

December 7, 2011

Volume 15, Issue 32

Epilogue to *Hotel Rwanda*

By Gregory Townsend



Introduction

The 2005 Academy Award-nominated film *Hotel Rwanda* laid bare the horrors of the Rwandan genocide to audiences and viewers around the world. The film depicted two particular genocidal archvillains opposite Don Cheadle's portrayal of the protagonist, hotelier Paul

Rusesabagina. The film's closing credits refer to the cases of these two "*genocidaires*." The first case was that of George Rutaganda, who was convicted in 1999. The second case was that of Major-General Augustin Bizimungu, which remained unresolved when the film was released.

Earlier this year, however, a Trial Chamber of the United Nations International Criminal Tribunal for Rwanda ("ICTR") convicted Bizimungu and sentenced him to thirty years in prison.^[1] Those who saw the film may recall scenes in which Bizimungu's character is depicted as a single-malt drinking officer who—for money or self-serving purposes—kept at bay the *Interahamwe* militia that sought to kill the more than 1,200 displaced civilians sheltered at the Hôtel des Mille Collines.

This *Insight* examines the ICTR's judgment against Bizimungu and several related cases.

Judgment in the "*Military 2*" Case

Ten days after the start of the Rwandan genocide in April 1994, Bizimungu was promoted to Chief of Staff of the Rwandan Armed Forces.^[2] After the genocide, Bizimungu fled, but was arrested in 2002 in Angola and transferred to the seat of the Tribunal in Arusha, Tanzania. The trial of Bizimungu, along with three other Rwandan military co-defendants, before a three-judge panel of UN-appointed judges, spanned five years and ended in June 2009. As this trial followed an earlier trial against different senior military officers, it was dubbed the "*Military 2*" case. The Trial Chamber heard seventy-two prosecution witnesses, the last of whom was UN peacekeeper General Roméo Dallaire (on whom the character portrayed by Nic Nolte was based) and 136 defense witnesses.^[3] The judges conducted a site visit to

RELATED ASIL INSIGHTS

[The Netherlands Found Liable for Srebrenica Deaths](#)

[Rwanda's Gacaca Courts: Implications for International Criminal Law and Transitional Justice](#)

[Venues for Prosecuting Saddam Hussein: The Legal Framework](#)

[The ICTR Appeals Chamber judgment in *Prosecutor v. Seromba*](#)

[Charles Taylor and the Special Court for Sierra Leone](#)

[The Trial of Slobodan Milosevic](#)

[Special Tribunal for Lebanon Issues Landmark Ruling on Definition of Terrorism and Modes of Participation](#)

[Insights Archive](#)

DOCUMENTS OF NOTE

[Ndindiliyimana Judgement & Sentence](#)

[Nyiramasuhuko Judgement & Sentence](#)

[Rutaganda Judgement](#)

[Statute of the Tribunal](#)

[ICTR Basic Documents and Case Law](#)

ORGANIZATIONS OF NOTE

[International Criminal Tribunal for Rwanda](#)

[United Nations](#)

[UNAMIR](#)

Copyright 2011 by The American Society of International Law ASIL

The purpose of ASIL Insights is to provide concise and informed background for developments of interest to the international community. The American Society of International Law does not take positions on substantive

Rwanda in 2009, but did not visit the Hôtel des Mille Collines as the trial did not focus on events there.

On May 17, 2011, after two years of deliberations, the Trial Chamber found Bizimungu guilty of committing genocide, crimes against humanity, and war crimes. Relying on testimony of rape victims and other survivors, the Trial Chamber found that “soldiers under the command of Bizimungu” carried out “systematic killings” and rapes that sought to destroy Rwanda’s Tutsi ethnic group.[4]

Two of Bizimungu’s co-defendants, François-Xavier Nzuwonemeye and Innocent Sagahutu—both in custody since 2000—received twenty-year sentences. The Trial Chamber found that they ordered the killing of Prime Minister Agathe Uwilingiyimana and that they were criminally responsible as superiors for the killing of ten Belgian peacekeeping soldiers participating in the United Nations Assistance Mission for Rwanda (“UNAMIR”).[5]

The remaining co-defendant, Augustin Ndindiliyimana, the chief of the Rwandan Gendarmerie who was arrested in January 2000—more than eleven years before judgment day—was sentenced to time served. As part of the mitigating evidence in his favor, the Trial Chamber noted that a witness testified “that a platoon of *gendarmes* was sent to the *Hotel des Mille Collines* to assist the UNAMIR unit there.”[6]

The Rutaganda Case: A War Crimes Precedent Applicable in Civil Wars

Those who saw *Hotel Rwanda* also may recall the other villain depicted, Georges Rutaganda. In one of the first scenes, a wooden crate bursts at the beer-distributing warehouse belonging to Rutaganda’s character and hundreds of machetes spill out. In April 1994 in Rwanda, Rutaganda also served as vice president of the *Interahamwe*, the youth wing and militia of the ruling political party.

In 1999, a Trial Chamber of the Tribunal convicted Rutaganda of genocide, finding that he ordered the butchering of civilians, and sentenced him to life in prison.[7] On appeal in 2003, a five-judge Appeals Chamber affirmed Rutaganda’s life sentence, and, by a majority, overturned two acquittals on lesser counts, thereby entering convictions against Rutaganda for war crimes for several murders connected to the armed conflict.[8] Convicting Rutaganda—a civilian—for war crimes against civilian victims in a civil war context represented a major legal landmark in international humanitarian law. It constituted the first international conviction for violations of Common Article 3 of the Geneva Conventions, applicable in civil wars.[9] This holding remains pertinent today because it shows that the international community can rightfully prosecute war crimes, including those committed by civilians, occurring in a civil war in any country. In June 2009, the Tribunal transferred Rutaganda to a prison in Benin to serve his life sentence, and he died there in October 2010.

