

## **Human Rights Violations in Rwanda**

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### **Research Article**

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**Date of Submission: 15-10-2025**

**Date of Acceptance: 14-11-2025**

**Date of Publication: 22 -12-2025**

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### **Abstract:**

" Resolving or adjusting international conflicts or circumstances that might disturb the peace using peaceful methods and in compliance with the ideals of fairness and International Law. According to its charter, this is one of the United Nations' declared aims. Crusades involving extreme cruelty against human beings, such ethnic cleansing, often endanger world peace. Politics is often seen as the most significant factor among several that could lead to targeting individuals of a certain ethnic group. In this study, we will examine the worldwide criminal justice system's reaction to the infamous 1994 Rwandan Genocide. An introduction presents the key points regarding the Rwandan genocide and its devastating effects; a section discusses the events and definition of genocide as outlined in "The Convention on Prevention and Punishment of Genocide," and a section offers a more generalized definition of the term. Disparities between the Hutu and Tutsi populations, which contributed to the genocide in Rwanda, and the cultural justifications for these divisions; the establishment of the International Criminal Tribunal for Rwanda, including a description of the tribunal's aims and current operations; and finally, a review of comparable genocide cases worldwide and the international reaction to them.

### **Introduction:**

The Tutsi were one ethnic group that was targeted in the mass murder that occurred in Rwanda during the genocide. Although the majority of Rwandans were Hutus, 14% of the population was Tutsi. Extremist Hutus within Rwanda's ruling class held the whole Tutsi minority responsible for the country's deteriorating social, economic, and political climate in the early 1990s. Genocide, which occurred in 1994 and killed 800,000 Tutsis throughout Rwanda, was a result of their animosity for Tutsis, which was fueled by memories of their past under Tutsi control. Hutu extremists in Rwanda used horrific methods of mass murder, including the use of machetes and knives, in their quest to expel the entire Tutsi population. They spared no one, including children, women, and the elderly. Hutu extremists supposedly wanted to see Tutsi women suffer, so they raped and murdered them. Many Hutus fell prey to the genocide as well, not only because they were unwilling to kill the Tutsi population but also for reasons such as their marriage ties to Tutsis or even their physical appearance like that of Tutsis. Either humanity was put on pause or the fire had been put out a long time ago. In response to the events, the International Criminal Tribunal for Rwanda was set up. Its mission is to bring those responsible for the Rwandan genocide to justice and to punish those who actively participated in this horrific crime, which violated humanitarian principles and ethics in addition to the mass murder of Tutsi. Genocide and other serious violations of international humanitarian law occurred in Rwanda from 1 January 1994 to 31 December

1994, and the International Criminal Tribunal for Rwanda was set up to prosecute those responsible for these crimes. It also dealt with the prosecution of Rwandan nationals who committed these atrocities in neighboring states during the same time period. Twenty years have passed since the genocide, and the International Criminal Tribunal for the former Yugoslavia has finished hearing all matters pertaining to the atrocity in the trial chamber. At the trials, public officials were found guilty of genocide because of the personal criminal liability that came with it. An international citizen and others who indirectly contributed to the killings by instilling hatred of Tutsis in the Hutus were also found guilty.

### **Methodology:**

Using the 1994 Rwandan Genocide as an example, this doctrinal study examines legal propositions, doctrines, and international declarations that shed light on the problem of humanitarian law on a global scale, with a particular emphasis on genocide and its aftermath as well as the measures taken by governments and international organizations to prevent and, when necessary, punish those responsible for such atrocities. Chronology of ethnic conflict: Rwandan folklore has long perpetuated racist narratives about the country's Tutsi and Hutu populations. The story of a Kigwa who had three sons is told in one of Rwanda's myths. One of his three sons—Gatutsi, Gahutu, or Gatwa—was given the responsibility of selecting a successor, and he accepted the job. As a means of selecting the most suitable successor, the Kigwa chose to subject his three sons to a series of tests. They were each given a pot of milk and told to watch it closely since he had given them the task of tending to it. As the only one capable of keeping his pot of milk safe, Gatutsi stepped up to the plate; Gahutu had dozed off and spilled it, and Gatwa drank it all. According to the findings, Gatutsi was designated as the successor, which meant he would not have to do any menial tasks and would instead be a royal cattle owner. The only way for Gahutu, who was appointed a servant of Gatutsi, to get livestock was for him to serve his lord without expecting

