF has engaged in any widespread slaughter of civilian populations, although there are reports of less systematic abuses, including the execution of the archbishop and priests.

Refugees who fled to Tanzania at the end of April have frequently talked of RPF abuses, but the accounts are too vague to be credible. No one among the enormous number of people at Ngora camp, for example, appears to have first-hand knowledge of such alleged abuses. In the quarter of a million mostly Hutu refugees at the camp, medical authorities report that they treated only four wounds, all of them slight. This contrasts with the reports of numerous and serious wounds among the Tutsi refugees who have fled to Burundi or who have escaped to northern Rwanda.

The massive flight of Hutu to Ngora drew widespread attention because it was the largest number of people ever to flee a country in such a short period of time. But these refugees fled in panic about reports that the RPF was approaching their region, not because they had been attacked or seen others attacked by the incoming troops. They had been frightened by propaganda broadcast on the radio about supposed RPF atrocities. Many refugees had taken the time, nonetheless, to gather food

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<sup>148</sup> Washington Post. 1994. "So that the world does not forget Rwanda." See note 24

<sup>149</sup> Email message of 24 February 1994

<sup>150</sup> AR. *DDD*. p. 650

and even farm animals before their departure.

Tragically, the destruction wrought by the rump, extremist Hutu regime, that has now fled the country, has continued in the form of regular broadcasts by the extremist radios, which incited the flight of literally millions of Hutus, who were told that the RPF would commit atrocities out of vengeance for those suffered by Tutsis. These false reports—and in some cases actual physical coercion by the militia and army—were critical factors in the massive flight of Rwandans following the RPF victory. The international community should assist the RPF government in creating conditions to encourage the refugees return, including providing massive humanitarian assistance to the displaced within Rwanda itself, and deploying U.N. human rights monitors to supplement the work of the UNAMIR to assure that the RPF does not engage in reprisals.”<sup>151</sup>

In their September report, Human Rights Watch again noted:

“Some of these accounts [about large scale RPF killings] were clearly rumor or deliberate propaganda spread by the former Rwandan government. Other accounts have subsequently been substantiated.”<sup>152</sup>

This is similar to what is written in *DDD*.

71. (p. 560)

*Proven killings by the RPF were downplayed as “vengeance” by individual troops..*

- Reydam's does not specify which vengeance killings were proved to be organized murders. The one example he mentions, that of the Kabgayi murders of June 1994, expresses a hind-sight bias. Reydam's is projecting current evaluations and insights onto the past. However, in the summer of 1994 it appeared to most observers that the murders were vengeance killings and that the RPF had dealt with them appropriately. The news was immediately published by the RPF themselves, one of the perpetrators was killed on the spot, two others escaped. *DDD* describes what was known then:

“The priests had put themselves under the protection of the RPF when the RPF captured the archbishopric, and were being kept under guard. Three RPF soldiers, apparently believing that the priests were responsible for the massacres of their relatives, burst into the room where they were sitting and opened fire.”

And this is what the *New York Times* reported on 10 June 1994:

“Alison Des Forges, an American expert on Rwanda working with Africa Watch, said today she has received reports from Belgian Catholic contacts asserting that at a meeting in Kabgaye on May 24, Hutu militia leaders presented the Archbishop with a list of 16 priests, a nun and a lay person they wished to take away. The Archbishop gave his consent and the people disappeared, according to reports.”<sup>153</sup>

With this kind of information the “vengeance motive” must have seemed rather obvious. Speculations about a “political motive” behind the tragedy today, many years after the fact, can't benefit observers who were analysing the case in 1994.

72. (p. 560)

*Death, Despair and Defiance was displayed and sold in the two most strategic places in Kigali, viz. the airport and Hotel des Mille Collines. For a government known for its obsessive control of information,*

<sup>151</sup> *Crisis in Central Africa*, p. 52-53. See note 26

<sup>152</sup> HRW. *The aftermath*, p. 5. See note 100

<sup>153</sup> Paul Lewis. 1994. “Rebels in Rwanda Said to Slay 3 Bishops and 10 Other Clerics.” *N.Y. Times*, June 10

*this was tantamount to an endorsement. Death, Despair and Defiance thus became the semi-official primer on the genocide for the many internationals who streamed into Rwanda after the war.*

- Reydam's did not research which books were endorsed by the RPF and which books were not. *NGO Justice* does not mention any examples of publications banned from the airport back then. This is another unsupported speculation based on a projection of the present unto the past. The current restrictions in Rwanda cannot be taken as a measure for the reality in 1994-1995.

73. (p. 561)

*Put bluntly, it had RPF written all over it and should have raised suspicion from the start.*

- As has been demonstrated so far, Reydam's fails to provide any verifiable facts to back up this claim. This absence of evidence in itself may hold the answer to the question why “it” had not raised suspicion.

74. (p. 561)

*For years there have been rumors that African Rights was a front of the RPF.*

- Reydam's did not investigate the origins or the value of the rumors. Where did they start? Hutu-Power propagandist Hassan Ngeze and CDR leader Jean Bosco Barayagwiza were the first to denounce *DDD* in 1995.<sup>154</sup> Ngeze wrote an open letter to Rakiya Omaar in February '95 in which he states: "All of the evidence put forward in the report was apparently provided to you by the RPF and its members." The power of suggestion should never be underestimated.

75. (p. 561)

*The issue occasionally came up in extradition, deportation, or criminal proceedings in European countries against génocidaires. If the dossier contained an AR document or statement, defense lawyers would argue that African Rights was not an independent human rights organization but an instrument of the regime.*

- The accusations against AR were dismissed by the judges in all of these cases. It's very misleading to omit this information, see the example in the next comment. I have contacted Thijs Bouwknecht, the source mentioned in the accompanying footnote of *NGO Justice*, to ask him if he knows of a case that had substantiated the rumors. He answered that he did not know of such a case.<sup>155</sup>

76. (p. 561)

*The issue also came up in at least one case before the ICTR. In Prosecutor v. Elizaphan and Gérard Ntakirutimana the defense stated that the “charge sheet” published by African Rights “reeks with propaganda against the accused” and that AR “worked closely with [survivors’ organization] IBUKA and the RPF.”*

- Reydam's conceals that these allegations were refuted by the judges. The judgment states:

“The fact that the organization African Rights published its interviews with persons who later testified for the Prosecutor in this case does not indicate a campaign of deceit against the Accused. Nor does the publication indicate an intent to ascribe to the Accused crimes which they did not commit. Nor does it reasonably suggest that the case mounted by the Prosecutor has been tainted by any such campaign.”<sup>156</sup>

<sup>154</sup> See notes 6 and 7. Note that Ngeze and Barayagwiza were later convicted by the ICTR.

<sup>155</sup> Email message of 26 January 2017

<sup>156</sup> *The Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana*, ICTR Cases No. ICTR-96-10 & ICTR-96-17-T, Judgment of 21 February 2003, § 774

Both men were found guilty of genocide.

77. (p. 561)

*The first hard evidence of some cooperation between AR and the RPF was a leaked letter of 23 June 2008 from the National Commission for the Fight Against Genocide to Rakiya Omaar at African Rights discussing payment of \$100,159 for a “book”*

- Reydam's takes the letter, which has been circulating on the internet since 2008, at face value. He did not try to find out anything about it. In the abstract of *NGO Justice*, Reydam's writes that the article “shows” that AR was funded by the RPF from 2003 onwards. Here we have the first and only piece of “evidence”, which dates to 2008 which shows some kind of involvement by a government organization: the CNLG. The letter discusses a bill for the delivery of a book on the Murambi massacre that was produced a year earlier after two years of research.<sup>157</sup>

The problem is that we don't know anything beyond what is written in the letter, which is very little. After reading *NGO Justice*, the reader is still expected to guess which donors provided the funds: the CNLG's (foreign) partners or other donors, whether the RPF was involved or not, if the bill was ever paid, and, more importantly: if the alleged cooperation had any affect on the quality of the research that was carried out several years earlier.

78. (p. 561)

*...a “book”—but really a Word document converted to a PDF and available for free on the Internet—about the genocide in Murambi.*

- Reydam's suggests there never was a book, but scanned copies can be found on the internet.<sup>158</sup> Moreover, the Murambi book is discussed in Nigel Eltringham's chapter in “Remembering Genocide”.<sup>159</sup>

79. (p. 561)

*I wrote to the former co-directors and expressed my concerns about Death, Despair and Defiance and the conditions in which it was produced.*

- Reydam's “expressed his concerns” in the form of accusations that look a lot like his conclusions:<sup>160</sup> What happened in between these initial accusations and the conclusions of *NGO Justice* is not very clear but looks like an exercise in motivated reasoning: rationalizing pre-conceived ideas and ignoring alternative explanations.<sup>161</sup> The former AR-employee remarked in the final answer to Reydam's: “I'm afraid it seems from this rather like you are pursuing some sort of conspiracy theory which I think is implausible.”<sup>162</sup>

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<sup>157</sup> African Rights. *Murambi: Go. If You Die, Perhaps I will Live*. London: African Rights, 2007; see the press release at <https://www.pambazuka.org/arts/rwanda-go-if-you-die-perhaps-i-will-live-book-release>

<sup>158</sup> Available at: <https://repositories.lib.utexas.edu/handle/2152/10259> and at:

<http://francegenocidetutsi.org/Rap.html> A copy of the 2007 AR press release available at:

<https://www.scribd.com/document/22582640/Press-Release-A-New-250-Page-Book-by-African-Rights>

<sup>159</sup> Nigel Eltringham & Pam Maclean (ed.) *Remembering Genocide*. London & New York: Routledge, 2014, pp. 200-207

<sup>160</sup> See the quotes in the introduction, notes 13-18

<sup>161</sup> Lauren Michelle Woomer. *A unified account of motivated ignorance*. Michigan State University 2015.

Motivated ignorance is defined as “a state of not-knowing that is cultivated or maintained by a person in order to serve their motives (i.e. their desires, interests, needs, or goals).”

<sup>162</sup> Email message of 7 October 2014 (AR employee to Reydam's)

80. (p. 562)

*Rwandan sources for this section are a former African Rights collaborator with intimate knowledge of the organization's Kigali office; Theogene Rudasingwa, former Secretary General of the RPF and Ambassador to the United States (1996–1999); Gerald Gahima, Chief of Staff to the Rwandan Minister of Justice (1996–1999) and Attorney General (1999–2003); and Noël Twagiramungu, former Secretary General of the Rwandan League for Promotion and Defense of Human Rights (LIPRODHOR).*

- After the publication of *NGO Justice* the “former AR collaborator” sent me an email message in which he expressed shock about how his information was misrepresented in the article.<sup>163</sup> Another person mentioned here, Gerald Gahima, claimed to be “upset” for the same reason.<sup>164</sup> Noel Twagiramungu told me he did not agree with Reydams reasoning, which he thought suffers from “the syndrome of post-hoc conclusions.” He agreed that the arguments in *NGO Justice* seem to belong to the school of thought of Pierre Pean and fringe scholars like Helmut Strizek.<sup>165</sup>

81. (p. 562)

*Then I reveal how in late April 1994, before going to Rwanda, Omaar had a crucial meeting in Nairobi with a senior RPF official.*

- Omaar denies having met Rudasingwa in person in Nairobi.<sup>166</sup> She says she visited a busy press conference of Rudasingwa in Nairobi but did not have a private meeting with him. Reydams does not provide any evidence that she did, nor did he try very hard to confirm or disconfirm what Rudasingwa told him. Reydams did not mention Rudasingwa's story to Omaar nor asked her to comment on the alleged meeting.

82. and 83. (p. 562)

*Next, I adduce evidence that suggests that an RPF vehicle brought Omaar to RPF headquarters in Mulindi and that contrary to her claim, she constantly was escorted by RPF officers.*

- Rakiya Omaar travelled to Mulindi with a Reuters crew in mid May 1994. This is confirmed by former Reuters journalist Buchizya Mseteka who headed the crew.<sup>167</sup> *NGO Justice* does not provide evidence to believe otherwise. Jonathan Clayton, Mseteka's boss at Reuter, commented on the accusations in *NGO Justice*:

“I find these slurs and accusations against former colleagues and activists who risked their lives in really appalling conditions to tell the story of what was really happening there so unfair, not to mention the huge disrespect to the victims.”<sup>168</sup>

- It is unlikely that Omaar was “constantly escorted by RPF officers” or by any officer at all. *NGO Justice* does not contain an explanation for discarding Omaar's side of the story, that she had an ordinary soldier as a minder like everyone else. Commanding officers had more important business in the middle of the war than to run errands abroad or waste their time as guides.

<sup>163</sup> Email message of 24 August 2016

<sup>164</sup> Email message of 20 December 2016. Gahima writes: “I was upset by Luc Reydams article. It misrepresented my views on Rakiya's work on the genocide. I will only cooperate with your research if you can promise to make these views public . Even [a] footnote would be enough.”

<sup>165</sup> Email message of 13 September 2016. Twagiramungu: “Yes, I agree that Luc has espoused the theory of Blancs menteurs, noires fureurs [White Liars, Black Furors] as developed by French journalist Pierre Pean. Strizek is one of the prominent followers of Pean alongside Charles Onana, Philipot, Snow, Erlinder, etc.”

<sup>166</sup> Email message of 17 February 2017

<sup>167</sup> Email message of 8 March 2017

<sup>168</sup> Email message of 8 March 2017

84. (p. 562)

*Then I examine the RPF’s active role in collecting evidence and testimony for Death, Despair and Defiance.*

- Although Reydams repeats this suggestion many times, the text of *NGO Justice* does not contain anything to back it up. As noted in earlier comments, this suggestion can be traced back to rumors spread by Hassan Ngeze of *Kangura* and Jean Bosco Barayagwiza of the CDR. The rumor was perpetuated by others, like Jean Marie Vianney Higiroy, a director of the Rwanda Information Office under Habyarimana. The former AR collaborator, the main source of *NGO Justice*, did not witness Omaar’s conduct in 1994 and declares that his information is misrepresented in the article.<sup>169</sup>

85. (p. 562)

*... AR gradually became a single issue NGO and proxy for the new regime.*

- AR did gradually specialize in documenting various aspects of the genocide and its consequences, but Reydams provides no evidence that AR became a proxy for the RPF. All these suggestive remarks don’t add up to the truth. Collecting suggestions is not the way to test a theory, that is not how the scientific method works. However, the effect of constantly repeating them is making people receptive to the message. It’s a common technique in advertising and other types of propaganda.<sup>170</sup>

86. (p. 562)

*Finally, I show that when African Rights lost its Western donors in the late 1990s, the RPF took over the funding.*

- Reydams has not researched the funding of AR after Omaar had moved to Africa. There is only the suggestion of a fund raiser in 1998 but no details are provided. A fund raiser is usually a single event for a specific goal, but here we are left in the dark about this.

In another section Reydams mentions a grant of half a million Euros awarded by the European Commission in 1998. This begs the question why a fund raiser would be needed to keep AR afloat. Reydams does not ask such questions. The question is: why not? Is less information better than more when it comes to these allegations so there’s more room for speculations? The fact that Gahima later complained about being misrepresented by Reydams is another reason to be cautious.<sup>171</sup>

87. (p. 564)

*“I met [Omaar] at a press conference in Nairobi and put her in touch with our field commanders. I played a vital role in bringing her into the RPF network.”*

- Omaar has a different version of the events: “By then, there were daily briefings on Rwanda for diplomats, NGOs, journalists at The Intercontinental or Hilton, I forget. At the first meeting I attended, I met a senior official from the ICRC who had liked our work on Somalia and who we had been in touch with. He immediately arranged for me to meet Rwandans and foreigners who had been evacuated, introduced me to others, and my work on Rwanda began.”<sup>172</sup>

Reydams simply decides to go with Rudasingwa’s side of the story without pursuing the details of what actually happened. I contacted Rudasingwa to ask for the missing information: which ‘field commanders’ he referred to, for instance, or what this “network” consisted of. But he replied that he

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<sup>169</sup> See note 163

<sup>170</sup> See note 41

<sup>171</sup> See note 164

<sup>172</sup> Ibid

did not want to add to what was written in *NGO Justice*, which is very little.<sup>173</sup> This leaves his story unverifiable and therefore unfit to be accepted as a fact in a scholarly publication.

88. (p. 564)

*Whom she asked and who took her to Gahini, Omaar did not tell.*

- Reydams did not ask Omaar this question. It's unfair to suggest that she refused to tell.

89. (p. 565)

*“Hundreds of journalists” struck me as implausible because it was RPF policy to strictly supervise all journalists.*

- Lindsey Hilsum, the source for this assumption, actually wrote: “Journalists travelling with the RPF were strictly supervised.”<sup>174</sup> So it's about journalists who were embedded with the RPF in April 1994. Hilsum notes the risks involved and why the protection was necessary: “A French cameraman was shot and injured in Kigali.”

Rakiya Omaar was not in Rwanda in April 1994, and she was not embedded during most of her stay in May and June, except for a short period in Kigali.

90. (p. 565)

*Moreover, a review of the major news agencies' wires shows that in May at most a dozen journalists filed from the RPF zone.*

- Reuter and other agencies had journalists reporting from the government controlled areas as well.

“There were perhaps 15-20 Reuters journalists and stringers involved directly in coverage of the genocide, Operation Turquoise and the exodus into DR Congo,” according to Peter Smerdon. “More if you count those who went to Tanzania.” There were TV crews, freelancers, photo-journalists, local stringers, “buzzing in and out of Rwanda,” as Mark Doyle phrased it.<sup>175</sup> Doyle himself worked on both sides of the frontline.

91. (p. 565)

*When I did not get an answer I contacted the Reuters journalists known to have worked in Rwanda in May 1994. They all responded but none remembered giving a ride to Omaar, or to anybody else for that matter.*

- I have contacted four Reuters journalists myself. The first two, Peter Smerdon and Corinne Dufka, said they had never heard of Reydams although Reydams claims that Smerdon forgot, which is possible of course. The other two – Jonathan Clayton and Buchizya Mseteka – did speak to Reydams, but tell me different stories from those reported by Reydams. Clayton: “There were so many reporters/camera crews/freelancers towards the end of the genocide we all shared lifts and vehicles.”<sup>176</sup> According to Mseteka, Omaar was given a ride as well.<sup>177</sup>

92. (p. 565)

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<sup>173</sup> Email message of 18 December 2016

<sup>174</sup> Lindsey Hilsum, “Reporting Rwanda: The Media and the Aid Agencies,” in Alan Thompson (ed.) *The Media and the Rwanda Genocide*. London 2007, p. 172

<sup>175</sup> Email messages of 19 January and 13 February 2017

<sup>176</sup> Email message of 24 February 2017

<sup>177</sup> See note 38. To be fair, Mseteka informed me that it took him a while to recall his memory after Reydams asked him about it, given the chaotic and stressful circumstances in May '94.

*Rudasingwa intimated to me that it is very possible, and even likely that the RPF organized her transport because, at the time, an RPF vehicle shuttled between Mulindi and Nairobi via Kampala.*

- Reydam's takes this suggestive remark as if it actually happened. At a conference in 2016 where he presented *NGO Justice*, Reydam's had even invented a driver for the alleged vehicle: Major Okwir Rabwoni (see below). However, Rabwoni was a commanding officer in the south, not likely to run errands in Uganda in the middle of the war. According to Alex de Waal: “The RPF commanders were fully engaged in the war and the overwhelming demands of fighting and also providing a modicum of care for the survivors whom they found, etc. They had neither the time nor resources to devote to her transport and logistics.”<sup>178</sup>

93. (p. 565)

*A reconstruction of Omaar's itinerary shows that at the end of her trip she was again in Mulindi, and for a whole week. Why she spent more time in this small town near the Ugandan border than anywhere else in Rwanda becomes clear when one knows that it was the base of the RPF high command.*

- Another fictional story. Omaar did not go back to Mulindi in June according to her itinerary. Reydam's gives no evidence to support this claim. The itinerary can be reconstructed from the dates of the interviews listed in the footnotes of *DDD*. They do not indicate that Omaar went back north in June. Omaar's comment: “A pure invention.”

