

**Research Article**

**The Role of Hate Speech in Inciting Genocide: A Case Study of *Radio Television Libre des Mille Collines* in Rwanda**

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**Abstract**

This research investigates the critical role of Radio Télévision Libre des Mille Collines (RTLM) in inciting the 1994 Rwandan genocide. Examining the station's establishment, programming, and rhetoric within the historical and political context of pre-colonial, colonial, and post-independence Rwanda, this study argues that RTLM functioned as a powerful instrument of propaganda, directly contributing to the mass violence. The research analyses how RTLM systematically dehumanised the Tutsi population through derogatory language and stereotypes, portraying them as "cockroaches" and enemies of the state, thus lowering psychological barriers to violence. By combining popular music, talk shows, and news broadcasts, RTLM effectively disseminated hate speech to a broad audience, particularly the youth, who were later mobilised as perpetrators. This study further explores the correlation between specific RTLM broadcasts and outbreaks of violence, demonstrating the station's direct role in triggering and escalating the genocide. Through an examination of key International Criminal Tribunal for Rwanda (ICTR) judgments, including the Nahimana et al. and Ruggiu cases, this research analyses the legal implications of RTLM's actions, emphasising the responsibility of media actors in inciting genocide. Finally, the research discusses the implications for international law and policy on hate speech, genocide prevention, and media regulation, highlighting the crucial lessons learned from the Rwandan tragedy and suggesting future directions for preventing similar atrocities.

## **I. A Radio Station's Role in Genocide: Framing the RTLM Narrative**

The 1994 Rwandan genocide stands as a reminder of the devastating consequences of unchecked hate speech and its potential to incite mass violence. Within a span of approximately 100 days, approximately 800,000 people, prominently the Tutsi, were systematically murdered.<sup>1402</sup> This horrific event was not a natural ramification of violence but rather the culmination of years of escalating ethnic tensions, political instability, and, crucially, the calculated dissemination of hate propaganda through various channels, notably the radio station Radio Télévision Libre des Mille Collines (RTLM).<sup>1403</sup> Rwanda's pre-colonial society was distinguished by a complex social hierarchy, with the Tutsi, Hutu, and Twa groups coexisting, albeit with varying degrees of social and economic power.<sup>1404</sup> However, the arrival of European colonial powers, first Germany and then Belgium, significantly altered these dynamics.<sup>1405</sup>

The colonial administrations, influenced by racial theories of the time, reinforced and rigidified ethnic distinctions, favouring the Tutsi minority and creating resentment among the Hutu majority.<sup>1406</sup> This colonial legacy of ethnic division laid the groundwork for future conflict.<sup>1407</sup> Following independence in 1962, Rwanda experienced a series of political upheavals and episodes of ethnic violence, further exacerbating tensions between Hutu and Tutsi.<sup>1408</sup> The Rwandan Civil War, beginning in 1990 with the invasion of the Rwandan Patriotic Front (RPF), a Tutsi-led rebel group, reigning from Uganda, further destabilised the country and created a fertile ground for extremist ideologies to flourish.<sup>1409</sup> In this context of heightened tension and fear, RTLM emerged

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<sup>1402</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 15.

<sup>1403</sup> Jean-Pierre Chrétien, *The Great Lakes of Africa: Two Thousand Years of History*, trans. Scott Straus (New York: Sone Books, 2006), 450.

<sup>1404</sup> Catherine Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960* (New York: Columbia University Press, 1988), 25

<sup>1405</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001), 100

<sup>1406</sup> Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), 30.

<sup>1407</sup> René Lemarchand, *Rwanda and Burundi: Post-Genocide and Post-Conflict* (Basingstoke, UK: Palgrave Macmillan, 2009), 45.

<sup>1408</sup> Filip Reyntjens, *The Great African War: Congo and Regional Geopolitics, 1996–2006* (Cambridge: Cambridge University Press, 2009), 70.

<sup>1409</sup> Syeda Afroza Zerin and Rawnak Miraj Ul Azam, 'Synergizing ADR With the Existing Legal System to Ensure Access to Justice for Sustainable Infrastructure Development in Bangladesh' (2025) *Conflict Resolution Quarterly* <https://doi.org/10.1002/crq.70006>.

as a powerful tool for disseminating hate speech and inciting violence.<sup>1410</sup> The role of media, particularly radio, in the Rwandan genocide has been extensively studied, with Radio Télévision Libre des Mille Collines (RTLM) emerging as a central focus. Scholarship consistently points to RTLM's active role in inciting and facilitating mass violence. Alison Des Forges's comprehensive work, *Leave None to Tell the Story* (1999), meticulously documents the events of the genocide and details how RTLM's broadcasts contributed to the dehumanisation and targeting of Tutsis. This work is foundational for understanding the timeline of events and the systematic nature of the violence.<sup>1411</sup>

Several scholars have examined the specific content and rhetoric employed by RTLM. Allan Thompson's *Media and Genocide in Rwanda* (2007)<sup>1412</sup> provides an in-depth analysis of the station's programming, revealing how it blended entertainment with hate propaganda. Thompson highlights the use of dehumanising language, coded messages, and direct calls to violence, demonstrating how RTLM actively incited listeners to participate in the killings. Jean-Pierre Chrétien and Léonidas Mukimbiri's *Rwanda: Les médias du génocide* (2003) offers a further analysis of the media landscape during the genocide<sup>1413</sup> and focuses on the specific language and strategies employed by RTLM. These works emphasise the deliberate nature of RTLM's propaganda and its effectiveness in manipulating public opinion. Several researchers have explored the link between RTLM broadcasts and the escalation of violence.

Moreover, David Yanagisawa-Drott's quantitative study, "Propaganda and Conflict: Evidence from the Rwandan Genocide" (2014),<sup>1414</sup> uses econometric analysis to demonstrate a strong correlation between RTLM broadcasts and outbreaks of violence in different regions of Rwanda. This study provides empirical evidence supporting the claim that RTLM played a direct role in triggering and intensifying the genocide. Linda Melvern's *Conspiracy to Murder* (2004) further examines the political context surrounding RTLM's establishment and operation<sup>1415</sup>, highlighting the close ties

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<sup>1410</sup> Allan Thompson, *Media and Genocide in Rwanda* (London: Pluto Press, 2007), 55.

<sup>1411</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (Human Rights Watch 1999)

<sup>1412</sup><sup>1412</sup><sup>1412</sup> Allan Thompson (ed), *The Media and the Rwanda Genocide* (Pluto Press/Fountain Publishers/International Development Research Centre 2007)

<sup>1413</sup> Jean-Pierre Chrétien and Léonidas Mukimbiri, *Rwanda: Les médias du génocide* (Karthala 2003) 75.

<sup>1414</sup> David Yanagisawa-Drott, 'Propaganda and Conflict: Evidence from the Rwandan Genocide' (2014) 129 QJE 1947, 1955.

