

# *PROSECUTOR V FÉLICIEN KABUGA*

MICT-13-38

December 14<sup>th</sup>, 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 witness KAB045.***

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

The hearing started in private session. It was about giving the reasoning for the decision taken during yesterday's hearing.

Back in public session, Me Altit [Defense Counsel] proceeded with the cross-examination of the witness (KAB045). He first asked why Charles Karangwa was attacked by three soldiers accompanied by Interahamwe. The witness replied that he could not tell why this man was killed since it was only about cutting bushes. He added that people were saying, at the time close to the attack, that Charles Karangwa was an Inyenzi.

The Defense asked if this attack could have been motivated by money prospects (the witness had previously mentioned in 2011 an attack against Mr. Bizimana which had been motivated by money). The witness could not confirm whether the attack had underlying monetary reasons. He explained in more details the attack against Bizimana, a man who lived in Butare. The witness also explained how he tried to intervene during this attack on Bizimana's home.

The Defense asked the witness if there were RPF soldiers in his neighborhood during the months of the genocide. The witness explained that he did not know.

The witness previously stated that, on April 7<sup>th</sup>, the day of the attack against Charles Karangwa, he had seen a group comprised of Interahamwe, and of members of the population including refugees. The Defense asked him if the refugees in the group were armed. The witness replied that the Interahamwe had asked the population to take their machetes and tools to cut down the bushes and that this mission had been given to them, as he had understood it, to prevent Inyenzi from hiding there.

The Counsel, following up on the term 'refugees' used by the witness, he asked why the witness used that word and where the people referred to came from. The witness explained that they were originally

from Byumba but had fled the attacks of Inkotanyi and were seeking shelter in Kimironko. He added that they were large in number and outnumbered the local population.

The Defense continued the cross-examination by explaining that, in his 2011 testimony, the witness had mentioned three vehicles that the Interahamwe used to move around, their conductors and owners, which the witness confirmed. The Defense then asked if the witness remembered the name of the owner of the vehicle that transported the weapons – he had stated in a previous testimony that it belonged to certain Mr. Nkiko. The witness did remember and confirmed the name. He added that at the time Mr. Nkiko was a sub-prefect of the Kigali Prefecture.

Focusing now on the Vice-President of the Interahamwe, the Defense asked if the witness knew the name of the Interahamwe under his supervision and the witness said that he was vice-president on the national level, therefore, he could not know the names of all the people under his supervision. He did not have his own group as Kabuga did.

The Defense proceeded to ask questions on the declarations made by the witness to the Office of the Prosecution on December 2<sup>nd</sup>, 2022. The Defense asked the witness to confirm his statement indicating that he was living in Remera in 1990-1991. The witness confirmed it. The hearing continued in camera.

Back in open session, the Defense asked how far his bar was from Mr. Kabuga's place. The witness said that it was 500 meters away at most and that there were no other bars in between. Me Altit asked the witness how he earned his living after he closed down his bar in August 1993. The witness replied that he sold his car and started building his house and set up a restaurant business inside of it. The hearing was again put in private session.

The hearing was resumed in public session with the witness explaining that from his house he could not see the airport but could see the airplanes arriving and that he saw the President's plane slightly before it was shut down and saw it catch fire. The hearing continued in camera.

Back in open session, the Defense asked if the Interahamwe would meet to train in a field inside Mr. Kabuga's compound as the witness had declared in a previous statement. He confirmed the statement but added that they would assemble inside the compound but not inside the house itself. The Defense then asked the witness to explain how he knew this information while he had stated, in a previous testimony, that he had never seen the Interahamwe training. The witness reaffirmed that he never observed the Interahamwe perform their training.

The witness explained that every time the Interahamwe would go to a rally they would use Kabuga's vehicle and buses for transport. He added that they used a blue car that belonged to Kabuga. Me Altit asked how the witness knew this information and the witness explained that it was because Mr. Kabuga lived very close to him and it was easy for him to recognize his car.

Asked questions about the uniforms worn by the Interahamwe, the witness described the uniforms of the Interahamwe of Kabuga and explained that they were from Kabuga's shop and were paid for by Kabuga himself but that all Interahamwe wore these uniforms. The Defense then confronted the witness to his previous statement in which he had stated that Mr. Kabuga had not paid for the

uniforms, but rather, another man responsible of the Interahamwe. The hearing will resume on December 15<sup>th</sup>, 2022.

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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