

Genocide: French prosecution launch fresh probe into Agathe Kanziga case

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The Head of French National Anti-Terrorism Prosecution Office Jean-François Ricard speaks to journalists during his visit at Kigali Genocide Memorial in Kigali on Monday, March 11. Photo by Chelsea Nkubito

Seventeen years have passed since Rwanda issued an indictment against Agathe Kanzinga Habyarimana, the patron of Akazu, a small elite group that orchestrated the 1994 Genocide against the Tutsi.

However, the former First Lady remains at large in France.

Jean-François Ricard, the Head of French National Anti-Terrorism Prosecution Office who is in Rwanda on official visit, said that

the French judiciary is not competent to try Kanziga “given the complexity of her case”.

He was speaking at a press conference held on March 11, as part of his two-day working visit in Rwanda, accompanied by other French prosecutors and the Chief Prosecutor of International Residual Mechanism for Criminal Tribunals (IRMCT), Serge Brammertz.

The delegation also held a tripartite meeting with Aimable Havugiyaremye, Prosecutor General at the National Public Prosecution Authority (NPPA), to discuss cooperation in investigating and prosecuting suspects of genocide and crimes against humanity, living in France.

”She is living there [France] in a complex manner, because according to French law, she cannot access any refugee services because she has been denied asylum. But, like many other people with serious crimes living on French territory, she cannot be deported,” Ricard said.

Kanziga applied for refuge in France and was denied on several appeals until the Court of Cassation made the final ruling of denial

on grounds that she was linked to the 1994 Genocide against the Tutsi.

However, available information indicate that evidence was not enough for the French Supreme court to try or extradite her to Rwanda despite the indictment and arrest warrant issued by the country. It rejected the extradition request in 2011.

Ricard, whose office is in charge of prosecuting terrorism, genocide, war crimes and crimes against humanity, noted that Kanziga's case is complex to deal with given that they only have jurisdiction over crimes committed during and post Genocide.

"We, French prosecutors do not have the authority to prosecute crimes committed before the Genocide such as involvement in the planning of the Genocide against the Tutsis."

Fresh investigation

However, he announced that his office has ordered fresh investigations to be done on the case of Kanziga and gather all evidence that can bring her to court.

"I would like to tell you that the prosecutor's office I am in charge of, on my instructions, we have asked the prosecution to follow up on this file and conduct a new investigation so that we can do everything possible.

All possible concrete actions on this case will be taken," he added.

Richard Gisagara, a Rwandan lawyer based in France, said that despite of the years that have passed by, the case remains at a preliminary stage of investigations.

This, according to him, means that the case is still in the hands of an examining magistrate –a judge who carries out pre-trial investigations into allegations of crime –who has been doing investigations since March 2007.

"At this point, the judge should say whether they have gathered enough evidence to prosecute the case or not so that they can dismiss it and allow us to appeal."

This was the same situation in 2021 when Alain Gauthier, president of the France-based rights group, Collectif des parties civiles pour le Rwanda (CPCR), which filed genocide charges against Kanziga 14 years ago, told The New Times that there is nothing so special about the latest developments.

Gauthier said: "Nothing particularly special. It is almost a non-event. The Court of Appeal rejected the defence's request for dismissal. Agathe Habyarimana wanted the prosecution to stop. The case is still valid. The judicial inquiry remains open."

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