anything in return. Gatwa endured the worst possible position, where he was unable to get livestock under any circumstances. Discrimination based on looks began when this origin narrative piqued the curiosity of the foreign invaders in Rwanda. The colonists were captivated by the Tutsi's European look, their towering stature, and the responsibility that came with leadership roles. Despite being the largest population of the country, the Hutu were subject to the minority rule of the Tutsi because, in their view, they were not an advanced race. As a result of this persecution, tensions rose between the Hutu and Tutsi communities, which grew over time and culminated in the 1994 genocide. The Rwandan genocide of 1994 was not, however, caused only by a long-forgotten urban legend or by events under colonial rule. Its political motivations and goal of consolidating power within one group were clear. Tutsis were not included in the decision-making process for important national interests under the rule of former Rwandan president Juvenal Habyarimana. It was the shooting down of the plane carrying Hutu leader Habyarimana from over the Kigali airport on April 6, 1994, that set off the Rwandan genocide.

### **Genocide: Meaning and events**

Institute of International Law issued a proclamation of rights of man against the State which were more likely to be construed as duties bestowed over the member State namely:

- To recognize the right of every individual to life, liberty and property and to accord to all within its territory the full and entire protection of their right without distinction as to nationality, sex, race, language or religion;
- To recognize the right of every individual to the free practice, both public and private, of every faith, religion or belief;
- To recognize the right of every individual both to free

# International Journal of Jurisprudence and Legal Research

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use of the language of his choice and to the teaching of such language;

- To recognize that no motive based directly or indirectly on distinction of sex, race, language or religion, empowers State to refuse to any of their nationals, private and public rights;
- To recognize that the equality contemplated herein is not to be nominal, but effective;
- To recognize that except for motives based upon its general legislation, no State shall have right to withdraw its nationality from those whom for reasons of sex, race, language or religion, it should not deprive of the guarantee contemplated in this proclamation.

This proclamation may be considered as the first endeavour towards universalization of human rights.

Genocide, whether committed in times of war or peace, is deemed an international crime according to the Convention on the Prevention and Punishment of Genocide, which went into force on January 12, 1951. "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group," the Convention's Article II states. Since it violates the principles and ethics pertaining to humanitarian aid, it is deemed a crime according to international law. The Convention makes it clear that all acts of genocide, including inciting others to do so, attempting such an act, conspiring to do so, inciting others to do so, and attempting to commit genocide, are criminal by law.

the instigation of genocide, the actual killing of innocent people, and any attempt to commit or participate in such an act<sup>5</sup>. The ICTR determined in the case of *The Prosecutor V. Jean Paul Akayesu*<sup>6</sup> that the sexual assault and rape committed against Tutsi women—along with other victims of serious physical and psychological