94. (p. 565)

*I asked Alex de Waal why his colleague would have been allowed to roam around without RPF minders. His answer was surprising: Of course anyone in a war zone would be supervised.*

- Omaar did not usually travel through war zones. She explained to Reydam's: “In May-June, except for Kigali, the areas I visited were those where the génocidaires had been driven out – Kibungo, Byumba, Gitarama, Kigali Rural and then at the end Kigali. Kigali was scary because it was not secure.”<sup>179</sup>

95. (p. 566)

*Okwir Rabwoni, it turns out, was an aide de camp to Paul Kagame.*

- Okwir Rabwoni was a commanding officer in the south, not an aide of Kagame as Reydam's suggests. Reydam's got this idea from an introductory remark in an on-line article from 2002.<sup>180</sup> When I asked de Waal why there seemed to be confusion about Rabwoni's role, he explained: “Okwir was the commanding officer of the sector in which Rakiya was first doing her research. In that role he had responsibility for ensuring the protection of any visitors. As OC (sic) he obviously had other things on his mind rather than escorting Rakiya around.”<sup>181</sup>

It's possible that Rabwoni became an aide after the war. He spent two years helping to reorganise the rebel army into a regular force.<sup>182</sup> Later he returned to Uganda. In 2002 de Waal came to know Rabwoni personally when he was an exiled Ugandan politician in England. De Waal explains:

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<sup>178</sup> Email message of 16 August 2014 (De Waal to Reydam's)

<sup>179</sup> Email message of 15 September 2014 (Omaar to Reydam's)

<sup>180</sup> See *NGO Justice* footnote 71. Article available at: <https://www.project-syndicate.org/commentary/africa-s-child-soldiers?barrier=accessreg>

<sup>181</sup> Email message of 9 December 2016

<sup>182</sup> Benon Herbert Oluka. 2010. “Rabwoni tells his revolutionary journey.” *The Monitor*, September 21, at: <http://www.monitor.co.ug/News/National/688334-1014960-b9ro1nz/index.html>

“It was on the basis of his overall account of that period [the genocide] that I made the point to Reydamas that the RPF was so preoccupied with fighting the war—a war that turned out to be much tougher and bloodier than it had expected-- that it didn't have the time or focus to spend its efforts on organizing a propaganda exercise with a hitherto-unknown foreign human rights organization.”<sup>183</sup>

Omaar says she met Rabwoni once in Gitarama but that he was not her minder.<sup>184</sup> Corinne Dufka, presently an associate director of HRW, remembers she met Omaar doing fieldwork in the Gitarama area but can't remember details about her working conditions.<sup>185</sup>

96. (p. 566)

*Another red flag in Death, Despair and Defiance are the hundreds of long and extraordinarily detailed testimonies.*

- Not all the interviews were long and detailed. Some were long interviews, others were brief chats, averaging about one page of text.. As noted before, the testimonies taken down by other organizations produced similarly detailed accounts.<sup>186</sup> Fifteen of the interviews in *DDD* were collected by PHR representatives.

97. (p. 567)

*I asked Omaar where her raw interview notes are now and whether I could see them.*

- What Reydamas really asked Omaar was: “Where are your Rwanda field notes? Are they accessible to researchers?”<sup>187</sup> to which Omaar answered that she had the notes with her (she lives in Somaliland).<sup>188</sup> Reydamas could have travelled there to see them.

98. (p. 567)

*“Can you scan and send me some?” I replied. She never did and that was the end of our communication.*

- It is not customary to ask researchers to copy and email their handwritten field notes for the purpose of a random, unofficial auditing exercise with hostile intent. However, Reydamas could have travelled to Omaar to see the fieldnotes if he had a genuine interest in resolving the matter. I asked Reydamas where his own notes are and if he could send me an (anonymized) copy of an alleged email from a former ICTR investigator quoted in *NGO Justice*, but he did not respond to my request.<sup>189</sup>

99. (p. 567)

*Two former ICTR investigators separately told me that they had asked Omaar in vain for copies of her field notes.*

- This is unlikely because the ICTR did not intend to use *DDD* interviews as legal evidence.<sup>190</sup> *NGO Justice* does not mention who these investigators might have been or when and how they had allegedly told him this.

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<sup>183</sup> Email message of 9 December 2016

<sup>184</sup> Email message of 17 February 2017

<sup>185</sup> Email message of 8 March 2017

<sup>186</sup> See notes 85-86

<sup>187</sup> Email message of 20 September 2014 (Reydamas to Omaar)

<sup>188</sup> Email message of 3 October 2014 (Omaar to Reydamas). Omaar: “I have my Rwanda field notes. I have not been requested to give them to anyone.”

<sup>189</sup> Email message of 14 March 2017

<sup>190</sup> Mentioned by three sources: Sara Darehshori, Humbert de Biolley and a former teamleader of the ICTR investigators who has asked to keep his name confidential.

100. and 101. (p. 567)

*The former African Rights collaborator described what he knows about the interviews...*

- This is not true. The former collaborator did not work with AR until 1995, therefore he could not have known how Omaar conducted her interviews in 1994 during the genocide.

- The former collaborator denounced the description as a misrepresentation, see next comment.

102. (p. 567)

*Rakiya was always en seconde ligne in the company of RPF political cadres. The RPF would bring a dozen survivors or witnesses to her at a time and she would “process” them with the help of RPF translators.*

- The former collaborator informed me that he told Reydamas something completely different. His explanation:

“After reading his article, I was shocked to realise that he tried to give the impression that it was the RPF that identified the people for interview and that they shaped their accounts to fit with his version of the facts. Yet, in my exchanges with Mr. Reydamas, I made clear that I was the first African Rights researcher in Rwanda, the only Rwandan researcher who participated in the collection of information during the drafting of the second edition of the book *Death, Despair and Defiance (DDD)* and all other reports on the genocide in Rwanda published by African Rights in 1995. (...) The RPF never pointed out witnesses for me to interview; they neither guided me towards any witnesses, nor was I supervised during the interviews.”<sup>191</sup>

103. (567)

*The RPF insisted that all interviews be conducted in Kinyarwanda, even those that Rakiya could have done in French, because they [the RPF handlers] didn’t understand French.*

- This is not true. I asked a couple of survivors about their experience. Francois Xavier Nsanzuwera and Jean Paul Biramvu, both former human rights activists who later went to work for the UN, assured me that they could speak freely during their interviews with Omaar. Nsanzuwera: “I did not need an interpreter because Rakiya spoke in French. [Later] I have read her book. She respected all my responses and wrote exactly what I said.”<sup>192</sup>

When I asked about the presence of the RPF he answered: “In the Kabuga camp, where we were protected by the RPF soldiers I was able to go out and look for food. The genocide was on going in the regions under the control of FAR. My only preoccupation was to assure our survival.”<sup>193</sup>

Biramvu, who had taken refuge in Byumba after escaping the ETO massacre in Kicukiro, had a similar comment: “I would like to confirm that I had the possibility to talk freely at this time in Byumba and I recognize the interview I gave to Rakiya Omaar. The living conditions in Byumba at this time were same as the ones in any other IDP camp.”<sup>194</sup>

104. (p. 567)

*“How many could you do on a good day?” “Not more than three, one in the morning, one in the afternoon, and one in the evening.”*

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<sup>191</sup> Email message of 24 August 2016. See also note 164 about a similar reaction of Gerald Gahima.

<sup>192</sup> Email message of 2 February 2017

<sup>193</sup> Email message of 5 February 2017

<sup>194</sup> Email message of 26 January 2017

- This is comparing apples and oranges. In May and June 1994 the survivors who had escaped the slaughter were gathered together in large numbers, which made interviewing them relatively easy. But in 1995, when the former collaborator joined AR, the people had spread out over the villages and had to be located and then interviewed one by one.

105. (p. 567)

*In spring/summer 1994, he met senior RPF officials in London, including Theogene Rudasingwa and Patrick Mazimpaka, the RPF commissioner for external relations.*

- This is one of the many suggestive half truths in *NGO Justice*. De Waal says he met a number of Rwandans in England, some were RPF but others were not. The subject of discussion was how to replace the prevalent “tribal anarchy” theory in the press, which had caused apathy among political leaders and ensured the genocide to continue, with an alternative theory closer to the truth. That alternative was the pre-meditation of the violence that had become clear from the unfolding pattern of the genocide. According to de Waal “... the exercise in developing the narrative was something of a collaborative venture. In London, there were weekly meetings of NGOs and human rights organizations working on Rwanda and regular phone calls with NY [HRW].”<sup>195</sup>

Putting the spotlight on the two RPF officials to suggest that this alternative narrative was created as an exclusive piece of RPF propaganda is misleading. As should be clear by now, this “new” narrative was published before by Alison Des Forges, Frank Smyth, David and Catharine Newbury, Kenneth Roth and others.

106. (p. 568)

*There is no reason to doubt that de Waal met Mazimpaka and others but he may be overstating his role in creating the genocide-as-conspiracy narrative.*

- Here we enter the realm of self-contradictions again. In the abstract and the conclusion of *NGO Justice*, Reydams writes that African Rights was “instrumental” in shaping the narrative. On page 581 he even claims: “The first report to allege and ‘document’ a conspiracy and identify Bagosora as the mastermind was in fact *Death, Despair and Defiance*.” But in this section he tells the reader that these claims are overstated and that “... interim reports by Amnesty International and Human Rights Watch all claimed that the massacres were planned in advance.”

107. (p. 568)

*While he may not have created the genocide-as-conspiracy narrative, he certainly has helped in “documenting” and spreading it.*

- Reydams now shifts the blame for RPF impunity from the creation of the narrative to spreading it. As noted before, the narrative took off in America through the lobbying of Alison Des Forges. In the UK this started a bit later.”<sup>196</sup>

108. (p. 568)

*Fortunately there was the RPF. “I instructed my assistant to give her everything she wanted,” Rudasingwa told me.*

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<sup>195</sup> Email message of 20 April 2017; Besides the pattern of the unfolding violence as a clue, there were many other facts that indicated preparations and planning, like the training of youth militia and the pattern of the Bugesera massacre in 1992. *Leave None to Tell the Story* spends 30 pages to sum them up.

<sup>196</sup> See comment at error No 105

- Rudasingwa is quoted throughout the article but the AR directors have not been given an opportunity to reflect on his information. The result is a one-sided suggestive story without verifiable facts.

109. (p. 568)

*...some wanted to visit the NGO that seemed to know everything.*

- Reydamas can't know what foreign visitors thought or assumed about AR.

110. (p. 568)

*...and visitors might notice.*

- More sarcasm. AR probably had no choice but to use the specific office space as most of Kigali had turned into rubble. Human Rights Watch even decided to open their office somewhere else completely, in the southern town of Butare.

111. (p. 568)

*“Every other week, I would take an open envelope with handwritten field notes to the office of RPF Secretary General Rudasingwa,” the former AR collaborator told me.*

- Because the former collaborator declared that his information is misrepresented in *NGO Justice*, all quotes ascribed to him should be treated with caution.<sup>197</sup> The readers should also take note of the contradictions: elsewhere we read that AR was “raking in” millions from western donors but in this case it is suggested that AR needed petty cash from the RPF for mailing envelopes.

112. (p. 569-570)

*“But I did see her. This must have been 1995. I remember her stepping out of a plane [at Kigali Airport] and being whisked off like a VIP in an official vehicle.”*

- This memory of David Rawson is very suggestive but it does not give any information other than that he saw someone getting into a car at an airport. Based on the other suggestions in the article the reader is expected to fill in the rest of the story. Reydamas does not pursue the matter for any useful details and Omaar was not asked about it. An interesting aspect is that Reydamas interviewed Rawson several times and this is the only highlight worth mentioning.

113. (p. 570)

*In 1995, it published a scathing report about the United Nations Human Rights Field Operation ... and the controversial Charge Sheet series which “exposed” alleged génocidaires living abroad.*

- *NGO Justice* lists these and other AR publications as “proxy”- business on behalf of the new regime. However, no explanation for what might be wrong with them is provided.

The title of the critique against HRFOR in Rwanda: “A Waste of Hope”, is taken from a quote by one of HRFOR's own monitors who said: “The UN human rights mission in Rwanda is a waste of time, energy and money. But worst of all, it is a waste of hope.”<sup>198</sup>

This is not without reason. The report is almost entirely based on interviews with HRFOR monitors who detail a long list of dangerous blunders and indiscretions by their colleagues and superiors. Some of them suggested “Stranger than fiction” and “Designed to fail” as alternative titles for the report.<sup>199</sup>

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<sup>197</sup> See error no. 102

<sup>198</sup> African Rights. “A Waste of Hope” *The United Nations Human Rights Field Operation*. London, March 1995, p. 1.

<sup>199</sup> *Ibid* p. 5

*NGO Justice* also fails to mention why the charge sheets are labeled “controversial.” For instance, from 1995 to 1997 reports were published about individual suspects like Jean Paul Akayesu, Yusuf Munyakazi, Wenceslas Munyeshyaka, Sosthene Munyemana, etc. Of these, Akayesu and Munyakazi have been convicted for genocide by the ICTR, Munyeshyaka was indicted by the ICTR who transferred the case to France, and Sosthène Munyemana was exposed by the International Federation for Human Rights (FIDH) in 1995 and by several other organizations in France, before AR published a report about him in 1996.<sup>200</sup> Some more recent cases mentioned in *NGO Justice*, like Major Pierre Claver Karangwa, may be less clear cut, but Reydamas does not explain why they would qualify as RPF propaganda. According to exiled former prosecutor Nsanzuwera, Karangwa was implicated in death squads as early as 1990.<sup>201</sup>

114. (p. 570)

*My understanding is that Rakiya got a LOT of help from the RPF. Rwandan friends told me that the RPF basically handed her interviews already written up.*

- More innuendo. As noted in the introduction, this rumor was spread by Hutu-extremists in early 1995. With this knowledge, Timothy Longman should have been asked were he heard the remark, who these friends were, and what he knew about the origin of their information. Longman might also have been asked why he quotes *DDD* as a credible source in several of his own works if he thought the information in the book was not genuine.<sup>202</sup>

115. (p. 570)

*Their ongoing work in Rwanda specialized in trying to prove the genocide complicity of any critics of the RPF.*

- This is another derogatory remark that lacks references or a basis in reality. The facts show that AR did not specialize in Charge sheets, let alone in attacking critics of the RPF.

116. (p. 570)

*They systematically targeted André Sibomana and the Association Rwandaise pour la Defense des Droits de la Personne et Libertes Publiques (ADL), etc.*

- More fiction. African Rights has never published anything about André Sibomana. André Sibomana, a catholic journalist, was indeed targeted but by someone else: Christian Terras of the French magazine *Golias*.<sup>203</sup> Longman is probably confused with a burgomaster named Antoine Sibomana, and the fact that AR and *Golias* were both mentioned in newspaper articles about the role of the clergy in the genocide.<sup>204</sup> The rest of Longman’s rant in *NGO Justice* is not supported by any verifiable facts either.

I made extra efforts to get in touch with Longman to see if he had any evidence for his accusations. When he reluctantly responded after the fourth try, he offered to share his experience of working with

<sup>200</sup> <https://trialinternational.org/latest-post/sosthene-munyemana/>

<sup>201</sup> Francois Xavier Nsanzuwera. *Letter to the minister of Justice in Kigali*. Brussels, May 20 1997, p. 4 <http://jrad.unmict.org/webdrawer/webdrawer.dll/webdrawer/rec/195450/view/>

<sup>202</sup> Timothy Longman. “Church Politics and the Genocide in Rwanda.” *Journal of Religion in Africa*, Vol. 31, No. 2, 2001, p. 163-186; Timothy Longman. *Christianity and Genocide in Rwanda*. Cambridge, 2010

<sup>203</sup> Colette Braeckman. 1995. “Un sous-prefect assassine au Rwanda. L’église dans la controverse.” *Le Soir*, July 29; Christian Terras. “André Sibomana: le colporteur d’une revanche annoncée.” *Golias Magazine* No. 48-49 - Spécial été, 1996

<sup>204</sup> Raymond Bonner. 1995. Clergy in Rwanda Is Accused of Abetting Atrocities. *N.Y. Times*, July 7

HRW in Rwanda (1995-1996) and what he had learned about AR, but at the same time asserted that he was not interested in answering a barrage of questions or being “grilled”.<sup>205</sup> I took that as a “no”.

However, another interesting aspect of the communication with Timothy Longman is that he accused me of “consistently mischaracterizing his statements in the article”.<sup>206</sup> But since I had copy-pasted his quotes straight from the text of *NGO Justice*, this would mean that Longman’s information was misrepresented as well. I mentioned this to Longman in my next email message but he never replied.

117. (p. 571)

*African Rights did not relent in its attacks on mainstream human rights NGOs.*

- This is another example of repeating a suggestion to familiarize the reader with the concept and create an illusion of truth. However, the facts do not support the notion of relentless attacks. A critique, under normal circumstances, is meant to provoke a discussion but a problem with activists who are used to criticizing others is that they may not be very receptive in a reversed situation.

De Waal’s general critique of the organizational practice of human rights organizations “distinguished between the “primary mobilization” of mass movements, such as the civil rights movement, and the professionalized “secondary” activism of specialist organizations that had subsequently taken up the torch and neglected their grassroots constituency.”<sup>207</sup> As a result NGOs risked placing their own interests as organizations before those of the people they were supposed to be helping. His thoughts have led to an ongoing discussion among human rights activists and activist-scholars that has produced a whole literature on the subject. This could be qualified as an achievement, although the initial cognitive dissonance among individuals who took things personal has left residual feelings of resentment as well.

118. (p. 571)

*The last paragraph was a reference to the case of Joseph Ruyenzi, a journalist whom Amnesty International had adopted as a prisoner of conscience.*

- This wrongly perpetuates an admitted mistake by Amnesty International and Reporters sans Frontières (RSF). These organizations had jumped to conclusions by assuming that Ruyenzi, a news reader, was the victim of politically motivated charges by the new Rwandan government. However, Amnesty changed its position not long afterwards.<sup>208</sup> RSF took a bit longer, but later also admitted that Ruyenzi’s professional work in journalism had not been the motivation for his arrest. In their annual report of 2002 RSF notes: “It seems that the reasons for the arrests of (...) Joseph Ruyenzi and Domina Sayiba are (...) not related to their work as journalists.”<sup>209</sup>

119. (p. 572)

*No NGO was immune from attack. In Trócaire Development Review, de Waal accused “certain NGOs” (read: Médecins Sans Frontières)...*

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<sup>205</sup> Email message of 18 February 2017

<sup>206</sup> Email message of 9 March 2017

<sup>207</sup> Alex de Waal. “Reflections on the Difficulties of Defining Darfur’s Crisis as Genocide.” *Harvard Human Rights Journal*. Vol. 20, 2007, p. 25

<sup>208</sup> Amnesty International. *Further information on UA 91/96 (AFR 47/04/96, 2 April 1996) and follow-ups (AFR 47/06/96, 25 April; AFR 47/07/96, 2 May)*. 1 July 1996. AI Index: AFR 47/09/96. The message states: “This Urgent Action is now being closed, and no further appeals to the Rwandese authorities on behalf of Joseph Ruyenzi are requested.”

<sup>209</sup> Reporters without borders. Rwanda - Annual Report 2002. Available at: [http://archives.rsf.org/article.php3?id\\_article=1834](http://archives.rsf.org/article.php3?id_article=1834)

- Another embarrassing mistake. MSF was actually praised by de Waal in his article for not having “elastic morals.”

De Waal was criticizing the Irish NGO GOAL for making premature estimates about the death toll of the Kibeho massacre, not MSF. Reydams is confused because MSF is mentioned on the same page of de Waal’s article, but in a different context.<sup>210</sup> De Waal’s critique about the exaggerated death toll is further specified in his book *Famine Crimes*, where he writes: “...the relief agencies (one of whom, Goal, had suggested up to 8,000 dead) almost achieved impunity.”<sup>211</sup>

It should be noted that MSF did not exaggerate the death toll of the Kibeho massacre. An internal MSF report of 1 May 1995 stated that it was impossible to give a number of the massacre because “... people died from shooting, trampling, macthing, stoning, hitting, illnesses, exhaustion, dehydration, and continuing lack of water, food, shelter and medical care.” Interestingly, MSF lambasted others about Kibeho, like UNAMIR who “again took the same passive attitude” as during the genocide.<sup>212</sup>

120. (p. 572)

*Médecins Sans Frontières subsequently was expelled from Rwanda.*

- NGO *Justice* falsely suggests a connection between de Waal’s article and the expulsion of MSF France. This is another mistake that follows from the mistake described in the previous comment. It should also be noted that not “MSF” was expelled, but only its branch organization “MSF France”.<sup>213</sup>

121. (p. 572)

*In a full page op-ed in The Guardian of 15 November 1996 titled “No Bloodless Miracle,” de Waal—as co-director of AR—defended the Rwandan army’s invasion of Zaire (now Congo) and attack against Hutu refugee camps there...*

- This is not true. A substantial involvement of the Rwandan army was not yet known in the second week of November 1996.<sup>214</sup> Human Rights Watch noted in their 1997 World Report:

“But Zaire, with international acquiescence, allowed its territory to become a haven for participants in the genocide who, until military setbacks at the hands of rebel troops in November, continued to control the million or more Rwandan refugees in the country.”

De Waal’s article was about a rumored famine in Eastern Zaire, following what was perceived by everybody (MSF, HRW, etc.) as a rebellion of local Tutsi, and about the decision of the UN Security Council to send an intervention force to Zaire.<sup>215</sup> This is another example of hind-sight bias in *NGO Justice*, which confuses current knowledge with the information available in early November ‘96.

122. (p. 572)

<sup>210</sup> Alex de Waal, “Humanitarianism Unbound: The Context for the Call for Military Intervention in Africa.” *Trócaire Development Review*, Dublin 1995, p. 44 (1995),

<sup>211</sup> Alex de Waal. *Famine Crimes: Politics and the Disaster Relief Industry in Africa*. Oxford, 1997, p. 200

<sup>212</sup> Agnes Wagenaar. *Internal report internal report kibeho-massacre*. MSF-i Kigali, 1 May 1995; Médecins Sans Frontières. *UNAMIR’s conduct and attitude during the massacres that took place in Kibeho during the last week of April 95*. MSF Letter to the president of the UN Security Council. Paris, 26 May 1995.

<sup>213</sup> Médecins Sans Frontières. *MSF demands official explanation for threat of expulsion from Rwanda*. MSF Press Release of 7 December 1995.

