

PROSECUTOR V FÉLICIEN KABUGA

MICT-13-38

November 9, 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 KAB007 and KAB009.

Mr. Félicien Kabuga was physically present in the courtroom.

The examination of witness KAB007 continued in camera.

Witness KAB009, participating via livestream from Arusha was sworn in. His identity is protected; we know that he is currently serving a 30-year prison sentence for his involvement in the Genocide.

The prosecution summarized his witness statement in which he testified on the distribution of weapons purchased by KABUGA.

The witness was present at the MERIDIAN hotel and the UMUGANDA STADIUM, where he saw KABUGA for a meeting together with, inter alia, NSABIMANA, the prefect of GISENYI and the president of the MRND. Three days later, he saw KABUGA at the STADIUM. According to the witness, KABUGA learned about Hutus who were hiding Tutsi and said that the enemy needs to be defeated. On the morning of the weapons delivery, the witness was at the hotel, where KABUGA issued authorisations and gave instructions on who should receive weapons. The weapons from KABUGA's Mercedes Benz trucks were distributed to 400 youth. The witness testified that attacks against Tutsi were launched at the request of KAREMERA with the objective of killing Tutsi in GINSENYI and RUHENGERI. Asked about the names of some of the well-known Interahamwe who were at the STADIUM, the witness remembered HABIMANA, THOMAS MUGIRANEZA, MUBARAK GURU, DAMAS BINEGO.

The witness further explained his work at a roadblock, where he was instructed by Colonel NSENGIYUMVA that Tutsi and those who resembled them needed to be stopped at the roadblock. Answering a question by the prosecution on how they identified a Tutsi, the witness stated that either they had identity cards on them or they looked for features like being tall and lean or having a pointed nose. He explained that people who wanted to flee the Genocide were intercepted by the roadblock

and arrested, they were men, women, elderly and children. The witness concluded by saying that they took about 30 to 40 people of those arrested to the COMMUNE ROUGE to be killed.

The cross examination of witness KAB009 by the defence will commence tomorrow.

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.

The program receives financial support from the government of Belgium through the Directorate General for Development (DGD). The program also receives occasional support from the Embassy of France in Rwanda. Program communications do not engage the responsibility of the DGD or the Embassy of France.