

Bruguière case put to rest after ruling by France’s highest court

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The French Court of Cassation on February 15, dismissed the appeal by the family of former President Juvenal Habyarimana over a long-running probe into the shooting down of his plane near Kigali International Airport on April 6, 1994.

Habyarimana’s family had petitioned France’s highest court in a last ditch attempt to revive a discredited probe by French magistrate Jean-Louis Bruguière in which he implicated former officers of the Rwanda Patriotic Army in the downing of the plane.

The latest decision comes after years of a sequence of appeals and dismissals in dif-

ferent French jurisdictions. The latest appeal was filed by Habyarimana’s family against the decision of the Court of Appeal of Paris on July 3, 2020, to dismiss the case.

“Today’s decision in France’s Court of Cassation puts an end to one of the biggest cover-up stories in recent history. Judge Bruguière’s massive 24-year scam on the 6 April 1994 plane crash is over and done,” tweeted Yolande Makolo, the Spokesperson of the Government of Rwanda.

Despite different extensive investigations concluding the contrary, Bruguière had laid the blame of the attack on the RPA (the military wing of Rwanda Patriotic Front) and issued arrest warrants against the Rwandan officials.

Bruguière had begun his probe in March 1998 following a complaint submitted in by the daughter of the co-pilot of Habyarimana’s plane, Jean-Pierre Minaberry, who died in the crash.

The accused Rwandans include the senior security advisor to the President, Gen. James Kabarebe, Lt Gen Charles Kayonga, Maj Gen (rtd) Sam Kanyemera Kaka, Maj Gen (rtd)

Jack Nziza, Lt Col (rtd) Rose Kanyange Kabuye, Lt Col Jacob Tumwine, and Franck Nziza.

Bruguière's case had been dismissed on different occasions in the past, first by his succeeding judges, Marc Trévidic and Nathalie Poux in 2012, and then Jean-Marc Herbaut and Nathalie Poux in 2017 and in 2018.

In coming up with the indictment, Bruguière did not visit Rwanda or interview any of those he indicted. Several witnesses including the principal witness, a one Abdoul Ruzibiza, later recanted their testimonies saying that the case was built of nothing but political machinations.

In a statement released on Tuesday by Bernard Maingain and Leon Lef Forster, the two lawyers representing the Government of Rwanda, they welcomed the ruling and said they hope the fight waged on the legal front will also pave the way for justice for the one million victims of the Genocide against the Tutsi.

“It took more than 20 years of proceedings for the outrageous accusations made against them to be invalidated by the French courts thanks to the conscientious work of magistrates, investigators, and experts,” it read.

This, according to them, is despite the initial “investigations” of Bruguière which were tainted by a clear bias and lack of knowledge of the factual realities of the events of the years of 1990 to 1994 and even more so of the history of Rwanda itself.

Adding : “The defense was able to demon-

strate the multiple manipulations and falsifications perpetrated by a coalition of different interests motivated by considerations alien to the search of judicial truth. This manipulation failed completely.”

Different reports, including one by Judge Trevidic concluded that there was no way the RPA could have been behind the attack on Habyarimana's plane.

Further circumstantial and material evidence would blame the attack on a group of extremists within the then government who accused Habyarimana of giving making concessions to RPF-Inkotanyi, the political wing of the RPA during the Arusha Peace Accords.

Earlier, Rwanda's own probe by a team of experts dubbed the Mutsinzi Commission, which was led by former Chief Justice Jean Mutsinzi had arrived at similar conclusions.

According to Mutsinzi's probe, the plane was shot down by “three white people” with the help of members of the presidential guard and that the missiles had been fired from the Kanombe military barracks.

The Rwandan inquiry was backed by among others, ballistics experts from the United Kingdom.

Habyarimana's plane was shot down as he approached the airport from a regional summit in Tanzania intended to prompt implementation of a power-sharing agreement with the Rwanda Patriotic Front (RPF) that had been signed in August 1993.

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