

**UNITED
NATIONS**



International Residual Mechanism for
Criminal Tribunals

Case No. MICT-13-38-PT

Date: 12 October 2021

Original: English

BEFORE THE TRIAL CHAMBER

Before:

Judge Iain Bonomy, Presiding
Judge Graciela Susana Gatti Santana
Judge Elizabeth Ibanda-Nahamya

Registrar:

Mr. Abubacarr Tambadou

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC

**NOTICE OF FILING OF PUBLIC REDACTED VERSION OF
PROSECUTION PRE-TRIAL BRIEF**

The Office of the Prosecutor

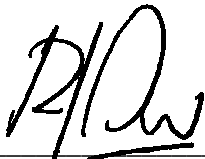
Rashid S. Rashid
Rupert Elderkin

Counsel for Félicien Kabuga

Emmanuel Altit

1. The Prosecution hereby files a public redacted version of its Pre-Trial Brief,¹ in accordance with the Decision on the Prosecution Request in Relation to the Special Deposition Proceedings.²

Word Count: 65



Rashid Rashid
Senior Trial Attorney



Rupert Elderkin
Senior Trial Attorney

Dated this 12th day of October 2021
At Arusha, Tanzania

¹ Prosecution Pre-Trial Brief and Witness and Exhibit List, 23 August 2021 (Confidential with Confidential Annexes A to C).

² Oral Decision on the Prosecution Request in Relation to the Special Deposition Proceedings, T. 6 October 2021, pp.6-7.

UNITED
NATIONS



International Residual Mechanism for
Criminal Tribunals

Case No. MICT-13-38-PT

Date: 12 October 2021

Original: English

BEFORE THE TRIAL CHAMBER

Before:

Judge Iain Bonomy, Presiding
Judge Graciela Susana Gatti Santana
Judge Elizabeth Ibanda-Nahamya

Registrar:

Mr. Abubacarr Tambadou

PROSECUTOR

v.

FÉLICIEN KABUGA

PUBLIC REDACTED VERSION

PROSECUTION PRE-TRIAL BRIEF

The Office of the Prosecutor

Rashid S. Rashid
Rupert Elderkin

Counsel for Félicien Kabuga

Emmanuel Altit

TABLE OF CONTENTS

I. Introduction..... 1

II. Félicien KABUGA was a wealthy and influential businessman with close ties to the political elite 2

III. Background to the crimes 4

A. The genocide in Rwanda4

1. The government’s reaction to the RPF’s 1 October 1990 armed entry.....5

2. The shift towards multipartyism5

B. RTLM.....7

IV. Félicien KABUGA’s criminal responsibility regarding RTLM broadcasts..... 9

A. RTLM denigrated and incited violence against Tutsi, moderate Hutu and UN peacekeepers9

1. RTLM denigrated and incited violence against Tutsi10

(a) RTLM dehumanised the Tutsi10

(b) RTLM portrayed the Tutsi as a threat12

(c) RTLM called for the killing and extermination of the Tutsi14

2. RTLM targeted Tutsi women in particular16

3. RTLM incited violence against moderate Hutu17

4. RTLM incited violence against peacekeepers19

B. RTLM broadcasts contributed to widespread killing, sexual violence and genocide.....20

1. RTLM’s impact was immediate and substantial.....20

2. RTLM broadcasts contributed to the murder of specific individuals.....21

(a) Charles SHAMUKIGA22

(b) [REDACTED].....22

(c) Desiré NSHUNGUYINKA (or NSUNGUYINKA)22

(d) Zacharie SERUBYOGO22

(e) Daniel KABAKA and his child23

(f) Désiré MUDENGE and others in his vehicle.....23

(g) Abdallar RUBAYIZA and Sultan23

(h) Antoine SEBERA.....23

(i) Dr Théoneste GAFARANGA24

(j) André GASESERO24

(k) Clément KABALIRA and his wife, Valérie NGAMBIKI25

(l) Charles KALINJABO25

(m) Stanislas SINIBAGIWE.....25

3. RTLM targeted Tutsi taking refuge in religious areas, hospitals and schools26

4. RTLM’s vilification of Tutsi women led to mass sexual violence28

5. RTLM’s persecutory attacks contributed to attacks against Hutu moderates28

6. RTLM glorified the violence and defended the murderers during the genocide30

7. RTLM’s calls to stop the killings were in fact calls to hide the crimes30

C. KABUGA founded, financed and defended RTLM.....31

1. **KABUGA** took key steps to launch RTLM31

(a) **KABUGA** obtained RTLM’s broadcast frequencies31

(b) **KABUGA** ensured that RTLM’s establishment complied with the applicable administrative protocols32

(c) **KABUGA** negotiated and signed RTLM’s legally binding Broadcasting Agreement with the Minister of Information.....32

(d) **KABUGA** financed, raised funds and monitored the financial status of RTLM32

(e) **KABUGA** chaired public meetings of RTLM and represented RTLM at political rallies.....34

(f) **KABUGA** procured the transmission equipment for RTLM.....34

2. **KABUGA** and his co-founders created RTLM to advance the Hutu Power ideology35
 (a) RTLM co-founders and senior management were leading Hutu Power figures35
 (b) **KABUGA** defended RTLM’s persecutory broadcasts before the Minister of Information38
 3. **KABUGA** exercised control over RTLM’s programming, operations and finances39
 (a) **KABUGA** was President of RTLM and Chairman of its *Comité d’Initiative*39
 (b) **KABUGA** convened meetings of the *Comité d’Initiative*41
 4. **KABUGA** supported RTLM as it incited genocide41
 (a) **KABUGA** assisted journalists to ensure RTLM’s continued operation.....41
 (b) **KABUGA** continued to finance RTLM during the genocide42
 (c) **KABUGA** continued to support RTLM after the genocide43

V. Félicien KABUGA’s criminal responsibility regarding support to and involvement with *Interahamwe* 43

A. KABUGA was a significant patron of and held influence over the *Interahamwe*44

B. KABUGA supported *Interahamwe* in Kigali-Ville prefecture where they committed crimes45

1. **KABUGA** supported *Interahamwe* crimes in Kimironko45
 (a) **KABUGA** supported *Interahamwe* in Kimironko, including by creating his own *Interahamwe* group45
 (b) **KABUGA**’s support contributed to *Interahamwe* crimes in Kimironko48
 2. **KABUGA** supported *Interahamwe* crimes in Kimihurura52
 (a) **KABUGA** supported *Interahamwe* in Kimihurura52
 (b) **KABUGA**’s support contributed to *Interahamwe* crimes in Kimihurura53
 3. **KABUGA** supported *Interahamwe* crimes in Muhima *secteur*.....54
 (a) **KABUGA** supported *Interahamwe* in Muhima54
 (b) **KABUGA**’s support contributed to *Interahamwe* crimes in Muhima55

