



College Quarterly

Summer 2009 - Volume 12 Number 3

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The Anonymous Member of the Interhamwe: Bill Clinton's Complicity in the Rwandan Genocide

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Ranked as one of the great human rights tragedies since World War II, the Rwandan genocide is commonly understood in the context of a tribal internecine conflict between the Hutus and Tutsis. The event that triggered the genocide is imputed to the shooting down of a plane carrying the President of Rwanda and Burundi, responsibility for which has been attributed to Paul Kagame, current President of Rwanda and leader of an army comprising Tutsi refugees based in Uganda called the Rwanda Patriotic Front (RPF).

Escaping culpability in the media and public consciousness for the genocide, Bill Clinton and others at the highest levels of the U.S. government, United Nations, France, Britain, Belgium and others share responsibility and possibly complicity for the genocide which left 800,000 dead in its wake.

President Clinton's remark in Rwanda after the killing had ended that "Never again must we be shy in the face of the evidence" is hypocritical in the extreme. His hypocrisy lies in the fact that the U.S. government was principally responsible for the initial withdrawal of UN peacekeeping troops from Rwanda who were desperately needed to halt the killing and also for delaying a second peacekeeping mission from ending the slaughter until after it was over. Such actions violate the Genocide Convention and in particular, Article 1, which obliges states to use all means at their disposal to prevent genocide.

Before examining my claim that Clinton was complicit in the genocide, it is essential to examine the meaning of "complicity" and also the obligation of states to prevent genocide as stated in Article 1 of the Genocide Convention.

There are two levels of guilt defined in the Genocide Convention, the more serious of which is direct guilt and the other is complicity in genocide. Two types of actions with respect to guilt in genocide are implied by the Convention; an act of commission and an act of omission, the former referring to direct participation of a state in genocide while the latter refers to failure of a state to meet its obligations to prevent genocide.

To be complicit in genocide, a number of criteria must be met. In order to be complicit in genocide, the genocide itself must satisfy all the conditions set out in the Genocide Convention. In the case of Rwanda, there is a general consensus among scholars and the United Nations that the slaughter of Tutsis and moderate Hutus

constituted genocide. According to Samantha Power who teaches human rights and U.S. foreign policy at Harvard's John F. Kennedy School of Government, "The case for a label of genocide was the most straightforward since the Holocaust".

In addition, to be complicit entails knowledge of the genocidal intent of the perpetrators. It will be demonstrated later in this paper that President Clinton did have this knowledge.

The scope of complicity has been expanded through a ruling of the International Criminal Court for the Former Yugoslavia on December 10, 1998, which stated that: "Encouragement given to the perpetrators may be punishable, even if the abettor did not take any tangible action, provided it 'directly and substantially' assists in the commission of a crime." Interpreting the ruling, a passage from the International Law Commission's Commentary reaches the conclusion that "Action could include aiding or abetting...Indeed the word 'abet' includes mere exhortation or encouragement." Further discussion of Clinton's encouragement of the extreme Hutus will be discussed later in this paper.

The Genocide Convention defines the obligation to prevent and punish genocide in Article 1 which states that, "The contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish" and Article VIII which states that, "Any contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide."

To clarify and specify the precise meaning of these Articles, I will refer to a February 27, 2007 ruling of the International Criminal Court in the case of Bosnia and Herzegovina vs. Serbia and Montenegro. In paragraph 430 of the ruling, it states that, "Responsibility [for genocide] is however incurred if the state manifestly failed to take all measures to prevent genocide which were within its power, and which might have contributed to preventing the genocide." In addition, the ruling states in paragraph 431 that, "In fact, a State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the serious risk that genocide will be committed." Note that the leaders of a State can not plead ignorance if their intelligence, State Department and security agencies had full knowledge of the genocide because the assumption in these circumstances is that the leader would have known or normally should have known about the genocide.

In this paper, I shall prove that not only did the United States fail to act on its own or collectively with other states but deliberately took actions to prevent the United Nations from acting on a number of different occasions or to undermine operations already underway. The U.S. pressured the Security Council into reducing its

peacekeeping force to an inefficacious number of troops, eschewing the use of the word “genocide” to abrogate the legal obligation to act under the Genocide Convention, perniciously limiting the scope of the mandate of a second UN mission, delaying the vote on a resolution to expand UN peacekeeping forces in Rwanda, and refusing to fund or contribute necessary supplies once the resolution passed.

In fact, all these actions of the U.S. did have a significant impact on the prosecution of the genocide. A study undertaken by the Carnegie Institute in 1997 reported that “In the midst of the slaughter, ...Major Romeo Dallaire of Canada, maintained that a capable force inserted within two weeks after the death of the presidents could have stopped much of the killing...In his assessment, 5,000 troops operating under a peace enforcement mission...could have prevented massive violence; and assisted in the return of refugees and displaced persons.” The Carnegie Report then concluded that, “The Carnegie Institute, The Institute for the Study of Diplomacy at Georgetown University, and the United States Army convened a panel of senior military leaders to...assess the validity of General Dallaire's claims. The panel generally agreed that early military intervention – within two weeks of the initial violence – by a force of 5,000 could have made a significant difference in the level of violence.”