<sup>214</sup> The Rwandan involvement was admitted in July 1997, see: AFP. 1997. “Rwandans admit a ‘major role’ in helping the rebels in Congo.” *N.Y. Times*, July 11; HRW. *World Report 1997*, Introduction. Available at: [https://www.hrw.org/reports/1997/WR97/INTRO.htm#P7\\_50](https://www.hrw.org/reports/1997/WR97/INTRO.htm#P7_50)

<sup>215</sup> Alex de Waal. 1996. “No bloodless miracle.” *The Guardian*, November 15

*A ceasefire would be a “chimera” and the Zairean rebels (in reality Rwandan proxies) should be allowed to “complete the job.”*

- This is a misrepresentation of de Waal’s article. Reydams suggests that de Waal had some kind of secret knowledge about the involvement and intentions of Rwandan government forces - the “Rwandan proxies.” However, field reports from MSF and the HRW World Report of 1997 – see previous comment - also mentioned Zairean rebels, not the Rwandan army. The section of de Waal’s article which Reydams is referring to in this statement reads:

“A humanitarian response must balance the principles of providing sustenance to the needy with not giving the slightest support to those responsible for their plight. This means first, recognising that the war cannot be stopped. Unless the Zairean rebels complete the job before the foreign troops arrive, the next round [disarming the ex-FAR and militia] will merely be postponed, and the region will sink deeper into crisis. A ceasefire would be a chimera.” This is not what Reydams makes of it.

Something Reydams is missing in all this is the fact that around the time of “No bloodless miracle”, Alex de Waal published a number of articles on the sense and nonsense of the disaster relief industry, arguing that sympathy as a fuel for boundless aid or mindless military intervention can actually do more harm than good.<sup>216</sup> “No Bloodless miracle” should be read in that context.

123. (p. 572-573)

*Two weeks later, de Waal lambasted Médecins Sans Frontières and Oxfam on BBC for having “screamed that a million of Rwandese refugees [in eastern Zaire] were going to die of starvation because they were cut off from aid.” Why had MSF and Oxfam “screamed” so loud? “They grow if they are good at raising funds, from the public and from governments. Many agencies cannot survive unless they have regular high-profile appeals, and competition is getting sharper.”*

- This is another distortion, achieved by omitting de Waal’s key argument. De Waal comments:

“I remember the BBC interview well. MSF and Oxfam were saying that a million Hutu refugees in Zaire were going to starve by Christmas unless there was a military intervention (a French and Canadian proposal). I lambasted them for naïveté over that. Then the refugees actually began returning en masse, looking perfectly well fed.”<sup>217</sup>

124. (p. 573)

*As fundraiser for African Rights, de Waal knew what he was speaking about. That year AR raked in £293,629 from governments and foundations.*

- Another tendentious statement, suggesting questionable motives behind de Waal’s fundraising efforts to support the work of African Rights: “raking in” the cash. Considering that AR was also running projects in Sudan, and paying for the general overhead expenses like office rent, salaries of research staff, organizing conferences (on Sudan), etc. these funds seem rather modest. An argument against AR’s alleged opportunism and greed is De Waal’s critique of Oxfam, one of AR’s financial sponsors before the genocide.

125. (p. 573)

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<sup>216</sup> Alex de Waal. 1996. “Sorry sir Bob, but it’s time we banned aid.” *The Observer*, October 20; Alex de Waal. 1996. “A brutal peace.” *The Guardian*, October 30; Alex de Waal. 1996. “Crisis for Christmas.” *The Spectator*, November 16.

<sup>217</sup> Email message of 18 January 2017

*AR denounced Amnesty for relying on “rumors” and “biased sources” and affirmed that its own investigation had produced no evidence to support the accusations against that Rwandan government.*

- This not true. The AR report contains a 28 page chapter which describes in detail RPF-crimes against civilians and the harsh way the responsible soldiers were dealt with.<sup>218</sup> The report also contains a chapter about civilians caught in the crossfire.<sup>219</sup> The Rwandan investigator of AR noted that this was just a partial survey as he had not been able to visit and investigate all areas of concern. Both Amnesty and AR most likely made mistakes, see next comment.

126. (p. 573, footnote 98)

*Amnesty took the unusual step to react publicly to the AR report, noting that “the criticisms by African Rights echo in many respects criticisms made by the current Rwandese government and its allies.”*

- As demonstrated earlier, similar views are not necessarily echoes. Nor are they necessarily wrong. A former AR employee reflected in hind-sight: “I think Amnesty International made a mistake on a case but in retrospect the AR account is also selective.”<sup>220</sup> Who is in the right here?

The fact that Amnesty International, Human Rights Watch, AR and other human rights organizations occasionally make mistakes is not remarkable, given the often chaotic situations they are reporting on. Neither is the cognitive dissonance displayed by the people who make up these organizations when they receive criticism. Sometimes they retract mistakes,<sup>221</sup> but sometimes they don't. However, the public tends to view organizations like Amnesty and HRW as more ethical and knowledgeable than any government or scientific institute, not as ordinary people with the same flaws as other humans on the planet. To many the phrase “Amnesty says...” is as good as, or even better than, physical evidence. Some activists may end up believing this themselves. The Ruyenzi case and the distorted memory of Timothy Longman discussed earlier are cases in point.<sup>222</sup> However, mud slinging and innuendo do not validate or invalidate a critique. Neither does taking sides without having properly evaluated all the facts and arguments of the discussion, something Reydams seems to have forgotten here.

127. (p. 573)

*These publications show how the AR directors identified with the RPF.(...) “The failure of most international human rights groups,” they wrote, “to visit Rwanda during the genocide, and their focus on current violations rather than the genocide has, justifiably, encouraged a corrosive cynicism that questions the very value of human rights organizations.”*

- This is another misleading remark. This quote taken from *A Waste of Hope* does not refer to the RPF but to “... survivors of the genocide who feel forgotten by their own countrymen as well as the world at large.”<sup>223</sup> As shown in the comments above, Reydams' pre-conceived conclusions are driven by confirmation bias and motivated reasoning rather than by honest and careful analysis.

128. (p. 573)

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<sup>218</sup> African Rights. *Rwanda: The Insurgency in the Northwest*. London, September 1998, p. 264-292

<sup>219</sup> Ibid pp. 293-326

<sup>220</sup> Email message of 9 January 2017

<sup>221</sup> See for instance: Amnesty International. *Rwanda: Politician Arrested, Risks Ill-Treatment: Deogratias Mushayidi*. 10 March 2010, Index number: AFR 47/001/2010; and the correction: Amnesty International. *Rwanda: Further Information: Politician Charged, Was Not Ill-Treated: Deogratias Mushayidi*. 1 April 2010, Index number: AFR 47/002/2010

<sup>222</sup> See comments at Errors 114-116 and 118

<sup>223</sup> See note 198, at p. 9

*His parting does not seem to have been motivated by Omaar’s compromising relationship with the new regime...*

- More innuendo. *NGO Justice* does not present evidence to support the conclusion that there was a compromising relationship or that the quality of the work was compromised. People have all sorts of professional and personal relationships. Reydam did nothing to find out the nature of the alleged relationships, leaving the reader with no information about them, and is therefore not in a position to pass judgments.

129. (p. 573)

*African Rights fell in disarray without de Waal. Whatever activity was left in London was moved to Kigali and the two-person NGO became a onewoman show.*

- *NGO Justice* does not provide information to support the idea that African Rights fell in disarray. According to a third former AR employee, in 1999/2000 the organization had ten researchers working on different projects in Rwanda and volunteers, also in London, translating and editing reports.<sup>224</sup>

130. (p. 574)

*In another follow-up conversation I asked whether he has an idea where the ± 440,000 ECU went. “Rakiya bought a lake front house in Jinja (Uganda) and a plot in Nairobi.”*

- According to a 1998 press release of the European Commission: “The Commission approved a grant to African Rights for its operation in support of genocide survivors.”<sup>225</sup> But in 1998 the AR collaborator did not work at AR. He was there from 1995-1997 and in 2002-2003.<sup>226</sup> The gap in between is when the project was funded and implemented. Furthermore, he was a researcher who gathered survivor testimonies, not the accountant of AR.

An important omission is that Reydam did not ask Omaar to comment on the issue of the EU funding, nor about buying a house in Uganda. This is unethical conduct considering the suggestion of malversations. He did not verify anything with the EU either.<sup>227</sup>

When I inquired with the EU about this case, they informed me that no files of these “older” projects have been kept, but the usual practice was that a prefinancing was paid upon the signature of the grant agreement, followed by annual instalments before a final payment was made. This practice explains of course why the fiscal year report of 1998 mentions a smaller contribution from the European Commission than the total of the awarded grant.

It’s a bit steep to accuse someone of corruption over this. All we know is: a grant was awarded to African Rights in 1998 which was most likely paid in annual instalments.<sup>228</sup> Beyond this, everything is speculation as we will see below.

131. (p. 574)

*“the foreigners who came to Rwanda after the genocide. They primarily served themselves.”*

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<sup>224</sup> Email message of 2 February 2017

<sup>225</sup> European Commission. *Commission support for Ethiopian parliament and Togo elections*. Brussels, press release of 26 March 1998. IP/98/292. Despite the title of this press statement it also mentions support by the EC for projects in Rwanda and Ghana.

<sup>226</sup> Email message of 18 June 2015

<sup>227</sup> Email message of 23 March 2017

<sup>228</sup> Email messages of 27 March 2017 containing a reply of the Directorate General for International Cooperation and Development (DG DEVCO) and 20 April 2017 of the EDCC.

- According to *NGO Justice* this quote refers to Rakiya Omaar, although she did not come after the genocide but was in fact risking her life in Rwanda during the genocide.

132. (p. 574)

*According to the final report, auditors spent a week in Kigali but found no evidence “of the project executed since 1998 by the NGO ‘African Rights.’ . . .*

- This sounds impressive but is not true. It was not an "audit" and there were no auditors looking for evidence of projects in Kigali. The European Commission did send a team to Rwanda to evaluate the impact of EC funding on the projects it supported, but according to the evaluation report they did not visit the office of African Rights.<sup>229</sup> The team had found insufficient information in the own files of the European Commission to do a proper assessment of funding-effects so they decided not to include African Rights in their evaluation. The correct translation of the quote used in *NGO Justice* is:

“...the authors of this report have not found any significant information, either in the SCR archives [in Brussels] or in the DCE files [Delegation of the EU] in Rwanda, concerning a project implemented since 1998 by the NGO African Rights and Financed on line B7-7020.”<sup>230</sup>

If Reydam's suggestion of corruption had any merit, the European Court of Auditors (the actual auditors) would have been informed, but apparently the European Commission saw no cause for that.

133. (p. 574)

*“What happened with African Rights when the funding dried up?” I asked my Rwandan source. The RPF stepped in, but Rakiya did not tell us.*

- Reydam's quotes the former collaborator saying that the funding “dried up”, and what happened next, but provides no evidence that it did. As with most other issues, the director of AR has not been given an opportunity to comment on these stories and explain herself.

Reydam's started his research by contacting the AR directors in August and September 2014 - ignoring most of what they told him in their email exchanges. Then he spoke at a press conference in Montreal on 27 September 2014, outlining his conclusions, and introducing the “bible” catch phrase. Except for Stephen Smith, his other informants were interviewed at later dates, starting with Timothy Longman on 12 October and ending with Filip Reyntjens in February 2015.

The AR directors were not contacted again after that for a response to the information collected from those interviews and from Reydam's limited financial “audit”. Because of this omission, Reydam's should at the very least present the reader with verifiable facts. But unfortunately *NGO Justice* gets bogged down in hearsay, anecdotes and failing memories, stories that may have some truth in them, or they may not (see the Longman example and the misrepresentation of sources).

134. (p. 575)

*Gerald Gahima, the former chief of staff to the Rwandan Minister of Justice, confirmed that the RPF put African Rights on its payroll in the late 1990s.*

<sup>229</sup> Pierre Weiss and Danielle Helbig. *Mission Report: Republic of Rwanda*. European Commission, 26 June 2000. The annexe of the report lists the persons met by the team in Rwanda. This list includes only two representatives of (other) NGOs. The others are diplomats and politicians.

<sup>230</sup> Original: “Enfin, les auteurs du présent rapport n’ont pas trouvé d’indications significatives, que ce soit dans les archives du SCR ou dans les dossiers de la DCE au Rwanda, concernant un projet mis en oeuvre depuis 1998 par l’ONG “African Rights” et financé sur la ligne B7-7020.” It is unknown how much of the sum originally awarded was disbursed, how or when it was paid or into which account(s), etc.

- Gahima's reaction when I contacted him was: "I was upset by Luc Reydam's article. It misrepresented my views on Rakiya's work on the genocide."<sup>231</sup> Unfortunately he did not wish to elaborate on the matter.

135. (p. 575)

*The new version, which stated the obvious, was a sort of coming out...*

- This is a "non sequitur" fallacy. The "new" mission statement was a simple: "African Rights does not claim to be 'neutral': we advocate on behalf of those suffering injustice and oppression."<sup>232</sup> By "coming out" Reydam means that this statement should be understood as a confirmation for the suspected cooperation with the RPF. How this can be inferred from advocating on behalf of "those suffering injustice and oppression" is not clear.

136. (p. 575)

*AR maintained its NGO façade until the late 2000s when a Rwandan government document was leaked discussing payment of \$100,159 to "Ms. Rakiya" for a book.*

- As discussed earlier, this letter concerned the delivery of a book about the Murambi massacre to the CNLG, an organization which is (officially at least) financially and administratively independent from the central government of Rwanda. At the time (2008) the CNLG cooperated with a number of respectable foreign institutes, including the Dutch Institute for War Documentation (NIOD), the USC Shoah foundation and the Aegis Trust. The Murambi book was delivered on the occasion of a commemoration at Murambi in 2007. Reydam does not make it clear who put up the money for the book. According to Omaar there were donations from a number of non governmental organizations which were handled by the CNLG for administrative purposes, but, as with the alleged malversations with EU funds, it is impossible to verify either story without seeing the original accounts.<sup>233</sup>

137. and 138. (p. 575)

*African Rights has been dormant since and Omaar now publishes as a consultant to the Rwandan government.*

- African Rights has not been dormant since 2008. The organization has produced reports after that and cooperated with the British NGO Redress until 2012.<sup>234</sup> In 2011 AR still had eight researchers on staff, according to the former teamleader of AR.<sup>235</sup>

- The "now" of the private consulting of Omaar also refers to 2008. The project mentioned in *NGO Justice* was funded by foreign donors such as the World Bank and the African Union, that had approached Omaar to do a specific research project on the structure of the FDLR,<sup>236</sup> a consultancy she did separately from AR. Omaar did other consultancies unrelated to Rwanda, such as a case study on peacemaking in Somaliland with a grant from the Carnegie Corporation in New York.<sup>237</sup>

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<sup>231</sup> Email message of 20 December 2016

<sup>232</sup> AR. *Insurgency in the Northwest*, preface. The statement ends with: "With a focus firmly on the interests of the ordinary people whose lives have been damaged by violence, at African Rights we are not afraid of controversy."

<sup>233</sup> Interview by Skype on 12 September 2016

<sup>234</sup> See footnote 85 of *NGO Justice*, which mentions the 2010 report on Major Karangwa by REDRESS and African Rights.

<sup>235</sup> Email message of 2 February 2017

<sup>236</sup> Ilona Eveleens. 2010. "Een les in geschiedenis voor vrijwillig teruggekeerde militiestrijders." *Trouw*, August 9

<sup>237</sup> Omaar, Rakiya. *Seizing the Moment: A Case Study of Conflict and Peacemaking in Somaliland*. Franklin WV: FutureGenerations, 2010.

139. (p. 575)

*To conclude the untold story of African Rights, the partnership between the London-based NGO and the RPF was accidental and opportunistic.*

- NGO Justice provides no verifiable evidence for this alleged partnership, except for a cooperation in 2008 with the CNLG. As genocide scholar Noel Twagiramungu commented: “My major concern with Luc’s piece is that it suffers from the syndrome of post-hoc conclusions, that is, the tendency to use subsequent developments to fill one’s knowledge gaps about initial steps and motivations.”<sup>238</sup>

140. (p. 575)

*Keen judgment on the part of Theogene Rudasingwa played an important role “in bringing her into the RPF orbit.”*

- There is no evidence for this story which is denied by Rakiya Omaar. Rudasingwa, with a political agenda of his own and a history of accusing experts of being on the RPF payroll, is not impartial, nor credible enough to just take his word for it.<sup>239</sup>

141. (p. 575)

*My sense is that Paul Kagame too understood quickly that Omaar and de Waal could be allies and assets.*

- Reaction of de Waal: “I made the point to Reydamas that the RPF was so preoccupied with fighting the war—a war that turned out to be much tougher and bloodier than it had expected-- that it didn't have the time or focus to spend its efforts on organizing a propaganda exercise with a hitherto-unknown foreign human rights organization.”<sup>240</sup>

142. (p. 576)

*Going back to the question whether there was a quid pro quo, the answer is yes. Death, Despair and Defiance was produced with full and active support of the RPF.*

- Reydamas does not specify what he means by “full and active support.” At a conference on 17 September 2016 he suggested that Rudasingwa and Mazimpaka were involved, but no reliable evidence was produced on that occasion either.<sup>241</sup> The only evidence for RPF support during the genocide is that de Waal received a few background documents such as the ‘Ten Commandments of the Hutu’, and that Omaar was protected by a minder during a part of her research.<sup>242</sup> The Ten Commandments were published in *Kangura* years earlier and feature in every book about the genocide.<sup>243</sup>

143. (p. 576)

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<sup>238</sup> Email message of 13 September 2016

<sup>239</sup> See notes 31 and 32; Another remarkable step of Rudasingwa was to accuse his former comrades of the RPF and the RNC (his political party in exile) of genocide, after he lost a struggle over the leadership of the party, see: <http://www.globalresearch.ca/the-new-rwanda-national-congresss-declaration-on-genocide-against-rwanda-hutu/5547110>

<sup>240</sup> Email message of 9 December 2016

<sup>241</sup> A recording of Reydamas’ presentation available at: <http://www.blogtalkradio.com/radioitahuka/2016/09/18/luc-reydamasrakiya-omaarafrican-rights-na-rudasigwa-rpf-bacuruje-genocide>.

At the conference Reydamas introduces a grand conspiracy theory of the secret RPF-AR after remarking that conspiracy theories are not helpful.

<sup>242</sup> See comments at Errors 21, 42, 83, etc.

<sup>243</sup> Kangura. “Appel a la conscience des Bahutu.” *Kangura* No. 6 Gisenyi, December 1990, pp. 6-8

*It is noteworthy that two decades later, de Waal seems to disown the famous “yellow book” on his Fletcher webpage by listing it among his articles...*

- De Waal does not disown *DDD*. When Reydam's suggested this to de Waal, based on the fact that *DDD* was erroneously mentioned as an “article” on the website of The Fletcher School, de Waal replied to him: “I wasn't aware of that entry on my Fletcher faculty page, thanks for alerting me to it and I will get it corrected.”<sup>244</sup> However, the next day Reydam's replied: “The fact that you publicly disown *DDD* suggests that you know it is toxic.”<sup>245</sup>

144. (p. 576)

*Ordinary Rwandans had the chance to tell their story. However, this does not mean that the interviews are complete or truthful, or that the translations and transcriptions are complete or truthful.*

- Reydam's did not investigate the reliability of the testimonies in *DDD* or in any other AR report. This innuendo is unprofessional. The survivors and the three former AR employees I have contacted, and this includes the “former AR collaborator” of *NGO Justice*,<sup>246</sup> all attest to the accuracy of the interviews, despite their overall criticism of how AR was managed.<sup>247</sup>

145. (p. 576)

*This section tries to answer why African Rights did what it did and why we did not see it.*

- The method of *NGO Justice* is to repeat the same pre-conceived conclusions over and over again: in the abstract, in the introductions and the concluding remarks of the sections, in the scenario halfway through, and in the overall conclusions at the end. However, the actual text of *NGO Justice* fails to deliver any substance for the assertions. This is not a basis for speculating about motive.

146. (p. 576)

*I also suggest that once they had crossed the line it was difficult to go back because the Rwanda program was the goose that was laying the golden egg for their fledgling NGO.*

- Here we enter the realm of slander again. To suggest that someone would jump straight in the middle of a raging genocide because it might benefit them financially at some point in the future, not because they sympathized with the victims and wanted to document human rights abuses - as might be expected from human rights activists - may be more revealing of the psyche of the author of *NGO Justice* than of the motivations of the persons he attacks.

147. (p. 576)

*For African Rights, Rwanda was the chance to best the Amnesties and Human Rights Watches and plant its flag in Africa.*

- As noted earlier, Omaar and de Waal had already “planted their flag” before the genocide, with their work at Africa Watch and with the widely publicized controversies regarding Somalia.

148. (p. 576)

*Still in Nairobi, Omaar runs into a senior representative of the rebels who are fighting “to stop the genocide” and “liberate” Rwanda.*

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<sup>244</sup> Email message of 7 October 2014 (De Waal to Reydam's)

<sup>245</sup> Email message of 8 October 2014 (Reydam's to De Waal); See the introduction.

<sup>246</sup> Email message of 18 June 2015

<sup>247</sup> The general criticism of former AR employees is that the organization was constructed on the personality of its director. Two of my respondents hinted at personal “schemes” of Omaar but did not wish to elaborate on the details. The former AR employees and a prominent survivor attested to the high quality of the reports.