C. KABUGA supported *Interahamwe* in Gisenyi prefecture where they committed crimes....55

1. **KABUGA** provided weapons that were distributed to *Interahamwe* in April 1994 at the Gisenyi MRND office that were intended for and used to kill Tutsi56
 (a) Weapons were used to kill Tutsi57
 2. **KABUGA** raised funds to support the killing and harming of Tutsi58
 (a) **KABUGA** set up the FDN and served as the President of its Provisional Committee.....58
 (b) **KABUGA** organised and attended several other meetings geared towards raising funds for or otherwise supporting the *Interahamwe*59
 3. **KABUGA** imported and transported weapons during the genocide62
 4. **KABUGA** provided a weapon and financial reward to *Interahamwe* in Bugoyi cellule65
 5. In June 1994 **KABUGA** continued to raise funds and provide financial and other support to *Interahamwe* in Gisenyi, including weapons that were intended for and used to kill Tutsi65
 (a) Meeting at MRND, office June 199465
 (b) Meeting at Gisenyi Prefecture Hall, June 199466
 (c) Meeting at the Méridien Hotel in Gisenyi, June 199466
 6. **KABUGA** provided the Gisenyi *Interahamwe* with vehicles to transport Tutsi victims67

VI. KABUGA is criminally responsible under Article 6(1) of the ICTR Statute..... 67

A. The chapeau elements of crimes against humanity are satisfied67

B. KABUGA is criminally responsible for his role at and involvement with RTLM67

1. **KABUGA** participated in a JCE to persecute and incite genocide against Tutsi68
 (a) **KABUGA** shared the common purpose with other JCE members68
 (b) **KABUGA** substantially contributed to the JCE.....70
 (c) JCE members committed crimes within the scope of the common purpose.....71
 (d) Alternatively, **KABUGA** aided and abetted RTLM journalists’ crimes72
 2. **KABUGA** aided and abetted *Interahamwe* crimes73
 3. **KABUGA** is criminally responsible for conspiracy to commit genocide74

C. KABUGA is criminally responsible for his support for *Interahamwe*74

1. **KABUGA** aided and abetted crimes committed by *Interahamwe*74

 (a) **KABUGA** aided and abetted *Interahamwe* crimes in Kigali-Ville74

 (b) **KABUGA** aided and abetted *Interahamwe* crimes in Gisenyi.....76

 (c) **KABUGA** and the *Interahamwe* acted with the requisite intent78

2. Conspiracy to commit genocide78

I. INTRODUCTION

1. Félicien **KABUGA**'s wide-ranging contributions to the 1994 Rwandan genocide reflected his status as a person possessed of considerable wealth, commercial acumen, business assets, and connections to the highest levels of political power. Whilst others participated in the crimes of the genocide by manning roadblocks or wielding machetes, **KABUGA** headed the company that ran *Radio Télévision Libre des Mille Collines* ("RTLM"), the radio station that amplified the calls to exterminate the Tutsi and all other "enemies"; **KABUGA** supported *Interahamwe* militia with the resources needed to conduct their training and encouraged them with praise and material rewards; when the killings started in April 1994, **KABUGA** procured and distributed weapons and put his commercial vehicles at the disposal of the killers; and **KABUGA** rallied support amongst the business community to raise funds to continue the genocide.

2. **KABUGA** made the intention behind his conduct clear: to destroy the Tutsi ethnic group in Rwanda. Even while the genocide was ongoing, he repeatedly denounced the Tutsi as the enemy in both public and private, and called for their extermination. His audience often consisted of the perpetrators in the process of executing a genocide against the Tutsi in Rwanda.

3. Section II of this Brief describes **KABUGA**'s background, wealth and influence among the Hutu political elite. Section III describes key aspects of the political and historical background to the genocide, many of which feature in RTLM broadcasts cited throughout this Brief. Section IV sets out the factual basis for **KABUGA**'s criminal liability relating to RTLM, specifically: (a) the content of RTLM's persecutory broadcasts; (b) the manner in which those broadcasts contributed to crimes committed by *Interahamwe* and others; and (c) **KABUGA**'s roles and responsibilities at RTLM and his shared common purpose with RTLM managers and journalists to destroy, in whole or in part, the Tutsi ethnic group in Rwanda, as such. Section V sets out the factual basis of **KABUGA**'s criminal liability arising from his support for and involvement with the *Interahamwe*. Section VI demonstrates how the evidence tendered at trial will satisfy the elements of the crimes and modes of liability charged.

II. FÉLICIEN KABUGA WAS A WEALTHY AND INFLUENTIAL BUSINESSMAN WITH CLOSE TIES TO THE POLITICAL ELITE

4. Félicien **KABUGA** was born in 1935, in Muniga *secteur*, Mukarange commune, Byumba prefecture, Rwanda.¹ **KABUGA** began trading in Rushaki village, in Byumba and later moved to Kigali.² By April 1994, **KABUGA** owned a large importation company, ETS KABUGA.³ His wealth was notorious.⁴ on 28 May 1994, RTLM journalist Kantano HABIMANA (“Kantano”) claimed on-air that Tutsi believed they were richer than Hutus, but went on to ask rhetorically which Tutsi was richer than **KABUGA**.⁵

5. As of April 1994, **KABUGA** had extensive assets: numerous plots of land, houses and commercial buildings,⁶ trucks and other commercial vehicles,⁷ as well as tea plantations and other businesses throughout Rwanda.⁸ Vehicles in his fleet were marked with his initials, “KF”.⁹ He held significant amounts of money in bank accounts, including just over USD 1 million in an account at *Banque Commercial du Rwanda* (“BCR”).¹⁰ More than RWF 1.5 billion—the equivalent of millions of USD¹¹—passed through **KABUGA**’s business account between 1991 and 1994.¹² **KABUGA** also held shares in the banks themselves.¹³

6. **KABUGA** was a prominent member of Rwanda’s ruling party, the *Mouvement Républicain National pour la Démocratie et le Développement* (“MRND”), and had close ties to the Hutu political elite. Two of his daughters married President HABYARIMANA’s¹⁴ sons¹⁵—one after the genocide—and two others married other senior MRND figures.¹⁶ He

¹ Rule70#00374.

² KAB008; KAB016.

³ See e.g., Rule70#00616; Rule70#00306; Rule70#00338.

⁴ See e.g., KAB060; KAB037.