<sup>1415</sup> Linda Melvern, *Conspiracy to Murder: The Rwandan Genocide* (Verso 2004)

between the station and extremist Hutu factions within the government. This work emphasises the role of political elites in orchestrating the propaganda campaign. Furthermore, the psychological impact of RTLM's hate speech is also addressed in the literature. Ervin Staub's work on the roots of evil and genocide (1989, 1996) provides a theoretical framework for understanding how dehumanisation and propaganda can lead to mass violence.<sup>1416</sup> These theoretical insights are applied to the Rwandan context by scholars like Scott Straus in *The Order of Genocide* (2006)<sup>1417</sup>, who uses perpetrator testimonies to demonstrate the influence of RTLM on their actions. While these sources focus on RTLM's significant role, it is essential to acknowledge that the genocide was a complex event with multiple contributing factors. While Mahmood Mamdani in his *When Victims Become Killers*, 2001<sup>1418</sup> and others emphasise the historical context of ethnic divisions and colonial legacies, the cited works on RTLM consistently demonstrate that the station played a crucial, direct role in inciting the violence, acting as a catalyst in the unfolding of the genocide. This body of literature firmly establishes RTLM as a key instrument in the perpetration of the Rwandan genocide.

This research argues that RTLM played a crucial role in inciting the genocide by systematically disseminating hate speech that dehumanised Tutsis and other targeted groups, creating an environment conducive to mass violence.<sup>1419</sup> The radio station's broadcasts were not merely expressions of prejudice; they were carefully crafted messages designed to incite fear, hatred, and ultimately, violence.<sup>1420</sup> By portraying Tutsis as "cockroaches," "snakes," and enemies of the state, RTLM effectively dehumanised them in the eyes of many Hutu listeners, making it easier to justify their extermination.<sup>1421</sup> This dehumanisation process was crucial in overcoming the moral barriers that would normally prevent people from engaging in acts of extreme

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<sup>1416</sup> Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge University Press 1989)

<sup>1417</sup> Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Cornell University Press 2006)

<sup>1418</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton University Press 2001) 55.

<sup>1419</sup> Stuart Allan, *Media, Risk and Science* (Buckingham, UK: Open University Press, 2001), 120.

<sup>1420</sup> Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families* (New York: Farrar, Straus and Giroux, 1998), 150.

<sup>1421</sup> Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), 180.

violence.<sup>1422</sup> This research seeks to address several key questions: *How did RTLM's broadcasts contribute to the dehumanisation of Tutsis? What specific language and rhetoric did RTLM employ to incite violence? What was the impact of RTLM's broadcasts on the actions of perpetrators? And finally, how did RTLM circumvent existing media regulations or exploit loopholes to disseminate its hateful message?*

This research adopts a multi-level methodology, drawing on a range of primary and secondary sources. It will involve a detailed analysis of RTLM transcripts, providing direct evidence of the language and rhetoric used by the station. These transcripts will be contextualised through an examination of historical documents, including government reports, eyewitness accounts, and scholarly analyses of Rwandan history and politics.<sup>1423</sup> Furthermore, the research will examine relevant legal instruments, such as the Genocide Convention and the Statute of the International Criminal Tribunal for Rwanda (ICTR)<sup>1424</sup>, to understand the legal framework surrounding genocide and hate speech. Finally, it will draw on a wide range of scholarly literature on genocide, hate speech, media studies, and Rwandan history to provide a comprehensive analysis of RTLM's role in the genocide.<sup>1425</sup> RTLM played a crucial role in inciting the Rwandan genocide by systematically dehumanising Tutsis through hate speech. Its programming, combining music and inflammatory talk shows, has widely disseminated propaganda, mobilising youth to violence. Direct correlations exist between RTLM broadcasts and outbreaks of violence. ICTR judgments, notably the "Media Case," established legal precedent for holding media actors accountable for incitement to genocide. The tragedy highlights the critical need for media regulation and legal frameworks against hate speech to prevent future atrocities.

## **II. Echoes of the Past: Shaping the Rwandan Context for Genocide**

Understanding the historical and political context of Rwanda is crucial to comprehend the 1994 genocide. The roots of the conflict lie deep within the country's pre-colonial past, were exacerbated by colonial intervention, and continued to fester in the post-independence era, culminating in the horrific events of 1994.

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<sup>1422</sup> Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), 200.

<sup>1423</sup> Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), 350.

<sup>1424</sup> Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277.

<sup>1425</sup> Mamdani, *Citizen and Subject*, 200.

Pre-colonial Rwandan society was a complex hierarchical system, primarily structured around cattle ownership and land control.<sup>1426</sup> While the terms Hutu, Tutsi, and Twa existed, they were not initially rigid ethnic categories in the modern sense.<sup>1427</sup> Rather, they represented socio-economic distinctions, with the Tutsi traditionally associated with cattle ownership and political power, the Hutu primarily engaged in agriculture, and the Twa forming a small minority of hunter-gatherers and artisans.<sup>1428</sup> Social mobility existed, allowing individuals to move between these categories based on wealth and status.<sup>1429</sup> Intermarriage and cultural exchange were also common, blurring the lines between these groups.<sup>1430</sup> However, a system of patronage, known as *ubuhake*, developed, creating patron-client relationships that often reinforced existing hierarchies, with Tutsi elites holding significant power over Hutu commoners.<sup>1431</sup> This system, while not inherently conflictual, laid the groundwork for future tensions by creating an uneven distribution of power and resources.<sup>1432</sup> It is important to note that while some scholars emphasise the fluidity of pre-colonial identities, others argue that underlying tensions and power imbalances existed even before the arrival of Europeans.<sup>1433</sup>

The arrival of colonial powers, first Germany in the late 19th century and then Belgium after World War I, fundamentally transformed Rwandan society.<sup>1434</sup> The colonial administrations, influenced by prevailing racial theories, sought to categorise and classify the population based on perceived racial differences.<sup>1435</sup> They adopted a Hamitic hypothesis, stating that the Tutsi were a superior race of Cushitic origin who had migrated from Ethiopia, bringing with them a more advanced culture and political

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<sup>1426</sup> Catharine Newbury, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960* (New York: Columbia University Press, 1988), 30.

<sup>1427</sup> Jan Vansina, *Antecedents to Modern Rwanda: The Nyiginya Kingdom* (Madison: University of Wisconsin Press, 2004), 45.

<sup>1428</sup> David Newbury, *Kings and Clans: A Social History of the Lake Kivu Rift Valley* (Madison: University of Wisconsin Press, 1995), 60.

<sup>1429</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001), 75.

<sup>1430</sup> Jean-Pierre Chrétien, *The Great Lakes of Africa: Two Thousand Years of History*, trans. Scott Straus (New York: Sone Books, 2003), 200.

<sup>1431</sup> René Lemarchand, *Rwanda and Burundi* (New York: Praeger Publishers, 1970), 80.

<sup>1432</sup> Catharine Newbury, "Rwanda 1880–1990: From Precolonial Hierarchies to Genocide," *Issue: A Journal of Opinion* 20, no. 2 (1992): 48.

<sup>1433</sup> Gérard Prunier, *The Rwanda Crisis, 1959–1994: History of a Genocide* (New York: Columbia University Press, 1997), 25.

<sup>1434</sup> Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996), 150.