- As noted earlier, Omaar denies having had a meeting with Rudasingwa. There's no evidence that they had a personal meeting. Without any corroborating evidence for Rudasingwa's story there's no reason to assume that Omaar lied.

149. (p. 577)

*Omaar convinces herself that this is an exceptional situation—hundreds of thousands are being slaughtered—and that the normal rules of human rights fact finding and reporting do not apply.*

- Which “normal rules of fact finding” would have been neglected by Omaar is not explained.

150. (p. 577)

*Off she goes to Mulindi where the RPF briefs her and provides everything she needs.*

- Omaar went “off” to Ngara in Tanzania with the ICRC and then on to Gahini and Rwamagana in Rwanda, east of Kigali. She did not pass through Mulindi until three weeks later, when she was tagging along with a Reuters crew on her way to Byumba. The journalists and Omaar were treated the same way.<sup>248</sup> BBC reporter Mark Doyle comments: “It is ridiculous to say that the fact of going to Mulindi is to sign up with the RPF agenda.”<sup>249</sup>

151. (p. 577)

*Being on the frontlines and bearing witness always had been her calling.*

- Reydam's creation of this fictional character he confuses with Rakiya Omaar neglects the fact that Omaar was not at the front line for most of her stay in Rwanda but in hospitals and refugee camps.

152. (p. 577)

*She understands and accepts that RPF hospitality comes with certain expectations.*

- NGO Justice does not produce evidence to assume that Omaar accepted RPF hospitality beyond what was needed to survive and do her work, nor do we learn what this hospitality and expectations might have entailed. The international journalists embedded with the RPF could have explained to Reydam's exactly how that worked.<sup>250</sup>

153. (p. 577)

*De Waal in London realizes the stakes and signs on.*

- Reydam's doesn't know what De Waal thought or realized in 1994. He could have asked him personally but he didn't. De Waal comments: “There were many issues with African Rights but being a stooge for the RPF wasn't one of them.”<sup>251</sup>

154. (p. 577)

*Omaar and de Waal work around the clock, knowing that the RPF and their donor expect results.*

- Reydam's continues his conspiracy theory without delivering the evidence to support it.

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<sup>248</sup> See comment of Rakiya Omaar at error no 21 and the comment of Jonathan Clayton at error no 42.

<sup>249</sup> Email message of 18 January 2017

<sup>250</sup> Email message of Koert Lindijer of 2 December 2016: “I read the article and heard the podcast (where he speaks about 'that woman'). I was astonished, even though we live in reactionary times and there is an apparent need for history to be rewritten in right wing populist terms. (...) So, obviously one had to work with the RPF, as if there was another option. This did not make you a sellout, as is implied now.”

<sup>251</sup> Email message of 5 August 2016

155. (p. 577)

*The RPF liked what it saw and thus began an affair that was contingent on AR publishing “friendly” reports.*

- Reydam's does not know what the RPF liked, nor does he prove an “affair.” He does not define what he considers to be “friendly” reports. A comparison of AR reports with the reports of other organizations like Human Rights Watch published in the same period, does not reveal any significant differences. In July 1995 Filip Reyntjens, a fierce critic of the RPF, declared:

“As regards the facts, the report prepared by African Rights in September 1994 appears to me to be the result of a thorough and conscientious investigation. I should also point out that the overwhelming majority of the acts of violence were not spontaneous; they were organized.”<sup>252</sup>

This apparent consensus then would suggest that everyone was part of Reydam's' grand conspiracy, or, alternatively, none of them were. Rakiya Omaar offers a simple explanation for why she was never bothered by the RPF:

“People appreciated that I was there during the genocide. My interest has always been the genocide, my interest has always been: what happened to the survivors? And when you work in a country for a long time, of course you have contacts, of course you have doors open to you. But I believe there is also a fundamental factor that explains this ‘relationship’ and I think it’s the fact that I never had a political agenda. People believe that when you are not obsessively anti-RPF then you are in the pocket of the RPF. It’s very hard. I don’t know anyone who is regarded as ‘neutral’ on Rwanda.”<sup>253</sup>

156. (p. 577)

*For AR, losing its privileges or being barred from entering Rwanda would hurt because the Rwanda program quickly became a cash cow.*

- Again the insinuation of making lots of cash as the primary motivation for wanting to document the genocide. Alison Des Forges was not barred until 2008, so it’s unclear why AR should have feared expulsion before that time. Omaar comments: “Until the very end, Alison Des Forges never had any problems seeing who she wanted. In the end when things became difficult, I think the government actually made a mistake.”<sup>254</sup>

157. (p. 577)

*De Waal was very well aware of the dilemma: “The cost of objectivity can be the inability to operate in a certain country or region. A human rights organization must always be prepared to run the risk of being declared persona non grata.”*

- It’s puzzling how Reydam's can take this contradiction of his theory as a confirmation instead.

158. and 159. (p. 577)

*At least one NGO did, but it was not African Rights. Médecins Sans Frontières, which de Waal had lambasted for exaggerating the death toll of the Kibeho massacre, was expelled in December 1995.*

- As discussed earlier, de Waal did not lambast MSF for exaggerating the death toll of the Kibeho massacre.<sup>255</sup> MSF did not exaggerate the death toll anyway. Reydam's mixes up two unrelated

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<sup>252</sup> Damien Vandermeersch. *Witness testimony of Filip Reyntjens*, Court of First Instance Brussels, 31 July 1995.

<sup>253</sup> Interview by Skype, 12 September 2016

<sup>254</sup> Ibid

<sup>255</sup> See comment at error no 119

discussions in an article by De Waal: one in which MSF is praised for not having ‘elastic morals’ and another in which the NGO GOAL was lambasted for exaggerating the Kibeho death toll.

- Only MSF France was expelled, not the other MSF divisions.<sup>256</sup>

160. (p. 577)

*The lesson and signal was that friendly writers were rewarded with exclusive access to the RPF leadership and “critical” ones denounced and barred.*

- This is a false dilemma, as if only two opposite options existed. See the example of Alison Des Forges, who was critical but still had access and was not barred until 2008.

161. (p. 578)

*Why did we not see that Death, Despair and Defiance had RPF written all over it?*

- This suggestion is unfounded. As noted in several comments before, the contents of *DDD* did not differ very much from the publications of others.

162. (p. 578)

*... some readers might have confused African Rights with Africa Watch.*

- Reydam's does not support this assumption with examples of confused readers aside from himself. It's unclear why it would be a problem knowing that the directors of Africa Watch and African Rights were the same individuals.

163. (p. 578)

*Those who read all 750 (later 1,200) pages probably had no time or energy left to question it.*

- The 1995 book by André Guichaoua counts 794 pages. HRW's *Leave None to Tell the Story* is 789 pages. The book by Jacques Morel is 1565 pages.<sup>257</sup> Reydam's statement is tendentious because he has not done a survey among readers and therefore cannot know what they think or feel about the length of books on the genocide. Reydam's takes himself as a reference again, probably assuming he represents the average reader. However, having no energy left after reading 742 pages is peculiar for a law professor who should be used to reading this amount of pages on a regular basis. Many ICTR judgments are about the same length as *DDD*. The trial judgment of the Butare case alone counts nearly 1600 pages. Reydam's does not make it clear what exactly needs to be questioned either, as has been discussed in the previous 162 comments.

164. (p. 578)

*Best placed to know that things were not quite what they seemed were the people of Human Rights Watch and Amnesty International.*

- Reydam's did not ask these organizations if they “knew that things were not what they seemed,” or if they considered that. It should be sufficient to note that HRW used nearly all AR reports as sources for their own reports, including the Murambi book and the consultancy work Omaar did in a personal capacity.

165. (p. 578-579)

*Why did they remain silent, especially after AR attacked them publicly?*

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<sup>256</sup> See comment at error no 120 and note 213

<sup>257</sup> Jacques Morel. *La France au coeur du génocide des Tutsis*. 2015 (rev. ed.)

- They didn't remain silent.<sup>258</sup> *NGO Justice* itself presents examples of public debate: the response of Amnesty International to the critique in *The Insurgency in the Northwest* and the public response to Alex de Waal by Kenneth Roth.

166. (p. 579)

*The two establishment NGOs probably judged that it was wiser to ignore the noisy start-up.*

- See the previous two comments, to which might be added that in 1993 AR might have been viewed as a noisy startup with the controversy of the peacekeepers in Somalia, but this does not apply for the years after the genocide.

167. (p. 579)

*I have established that Death, Despair and Defiance was produced in partnership with the RPF.*

- Repeating this accusation 'ad nauseam' doesn't make it a fact. As demonstrated in the previous 166 comments, no evidence for a partnership is presented in *NGO Justice*.

168. (p. 579)

*For former RPF Secretary General Rudasingwa, there is no doubt: "the return on investment for the RPF has been enormous." This section tries to understand what he meant.*

- Rudasingwa is not a reliable source,<sup>259</sup> but even if he was, we would still need more than his word to establish the truth. So far his suggestions remain unsubstantiated. In a peer reviewed journal we expect something better than vague statements from a politician without hearing the other side.

169. (p. 579)

*"The Bible," as Death, Despair and Defiance was referred to in the early years of the ICTR, came out before there even was an international tribunal.*

- As demonstrated before, *DDD* was not called "The Bible" at the ICTR according to my ICTR sources. This catch phrase was introduced by Reydams himself at a conference in 2014.<sup>260</sup>

170. (p. 579)

*Among the first persons to drop in there was African Rights co-director Rakiya Omaar, who herself had just opened shop in Kigali.*

- This is not true. Reydams refers to an interview of Rakiya Omaar with Richard Goldstone, the first chief prosecutor of the ICTR. But that interview was conducted in The Hague, not at the ICTR in Kigali.<sup>261</sup> One of the first persons to drop in there was in fact Alison des Forges.

171. (p. 579-580)

*With the exception of the Canadians, they did not speak or read French, which meant that most literature on Rwandan history and the recent crisis was not accessible to them.*

- Another wrong assumption. The Dutch investigators (qualified police inspectors) were trained in the French language as part of the preparation of their work at the ICTR. Some of them were fluent

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<sup>258</sup> See error No 126

<sup>259</sup> See error No 1

<sup>260</sup> See note 66

<sup>261</sup> Email message of 7 February 2017

already. There were also Swiss and Belgians and other native French speakers at the OTP, as well as a team of translators.<sup>262</sup>

172. (p. 580)

*Available in English were four reports by the UN Special Rapporteur on Rwanda, the Final Report of the Commission of Experts established by the Security Council, and two NGO reports.*

- This shows that Reydams has no clue about the available information in 1994-1995. Several books in English and Dutch were published in 1994 and there were of course many more reports of NGOs than the two mentioned by Reydams.<sup>263</sup> Human Rights Watch alone published several reports and a multitude of articles and press releases in 1994.<sup>264</sup> Their production continued in 1995,<sup>265</sup> and was joined by many other experts. The investigators also received a database containing some 5500 official documents, they had access to the media reports of press agencies such as Reuters, and to news archives like LexisNexis.<sup>266</sup>

More important than all this aimless speculating by Reydams is that he overlooks the fact that Alison Des Forges of HRW became involved with the ICTR immediately in 1995. Her first Expert Report for the ICTR is dated 25 May 1995. She also held presentations for the investigators, and acted as the star witness for the prosecution during the first ICTR trial in February 1997.<sup>267</sup>

173. (p. 580)

*Then there was Death, Despair and Defiance with over a thousand pages and the names of hundreds of “killers” and detailed interviews with survivors and witnesses.*

- Reydams refers to the second edition of *DDD*, but that version was not added to the ICTR library until 1999 as far as I can tell.<sup>268</sup> Sara Darehshori, the former prosecutor I interviewed, says she didn't even know there was a second edition. “Either way, we didn't use it to find witnesses to my knowledge,” according to Darehshori.<sup>269</sup>

174. (p. 580)

*The book seemed of much more practical value than the other reports.*

- Reydams is making this up, see previous comment. The investigators I interviewed mentioned *DDD* as one of the open sources they used for context and to establish a timeline, but not for specific content such as the identification of witnesses or perpetrators. The former teamleader explained:

“Death, despair and defiance was used, but mainly for context and timeline-research. The book by

<sup>262</sup> See error No 15

<sup>263</sup> See comment at error No 13

<sup>264</sup> See notes 24-26; After the genocide HRW published more reports: *The Aftermath of Genocide* (September '94) and *Rwanda, a new catasrophe?* (December '94)

<sup>265</sup> Alison Des Forges. “The ideology of genocide.” *Issue: A Journal of Opinion*, Vol. 23, No. 2. 20 January 1995, pp. 44-47; HRW - *Playing the Communal Card*. New York, 1995; Human Rights Watch Arms Project. *Rwanda/Zaire: Rearming with impunity. International support for the perpetrators of the Rwandan genocide*. New York/Washington, May 1995; etc.

<sup>266</sup> Email message of

<sup>267</sup> Email messages of 9 March 2017 and 1 February 2017; ICTR. *Alison Des Forges, PhD, Examination in Chief*. Case No. ICTR-96-4-T (Pros. vs Akayesu), Witness testimonies of 11-13 and 18 February 1997; *Cross examination* of 21-24 February 1997.

<sup>268</sup> ICTR Library Database. CALLNO: 99UA025 ICTR. *ICTR Quarterly Bibliography*, no.3, December 1999, p. 59

<sup>269</sup> Email message of 1 February 2017

Els de Temmerman also contains an almost day to day description of what happened in Rwanda. But in the context of a police investigation they remained open sources. Even if we found relevant information in an open source we still went through the whole research procedure from start to finish ourselves. This involved a police inquiry and forensic research. We had also had countless photographs of victims and crime scenes. Without going into details, we had witnesses telling us who had killed 'opponents' and where the victims were buried. If the details of the testimonies about victims and murder weapons matched what we found in the graves that would underpin their reliability. A book may offer clues but everything else is done in the field: interrogating witnesses and collecting forensic evidence.”<sup>270</sup>

175. (p. 580)

*“The African Rights report was on every desk in the Office of the Prosecutor of the ICTR,” a frequent visitor of the tribunal told me.*

- Reydamas emphasizes the word “every” in *NGO Justice*, meaning he takes the remark literally. But his source Filip Reyntjens – the frequent visitor - commented that he had meant this ironically, as a matter of speech, not as a literal truth.<sup>271</sup> Reydamas’ habit of highlighting a single source, in this case *DDD*, to obscure all the other ones, is misleading.

176. (p. 580)

*Lots of investigators were Dutch, and they considered it as their bible.”*

- Here’s the misleading catch phrase again. In *NGO Justice* the “bible” story is attributed to an email Reydamas says he received from an anonymous former ICTR investigator, dated 19 October 2014. However, Reydamas had already introduced the catch phrase at a conference three weeks earlier.<sup>272</sup>

177. (p. 580)

*To my recollection, she was met by ICTR investigators at the early beginning of the work in 1995.*

- This hearsay is not confirmed by Omaar, who denies it.<sup>273</sup> Also see the next comment.

178. (p. 580)

*The request to access her sources was never successful and the relation with her became difficult.*

- According to my ICTR sources they did not need access to Omaar’s sources because they did not use *DDD* to identify witnesses. Because Rakiya Omaar denies having been asked for her fieldnotes, I asked Sara Darehshori of the OTP if her office ever contacted AR, either Omaar personally or the former AR collaborator in Kigali.

“Not as far as I know,” Darehshori answered. “Others may have without my knowledge but I never heard of meetings with [the former AR collaborator].”<sup>274</sup>

179. (p. 580)

*Her links to RPF became quite obvious in subsequent reports on protection of witnesses and other stuff, with no words at all on the RPF’s own crimes.*

- This is not true. It’s a misconception that AR ignored the RPF’s own crimes, either in *DDD* or subsequent reports. The information on RPF crimes in *DDD* was up to date, citing the most recent

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<sup>270</sup> Email message of 9 March 2017

<sup>271</sup> Email message of 7 February 2017

<sup>272</sup> See error No 15

<sup>273</sup> Email message of 3 October 2014 (Omaar to Reydamas)

<sup>274</sup> Email message of 1 February 2017

information published by Human Rights Watch. Today’s critics who look back in time tend to forget that beyond this information not a lot was available in September ’94.

Of the “subsequent” reports, *The Insurgency in the Northwest* dedicates a whole chapter to RPF abuses. *DDD* contains a section which discusses the shelling of hospitals and residential areas and vengeance killings, and reports a massacre committed by the RPF.<sup>275</sup> The fact that Rakiya Omaar did not get to investigate RPF abuses in May and June 1994 is noted in *DDD*. For this aspect the book depends on the reports of other observers. However, as Chris McGreal reported in August ’94 in *The Guardian*, the manipulation of witnesses made reliable information hard to come by.<sup>276</sup>

Mark Fritz writes me in an email: “For roughly a month after the Tutsi victory, I spent most of my time hunting down reprisals in southern Rwanda. (...) I never found a smoking gun that showed systematic reprisals against the Hutu. One of the sources of these allegations was a Belgian priest who had rumors but not much else.”<sup>277</sup> Similar experiences have been reported by Andrew Carney of PHR,<sup>278</sup> and US military adviser Thomas Odom. Odom took part in a number of fieldtrips to investigate reports of systematic slaughter by the RPF in September ’94 but could not confirm the allegations.<sup>279</sup>

The general perception at that time was that the RPF’s abuses, although numbering thousands of deaths, paled in the light of the genocide. The interpretation of the RPF violence was still debated.<sup>280</sup> In October ’94 Amnesty International did focus on human rights abuses by the RPF, but their report was published three weeks after *DDD*.<sup>281</sup>

In contradiction to RPF doctrine, *DDD* condemns the RPF invasion of 1990: “The RPF invasion of 1 October 1990 was the single most important factor in escalating the political polarization of Rwanda, and plunging it into a war that displaced hundreds of thousands of people.”<sup>282</sup>

*DDD* even argues that the former regime was obliged to respond to the threat posed by the RPF invasion and was justified in calling in the assistance of the French army. However, AR did not agree with the opinion of some scholars that the invasion had somehow provoked the genocide: “Politically, the invasion was a provocation, but legally and ethically there is no defence of the governmental abuses that followed.”<sup>283</sup>

180. (p. 580-581)

*For the investigators (including myself) who had read other stuff and did some work on the RPF...*

- Another contradiction. This ICTR investigator says that he had read *DDD* but was not impressed by it, and that he “did some work” on the RPF. So apparently the investigators were not primed by *DDD*

<sup>275</sup> See comment at errors No 7 and 70

<sup>276</sup> Chris McGreal. 1994. “Wounded man’s tale fills Hutu refugees with horror.” *The Guardian*, August 23.

<sup>277</sup> Email message of 27 February 2017

<sup>278</sup> Andrew Carney. 1994 “The RPF and human rights in Rwanda.” *The Independent*, August 5. Carney notes: “We travelled extensively in Rwanda and while we met many hundreds of the victims of the Interahamwe militias, we could find no evidence of any major or systematic human rights abuses by the RPF.”

<sup>279</sup> UNHCR Emergency Repatriation Team, see note 79; Thomas P. Odom. *Journey into Darkness: Genocide in Rwanda*. College Station, 2005, pp. 173-177. According to Odom: “We briefed the force commander on each of these trips, he made the atrocity investigation a priority for all UNAMIR contingents, especially the U.N. military observers. No one uncovered evidence that the RPF as the new government had ordered the systematic slaughter of civilians in the countryside.”

<sup>280</sup> See comments at error no 70

<sup>281</sup> Amnesty International. *Reports of Killings and Abductions by the Rwandese Patriotic Army, April-August 1994*. London, 20 October 1994. AI Index: AFR 47/16/94

<sup>282</sup> AR. *DDD*, p. 628

<sup>283</sup> *Ibid* at p. 633

and they did investigate the RPF at an early stage.<sup>284</sup> This information, although it upsets Reydams’ theory, does not lead him to adopt new insights which is consistent with hypothesis myopia. See also the next error, which rationalizes the contradiction.

181. (p. 581)

*Although the practical contribution of Death, Despair and Defiance to the work of the ICTR seems to have been modest, the first generation of investigators and possibly also the first Chief Prosecutor were “primed” by it.*

- This conclusion is contradicting the statements of Reydams’ own ICTR source, and those of my three sources as well. They all reject the suggestion that the ICTR was primed by *DDD*.

182. (p. 581)

*I wonder, moreover, whether Chapter 2—titled “Preparing for the Apocalypse”— did not trigger the ambition in the Office of the Prosecutor to prove a grand conspiracy with Colonel Théoneste Bagosora at the center.*

- Mark Fritz first published an article titled “Planning for the Apocalypse” on 20 May 1994, in which he cites minister Marc Rugenera on Bagosora’s famous remark. This is four months before *DDD* was released.<sup>285</sup> As noted several times before, by the time *DDD* was published, Bagosora was already regarded to have played a major role in the genocide. According to Sara Darehshori the Chief prosecutor had a different priority:

“We initially identified suspects by looking at the different branches of gov/military involved and their hierarchy but then arrests were made in Zambia and we got sidetracked with those (Akayesu, Rutaganda) because the prosecutor was eager to start trials after ICTY had such difficulty getting suspects.”<sup>286</sup>

An overlooked element in this discussion is Bagosora’s own publications. In 1995 he wrote a paranoid, resentful and racist paper to explain that the killing of Tutsi civilians, Hutu politicians and Belgian peacekeepers had been inevitable.<sup>287</sup> He illustrated his argumentation with a massacre that took place in 1963.<sup>288</sup> Bagosora, who had taken part in that campaign, claimed the killing had been provoked by “unrepentant individuals” even though they were forewarned by a message of president Kayibanda, from which he quotes: “Assuming you managed to blast your way into Kigali, just imagine the chaos of which you would be the first victims. (...) That would be the definitive end of the Tutsi race”.<sup>289</sup>

The assassination of president Habyarimana, Bagosora wrote, must be regarded as “the ultimate provocation”, thereby turning Kayibanda’s prophesy into an instruction.<sup>290</sup>

183. (p. 581)

*The first report to allege and “document” a conspiracy and identify Bagosora as the mastermind was in fact Death, Despair and Defiance.*

<sup>284</sup> This corroborates the information of Sara Darehshori - see comment at error No 5 - that the RPF was (secretly) investigated, but that practical circumstances made it very difficult to continue.

