

Open Letter to the BBC on Rwanda: The Untold Story

By [Charles Kambanda](#)

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Region: [sub-Saharan Africa](#)

Theme: [Crimes against Humanity](#)

TO: Mr. Tony Hall,

Director of BBC, Broadcasting House, London, UK

FROM: Charles KM Kambanda, PhD.

Attorney and Counsel-at-law,

New York, US

October, 15th, 2014

Introduction:

I am writing to you as a Rwandan researcher, human rights defender and an Officer of Court in New York State; I am bound by the Constitutional Oath of Office. I taught at the National University and other institutions of higher learning in Rwanda for over a decade after the 1994 massacres. I am writing from my firsthand and lived experience of the unfortunate Hutu/Tutsi conflict. I am a Rwandan who was born to a Rwandan refugee family in Uganda. I supported RPF before, during and after the 1990 war. Like many other Rwandans, I lost countless family relations to the massacres in Rwanda. I am a Rwandan scholar – based in the United States of America – who is interested in sustainable peace and co-existence between and/or among the diverse people of Rwanda. I belong to no Rwandan political party. It is my submission that no side to the insane Tutsi vs. Hutu conflict is exclusively for victims or perpetrators of the senseless crimes that have characterized these two, generally, hostile groups. Both sides to the armed conflict committed horrible massacres before, during and after the 1994 massacres.

Accept my heartfelt gratitude and respect for the BBC team that prepared the famous [Rwanda's Untold Story](#) documentary. The BBC team that worked on this documentary did a tremendous job documenting the background and the intricate web of the crimes both sides allegedly committed during, before and after the 1994 horrific massacres. What your team did is investigative journalism; Descartes (the great French philosopher) called it the Methodical doubt. In the Holy Scriptures, Jesus Christ says "the Truth will set us free". The producer of the documentary dug deep into the truth which different parties to the Rwandan conflict do not want the world to know because that truth will set people free. The BBC, as an institution, deserves credit for the great film. It is my submission that Ms. Melvern and her group's "rebuttal" of the BBC documentary should be treated with the contempt it deserves.

1. A. Inquiry into the causes, manner, perpetrators and victims of the long and bloody Hutu vs. Tutsi conflict in Burundi and Rwanda before, during and after the 1994 massacres in Rwanda is not a closed chapter as Ms. Melvern's missive appears to suggest.

The 1994 massacres occurred within the context of a bloody ethnic civil war between the Hutu (a Hutu dominated government) and Tutsi (Tutsi dominated rebels). There are well documented ethnic based massacres between the Hutu and Tutsi before and after the 1994 massacres. The well documented Tutsi/Hutu massacres include:

1. (i) The 1993 Burundian massacres where the Tutsi butchered the Hutu.
2. (ii) The Gersony, UNCHR sponsored report which detailed the insane massacred RPF /A perpetrated against the Hutu under the then Tutsi rebels held territory.
3. (iii) RPF/A (predominantly Tutsi) slaughter of internally displaced Hutu refugees camp.
4. (iv) Some Tutsi and some Hutu militia on-slaughter of the Tutsi and the Hutu during the 1994 massacres.
5. (v) RPF/A slaughter of the Hutu in Congo (both native DRC Hutu and Rwandan Hutu refugees as documented by the UN Mapping Report).

Investigating the similarities and differences between these reoccurring insane massacres between the Hutu and Tutsi without favor is, in my opinion, not only necessary but also a noble cause. The documentary does exactly that. Apparently, any objective inquiry into these crimes is what Ms. Melvern and her group of journalists and researchers call "[using] current events to either negate or to diminish the genocide... to promote genocide denial". All the above well documented crimes, committed by the same people against the same people in different places and time, create an unequivocal need for social research. Social research is a continuum. Unfortunately, Ms. Melvern and her group appear to suggest that their research finding on these complex social political phenomena in the Hutu vs. Tutsi conflict is conclusive.

