

# *PROSECUTOR V FÉLICIEN KABUGA*

MICT-13-38

November 16, 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 KAB066 and KAB076.*

*Mr. Félicien Kabuga was physically present in the courtroom.*

The judge asked the witness how he did know that the weapons which he said had been given by Mr. Kabuga were in fact used to kill Tutsi. The witness answered that due to his position in the militias he knew how the weapons were being used. Following up on this this question, the Judge then asked why traditional weapons had been used by killers in Commune Rouge while they also had firearms. The witness explained that both were used but that traditional weapons were used to torture the victims and firearms to kill them quickly. This concluded the interview of the witness.

## **Examination by the Prosecution of witness KAB076.**

The Prosecutor read a summary of the witness's written testimony. According to the document, the witness was an Interahamwe and during his testimony, he provided information about the Interahamwe in and around Kigali before the genocide. He stated that he understood that Kabuga was influential in the MRND and supported the Interahamwe, by lending his building to the group. According to him the Interahamwe from Kimironko were known, at national level, as "Kabuga's Interahamwe" and he personally saw them at Kabuga's residence. In May 1994, the group of Interahamwe to which the witness belonged received ammunitions to be used to fight Tutsi and he was told that they had been sent by Kabuga. The said he personally saw the lorry that brought the ammunitions and they were marked with the letters 'KF'. Additionally, the witness stated that the radio contributed significantly to the killings as it monitored the activities of the Interahamwe and named persons killed or 'marked for death' thus inciting the population. The witness was found guilty of genocide and sentenced to life in prison. The examination of the witness continued in camera.

## **Cross-examination of witness KAB076.**

Me Mathe asked the witness to give precisions on his arrest and detention. The witness said that he was arrested on 7 May 1997 in Kigali Rural and that between the end of the genocide and his arrest he was in exile in Congo, in one of the refugee camps in Bukavu before he was taken out of the in

question. The Counsel asked the witness to name the person who took him and others out of the camp. The witness said that the attack was carried out by the RPF, the shooting on the camp forced them to move towards Kinshasa but they stopped at Tingi-Tingi camp. Later, Tingi-Tingi camp was, at its turn, attacked by the RPF with heavy weapons and the witness moved to a third camp. Me Mathe then questioned the witness to know if he had weapons in the camp of Tingi-Tingi. The witness replied he did not.

The Presiding Judge intervening asked the witness what he had meant previously by "heavy weapons" that were used to attack the camp. The witness explained that they were weapons he was not used to but could not describe them precisely as he did not see them personally (he only saw the shells).

Me Mathe asked the witness precisely how he came back to Rwanda after his time in Congo. The witness explained that he arrived in Rwanda on 26 March 1997 after taking a plane paid for by the Congolese authorities which landed in Goma from which a vehicle took him and the other persons back to Rwanda. The witness added that at the time of his return he was alone as he and his family members had been separated during the war. When asked if he had met them again upon his return to Rwanda, the witness stated that to this day he has not seen them and does not know if they are alive.

The Defence asked the witness in which prison of Kigali he was detained after his arrest. The witness explained that he was first put in the Brigade's dungeon for two weeks and subsequently put in the Gikondo prison. The subsequent questions were asked in camera to protect the identity of the witness.

Back into public session, the Defence asked when the witness had met Mr. Kabuga for the first time. The witness stated that he met him when he was a prominent businessman in Kigali. The Defence asked the witness to say how often he meet Kabuga personally. The witness explained that he met Kabuga for the first time in 1993 in his factory where he was offered a drink and was thanked by the accused for his work. The witness was introduced to Kabuga by the national leader of the Interahamwe who explained to the Defendant the role of KAB076 in the Interahamwe.

The Defence counsel asked the witness to give precisions about the location of the room in the Muhima building in which the training of Interahamwe was conducted. The witness answered that the room occupied by the Interahamwe president was to the right of the road going to the city centre but that the training itself had not taken place in the building. The Defence further questioned the witness on the accidental shot fired during training, which he had mentioned before, and which room the event took place in. The witness replied that the room could not be seen from the road as the only window in the said room was in a corner. Me Mathe asked the witness if the type of sessions with the President of the Interahamwe he previously described happened once or if several took place. The witness stated that it had happened twice since after the first incident the teaching of the firearms was stopped to prevent further accidents. When asked if, to his knowledge, the Defendant was aware of these training sessions happening in the building, the witness replied he did not know for sure if Mr. Kabuga knew about them; but he suspected he did know as he, later on, asked the Interahamwe to leave his building.

Following up on this matter, the Defence asked the witness to say when the Interahamwe left Mr. Kabuga's building and where they met afterwards. The witness replied that the MRND relocated to another house not far from Kigali in May or June 1993.

At this hearing the Bench raised concerns on the length and relevance of the Defence's line of questioning which is factual and linked to the issues at stake but with less direct connection.

*This marked the end of the day. Cross-examination of the witness could not be completed and will resume at the next hearing.*

**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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