⁵ Rule70#00185.

⁶ Rule70#00485; Rule70#00617; Rule70#00564; Rule70#00565.

⁷ Rule70#00617; Rule70#00439. See also Rule70#00453; Rule70#00455; Rule70#00459; Rule70#00460; Rule70#00461.

⁸ Rule70#00485; Rule70#60050.

⁹ See below, paras.141, 168.

¹⁰ Rule70#00995. See also Rule70#00996; Rule70#00997; Rule70#00998. Immediately after the genocide **KABUGA** transferred large sums of money out of Rwanda. For example, **KABUGA** opened several Swiss joint bank accounts with his wife on 25 July 1994 and deposited millions into those accounts in various European currencies. See Rule70#00999; Rule70#01000; Rule70#01001; Rule70#01002.

¹¹ Rule70#00650.

¹² Rule70#00995.

¹³ See Rule70#00617.

¹⁴ President Juvénal HABYARIMANA will be called “HABYARIMANA” in this Pre-Trial Brief. Names of any other HABYARIMANAs, notably his son Jean-Pierre HABYARIMANA, will be written out in full.

¹⁵ KAB060; KAB008.

signed the statute of the new incarnation of MRND on 15 August 1991.¹⁷ The press described him as a “*grand militant du parti MRND*”,¹⁸ and the Belgian secret service as a known sponsor of the *Interahamwe* and an important member of the MRND feared for his influence with the President.¹⁹ **KABUGA** sported an MRND pin that was “given to prominent members of the party, like ministers and other prominent business persons.”²⁰ **KABUGA** was so well known that, in 1989, he was asked to mediate a conflict between senior MRND officials.²¹

7. **KABUGA** provided substantial services to the MRND.²² For instance, he gave two floors of his multi-storey building in Muhima to the MRND rent-free,²³ part of which he made available to the *Interahamwe* for training.²⁴ MRND held their party conference in July 1993 at **KABUGA**’s building.²⁵ **KABUGA** also gave the *Interahamwe* a room to hold meetings, and the *Interahamwe* National Committee’s weekly meetings took place in **KABUGA**’s building.²⁶ **KABUGA** helped pay the salaries of MRND permanent staff when the party did not have the means to do so.²⁷

8. **KABUGA** benefited from his influence. For example, even the highest-ranking officers in the Rwandan Armed Forces (“FAR”) knew that the military could not search **KABUGA**’s home without HABYARIMANA’s explicit consent.²⁸ When **KABUGA** demanded action against a Rwandan ambassador for criticising the Rwandan government in the course of the genocide,²⁹ the ambassador was stripped of his office within days.³⁰ **KABUGA** met with powerful Hutu elites throughout the genocide, including Mathieu NGIRUMPATSE,³¹ Édouard KAREMERA,³² Joseph NZIRORERA,³³ Théoneste

¹⁶ KAB060.

¹⁷ Rule70#00632.

¹⁸ Rule70#00642.

¹⁹ Rule70#00377. *See also e.g.*, KAB008.

²⁰ KAB016.

²¹ KAB008.

²² KAB094.

²³ KAB008; KAB076; KAB094.

²⁴ *See below*, Section V-B-3.

²⁵ KAB015/SERUGENDOJoseph.

²⁶ KAB015/SERUGENDOJoseph.

²⁷ KAB076.

²⁸ Rule70#00320.

²⁹ Rule70#00404.

³⁰ Rule70#00521.

³¹ NGIRUMPATSE was MRND National President and head of its Executive Bureau. *See* KAB094; ProposedAF43.

BAGOSORA,³⁴ Anatole NSENGIYUMVA,³⁵ Bernard MUNYAGISHARI,³⁶ Gisenyi Prefect HABİYAMBERI³⁷ and Barnabé SAMVURA.³⁸

III. BACKGROUND TO THE CRIMES

A. The genocide in Rwanda

9. The genocide in Rwanda—a fact of common knowledge—was the product of events both inside and outside of the country between 1990 and 1994. While many factors contributed to the hardening of an extremist Hutu ideology that identified Tutsi as their existential enemy, two of the most salient were the entry of armed Rwandan Patriotic Front (“RPF”) fighters into Rwanda in October 1990, and the advent of multipartyism in 1991 after nearly two decades of one-party rule.

10. From at least 1990 onwards political and ethnic violence was rampant in Rwanda.³⁹ Tutsi and moderate Hutu were massacred in waves following perceived advances by the RPF, including after 1 October 1990 and after the signing of the Arusha Accords.⁴⁰ Targeted political assassinations of moderate Hutu also took place during this period, such as the assassination of Emmanuel GAPYISI in May 1993.⁴¹

11. In the evening of 6 April 1994, an airplane carrying President HABYARIMANA to Kigali from Tanzania was shot down over Kigali airport.⁴² By the next morning, violence against Tutsi and Hutu moderates had exploded. Over the ensuing three months, hundreds of thousands were killed and harmed as part of a genocide against the Rwandan Tutsi.

³² KAREMERA was MRND Vice-President and Vice-Chairman of its Executive Bureau. *See* KAB094; ProposedAF43.

³³ NZIRORERA was MRND National Secretary from July 1993 and a member of the MRND Executive Bureau. *See* KAB094; ProposedAF58. He died while on trial for genocide. *See* Nzirorera Termination Decision.

³⁴ BAGOSORA was the Ministry of Defence *chef de cabinet*.

³⁵ NSENGIYUMVA was the FAR Commander of Operations in Gisenyi. *See* Rule70#00649.

³⁶ MUNYAGISHARI was President of the Interahamwe in Gisenyi Prefecture. *See* [REDACTED].

³⁷ KAB033. *See generally below*, Section V-C.

³⁸ SAMVURA was CDR Chairman in Gisenyi. *See* KAB067; KAB067.

³⁹ KAB042/DESFORGESAlison; KAB034; KAB060; KAB094.

⁴⁰ KAB042/DESFORGESAlison. *See also below*, para.14 (regarding the Arusha Accords).

⁴¹ KAB078/DUPAQUIERJean-François; KAB094.

⁴² KAB042/DESFORGESAlison.

