

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.

Cross examination of protected witnesses KAB009.

The witness is currently serving a 30-year prison sentence for his involvement in the Genocide.

Mr. Félicien Kabuga was physically present in the courtroom.

The cross examination continued in camera.

Maître Mathe – the Defense Counsel – put to the witness a series of questions regarding his arrest and conviction. The witness answered that he was arrested by soldiers and put in prison in 2001. He said that he was found guilty of genocide in the first category as he was in charge of a group composed of around 60 people as part of the civil defense. The witness stated that he was able to appeal his conviction but did not get to appear before the classical court of appeal, but, was judged by the Gacaca Court of the Gisenyi sector (C) in August 2009. The witness's conviction was upheld and he is currently serving a 30 year sentenced in the Rubavu district prison.

Focusing now on his participation to this trial as a witness, Maître Mathe asked KAB009 how he had been contacted to become a witness in this case. The witness replied that civil servants of the ICTR contacted him in 2004 and came to see him at the Rubavu prison during a confidential interview. During the interview the witness said that only himself, an interpreter and the civil servants were present. The Defense asked the witness to confirm that no Rwandan authorities were present during the discussion which the witness confirmed and added that he did not mention his role as a witness to other detainees for his safety.

The Defense asked the witness about the date of the meeting at the Meridian Hotel he previously mentioned in his statement to the Prosecution. KAB009 said he did not remember the exact date of the meeting but that it took place at the end of May or early June 1994 in the meeting room of the hotel. He was told about the meeting by Colonel Anatole Nsengiyumva. He was tasked with ensuring the security of the authorities present and was given weapons to do his work. The Counsel interrogated the witness on the meeting room itself and if the witness had access to it and actually

entered it. The witness confirmed that he did have access to the meeting room, that it was composed of a round table where everyone was seated and that people were present in great numbers. The witness explained that he was posted outside near the hotel but would enter the meeting room occasionally and listen to parts of the discussions. He confirmed to the Defense that he heard Mr. Kabuga speak and listened to part of his speech. The Counsel asked KAB009 what the goal of the meeting was, the witness replied that the meeting had the purpose of raising funds for the army and pay customs charges for the weapons. The witness said around 160 million Rwandan Francs were collected in cash and checks.

Maître Mathe asked the witness questions about his participation in the weapon delivery in Goma. The witness first explained that the group he was in charge of was tasked by the Colonel to go to Goma and receive the weapon deliveries. The Defense asked for precisions about the number of people present on the bus with the witness, he stated that in his group around 20 people travelled with him but that other groups were also present in addition to the trucks that were at the end of the convoy. The witness explained that at the Goma airport the trucks went to the runway where the planes had landed and they unloaded crates from the rear door of the military like aircraft into the trucks. The Defense then questioned KAB009 about how he knew the plane was a military one, he replied that he knew it from its colour. The Defense proceeded to ask precisions about the sizes of the crates unloaded by the witness. The witness said that they were of two different sizes. He explained that the bigger ones needed five people to carry them and the smaller ones only two. The bigger crates, he said, were filled with firearms while the smaller ones contained ammunitions and loaders. The Defense lawyer pursuing this line of interrogation inquired when the witness had seen the inside of the crates. The witness said they did not open the crates at the airport, but, that he saw their content in the morning afterwards. Regarding the amount of crates, he was unable to give an approximate number. The Counsel finally asked if the trucks ever went to the Meridian Hotel which the witness denied.

The witness answering the Defense's question on the distribution of the firearms, he said they were distributed in the stadium where around four hundred people were and that he saw the two trucks from the Goma airport parked at the same stadium.

The Counsel then asked the witness how many people went to Kigali with him, he answered that around 350 people came with him during their civil defense mission. Concluding the cross-examination, the Defense asked KAB009 if he was a member of a political party and if he had received military training. The witness replied that he was not part of a political party or the army but, that in the civil defense, all members were Hutu. This concluded the cross examination of the witness.

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.