<sup>285</sup> See error No 57

<sup>286</sup> Email message of 31 Januari 2017

<sup>287</sup> Theoneste Bagosora. *President Habyarimana’s Assassination or The Final Tutsi Operation to Regain Power in Rwanda Using Force* (Translation of French original). Youndé, 30 October 1995

<sup>288</sup> According to Human Rights Watch 10.000 Tutsi were killed in this massacre, see HRW, *Playing The “Communal Card”*, 1995, p. 8

<sup>289</sup> Bagosora, *l’Assassinat Du President*, p. 16. (Translation by ICTR).

<sup>290</sup> *Ibid.*, p. 17. (Translation by ICTR).

- Again, this is not true. The first report to allege and document pre-planned genocide was *Genocide in Rwanda* by HRW and we can even trace it back further. Just as *DDD* four months later, the HRW report identifies three responsible groups: military leaders (for training and arming the militia), political authorities (distributing weapons), and the owners and directors of RTLM radio (the campaign of hate-filled propaganda). Bagosora is named as one of the key figures in both *DDD* and *Genocide in Rwanda* but these reports do not qualify him as *the* mastermind. However, Bagosora was one of the three or four extremists who were consistently denounced by HRW and Alison Des Forges, starting with the letter of Kenneth Roth of 19 April '94.<sup>291</sup>

184. (p. 581)

*One of the sources of the UN Commission was Death, Despair and Defiance.*

- *NGO Justice* is dragging the reader further into its tunnel-vision by pointing a spotlight on *DDD* as a source of the UN Commission of Experts, thereby obscuring all other sources. However, the UN report states that ... “A large number of non-governmental organizations submitted reports to the Commission.”<sup>292</sup> In fact eighteen of these NGOs - plus the ICRC - are mentioned by name: African Rights, Amnesty International, MSF, FIDH, Oxfam, Reporters sans Frontieres, etc. It's misleading to suggest that *DDD* was mainly responsible for the conclusions of the Commission of Experts.

185. (p. 581)

*From then on the story of Bagosora as arch villain took on a life of its own.*

- Bagosora was implied by Kenneth Roth, Alison Des Forges and others as early as mid April 1994.<sup>293</sup> If we consider that Gérard Prunier named Bagosora as the main culprit in July '94, it is clear that the story had already “taken on a life of its own” months before *DDD* was published. In fact the first major source in English to actually isolate Bagosora as the “general organiser of the whole operation,” is Prunier's book *The Rwanda Crisis, History of a genocide*.<sup>294</sup>

186. (p. 581)

*The accompanying footnotes refer to Death, Despair and Defiance among the human rights reports and to Rakiya Omaar among the “independent observers.”*

- While discussing Gérard Prunier's 1995 book, Reydams applies the same tunnel-vision as in error No. 184. The spotlight is directed at *DDD* and Rakiya Omaar again. However, Prunier refers to a great number of other sources as well.<sup>295</sup>

187. (p. 581)

*Meanwhile the story kept snowballing in the media and even inspired the titles of some books.*

- An embarrassing mistake here. The accompanying footnote in *NGO Justice* refers to General Dallaire's book *Shake Hands With the Devil*. However, the title of this book refers to a meeting with

<sup>291</sup> See introduction and comment at error No 6

<sup>292</sup> UN Security Council. *Final report of the Commission of Experts established pursuant to Security Council resolution 935 (1994)*. UN doc. S/1994/1405, § 46, 48

<sup>293</sup> See the introduction and the comment at error No 6

<sup>294</sup> Gérard Prunier. 1994. “La Crise Rwandaise: Structures et Deroulement.” *Refworld*, July 24. Available at: <http://www.refworld.org/docid/3ae6a6c28.html> ; Gérard Prunier. *The Rwanda Crisis: History of a Genocide*. London 1995, p. 240

<sup>295</sup> Prunier. *The Rwanda Crisis*, p. 240. Footnotes 46 and 47 mention sources like Human Rights Watch, French army officers, UNHCR officials, NGO staff members, ICRC officials and ten specific individuals, besides *DDD* and Rakiya Omaar.

Robert Kajuga of the Interahamwe and two of his fellow militiamen on 1 May '94, not to Bagosora. Bagosora introduced Dallaire to Kajuga but left soon after the meeting had started. Dallaire notes:

“I nearly lost my composure when I noticed that the middle guy’s open-collared white shirt was spattered with dried blood. There were small flecks on his right arm as we shook hands.”<sup>296</sup>

On the next page Dallaire mentions shaking their hands again before he left the meeting. He continues with a reflection on his negotiations with Kajuga:

“On the way back to the Force HQ, I felt that I had shaken hands with the devil. We had actually exchanged pleasantries. I had given him an opportunity to take pride in his disgusting work. I felt guilty of evil deeds myself since I had actually negotiated with him.”

188. (p. 582)

*But “Rwanda’s Himmler,” as The Guardian’s Chris McGreal called him, eventually was acquitted of conspiracy and any direct role in the genocide.*

- Bagosora was convicted of genocide and six other crimes against humanity. He was acquitted of *conspiring with the three co-accused*. There were several reasons for this. According to the trial judgment: “When based on circumstantial evidence, the finding of a conspiracy must be the only reasonable inference based on the totality of the evidence.”<sup>297</sup>

With the fading memories of witnesses more than ten years after the facts, the narrow mandate of the ICTR and no incontestable physical evidence, a conviction for conspiracy was practically impossible. “One would not expect conspirators to keep diaries or minutes of their meetings, nor to draft memos on their actions during, say, the early morning of Apr. 7,” according to Filip Reyntjens.<sup>298</sup>

189. (p. 582)

*The genocide-as-conspiracy narrative, which African Rights helped to propagate, failed to convince the judges.*

- This is misleading for several reasons, mainly because there has been no trial to establish the validity of the genocide-as-conspiracy narrative. Besides, an absence of evidence is not evidence of absence. The judges in the Bagosora case explain this clearly:

“At the outset, the Chamber emphasises that the question under consideration is not whether there was a plan or conspiracy to commit genocide in Rwanda.”<sup>299</sup> And: “Having considered the elements mentioned by the Prosecution (...) the Chamber cannot exclude that there were in fact plans prior to 6 April to commit genocide in Rwanda.”<sup>300</sup>

The dilemma caused by restrictions like the temporal jurisdiction and the need to prove a conspiracy to be the only reasonable inference was also explained in the Media trial:

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<sup>296</sup> Romeo Dallaire and Brent Beardsley. *Shake hands with the devil: the failure of humanity in Rwanda*. Toronto 2003, pp. 346-347

<sup>297</sup> ICTR. *Prosecutor vs Bagosora et al.* International Criminal Tribunal for Rwanda, Case No. ICTR-98-41-T § 2088, 18 December 2008

<sup>298</sup> Filip Reyntjens. 1997. “Rwanda: ‘The Planner Of The Apocalypse’- The Case Against Bagosora.” *Inter Press Service* (internet), February 28. <http://www.ipsnews.net/1997/02/rwanda-the-planner-of-apocalypse-the-case-against-bagosora/>.

<sup>299</sup> ICTR. *Prosecutor vs Bagosora*, § 2092

<sup>300</sup> *Ibid* at § 2107

“There is no doubt, in the Appeals Chamber's view, that the aforementioned factual findings are compatible with the existence of "a joint agenda" aiming at committing genocide. However, it is not the only reasonable inference.”<sup>301</sup>

Reydams also ignores that the Bagosora judgment refers to Alison Des Forges and Filip Reyntjens as sources hundreds of times. AR on the other hand is not mentioned even once.

190. (p. 582)

*Death, Despair and Defiance is cited in at least 363 academic publications and reviewed in at least four.*

- This is also misleading. The context is the impact of *DDD* during the first years after the genocide, which according to Reydams was big enough to lead to RPF impunity and the indictment of Bagosora. However, in 1994 *DDD* was cited only twice, in 1995 six times, in 1996 twelve times. By that time the main culprits were either being chased or - like Bagosora - already in custody.

In fact we have very little information on the distribution of *DDD*. *NGO Justice* points out the fact that it was self-published which means it was not widely available. How many copies were printed and sold? We are not told. Is *DDD* in any way comparable to the books of Gerard Prunier, Alison Des Forges and Mahmood Mamdani, each cited a few thousand times in the scholarly literature? We are kept guessing.

191. (p. 582)

*Only the fourth review, Treacherous Waters: The Politics of History and the Politics of Genocide in Rwanda and Burundi (2000) by Villia Jefremovas, was critical...*

- Here we have another example of hind sight bias. Reydams points at four reviews of *DDD* and remarks that only the last one is critical. He forgets that with the passing of time more information became available and a more complete picture evolved. By the year 2000, when Jefremovas wrote her review, some disturbing events had taken place involving the RPF, like the Congo wars, that had caused a radical shift in the way the new regime was appreciated. Some scholars who had been sympathetic towards the RPF in 1994 now became critical and they gradually seemed to prefer the idea that they had always been critics. Documents like *DDD* that had focused almost exclusively on describing the genocide from a survivors' point of view were suddenly perceived to be uncritical of RPF war crimes. Explanations of the rationale of RPF strategies now seemed to have been expressions of bias rather than balance.

This new found wisdom ignored how little information was available in 1994.<sup>302</sup> Jefremovas focuses her critique mainly on the accuracy of the historical and political context provided in *DDD*, and notes that *DDD* wrote uncritically about RPF killings, unlike *Leave None to Tell the Story*, the book she advises to be preferred reading over *DDD*.<sup>303</sup> But even *Leave None to Tell the Story* states that only one massacre by RPF forces was documented in detail in September '94,<sup>304</sup> which is mentioned in *DDD*, and that many stories of atrocities by RPF forces told by Hutu refugees were “propaganda from the interim government.”<sup>305</sup> If Alison Des Forges wrote this in 1999, how could African Rights be expected to have written anything else in the summer of 1994?

<sup>301</sup> ICTR. *Nahimana et al v. The Prosecutor* (Appeal Judgement). International Criminal Tribunal for Rwanda, Case No ICTR-99-52-A, § 910, 28 Nov. 2007

<sup>302</sup> See comments at error No 179

<sup>303</sup> Villia Jefremovas. “Treacherous Waters The Politics of History and the Politics of Genocide in Rwanda and Burundi.” *Africa: Journal of the International African Institute*, Vol. 70, No. 2. 2000, pp.298-308

<sup>304</sup> *Leave None to Tell the Story*, p. 708

<sup>305</sup> *Ibid* at p. 702

192. (p. 582)

... but by then *Death, Despair and Defiance* long had trickled down in numerous publications, such as Prunier's widely read *The Rwanda Crisis: History of a Genocide*.

- Reydam's forgets that Prunier had already published the genocide-as-conspiracy narrative with Bagosora at the centre in July '94, more than two months before *DDD* was published.<sup>306</sup> In that article Prunier wrote: "Le principal responsable semble avoir été le Colonel Théogène Bagosora, Directeur de Cabinet au Ministère de la Défense..."

193. (p. 583)

*Rwanda experts, like Jefremovas and Alison Des Forges, were aware of the "treacherous waters" and took their time.*

- Perhaps Jefremovas postponed, but Alison Des Forges did not wait at all. As demonstrated earlier, together with her colleagues at HRW, she published the genocide-as-conspiracy narrative in numerous articles, press releases, speeches and reports, long before *DDD* was released.<sup>307</sup> Des Forges and HRW were not alone either. Experts like David and Catharine Newbury, René Lemarchand and Gérard Prunier published similar narratives between April and July '94.<sup>308</sup> Others, like Reyntjens, followed shortly afterwards.<sup>309</sup> Des Forges also wrote the first expert report for the ICTR in May 1995, shared her information with the ICTR investigators and prosecutors, and testified at the first trial.<sup>310</sup>

194. (p. 582 fn 147)

*However, the former cites the latter forty-two times and also identifies Bagosora as the mastermind of the genocide.*

- This is misleading. It is true that *DDD* is cited in *Leave None to Tell the Story*, just as the earlier HRW reports are cited in *DDD*. However, none of the *DDD* citations in *Leave None to Tell the Story* are about Bagosora. Reydam's remark also repeats the tunnel-vision described in the comments at errors 184 and 186: highlighting one source to suggest a major influence and ignoring a multitude of other sources.

195. (p. 583)

*Vansina did not mention Death, Despair and Defiance but if there is one book that fits the label "preemptive," it is Death, Despair and Defiance.*

- *DDD* was not preemptive as far as the survivor testimonies are concerned. For the rest it reflects the main themes as they were understood at the time by a researcher with first hand experience on the ground. New insights develop over time but not all of them are necessarily improvements.

196. (p. 583)

*Subsequent African Rights Rwanda reports were also picked up by British media. Raymond Bonner briefed Guardian readers about a report accusing religious figures...*

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<sup>306</sup> See error No 185

<sup>307</sup> See notes 24-26

<sup>308</sup> See Appendix 2.

<sup>309</sup> See note 125

<sup>310</sup> See note 267

- Reydam's suggests there was something wrong with these subsequent reports but he neglects to specify what their flaws might have been. Interestingly, the article by Raymond Bonner contains the following quote from the AR report on the complicity of the clergy:

"Even more than its silence, the churches must answer for the active complicity of some of its priests, pastors and nuns in the genocide."

It finally took until 2016 for the churches in Rwanda, and until 2017 for the Pope in Rome, but they eventually acknowledged the involvement of priests, pastors and nuns in the genocide, and begged the Rwandan people forgiveness.<sup>311</sup>

197. (p. 584)

*Death, Despair and Defiance also primed the author of another bible of sorts on the Rwanda genocide.*

- Here is the tunnel-vision again regarding sources, this time highlighting Omaar as a source of Philip Gourevitch.<sup>312</sup> But, just as with the other examples, Gourevitch consulted “hundreds of Rwandans” and “a great variety of writings on Rwanda.”<sup>313</sup> Especially acknowledged in the book are these eleven authors: Colette Braeckmann, Jean-Pierre Chrétien, Alain Destexhe, Alison Des Forges, André Guichaoua, René Lemarchand, Louis de Lacger, Catharine Newbury, Rakiya Omaar, Gérard Prunier, and Filip Reyntjens. Note that Gourevitch quotes Alison Des Forges several times in his famous 1995 article *After the Genocide*, in which no reference to *DDD* or African Rights is made.<sup>314</sup>

198. (p. 584)

*Kigali being a small city, it would have been a surprise had their paths not crossed.*

- Omaar was based in London so it would not have been a big surprise.

199. (p. 584)

*It was too late to ask why he denied meeting Omaar. ... In a subsequent email he recalled stopping by the AR Kigali office “on a couple of occasions.”*

- Gourevitch did not deny meeting Rakiya Omaar. What he said was he did not meet Omaar in 1995 when he picked up a copy of *DDD*. In his book *We Wish To Inform You that Tomorrow We Will Be Killed With Our Families*, he describes speaking to an AR employee,<sup>315</sup> which indicates that he did stop at the office, not that Omaar was present.

200. (p. 584-585)

*Even if they never met, the Rwandan journeys of Gourevitch and Omaar show interesting similarities and provide further insight into the way the RPF enlisted ambitious, talented, and well-connected foreigners.*

- *NGO Justice* fails to deliver any verifiable facts to support his “enlistment” theory. The suggestions, although repeated many times, are not facts and do not hold up under scrutiny.

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<sup>311</sup> Cindy Wooden. 2017. “Pope apologizes for Catholics' participation in Rwanda genocide.” *Catholic News Service*, March 20. Available at: <http://www.catholicnews.com/services/englishnews/2017/pope-apologizes-for-catholics-participation-in-rwanda-genocide.cfm>

<sup>312</sup> See errors 184, 186 and 194

<sup>313</sup> Philip Gourevitch. *We wish to inform you that tomorrow we will be killed with our families, stories from Rwanda*. London, 2000, p. 355.

<sup>314</sup> Philip Gourevitch. 1995. “After the genocide.” *The New Yorker*, December 18

<sup>315</sup> Gourevitch, *We wish to inform you*, at p. 316

201. and 202. (p. 585)

*The subtitle and introduction of After the Genocide suggest a different reality: a million killed, all Tutsi. (This later became the official version in Rwanda.)*

- Not true. Gourevitch did not write that the victims were all Tutsi.

- Neither did the RPF. The number of a million victims was published by the RPF in July 1994, in a booklet authored by Theogene Rudasingwa with the title *Rwanda: Background to Genocide*.<sup>316</sup> Reydams' suggestion of a connection between Gourevitch's article and the RPF is not further explained in *NGO Justice*. This appears to be another one of Reydams' 'ante hoc' fallacies.<sup>317</sup>

It should be noted that in June/July '94 the RPF did not describe the victims as exclusively Tutsi. *Background to Genocide* states: "Although the Tutsi community has been singled out as a candidate for extermination, Rwandese of other ethnicities have equally been victims of the atrocities."<sup>318</sup>

In fact, in April 2017 the official Kwibuka website still notes that ... "Many Hutus who opposed the genocide were also killed. These include politicians and civil leaders, as well as ordinary people. Their sacrifice is honoured on 13 April as part of the annual commemoration."<sup>319</sup>

203. (p. 585)

*This brings us to the next point. After the Genocide omits the second part of the conclusion of the UN Commission of Experts, in other words, that the RPF had committed war crimes and crimes against humanity.*

- Gourevitch actually writes: "Hutu Power leaders pointed out that Tutsis, and especially RPA soldiers, seemed to have no problem identifying Hutus for the revenge killings that were reported to be taking place in Rwanda on a daily basis, or for arrest as suspected participants in the genocide."<sup>320</sup>

Gourevitch also mentioned that the crisis was triggered when the RPF attacked from Uganda, he discussed the Kibeho massacre committed by RPF soldiers, as well as the appalling prison situation in Rwanda, the practice of double-speak by both sides, and that "...the RPF and the new government it leads depend on the genocide to justify their rule."<sup>321</sup>

These are not aspects that come across as particularly favorable for the RPF. Besides, there is the issue of hind-sight bias again. Gourevitch did not have much to go on at the time of writing. Even the Commission of Experts noted that "...allegations concerning these acts [RPF crimes] should be investigated further."<sup>322</sup> The Commission added that it had not found evidence that killings by RPF soldiers ... "were systematic, or were sponsored, or even approved of, by Government officials or army commanders."<sup>323</sup>

<sup>316</sup> Theogene Rudasingwa. *Rwanda: Background to Genocide*. Kampala: RPF, June/July 1994, p. 18

<sup>317</sup> See errors no 25 and 67 for the most obvious example of the *ante hoc ergo propter hoc* fallacy. Such examples show that no peer review was applied by the journal because no specific knowledge is needed to detect them. There are several other examples in *NGO Justice*: Authors who wrote about the 'grand narrative' before 29 September 1994, but are said to have been 'primed' by DDD, are cases in point.

<sup>318</sup> RPF. *Background to genocide*, p. 19

<sup>319</sup> Kwibuka, *Four key facts about the 1994 genocide*, see: <https://kwibuka.rw/learn/four-key-facts-about-1994-genocide/>

<sup>320</sup> See note 314

<sup>321</sup> Ibid

<sup>322</sup> *Final report of the Commission of Experts* § 95. See note 292

<sup>323</sup> Ibid at § 98

204. (p. 585)

*Also noteworthy is that After the Genocide generously quotes top RPF officials such as Paul Kagame, Claude Dusaidi, Tito Rutaremara, and Charles Murigande.*

- Another conspicuous contradiction. Reydams suspects Gourevitch of ties with the RPF *for quoting* RPF officials, while African Rights is suspected of the same *for not quoting* RPF officials.<sup>324</sup> Gourevitch did not exclusively quote RPF officials. He also quotes exiled former government officials, Alison Des Forges, and a variety of other people.<sup>325</sup>

205. (p. 585)

*Finally, the article mentions en passant that “international investigators” believe that the assassination of President Habyarimana was “a job sponsored by members of the Hutu Power entourage.”*

- Gourevitch did not report what the investigators “believed”, but that “...at the moment the bulk of circumstantial evidence collected by international investigators points to a job sponsored by members of the Hutu Power entourage.”<sup>326</sup> This was the consensus view at the time and, incidentally, is again today. It should be noted that the results of forensic research by Oosterlinck et al, published in 2012,<sup>327</sup> confirmed eyewitness accounts of April 1994.<sup>328</sup> The Washington Post quotes Alison Des Forges as early as 12 April 1994 saying: “At the heart of this it was a coup d’etat” by Hutu hard-liners.<sup>329</sup> These facts may be disturbing Reydams’ own beliefs but they do not qualify as pro-RPF propaganda.

