

Liberté, Égalité, Impérialisme! Vive la France in Black Africa!

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Region: [sub-Saharan Africa](#)

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Geopolitics trumped international justice again—just in time for Christmas. On December 21, a French court closed the long-running case against Rwandan President Paul Kagame and his inner circle for assassinating Rwandan President Juvenal Habyarimana and Burundian President Cyprien Ntaryamira on April 6, 1994, when a surface-to-air missile downed their plane over Rwanda's capital Kigali.

Nearly twenty-five years later, there are still no convictions for the assassinations that turned first Rwanda, then the Democratic Republic of the Congo (DRC), into a vast killing ground. Not in the International Criminal Tribunal on Rwanda (ICTR), where two investigations of Kagame were shut down, and where a judge told defense attorney Tiphaine Dickson, “We don’t investigate plane crashes [or Tutsis, only Hutus].” And not in the French or Spanish courts, where French and Spanish citizens claimed jurisdiction because their relatives died in the plane shot down or in the ensuing massacres.

The subtext of the Rwandan War and the Congo Wars was competition between the US/UK and France. France, which was then the dominant power in the region, had been the patron of Habyarimana’s Hutu government; the US and UK backed Kagame’s invading Tutsi army, which emerged victorious in 1994, declared that English would from thereon be Rwanda’s international business language, then invaded and occupied French-speaking Zaire (now the Democratic Republic of the Congo) two years later.

France and Rwanda have engaged in a bitter argument off and on for all these years about who was responsible for the 1994 Rwandan Genocide. Their embassies have often been closed in one another’s capitals, and France [pulled out](#) of the 20th anniversary commemoration in Kigali after President Kagame once again accused France of participating in the killing.

One of the recurring points of contention is Opération Turquoise, France’s emergency relief response, which began on June 23, 1994, several weeks before General Paul Kagame (now President Paul Kagame) seized power in Kigali. Some French officials who were in office at the time, most notably former French Foreign Minister Alain Juppé, have maintained that Opération Turquoise created a humanitarian corridor for Rwandan Hutus fleeing into Zaire, for fear of being massacred by General Kagame’s advancing Tutsi army. Kagame’s government has claimed that France instead provided an escape route for Hutus guilty of genocide, although the vast majority flooding into Zaire were civilians, including women, children, and the elderly. According to the 2010 [UN Mapping Report](#) on Human Rights Abuse in the Democratic Republic of the Congo, 1993-2003, Kagame’s troops followed the refugees into Zaire and massacred as many as 250,000.

In "[Dying to Live: A Rwandan Family's Five-Year Flight Across the Congo](#)," Pierre-Claver Ndacyayisenga describes how he and his family and 300,000 more Rwandan Hutus fled Kagame's advancing army all the way through the Congolese jungle, from east to west, as many more died of hardship or were massacred by Kagame's troops along the way.

The authors of the UN Mapping Report said that the massacres in Congo would most likely be ruled a genocide if a case were brought to court, but none has been and none ever will be without a major geopolitical shift in power. In 2013, in one of his many cynical moments, Bill Clinton told BBC journalist Komla Dumor that he would not condemn his friend Paul Kagame for murdering the refugees because "it hasn't been adjudicated." (And because it happened on his watch, with his support, as did the 1998 Rwandan and Ugandan invasions of DRC, during which Kagame and Uganda's Museveni became what another UN report called "the godfathers of the illegal exploitation of natural resources and the continuation of the conflict in the DRC.")

France of course wants its share, and French officials now in power have decided to close the case against Kagame in order to secure access to Congo's riches, which he significantly controls. The court's ruling came shortly after Rwandan Foreign Minister Louise Mushikiwabo became Secretary-General of La Francophonie, an international organization similar to the British Commonwealth, in what was widely perceived to be another concession to smooth French-Rwandan relations and ease France's access to Congo's riches.

Kayumba Nyamwasa, former Rwandan General, Chief of Army Staff, and Chief of Military Intelligence, was also named as a defendant in the French indictment. Speaking to Jane Corbin in the BBC video "[Rwanda's Untold Story](#)," he said that Kagame most definitely ordered his troops to shoot down the plane carrying the Rwandan and Burundian presidents:

Jane Corbin: Who do you believe was behind the shooting down of the plane?

Kayumba Nyamwasa: Paul Kagame undoubtedly.

JC: Paul Kagame?

KN: Oh yes, oh yes.

JC: You know that?

KN: One hundred percent.

JC: Were you at meetings where it was discussed?

KN: Well, I know. I was in a position to know, and he knows I was in a position to know. And he knows that.

BBC interjection: General Nyamwasa has offered to cut a deal with the French judge to testify.

JC: If you discuss these matters with the judge and it implicates you yourself, are you willing to do that?

KN: Obviously. If it implicated me? Why not? Because I think that truth is what matters.

Closing the case is not acquitting

The French court said they were closing the case for lack of “credible” and “significant” evidence despite abundant such evidence. That does not mean, however, that they acquitted Kagame, Nyamwasa, or anyone else who was in Kagame’s inner circle at the time Habyarimana and Ntaryamira were assassinated. As Rwandan American legal scholar Charles Kambanda said, “This is a political decision which could well be superseded by another political decision to reopen the file when there is additional ‘credible’ and ‘significant’ evidence.” In other words, France has mollified Kagame for now, but it’s kept a knife behind its back.

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