harm—reflected an intentional attempt to humiliate and pain the Tutsi people. As a type of genocide, each of these offenses carries the death sentence. Incitement to genocide may take many forms, and hate speech is only one of them. Outward displays of bigotry lead to further oppression of already-marginalized groups, including but not limited to: exclusion, bullying, violence, deportation, racism, and genocide<sup>7</sup>. The horrific manner genocide affects people's physical and mental well-being as well as their ethnic identity has led humanitarians, governments, and members of civilized society to condemn it. Perpetrators of genocide, whether they are public officials, private persons, or legally responsible rulers, shall be punished in line with the Convention's requirements, as stated in Article IV of the Convention. Each state official must face prosecution for genocide in their own right; the excuse of higher-ups or officially-sanctioned orders cannot be used as a defense. There is evidence of genocide dating back to antiquity. In 416 BC, the Melos culture was methodically destroyed by Athens and the state, leading to the deaths of all adults and the sale of children as slaves. The democratic assembly of Athens presumably intended to wipe out Melian culture and civilisation when it approved this legislation. Due to its methodical extermination of Jews as well as other age groups and disabled persons, the Holocaust stands as the biggest and most cruel occurrence that might be deemed genocide. The disaster had no compassion whatsoever as it ruthlessly and callously massacred a large number of people. The impact of this kind of crime is immense, and many individuals want to heal the wounds it leaves behind. However, progress in this field is slow since, in comparison to the pain the victims went through, monetary compensation seems little. Holocaust survivors who were minors during the war will get over \$250 million from the German government in September 2014<sup>9</sup>, according to last week's announcement by the Conference on Jewish Material Claims Against Germany. Recent worldwide events, such as the Syrian Civil War, have prompted discussions about whether or not this conflict qualifies as genocide. The Syrian government attempted to suppress the discontent by resorting to violence, which included chemical assaults and suicide bombings, in reaction to nonviolent rallies. As things stand in Syria, the UN is most worried about that country.

**Establishment of International Criminal Tribunal for Rwanda:**

The Security Council on November 8, 1994 decided to establish an International Tribunal to prosecute persons responsible for genocide and other violations of international humanitarian law committed in Rwanda and Rwandan citizens responsible for genocide in neighbouring states, between January 1<sup>st</sup> 1994 to December 31<sup>st</sup> 1994<sup>10</sup>. Statute of the International Criminal Tribunal for Rwanda was also adopted by the Security Council and duly annexed to the resolution.

The Statute stated that genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring out its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within a group;
- (e) Forcibly transferring children of the group to another group<sup>11</sup>.

The Act establishes a range of crimes that are punishable by law, including acts of genocide, conspiracies to commit genocide, public and direct incitement to commit genocide, attempts to commit genocide, and cooperation in genocide (paragraph 3 of Article 2). Instigating publicly horrific violent crimes against a specific ethnic group was just as common as the actual murdering of members of that community during the Rwandan Genocide. Some radio

stations, for example, openly called on listeners to participate in genocide, and they did it in broad daylight. The purpose of the Statute was to punish all parties involved in the genocide, not only those who had direct involvement but also those who had indirect roles in facilitating the slaughter and its subsequent devastation. No one should be exempt from the repercussions of secondary acts of genocide, which were just as heinous as the primary act of murder and had just as devastating an impact. The criminals brought upon themselves

personal responsibility for a crime; and no one's official position, even that of head of state or accountable government official, could absolve or lessen the severity of a crime or its consequences. While an individual's compliance with a government or superior's command does not absolve them of criminal liability, it might be utilized to reduce sentence if the Tribunal thinks it's necessary<sup>12</sup>. Each branch of the Tribunal is responsible for a specific function: the Chamber, which includes two trial chambers and an appeals chamber; the Prosecutor, who oversees investigations into crimes committed against Rwandan citizens and the country as a whole; and the Registry, which assists the Tribunal administratively. Eleven impartial judges, of whom no two may be citizens of the same state, shall make up the Chamber. In 75 cases that have been finalized by the ICTR, 52 have