First appearing in Rwanda in October 1993, a UN peacekeeping mission named “The UN Assistance Mission for Rwanda” (UNAMIR) was authorized as a Chapter VI operation by UN Resolution 872 after the second invasion of Rwanda by the RPF in February of the same year. Chapter VI missions authorize peacekeepers to maintain peace and restore order through diplomatic measures while Chapter VII authorizes missions to use force if necessary.

Tension in Rwanda between the Tutsis and Hutus really began during colonial times but in 1959 when the Hutus seized power, it triggered a civil war which drove 10,000 Tutsis into neighboring countries. A group of Tutsi refugees, located in Uganda, formed an army called the RPF. After Juvenal Habyarimana, a Hutu, seized power in 1973, life for the Tutsis became tolerable. A combination of factors including economic devastation caused by the International Banking System, the RPF invasion of 1990 and 1993 and the mistake of the Hutu leadership in rekindling ethnic hatred incited the Hutus to divide into two camps. The Hutu extremists rejected any plan for sharing power with the Tutsis while the moderate Hutus were open to power-sharing. After Habyarimana's plane was shot down, ethnic hatred, fear of a Tutsi victory in the civil war, and absolute refusal to participate in a coalition government propelled the extreme Hutus into a paroxysm of brutal violence resulting in approximately 10,000 deaths a day.

An important issue in assessing whether or not former President Clinton shares complicity in the Rwandan genocide is the question of when and how much did he know about the slaughter of Tutsis and

moderate Hutus. State Department and Intelligence documents were circulated on a daily basis to the President and senior officials in his administration referring to the genocide in Rwanda. For example, on April 23, 1994, just 17 days after the initial killing, a CIA daily briefing stated that, "They (RPF) may be willing to meet the military officers and political leaders, however, in an effort to stop the genocide." Another daily intelligence briefing from the Secretary of state, Warren Christopher, on April 26, 1994, calls attention to, "The Red Cross Estimate that 100,000 to 500,000 people, mostly Tutsis, have been killed in Rwanda's ethnic bloodletting."

Not only did Clinton know about the genocide, he either was aware or should reasonably been aware of the genocidal intentions of the extreme Hutus. Anthony Lake, who had been Deputy Assistant Secretary of State for African Affairs, revealed later that "The U.S. government knew 'within 10 to 14 days' of the plane crash that the slaughter was 'premeditated, carefully planned, was being executed according to plan with the full connivance of the then-Rwandan government'."

UNAMIR peacekeepers numbered around 2,500 before April 26, 1994, but pressure from United States forced the Security Council to downsize the force to 270 troops. The United States was determined to obviate any real or perceived obligation to send American troops to Rwanda. Somalia had chilled American willingness to send troops for peacekeeping missions since, at that time, 19 Americans were killed and one was dragged around the streets of Mogadishu for all to see on American network television. Several policies were contrived to ensure American avoidance of the need to intervene, one of which was to withdraw all peacekeepers from Rwanda and the other was to circumvent calling the massacre "genocide".

Removing UN troops from Rwanda played into the hands of the extreme Hutus whose mission was not to share power with the Tutsis but to exterminate them. To discourage nations from participating in UN peacekeeping, the extremists killed 10 Belgium troops provoking Belgium into withdrawing their peacekeepers from Rwanda.

To reduce UNAMIR to a token force, senior American officials issued orders to the U.S. mission at the United Nations to press for UNAMIR withdrawal. For example, a note from the Secretary of State, Warren Christopher, to Madeline Albright, in April 94 stated that, "Taking these factors into account [the] Department believes that there is insufficient justification to retain a UN peacekeeping presence in Rwanda...USUN is instructed to inform NSC colleagues that the United States believes that the first priority of the Security Council is to instruct the Secretary General to implement an orderly withdrawal of all UNAMIR forces from Rwanda." In addition, on April 13, 1994, Assistant Secretary of State for International Organizations, Douglas J. Bennet, advised the Secretary of State that, "Given the chaotic conditions in Rwanda, it is impossible for UNAMIR to fulfill its mandate. It is our view, therefore, that the force should withdraw from

the country now.”

