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ICCR/SOLDIERS I – THE WITNESS STATEMENT OF BAGOSORA REIGNITES THE DEBATE ON THE ASSASSINATION OF PRESIDENT HABYARIMANA

Arusha, 3 February 2006 (FH) – A real hobby horse of the principal accused parties at the International Criminal Court of Rwanda (ICCR), the assassination of Hutu President Juvénal Habyarimana on 6 April 1994 has been constantly haunting the work of the court.

In their innumerable letters to the presiding judge of the ICCR and in their witness statements, the leading figures of the former regime are demanding an inquiry into this attack, which they consider to be the trigger element for “excessive massacres”, to borrow the words of the most famous of them, Colonel Théoneste Bagosora, presented by the prosecutor as the brain of a genocide in which he does not believe.

His solicitors thus lodged on 13 December a long petition in which they asked the chamber to order the prosecutor’s office to launch an inquiry into this assassination. One week later, the representative of the Prosecutor, Drew White, lodged his response in which he calls on the judges to reject the petition, explaining that Bagosora was not pursued for the assassination of President Habyarimana. The judges have not yet rendered their decision.

While deploring the “shocking, immoral and atrocious” nature of this attack, White notably states that it is not within the mandate of the ICCR, which is limited to “crimes of genocide, war crimes and crimes against humanity”.

This new heated exchange originates in the witness statement of Bagosora for his own defence, a little over two months ago. In his principal interview, the key accused party declared several times that the essential responsibility for the 1994 tragedy was incumbent upon the assassin of President Habyarimana.

On 16 November, in his counter-questioning, White had however suggested to him that the attack had been organised by those close to the Chief of State, including Bagosora himself. He accused the colonel of having hatched the plan for the physical elimination of Habyarimana because he had just agreed to no longer block the application of the peace agreement, which robbed the heavy weights of the regime of their important political and economic powers.

Unlike Bagosora, the Prosecutor’s substitute declared that the Rwandan government army did indeed have surface-to-air missiles in its arsenal. White then produced a letter written on 17 January 1992 by the deputy Chief of Staff of the army, Colonel Laurent Seubuga, to the minister for defence, advising him to purchase “a SAM 16 battery comprising 12 launchers and 120 missiles”. According to Bagosora, this weapon was never purchased, even though the government had made an order and received an invoice.

Curiously, White remarked, the serial numbers mentioned on the proforma invoice were the same as those featuring on the battery received by the Rwandan army in Masaka (near Kigali) on the day after the attack. Response from Bagosora, “we were offered the chance to make an order; we didn’t buy. In the meantime, somebody else could buy.”

An initial petition demanding an inquiry into the death of President Habyarimana had been rejected by the chamber in 2000, which was two years before the opening of the trial.

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