1. B. Ms. Melvern and her team resort to name calling instead of addressing the substantive issues the interviewees, individually, and the entire documentary raised. In most instances, Ms. Melvern and her group do not substantiate their generalized attacks on the individual interviewees, the BBC and the documentary producers

Ms. Melvern and her group characterize the BBC documentary as "old claims [...] similar material using similar language [that is] part of an on-going Hutu power campaign of genocide denial". This is an absurd approach especially for social science researchers and journalists for various reasons:

1. (i) The BBC documentary, as the title of the documentary suggests, was intended to interview different people with rarely mentioned personal experience of what happened in Rwanda during, before and after the 1994 massacres. Such statements must be as old as the events the statements describe if those statements are proper representation of what happened. Therefore, whether those statements are "old claims" is a tautology. How would statements explaining what happened 20 or so years ago be "brand-new" statements for every BBC viewer of the program?

2. (ii) Ms. Melvern and her group deliberately apply “Hutu power”, term with no known definition to confuse their readers. What’s Hutu power? What is the composition of Hutu power? Where is Hutu power? Research methodology and formal logic prohibit use of unknown and undefined terms for any purpose, especially while addressing critical social problems.

Ms. Melvern and her group of journalists and researchers claim that “the parts of the film which concern the 1994 genocide, far from providing BBC viewers with an ‘Untold Story’ as the title promises, are old claims”. This is a serious allegation against the BBC “on behalf of BBC viewers”. This allegation implies that Ms. Melvern and her group met “BBC viewers” and Ms. Melvern and her group are authorized agents of the “BBC viewers” to complain to the BBC on behalf of what Ms. Melvern calls the BBC viewers. Is Ms. Melvern or any individual signatory to their letter the “BBC viewers” and so the signatory are complaining to the BBC for having viewed “old claims”? Are these researchers who signed the letter presenting their perception of the BBC documentary as “old claims”? Is Ms. Melvern presenting “some” or “all” BBC viewers’ perception of documentary? Did Ms. Melvern and the researchers who signed the letter purposively fail to distribute their term “BBC viewers” properly? Is Ms. Melvern unfamiliar with the rules on distribution of terms? Why didn’t they distribute their term “BBC viewers” so that the readers know, with substantial certainty, the scope of the “BBC viewers” these researchers are referring to?

Ms. Melvern and her group argue that “at the heart of this [Hutu power] campaign are convicted génocidaires, some of their defen[s]e lawyers from the International Criminal Tribunal for Rwanda (ICTR), and their supporters and collaborators ... like the programme ... The BBC programme Rwanda’s Untold Story recycles their arguments and provides them with another platform to create doubt and confusion about what really happened”. This is absurd *ad hominem* because:

1. (i) A reasonable person would not confuse the person, ideas and research, of defense counsel with the client’s real or alleged crimes. Ms. Melvern and her fellow researchers appear to impute the ICTR “convicted génocidaire” some ICTR defense counsels.
2. (ii) Carl Del Ponte, the former ICTR prosecutor, Michael Hourigan who was an investigator and prosecutor at ICTR, among others scholars wrote widely about the ICTR’s cover up of the RPA/F crimes during the 1994 massacres.
3. (iii) Ms. Melvern and her group know or they should know for sure, that the BBC documentary producer did not interview any ICTR convict. How do the distinguished researchers, who signed the letter, relate the BBC documentary interviewees’ testimony with ICTR “convicted génocidaires”?
4. (iv) Courtesy and common sense requires Ms. Melvern and her group to explain how the ICTR “convicted génocidaires” exercised undue influence and pressure over the documentary interviewees. Is it rational that the ICTR “convicted génocidaires”, as Ms. Melvern and the group put it, would influence a significant number of society as to form what Ms. Melvern appears to call a global campaign of supporters and collaborators to create doubts and confusion about what happened?
5. (v) The documentary producer interviewed Rwandans and other nationals. Some of the interviewees are Tutsi and former RPF/A members. How did the ICTR “convicted génocidaires” recruit these Tutsi 1990/1994 war opponents into supporters and collaborators? Aren’t Ms. Melvern and her group oversimplifying

very complex issues under cover over of their deliberate *ad hominem*?