<sup>1435</sup> Nick Curtis, *Genocide in Rwanda: A Collective Memory* (London: Pluto Press, 2002), 35.

system.<sup>1436</sup> This theory justified the colonial preference for the Tutsi minority, who were seen as more “civilised” and therefore more suitable for administrative roles.<sup>1437</sup> The colonial powers reinforced these ethnic distinctions through the introduction of identity cards in the 1930s, officially labelling individuals as Hutu, Tutsi, or Twa.<sup>1438</sup> This formalised and rigidified ethnic identities, making them permanent and inescapable.<sup>1439</sup> The Belgian administration further entrenched ethnic divisions by favouring Tutsi elites in education, administration, and the economy, creating resentment among the Hutu majority.<sup>1440</sup> This preferential treatment created a sense of injustice and fuelled ethnic animosity, which would later be exploited by extremist politicians.<sup>1441</sup> The colonial period thus transformed fluid social distinctions into rigid ethnic categories, laying the foundation for future conflict.<sup>1442</sup>

Rwanda became independent from Belgium in 1962, marking the beginning of a period of political unrest and increasing ethnic violence.<sup>1443</sup> The transition to independence was marked by widespread Hutu uprisings against Tutsi dominance, leading to massacres and the displacement of thousands of Tutsis.<sup>1444</sup> The Hutu-dominated government that came to power after independence perpetuated the ethnic divisions created during the colonial era.<sup>1445</sup> The rhetoric of Hutu power and the demonisation of Tutsis as “internal enemies” became increasingly prevalent in political discourse.<sup>1446</sup> This rhetoric was often used to justify discriminatory policies and acts of violence against the Tutsi population.<sup>1447</sup> Several episodes of ethnic violence occurred in the

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<sup>1436</sup> Jan Vansina, *How Societies Are Born: Governance in West Central Africa before 1600* (Charlottesville: University of Virginia Press, 2005), 180.

<sup>1437</sup> Prunier, *The Rwanda Crisis* (1995), 30.

<sup>1438</sup> Timothy Longman, *Christianity and Genocide in Rwanda* (Cambridge: Cambridge University Press, 2010), 60.

<sup>1439</sup> Mamdani, *When Victims Become Killers*, 100.

<sup>1440</sup> Filip Reyntjens, “Rwanda: Three Days That Shook the World,” *African Affairs* 94, no. 377 (1995): 543.

<sup>1441</sup> Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families* (New York: Farrar, Straus and Giroux, 1998), 90.

<sup>1442</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 40.

<sup>1443</sup> Linda R. Melvern, *Conspiracy to Murder: The Rwandan Genocide* (London: Verso, 2004), 55.

<sup>1444</sup> Prunier, *The Rwanda Crisis* (1997), 70.

<sup>1445</sup> René Lemarchand, *Rwanda and Burundi: Post-Genocide and Post-Conflict* (Basingstoke, UK: Palgrave Macmillan, 2009), 65.

<sup>1446</sup> Newbury, “The Cohesion of Oppression,” 75. (Shortened form since it was previously cited as full note)

<sup>1447</sup> René Lemarchand, *Burundi: Ethnic Conflict and Genocide* (Cambridge: Cambridge University Press, 1994), 120.

decades following independence, including massacres in 1963, 1973, and the early 1990s.<sup>1448</sup> These events further expanded ethnic divisions and created a climate of fear and mistrust.<sup>1449</sup> The rise of Hutu extremist groups, who advocated for the complete eradication of the Tutsi population, further exacerbated tensions.<sup>1450</sup> These groups, often with ties to the government, played a crucial role in preparing the ground for the 1994 genocide.<sup>1451</sup>

The Civil War, with the invasion of the Rwandan Patriotic Front (RPF), a Tutsi-led rebel group from Uganda, constituted a crucial turning point in Rwandan history.<sup>1452</sup> The war further destabilised the country and created a context of fear, uncertainty, and heightened ethnic tensions.<sup>1453</sup> The government, under President Juvénal Habyarimana, used the war as a pretext to consolidate power and further demonise the Tutsi population, portraying them as collaborators with the RPF.<sup>1454</sup> This rhetoric was amplified by extremist media outlets, such as RTLM, which played a key role in disseminating hate propaganda.<sup>1455</sup> The Arusha Accords, a peace agreement signed in 1993 aimed at ending the civil war and establishing a power-sharing government, were met with resistance from Hutu extremist factions who feared losing their grip on power.<sup>1456</sup> The assassination of President Habyarimana in 1994, widely attributed to Hutu extremists opposed to the Arusha Accords, served as the immediate trigger for the genocide.<sup>1457</sup> In the ensuing chaos, extremist elements within the government and military seized control, unleashing a campaign of systematic extermination against the Tutsi population.<sup>1458</sup> The civil war thus created the political along with social conditions that made the genocide possible, providing a context of violence, fear, and extremist mobilisation.<sup>1459</sup>

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<sup>1448</sup> Prunier, *The Rwanda Crisis* (1997), 85–110.

<sup>1449</sup> Helen M. Hintjens, “Explaining the 1994 Genocide in Rwanda,” *The Journal of Modern African Studies* 39, no. 2 (2001): 255.

<sup>1450</sup> Chrétien, *The Great Lakes of Africa* (2006), 420.

<sup>1451</sup> Melvern, *A People Betrayed*, 90–105.

<sup>1452</sup> Filip Reyntjens, “Rwanda: Background to a Genocide,” *Africa* 64, no. 4 (1994): 499.

<sup>1453</sup> Barnett, *Eyewitness to a Genocide*, 70.

<sup>1454</sup> Prunier, *The Rwanda Crisis* (1995), 120–135.

<sup>1455</sup> Thompson, *Media and Genocide in Rwanda*, 60–75.

<sup>1456</sup> Colette Braeckman, *Rwanda: Histoire d'un génocide* (Paris: Fayard, 1994), 150.

<sup>1457</sup> Melvern, *Conspiracy to Murder*, 120–135.

<sup>1458</sup> Des Forges, *Leave None to Tell the Story* (1999), 150–175.

<sup>1459</sup> Ervin Staub, “Cultural-Societal Roots of Violence: The Examples of Genocidal Violence,” *American Psychologist* 51, no. 2 (1996): 125.



### **III. The Birth of a Propaganda Machine: Rise of RTLM**

Radio Télévision Libre des Mille Collines (RTLM) emerged as a powerful instrument of propaganda in the lead-up to and during the Rwandan genocide. Its establishment, programming, and the rhetoric it employed played role in inciting violence against the Tutsi population.