206. (p. 585)

*The return for the RPF and Kagame personally was enormous.*

- Aside from an interview Gourevitch did with Kagame, Reydams does not explain what the “enormous return” consisted of exactly. Reydams notably ignores every *critical* remark about Kagame and the RPF in Gourevitch’s work. Interestingly, Gourevitch responded in 2011 to similar criticisms by Tristram McConnell and Howard French. In his response, which could be applied to *NGO Justice* just as easily, Gourevitch remarks:

“... unless your purpose in writing about Kagame is to delegitimize him, you are shilling for him. Such polarizing, academic absolutism is antithetical to good journalism. It privileges pre-judgment over investigation. It is not an argument against bias, but for a politically correct bias.”<sup>330</sup>

207. (p. 586)

*For the RPF, Gourevitch was an even bigger catch than Omaar and de Waal...*

- As demonstrated earlier, there is no credible evidence in *NGO Justice* that anyone was “caught.” A certain preference might have existed among experts, either for or against the new regime, but a

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<sup>324</sup> See error No 48

<sup>325</sup> See note 314

<sup>326</sup> Ibid

<sup>327</sup> See note 123

<sup>328</sup> See comments at error No 58

<sup>329</sup> Jennifer Parmelee. 1994. “Rebels advance in Rwanda, vow to take over capital.” Washington Post, April 12.

<sup>330</sup> Philip Gourevitch. 2011. “Re: ‘One Man’s Rwanda: Philip Gourevitch softens some hard truths’ by Tristan McConnell.” *Columbia Journalism Review*, page titled: “Philip Gourevitch shoots back”, February 1. Available at: [http://www.cjr.org/feature/one\\_mans\\_rwanda.php](http://www.cjr.org/feature/one_mans_rwanda.php)

preference or a difference of opinions does not equal “enlistment.”<sup>331</sup> Nor does it mean that those with dissenting opinions are crooks.

208. (p. 586)

*Philip Gourevitch is my sister's boyfriend.*

- The point Reydams wants to make here is not entirely clear. So Gourevitch had a girlfriend, and she happened to be the sister of a spokesman of a state department that was later headed by the US ambassador at the United Nations, Madeleine Albright. This romantic connection would have caused the ICTR to drop their investigations into RPF war crimes?<sup>332</sup>

The truth is that Madeleine Albright was briefed on Rwanda as early as 21 April 1994 by Alison des Forges and Monique Mujawamariya, a Rwandan human rights activist, who at the time lobbied in Washington and New York against the withdrawal of the UN peacekeepers from Rwanda.<sup>333</sup> They also suggested that the massacres be labeled “genocide,” as is summarized in a letter Mujawamariya wrote to president Clinton:

“Although the situation in Rwanda now seems like anarchy, it is only a small group of extremists around the late President Habyarimana who have planned and intensified the massacres. They have been able to cause a catastrophe of this magnitude because they were carefully organized and very well armed, and because they were attacking people who had neither organization nor arms. This slaughter of the defenseless - which continues even today - accompanies but is different from the fighting that has been going on for some years between the mainly Hutu Rwandan army and the RPF, the mostly Tutsi rebel movement.(...) Their campaign is genocide against the Tutsis.”<sup>334</sup>

On 21 and 22 April Des Forges and Mujawamariya had meetings with DAS Prudence Bushnell, senators Kennedy and Simon, representatives of the National Security Council and with John Shattuck and Anthony Lake at the White House. This resulted in the WH press statement of 22 April which called on Bagosora and Bizimungu to end the violence but famously left out “the G-word.”<sup>335</sup>

Knowing this, it doesn't seem reasonable to assume that the US government needed Gourevitch to explain what had happened in Rwanda.

209. (p. 586)

*Death, Despair and Defiance had an impact where it mattered: the ICTR, the academy, and mass media in the UK and US.*

- As demonstrated throughout this list of errors, there was no such impact. *NGO Justice* offers suggestions and assumptions on the basis of rumors and speculations, but nothing substantial.

210. (p. 586)

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<sup>331</sup> In an email of 4 January 2017, Frank Smyth candidly writes about “many other Westerners including myself who had grown sympathetic to the RPF.” Most of these “many others” are not as honest as Smyth however.

<sup>332</sup> This gossipy detail is a recurrent theme in the revisionist literature, also see Appendix 1.

<sup>333</sup> Frank Chalk et al. *Mobilizing the Will to Intervene*. Montreal Institute for Genocide and Human Rights Studies 2010, pp. 97-98

<sup>334</sup> Monique Mujawamariya, *Letter to President Clinton*, 21 April 1994

<sup>335</sup> The White House. *Statement by the Press Secretary*. Office of the Press Secretary, Washington, 22 April 1994; Christopher Lake. *Department condemns Rwandan threats against Rwandan human rights activist Monique Mujawamariya*. Cable from Secretary of State to embassies, Washington, 21 April 1994; John Shattuck. *Meeting with human rights activist*. See note 26

*It primed the first generation of ICTR investigators as well as newcomer academics and journalists, whose work in turn primed public opinion.*

- For better or worse, there has been a direct influence on the ICTR by Alison Des Forges, not by AR. It is not made clear why this fact is omitted in *NGO Justice*.<sup>336</sup>

211. (p. 586)

*The result was a pensée unique about Rwanda that lasted long enough for Kagame and the RPF to gain absolute power.*

- As repeatedly shown before, Reydams is barking up the wrong tree.

212. (p. 586)

*Newspaper editors were reluctant to publish negative stories about the “new Rwanda”...*

- With “newspaper editors” Reydams means Stephen Smith, the former editor of “Liberation” in France.<sup>337</sup> This may have been the case for Smith, but to extrapolate a single example to include every newspaper editor in the western world is not only a fallacy, it is also factually wrong.<sup>338</sup>

213. (p. 586)

*The latter [Goldstone], however, refused even to contemplate the idea [of investigating the RPF].*

- The anonymous ICTR investigator of *NGO Justice* told Reydams that he and other investigators “did some work on the RPF.” This refers to a period before “late 1996”, which is when Richard Goldstone was in place as chief prosecutor. Given the sensitive nature of such investigations, it is not unthinkable that Goldstone just kept it under his hat simply to protect the safety of his investigators and that of their witnesses in Rwanda. Sara Darehshori mentions investigations started in 1996, but she does not remember exact dates.<sup>339</sup>

214. (p. 587)

*When they invaded Zaire (Congo) in late 1996 and massacred Hutu civilians, African Rights urged the international community to stay out and let them “complete the job.”*

- As noted earlier, this is a very misleading suggestion.<sup>340</sup> De Waal’s article of mid November 1996, written before the attack on Mugunga camp which exploded the refugee situation, was not about an RPF invasion in Zaire. De Waal did not urge the international community to let “them” (the RPF) complete the job. De Waal was probably not even aware of such an invasion. According to HRW the invasion was a revolt of “Tutsi-rebels” in retaliation for ethnic cleansing in the Kivu region.<sup>341</sup>

As mentioned earlier, Human Rights Watch noted in their 1997 World Report:

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<sup>336</sup> See notes 27 and 310

<sup>337</sup> See *NGO Justice* footnote 166

<sup>338</sup> Raymond Bonner. 1994. “Mass Killings by Rwandan Rebels Are Reported.” *N.Y. Times*, September 5; Raymond Bonner. 1994. “RPF troops accused of village massacre.” *The Guardian*, September 6; Raymond Bonner. 1994. “U.N. Stops Returning Rwandan Refugees.” *N.Y. Times*, September 28; Jooneed Khan. 1994. “Le Rwanda, d'un génocide à l'autre.” *Le Monde*, October 20; Raymond Bonner. 1994. “Rwandans Again Live in Fear of the Knock at the Door.” *N.Y. Times*, October 23; etc. show there was plenty of criticism.

<sup>339</sup> Email messages of 31 January and 1 February 2017

<sup>340</sup> See comments at errors 121 and 122

<sup>341</sup> HRW. *World Report 1997*, Introduction. Available at: [https://www.hrw.org/reports/1997/WR97/INTRO.htm#P7\\_50](https://www.hrw.org/reports/1997/WR97/INTRO.htm#P7_50)

“But Zaire, with international acquiescence, allowed its territory to become a haven for participants in the genocide who, until military setbacks at the hands of rebel troops in November, continued to control the million or more Rwandan refugees in the country.”

The World Report further notes that “...efforts to gain the cooperation of president Mobutu with international efforts regarding the refugee camps had taken precedence over the human rights situation in Zaire,” which is precisely what de Waal was arguing against.

215. (p. 587)

*No one from the RPF has ever been held accountable before an international tribunal.*

- From the context of this remark it is clear that the blame for this is largely apportioned to *DDD*: for allegedly brainwashing scholars and ICTR prosecutors. This is an unlikely scenario, see previous comments. The important question is not asked: Would prosecuting RPF leaders for systematic slaughter in 1994 stand a chance of leading to convictions? As Alison Des Forges remarked in 1999: “Although the subject of substantial speculation, the RPF slaughter of civilians has been poorly documented.”<sup>342</sup>

216. (p. 587)

#### VI. CONCLUSION

- Luc Reydam started his research in mid August 2014 with his conclusions. On 15 August 2014, having re-read *Death Despair and Defiance*, he sends Alex de Waal an email with the question: “Could it be that Rakiya received assistance from an RPF team?”

Ignoring most of de Waal’s reply he insists two days later “... for almost all her field research, she must have received assistance, presumably from the RPF.”

After another elaborate explanation by de Waal, Reydam comments that something is “fishy” about *DDD*. Then, on the third day, he writes: “My conclusion is that during most of her field work in April/May 1994, Rakiya was only one step away from Kagame and the witnesses she interviewed were brought to her in Mulindi.” This early conclusion became the single track that steered him through the rest of his research.

What had happened in these three days is that Reydam, guided by suspicions, misunderstood what de Waal had written him, especially the story about a Ugandan politician named Rabwoni, whom de Waal had hosted in England in 2002. Rabwoni, as it turned out, had been a commanding officer in the RPF in 1994. De Waal explained: “He described first meeting Rakiya in the field, and he thought at first she was “another survivor” in her jeans and flip flops. I had some long talks with him about those days (though not specifically about Rakiya) and he didn’t say anything that contradicted what Rakiya had told me earlier, which is that she was escorted but not interfered with.”

So what de Waal was telling Reydam was that Rabwoni had confirmed Omaar’s story. Apparently Rabwoni had bumped into Omaar during her fieldwork which means they did not meet through Rudasingwa. Reydam, however, put one and one together and jumped to the wrong conclusion that Rabwoni himself had been Omaar’s minder. The miscommunication led to a series of other mistaken assumptions. In Reydam’s mind this RPF officer – which he took for an aide of Kagame - could not have travelled around much, suggesting that Omaar had to stay put as well at the RPF head quarters

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<sup>342</sup> *Leave None to Tell the Story*, p. 692. Note that even Robert Gersony failed to visit more than a single massacre site and that subsequent field investigations by others could not corroborate his findings. The trials against prominent genocide suspects show that the absence of forensic evidence severely weakens cases.

in Mulindi. Starting out with these assumptions, Reydams filled in the blanks of the story with rumors, loose bits of information and a bit of creative writing, anything that helped to create a coherent story.

The belief perseverance that followed could have been prevented if Reydams had remembered the basics of the scientific method before he started. He should have tried to falsify his initial beliefs and conclusions instead of just looking for confirmation. He should have checked de Waal's and Omaar's information instead of discarding it off hand. He could have contacted people who had met Omaar in the field: survivors, journalists, priests, aid workers, etc. He could have compared the AR reports with the ones published by other organizations. The editors of *Human Rights Quarterly* should have made a better effort to check and correct Reydams' errors as well. After all, the contradictions and fallacies in *NGO Justice* are hard to overlook, even at a first reading. They don't require any specific expert knowledge.

Most of these considerations have been discussed in the introduction of this document and in the previous comments. The concluding section of *NGO Justice* is a repetition of the errors, which means we will revisit some of the comments briefly as well.<sup>343</sup>

217. (p. 587)

*... the RPF narrative of the Rwandan conflict has been challenged.*

- Reydams does not explain what he means by “the RPF narrative”. The footnote that accompanies the remark refers to a controversial BBC documentary that has not found support in the academic world, not even by some scholars who participated in it.<sup>344</sup> In *NGO Justice* Reydams mentions several elements of what he understands to be the RPF narrative: Col. Bagosora as the mastermind and ignoring Hutu victims. However, the RPF narrative published by Rudasingwa in July 1994 did not mention Col. Bagosora and, like the current Kwibuka website, acknowledges the Hutu victims.<sup>345</sup>

218. (p. 587)

*How much things have changed is further demonstrated by the fact that the United States Institute of Peace, which has funded numerous Rwanda (research) projects (including Gourevitch's), was willing to fund this study about the politics of international justice and impunity.*

- This wrongly suggests that the USIP is aware and supportive of the contents of *NGO Justice*, which it is not. When I asked them about it they remarked that Reydams had failed to publish the required disclaimer to state that the opinions, findings and conclusions are those of the author and do not necessarily reflect the views of the United States Institute of Peace.<sup>346</sup>

219. (p. 587)

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<sup>343</sup> See the introduction, and Appendices 1 and 4 for sources of original rumors.

<sup>344</sup> Filip Reyntjens. “Briefing: The struggle over truth - Rwanda and the BBC.” *African Affairs*, August 2015, p. 643: “I, too, am concerned about the use that is being made and will be made of the film...” according to Reyntjens. He offered to be heard by a Rwandan commission of inquiry, writing: “I would hope that the Commission will avoid what the BBC is blamed for, namely listening only to one side of the story,” but his offer was turned down. A point that has been missing from the discussions surrounding the film was that the information of several participants was distorted, possibly by the film-editing process. Professors Davenport and Stam for instance do not argue that the large amount of Hutu victims in their controversial estimates were victims of the RPF, although this is what the film suggests. And refugee Marie did not personally witness RPF crimes in Rwanda and was not raped by RPF troops, at least not according to her memoirs (*Marie, Overleven met de dood*, 2016), although this is what the film suggests.

<sup>345</sup> See comment at error No 202

<sup>346</sup> Email message of 9 May 2017

*In this article I have shown that the RPF successfully coopted a fledgling London-based, “antiestablishment” NGO and that it mobilized resources to help the NGO produce the first comprehensive report about the Rwandan genocide.*

- Although this has been repeated many times, *NGO Justice* does not present evidence to support its claims. However, people who have met Rakiya Omaar in Rwanda during the genocide contradict its suggestions.<sup>347</sup>

220. (p. 587)

*I have drawn attention to the RPF’s modus operandi in winning over well-connected foreigners and the mutually beneficial relationships to which this led.*

- As shown before, *NGO Justice* mainly draws attention to half truths and misrepresented sources, but does not substantiate the suggestions made, such as this “enlistment”-theory.

221. (p. 587-588)

*I have further revealed that the RPF bailed out African Rights in 1999, that the “NGO” became part of the “RPF state,” and that its director developed a close personal relationship with the leader of that state.*

- The major sources for these suggestions complain that Reydamas has grossly misrepresented their information, so we can’t tell what is real and what is not. No verifiable facts are presented in *NGO Justice*, which reduces these “revelations” to ordinary gossip.

222. (p. 588)

*Finally, I have explained why African Rights did what it did and why we did not see it.*

- Reydamas’ explanation turned out to be fiction. The answer to the question why we didn’t see “it”? is probably that “it” was similar to what other NGOs and scholars were publishing at the time.

223. (p. 588)

*As for the original objective of my study, I have shown that *Death, Despair and Defiance* was instrumental in shaping and spreading an easily consumable one-sided narrative of the Rwandan conflict.*

- Anyone familiar with the genocide knows - and this has been demonstrated in the first comments of this document - that the narrative was published by many experts months before *DDD* was released. The narrative spread because it had become the consensus view, it’s as simple as that. The caricature of the “grand narrative” in *NGO Justice* is not an accurate representation of what is written in *DDD*.

*NGO Justice* also lacks an explanation of what would be the correct narrative.

224. (p. 588)

*The co-directors of African Rights fed the report to journalists and editors who uncritically relayed its content.*

- By late September ’94, when *DDD* was published, the large number of verbatim survivor testimonies and comments from insiders supplemented what others had already published. By this time HRW was already complaining about delays in establishing a UN tribunal, and Amnesty International had already moved on to documenting RPF abuses. Reydamas ignores the historical context in which the book was

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<sup>347</sup> Survivors and journalists mentioned throughout this list of errors.

received and its importance to the survivors themselves for having their personal accounts documented and published. To suggest that the interviews were tampered with, without consulting any of the interviewed survivors, is questionable, if not unethical conduct

225. (p. 588)

*They also used their access to British media to publish pro-RPF pieces and attack RPF critics.*

- As has been shown in detail earlier, these claims are based on factual mistakes. Aside from these errors, it should be noted that AR was relatively late in mobilizing the press compared to Frank Smyth, Alison Des Forges, David and Catharine Newbury, René Lemarchand, Gérard Prunier, Oxfam, MSF, Amnesty International, ACT, the UN, etc.

226. (p. 588)

*Reputable outlets like The Times Literary Supplement and the BBC unwittingly served as vehicles for RPF propaganda.*

- What according to René Lemarchand qualified as “a lucid commentary”,<sup>348</sup> is “RPF propaganda” to Reydam.

227. (p. 588)

*Death, Despair and Defiance also “primed” academics, writers, aid workers, and the first generation of ICTR investigators.*

- As shown earlier, this misconception is the result of chronology problems in Reydam’s theory. *DDD* did not prime the ICTR investigators. They used many different sources and depended on their own research.<sup>349</sup> Reydam himself remarks: “the practical contribution [of *DDD*] to the work of the ICTR seems to have been modest.”

228. (p. 588)

*The book’s successful preemption of the historiography of the conflict produced long-term effects. One of them was that it became politically unthinkable to hold the RPF accountable before an international jurisdiction.*

- Reydam keeps the spotlight on *DDD* to obscure other publications that were quicker, more readily available and easier to read. *NGO Justice* has not shown how *DDD* and these other publications caused the impunity of RPF leaders. According to Frank Smyth and the ICTR sources I have consulted, this resulted from practical circumstances and (other) political considerations.<sup>350</sup>

229. (p. 588)

*The director of a US NGO with deep political connections in Washington D.C. played a similar role. He worked tirelessly and in concert with the RPF to “educate” US politicians and opinion makers about Rwanda.*

- The appropriate question here is: similar to whom? AR or HRW? We know for a fact that in the second week of the genocide representatives of Human Rights Watch like Alison Des Forges and Rwandan human rights activist Monique Mujawamariya, were already working tirelessly to educate US politicians and opinion makers about Rwanda.<sup>351</sup> “When she is not in Washington lobbying, she is at

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<sup>348</sup> René Lemarchand. “Patterns of State Collapse and Reconstruction in Central Africa: Reflections on the Crisis in the Great Lakes.” *African Studies Quarterly*. Vol. 1, No. 3. 1997, p. 8

<sup>349</sup> See the comments at errors 5, 15 and 172

<sup>350</sup> See the explanations at errors No 5, 15 and 17

<sup>351</sup> See note 26 and comments at error 208

her computer terminal in Buffalo, writing commentary on Rwanda for the Washington Post or the New York Times,” the *Buffalo News* writes about Des Forges in June '94.<sup>352</sup>

230. (p. 588)

... he called on every peacekeeper, aid worker, diplomat, etc. deploying to Rwanda to read Rwanda: Death, Despair and Defiance.

- Reydams does not mention a source for this information, nor does he explain what Roger Winter's alleged pushing of DDD contributed to RPF impunity, compared to all the other influences.

231. (p. 588)

His lobbying earned him Rwanda's National Liberation Medal and Campaign Against Genocide Medal.

- Many people were awarded the medal at the same time, ranging from UNAMIR officers to UN-ambassadors, as well as ordinary people who had struggled to save lives during and before the genocide, like Antonietta Locatelli who was murdered in 1992 after denouncing the Bugesera massacres. These people hardly qualify as RPF agents. In the ceremonial speech addressed to Winter we read things like:

“In the 100 days of genocide, at the risk of your own life, you visited the RPF liberated zone several times, was the first foreigner to arrive at sites of mass massacres such as Nyarubuye, and continued to act as ardent and vocal eyewitness to what was happening.”<sup>353</sup>

Winter himself did not see his efforts of persuading the US government to intervene amount to anything as this excerpt from *Mobilizing the will to Intervene* shows:

“I'm not sure how many back and forth trips there were before the hostilities actually ended, but I felt very clearly that I knew what the system knew.... It was for that reason, in particular, that we were so incensed by the lack of action on the part of the administration.” Winter provided the officials with “on-the-ground findings” and photographic evidence of the atrocities. “People in the system knew exceedingly clearly what was happening.”<sup>354</sup>

Whoever Winter was or whatever his role, the description in *NGO Justice* is just one more unbalanced story.