Notwithstanding that senior members of the administration already knew that genocide was occurring in Rwanda, they carefully avoided the use of the term publicly to establish that the imperative in the Convention to act did not apply. This would protect the government from accusations that the U.S. stood by during the commission of genocide. On May 1, 1994, a discussion paper from the Office of the Secretary of Defense warns that, “Language that calls for an international investigation of human rights abuses and possible violations of the genocide Convention...could commit the USG to actually ‘do something’.” As well, in a cable sent from the U.S. Mission at the U.N. to Secretary of state Warren Christopher on April 27, 1994, a senior official warned that “The events in Rwanda clearly seem to meet the definition of Genocide in Article II of the 1948 Convention...However, if the council acknowledges that, it may be forced to ‘take such action under the charter as they consider appropriate for the prevention and suppression of acts of genocide’ as provided for in Article VIII.”

The UN decision to withdraw UNAMIR troops under pressure from the United States encouraged the Hutu extremists to accelerate the killing. Samantha power understood that the, “Hutu were generally reluctant to massacre large groups of Tutsis if foreigners (armed or unarmed) were present...It did not take many UN soldiers to dissuade the Hutu from attacking.” Also, the Physicians for Human Rights claim that, “In the days following the April 21 decision to reduce UNAMIR forces, mass killings skyrocketed.” (Physicians for Human Rights. *The 1994 Genocide and U.S. Policy*. p. 2)

Secretary General, Boutros Boutros-Ghali was under pressure from a few non-permanent members of the Security Council to urge African nations to contribute troops for a new peacekeeping mission. American leadership, fearing a successful campaign to create a new peacekeeping mission for Rwanda, established an interagency process to produce a Presidential Directive which would include severely prohibitive criteria for deploying UN troops and to define strict rules of engagement.

On May 6, 1994, the White House released PDD-25, signed by President Clinton, in which the central principle of U.S. peacekeeping participation was defined as, “Peace operations are not and cannot be the centerpiece of U.S. foreign policy. However, as the policy states, properly conceived and well-executed peace operations can be a useful element in serving American interests.” (The White House, PDD-25, May 6 1994) In other words, American interests supersede any humanitarian considerations.

In PDD-25, the U.S. defined the criteria for participation in peacekeeping not only for itself but also for the entire Security Council. According to PDD-25, a peacekeeping mission must advance American interests, reflect a threat or breach of international

peace and security, need American participation for its success, include a clear exit strategy and have acceptable costs. These criteria and many others were sufficiently vague and restrictive so that any particular proposed mission could fail to meet the criteria.

On May 9, 1994, the Secretary General proposed a new peacekeeping mission, to be named UNAMIR II, which would expand the existing force of 270 to approximately 5000.

For two weeks Albright prolonged the debate in order to prevent a new peacekeeping mission from being deployed in Rwanda. In a note from the Office of the Secretary of State to Albright, she is instructed to "Urge the UN to explore and refine this alternative [proposal for UNAMIR II] and present the Council with a menu of at least two options ...along with cost estimates before the Security Council votes on changing UNAMIR's mandate." UNAMIR II passed on May 17, 1994, with a Chapter VII mandate and 5,500 troops. Chicanery would delay the deployment of UNAMIR II until the genocide was over.

The most pernicious delaying tactic involved the need to acquire equipment for deployment of troops in Rwanda and for rescuing trapped civilians. Few countries had the vehicles to perform a rapid airlift and logistics operation needed for the above objectives. American armored personnel carriers (APCs) were available to perform this task enabling the U.S. to engage in further stonewalling. Clinton committed to sending 50 APC's but raised the original estimated cost of the vehicles and demanded that the UN pay for their return. On May 13, 1994, Deputy Secretary of State, Strobe Talbot advised Albright that, "The U.S. is not prepared at this point to lift heavy equipment and troops into Kigali."

On May 17, 1994, when most of the Tutsis and moderate Hutus were dead, the U.S. finally agreed to a modified version of UNAMIR II. Despite the agreement, the Pentagon proceeded in the most tortuously slow manner on the basis of the exact terms of the lease of APC's. By the end of the genocide on July 17, 1994, not one APC had arrived in Rwanda yet.

The case against former President Bill Clinton is very solid given that it clearly meets the requirements of both the Genocide Convention and subsequent court rulings. He knew about the genocide and the intentions of the perpetrators, was extremely diligent in preventing peacekeepers from operating in Rwanda, did violate Article 1 in the Convention, and thereby offered encouragement to the extreme Hutus and prevented a UN force which, according to a number of experts, would have ended the killing. Notwithstanding the strength of the case, it is very unique in the sense that complicity normally requires some kind of direct involvement. Nonetheless, if the UN Security Council was reluctant to act, then US obstruction would not have resulted in a failure to prevent the genocide. Since the Security Council only removed UNAMIR1 due to American pressure

which also delayed the deployment of UNAMIR2, then the U.S. actively impeded the Council from preventing or stopping the genocide and at the same time, gave encouragement to the extreme Hutus.

Clinton and the senior officials in his administration are relegated along with Bush and other Presidents to the ignominious, shameful niche reserved for the reprobates in history whose evil deeds diminish progress towards universal social justice.

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