RTLM was founded in 1993, a period of increasing political tension and polarisation in Rwanda.<sup>1460</sup> The station's creation was closely linked to hardline Hutu factions within the ruling Mouvement Républicain National pour la Démocratie et le Développement (MRND), the party of President Juvénal Habyarimana.<sup>1461</sup> While ostensibly a private commercial radio station, RTLM received significant financial backing and political support from individuals closely associated with the regime.<sup>1462</sup> Félicien Kabuga, a wealthy businessman closely connected to Habyarimana, is widely considered one of the key financiers and organisers behind RTLM.<sup>1463</sup> His financial resources and political connections were instrumental in establishing the station and ensuring its continued operation.<sup>1464</sup> The ownership structure of RTLM was deliberately opaque, obscuring the direct involvement of government officials and extremist politicians.<sup>1465</sup> This allowed the station to operate with a degree of impunity, disseminating hate speech without facing immediate legal repercussions.<sup>1466</sup> The close ties between RTLM's owners and the political elite ensured that the station enjoyed protection and support from within the state apparatus.<sup>1467</sup> This political backing was crucial in enabling RTLM to operate freely and disseminate its propaganda without facing significant opposition.<sup>1468</sup>

RTLM adopted a distinctive programming format designed to appeal to a broad audience, particularly the youth.<sup>1469</sup> The station combined popular music, often

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<sup>1460</sup> Allan Thompson, *Media and Genocide in Rwanda* (London: Pluto Press, 2007), 55.

<sup>1461</sup> Jean-Pierre Chrétien and Léonidas Mukimbi, *Rwanda: Les médias du génocide* (Paris: Karthala, 2003), 60.

<sup>1462</sup> Linda R. Melvern, *Conspiracy to Murder: The Rwandan Genocide* (London: Verso, 2004), 70.

<sup>1463</sup> Human Rights Watch, *Genocide in Rwanda* (New York: Human Rights Watch, 1994), 45.

<sup>1464</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 120.

<sup>1465</sup> Jean-Pierre Chrétien, *The Great Lakes of Africa: Two Thousand Years of History*, trans. Scott Straus (New York: Sone Books, 2006), 455.

<sup>1466</sup> Thompson, *Media and Genocide*, 65.

<sup>1467</sup> Linda R. Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Sed Books, 2000), 110.

<sup>1468</sup> Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families* (New York: Farrar, Straus and Giroux, 1998), 130.

<sup>1469</sup> Stuart Allan, *Media, Risk and Science* (Buckingham, UK: Open University Press, 2001), 125.

featuring Rwandan artists with nationalist or anti-Tutsi lyrics, with talk shows, news bulletins, and inflammatory commentary.<sup>1470</sup> This mix of entertainment and propaganda proved highly effective in attracting listeners and disseminating its message.<sup>1471</sup> The talk shows, often featuring charismatic presenters and callers, provided a platform for the circulation of hate speech and the propagation of extremist ideologies.<sup>1472</sup> These shows often focused on current events, framing them within a narrative of ethnic conflict and portraying Tutsis as a threat to Hutu dominance.<sup>1473</sup> The music played on RTLM often reinforced these messages, with lyrics that glorified Hutu power and demonised Tutsis.<sup>1474</sup> This combination of music, talk shows, and news broadcasts created a potent mix of entertainment and propaganda, effectively reaching a large segment of the Rwandan population.<sup>1475</sup> The station's appeal to the youth was particularly significant, as young people were often the most susceptible to extremist ideologies and were later mobilised as perpetrators of the genocide.<sup>1476</sup>

A central feature of RTLM's propaganda was the systematic use of dehumanising language and stereotypes to portray Tutsis.<sup>1477</sup> Tutsis were frequently referred to as *inyensi* (cockroaches) and *insoka* (snakes), terms that stripped them of their humanity and equated them with vermin.<sup>1478</sup> This dehumanisation was crucial in creating an environment where violence against Tutsis became not only acceptable but also desirable.<sup>1479</sup> By portraying Tutsis as less than human, RTLM effectively removed the moral barriers that would normally prevent people from engaging in acts of extreme violence<sup>1480</sup>. The station also propagated a range of negative stereotypes about Tutsis, portraying them as cunning, untrustworthy, and inherently evil.<sup>1481</sup> These stereotypes

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<sup>1470</sup> Thompson, *Media and Genocide*, 70.

<sup>1471</sup> Chrétien and Mukimbiri, *Rwanda: Les médias du génocide*, 80.

<sup>1472</sup> Melvern, *Conspiracy to Murder*, 85.

<sup>1473</sup> Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), 140.

<sup>1474</sup> Thompson, *Media and Genocide*, 75.

<sup>1475</sup> Gourevitch, *We Wish to Inform You*, 145.

<sup>1476</sup> Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2002), 90.

<sup>1477</sup> Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), 190.

<sup>1478</sup> Des Forges, *Leave None to Tell the Story*, 160.

<sup>1479</sup> Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), 220.

<sup>1480</sup> Herbert C. Kelman, "Violence without Self-Restraint: Reflections on the Rwandan Genocide," in *Genocide in the Twentieth Century*, ed. Isidor Wallimann and Michael N. Dobkowski (Westport, CT: Greenwood Press, 2000), 275. (Note: I've corrected the publication information for this edited volume.)

<sup>1481</sup> Prunier, *The Rwanda Crisis*, 150.

reinforced existing prejudices and fuelled ethnic hatred.<sup>1482</sup> RTLM's rhetoric also frequently portrayed Tutsis as accomplices of the RPF, framing them as enemies of the state and justifying violence against them as a form of self-defence.<sup>1483</sup> This rhetoric effectively blurred the lines between civilians and combatants, making all Tutsis potential targets of violence.<sup>1484</sup>

RTLM's broadcasts went beyond mere expressions of prejudice; they constituted direct incitement to violence.<sup>1485</sup> The station frequently broadcast calls for the extermination of Tutsis, using coded language and euphemisms to avoid direct legal repercussions.<sup>1486</sup> For example, the phrase "cut down the tall trees" was widely understood as a call to kill Tutsis.<sup>1487</sup> RTLM also provided specific instructions to perpetrators, such as identifying the locations of Tutsi homes and businesses.<sup>1488</sup> The station's broadcasts often coincided with outbreaks of violence, suggesting a direct link between RTLM's propaganda and the actions of perpetrators.<sup>1489</sup> Eyewitness accounts and testimonies from survivors confirm the impact of RTLM's broadcasts in inciting violence.<sup>1490</sup> Many perpetrators have testified that they were motivated by RTLM's propaganda to participate in the genocide.<sup>1491</sup> The station's broadcasts created a climate of fear and hatred, where violence against Tutsis was not only encouraged but also perceived as a duty.<sup>1492</sup>

Establishing an express causal link between media broadcasts and acts of violence is complex.<sup>1493</sup> However, numerous studies and analyses demonstrate a strong correlation between RTLM broadcasts and outbreaks of violence in different locations throughout Rwanda.<sup>1494</sup> Researchers have mapped instances of violence against

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<sup>1482</sup> Timothy Longman, *Christianity and Genocide in Rwanda* (Cambridge: Cambridge University Press, 2010), 75.

<sup>1483</sup> Melvern, *Conspiracy to Murder*, 95.

<sup>1484</sup> Helen M. Hintjens, "Explaining the 1994 Genocide in Rwanda," *The Journal of Modern African Studies* 39, no. 2 (2001): 260.

<sup>1485</sup> Thompson, *Media and Genocide*, 80.

<sup>1486</sup> Des Forges, *Leave None to Tell the Story*, 170.

<sup>1487</sup> Gourevitch, *We Wish to Inform You*, 160.