1. The government’s reaction to the RPF’s 1 October 1990 armed entry

12. In 1959, a Hutu rebellion overthrew the longstanding Tutsi monarchy. A mass exodus followed, consisting almost exclusively of Tutsi, to Zaïre and Uganda. The Tutsi refugees in Uganda established the RPF. Between 1961, when the monarchy was deposed, and the end of the genocide in 1994, Rwandan politics was dominated by Hutu.⁴³

13. On 1 October 1990, RPF fighters entered into northern Rwanda.⁴⁴ The ethnic divide between Hutu and Tutsi became much more pronounced after this.⁴⁵

14. In 1992, the Rwandan government and the RPF began negotiations to end the war.⁴⁶ A series of agreements known as the Arusha Accords were signed in 1992 and 1993.⁴⁷ The Accords envisioned the creation of a transitional government known as the Broad-Based Transitional Government (“BBTG”) that would incorporate the RPF. They also contemplated a right of return for refugees and displaced persons,⁴⁸ the vast majority of those being Tutsi who had fled in 1959, and their families.

2. The shift towards multipartyism

15. In parallel to the conflict with the RPF, divisions emerged within Rwanda’s Hutu political elite. In 1973, Major General Juvénal HABYARIMANA took power in a coup d’état. In 1975, HABYARIMANA created a one-party state and forbade political activities through any party other than the MRND.⁴⁹ In mid-1991, President HABYARIMANA ceded to international pressure and allowed other political parties to form.⁵⁰ HABYARIMANA renamed his own party the “*Mouvement révolutionnaire national pour la démocratie et le développement*”, keeping the abbreviation MRND.⁵¹

⁴³ KAB042/DESFORGESAlison.

⁴⁴ KAB042/DESFORGESAlison.

⁴⁵ KAB081; KAB042/DESFORGESAlison.

⁴⁶ Rule70#00315; Rule70#00319. *See also* KAB042/DESFORGESAlison.

⁴⁷ Rule70#00310; Rule70#00311; Rule70#00315; Rule70#00319; Rule70#00327; Rule70#003335; Rule70#00336; Rule70#00337.

⁴⁸ Rule70#00327.

⁴⁹ KAB042/DESFORGESAlison.

⁵⁰ KAB081. *See also* Rule70#00301; KAB015/SERUGENDOJoseph; Rule70#00302; KAB094.

⁵¹ KAB015/SERUGENDOJoseph.

16. Other political parties appeared immediately⁵² and began to take positions of power. The new parties included the *Mouvement Démocratique Républicain* (“MDR”), the *Parti Libéral* and the *Parti Social Démocrate* (“PSD”).⁵³ In April 1992 a multiparty government took power, with HABYARIMANA remaining President.⁵⁴ While most new parties were opposed to MRND and HABYARIMANA, in March 1992 a new Hutu extremist party formed, the *Coalition pour la Défense de la République* (“CDR”).⁵⁵ While CDR opposed HABYARIMANA on occasion for conceding too much to the opposition and/or the RPF, it was generally supportive of MRND and of the President.⁵⁶

17. Rwandan politics witnessed a rapid polarisation and the opposition political parties saw a split into “moderate” wings and “power” wings.⁵⁷ The “moderate” wings supported the Arusha Accords, power-sharing with the RPF and the return of refugees to Rwanda. The “power” wings were adherents of the “Hutu Power” ideology, which sought to create a pan-Hutu ethnically-based alliance to retain power.⁵⁸ The “power” wings thus wanted Hutu unity in the face of the alleged Tutsi threat, and saw the Arusha Accords as a trap to allow the Tutsi to re-establish control over the Hutu. They pointed to the repeated RPF incursions as proof of the Tutsi plan for dominance.

18. Events in neighbouring Burundi, where the ethnic split between Hutu and Tutsi was similar, accelerated this polarisation. Burundi had been governed by a Tutsi military elite since the army deposed the (Tutsi) monarchy in 1966. In June 1993, a Hutu, Melchior NDADAYE, was elected President of Burundi in a surprise result.⁵⁹ On 21 October 1993, NDADAYE was assassinated by the Tutsi-led army command.⁶⁰ An ethnic civil war followed.⁶¹ In Rwanda, MDR Vice-President Froduald KARAMIRA gave a speech two days after NDADAYE’s assassination calling for Hutu unity and solidifying the “Hutu Power” movement.⁶²

⁵² KAB081; KAB042/DESFORGESAlison.

⁵³ KAB042/DESFORGESAlison.

⁵⁴ See also KAB015/SERUGENDOJoseph.

⁵⁵ KAB042/DESFORGESAlison; KAB015/SERUGENDOJoseph.

⁵⁶ See e.g., KAB042/DESFORGESAlison.

⁵⁷ KAB042/DESFORGESAlison; KAB008; KAB081; KAB037.

⁵⁸ KAB042/DESFORGESAlison.

⁵⁹ KAB042/DESFORGESAlison.

⁶⁰ KAB042/DESFORGESAlison.

⁶¹ KAB042/DESFORGESAlison.

⁶² KAB042/DESFORGESAlison.

19. The political parties created youth wings.⁶³ The MRND youth wing was called the *Interahamwe*, and quickly became better organised and larger than the other youth wings. It also benefited from training from soldiers⁶⁴ as well as military weaponry.⁶⁵ Some of this training took place on **KABUGA**'s properties.⁶⁶ The CDR's youth wing, the *Impuzamugambi*, worked closely with the *Interahamwe*.⁶⁷ During the genocide, the *Impuzamugambi*, along with other armed civilians, were essentially absorbed into the *Interahamwe*.⁶⁸ In 1993, the *Interahamwe* and *Impuzamugambi* also trained together in the handling of weapons with the *Abakombozi*—the PSD youth wing.⁶⁹ Throughout this Brief, the term “*Interahamwe*” is used to refer generically to Hutu militia groups and armed Hutu civilians, including the “*Interahamwe-MRND*” and the “*Impuzamugambi*”.⁷⁰

B. RTLM

20. Prior to 1993, the only radio station operating in Rwanda was the government-run Radio Rwanda. In 1991, the RPF founded Radio Muhabura, which broadcast from Uganda and could be heard in parts of Rwanda.⁷¹

21. Starting in 1992, **KABUGA** and others worked to create Rwanda's first privately-owned radio station. On 8 April 1993, **KABUGA** and 49 others signed RTLM's founding statute.⁷² **KABUGA** thereafter served as Chairman of RTLM's governing *Comité d'Initiative* for its entire existence.⁷³

22. RTLM's co-founders and senior management included several members of the Joint Criminal Enterprise (“JCE”)⁷⁴ charged in this case (“JCE Managers”):

⁶³ KAB094. *See also* KAB060.

⁶⁴ KAB094.

⁶⁵ KAB094.

⁶⁶ *See below*, Sections V-B-1, V-B-3.

⁶⁷ KAB094; ProposedAF34; KAB038; KAB070.