been found guilty, 11 are still seeking appeal, and 12 have been found not guilty. The International Criminal Tribunal for the Rwandan Genocide (ICTR) has been in operation since 1995 and has arrested more than 70 people on charges related to the 1994 Rwandan genocide. Its headquarters are in Arusha, and the office is in Kigali. Several members of Rwanda's interim administration during the genocide, including the previous prime minister, prominent military officers, and high-ranking government officials were among those detained. On September 29, 2014, two hearings involving the 1994 Rwandan Genocide will be held by the Tribunal (Appeals Chamber). The cases are *The Prosecutor vs. Callixte Nzabonimana*<sup>15</sup> and *The Prosecutor vs. Ildéphonse Nizeyimana*<sup>16</sup>. The accused were found guilty of crimes that contributed to the Rwandan Genocide in both instances by the trial chamber. First, the perpetrator was a prominent politician in Rwanda who had openly encouraged others to take part in the horrific genocide and had warned them not to do anything to save the Tutsi people. After reviewing all of the evidence, the Trial Chamber found him guilty of complicity in the Rwandan Genocide of 1994. The latter case involves the Tribunal's consideration of whether video link evidence is admissible. The significance of the evidence, the impossibility or reluctance of the witness to appear in person, and the existence of a valid excuse for their

absence are all factors that the Trial Chamber must take into account when deciding whether video-link testimony serves the interests of justice. The burden of proof, however, is with the side that is requesting permission to include such evidence. It is clear that victims' rights are paramount in cases involving international criminal procedures, and that these trials often use tactics to speed up the processes without sacrificing justice. The national jurisdiction has taken over ten cases formerly heard by the ICTR, with one case remaining. French authorities were entrusted with the case of *Prosecutor v. Laurent Bucyibaruta*<sup>17</sup> in order to send it to the most suitable French court. The After careful consideration, the tribunal has determined the following elements must be taken into account when deciding whether to transfer a matter to national jurisdiction:

Whether the State to which the case is being dispersed has experienced commission of the crime in question or the accused was arrested from a territory of that State or the State having jurisdiction is willingly and adequately prepared to accept such case.

- The Chamber must be contented as to the conduct of a free and fair trial in the court to which the case is being transferred (national jurisdiction).
- The Chamber must be absolutely affirmed that no death penalty would be carried out or imposed with respect to the crime for which the case is being conveyed to court of national jurisdiction.

The Tribunal had also convicted a Belgian journalist for inciting people to commit genocide and sentenced him to 12 years of imprisonment, the case being one of its kinds where a non-Rwandan was convicted in 1994 genocide<sup>18</sup>. He broadcasted messages on the public radio motivating genocidal attacks in the country.

### Conclusion:

When Bosnian Serb troops carried out their ethnic cleansing effort in Srebrenica and Zepa, it is referred to as the Bosnian Genocide. Several Bosnian Muslims were forcibly removed from the nation while others were subjected to torture and murder as part of that effort. In 1993, the International Court of Justice issued a unanimous ruling in the case of Bosnia and Herzegovina v. Yugoslavia, which dealt with the application of the Convention on the Prevention and Punishment of the Crime of Genocide. The ruling stated that Yugoslavia, as a former Yugoslav republic, should take all necessary steps to prevent the crime of genocide from happening again. The ruling also stated that neither Yugoslavia nor Bosnia and Herzegovina should do anything that could make the already existing dispute over the prevention or punishment of genocide worse, or make it more difficult to resolve.<sup>19</sup>

- According to the precise definition of the word, the 1971 massacre of Kashmiri Pundits (Hindus) in Jammu and Kashmir and their subsequent evacuation from the Kashmir Valley did not constitute genocide. Since India is a signatory to the Genocide Convention, it is the duty of the National Human Rights Commission to investigate what happened and to put a stop to any future genocides in the nation. Committee findings indicated that notwithstanding India's participation in the One of the most heinous crimes, genocide threatens the fundamental foundations of global humanitarian principles and ideas. Every nation has an obligation to protect its citizens against acts of genocide, war crimes, and other crimes against humanity, as well as from the instigation to such acts, according to the 2005 World Summit Outcome of the United Nations General Assembly. Stopping atrocities like genocide, ethnic cleansing, and war crimes must be the goal of the international community's diplomatic and nonviolent

efforts. All provisions of international human rights law are superseded by the abhorrent crime of genocide. Sovereignty has been a roadblock to the sincere attempts to impose international legal obligations upon States to protect individuals, which has delayed the full development of the idea that international law could supplement municipal law in protecting human rights.

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