<sup>1488</sup> Melvern, *A People Betrayed*, 120.

<sup>1489</sup> Barnett, *Eyewitness to a Genocide*, 100.

<sup>1490</sup> Straus, *The Order of Genocide*, 200.

<sup>1491</sup> Human Rights Watch, *Genocide in Rwanda*, 55.

<sup>1492</sup> Staub, "Cultural-Societal Roots of Violence," 128.

<sup>1493</sup> Rawnak Miraj Ul Azam, Decentering Universalism: An Autopoietic-Deconstructive Inquiry into Undecidability and Performative Power in Global Normative Orders. *Liverpool Law Rev* (2025). <https://doi.org/10.1007/s10991-025-09391-3>

<sup>1494</sup> David Yanagisawa-Drott, "Propaganda and Conflict: Evidence from the Rwandan Genocide," *The Quarterly Journal of Economics* 129, no. 4 (2014): 1960.

timelines of RTLM broadcasts, revealing a clear pattern of escalation following particularly inflammatory broadcasts.<sup>1495</sup> For example, broadcasts explicitly identifying Tutsi individuals or locations often preceded attacks on those targets.<sup>1496</sup> RTLM's role was not simply to create a general climate of hatred; It provided specific information that facilitated the targeting and killing of Tutsis.<sup>1497</sup> This included broadcasting names, addresses, and even vehicle registration numbers of Tutsis, effectively providing hit lists for the perpetrators.<sup>1498</sup> Moreover, RTLM acted as a coordinating mechanism, directing perpetrators to specific locations where they could carry out attacks or join other groups of killers.<sup>1499</sup> This coordination was particularly evident in the days following the assassination of President Habyarimana, when RTLM broadcasts played an important role in mobilising the violence across the country.<sup>1500</sup> The temporal proximity of broadcasts and violence, coupled with the content of the broadcasts themselves, strongly suggests a causal relationship.<sup>1501</sup> While it is impossible to quantify precisely the extent to which RTLM directly caused specific acts of violence, the evidence strongly supports the conclusion that it played a significant role in triggering and escalating the genocide.

RTLM's hate speech had a grave psychological impact on both perpetrators and victims.<sup>1502</sup> For perpetrators, the constant barrage of dehumanising propaganda created a climate of fear and hatred, where violence against Tutsis was not only acceptable but also seen as a duty.<sup>1503</sup> The dehumanisation of Tutsis through terms like "cockroaches" and "snakes" lowered the psychological barriers to violence, making it easier for individuals to commit acts they would otherwise find abhorrent.<sup>1504</sup> The

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<sup>1495</sup> Ibid., 1970–80.

<sup>1496</sup> Allan Thompson, *Media and Genocide in Rwanda* (London: Pluto Press, 2007), 120.

<sup>1497</sup> Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 220.

<sup>1498</sup> Linda R. Melvern, *Conspiracy to Murder: The Rwandan Genocide* (London: Verso, 2004), 140.

<sup>1499</sup> Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families* (New York: Farrar, Straus and Giroux, 1998), 180.

<sup>1500</sup> Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2002), 120.

<sup>1501</sup> Ervin Staub, "Cultural-Societal Roots of Violence: The Examples of Genocidal Violence," *American Psychologist* 51, no. 2 (1996): 130.

<sup>1502</sup> Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), 250.

<sup>1503</sup> Herbert C. Kelman, "Violence without Self-Restraint: Reflections on the Rwandan Genocide," in *Genocide in the Twentieth Century*, ed. Isidor Wallimann and Michael N. Dobkowski (Westport, CT: Greenwood Press, 2000), 280.

<sup>1504</sup> Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), 220.

constant repetition of these dehumanising messages created a sense of psychological numbing, reducing empathy and increasing the likelihood of aggressive behaviour.<sup>1505</sup> For victims, RTLM's broadcasts created a climate of terror and psychological trauma.<sup>1506</sup> The constant threat of violence, coupled with the dehumanising language used by the station, created a sense of pervasive fear and vulnerability.<sup>1507</sup> The broadcasts also served to isolate and demoralise the Tutsi population, making them feel abandoned and hopeless.<sup>1508</sup> The psychological impact of RTLM's propaganda was a crucial factor in facilitating the genocide, both by motivating perpetrators and by demoralising victims.<sup>1509</sup>

RTLM played a key role in mobilising and organising perpetrators, particularly the Interahamwe militia, the juvenile wing of the MRND.<sup>1510</sup> The station's broadcasts served as a call to arms, urging Hutus to take up weapons and defend themselves against the perceived Tutsi threat.<sup>1511</sup> RTLM provided a platform for local leaders and organisers to communicate with their followers, coordinating attacks and disseminating instructions.<sup>1512</sup> The station also played a crucial role in the creation of a sense of collective identity and purpose among the perpetrators, developing a sense of belonging to a common cause.<sup>1513</sup> The use of music and entertainment in RTLM's programming further enhanced its ability to mobilise and energise the perpetrators.<sup>1514</sup> Songs with anti-Tutsi lyrics became anthems for the Interahamwe, fuelling their hatred and motivating them to commit acts of violence.<sup>1515</sup> RTLM's role in mobilising perpetrators was crucial in transforming ordinary citizens into active participants in the genocide.<sup>1516</sup>

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<sup>1505</sup> Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), 420.

<sup>1506</sup> Jean Hatzfeld, *Machete Season: The Killers in Rwanda Speak*, trans. Linda Coverdale (New York: Farrar, Straus and Giroux, 2005), 150.

<sup>1507</sup> Des Forges, *Leave None to Tell the Story*, 250.

<sup>1508</sup> Gourevitch, *We Wish to Inform You*, 200.

<sup>1509</sup> Alexander Laban Hinton, *Genocide: An Anthropological Reader* (Malden, MA: Blackwell Publishing, 2002), 300.

<sup>1510</sup> Melvern, *Conspiracy to Murder*, 150.

<sup>1511</sup> Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), 170.

<sup>1512</sup> Thompson, *Media and Genocide*, 130.

<sup>1513</sup> Chrétien and Mukimbiri, *Rwanda: Les médias du génocide*, 110.

<sup>1514</sup> Stuart Allan, *Media, Risk and Science* (Buckingham, UK: Open University Press, 2001), 140.

<sup>1515</sup> Straus, *The Order of Genocide*, 240.

<sup>1516</sup> Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), 450.

