

# *PROSECUTOR V FÉLICIEN KABUGA*

MICT-13-38

February 23<sup>rd</sup> , 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 witness KAB053.***

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

### **The Defence Counsel continued cross-examination of the witness.**

Me Altit asked precisions about the Ruhengeri meeting as the witness had stated, in 2011, that the meeting happened in 1993 but affirmed during the cross-examination that it had happened in 1991 or 1992. The witness explained that while she did not know when exactly the meeting had taken place, the situation was already poor, and it had a huge impact on the massacres against the Tutsi.

Focusing now on the witness 'declarations about the Interahamwe, Me Altit asked the witness how she knew that the Interahamwe were coming from Byumba. She answered that the local Interahamwe were supported by others coming from farther away. These Interahamwe were recognisable because of their car plates of the Byumba region, the dialect they used and the local dances they performed. Their origin was also confirmed by other members of the population who confirmed to her that the local Interahamwe had received support from the Interahamwe of Byumba. The witness added that while she did not personally see the cars arrive, but she remembers the car transporting the Interahamwe very vividly. In a previous statement, the witness had affirmed that the vehicle carrying the Interahamwe belonged to Mr. Kabuga, the Defence Counsel asked her what had led her to think this. The witness explained that it was often the same vehicles, pickup trucks, and that, once they got off the said vehicles, the Interahamwe would state their intent to kill Tutsi.

The Defence Counsel asked the witness if she knew some of the Interahamwe from Byumba personally. The witness explained that because the Interahamwe were trying to kill the Tutsi, it would not have been possible for her to have known them personally. Me Altit asked her if the Interahamwe from Byumba were then present at the political rally previously mentioned. The witness confirmed that they were, as well as other Interahamwe groups coming from neighbouring localities who came to the meeting either by foot or by car.

The Defence Counsel asked the witness if, to her knowledge, there had been killings in the North and if this was the reason why some people had fled. The witness stated that she had not heard about any killings as the people had fled the fighting, not the killings. The Defence Counsel then asked the witness about the differences between the different groups of Interahamwe and other groups as well. The witness explained the differences between the CDR and the MRND as well as the differences between the uniforms of these groups. Me Altit then asked the witness to explain what the Interahamwe were being paid for. The witness stated that the Interahamwe were paid as a way of encouraging them to disseminate the MRND ideology, to go to the front against the RPF, and to secure the neighbourhood from attacks. She further explained that the Interahamwe spread the ideology in different ways, approaching people in their professional and personal lives.

Me Altit questioned the witness on whether there were RPF soldiers in her locality in the months leading to the genocide. The witness explained that there were no troops in her neighbourhood but that she had heard that soldiers were stationed in the CND. She added that she did not know if there had been conflicts between RPF members and Rwandan soldiers or Interahamwe before the genocide in her locality. She only knew that some young people had been training in the military camps near the locality. The witness had stated that she had heard people singing in Mr. Kabuga's house as she walked by. The Defence asked her how often had she heard them. She explained that she would often go to the Remera market and every time she would hear the MRND singing during training. She added that the songs, sung by the Interahamwe and the people present, were meant to disseminate the hateful ideology of extermination of the Tutsi.

The Defence Counsel questioned the witness on some inconsistencies between her 2011 statement and her evidence today. Indeed, she had previously stated that while she knew Mr. Kabuga's house was in Kimironko and knew he lived in Rwanda but could not give more precision about his residence. The witness explained that what she did not know was if the Kimironko house was where he lived as someone could have a second house where he would live which explained her previous statement.

Focusing now on the Rally that took place in Musave, the Defence asked if the witness knew the time of the end of the meeting. She explained that the meeting took place in the afternoon and that she left when the beating started as she was hit with an elbow. She added that the beating targeted the Tutsi. Me Altit asked her if the Hutu population was also targeted during the meeting. The witness answered that the Hutu were not targeted and beaten. The witness said that the Tutsi were the ones identified as the part of the population that should be targeted.

Following up on the rally, the Defence asked the witness if she had seen any other attack during the rally. The witness explained that she saw many attacks and heard about others as well. Some people were being beaten, some properties were looted and pillaged, and the witness could hear people screaming in the hills. She added that at the time of the said rally, the killings had not yet started, specifying that, the most dangerous attacks started at the time of the RPF attacks. The witness also explained to the Defence that there were some Tutsi authorities present at the rally such as Kabanda\*.

The witness further said that no one was able to leave before the meeting ended, as security guards had encircled the place. This was why people stayed even after the beatings happened before and during Mr. Kabuga's speech. The Counsel asked the witness if there was a safety risk for the Tutsi at the meeting and why would they go there. She stated that while the rhetoric was already tense, she wanted to hear first-hand what was said to be able to take the appropriate decision.

The Defence explained that at the rally, one of the animation groups was Simon Bikindi's and asked the witness if the Interahamwe performed as well, which she confirmed. She added that all the Interahamwe present performed dances and were dressed similarly so it was impossible to differentiate the different Interahamwe groups. Focusing on Simon Bikindi's songs, the Defence Counsel asked the witness if the songs literally targeted the Tutsi or if she had interpreted them, herself, in such a way. The witness explained that the songs were very explicit and clear, the lyrics designating the Tutsi as the enemy and pushing for their extermination using derogatory terms, such as insect's names. The entire population was made to understand, as the witness explained, that the Tutsi were the enemy.

Concluding the cross-examination, Me Altit, recalling that the witness had left her house a few days after April 7<sup>th</sup>, he asked her to say when she had met the Inkotanyi during the genocide. The witness replied that she had met them in May 1994.

**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.**