

# *PROSECUTOR V FÉLICIEN KABUGA*

MICT-13-38

November 22, 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 KAB009 and KAB032.*

*Mr. Kabuga was present via live stream.*

Today the examination of witness KAB009, who had fallen ill last week, resumed in camera. The examination by Defence Counsel, Maitre Mathe, was not in public. The only question discussed in public was to know when the witness had talked about the weapons offloading operation for the first time. To this question, the witness replied that although he pleaded not guilty during his trial in 2000, he ended up telling the truth during his appeals trial.

## **Examination of witnesses KAB009 and KAB032**

The examination of witness KAB032 then continued with questions by the Prosecution, represented by Mr Rosenzweig. He started with asking the witness to say when he had met Mr Kabuga at the RTLTM office in 1994. The witness estimated that he saw Mr. Kabuga on the 17 April 1994. The debate on this question continued in camera for a while.

Back in open session, the witness explained that he had seen Mr. Kabuga at RTLTM standing together with two people he did not know, one of them a soldier. He testified that Mr. Kabuga did not stay long at the RTLTM offices that day, because there were bombings. He left the building after 15 minutes together with Mr. Nahimana, the director of RTLTM, and Mr Gahigi, the chief editor.

Mr Rosenzweig asked the witness whether he did listen to RTLTM before the plane crash and what the broadcasts said. The witness said that the journalists were talking negatively, inciting hatred among people and that they were inciting people to hate the Tutsi. The broadcasts also targeted anyone who was member of the opposition and who did not share the ideas of RTLTM and the CDR. According to the witness, the broadcasts also said that there were Hutu working with RPF, thus the RTLTM did not agree with the negotiations in Arusha and that those who did not support the CDR were called enemies.

Mr Rosenzweig then reminded the witness that last week, he told the Court that the editorial line of RTLM emanated from the RTLM leadership and especially from Kabuga and asked whether what he just described aligned with this editorial line. The witness confirmed and said that the journalists followed everything, a 100 per cent what they were told, because if they did not, they would be dismissed from their jobs. Hence, they followed all the guidelines given by their superiors.

Mr Rosenzweig then asked whether the witness had heard RTLM using the word Inyenzi. The witness replied that they spoke about Inyenzi and he added that the words “Inyenzi” and “Inkotanyi” were used to mean RPF and Tutsi as he understood. The session continued 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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