⁶⁸ *See e.g.*, KAB015/SERUGENDOJoseph; KAB094. RTLM was aware of this situation and encouraged it. *See e.g.*, Rule70#00162; Rule70#00240; Rule70#00256; Rule70#00162; Rule70#70115; KAB042/DESFORGESAlison.

⁶⁹ KAB067; ProposedAF33.

⁷⁰ Indictment, para.3. *See also* KAB007.

⁷¹ KAB042/DESFORGESAlison; KAB078/DUPAQUIERJean-François.

⁷² Rule70#00322.

⁷³ *See below*, Section IV-C-3.

⁷⁴ *See below*, paras.85, 198-209.

- Ferdinand NAHIMANA: Member of the RTLM *Comité d'Initiative*, and previously Director of the *Office Rwandais d'Information* (“ORINFOR”) until 1992, when he was dismissed for broadcasts inciting violence against Tutsi on Radio Rwanda;⁷⁵
- Jean-Bosco BARAYAGWIZA: Leading CDR official, RTLM co-founder, member of the RTLM *Comité d'Initiative* and Director General at the Ministry of Foreign Affairs;⁷⁶
- Phocas HABIMANA: Manager at RTLM;
- Joseph SERUGENDO: Technical director of RTLM, member of the RTLM *Comité d'Initiative* and advisor to the *Interahamwe* National Committee; and
- Ephrem NKEZABERA: Adviser to the *Interahamwe* National Committee, member of the RTLM *Comité d'Initiative*.

23. RTLM employed several popular journalists,⁷⁷ all of whom are charged as JCE members (“JCE Journalists”):

- Gaspard GAHIGI (RTLM editor-in-chief);
- Valérie BEMERIKI;
- Noël HITIMANA;
- Georges RUGGIU;
- Kantano HABIMANA;⁷⁸
- Ananie NKURUNZIZA; and
- Philippe MBILIZI.

⁷⁵ See below, para.104.

⁷⁶ KAB078/DUPAQUIERJean-François.

⁷⁷ KAB078/DUPAQUIERJean-François; KAB042/DESFORGESAlison.

⁷⁸ Kantano and Phocas HABIMANA are not related. Many Rwandan families do not have shared surnames and therefore shared last names do not necessarily indicate any relation.

IV. FÉLICIEN KABUGA'S CRIMINAL RESPONSIBILITY REGARDING RTLM BROADCASTS

24. Félicien **KABUGA**—RTLM's "highest authority"⁷⁹—is responsible for crimes both committed and incited by its journalists. RTLM broadcasts routinely denigrated and encouraged violence against Tutsi and perceived RPF accomplices.⁸⁰ Particularly after 7 April 1994, those broadcasts contributed to widespread killings, sexual violence and other violent acts.⁸¹ **KABUGA** founded and operated RTLM together with other leading proponents of Hutu Power, served as its President throughout its existence, took active steps to ensure its continued operation, and failed to use his authority to prevent further crimes.⁸²

25. As explained in the following section, RTLM's broadcasts from at least late 1993 until the end of the genocide vilified the Tutsi and perceived moderate Hutu. RTLM was castigated for its hate speech by the Rwandan Minister of Information, but **KABUGA** robustly defended its right to continue broadcasting as they saw fit, and through to the last days of the genocide he supported the radio station and its broadcasters.

A. RTLM denigrated and incited violence against Tutsi, moderate Hutu and UN peacekeepers⁸³

26. RTLM broadcast persecutory messages intended to incite violence against the Tutsi and their perceived accomplices starting no later than October 1993, shortly after the assassination of the Burundian President NDADAYE. The content of these broadcasts drew from and amplified existing Hutu Power propaganda from other media outlets, artists and Hutu Power politicians.⁸⁴ Among the most prominent were the newspaper *Kangura* founded by Hassan NGEZE; the singer Simon BIKINDI; and the politicians Léon MUGESERA and Froduald KARAMIRA. RTLM often invoked these sources explicitly, playing Hutu Power music and rebroadcasting the speeches of Hutu Power politicians.

⁷⁹ KAB015/SERUGENDOJoseph.

⁸⁰ See below, Section IV-A.

⁸¹ See below, Section IV-B.

⁸² See below, Section IV-C.

⁸³ See Indictment, para.13.

⁸⁴ See below, para.27.

27. The key themes in RTLM and other Hutu Power propaganda were: (i) denigrating, promoting fear of and calling for violence against the Tutsi;⁸⁵ (ii) singling out Tutsi women, often focussing on their appearance or sexuality;⁸⁶ (iii) the importance of Hutu unity and the treacherous conduct of Hutu they considered accommodating to the RPF;⁸⁷ and (iv) the complicity of peacekeepers—deployed as part of the United Nations Assistance Mission for Rwanda (“UNAMIR”)—and the Belgians specifically in the RPF’s conduct. As the genocide proceeded, these messages evolved into outright calls for extermination.

1. RTLM denigrated and incited violence against Tutsi

28. RTLM broadcasts persecuted Tutsi by: (i) dehumanising them; (ii) portraying them as an existential threat to the Hutu; and (iii) calling for their killing and extermination.

(a) RTLM dehumanised the Tutsi

29. RTLM caricatured the Tutsi as indistinguishable from the invading RPF, and denigrated and dehumanised them as “*inyenzi*” (cockroach), “*inzoka*” (snake) and other derogatory terms.⁸⁸ While RTLM broadcasts often used coded language—attacking for instance the RPF and the “*inkotanyi*”—RTLM listeners understood that the enemy was the entire Tutsi population⁸⁹ because RTLM generally⁹⁰ characterised the Tutsi as a single unit.⁹¹

30. Shortly after NDADAYE’s murder in October 1993, Kantano stated that while “Hutus” were saddened by it, Tutsi were celebrating it⁹²—that “Rwandan Tutsis danced while Rwandan Hutus suffered morally”.⁹³ RTLM speculated as to a “Tutsi” plan to take over the Great Lakes region and the existence of “Tutsi Global Politics”.⁹⁴ The supposed “19 Tutsi

⁸⁵ For examples from *Kangura*, BIKINDI, and other sources, see Rule70#00640; Rule70#00638; Rule70#51084; Rule70#00641; Rule70#00639; Rule70#00080. See also KAB042/DESFORGESAlison; KAB015/SERUGENDOJoseph.

⁸⁶ For an example from *Kangura*, see Rule70#00638. See also e.g., KAB016.

⁸⁷ For examples from *Kangura*, BIKINDI and other sources, see e.g., Rule70#00638; Rule70#00643; Rule70#01005; Rule70#00641; Rule70#00644; Rule70#51136; Rule70#01006. See also KAB019; Rule70#00171; Rule70#00008; KAB078/DUPAQUIERJean-François; KAB060.