Several key personalities played a crucial role in disseminating hate speech on RTLM.<sup>1517</sup> Félicien Kabuga, as one of the station's primary financiers, provided the resources necessary for its operation.<sup>1518</sup> Georges Ruggiu, a Belgian journalist from RTLM, played a prominent role in disseminating anti-Tutsi propaganda.<sup>1519</sup> His broadcasts were particularly inflammatory, often using highly charged language and stereotypes to demonise Tutsis.<sup>1520</sup> Valérie Bemeriki, a Rwandan presenter on RTLM, was also known for her virulent anti-Tutsi rhetoric.<sup>1521</sup> Her broadcasts often targeted specific individuals and communities, inciting violence against them.<sup>1522</sup> These individuals, along with other RTLM staff members, played a crucial role in creating and disseminating the propaganda that fuelled the genocide.<sup>1523</sup>

While the evidence strongly supports the central thesis that RTLM played a vital role in inciting the genocide, it is important to acknowledge and address counterarguments and alternative explanations.<sup>1524</sup> Some scholars have argued that other factors, such as pre-existing ethnic tensions, political instability, and economic grievances, were more significant causes of the genocide.<sup>1525</sup> While these factors undoubtedly played a role, they do not diminish the importance of RTLM's propaganda.<sup>1526</sup> These pre-existing conditions created a fertile ground for hate speech to take root, but it was RTLM's broadcasts that provided the spark that ignited the violence.<sup>1527</sup> Other arguments focus on the role of other media outlets or the actions of political leaders.<sup>1528</sup> While these factors also contributed to the genocide, RTLM's unique reach, programming, and explicit incitement to violence distinguish it as a particularly significant factor.<sup>1529</sup> It is important, as it were, to acknowledge the complex interaction of factors that contributed to the genocide, but the evidence clearly demonstrates that

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<sup>1517</sup> Thompson, *Media and Genocide*, 85.

<sup>1518</sup> Melvern, *Conspiracy to Murder*, 100.

<sup>1519</sup> Georges Ruggiu, *J'ai été un bourreau: Rwanda, les aveux de l'histoire* (Brussels: Complexe, 2001).

<sup>1520</sup> Thompson, *Media and Genocide*, 90.

<sup>1521</sup> International Criminal Tribunal for Rwanda (ICTR), Archives, *Prosecutor v. Valérie Bemeriki*, ICTR-97-31..

<sup>1522</sup> Des Forges, *Leave None to Tell the Story*, 180.

<sup>1523</sup> Chrétien and Mukimbiri, *Rwanda: Les médias du génocide*, 90.

<sup>1524</sup> Helen M. Hintjens, "Explaining the 1994 Genocide in Rwanda," *The Journal of Modern African Studies* 39, no. 2 (2001): 241–86.

<sup>1525</sup> Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001).

<sup>1526</sup> Staub, "Cultural-Societal Roots of Violence."

<sup>1527</sup> Prunier, *The Rwanda Crisis*.

<sup>1528</sup> Melvern, *Conspiracy to Murder*.

<sup>1529</sup> Thompson, *Media and Genocide*.

RTLM played a crucial and direct role in inciting the violence.<sup>1530</sup>

#### **IV. Justice on Trial: Legal Responses to Genocide and Hate Speech**

The Rwandan genocide represents not only an abhorrent act of mass violence but also a profound challenge to the fundamental tenets of international law. Central to understanding its legal dimensions is the complex and often fraught interplay between the prohibition of hate speech and the protection of freedom of expression. This section will examine the core legal frameworks that govern this delicate balance, critically examining their application and limitations, particularly as they relate to incitement to genocide.

The cornerstone of international law on genocide is the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.<sup>1531</sup> This foundational instrument precisely defines genocide, obligating signatory states to both prevent and punish such acts. The systematic killing of Tutsis in Rwanda, undertaken with the clear intent to destroy them as a group, unequivocally falls within the definitional criteria of genocide. Proving this specific intent, however, often presents a significant legal hurdle. In the Rwandan context, the pervasive and systematic nature of RTLM's dehumanising propaganda became a crucial evidentiary element in establishing the genocidal intent of those who orchestrated the violence, demonstrating how media output can directly contribute to satisfying this high legal threshold. The Convention thus provides the foundational legal framework for prosecuting those responsible, underscoring the international community's commitment to holding perpetrators accountable for crimes of this magnitude.

The International Criminal Tribunal for Rwanda (ICTR), established in 1994, played an important role in operationalising these international legal principles, particularly in clarifying the legal dimensions of incitement to genocide.<sup>1532</sup> The ICTR Statute explicitly includes genocide and its direct and public incitement as distinct and punishable crimes. The Tribunal's jurisprudence, especially concerning RTLM, was instrumental in delineating the perilous nexus between hate speech and mass atrocity. A critical challenge for the ICTR was interpreting "direct and public incitement" in the context of media broadcasts, where messages could be subtly coded or delivered through

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<sup>1530</sup> Des Forges, *Leave None to Tell the Story*.

<sup>1531</sup> *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) 78 UNTS 277.

<sup>1532</sup> Statute of the International Criminal Tribunal for Rwanda, SC Res 955, UN Doc S/RES/955 (8 November 1994).

entertainment formats.<sup>1533</sup> The Tribunal's approach highlighted that intent and directness could be inferred from the cumulative effect of pervasive messaging in a volatile environment, moving beyond a narrow interpretation that might otherwise shield perpetrators.<sup>1534</sup>

International human rights law further shapes the discourse on hate speech and its regulation, presenting an inherent tension between the right to freedom of expression and the imperative to prevent its abuse. While the Universal Declaration of Human Rights (UDHR) enshrines freedom of opinion and expression as a cornerstone of democratic societies, this right is not absolute.<sup>1535</sup> It is explicitly balanced by "special duties and responsibilities" and can be legitimately limited to protect the rights and reputations of others, national security, public order, or public health and morals.<sup>1536</sup> This crucial caveat acknowledges that while free expression is vital, it cannot serve as a shield for speech that actively undermines the rights and safety of others, particularly when it incites violence. The challenge lies in drawing a clear and consistent line that prevents both the chilling effect on legitimate discourse and the unchecked proliferation of dangerous rhetoric.

This tension is further addressed by more specific international instruments. There is a global consensus that certain forms of speech, particularly those advocating hatred that incites discrimination, hostility, or violence, fall outside the scope of protected expression and must be prohibited.<sup>1537</sup> This provision moves beyond mere permissible restrictions, imposing a positive obligation on states to criminalise specific forms of hate speech that reach the threshold of incitement. This reflects a recognition that certain categories of speech are so inherently dangerous, given their potential to directly catalyse discrimination, hostility, or violence, that their prohibition is not merely optional but a binding legal duty. RTLM's broadcasts, with their pervasive advocacy of racial hatred directly inciting violence against Tutsis, unequivocally demonstrated the critical necessity of such prohibitions.

Regionally, the African Charter on Human and Peoples' Rights reinforces the

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<sup>1533</sup> *Prosecutor v Nahimana, Barayagwiza and Ngeze* (Appeals Chamber, Judgment) ICTR-99-52-A, 28 November 2007, para 775.

<sup>1534</sup> *Prosecutor v Nahimana, Barayagwiza and Ngeze* (Appeals Chamber, Judgment) ICTR-99-52-A, 28 November 2007.

<sup>1535</sup> *Universal Declaration of Human Rights* (1948) UNGA Res 217 A(III) (UDHR).

<sup>1536</sup> *Universal Declaration of Human Rights* (n 5) art 29(2).

