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RWANDA: FRENCH JUDGE ENDS QUESTIONING OF ROSE KABUYE

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1. (C) SUMMARY: The French judge investigating events concerning the 1994 Rwandan genocide has dismissed the first Rwandan official questioned in the case. Rose Kabuye was granted freedom of movement when the judge on September 25 lifted the international arrest warrant that was used to compel her testimony. She has reportedly agreed to cooperate with the investigation and may be subject to recall by the judge. In an effort to determine if there is a case to pursue, the judge in principle should interview the other eight Rwandans subject to the original arrest warrant, although this may take place in Rwanda. One MFA contact views this development as a positive step towards resolving the case and for improving broken French-Rwandan relations, although resolving the cases involving the other eight is likely to take time. END SUMMARY.

2. (C) Charlotte Montel (AF-advisor in FM Kouchner's cabinet) on September 30 provided an update in the Rose

Kabuye case, calling recent developments an important step in the complex legal matter involving nine senior Rwandans, which arose when then-terrorism judge Bruguiere in November 2006 issued his report on the events of 1994 that led to the Rwandan genocide. Bruguiere's report contained warrants against the nine and also recommended prosecution of Rwanda's President Kagame for their alleged involvement in the airplane shoot-down deaths of the Rwandan and Burundian presidents that sparked the genocide. The legal case in France was initiated in response to a complaint by the family of the plane's French pilot. Bruguiere's report caused Rwanda to sever relations with France, which remain severed. Kabuye was arrested in Germany earlier this year pursuant to the French warrant and has been questioned several times by the investigating judge ("juge d'instruction"), who nonetheless granted her liberal travel privileges provided she comply with court orders, which she has done.

3. (C) Montel said that on September 25, the investigating judge informed Kabuye that he was finished questioning her and that she was free to go, subject to the court's recall for further testimony. Montel said that Kabuye agreed to cooperate with the judge's investigation. Montel explained that the warrants Bruguiere had issued were in effect arrest warrants that would allow the investigating judge to question the nine Rwandans pursuant to the judge's inquiry into the 1994 events. The warrants were not indictments but more in the nature of subpoenas for detailed depositions. One reason Rwanda reacted so strongly to the warrants was the fact that the French investigating judge, if he had wanted, could have gone to Rwanda and asked to interview the nine, rather than making them the objects of international arrest warrants.

4 (C) Montel said that the September 25 ruling was an important step because in releasing Kabuye (subject to her cooperation and possible further testimony), the judge was implicitly not moving towards indicting her. Also, in response to the judge's ruling, Kabuye's lawyers offered motions that further investigations be carried out in Rwanda, which Montel thought likely. Montel cautioned, however, that while this development in Kabuye's case was positive and could ease France-Rwanda tensions, there were still eight others whose cases needed resolution. Montel said that Kabuye all along firmly denied that she had deliberately allowed herself to be arrested, as a test case," as had been reported by French daily Le Monde and other observers. Montel conceded that several GOF officials had quietly suggested to the Rwandans that one of the nine agree to be arrested, which would allow the Rwandans to see what kind of case the French had against the nine. She repeated, however, that Kabuye consistently maintained that she never intended to be arrested in Germany to test France's case against her

and her compatriots.

5. (C) COMMENT: Montel was notably upbeat in providing her analysis of developments in the Kabuye case. We expect, however, that the rest of the case, involving the other eight, could require considerable time to resolve and that, consequently, there will likely be no change in the status of relations, unless Rwanda were to alter its position, which does not appear likely. Montel did mention that the current investigative judge could, on his own motion, annul Bruguiere's warrants and carry out the investigation in

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another manner, which might perhaps be the best course in terms of improving relations. However, given the vaunted independence of the French judiciary, we are not confident that the judge will choose that course of action. END

COMMENT.

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