

PROSECUTOR V FÉLICIEN KABUGA

MICT-13-38

December 15th, 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 and KAB025.

Mr. Félicien Kabuga was physically present in the courtroom.

Today's hearing started with questions from the Bench.

Judge Margaret deGuzman quoted the witness as saying ‘*they asked me to find as many Interahamwe as possible*’ and asked him if he did help find Interahamwe as stated in his testimony. The witness refuted any role in looking for people that could join the group. Judge deGuzman also quoted the witness’s testimony ‘*I never said that Kabuga was aware that people were being killed but I did say that Kabuga’s Interahamwe killed people*’ and asked him if he thought Kabuga was aware that Tutsis from Kimironko were being killed. The witness replied that he did not know anything about this.

The Presiding Judge also put a few questions to the witness in connection to his previous statements. The witness had stated that his imprisonment was a result of miscarriage of justice and the Presiding Judge asked him which crimes he had been sentenced for: he replied that he was sentenced “for having been at the Prefecture of Kigali-Ville and having given a property to organise meetings and there and for killing Tutsi”, but the witness claims he never committed these crimes. He added that he had been sentenced to life and when asked if he was making efforts to change this sentence, he replied that he wrote a letter to the president of the Supreme Court but that the delay had passed, and he could not do anything more. About the training at Kabuga’s compound, the Presiding Judge asked what other training he had heard about, in addition to dancing at rallies. The witness said that people told him that groups would go training in different places and when back in Kimironko they were training other people in the compound of Kabuga. The Presiding Judge asked what the witness had heard about the nature of the training. The witness explained that it was training but that he did not know the type carried out.

The Presiding Judge mentioned that later in the trial there could be evidence alleging that the witness participated to the Karama School killing and asked him what he had to say about it. The witness explained that he could not have taken part in the killing as he left Kigali-Ville on April 11th, 1994, and so it would have been impossible for him to partake in it. The Judge then moved on to ask the

witness if the banana beer served at his bar was a strong alcoholic drink and the witness explained that it was a popular drink drunk by Rwandans but that he had never seen Interahamwe drunk on it in his bar. This concluded the questions from the Bench and the Prosecution proceeded with the re-examination of the witness.

The Prosecution began with a question about the attack on Bizimana as the Defence had asked the witness if the attack could have been motivated by money which the witness had refuted and had added that he had asked Bizimana to show his card to the Interahamwe. The Prosecution thus asked the witness why he requested such a thing. The witness explained that it was because the Interahamwe had encircled him and that he was scared they would kill him and to gain their respect he asked Bizimana to show his card of *Responsable de Cellule*. The Prosecution continued with a question about Charles Karangwa and asked the witness who had entered Karangwa's home and arrested him. The witness responded that Kabuga's Interahamwe did. This concluded the evidence of the witness, and a short summary of his testimony was read.

The witness had stated that Kabuga had his own Interahamwe group based at his compound, that all the Interahamwe were loyal to Kabuga due to his status. Until August 1993, the witness ran a business in Kimironko where he became close with Kabuga's Interahamwe including their leader and he heard him talk with others and heard him try to convince others to join the Interahamwe saying that Kabuga would pay for uniforms, drinks, etc. Additionally, he stated that Kabuga paid for the uniforms. He was told that the Interahamwe were training at the compound of Kabuga and that the new members of the Interahamwe were told not to say they were training but that they were taking dance lessons. Kabuga was encouraging them to fight against the Tutsi enemies.

Examination of Witness KAB025.

Mr. Rachid for the Prosecution started the examination of the witness by reading a short summary of his testimony: In April 1994, the witness lived in Kimironko; in April 1994, he joined Kabuga's Interahamwe. Kabuga's Interahamwe were loyal to him and considered the most powerful in Kimironko. He also testifies of the composition of the Interahamwe and the killings after April 6th. The Interahamwe would be picked up from Kabuga's compound and transported in two vehicle. Many of them undertook military training. After April 6th the Interahamwe guarded Kabuga's compound including one roadblock in front of the compound. The testimony further says that all the Tutsi killed in Kimironko were killed by Kabuga's Interahamwe or by other people Interahamwe used to commit killings. In addition, Kabuga collaborated closely with Interahamwe leaders. According to the testimony, the witness saw Kabuga Interahamwe drive toward the Karama School in the blue vehicle and learned later that an attack had happened. Other killings were then described in the short summary. The Witness was tried, convicted for his role in the genocide and is now serving a life sentence.

Cross-examination by Me Mathe.

The Defence Counsel asked the witness to explain how he knew that Rukwengeri* was the Interahamwe leader in the area. The witness explained that he had already been the leader of the group before 1994 and added that he knew this first hand. *The hearing continued in camera.*

Back in public session, the witness was asked if he knew where Pheneas *Ruhumuriza* lived, and the witness confirmed that he lived uphill less than a 100 meters from Kabuga. The Defence then confronted the witness about discrepancies between his previous written statements and his new testimonies notably on the places the Interahamwe conducted training and whether trainings were

carried out at Pheneas *Ruhumuriza*'s compound. On the subject of the roadblocks in the Kimironko neighbourhood, the witness had stated that they had been set up by soldiers from the presidential guards. The Defence asked him where these roadblocks were located and who had installed them. The witness stated that during the genocide it was chaos and people would come to give instructions, some of them being presidential guards. He added that the roadblocks were set up during a time of total confusion and that their goal was not solely to protect peace.

In his statement in May 2022, the witness had stated '*When the RPF soldiers*' consequently the Defence asked him if he knew of clashes between RPF soldiers and Rwandan Armed Forces. The witness testified that, after April 7th, some RPF soldiers had been located close to the Remera stadium and that around that time some clashes had taken place. He added that the Interahamwe did not fight RPF soldiers directly but may have participated to some clashes alongside the Rwandan Armed Forces. When questioned for more precisions on this matter, the witness explained that the Interahamwe were focusing on killing the civilian population and would thus hide behind soldiers during the fight against the RPF.

Finishing the cross-examination of the witness, Me Mathe asked him how he knew that the Interahamwe committing the crimes were Kabuga's Interahamwe and not Interahamwe from other groups. The witness explained that he knew the Interahamwe of Kabuga and they were indeed involved in the massacres even though, the chaotic situation at the time makes it plausible that they may have acted together with Interahamwe from other groups.

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.