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<sup>352</sup> See note 87

<sup>353</sup> <http://www.newtimes.co.rw/section/article/2010-07-05/21575/>

<sup>354</sup> See note 333, p. 99

## **Appendix 1. A template for NGO Justice ?**

A comparison of statements in *NGO Justice* (targeting AR) with *The Rwanda Genocide Fabrications* (2009) and additional articles by Keith Harmon Snow (targeting Alison Des Forges).<sup>355</sup>

### **The Abstract of *NGO Justice*:**

#### Luc Reydamas:

A London-based start-up NGO named African Rights became famous overnight in 1994 by publishing a detailed 750 page volume about the Rwandan genocide less than three months after it had ended.

#### Keith Harmon Snow:

*...in 1993 [Alison Des Forges] helped produce a major international document highly biased against the Rwandan Government and protective of the RPF/A invaders. Des Forges admitted under oath "...the Commission [ICI] produced this report very quickly, under very great pressure, with a great sense of urgency."*

#### Luc Reydamas:

The report and subsequent African Rights publications named hundreds of names of alleged *génocidaires* and purported to lay the groundwork for their criminal prosecution.

#### Keith Harmon Snow:

*"[Des Forges] leaves behind her many victims of injustice, who she painstakingly accused, using false testimony, before the International Criminal Tribunal Court for Rwanda (ICTR)."*

#### Luc Reydamas:

Based on numerous interviews, the article shows that African Rights was coopted in the first weeks of the genocide by the Rwandan Patriotic Front (RPF) and that the report was produced with its active support.

#### Keith Harmon Snow:

*Des Forges researched and wrote her voluminous Human Rights Watch publication, Leave None to Tell the Story, with the support of the Kagame regime and access to Rwanda from 1994-1997. "Kagame assigned some people to work with Alison Des Forges," says Ugandan Human Rights expert Remigius Kintu, "and also to assist her in fabricating and distorting stories to suit Tutsi propaganda plans."*

#### Luc Reydamas:

The article further shows that after 1994, African Rights gradually became a single-issue NGO (focused on the Rwandan genocide) and proxy for the new RPF-dominated Rwandan government..

#### Keith Harmon Snow:

*[Des Forges] spent the past 10 years of her life explaining away the inconsistencies, covering up the facts, revising her own story when necessary, and manipulating public opinion about war crimes in the Great Lakes of Africa—in service to the U.S. government and powerful corporations involved in the plunder and depopulation of the region.*

#### Luc Reydamas:

In 2003, African Rights became an outright RPF-front organization funded by and working closely with the RPF's intelligence apparatus.

#### Keith Harmon Snow:

*"...[Des Forges] admitted that she just took the word of the RPF and pro-RPF groups and that she did not deal with RPF atrocities, as she did not have the time." Alison Des Forges and*

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<sup>355</sup> Snow, 2009. See note 70; Some additional quotes: Snow, 2005, note 69, and: Keith Harmon Snow. 2010. Apocalypse in Central Africa. Z Magazine, July 9. (blog): <https://zcomm.org/zmagazine/apocalypse-in-central-africa-by-keith-harmon-snow/>

*HRW provided intelligence to the U.S. government at the time of the 1994 crises, and they have continued in this role to the present.*

Luc Reydamas:

Besides telling the untold story of African Rights, the article demonstrates the impact of its publications on the International Criminal Tribunal for Rwanda, ...

Keith Harmon Snow:

*Des Forges also supported the show trials at the International Criminal Tribunal for Rwanda (ICTR), institutionalizing victor's justice and shielding the Kagame regime...*

Luc Reydamas:

... on scholarship, ...

Keith Harmon Snow:

*Des Forges also pumped the disinformation into the academic world through her high-level ties to human rights committees, African and Africana Studies departments and the elite African Studies Association.*

Luc Reydamas:

... and on mass media.

Keith Harmon Snow:

*Des Forges constantly influenced the U.S. media through special briefings to the editorial boards and reporters of the New York Times, Washington Post, National Public Radio, and Associated Press, and she was frequently presented as an “expert” on genocide in Rwanda for CNN, 60 Minutes, Nightline, All Things Considered, BBC, Radio France Internationale, and the Canadian Broadcasting Company.*

Luc Reydamas:

It concludes that African Rights was instrumental in shaping and spreading an easily consumable one-sided narrative of the Rwandan conflict and that the resulting pensée unique contributed to RPF impunity.

Keith Harmon Snow:

*[Des Forges'] relations explain the mass media's consistency in producing the monolithic disinformation about Rwanda that shielded the illegal U.S.-backed and covert RPF/A (Ugandan) guerrilla insurgency. The genocide label applied by Alison Des Forges ... was misdirected, used to accuse and criminalize only the majority Hutu people and the remnants of the decapitated Habyarimana government.*

**This exercise can be done for the whole of *NGO Justice*. Some examples:**

Reydams: In the Office of the Prosecutor of the fledgling International Criminal Tribunal for Rwanda (ICTR), *Death, Despair and Defiance* became known as “the Bible.”

KHS: *“Des Forges has written a book which has become the bible regarding Rwanda,” says Jean-Marie Higiuro, former Director of the Rwandan Information Office (ORINFOR) who fled the killing, with his family, in early April 1994. “Everyone points to her book even though some of what she has produced is fiction. I don't think she is an intentional liar, but I don't know why she investigated Hutu human rights abuses but no RPF human rights abuses.”*

Reydams: In the first part, *Let's Be Friends: the United States, Post-Genocide Rwanda, and Victor's Justice in Arusha*, I argue that Washington's relationship with the new RPF-dominated Rwandan government—from an almost accidental support to nearly unconditional backing—goes far in explaining RPF impunity.

KHS: *While we are led to believe that the perpetrators of violence in Rwanda and Congo are those nasty genocidaires, the extremist Hutus, their Interahamwe militias, the Forces for the*

*Democratic Liberation of Rwanda (FDLR) in Congo, and other undesirables, the primary responsible perpetrators are always protected, because they are the agents of western powers.*

Reydams: The mastermind of the genocide is also known: Colonel Théoneste Bagosora.

KHS: *It was thus that [Des Forges] devoted the penultimate day of her examination, during the process against the military, to presenting Colonel Bagosora, Hutu, as the king pin in the genocide.*

Reydams: But “Rwanda’s Himmler,” as The Guardian’s Chris McGreal called him, eventually was acquitted of conspiracy and any direct role in the genocide.

KHS: *“The real news was that ALL of the top Rwandan military officers, including the supposedly infamous Colonel Bagosora, were found not guilty of conspiracy or planning to commit genocide”*

Reydams: For the RPF, Gourevitch was an even bigger catch than Omaar and de Waal...

KHS: *Gourevitch—who produced the celebrated proRPF/ A text We Wish To Inform You That Tomorrow We Will Be Killed With Our Families, is a close friend of Paul Kagame*

Reydams: James Rubin, the assistant secretary of state for public affairs and chief spokesperson for the Department under Madeleine Albright, told Howard French of *The New York Times* that “a lot of my take . . . comes to me directly. Philip Gourevitch is my sister’s boyfriend.

KHS: *What we never learn about Philip Gourevitch is that his brother-in-law, Jamie Rubin, was Madeleine Albright’s leading man and, through him, Gourevitch planted in the public mind a narrow perspective on Rwanda.*

Reydams: The result was a pensée unique about Rwanda that lasted long enough for Kagame and the RPF to gain absolute power.

KHS: *Alison Des Forges contributed to the RPF/A takeover of Rwanda.*

Reydams: No one from the RPF has ever been held accountable before an international tribunal.

KHS: *In other words, the initial act of aggression, the RPA/F invasion, was institutionally protected and the war crimes that set the stage for the conflagrations in Rwanda and Congo went unpunished.*

Reydams: The book’s successful preemption of the historiography of the conflict produced long-term effects. One of them was that it became politically unthinkable to hold the RPF accountable before an international jurisdiction.

KHS: *Anyone who challenges the official story is branded a ‘genocide negationist’ or ‘genocide revisionist’ by the Kagame regime, and they are castigated as ‘killers of remembrance.’*

Reydams: The director of a US NGO with deep political connections in Washington D.C. played a similar role. He worked tirelessly and in concert with the RPF to “educate” US politicians and opinion makers about Rwanda.

KHS: *From 1990 to 1994, Winter traveled back and forth from the RPA-controlled zone to Washington D.C., where he briefed and coordinated activities and support with U.S. military, intelligence and government officials.*

Reydams: ... he called on every peacekeeper, aid worker, diplomat, etc. deploying to Rwanda to read Rwanda: *Death, Despair and Defiance*.

KHS: *Winter acted as a spokesman for the RPF and their allies, and he appeared as a guest on major US television networks such as PBS and CNN.*

Reydams: His lobbying earned him Rwanda’s National Liberation Medal and Campaign Against Genocide Medal.

*KHS: on July 5, 2010, Roger Winter received an award in Kigali*

**Appendix 2: Some quotes on systematic and (pre-)planned violence in Rwanda, predating the publication of *Death, Despair and Defiance*:**

“Using lists, the members of the Presidential Guard were the first to start the bloody trail, soon joined by the Interahamwe. House to house. The Tutsis, betrayed by neighbors or the police, are massacred with entire families. In case of doubt, the assassins ask for the identity card which mentions their ethnicity. (Philippe Ceppi, 11 April 1994)<sup>356</sup>

“But before they [the RPF] will seize the city, provided that they can, the genocide of the Tutsi will probably be completed” (Philippe Ceppi, 11 April 1994)<sup>357</sup>

“At the heart of this it was a coup d'etat by Hutu hardliners.” (Alison des Forges, 12 April 1994)<sup>358</sup>

“Reyntjes comes to the 'most likely hypothesis' that the implementation of a well-considered plan is being conducted. 'The presidential guards, who took the lead in the murder parties, had lists containing the names of people who had to be liquidated. Those lists must have been drafted before President Habyarimana's death last Wednesday'.” (NRC, 14 April 1994)<sup>359</sup>

“The horrendous violence that has seized the tiny African republic of Rwanda is not as random as it looks. For the members of the Akazu, the ruling clan around the late President Juvenal Habyarimana, the only way to retain a 21 year monopoly on power was to kill their enemies as fast as they could.” (Frank Smyth, 14 April 1994)<sup>360</sup>

“The apparent assassination of Juvenal Habyarimana, who had headed the government of Rwanda since 1973, was the pretext - not the cause - of the slaughter. (...) Whatever the circumstances of the crash [on 6 April 1994], it provided extremists within the ruling group with the long-sought pretext for wiping out their opponents.” (Alison Des Forges, 17 April 1994)<sup>361</sup>

“This was not a case of instantaneous chaos, an "orgy" of ethnic violence throughout the country, as many early reports implied.” (Catharine and David Newbury, 17 April 1994)<sup>362</sup>

“The campaign of killing was planned weeks before the death of President Habyarimana when army officers trained, armed and organized some 1,700 young men into a militia affiliated with the President's political party.” (Kenneth Roth, 19 April 1994)<sup>363</sup>

“The organized campaign of atrocities against the Tutsi as an ethnic group has become so concerted that we believe it constitutes genocide, as defined by Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.” (Kenneth Roth, 19 April 1994)<sup>364</sup>

“The organization [HRW] said the campaign of killing was planned weeks before Habyarimana's death 'when army officers trained, armed and organised some 1,700 young men into a militia affiliated with the president's political party'.” (The Independent - quoting Roth, 21 April 1994)<sup>365</sup>

<sup>356</sup> Philippe Ceppi. 1994. “Kigali livré à la fureur des tueurs Hutus.” *Libération*, April 11

<sup>357</sup> Ibid.

<sup>358</sup> Parmelee Jennifer. 1994. “Rebels advance in Rwanda, vow to take over capital.” *Washington Post*, April 12

<sup>359</sup> Bernard Bouwman. 1994. “Wereld beschouwt Afrika als onoplosbaar probleem.” *NRC*, April 14

<sup>360</sup> Frank Smyth. 1994. “French Guns, Rwandan Blood”, *New York Times*, April 14

<sup>361</sup> Alison Des Forges. 1994. “The Method In Rwanda's Madness: Politics Not Tribalism, Is The Root Of The Bloodletting”, *Washington Post*, April 17

<sup>362</sup> Catharine Newbury and David Newbury. 1994. “The Politics of Turmoil.” *News and Observer*, April 17

<sup>363</sup> Kenneth Roth. *Letter to His Excellency Colin Keating, president, Security Council, United Nations*.

Washington: Human Rights Watch, 19 April 1994

<sup>364</sup> Ibid

<sup>365</sup> Reuter. 1994. “Terrified UN Soldiers Pull Out Of Rwanda,” *The Independent*, April 21

“Although the situation in Rwanda now seems like anarchy, it is only a small group of extremists around the late President Habyarimana who have planned and intensified the massacres.”  
(*Monique Mujawamariya, 21 April 1994*)<sup>366</sup>

“We put the word genocide on the table. We don't do it lightly.” (*Alison Des Forges, 24 April 1994*)<sup>367</sup>

“The groundwork for the slaughter was carefully laid over a period of months through a virulent propaganda campaign on the radio against the political opposition, human rights activists and the Tutsi minority and also by the training and arming of the militias attached to Habyarimana's MRND political party and its ally the CDR.” (*Human Rights Watch/Africa, 29 April 1994*)<sup>368</sup>

“The slaughter of Tutsi in Rwanda is genocide, a planned campaign to eliminate this minority people who make up about 15% of the population of this small central African nation.(...) This is political violence, organized and executed by the Hutu extremists who refuse to share the power that has enriched them for the last twenty years.” (*Alison Des Forges, 4 May 1994*)<sup>369</sup>

“People were ready to move as soon as there was a pretext.” (*Alison Des Forges, 15 May 1994*)<sup>370</sup>

“The massacres were planned for months in advance.” (*Human Rights Watch/Africa, May 1994*)<sup>371</sup>

“They were trained, armed and programmed to explode, a human doomsday device designed to detonate on command.” (*Mark Fritz, 20 May 1994*)<sup>372</sup>

“By this time, pro-government militia had been prepared and armed for a “final assault” on the Tutsi.” (*Amnesty International, 23 May 1994*)<sup>373</sup>

“Statements made by government and other officials since October 1990 were evidently meant to incite Hutu to kill all Tutsi, with apparent genocidal intent.” (*Amnesty International, 23 May 1994*)<sup>374</sup>

“Just as Adolf Hitler tried to eliminate the Jews, the most radical Hutus are trying to eliminate the Tutsis.” (*Alison des Forges, 26 June 1994*)<sup>375</sup>

“As much as the appalling scale of the massacre, it is the element of planned annihilation that gives the Rwanda killings their genocidal quality. The agonies of Rwanda are not those of civil war, but of an organized carnage orchestrated from above.” (*René Lemarchand, June 1994*)<sup>376</sup>

<sup>366</sup> Monique Mujawamariya, *Letter to President Clinton*, April 21, 1994

<sup>367</sup> Washington Post. 1994. “So That The World Does Not Forget Rwanda”, *Washington Post*, April 24

<sup>368</sup> Human Rights Watch/Africa, *Press Release*. April 29, 1994

<sup>369</sup> Human Rights Watch/Africa, *Statement of Alison Des Forges Before the House Subc On Africa*, HRW press release, May 4 1994

<sup>370</sup> Lindsey Hilsum. 1994. “The Radio Station Whose Call Sign Is Mass Murder”. *The Observer*, May 15

<sup>371</sup> Human Rights Watch/Africa, *Genocide in Rwanda April-May 1994*, HRW, May 1994

<sup>372</sup> Mark Fritz. 1994. “Planning For The Apocalypse”, *Associated Press*, May 20

<sup>373</sup> Amnesty International, *Rwanda: Mass murder by Government Troops in April and May 1994*, AI, May 23 1994

<sup>374</sup> Ibid

<sup>375</sup> Jerry Zremski. 1994. “Longtime advocate in WNY cries out for beloved Rwanda.” *Buffalonews*. June 26

“The massacres do seem to have been planned. There are various pieces of evidence pointing at this conclusion.” (*René Degni-Ségué, 28 June 1994*)<sup>377</sup>

“The Rwandan massacres were deliberate and organized. Listening to the accounts by the survivors, as well as by the murderers, any way, the facts are quiet obvious. In the government area, where there was never the slightest hint of RPF rebellion during the killings, the systematic extermination of the Tutsis was planned.” (*Patrick de Saint-Exupéry, 5 July 1994*)<sup>378</sup>

“This operation had been prepared and planned for a long time.” (*Pierre Harzé, 11 July 1994*)<sup>379</sup>

“From the start it was obvious that the massacres were following a pre-established plan and had been prepared for a long time.” (*Gérard Prunier, 24 July 1994*)<sup>380</sup>

“As you know, extremist Hutu mounted a political/military coup in Rwanda in early April launching genocide against the Tutsi and systematically and thoroughly exterminating Hutu political rivals.” (*Alison Des Forges, 26 July, 1994*)<sup>381</sup>

“Thus there were numerous unmistakable signs (...) that violence on a terrifying scale was imminent” (*Oxfam, September 1994*)<sup>382</sup>

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<sup>376</sup> René Lemarchand, The apocalypse in Rwanda. Ethnic conflict: the new world order. *Cultural Survival Quarterly* Vol. 18, No 2 (Summer): pp. 29–33

<sup>377</sup> Degni-Ségué, *Human Rights Situation, UN Commission on Human Rights*, § 26. June 28, 1994

<sup>378</sup> Patrick de Saint-Exupéry. 1994. “La ‘solution finale’ du préfet de Kibuye.” *Le Figaro*, July 5 (ICTR Translation)

<sup>379</sup> Pierre Harzé. 1994. “Bas Les Masques”, *Le Soir*, July 11 (Transl. JvO)

<sup>380</sup> Gérard Prunier. 1994. “La Crise Rwandaise. Structures et Deroulement.” *Refworld*, 24 July (Transl. JvO)

<sup>381</sup> Committee on Foreign Relations – *Crisis in Central Africa*, US Senate, 1994

<sup>382</sup> Guy Vassall Adams, *Rwanda: An Agenda for International Action*. Oxfam Publications, September 1994

**Appendix 3. Persons interviewed by Physicians for Human Rights (UK) in July 1994**

| Date         | Name 1                 | Name 2       | Place     | Area | ref PHR | ref DDD | Note                                      | Note 2                                |
|--------------|------------------------|--------------|-----------|------|---------|---------|---|---------------------------------------|
| 13 July 1994 | Lea                    | Mukangwije   | Ndera     |      | 27      |         | ministry of development                   |                                       |
| 13 July 1994 | James                  | Orbinsky     | ?         |      | 32      |         | medical coordinator                       | MSF                                   |
| 14 July 1994 | Christine              | Ahabantegeye | Kigali    |      | 18      |         | survivor                                  |                                       |
| 14 July 1994 | John                   | Majes        | Kigali    |      | 17      |         | survivor                                  |                                       |
| 14 July 1994 | Vuna Maria             | Mukankusi    | Kigali    |      | 17      |         | witness                                   |                                       |
| 14 July 1994 | Innocent               | Munyaneza    | Kigali    |      | 15      |         | survivor of St Famille                    |                                       |
| 14 July 1994 | Jean Claude            | Musayidine   | Kigali    |      | 17      |         | survivor                                  |                                       |
| 14 July 1994 | Anaclet                | Musumvueza   | Kigali    |      | 16      |         | former St Famille priest                  |                                       |
| 14 July 1994 | Alfred                 | Rutembesha   | Kigali    |      | 16      |         | survivor of St Famille                    | works in the pharmacy at the Sainte F |
| 14 July 1994 | Suzanne                |              | Kigali    |      | 17      |         | Mother Superior of the Congregation Soe   | Nun                                   |
| 15 July 1994 | Aurea                  | Uwizeyewas   | Gahini    |      | 16      |         | wounded victim                            |                                       |
| 15 July 1994 | K K                    |              | Kigali    |      | 15      |         | survivor of St Famille                    | a former airport worker               |
| 15 July 1994 | Maria                  |              | Kigali    |      | 13      |         | orphaned girl at airport                  |                                       |
| 16 July 1994 | Marjolaine             | Martin       | Kigali    |      | 31      |         | deputy head ICRC field hospital           | together with Dominic Voichard        |
| 16 July 1994 | Dominic                | Voichard     | Kigali    |      | 31      |         | administrator ICRC field hospital         | together with Marjolaine Martin       |
| 17 July 1994 | Bagira                 | Iswubaza     | Gahini    |      | 21      |         | orphaned boy                              |                                       |
| 17 July 1994 | Chantal                | Kayitsinga   | Gahini    |      | 25      |         | survivor Rukara church                    | student teacher                       |
| 17 July 1994 | Clavere                | Mbanda       | Gahini    |      | 20      |         | orphaned boy                              |                                       |
| 17 July 1994 | Rebecca                | Mukantari    | Gahini    |      | 20      |         | orphaned girl                             |                                       |
| 17 July 1994 | Leoncie                | Mukarulinda  | Gahini    |      | 35      |         | Rwamagana/Gahini hospital                 | doctor                                |
| 17 July 1994 | Beatrice               | Mukarutabana | Gahini    |      | 25      |         | survivor Karubamba church                 |                                       |
| 17 July 1994 | Irene                  | Ngabire      | Gahini    |      | 21      |         | orphaned girl                             |                                       |
| 17 July 1994 | Mukarusanga            | Nikuze       | Gahini    |      | 20      |         | orphaned girl                             |                                       |
| 17 July 1994 | Baishiti               | Seddick      | Gahini    |      | 32      |         | operating theatre nurse and nutritionalis | Nurse                                 |
| 17 July 1994 | Olive                  | Tengera      | Gahini    |      | 25      |         | survivor Karubamba church                 |                                       |
| 17 July 1994 | Kubwimana              | Tewoneste    | Gahini    |      | 20      |         | orphaned boy                              |                                       |
| 17 July 1994 | Jojerina               | Uwimbabazi   | Gahini    |      | 20      |         | orphaned girl                             |                                       |
| 17 July 1994 | Angerike               |              | Gahini    |      | 20      |         | orphaned girl                             |                                       |
| 17 July 1994 | Karasira               |              | Gahini    |      | 27      |         | survivor from Rukara                      | farmer                                |
| 17 July 1994 | Mukmazimdaka           |              | Gahini    |      | 20      |         | orphaned girl                             |                                       |
| 17 July 1994 | Terefina               |              | Gahini    |      | 20      |         | orphaned boy                              |                                       |
| 18 July 1994 | Jean Bosco             | Ahoranoyew   | Rwamagana |      | 32      |         | Rwamagana hospital                        |                                       |
| 18 July 1994 | Vererand               | Bantegeye    | Rwamagana |      | 12      |         | wounded victim                            |                                       |
| 18 July 1994 | Beatrice               | Mukandige    | Rwamagana |      | 18      |         | rape victim                               |                                       |
| 18 July 1994 | Helene                 | Nayituliki   | Gahini    |      | 19      |         | Nun, Headmistress                         | in DD&D: Nbatuliki                    |
| 20 July 1994 | Jean Baptiste          | Kayigamba    | Nyamata   |      | 13      |         | survivor of St Famille                    | journalist                            |
| 20 July 1994 | Consolata              | Mamashenge   | Nyamata   |      | 23      |         | survivor Nyamata church                   |                                       |
| 21 July 1994 | Jordan                 | Mbanda       | Butare    |      | 37      |         | Rpf soldier                               | Information officer                   |
| 21 July 1994 | John                   | Zgira        | Butare    |      | 37      |         | RPF soldier                               | Captain                               |
| 22 July 1994 | Adephonse              | Gasana       | Butare    |      | 30      |         | survivor from Gikongora/Butare hospital   | civil servant                         |
| 22 July 1994 | Anathase               | Mburabukeye  | Butare    |      | 19      |         | Survivor, Manager University guesthouse   |                                       |
| 22 July 1994 | Esperance              | Mukarusagara | Butare    |      | 30      |         | survivor Butare hospital                  |                                       |
| 22 July 1994 | Modeste                | Mungwarareba | Butare    |      | 26      |         | director Theological Centre               | Priest                                |
| 22 July 1994 | Claude Emil            | Rawagoncza   | Save      |      | 29      |         | University hospital                       | Doctor                                |
| July         | <b>248 individuals</b> |              |           |      |         |         | <b>General Health Questionnaire</b>       | <b>3 days in Gahini and Rwamagana</b> |
| July         | Violeta                |              | Rwamagana |      | ?       | 433     | Rape victim                               | Reference to PHR in DD&D              |

