

10-24-03

# The Washington Times

washingtontimes.com

THURSDAY, DECEMBER 4, 2003

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## Hateful words a war crime

### Tribunal convicts three Rwandans

By Betsy Pisik  
THE WASHINGTON TIMES

NEW YORK — With a trio of guilty verdicts yesterday, the U.N. tribunal for Rwanda has established that men armed only with words can commit genocide.

Three Rwandan media executives were convicted by the international tribunal of committing and inciting genocide, war crimes and persecution in a case that will set a precedent for the new International Criminal Court.

Their weapons: the government-sponsored radio station known as "Radio Machete" and "Hate Radio" and a weekly newspaper whose agenda was the extermination of the country's Tutsi majority.

The "media trials" marked the first time since Nuremberg that hate speech has been prosecuted as a war crime. It has been one of the most closely watched cases before the International Criminal Tribunal for Rwanda (ICTR), seated in the northern Tanzanian city of Arusha.

"You were fully aware of the power of words, and you used the radio — the medium of com-

munication with the widest public reach — to disseminate hatred and violence," wrote presiding Judge Navanethem Pillay in sentencing to life in prison Ferdinand Nahimana, founder of Radio Television des Mille Collines.

"Without a firearm, machete or any physical weapon, you caused the death of thousands of innocent civilians."

More than 800,000 Tutsis and moderate Hutus were murdered in a three-month killing spree carried out by thousands of Rwandans against their neighbors. The seeds of the genocide, prosecutors say, were sown by news outlets like Kangura and Radio Machete.

Human rights advocates praised the verdict, even as some legal and media analysts warned that repressive regimes could use the verdict for their own purposes.

"This is the first time that journalists have been convicted for their participation in genocide, and I think it's a wake-up call to hate mongers everywhere that they can't incite people to commit genocide or ethnic cleansing," said Reed Brody, legal counsel to Human Rights Watch. "If you fan the flames, you'll have to face the consequences."

Karin Karlekar, the managing editor of Freedom House's annual survey of press freedom, praised the convictions but warned that some governments might use the verdict as a justification to clamp down on media in their own countries.

"Rwanda has already begun doing it," she said. "These guys were way over the line, but it's the gray area [of public speech] that is endangered, especially in countries with racial or ethnic tension."

Nahimana, the founder of the radio station, was found guilty of broadcasting inflammatory

music and diatribes against Tutsi "cockroaches" and exhorting tens of thousands of listeners to butcher their neighbors. The intensity of the message increased as the genocide reached its apex in April 1994.

Jean-Bosco Barayagwiza was sentenced to 35 years in prison for his role on the station's board of directors and, separately, for distributing weapons used to kill Tutsi civilians.

The ICTR sentenced Hassan Ngeze to life behind bars for instigating and abetting acts of genocide in Kangura, a tabloid filled with cartoons and pictures that targeted for extermination all Tutsis, especially women.

Barayagwiza, who was tried in absentia, and Ngeze were also convicted of operating the Coalition in Defense of the Republic, a government party that spearheaded the Hutu Power movement, which demonized Tutsis before the killing began.

The landmark case against the three men opened in October 2000 and underwent frequent delays: A lack of translators stalled the translation and transcription of thousands of hours of audiotapes from the original Kinyarwanda into French and English.

Defense attorneys said the prosecution was selecting examples out of context rather than offering a more balanced representation of the station's programming.

All three defendants said they were protected by freedom of speech. But Judge Pillay noted in her decision that it was "critical to distinguish between the discussion of ethnic consciousness and ethnic hatred."

Life in prison is the strongest punishment the ICTR can mete out, and all three men may appeal.

In Kigali, Rwandan prosecutor-general Gerard Gahima praised the conviction.

"The conviction . . . is a very important development be-

cause it shows that the responsibility for the genocide is not limited to those who did the actual killing," he said. "Those who spread the message through the media and told the ordinary people to kill are far worse than people who followed their orders." Reuters reported from Kigali.

The U.N. International Covenant on Civil and Political Rights, drafted in 1966 and ratified by 151 nations including the United States, says: "Any advocacy of national racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Ferdinand Nahimana (left) and Hassan Ngeze were both sentenced to life in prison for using their media role in the genocide.

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