6. (vi) The documentary features prominent non-Rwandan scholars and legal practitioners. Ms. Melvern and her group conveniently dismiss all these prominent professionals' views under a terribly sweeping statement "all of those professionals are supporters and collaborators of the ICTR convicted genocidaire". Ordinarily, social researchers and journalists avoid sweeping statements. How do the "convicted genocidaire" influence a cross section of people – including prominent professionals like lawyers and academics the documentary producers interviewed?
1. C. What Ms. Melvern and her group calls the three lies of the documentary are real controversies among Rwandans and social science researchers. These contentious issues are proper subject matter for social research and investigative journalism.

Ms. Melvern and her group cite what they call lies in the BBC Documentary as "[...] lie about the true nature of the Hutu Power militia [...] an attempt to minimize the number of Tutsi murdered in the genocide, [...] an effort to place the blame for shooting down President Habyarimana's plane on April 6, 1994 on the Rwandan Patriotic Front (RPF)". Each of the three accusations, which Ms. Melvern and her group call "BBC Documentary lies", deserves thorough analysis for validity and truth.

1. 1. *On the true nature of the Hutu power militia*

Ms. Melvern and her groups argue that "the BBC documentary allows a witness to claim that 'only ten percent of the Interahamwe (militia) were killers. In fact, the majority of Hutu Power militia forces – estimated to have been 30,000 strong – were trained specifically to kill Tutsi at speed, and indoctrinated in a racist ideology, part of genocide planning. There is eyewitness testimony by several militia leaders who cooperated with the ICTR".

First, it is absurd to discredit the entire documentary or issue therein because "one of the interviewees made a mistake in [his] quantitative estimation" of the interahamwe who allegedly perpetrated the massacres. Interestingly, Ms Melvern protests the BBC interviewee's estimation of the number of the Interahamwe by introducing her own estimation about the number of the interahamwe. Why does Ms. Melvern want her readers to believe her estimates, not the BBC interviewee's estimations of the interahamwe numbers? Second, Ms. Melvern and her group miss on some important facts about the militia, including the interahame, some of who committed the horrible massacres.

1. (i) It is wrong to think that all interahamwe were Hutu. Some interahamwe were Tutsi. Referring to all interahamwe as Hutu militia is a misstatement of fact. The interahamwe boss in charge of recruitment and politics – Robert Kajuga – was Tutsi and so were a significant number of the interahamwe
2. (ii) When Rwanda embraced multiparty politics in 1991, each political party had its own "Youth Wing to animate party meetings, organize and mobilize for the party. MRND (the then ruling party's Youth Wing was called *Interahamwe*. PSD (another political party) had *Abakombozi* as its Youth Wing. MDR's Youth Wing was called *Inkuba*. PL's Youth Wing was called *Jeunes liberaux*. As the war and party politics progressed, each Rwandan community -including political parties and their youth wings – developed "radical groups".

3. (iii) There is overwhelming evidence that some members of each political youth wing/militia participated in the 1994 massacres and that each political party militia was hostile against others. Reducing these militia groups to “Hutu militia” is distortion of facts.
 4. (iv) There is proof of, and the type of war RPA/F was engaged in against the then government dictate that, RPA/F cadres infiltrated all political parties’ militia as early as 1991. Probably, some of these RPA/F infiltrators engaged in the 1994 massacres.
 5. (v) There is sufficient evidence that by the time of the 1994 massacres, all political parties of that time, including RPF, had some ‘radicalized’ members and militia. Therefore, simplifying the phenomenon of who killed who during such circumstance, like Ms. Melvern appears to suggest, is inconsistent with qualitative research approach.
1. 2. *Ms. Melvern and her group’s argument on Rwanda’s population statistics before the 1994 massacres is false and invalid. Ms. Melvern and her group use inadmissible evidence to support their argument*

Ms. Melvern and her group argue that “the programme [the BBC documentary] attempts to minimize the number of Tutsi murdered, a typical tactic of genocide deniers. The false figures cited are provided by two US academics who worked for a team of lawyers defending the génocidaires at the ICTR. They even claim that in 1994 more Hutu than Tutsi were murdered – an absurd suggestion and contrary to all the widely available research [reports]”.