⁸⁸ See e.g., KAB110.

⁸⁹ See e.g., KAB094. See also e.g., KAB043; KAB069. See also KAB110.

⁹⁰ While RTLM occasionally acknowledged that not all Tutsi were hunting the Hutu or wanted to re-establish their rule, such nuanced views received negligible airtime. See e.g., Rule70#00121; Rule70#00061; Rule70#00100; Rule70#00117; Rule70#00162.

⁹¹ See e.g., Rule70#00162; Rule70#00008; Rule70#00078; Rule70#00157; Rule70#00246.

⁹² Rule70#00001.

⁹³ Rule70#00008. See also e.g., Rule70#00206; Rule70#00237.

⁹⁴ See e.g., Rule70#00078; Rule70#00182; Rule70#00156; Rule70#00182. See also Rule70#00080.

Commandments”⁹⁵—a crude piece of anti-Tutsi propaganda⁹⁶—required “every Tutsi” to hate all Hutu or anyone suspected of being Hutu, and to find every Hutu’s residence to know “who to save and who to eliminate”.⁹⁷ These “commandments” were said to be for the good of all Tutsi everywhere.⁹⁸ RTLM also perpetuated physical stereotypes such as the Tutsi having long noses or being tall.⁹⁹

31. RTLM portrayed this unitary “Tutsi” population as indistinguishable from the RPF,¹⁰⁰ a foreign invading force, and therefore the “enemy”.¹⁰¹ For example, a November 1993 broadcast proclaimed that:

The Tutsi, not happy with having been removed from power in 1959, the RPF-Inkotanyi, its children, supported by the NRA of Uganda, invaded Rwanda, which resisted the aggression for 3 years. The Arusha Accords of 4 August 1993 were aimed at power-sharing between the Bahutu and the Batutsi in order to satisfy the two major ethnic groups of Rwanda. Unfortunately, through the aggression of Tutsi soldiers against the democratically elected institutions of Burundi and that of RPF soldiers recently in Ruhengeri, the Tutsi have shown that they do not want to democratically share power with the Hutu, despite the tolerance of the latter.¹⁰²

The war with the RPF and the governmental forces was likewise described as “an ethnic war”¹⁰³ and the RPF as a Tutsi armed rebel group.¹⁰⁴ RTLM similarly framed the Arusha Accords—an agreement between the Rwandan government and the RPF—as a victory for Tutsi over Hutu.¹⁰⁵ Radio Muhabura, the RPF radio station, was described as the voice of the Tutsi.¹⁰⁶

32. RTLM dehumanised the “Tutsi”/“RPF” by denigrating them as *inyenzi*¹⁰⁷ and *inzoka*.¹⁰⁸ On 20 November 1993, NAHIMANA stated “...those RPF *inkotanyi* people...

⁹⁵ Rule70#00094; Rule70#00095; KAB042/DESFORGESAlison.

⁹⁶ KAB042/DESFORGESAlison.

⁹⁷ Rule70#00094.

⁹⁸ Rule70#00095.

⁹⁹ See e.g., Rule70#00008; Rule70#00022.

¹⁰⁰ See KAB005.

¹⁰¹ See e.g., KAB094.

¹⁰² Rule70#00017.

¹⁰³ See also e.g., Rule70#00095; Rule70#00162. See also KAB005.

¹⁰⁴ Rule70#00164.

¹⁰⁵ See e.g., Rule70#00078; Rule70#00087; Rule70#00117.

¹⁰⁶ Rule70#00221.

¹⁰⁷ See e.g., KAB014/MUJAWAMARIYAMonique; KAB015/SERUGENDOJoseph; KAB094.

¹⁰⁸ Rule70#00234; Rule70#00241; Rule70#00227.

Almost 90% of the *inkotanyi* are Tutsi... historically, there is no difference between the RPF and the *inyenzi*".¹⁰⁹ RTLM referred continually to the "*inyenzi-inkotanyi*"¹¹⁰ and "*inyenzi-Tutsi*".¹¹¹ On 17 May 1994, RTLM described the *inkotanyi* as a "Tutsi clique"¹¹² and on 21 May 1994 GAHIGI stated on-air that the *inkotanyi* were an ethnic-based group.¹¹³ On 31 May 1994, Kantano said in a broadcast that the *inyenzi-inkotanyi* was an ethnic group made up of Tutsi that would disappear.¹¹⁴

(b) RTLM portrayed the Tutsi as a threat

33. RTLM encouraged its listeners to view these "*inyenzi*" as a threat to both the Hutu ethnic group and the personal security of Hutu. RTLM broadcasts claimed the Tutsi wanted to take power in Rwanda, restore the Tutsi monarchy and enslave the Hutu.¹¹⁵ Approximately one week before the Presidential plane crash, BEMERIKI claimed on-air that the Tutsi could not stand to be out of power and believed they were created to rule.¹¹⁶ Two days after the crash, RTLM broadcast that the RPF had shown that it was an "ethno-sectarian" movement and "feudo-monarchists who, being power-hungry, want to rekindle the segregationist system".¹¹⁷

34. RTLM broadcasts constantly referenced the "majority" and "minority" or "90%" and "10%"—shorthand for Hutu and Tutsi—to stoke fears of Tutsi domination.¹¹⁸ For example, on 19 March 1994, an RTLM broadcast complained that western nations had forced them to accept the RPF "killers" and about how many positions the RPF had been given under the Arusha Accords in spite of only being 10% of the population.¹¹⁹ The "minority" were using the Arusha Accords to dominate the "majority" through negotiations, often with the support of international powers.¹²⁰ On 10 June 1994, Kantano stated on-air that the problem between Tutsi and Hutu was an ethnic one and that the Tutsi, who were 8%, wanted to rule the Hutu,

¹⁰⁹ Rule70#00016. See also Rule70#00023; Rule70#00199.

¹¹⁰ See e.g., Rule70#00023.

¹¹¹ Rule70#00177. On 15 May 1994, RTLM claimed that the *Inyenzi-Inkotanyi* killed HABYARIMANA. See Rule70#00165.

¹¹² Rule70#00167. See also e.g., Rule70#00177.

¹¹³ Rule70#00176.

¹¹⁴ Rule70#00195.

¹¹⁵ See e.g., KAB074; KAB037; Rule70#00071.

¹¹⁶ Rule70#00110. See also Rule70#00035.

¹¹⁷ Rule70#00130. See also Rule70#00176.