#### **Appendix 4. Rumor: The Rusatira Affair**

**In 2002 an exiled Rwandan army officer is arrested on suspicion of participating in the genocide against the Tutsi. However, a small group of scholars pressure the ICTR prosecutor into letting him off the hook without a trial. This raises the question if justice is served or obstructed. A recent extradition case shows that the affair remains controversial.**

On 15 May 2002 Leonidas Rusatira, a former General of the Rwandan Armed Forces, is arrested in Belgium, one month after the International Criminal Tribunal for Rwanda (ICTR) has issued a warrant for his arrest.<sup>383</sup> According to the indictment he is suspected of distributing weapons to the extremist Interahamwe militia in Kicukiro on the outskirts of Kigali and of involvement in two related massacres on 11 April 1994: at the ETO technical school and on Nyanza hill, a few miles from there.<sup>384</sup> The massacres took place right after the UNAMIR peacekeepers who were stationed on the school premises abandoned 2.500 refugees under their protection to assist with the evacuation of expatriates from Rwanda.

Two days after the arrest, French journalist Thierry Cruvellier publishes a skeptical article in which he links the African Rights (AR) report *Left to Die at ETO and Nyanza* from April 2001 to Rusatira's indictment.<sup>385</sup> The report contains testimonies from dozens of survivors, some of whom implicate Rusatira in the preparations of the massacres. The press release states: “Given the horrific killings which took place at Nyanza this accusation against Rusatira is extremely serious and demands further investigation.”<sup>386</sup> According to Cruvellier: “The message is abundantly clear. It takes less than a year to reach the office of [ICTR prosecutor] Carla del Ponte.”<sup>387</sup> However, the date of del Ponte's signature on the original indictment is 21 February 2001,<sup>388</sup> which is almost two months before the publication of *Left to Die at ETO and Nyanza*. This makes a cause and effect relationship unlikely.

Unaware of this, Cruvellier starts an investigation of his own and soon discovers that Rusatira has an alibi: he was in the middle of saving the lives of a (Hutu) family at the time of the massacres.<sup>389</sup> Rusatira had even contacted Colonel Luc Marchal of UNAMIR by radio to request assistance.<sup>390</sup> He could not have been in two places at the same time. Moreover, the threatened family turned out to be the relatives of RPF chairman Kanyarengwe, suggesting Rusatira was a hero rather than a genocidaire.

Soon Cruvellier's protest is joined by three well known scholars: professor Filip Reyntjens, professor André Guichaoua and Dr. Alison Des Forges.<sup>391</sup> Guichaoua and Des Forges write letters to the

<sup>383</sup> De Standaard. 2002. “Gewezen generaal opgepakt.” *De Standaard*, May 16; ICTR. *Warrant of Arrest and Order for Transfer and Detention*. International Criminal Tribunal for Rwanda, Prosecutor vs Leonidas Rusatira, Case No. ICTR-2002-80-I, 12 April 2002.

<sup>384</sup> ICTR. Prosecutor vs Leonidas Rusatira. *Indictment*. International Criminal Tribunal for Rwanda, Case No. ICTR-2002-80-I, 21 February 2001 (signed Carla del Ponte). Note that the indictment was not filed by the Registry until 26 March 2002 (stamped) and confirmed by Judge Williams on 12 April 2002, the same date as the Arrest Warrant.

<sup>385</sup> African Rights. *Left to Die at ETO and Nyanza*. London, 11 April 2001.

<sup>386</sup> African Rights. *Left To Die At ETO And Nyanza. The Stories of Rwandese Civilians Abandoned by UN Troops on 11 April 1994*. Press Release: “A New 112 Page Report by African Rights.” April 2001, p. 8.

<sup>387</sup> Thierry Cruvellier. 2002. “Le choc Rusatira.” *Diplomatie Judiciaire*, May 17

<sup>388</sup> Prosecutor vs Rusatira. *Indictment*. See signature date on p. 9

<sup>389</sup> Thierry Cruvellier. 2002. “Enquête sur l'affaire Rusatira.” *Diplomatie Judiciaire*, June 11

<sup>390</sup> ICTR. *Kibat Chronique 06 Avr – 19 Avr 1994*, English version p. 79: The ‘parcel’. It erroneously mentions a ‘Tutsi-family’ but it was in fact the Hutu-family of RPF leader Kanyarengwe, an old colleague of Rusatira.

<sup>391</sup> Klaus Bachmann and Aleksandar Fatic. *The UN International Criminal Tribunal: Transition without justice?* New York, Routledge, 2015, p. 71

prosecutor in June 2002, repeating Cruvellier’s alibi-theory:<sup>392</sup> Rusatira was in the process of saving a family, he communicated with Col. Marchal about the rescue operation and with general Ndindilyimana, the Chief of Staff of the Gendarmerie, about the precarious situation at the ETO. They conclude that Rusatira was at his home in the city at the time the massacre started, not in Kicukiro. Reyntjens voices his protest in the local press, saying the accusations against Rusatira are a gross mistake.<sup>393</sup>

After a protestmarch in Brussels, organized by a local Rwandan diaspora group,<sup>394</sup> the fuss in the press and the protests of Filip Reyntjens, the Belgian Justice Minister refuses to extradite Rusatira. To resolve the matter, Chief Prosecutor del Ponte travels to Belgium on 25 July 2002 but she too succumbs to the pressure after “a vociferous showdown with Filip Reyntjens.”<sup>395</sup> The shouting match results in del Ponte backing down and the indictment is withdrawn on 9 August, officially because there is “insufficient evidence to proceed to trial.”<sup>396</sup> In a press statement of 20 August 2002 Rusatira, released from jail, proclaims his innocence and makes a plea for reconciliation.<sup>397</sup>

The affair seems to end there. However, in 2004, during the trial of Theoneste Bagosora, an 18 page testimony shows up, signed by Rusatira on 4 March 1999.<sup>398</sup> In his testimony, which is a compilation of interrogations by ICTR investigators of November and December 1998, and February 1999 in Brussels, Rusatira states that he went to Kicukiro twice on 11 April 1994, in the morning and again at 2 pm, which is the estimated time the massacre at the school compound had started.

“As I approached ETO,” says Rusatira, “from the main road, I saw smoke in the neighbourhood and the refugees were no longer there. The Interahamwe, armed with bladed weapons were still in the neighbourhood. I therefore decided to go and see my mother near the ETO, whom I had left with some refugees, so that I could reassure them. (...) I do not remember seeing FAR soldiers at ETO during this visit.”<sup>399</sup>

Peculiar aspects of his testimony are that Rusatira claims he has seen only a handful of corpses in Kigali and does not mention seeing any victims at the ETO either. Interesting for Cruvellier’s storyline is that Rusatira apparently drives to Kicukiro without an escort. According to Lieutenant Luc Lemaire, the commander of the peacekeepers who were stationed at the ETO before the massacre, Rusatira was never accompanied by his bodyguard except for his first visit, on or about 8 April, but not when he returned for short visits the following days.<sup>400</sup> His bodyguards are the ones transporting the threatened family on 11 April, in the late morning according to Rusatira, or in the course of the afternoon according to Cruvellier.

<sup>392</sup> ICTR. *Consolidated motion for an order varying the grounds of appeal*. International Criminal Tribunal for Rwanda, Prosecutor vs George Rutaganda, Case No. ICTR-96-3-A, 3 January 2003. See § 60-68 for descriptions of the contents of the letters.

<sup>393</sup> Axel Buyse. 2002. “Herrie rond uitlevering Rwandese ex-kolonel.” *De Standaard*, June 20

<sup>394</sup> Centre de Lutte contre l'Impunité et l'Injustice au Rwanda (CLIIR) is the Brussels based organization of Joseph Matata.

<sup>395</sup> Bachmann and Fatic, 2015, p. 71. Bachmann interviewed Reyntjens about this case.

<sup>396</sup> ICTR. *Prosecutors Application to Withdraw Indictment of Leonidas Rusatira Without Prejudice*. International Criminal Tribunal for Rwanda, Prosecutor vs Leonidas Rusatira, Case No. ICTR-2002-80-I, 9 August 2002 (signed Carla del Ponte). The application was filed on 12 August and granted on 14 August 2002.

<sup>397</sup> Leonidas Rusatira. *Communiqué de Presse*. Brussels, 20 August 2002

<sup>398</sup> ICTR. *Declaration de Temoïn*. International Criminal Tribunal for Rwanda, Prosecutor vs Theoneste Bagosora, Case No. ICTR-98-41-T, Exhibit DB 61A.

<sup>399</sup> Statement of Leonidas Rusatira, English version (Exh. DB 61B), p. 10

<sup>400</sup> ICTR. Transcripts of testimony by Luc Lemaire on 30 September 1997 and 1 October 1997. International Criminal Tribunal for Rwanda, Prosecutor vs George Rutaganda, Case No. ICTR-96-3-T, records TRA001503/1 and TRA001504/1

The radio communication between Rusatira and Luc Marchal and his telephone call to Gen. Ndindiliyimana do not support the alibi-theory either. In a letter to Alison Des Forges of October 1999, Ndindiliyimana states that Rusatira had called him in the morning of 11 April '94, which is hours before the massacres took place.<sup>401</sup> According to Cruvellier, Rusatira spoke to Luc Marchal between 15:30 and 16:00h. which is two hours after the massacre at the ETO started.<sup>402</sup> This leaves plenty of room in the timeline to support Rusatira's own statement that he was at the ETO around two o'clock. The Kanyarengwe family was finally collected by UNAMIR in front of the Belgian embassy between seven and eight o'clock in the evening and transferred to the RPF controlled area in the middle of the night.

Apart from the failing alibi, a problematic fact in Cruvellier's story is the alleged link with African Rights. “On February 21, 2002,” Cruvellier still writes in his book *Court of Remorse* years later, “the chief prosecutor signed an indictment against Léonidas Rusatira.”<sup>403</sup> As noted earlier, the signature is actually dated 21 February 2001, making a link implausible. I contacted Carla Del Ponte to find out if a mistake could have been made but she replied that unfortunately she can't remember the details of the case. However, the AR report differs from the ICTR indictment on several key issues and their public response to the withdrawal of the indictment also makes a connection unlikely. In a press statement of 29 August 2002 AR complains that the prosecutor has ignored their report and has failed to contact the survivors whose names are mentioned in it.<sup>404</sup>

At this point we can safely assume that African Rights played no part in the arrest of Rusatira. So how did Rusatira become a suspect? Let's take a closer look at the history of this case.

Rusatira's name was added to the list of genocide suspects on 23 December 1999 by the Rwandan prosecutor general.<sup>405</sup> This was a couple of weeks after the Judgment on 6 December 1999 in the case of Interahamwe leader George Rutaganda. In the Rutaganda case, which also dealt with the ETO/Nyanza massacres, three witnesses had implicated Rusatira. In the section *Factual Findings* of the judgment we read for instance:

“Colonel Leonidas Rusatila<sup>406</sup> separated Hutus from Tutsis at the ETO, prior to the attack, and several hundred Hutus left the ETO compound. When the UNAMIR troops left the ETO on 11 April 1994, the Interahamwe and members of the Presidential Guard entered and attacked the compound, throwing grenades, firing guns and killing with machetes and clubs.”<sup>407</sup> And: “These groups [those who escaped] were stopped en route by soldiers, gathered together near the Sonatube factory and diverted, having been told that Colonel Rusatila had ordered them to Nyanza where their safety would be ensured.”<sup>408</sup>

<sup>401</sup> Augustin Ndindiliyimana. *Critical Observations on the book “Leave None to Tell the Story. Genocide in Rwanda”, By Alison Des Forges, a consultant for Human Rights Watch.* Brussels, 13 October 1999

<sup>402</sup> Cruvellier notes that the radio contact was between 15 :30 en 16 :00 h. The massacre started shortly after the UN peacekeepers left the ETO compound at 13:45.

<sup>403</sup> Thierry Cruvellier. *Court of Remorse Inside the International Criminal Tribunal for Rwanda.* 2010, p. 148

<sup>404</sup> African Rights. “A setback for justice in Rwanda.” Communiqué of 29 August 2002, republished in *Pambazuka* on 12 September 2002. Available at: <http://www.pambazuka.org/human-security/rwanda-setback-justice-rwanda>

<sup>405</sup> Gerald Gahima. *Publication of the Updated List of the First Category Prescribed by Article 9 of Organic Law No 8/96 of 30th August 1996 (O.G. No 17 OF 1/9/1996).* Government of Rwanda, 23 December 1999. Rusatira is added as no. 2106 of the list.

<sup>406</sup> The 'l' and the 'r' sound very similar in Kinyarwanda, which explains the spelling variation Rusatira/Rusatila.

<sup>407</sup> ICTR. Prosecutor vs George Anderson Nderubumwe Rutaganda. International Criminal Tribunal for Rwanda, Case No. ICTR-96-3-T, § 299

<sup>408</sup> *Ibid*, at § 301

Rusatira reacted to the Rutaganda Judgment with a furious letter to the Carla del Ponte,<sup>409</sup> providing her with a rebuttal. What is interesting about this letter is that it contradicts his 1998/1999 ICTR testimony on several important details. Rusatira, who at one point refers to the genocide which left a million people dead as “the troubles,” now claims that he was always in the company of his guards, who would still be available to provide him with an alibi. Rusatira also suggests that the escaped Tutsi who were rounded up to be killed at Nyanza had already left the ETO location *before* the UNAMIR pull out, apparently to discredit the testimonies of survivors.

In one part of the letter Rusatira claims that he was in the city after all during “the subsequent events”, yet in a different part he confirms his original statement: “I only went back to the neighborhood of Kicukiro when my family [meaning the Kanyarengwe family], which I had sent there from Kigali, came back.” He concludes his explanation of the timeline by writing that he spent part of the afternoon looking for a place of refuge for the family, which includes his call to Luc Marchal, after his return from Kicukiro several hours later.

At the time of writing, Rusatira already enjoys the support of Filip Reyntjens, who believes that the reason for adding Rusatira’s name to the list of genocide suspects is purely political. In an article published in 2000 Reyntjens argues that “... the list [of genocide suspects] appeared to be more of an instrument for political intimidation than a judicial instrument. The case of Leonidas Rusatira is illustrative.”<sup>410</sup>

Rather than assuming a connection with the Rutaganda Judgment, Reyntjens recalls that Rusatira has denounced the Rwandan government four years earlier. After his departure from Rwanda Rusatira had sent an open letter to UN Secretary General Boutros Ghali, dated 21 January 1996, to complain about the situation in Rwanda.<sup>411</sup> Reyntjens simply puts one and one together. A problem with this theory is that it does not take into account that Rusatira had been accused by survivors immediately after the genocide and that in January 1996 the ICTR investigators were already completing the process of taking the witness statements in the Rutaganda case that also implicated Rusatira.<sup>412</sup>

Another argument complicating the theory of political motives is the cooperation in 1995 of Vice President Kagame in helping Rusatira out of the hazardous situation he found himself in at the time. The accusations from survivors were already haunting him but he was also receiving threats from former army colleagues who perceived him as a traitor for joining the new army after the genocide. At a meeting with UNAMIR Force Commander Tousignant, Kagame “... absolved Rusatira of any wrongdoing, suspected or otherwise,” and assigned “a personal protection element (...) to ensure his safety.”<sup>413</sup>

According to Tousignant the Government of Rwanda was in the process of securing Rusatira a visa to a third country. This is confirmed by Rusatira in his letter to Carla Del Ponte in which he writes: “With permission from the Minister of Defense [Kagame], I went abroad, came back and left again after investigations at all levels and after having barely escaped more than one kidnapping attempt.” He moved to Kenya in November ’95 before finally settling in Belgium. Rusatira’s name is absent from the official list of genocide suspects published in November 1996 which further contradicts Reyntjens’ assumption.

<sup>409</sup> Leonidas Rusatira. *Letter to Carla del Ponte*. Brussels, 22 October 2001.

<sup>410</sup> Filip Reyntjens. “Small States in an Unstable Region-Rwanda and Burundi, 1999-2000.” *Current African Issues* No. 23, 2000

<sup>411</sup> Leonidas Rusatira. *Letter addressed to His Excellency Mr Boutros Boutros-Ghali*. Nairobi, 21 January 1996

<sup>412</sup> ICTR. *Prosecutor vs George Anderson Nderubumwe Rutaganda. Indictment*. International Criminal Tribunal for Rwanda, Case No. ICTR-96-3-I, 12 February 1996 (signed Richard Goldstone), registered on 13 February.

<sup>413</sup> UNAMIR. *Outgoing Code Cable subject: Conclusion to Rusatira Situation*. Tousignant to Annan/Baril. Kigali, 15 June 1995

In articles and books of Reyntjens, Guichaoua and Cruvellier the Rusatira Affair continues to be used as an example in support of a hypothesis about political pressure on the ICTR by the Rwandan Government, although in this specific case the only pressure on the ICTR appears to have come from these authors themselves. Their claims, including the rumored AR involvement, have since been copied - without fact checking - by a host of other prominent experts and journalists. Not only has this contributed to the negative image of AR but it also continues to damage the reputations of survivors of ETO and Nyanza, whose credibility is questioned on the basis of a shaky theory.

This negative impact has become painfully clear during the extradition case of Jean Claude Iyamuremye, alias Nzinga, a suspected perpetrator of the ETO massacre who was arrested in The Netherlands and transferred to Rwanda on 12 November 2016. After Iyamuremye is detained by the Dutch authorities, Rusatira decides to write a letter in his support. “Isn’t Jean Claude Iyamuremye also a victim of false accusations?” he is quoted by a Dutch magazine, referring to the affair of 2002.<sup>414</sup> The otherwise reputable magazine goes on to name and slander ETO-survivors who have testified against Iyamuremye and to suggest that African Rights is a major source of disinformation on both Rusatira and Iyamuremye.<sup>415</sup>

The uncritical citing of controversial information by scholars and journalists begs the question if, at the end of the day, justice for suspects and victims is not better served when evidence is tested at the appropriate place: a court of law, instead of leaving the investigation, deliberations and final judgment up to a few activist scholars, no matter how noble their intentions may be.

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<sup>414</sup> Anneke Verbraeken. 2015. “Ik een moordenaar? Integendeel.” *Vrij Nederland*, May 15

<sup>415</sup> <https://www.rvdj.nl/2015/20>. The journalist and the magazine were reprimanded by the Dutch press council. However, the article wasn’t retracted and no apologies were extended to the victims.