Inconsistent statistics argument:

Ms. Melvern and her group know or should know that the entire post-independence Rwandan population census reports indicated the ethnic and religious affiliation of each Rwandan. The last population census before the 1994 massacres took place in 1991. The 1991 Rwanda population census indicate that the total population was 6.2 million people; 14% Tutsi, 84% Hutu and 1% Twa and others. No post-independence Rwandan population census report had bigger figures than the 1991 population census report. However, after the 1994 massacres, the total number of the people butchered is put at 1.3 million people – in any case, well above 1 million people were brutality butchered. The number of Tutsi survivors of the massacres stood at around 350,000 people. The proper equation, for purposes of determining the number of the Tutsi who died during the 1994 massacres should be: 14% of the total population – (minus) the total number of Tutsi survivors of the massacres.

For unknown reasons, Ms. Melvern wants her audience to rely on reports and/or stories, made/told after the 1994 massacres, to ascertain the country’s population’s statistics before 1994. The only proper authority when in issue is the population statistic of a country, is that country’s population census. How does the world end up with over one million Tutsi dead and about 350,000 Tutsi survivors yet the Tutsi were only 14% of a population of 6.2 million people? Even if all the 14% Tutsi had been killed, it was impossible to have the over 1 million human skulls “Tutsi victims” that are paraded in genocide memorial centers. Is it possible that the Hutu set out to exterminate the Tutsi but they ended up killing themselves

more than they killed their “target”, the Tutsi? Seeking for answers to such clear statistical inconsistencies is called “genocide denial” in Ms. Melvern and his fellow researchers’ world. Ms. Melvern and her group are determined to push all these inconsistencies down their readers’ throat because “some reports say so”. This, in my considered view, is undermining human intelligibility.

Ms. Melvern and her group should inquire, from the government of Rwanda, about the 2004/2005 household-to-household nationwide survey of the Tutsi who died during the massacres. Why did the government of Rwanda and donors invest so much money in a survey whose findings were never made public? Who had interest in not publishing that survey? Wouldn’t have made a good argument for Kagame, who has paraded human skulls for tourists throughout the country, to show a breakdown of village by village Tutsi who died during the massacres? Interestingly, every apart of Rwanda has skulls of the 1994 massacres victims. However, by April 1994 when the massacres started, RPF had significant territory under their control. How did the “Hutu” penetrate RPA/F held territory to massacre the “Tutsi”? Why there isn’t any District in Rwanda without the 1994 massacres victim skulls yet a significant chunk of Rwandan territory was under RPF control? Inquiring into these and other critical questions is what Ms. Melvern calls “genocide denial” in Ms. Melvern’s world. Ridiculous

1. 3. Ms. Melvern and her group twist facts about shooting down the plane of the then Hutu president, which is widely believed to have triggered the 1994 massacres

Ms. Melvern and her group claim that the BBC film “argues that the shooting down of the plane on April 6, 1994 was perpetrated by the RPF. This same story was promoted by Hutu Power extremists within a few hours of the president’s assassination and promoted ever since by génocidaires and a few ICTR defense lawyers. The film pays no heed to a detailed expert report published in January 2012 by a French magistrate Judge Marc Trévidic. This contains evidence from French experts, including crash investigators, who proved scientifically that the missiles that shot down the plane came from the confines of the government-run barracks in Kanombe on the airport’s perimeter – one of the most fortified places in the country, and where it would have been impossible for the RPF, armed with a missile, to penetrate”. This argument is a deliberate set of twisted facts and lies that the journalists and researchers cannot have appended their signature to naked lies if their motive had been justice, fairness and good faith rebuttal of the BBC documentary. The following are the nasty twisted facts and lies in Ms. Melvern’s argument “shooting down the president’s plane”:

