

PROSECUTOR V FÉLICIEN KABUGA

MICT-13-38

December 8th, 2022

The trial of Félicien KABUGA started on September 29th 2022 in The Hague courtroom of the Residual Mechanism for the International Criminal Tribunals. The accused is charged with six counts: One count of Genocide, One count of Direct and Public Incitement to Commit Genocide, One count of Conspiracy to Commit Genocide and Three counts of Crimes Against Humanity, namely Persecution on political grounds, Extermination, Murder.

Direct and Cross examination of witnesses KAB046 and KAB061.

Mr. Félicien Kabuga was physically present in the courtroom.

Cross Examination of witness KAB046 by defence Counsel Me Mathe continued.

The witness had difficulties understanding the questions throughout the whole examination. After the first part of the hearing, the presiding judge Iain Bonomy got quite upset with Me Mathe, saying that this was the least fruitful 30 minutes of examination that he has ever seen.

The defence council sought some clarifications on statements previously made by the witness. Me Mathe started by asking the witness about who said that the roadblocks set up should prevent the Inkotanyi to get through. The witness replied that it was the Interahamwe who set up roadblocks in agreement with the military. According to the witness, the Interahamwe president followed the instructions issued by Mr. Kabuga.

Me Mathe then turned to the period when RPF took control of the neighbourhood and asked what the witness did between the 11th of April 1994 and May, when he left. The witness replied that he remained at home and went to the roadblock. Further, people manning the roadblocks left in May due to the fighting and shooting between the two armies.

Judge Guzman then asked whether Mr. Kabuga had to go through the roadblock where Jean-Pierre Nzaramba was killed when entering his compound. The witness did not seem to understand the question and did not reply to the judge's satisfaction. The presiding judge declared that "there are limits to a Judge's patience" and asked the witness whether he could explain his understanding of a roadblock. Finally, the witness gave the answer that Mr. Kabuga did not have to go through the roadblock to access his compound. This marked the end of KAB046's testimony.

A new witness KAB061 was called in, and Mr. Rashid of the Prosecution summarized his witness statement:

From 1986, the witness lived in Gisenyi, including in 1993 and 1994. He is able to describe Kabuga's business interests, particular those he co-owned with André Singaye: "la Rwandaise" selling Mercedes and Toyota vehicles and another one selling BMWs. President Habyarimana was a shareholder in the companies.

In 1993, at the MRND meeting at the stadium in Kigali, Edouard Karemera and Mr. Kabuga made speeches to collect contributions to fight RPF. Mr. Kabuga was also among those donating. Mugiraneza and Hassan Gitoki also attended. At the end of May 1994, the witness learned that a fundraising meeting took place at the Meridian hotel. Afterwards, he overheard people discussing the meeting of which the purpose seemed to be to seek weapons. The witness also heard that Kabuga promised to provide all money necessary to buy weapons. During the meeting, Kabuga said that the enemy ought to be defeated, and he meant the Tutsi. After the meeting, the witness also found out that a plane arrived in Goma with weapons. He saw 2 or 3 empty trucks with "Ets. FK" written on it parked at "la Corniche". The witness believed that Kabuga owned more than 120 trucks, all marked with "Ets. FK".

Further, the witness saw Interahamwe with new weapons that were said to have been offloaded and distributed at Gisenyi military camp. According to the witness, Saidi Habarume, Kiguru and Hassan Kitoki were amongst those receiving weapons. In Gisenyi, weapons were used to carry out night patrols. Those arrested were brought to Commune Rouge to be killed. All killed were Tutsi. The witness knows this because the Tutsi were considered part of RPF Inkotanyi. After the weapons arrived, there was a revival among the population and killings were accelerated. RTLM encouraged to kill Tutsis and Mr. Kabuga said that they could finally fight the enemy.

The witness remembers listening to RTLM journalist Bimeriki providing details on a vehicle in Kigali, saying it was a white Mercedes and giving the plate number. Shortly after, the people in the vehicle were arrested. They were all Tutsi. Finally, the witness said that President Habyarimana was considered the father of Rwandans. After his death, Mr. Kabuga replaced him as a father figure, because he was a great friend of the president, was able to go where the government went and could say whatever he wanted. The witness is serving a life sentence.

With the Prosecution having no questions, Me Mathe started cross examination.

She asked when the witness was arrested and put in prison. The witness replied on the 15th December 1996. Between 1994 and his arrest, he was in former Zaïre (DRC), later he fled to Nairobi but came back to Zaïre. When the war started there, he came back to Rwanda, because the attackers seized the city and the soldiers told them to go back to Rwanda. The rest of the session was held in camera.

This note is a communication from the "Justice and Memory" program which aims to strengthen the involvement of affected populations and local actors, in international and national trials related to the genocide perpetrated against the Tutsi, treated on the basis of the universal jurisdiction, in order to consolidate unity, reconciliation, the perpetuation of the memory of the genocide and social cohesion in Rwanda.

The program is implemented by RCN Justice & Democracy, PAX PRESS, Haguruka and *Association Modeste et Innocent (AMI)*. The program follows the course of the proceedings in the trials of genocide cases based on the universal jurisdiction and informs impacted populations on the progress of the cases.

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