

PROSECUTOR V FÉLICIEN KABUGA

MICT-13-38

February 22th, 2023

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 KAB002 and KAB053.

Mr. Félicien Kabuga was physically present in the courtroom.

The defence counsel Maître Altit continued with the cross examination of witness KAB002.

In his statement, the witness had claimed that workers coming from Byumba were brewing Ikigage (local beer made from dried Sorghum). However, they only drank it when they were inside. When they were outside, they drank banana beer. The witness could not say whether they were often drunk, because he was not invited to sit with them. M. Altit then asked about the cultural dances the witness referred to in his statement. KAB002 explained that the workers were dancing regional songs, but that you could only hear the voices from outside when you walked by Kabuga's house. In addition, the witness lived 1km away and he would not go anywhere near this house, he would always make sure to stay away. The witness continued explaining that the workers became a group of Interahamwe around the beginning of the genocide. The witness remarked that there were other training locations but only remembered the one at Kabuga's compound, which was really large.

The defence counsel then turned to what happened in the witness' neighbourhood after the plane crash. KAB002 told the court that he took his kids to Karama primary school and when he walked back to his house, he met a vicar telling him that people are throwing grenades on houses. The witness then went back to the school where he and other Tutsi found refuge. On the 10th of April he went to Kimironko to search for his wife and other family members, but his neighbours told him that they had all been killed. KAB002 then hid in a trench where he was attacked by ants and when he left, he was arrested at a roadblock and taken to the sector office. There, he was beaten and a man almost shot him with an arrow. When he tried to run away, he was attacked, hit on the head and he fell on the ground where people continued to beat him.

Maitre Altit then continued his examination and asked about Toyota trucks the witness had mentioned in his statement. KAB002 confirmed that after the genocide he heard that one of the trucks belonged to a prominent businessman in Kimironko named Gasimba, who also owned a drinking place there and lived not far from Kabuga. The witness had stated having been saved by a local police man, so the defence counsel wanted to know more about this man and the circumstances. KAB002 answered that the policeman was on his motorcycle and had a gun and told the Interahamwe that RPF soldiers were on their way. He added that he was attacked on the 13th April and that the RPF came on the following Saturday, rescuing both, Hutus and Tutsis and bringing food. With that, Maître Altit finished his cross examination.

Judge El-Baj then put some questions to the witness. He wanted to know who were the Masizi people the witness had talked about in his statement. The witness replied that they were Simon Sempiga, a pastor, and his son Manassé who were from Masizi. Judge El-Baj then asked KAB002 how he knew that Mugabo and Kagabo participated in the killing of his wife. He explained that he was told this by his neighbours.

The presiding judge thanked the witness for his testimony and the chamber adjourned for a break.

Back in session, the prosecution presented a new protected witness known as “KAB053”.

The prosecution summarized the witness statement as follows:

The witness is a Tutsi, and a resident of Musave. She learned of the training from Mugenzi Etienne, an Interahamwe who attended the training. The witness saw Kabuga on TV at two rallies. One in 1992 in Gisenyi, and one in 1994 where the President promised to buy uniforms for the Interahamwe. Both spread the message to kill Tutsi and after that, Tutsi were beaten and attacked. KAB053 also saw Kabuga at the Musave school at a rally. She was a member of the PL party and only attended the rally because it was held in Rubungu, her native area. Interahamwe from neighbouring sectors also attended the rally. At the rally people were entertained with songs calling for the extermination of the Tutsi. She also heard Kabuga being introduced as a major “thunder” (the judge wondered whether it should not be "funder", but the Prosecution said this is the word the witness used) of the MRND, and he received a lot of applause.

The witness saw Kabuga take the floor and reiterate the message to fight accomplices of the Inkotanyi, meaning the Tutsi living in the country. Kabuga said: "I am here to give you support, the country is ours, the Inyenzi cannot take over the country." Kabuga also pointed to the young people training at his house. After that, the Interahamwe attacked some Tutsi. The witness was attacked and fell down and hid in a banana plantation with other Tutsi. After the rally the Interahamwe looted Tutsi properties. Mugenzi Etienne was the most feared Interahamwe in Musave. After the death of the President, things got worse and an old Tutsi lady from the witness' neighbourhood called Margaret was killed by a group of Interahamwe, including Mugenzi. KAB053 then fled and her house was destroyed, her cows were stolen, and other family members were killed.

The prosecution had no further questions and the defence counsel took over and requested that the interrogation starts in camera. Back in open session, Maitre Altit recalled a declaration of the witness according to which she had seen President Habyarimana together with Kabuga on television and had heard the President say that Tutsi ought to be killed. M. Altit then asked the witness to confirm whether she actually heard the President say that, and required her to quote precisely what he said. KAB053 responded that Habyarimana said that he was going to get uniforms for the Interahamwe

and then they would go down. The witness said she and everyone else understood that this meant that he was going to hunt down the Tutsi. She added that the fact that Tutsi got killed everywhere even before the Genocide, is proof for that assumption.

M. Altit alerted the presiding Judge that Kabuga had fallen asleep and the Chamber adjourned.

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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