1. (i) Ms. Melvern and her group know or should know that shooting down President Habyarimana’s plane is the legal and proximate cause of the 1994 massacres in Rwanda. Shooting down of the plane has been investigated by two distinct and separate courts; the French and Spanish courts. Both courts indicted and issued arrest warrants for Kagame and his top RPF commanders for their alleged criminal responsibility for shooting down the plane. Unfortunately, Ms. Melvern appears to argue that the ICTR “convicted génocidaires” and some of the ICTR defense attorneys “influenced” both the French and Spanish court to indict and issue arrest warrants for Kagame and his former bush war top commanders. Really!
2. (ii) Ms. Melvern and her group do not inform their readers that the ICTR former

prosecutor carried out thorough investigations into Kagame and his then rebel leaders' role in the massacres. The ICTR prosecutor was ready to prosecute Kagame and his fighters who allegedly committed crimes under the ICTR jurisdiction; war crimes, crimes against humanity and genocide. Shooting down the plane was part of the charges against Kagame and his then rebel fighters. Instead of accepting to face justice at the ICTR, Kagame rushed to President Bush for "rescue". President Bush ordered the then ICTR prosecutor – Carl Del Ponte – to desist prosecuting Kagame and his former rebel fighters because Kagame is a USA 'ally'. The prosecutor chose to resign than compromising our professional ethnics because selective justice is not justice. These facts are well documented.

3. (iii) The French court indicted, and/or issued arrest warrants for, Kagame and his top rebel commanders for the shooting down of the plane. Ms. Melvern and her friends know or should know that a court decision is not overturned by a mere report of experts. A court decision is overturned by another superior court's decision in form of an appeal or the same court's review of its decision. Ms. Melvern knows or should know that the French Court indictments and/or arrest warrants for Kagame and his alleged partners-in-crime are on file. It is absurd that Ms. Melvern and her group seek to abuse the purpose and character of expert reports the way they use Judge Marc Trévidic report in their argument. In any case, the French Court has not pronounced itself on the experts' report Ms. Melvern and her group uses for their argument. This is academic dishonesty of the highest order.
4. (iv) Ms. Melvern and her group appear to ignore the fact that the BBC documentary features some of Kagame's former top rebel commanders who testify that Kagame ordered the shooting of the plane. These former top rebel commanders' testimony is admissible evidence in courts of law; it is an "admission". Some of the former RPA/F top leaders who testified in the documentary are Tutsi and they incriminate themselves. Linda and her fellow researchers should have analyzed these central facts before dismissing the BBC Documentary as "lies". It is true these former rebels' testimony may be subject to impeachment for bias. However, since we are not in court yet – and it is court's exclusive powers to conclude on whether or not a witness is biased against the accused – Ms. Melvern and her group cannot sweep these former RPA/F top leaders' testimony under the carpet. In any case, Melvern and a significant number of the signatories to the letter can also be impeached for bias in favor of Kagame because of their constant, sometimes bordering with insanity, defense for Kagame at all costs, including telling lies for that purpose. Whatever the case, the BBC is not reasonably expected to go into the intricate law of evidence on impeachment of witnesses' rules before selecting their interviewees.
1. D. Ms. Melvern and her group are determined to present evidence of "planning genocide" to BBC yet; the ICTR prosecutor needed, but failed to get, sufficient evidence to prove "planning" the 1994 massacres with intent to destroy the Tutsi in whole or part.

Ms. Melvern and her group give an impression that they have, and are presenting, evidence of "genocide planning" yet in the famous Military 1 and Military 11 which prosecuted all the top military and national security officials found that all that evidence did not prove "

planning” genocide. The ICTR indictments of all the accused in Military 1 and Military 11 alleged that the accused had pre-made lists of the Tutsi to be killed, the accused had a well laid strategy to exterminate the Tutsi and that the accused had trained and distributed militia to perpetrate the Tutsi genocide. There was no evidence at the ICTR to prove these allegations and court acquitted all the accused on genocide account. Unfortunately, Ms. Melvern recycles these allegations, which the ICTR examined and found baseless, for her argument to attack the BBC documentary. If Ms. Melvern had the evidence she claims to prove that the Hutu “planned” the genocide, why didn’t Ms. Melvern take her evidence to the ICTR in the Military 1 and Military 11 which examined ‘planning’ the genocide allegation?

