

# *PROSECUTOR V FÉLICIEN KABUGA*

MICT-13-38

November 23, 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 witness KAB032.*

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

## **Examination of Witness KAB032 continued.**

Prosecution first focused on the discussion the witness had with Phillippe Nbilizi and Kantano Habimana – both RTLM journalists – in May 1994, about instructions they had received from Mr. Kabuga and asked when they received these instructions. The witness said that, as he understood, they received the instructions when they visited the RTLM office on the 17<sup>th</sup> of April 1994, the same day the witness met Mr. Kabuga at the RTLM office.

The Prosecution asked the witness to tell the Court about the RTLM broadcasts after the 6<sup>th</sup> of April 1994 and what they said about the killings of the Tutsi. The witness explained that RTLM were saying that President Habyarimana had been assassinated by Tutsi, Inkotanyi, Inyenzi and that they should pay the price for this crime. Further, RTLM called for hunting down Tutsi who were hiding. They also stated the places where the Tutsi were hiding or where they were seeking shelter or even where they were present whilst fleeing. Some of the places the witness recalled are the Gaddafi mosque, the Sainte Famille Parish Hall and the Saint Paul church. According to the witness, RTLM journalists also said that there was a minibus leaving Nyamirambo, driving Tutsi to the city centre. The journalist said that they were Inyenzi who wanted to infiltrate the city. They were thus intercepted at a roadblock. The witness added that RTLM was calling soldiers and Interahamwe to hunt down Tutsi and kill them so as to make them pay the price for the assassination of the president. Additionally, the witness testified that they were telling the Hutu that the Tutsi wanted to reinstate the regime which was banished in 1959.

The Prosecution then played an excerpt of an RTLM broadcast. A journalist talks about how he saw dead Inkotanyi in the Gaddafi Mosque and that some more of them arrived who, to him, seemed like cows in a slaughter house. The journalist in the broadcast added that he did not know if they were butchered that day or if they would be butchered that night.

Asked about this excerpt, the witness said that RTLM wanted to convey that the dead people were RPF soldiers. However, the witness continued that the people attacked in that mosque were in fact Tutsi living in the Nyamirambo sector who had sought refuge in the mosque. The RTLM wanted to confuse their listeners by saying that the Interahamwe had killed RPF soldiers.

The witness recalled three attacks on the Gaddafi Mosque. The first one happened in April 1994 and he heard about it on RTLM, where Noël Hitimana talked about the mosque, saying that Inyenzi/Inkotanyi were hiding inside. Later on, however, instead of saying Inyenzi or Inkotanyi, he referred to "young people".

The prosecution asked the witness whether he could recall any of the victim's names. He replied that on the minibus he mentioned earlier, there was a Lieutenant of the Gendarmerie called Mutenge who was killed when the bus was intercepted at the Onatracom roadblock. Later on, all the Tutsi as well as some Hutu belonging to the opposition were lined up outside the bus and killed.

Back to the subject of RTLM, the prosecution asked whether the witness recalled broadcasts about young people joining the RPF. The witness explained that he listened to a program in which it was aired that young people were being recruited by the RPF: The journalist stated that they were students and provided their names and the names of those who recruited them.

Replying to the question regarding the extent to which the RTLM contributed to the genocide, the witness stated that RTLM played a major role in the killings adding that "If the RTLM had not existed, people would have survived."

Concerning the MRND party, the prosecution inquired in what ways Mr. Kabuga had contributed to the party. The witness, a former member of the party, said that Mr. Kabuga provided different kinds of contributions: premises from where the MRND and Interahamwe operated, a vehicle for transport of Interahamwe to attend MRND meetings, a vehicle used to transport weapons, supplies and food for the Interahamwe and soldiers; the witness further said that the accused had also provided supplies and money in public.

The prosecution asked the witness to name the premises Mr. Kabuga made available to the Interahamwe. The witness said that Interahamwe had offices in a Building owned by Mr. Kabuga located in the Muhima sector, Nyarugenge. The witness further that the same building was also used for weapons storage and as a place for military training. Asked to elaborate about the military training, the witness said that the Interahamwe were learning about the types of weapons they had and how to use fire arms, disassembling and assembling them and how to shoot. The witness said that the training was provided to the heads of sectors and heads of communes.

Referring to the vehicles provided by Mr. Kabuga, the prosecution inquired how the witness knew that they belonged to Mr Kabuga. The witness said that his vehicles were well known and that they had his name on them. He had also seen other people coming, on board of the vehicles in question, to the meetings he took part in. He named an MRND meeting at the Nyamirambo regional stadium, where, as he said, he had seen Interahamwe being transported in Mr. Kabuga's vehicle.

The prosecution asked the witness about the role of the Interahamwe in the MRND meetings. The witness recalled that the Interahamwe played an important role and were singing and dancing to support the speeches of the political leaders. He recalled two songs in particular: one in which they sang "let us exterminate the Tutsi" and another one that said "no one can crush an armoured vehicle".

Asked for more details about the trucks he had seen being used to carry Interahamwe in 1994, the witness testified that there were two vehicles belonging to Mr. Kabuga in Muhima. One was a lorry in which there were guns and the other vehicle was a van which was behind the lorry in which there were soldiers and Interahamwe. He recognized the Interahamwe because they were in civilian clothing and Interahamwe were the only people authorized to travel with soldiers. Referring to the vehicles carrying food, the witness had seen them in the Muhima sector loaded with sacks of food and marked with "KF". He also heard that Mr. Kabuga was feeding the Interahamwe at his residence in Kimironko.

Finally, the Prosecution asked the witness about Mr. Kabuga giving money in public. He replied that he saw it once in the beginning of 1993, when the MRND had organised a meeting in the Amahoro National Stadium in Remera which he and Mr. Kabuga attended. The witness saw Mr Kabuga giving an envelope containing a check, because MRND's secretary general, Mathieu Ngirumpatse had encouraged rich people to make donations. Mr. Kabuga was not the only person giving a check. The witness recalled traders such as Jean Safari, Seraphin Rwabukumba and Gaspard Ukwizagira. Some of the private donors were wearing Interahamwe Kitenge. The rest of the examination was conducted 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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