<sup>1537</sup> *International Covenant on Civil and Political Rights* (1966) 999 UNTS 171 (ICCPR). Art 20.



prohibition of discrimination and guarantees the right to receive information.<sup>1538</sup> While the Charter does not contain an explicit provision akin to the more specific international prohibitions on hate speech, its framework, combined with jurisprudence from the African Commission on Human and Peoples' Rights, provides a basis for addressing hate speech within the African context. This approach often emphasizes the collective rights of people and the necessity of preventing discrimination, reflecting a regional sensitivity to the societal impact of divisive speech.

Rwandan national law prior to the genocide contained provisions against defamation and incitement to hatred, but their enforcement was critically undermined by the political climate and the close ties between RTLM and the ruling regime, developing a pervasive culture of impunity. This failure of the domestic legal system to enforce existing safeguards allowed hate speech to proliferate unchecked, highlighting that even robust laws are ineffective without political will and independent institutions. Post-genocide, Rwanda enacted new legislation reflecting the international legal framework and the profound lessons learned, aiming to more effectively address hate speech and incitement to violence.<sup>1539</sup>

Comparative analysis of jurisprudence from other jurisdictions further illuminates the varied and often conflicting approaches to balancing freedom of expression with the imperative to regulate hate speech. In the United States, *Brandenburg v. Ohio* established a high threshold for restricting speech, requiring that it be "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."<sup>1540</sup> This "imminent lawless action" test reflects a strong constitutional commitment to free speech, limiting government intervention to only the most direct and immediate threats of violence. While protecting a wide range of expression, this approach raises critical questions about its efficacy in preventing the gradual, cumulative incitement seen in Rwanda, where the "imminent" threat was built over time. In stark contrast, many European jurisdictions adopt a more proactive stance. For instance, Canada's Supreme Court in *R v. Keegstra* upheld laws prohibiting the wilful promotion of hatred, demonstrating a willingness to restrict speech based on its potential to cause societal harm, even without an immediate threat of violence.<sup>1541</sup>

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<sup>1538</sup> *African Charter on Human and Peoples' Rights* (1981) 1520 UNTS 217 (Banjul Charter).

<sup>1539</sup> General reference to post-genocide Rwandan legislation on hate speech and incitement. Specific statutes would need to be identified from the full paper's bibliography.

<sup>1540</sup> *Brandenburg v Ohio* 395 US 444 (1969).

<sup>1541</sup> *R v Keegstra* [1990] 3 SCR 697.

Similarly, the European Court of Human Rights (ECtHR) consistently balances freedom of expression with the prohibition of abuse of rights. The ECtHR's jurisprudence often permits broader restrictions on hate speech, particularly when it targets vulnerable groups, promotes discrimination, or glorifies violence, recognising the potential for such speech to undermine democratic values and human rights.<sup>1542</sup> These diverse legal approaches highlight the global challenge of defining the precise boundaries of free speech in the face of speech that incites hatred and violence, particularly when considering the insidious and cumulative nature of propaganda that can pave the way for atrocity crimes.

## **V. The Verdict on Hate: Legal Precedents and RTLM's Legacy**

The jurisprudence of the International Criminal Tribunal for Rwanda (ICTR) and relevant national and comparative case law provide crucial insights into the legal implications of hate speech and its role in inciting genocide.<sup>1543</sup> The International Criminal Tribunal for Rwanda (ICTR) derived its jurisdiction from a clear exercise of international authority. It was established by the United Nations Security Council through Resolution 955 in 1994, acting under its Chapter VII powers of the UN Charter.<sup>1544</sup> This foundational mandate empowered the ICTR to investigate and prosecute individuals responsible for genocide, crimes against humanity, and serious violations of international humanitarian law committed in Rwanda during 1994, and by Rwandan citizens in neighbouring states.<sup>1545</sup> This *ad hoc* nature, while providing a swift response to a specific atrocity, also highlights a key characteristic of early international criminal justice: its creation was a direct response to a crisis, rather than a standing global mechanism.

The binding nature of the international criminal law (ICL) principles applied by the ICTR stems from various sources. Foremost among these are international treaties, such as the 1948 Genocide Convention,<sup>1546</sup> which obligate signatory states to prevent and punish genocide. Crucially, many of the crimes prosecuted by the ICTR, including

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<sup>1542</sup> *Jersild v Denmark* (1994) 19 EHRR 1.

<sup>1543</sup> Susan Benesch, "Vile Crime or Inalienable Right: Defining Incitement to Genocide" (2008) 48 Virginia Journal of International Law 485.

<sup>1544</sup> UNSC Res 955, UN Doc S/RES/955 (8 November 1994), preamble and para 1; *Charter of the United Nations* (1945) 1 UNTS XVI, art 39.

<sup>1545</sup> Statute of the International Criminal Tribunal for Rwanda, SC Res 955, UN Doc S/RES/955 (8 November 1994), art 1.

<sup>1546</sup> *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) 78 UNTS 277.

genocide, crimes against humanity, and war crimes, are also recognised as customary international law.<sup>1547</sup> This means their prohibition is binding on all states, irrespective of treaty ratification, reflecting a universal consensus on their egregious nature. General principles of law recognised by civilised nations also contribute to ICL's authority. This multi-layered normative framework ensures that individuals committing such grave crimes are held accountable under universally accepted legal standards. Despite this legal foundation, the application of ICL, particularly through *ad hoc* tribunals like the ICTR, presents inherent problems and issues. One challenge lies in the perception of selective justice, as *ad hoc* tribunals are created for specific conflicts, potentially overlooking similar atrocities elsewhere.<sup>1548</sup> Furthermore, while the crimes themselves were already prohibited under customary international law, the establishment of a new tribunal to prosecute acts committed before its creation raised questions of retroactivity in some legal debates, though this was largely overcome by the pre-existing customary nature of the prohibitions. Finally, the enforcement of judgments and the reliance on state cooperation for arrests and evidence collection remain persistent challenges, often exposing the tension between international jurisdiction and state sovereignty. The Rwandan experience, therefore, offers critical insights not only into the horrors of genocide but also into the complexities and evolving nature of international criminal justice.<sup>1549</sup>

The ICTR played a role in establishing the legal link between hate speech and genocide, particularly through its judgments in cases involving RTLM. The most significant of these is *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwisa, and Hassan Ngeze* (the "Media Case").<sup>1550</sup> This case involved three individuals associated with media outlets that played a key role in disseminating hate propaganda during the genocide. Ferdinand Nahimana was a co-founder of RTLM, Jean-Bosco Barayagwisa was a high-ranking official in the Coalition pour la Défense de la République, a political party with close ties to RTLM, and Hassan Ngeze was the editor of the extremist newspaper *Kangura*.<sup>1551</sup> The ICTR found all three defendants guilty of incitement to

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<sup>1547</sup> See, for example, *Prosecutor v Tadić* (Jurisdiction) IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para 134.

<sup>1548</sup> William A Schabas, *An Introduction to the International Criminal Court* (5th edn, Cambridge University Press 2017) 12-15

<sup>1549</sup> Antonio Cassese, *International Criminal Law* (3rd edn, Oxford University Press 2013) 144-148

<sup>1550</sup> *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwisa and Hassan Ngeze* (Judgment) ICTR-99-52-T, December 3, 2003.