Ms. Melvern and her team, fallaciously, argue that “Jane Corbin, who presented the programme, even tries to raise doubts about whether or not the RPF stopped the genocide. The authority on this subject is Lt.-General Roméo Dallaire ... Dallaire is categorical. ‘The genocide was stopped because the RPF won and stopped it’”. Ms. Melvern and her group ignore that the then very powerful and one of the top RPA/F commander, General Nyamwasa Kayumba said that “Kagame’s concern was not to stop the genocide. Kagame’s intention was to take power”. Without efforts to reconcile these critical and diverse positions by different actors, Ms. Melvern makes very disturbing conclusion, “RPF stopped genocide because Gen. Romeo Dakaire said it”. Is that academic honesty as she claims she is?

Ms. Melvern and her group agree that the BBC documentary lasted for less than an hour. The film features some scholars and people with firsthand information about what happened. What Ms. Melvern and the group blames the BBC documentary for is that the BBC documentary producer did not feature the group’s favorite scholars, practitioners including Dallaire, Philippe Gaillard and Dr. James Orbinski. In my considered view, Ms. Melvern and her group are probably mistaken about how investigative journalism and social research operates. The purpose of the film was to bring to light the “Untold story” about the massacres in Rwanda. It follows that the “popular account of events” was not the subject matter of the documentary. What value would the BBC add to its diverse viewers if the BBC was to avoid controversial social issues for “popular” views? It is impossible to interview everybody for one single research project.

1. E. The 1994 massacres cannot be detached from Rwanda’s social political culture. A researcher that seeks to close investigations and/or research into the culture that gave birth to the 1994 horrible massacres is probably naive

The 1994 Rwandan massacres were a logical sequence of a complex unresolved social and political dynamics. At the core of this insane conflict is each side’s failure to perceive the other side as a legitimate group with equal rights. In this conflict, the “other group” has no legitimate history, story and existence. Each group’s heroes are the other group’s evil men. Vengeance, dehumanizing the ‘other group’ and exterminating “our” enemy is spontaneous characteristic of an ordinary Hutu or Tutsi. “Secrets and lies” in “our” group against the “other” group are the major features of the Hutu vs Tutsi troubled co-existence. Settling for one group or side’s narrative, without critical thinking and reexamination of these two groups’ co-existence history and crimes, is settling on a appallingly slippery cliff.

Unfortunately, the current government of Rwanda and its complex network of lobbyists consider any critical reflection on RPA/F role in the horrific crimes “genocide denial”. This undesirable Government of Rwanda position is clear in its draconic laws, including “genocide revisionism laws”. Kigali government, its lobbyists and, surprisingly, some

academics are inclined to refer to the BBC documentary – a very critical inquiry into the different events during, before and after the 1994 massacres – as “genocide denial”.

Conclusion

What happened during, before and after the 1994 massacres is extremely complex that any social researcher who claims to have perfect and conclusive knowledge of the 1994 Rwandan massacres, like Ms. Melvern and fellow researchers claim, must be treated with the contempt they deserve. “Genocide denial” should not become a social-political tool to suppress critical thinking, human intelligibility and human freedoms.

The BBC has a choice to make. Remain critical and investigative or become a morale booster for those who hold power and lose the trust and confidence of the ordinary people who are yearning for justice and fairness. The Hutu/Tutsi conflict has caused way too many horrible massacres in Burundi, Rwanda and DRC. The victor vs. Vanquished narrative, like Ms. Melvern and her group appear to suggest, should be discarded. For BBC’s credibility and very long history of service, a critical approach to the Hutu/Tutsi conflict is the only sustainable and value adding way to go.

I would be happy to take on Ms. Melvern and her group in an open debate over all the issues they raised in their letter.

Charles Kambanda is a Rwandan American law professor at St. John’s University in New York City.

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