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President's Widow Accused of Genocide Fights for Asylum

By Alex Duval Smith

PARIS — In an embarrassing twist to the complex relations between France and Rwanda, one of the alleged masterminds of the 1994 genocide has launched a legal battle for the right to remain in France as a refugee.

Agathe Habyarimana, the widow of late Rwandan president Juvénal Habyarimana, was rejected on appeal by the French refugee agency, Ofpra.

Her lawyer announced that, in an unprecedented move, she would take her application to the State Council, France's highest legal authority.

The move comes as France's deteriorating relations with some of its key African partners are in the spotlight, amid a paltry turnout for the biennial France-Africa summit, ending today in Cannes. Only about 40 African heads of state are attending, excluding such major players as the South African President, Thabo Mbeki, and the Ivorian leader Laurent Gbagbo. Also missing is Rwanda's President, Paul Kagame.

The challenge by Mrs. Habyarimana, who claims the Rwandan genocide was as devastating to the Hutu ethnic group to which she belongs as it was to Tutsis, is deeply embarrassing to France, whose military spirited her to safety in the first days of the genocide.

"We are not surprised by the decision, because a lot of people in France believe Mrs. Habyarimana was implicated in the genocide, but we are a little disappointed because we feel we have explained that all the allegations against her are unfounded," said her lawyer, Philippe Meilhac.

He added that Mrs. Habyarimana, who has lived permanently in France since 1998 after spells in Gabon and Kenya, "has nowhere to go". After several years in administrative limbo in France, she applied for refugee status in 2004.

Mrs. Habyarimana, who is reviled by many Rwandans and tops the "most wanted" list of the country's present government, claims she was "merely a housewife and first lady" in Rwanda. Her detractors allege that she headed Akazu ("small house")—a hate think-tank that poisoned Hutu minds against Tutsi neighbours.

The United Nations estimates that 800,000 people, most of them from the Tutsi ethnic group, were murdered in systematic ethnically-motivated killings between April and July 1994. The genocide began in the days after the shooting-down, in April 1994, of President Habyarimana's jet.

Last November, a high profile French magistrate, Jean-Louis Bruguière, claimed that President Kagame, who at the time headed the rebel Rwandan Patriotic Front, ordered the shooting-down of Habyarimana's jet. He called for President Kagame to be brought before an international tribunal and issued arrest warrants against nine serving Rwandan officials.

Mr. Bruguière's claim of a causal link between the jet's downing and the start of the genocide prompted Rwanda to break off diplomatic relations with France.

According to Stephen Rapp, a former prosecutor at the UN International Criminal Tribunal for Rwanda, officials investigated Mrs. Habyarimana but the court took a pragmatic decision not bring charges against her as it had stronger cases against other suspects.

Genocide survivors in France this week launched a civil action against Mrs. Habyarimana for "complicity with genocide and crimes against humanity".

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