¹¹⁸ Rule70#00226. See also Rule70#00180; Rule70#00195; Rule70#00298.

¹¹⁹ See e.g., Rule70#00100; Rule70#00130. See also Rule70#00136; Rule70#00144; Rule70#00152. This echoed other Hutu Power media, including *Kangura*. See Rule70#50966.

¹²⁰ See e.g., Rule70#00108; Rule70#00137; Rule70#00252. See also e.g., Rule70#00030.

who are 90%, and if need be, the Hutu would pursue them into other countries to exterminate them.¹²¹

35. RTLM also claimed that the Tutsi wanted to exterminate the Hutu. From at least late 1993, RTLM broadcasts constantly compared the Rwandan Tutsi¹²² to those in Burundi,¹²³ who were supposedly killing the Hutu like flies¹²⁴ and dropping napalm bombs on certain areas of Burundi.¹²⁵ The “power-mad Tutsis” were the “common virus” as they tried to take power from the majority Hutu.¹²⁶ The *inkotanyi* and Rwandan Tutsi likewise wanted to kill¹²⁷ and exterminate¹²⁸ the Hutu, and place the *Interahamwe* and CDR in RPF camps.¹²⁹ The *inkotanyi* were said to see Rwandans as no better than animals.¹³⁰ They were “evil”, and had killed so many people that Satan distanced himself from them.¹³¹

36. Key to this supposed forthcoming extermination of the Hutu were the “infiltrators”, namely RPF spies.¹³² This echoed KARAMIRA’s claim in October 1993—broadcast on RTLM—that “the enemy is within our walls. Yes the enemy is with us!”¹³³ RTLM insisted that the population had to be sensitised against infiltration by the “*inyenzi-inkotanyi*”,¹³⁴ and that UNAMIR was allowing the RPF to infiltrate soldiers under the pretext they were collecting firewood.¹³⁵ On 15 March 1994, RTLM broadcast “Let the *inkotanyi* be careful, we monitor all their infiltration, whether it is us civilians or the military, we monitor them. This country is small, everyone knows everyone, we all know each other, that's their problem.”¹³⁶

¹²¹ Rule70#00226.

¹²² See e.g., Rule70#00016; Rule70#00014; Rule70#00072; Rule70#00078; Rule70#00093; Rule70#00095; Rule70#00206.

¹²³ See e.g., Rule70#00008. See also KAB005.

¹²⁴ Rule70#00003.

¹²⁵ Rule70#00008.

¹²⁶ Rule70#00237.

¹²⁷ Rule70#00076. [REDACTED]. See also e.g., Rule70#00067; Rule70#00078.

¹²⁸ Rule70#00093. See also Rule70#00080; Rule70#00095; Rule70#00128; Rule70#00136; Rule70#00171; Rule70#00226; Rule70#00255; Rule70#00164. See also Rule70#00244.

¹²⁹ Rule70#00093.

¹³⁰ Rule70#00136.

¹³¹ Rule70#00215. See also Rule70#00146; Rule70#00221; Rule70#00215; Rule70#00253; Rule70#00226.

¹³² See e.g., Rule70#00087; Rule70#00109; KAB037.

¹³³ Rule70#00008.

¹³⁴ Rule70#00023.

¹³⁵ Rule70#00069.

¹³⁶ Rule70#00089. See also Rule70#00109; Rule70#00118.

(c) RTLM called for the killing and extermination of the Tutsi

37. RTLM's answer to these purported threats was to call for violence against the Tutsi. These calls began before the genocide, for example with demands for revenge in response to the killing of prominent Hutu Power figures.¹³⁷ Then, after HABYARIMANA's plane was shot down, these broadcasts became far more regular, and evolved into calls for extermination of the Tutsi. RTLM, having previously operated on a more limited schedule, began to broadcast 24 hours a day after the plane crash.¹³⁸

38. Broadcasts calling for extermination began almost immediately after the President's plane crashed and continued throughout the genocide.¹³⁹ Kantano stated that the "*inkotanyi*" had shot down the plane and that it was necessary to avenge the President's death,¹⁴⁰ a statement that was interpreted as a call to kill all Tutsi and also those Hutu who did not support MRND.¹⁴¹ On or around 12 April 1994, HITIMANA asserted that inhabitants in Gasyata, Kigali would "exterminate" any *inkotanyi* in the area. He called on listeners to do the same elsewhere, adding that "we of the population should instead be the ones ensuring our own security."¹⁴² On 30 May 1994, Kantano called on listeners to take part in "exterminating the *inkotanyi* in Kigali Ville [...] so that the population will be rid of this plague [...] we shall exterminate them. There is nothing else to do."¹⁴³ RTLM encouraged the population to use clubs and traditional weapons to do the killing,¹⁴⁴ and also to use marijuana while waiting to fight the "*inkotanyi*" in order to become mad and kill them all.¹⁴⁵ On 1 July 1994, RTLM rebroadcast Léon MUGESERA's 1992 speech calling for the Tutsi to be cast into the river Nyabarongo and warning the Hutu that if they did not cut the Tutsi's throat, the Tutsi would cut theirs.¹⁴⁶

¹³⁷ KAB032.

¹³⁸ KAB005. *See also* KAB094.

¹³⁹ *See* Rule70#00137; Rule70#00152; Rule70#00161; Rule70#00168; Rule70#00172; Rule70#00193; Rule70#00208; Rule70#00207; Rule70#00214; Rule70#00213; Rule70#00266.

¹⁴⁰ KAB016; KAB008. This claim was repeated throughout the genocide. *See e.g.*, Rule70#00177.

¹⁴¹ KAB016; KAB060; KAB005; KAB032; KAB074.

¹⁴² Rule70#00137.

¹⁴³ Rule70#00193. *See also e.g.*, Rule70#00177; Rule70#00178; Rule70#00193; Rule70#00213; Rule70#00244; Rule70#00256; Rule70#00266.

¹⁴⁴ *See e.g.*, Rule70#00136; Rule70#00164; Rule70#00193; Rule70#00205; Rule70#00227.

¹⁴⁵ Rule70#00189. *See also* Rule70#00252; KAB094.

¹⁴⁶ Rule70#00298.

39. No Tutsi was safe. RTLM was clear that “if you are an *inyenzi* you must be killed”.¹⁴⁷ Children were targeted specifically, with Kantano warning listeners in one broadcast that children were working for the enemy.¹⁴⁸ Linking the RPF to the children of those who had fled in 1959, RTLM concluded that it was necessary to kill all the Tutsi to ensure they could not reproduce and attack again in the future.¹⁴⁹ This meant encouraging the killing of all Tutsi, including women and children. In so doing, RTLM ensured that every Tutsi, regardless of their civilian status, where they were fleeing from or where they were seeking refuge, was viewed as a target for killing.

