

PROSECUTOR V FÉLICIEN KABUGA

MICT-13-38

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 here Persecution on political grounds, Extermination, Murder.

20 October 2022

Direct examination of expert witness Francois-Xavier NSANZUWERA

Lilit GROTJAHN

RCN Justice & Démocratie

The accused chose again to be absent.

Francois-Xavier NSANZUWERA was a prosecutor in Kigali-City and Kigali-Rural from 1990 until he fled to Belgium in 1995.

According to a brief summary by the prosecution, in his statement the witness gave in June 2022, he described the struggle following the rise of multipartyism in Rwanda and the Hutu power movement. He also talked about the BUGESERA massacre in 1992 and the hate rhetoric and targeting of individuals by the KANGURA magazine. He further explained that RTLM's nickname was *Radio Machete* and that their messages were merely incitements to violence but rather direct calls to murder. The prosecution showed a videoclip where the witness can be seen participating in a meeting where Mr KABUGA and Mr NAHIMANA were also present. The prosecution asked if that video shows the meeting with RTLM and the Minister of Information the witness referred to in his statement, but Mr NSANZUWERA said that he cannot say for sure.

He has written a book in which he describes the massacre of Tutsi in March 1992 in BUGESERA, his region of origin. In March 1992, a meeting of the liberal party was held there. During the meeting the chairman of the liberal party questioned and challenged the Bourgmestre of the municipality who was a member of the NRMD. The municipality was mostly inhabited by Hutus who started eating Tutsi cattle and killing Tutsi farmers, because they were manipulated into thinking that Tutsis plotted to kill them. Asked by the prosecution about the role of the media in the massacres, the witness testified that the day before the events, the editor in chief of the KANGURA magazine handed out the cover page of the next issue, showing the first elected president Grégoire KAYIBANDA and a machete. The cover page was mostly handed out in the region where Hutus lived. The prosecution inquired whether ORINFOR (Office Rwandais d'Information), a public service bureau that regulated information, already existed to which the witness answered that it did exist and that Mr NAHIMANA was the director of ORINFOR.

Examination by Mr ALTIT, Counsel for the Defence

Mr ALTIT asked whether the witness considered the cover page of the KANGURA as the main cause of the massacre. He replied that this was only one cause and explained further that the political rally of the liberal party where verbal attacks directed against the NRMD Bourgmestre which sparked anger within NRMD sympathizers. Further, Mr NSANZUWERA explained that machetes were distributed to farmers "*with the call to take part in the revolution*" and that the image distributed by the KANGURA editor in chief reminded them of the period between 1959 and 1963. They were afraid to be killed by their Tutsi neighbors and municipal officers asked them to defend themselves and to attack first. Mr ALTIT then wanted to know whether this manipulation was only confined to the BUGESERA region, to which the witness replied that in 1992, you would find small scale massacres everywhere in the country even involving grenade attacks or mines being placed in public places. What was specific to BUGESERA was that there were many Tutsis living there. There was a national commission conducting research on the attacks carried out with grenades or anti-personnel mines at national level and in Kigali, but there was no official signed report. The attacks were meant to instill fear, the witness added.

Coming back to the video, Mr ALTIT asked Mr NSANZUWERA about the purpose of the meeting. The witness explained that the meeting was only about RTLM, but that outside of this meeting other media had been called up. One media for example has shown a cartoon of the president swallowing members of the opposition. The witness further explained that he, together with the general prosecutor, had arrested a journalist for hate speech, but the Minister in charge of security had called him to say that the Ambassadors of the US and Belgium were not happy with the repression on the media. After inquiry by Mr ALTIT, witness explained that in the period between 1991 and 1994, several journalists were arrested and newspapers were ceased. But in light of the of the American and Belgian ambassadors being against that treatment, they started to just give out heavy fines instead of arresting journalists. Referring to the video, Mr ALTIT asked about more details about who participated and who were talking the most. The witness testified that Mr KABUGA was there as the chairman of the “*committee d’initiative*” of RTLM and Mr NIHAMANA as the director of RTLM. Mr KAMEYA, the founder of the newspaper RWANDA RUSHYA was also there, having a heated discussion with Mr NAHIMANA. In total, Mr MAHIMANA dominated the discussing at that meeting, but Mr KABUGA was respected as well because on of his daughters married the President’s son. The witness recalled that Mr NAHIMANA said to him “*I hope that you will stop arresting journalists*”.

In the end, Mr NSANZUWERA was asked about why he fled to Belgium in 1995. The witness explained that he was threatened by 2 high-ranking officers of the RPF who were in the Gendarmerie brigade. The witness had denounced in a radio broadcast on the national radio the mass and arbitrary arrests made after the genocide. He said that this might have angered those who were now looking forward to a more peaceful time. The witness talked about the day he found 22 dead people in a cell in the Gendarmerie of MUHIMA. The 22 people were in a cell designed for a maximum of 4 people and suffocated while the guards were listening to music on the radio, so he was really annoyed and denounced that on the radio. After that, two Majors who are now Generals came to his office and threatened him. Additionally, the witness testified that friends of his also told him to stop saying such things on the radio, but that he just could not see this happening. Some people disappeared so he got scared and applied for a visa in Belgium. The witness added that between April and July 1994, prisons were empty because the prisoners were “*freed to join the murderers on roadblocks*” and after the genocide, people were arrested by the RPF without identification. He estimated that there were about 10,000 people in Kigali prison who had not been identified after the genocide.