Superior Responsibility for Ordering Rape

About five weeks after convicting Bizimungu for, *inter alia*, the rapes committed by his subordinates, another Trial Chamber handed down a judgment with several similar findings in a six-defendant case—the so-called “*Butare*” case—that included Pauline Nyiramasuhuko, Rwanda’s former Minister of Family and Women’s Development (and the Tribunal’s only female defendant). The Trial Chamber in *Butare* similarly found that she “ordered *Interahamwe* to rape Tutsis . . . and bears responsibility as a superior for their rapes.”[10] The Trial Chamber, in its written judgment spanning more than 1,500 pages,

issues, including the ones discussed in this Insight. Educational and news media copying is permitted with due acknowledgement.

The Insights Editorial Board includes: [Cymie Payne](#), UC Berkeley School of Law; [Amelia Porges](#); and [David Kaye](#), UCLA School of Law. Djurdja Lazic serves as the managing editor.

also found that her son, co-defendant Arsène Shalom Ntahobali, personally “raped Tutsi women . . . , ordered *Interahamwe* to rape Tutsis, and aided and abetted the rapes of a Tutsi.”^[11]

Though often acting in concert with her son and other perpetrators, on the charge of conspiracy to commit genocide, the Trial Chamber in *Butare* convicted only Nyiramasuhuko, as it found that she, as a Minister,

entered into an agreement with members of the Interim Government on or after 9 April 1994 to kill Tutsis within Butare *préfecture* with the intent to destroy, in whole or in part, the Tutsi ethnic group. As a member of the Interim Government, Nyiramasuhuko participated in many of the Cabinet meetings at which the massacre of Tutsis was discussed, and took part in the decisions which triggered the onslaught of massacres in Butare *préfecture*.^[12]

The Trial Chamber gave Nyiramasuhuko and Ntahobali life sentences,^[13] and convicted the other co-defendants, namely two governors and two mayors.^[14] Though it was Nyiramasuhuko’s duty to promote the rights of women, she will be recorded in history as the first woman ever convicted by an international court of genocide and for ordering rape as a crime against humanity.

Bizimungu and Nyiramasuhuko (and their co-defendants still in custody) are likely to appeal their convictions; they will remain in the Tribunal’s detention facility until their appeals are decided. If the Appeals Chamber affirms their convictions, they will serve out the remainder of their sentences in one of the eight countries that have agreed to imprison Tribunal convicts.

Conclusion

For many observers, the Tribunal’s recent convictions of Bizimungu and Nyiramasuhuko serve as a just finale for these real-life genocidal characters and a fitting epilogue to *Hotel Rwanda*’s message of ending impunity for perpetrators of international crimes.

About the Author:

Gregory Townsend, an ASIL member, is a Senior Legal Officer with the Office of the Prosecutor at the Special Tribunal for Lebanon (“STL”) in The Hague. He was a former prosecutor at the International Criminal Tribunal for Rwanda (“ICTR”). The views expressed in this article do not necessarily reflect those of the STL, ICTR, or the United Nations.

Endnotes:

[1] See Prosecutor v. Ndingiriyimana et al., Case No. ICTR-00-56-T, Judgement & Sentence (May 17, 2011), available at <http://www.unictr.org/Cases/tabid/127/PID/79/default.aspx?id=4&mnid=2> [hereinafter *Ndingiriyimana* Judgement & Sentence].

[2] *Id.* ¶ 90.

[3] See Prosecutor v. Ndingiriyimana et al., Case No. ICTR-00-56-T, Minutes of Proceedings (Dec. 6, 2006 & Feb. 18, 2009), available at <http://www.unictr.org/Portals/0/Case/English/Bizimungu00-55/case%20minutes/220-061207.pdf>, <http://www.unictr.org/Portals/0/Case/English/Bizimungu00->

[4] *Ndindiliyimana* Judgement & Sentence, *supra* note 1, ¶¶ 1196, 2100.

[5] *Id.* ¶ 2092 (finding that “soldiers under the command of Nzuwonemeye and Sagahutu participated in the attack on and killing of Prime Minister Agathe Uwilingiyimana.”); ¶¶ 2095-98 (finding superior responsibility under Article 6(3) of the ICTR Statute for the killing of Belgian peacekeepers at Camp Kigali who were hors de combat); ¶ 2254.

[6] *Id.* ¶ 2216. *Ndindiliyimana* testified that he asked Dallaire for “his assistance to defend the Hôtel des Milles Collines from attack.” *Id.* ¶ 780.

[7] See *Prosecutor v. Rutaganda*, Case No. ICTR-96-3-T, Judgement & Sentence (Trial Chamber Dec. 6, 1999).

[8] See *Rutaganda v. Prosecutor*, Case No. ICTR-96-3-A, Judgement (Appeals Chamber May 26, 2003).

[9] See *generally* Press Release, UN News Centre, Rwanda: UN tribunal Hands Down First War Crimes Conviction (May 23, 2003), *available at* <http://www.un.org/apps/news/story.asp?NewsID=7210>.

[10] See *Prosecutor v. Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Judgement & Sentence, ¶¶ 6093 (June 24, 2011), *available at* <http://www.unict.org/Cases/tabid/127/PID/83/default.aspx?id=4&mnid=2>; see also *id.* ¶¶ 5678, 5969, 6088.

[11] *Id.* ¶ 6094.

[12] *Id.* ¶ 5678.

[13] *Id.* ¶ 6271.

[14] *Id.* ¶ 6186.