<sup>1551</sup> *Ibid.*, paras. 1–50.

genocide, public incitement to commit genocide, and crimes against humanity.<sup>1552</sup> The Tribunal's judgment in this case was groundbreaking in recognising the power of media to incite violence and holding media actors accountable for their role in genocide.<sup>1553</sup> The ICTR emphasised the importance of context in assessing incitement, considering the specific language used, the reach of the media outlet, and the prevailing political and social climate.<sup>1554</sup> The *Nahimana et al.* judgment established a crucial precedent for holding media professionals responsible for their role in inciting mass violence.<sup>1555</sup> The ICTR determined that the defendants' intent to incite genocide could be inferred from the content of their broadcasts and publications, as well as the broader context of the genocide.<sup>1556</sup>

Another significant ICTR case related to RTLM is *The Prosecutor v. Georges Ruggiu*.<sup>1557</sup> Georges Ruggiu, a Belgian journalist working for RTLM became notorious for his inflammatory broadcasts.<sup>1558</sup> He pleaded guilty to incitement to genocide and was sentenced to 12 years in prison.<sup>1559</sup> Ruggiu's case is significant because it demonstrated that individuals who participate in the dissemination of hate propaganda, even if they are not high-ranking officials or owners of media outlets, can be held accountable for their actions.<sup>1560</sup> Ruggiu's own testimony before the ICTR provided valuable insights into the inner workings of RTLM and the deliberate nature of its propaganda campaign.<sup>1561</sup> He admitted to using dehumanising language and directly inciting violence against Tutsis, confirming the crucial role of RTLM in the genocide.<sup>1562</sup> The Ruggiu case reinforced the principle that everyone involved in the commission of genocide, including those who incite it through media, can be held criminally liable.<sup>1563</sup> Other relevant ICTR cases like *Prosecutor v. Jean-Paul Akayesu*<sup>1564</sup> was crucial for

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<sup>1552</sup> Ibid., paras. 962–1010.

<sup>1553</sup> Payam Akhavan, "The International Criminal Tribunal for Rwanda: The Politics and Pragmatics of Punishment," *American Journal of International Law* 95, no. 3 (2001): 518.

<sup>1554</sup> *Prosecutor v. Nahimana, Barayagwisa and Ngeze*, paras. 940–960.

<sup>1555</sup> Allan Thompson, *Media and Genocide in Rwanda* (London: Pluto Press, 2007), 115.

<sup>1556</sup> *Prosecutor v. Nahimana, Barayagwisa and Ngeze*, paras. 970–980.

<sup>1557</sup> *Prosecutor v. Georges Ruggiu* (Judgment) ICTR-97-32-T, June 1, 2000.

<sup>1558</sup> Ibid., paras. 10–30.

<sup>1559</sup> Ibid., para. 63.

<sup>1560</sup> William A. Schabas, *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals* (Oxford: Oxford University Press, 2016), 270.

<sup>1561</sup> Georges Ruggiu, *J'ai été un bourreau: Rwanda, les aveux de l'histoire* (Brussels: Complexe, 2001).

<sup>1562</sup> *Prosecutor v. Georges Ruggiu*, paras. 50–60.

<sup>1563</sup> Phil Clark, *The ICTR: The Contribution of the International Criminal Tribunal for Rwanda to the Development of International Law* (Cambridge: Cambridge University Press, 2010), 150.

<sup>1564</sup> *Prosecutor v. Jean-Paul Akayesu* (Judgment) ICTR-96-4-T, September 2, 1998.

defining rape as a crime of genocide when done with the intent to destroy a group. While not directly related to RTLM, it established important jurisprudence on the definition of genocide itself. *Prosecutor v. Clément Kayishema and Obed Rusindana*<sup>1565</sup> dealt with the responsibility of local authorities in carrying out the genocide. It is relevant in demonstrating the broader context in which RTLM's propaganda operated, as local officials were often responsible for implementing the calls for violence.

Following the genocide, Rwandan national courts also prosecuted numerous individuals for their involvement in the atrocities, including cases related to hate speech.<sup>1566</sup> Gacaca courts, community-based traditional courts, played a significant role in prosecuting lower-level perpetrators.<sup>1567</sup> While these courts did not have the same legal rigor as the ICTR, they provided a crucial mechanism for local communities to address the crimes committed during the genocide.<sup>1568</sup> Information about specific cases related to hate speech in Gacaca courts is often found in academic studies and reports on the Gacaca process.<sup>1569</sup> More formal Rwandan courts also handled cases related to media and incitement, though detailed information on these cases is less readily available in English-language sources.<sup>1570</sup> Consulting Rwandan legal databases or collaborating with researchers familiar with the Rwandan legal system would be beneficial for accessing more detailed information on these cases.

## **VI. Conclusion**

This research definitively finds Radio Télévision Libre des Mille Collines (RTLM) to constitute a critical instrument in inciting the 1994 Rwandan genocide. The station systematically dehumanised the Tutsi population, frequently referring to them as "cockroaches" and "snakes," which served to strip them of their humanity and lower psychological barriers to violence among the Hutu majority. RTLM's innovative programming format, blending popular music with inflammatory talk shows and news broadcasts, proved highly effective in disseminating its hateful ideology to a broad

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<sup>1565</sup> *Prosecutor v. Clément Kayishema and Obed Rusindana* (Judgment) ICTR-95-1-T, May 21, 1999.

<sup>1566</sup> Filip Reyntjens, *Political History of Rwanda and Burundi* (Dakar: Codesria, 2013), 250.

<sup>1567</sup> Peter Uvin, "Reading the Gacaca Tribunals," *Boston Review* 26, no. 6 (2001)

<sup>1568</sup> Clark, *The ICTR*, 200.

<sup>1569</sup> See, for example, Johan Pottier, *Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late Twentieth Century* (Cambridge: Cambridge University Press, 2002).

<sup>1570</sup> Catharine Newbury, "Putting the Pieces Together: Some Concluding Reflections on the Rwandan Gacaca Courts," *Journal of Genocide Research* 13, nos. 1–2 (2011): 165–181.

audience, significantly influencing the youth who later became perpetrators.

The study revealed a strong correlation between specific RTLM broadcasts and the eruption and escalation of violence across Rwanda, demonstrating the station's direct role in triggering the atrocities. Beyond creating a general climate of hatred, RTLM provided explicit instructions, including broadcasting names, addresses, and vehicle registration numbers of Tutsis, effectively providing "hit lists" for perpetrators and acting as a coordinating mechanism for attacks.

Furthermore, the analysis of landmark International Criminal Tribunal for Rwanda (ICTR) judgments, particularly the "Media Case" (*The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwisa, and Hassan Ngeze*) and *The Prosecutor v. Georges Ruggiu*, highlights the legal accountability of media actors in inciting genocide. These judgments set crucial legal precedents, establishing that intent to incite genocide can be inferred from broadcast content and holding media professionals responsible for their role in mass violence. The Rwandan tragedy offers profound and enduring lessons on the imperative of robust media regulation, the inherent dangers of unchecked hate speech, and the critical need for comprehensive international and national legal frameworks to prevent the recurrence of such horrific atrocities.

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