40. RTLM also claimed that the “*inkotanyi*” were hiding in compounds, locked homes and incomplete buildings,¹⁵⁰ there were “*inyenzi*” among the refugees,¹⁵¹ and some “*inkotanyi*” wore civilian clothing.¹⁵² RTLM continued to use ethnic stereotypes, claiming that an *inyenzi* could be perceived by their “particular appearance, look and gait”.¹⁵³ This had an effect; even a member of the RTLM *Comité d’Initiative*, when trying to flee, had to justify the “Tutsi features” of one his relatives to militia at the roadblocks.¹⁵⁴

41. RTLM encouraged those at roadblocks to attack the Tutsi and others perceived as “allies” or “accomplices” of the RPF.¹⁵⁵ During the genocide, RTLM journalists visited roadblocks in an RTLM vehicle to get information,¹⁵⁶ and people at the roadblocks were listening to RTLM.¹⁵⁷ On or around 12 April 1994, Kantano called on the people manning roadblocks to “redouble your zeal (...) wait firmly for these *inkotanyi* who want to enter the city (...) they need to regret having come”.¹⁵⁸ On 17 May 1994, Kantano advised those at roadblocks to get umbrellas or plastic sheeting in order to continue to man the roadblocks in the rain and prevent the enemy from escaping.¹⁵⁹ On 26 June 1994, BEMERIKI sent her greetings in particular to those manning roadblocks where there were no *inyenzi*, and

¹⁴⁷ Rule70#00184; KAB023.

¹⁴⁸ Rule70#00168.

¹⁴⁹ KAB075/NSANZUWERA François-Xavier.

¹⁵⁰ Rule70#00136.

¹⁵¹ Rule70#00246.

¹⁵² Rule70#00141.

¹⁵³ Rule70#00254; KAB005.

¹⁵⁴ KAB015/SERUGENDO Joseph. *See also* KAB094.

¹⁵⁵ *See e.g.*, KAB109.

¹⁵⁶ KAB094.

¹⁵⁷ KAB015/SERUGENDO Joseph.

¹⁵⁸ Rule70#00137. *See also e.g.*, Rule70#00136; Rule70#00152.

¹⁵⁹ Rule70#00167. *See also e.g.*, Rule70#00183.

encouraged them to be vigilant that no *inyenzi* ever put foot there.¹⁶⁰ Passers-by reported that those manning the roadblocks were listening to RTLM and holding weapons.¹⁶¹

42. RTLM encouraged listeners to attack medical services. RTLM had begun this prior to the genocide.¹⁶² On either 6 or 7 April 1994, just after the plane crash, RTLM announced that the *inyenzi* had commandeered a minibus belonging to a hospital, which was moving in suspicious areas and warned that the *inyenzi* could disguise themselves as rescuers.¹⁶³ On 21 May 1994, MBILIZI claimed that the *inyenzi* were using ambulances to move weapons and called for vigilance.¹⁶⁴ On 24 June 1994, RTLM claimed that Médecins Sans Frontières was only providing their services to the *inkotanyi*.¹⁶⁵

2. RTLM targeted Tutsi women in particular

43. Like other Hutu Power media, RTLM claimed that Tutsi women were spies being used against the Hutu.¹⁶⁶ RTLM began denigrating Tutsi women as early as January 1994,¹⁶⁷ and continued throughout its existence.¹⁶⁸ By the time the genocide was underway, RTLM was calling outright for the rape and killing of Tutsi women.¹⁶⁹

44. As examples, RTLM claimed that the Belgians enjoyed “*ibizungerezi*”, during the Tutsi monarchy.¹⁷⁰ This term literally meant “beautiful woman” but was used to target Tutsi women as “sly queens”.¹⁷¹ RTLM broadcast the Hutu “Ten Commandments”,¹⁷² initially published in *Kangura*.¹⁷³ The first commandment stated that any Hutu male that married a Tutsi woman, or had a Tutsi woman as his concubine, secretary or protegee was a traitor; the second that all Hutu should know that Hutu women were more dignified than Tutsi in the role as woman, wife and mother; the third called on Hutu women to be vigilant and bring their

¹⁶⁰ Rule70#00255.

¹⁶¹ See e.g., KAB075/NSANZUWERA François-Xavier.

¹⁶² Rule70#00122.

¹⁶³ Rule70#00130.

¹⁶⁴ Rule70#00176.

¹⁶⁵ Rule70#00253.

¹⁶⁶ See above, paras.26-27.

¹⁶⁷ See e.g., Rule70#00072. See also KAB093.

¹⁶⁸ See e.g., Rule70#00117. See also e.g., KAB077; KAB008; KAB081.

¹⁶⁹ KAB038; KAB099.

¹⁷⁰ Rule70#00117.

¹⁷¹ KAB093; KAB038.

¹⁷² See e.g., KAB005; KAB038.

¹⁷³ Rule70#00638.

husbands, brothers and sons back to their reason.¹⁷⁴ RTLM also broadcast the “19 Commandments” of the Tutsi which included the “commandment” to Tutsi women with Hutu husbands to find out their husbands’ secrets.¹⁷⁵

45. On 22 April, Kantano noted that the *inkotanyi* had accepted to negotiate but warned that they would bring “along beautiful women of loose morals to use in their game of lies, whatever, with smiles full of hypocrisy and wickedness”.¹⁷⁶ On 18 May 1994, HABIMANA warned of Hutu men surrounded by Tutsi women who would hand over the power and wealth of the country to the Tutsi to satisfy their needs.¹⁷⁷ On or around 25 May 1994, GAHIGI interviewed a woman on RTLM who stated “men (soldiers or *Interahamwe*) who have guns should not fall for women who invite them into their homes, they could be accomplices of the *inkotanyi* who might bewitch them and try to take their guns from them”.¹⁷⁸ On 19 June 1994, Kantano claimed that the “RPF-*inkotanyi*” had told “very beautiful Tutsi girls” to poison French men, who in turn abandoned these “prostitutes” once they discovered were Tutsi.¹⁷⁹ On 26 June 1994, Kantano claimed that the *inkotanyi* had tried to use “women and other means, like money and lies” to prevail in the conflict.¹⁸⁰

3. RTLM incited violence against moderate Hutu

46. Moderate Hutu—those who supported the Arusha Accords and were considered accommodating to the RPF—were another key RTLM target.

47. Hutu Power ideology demanded Hutu unity.¹⁸¹ The Hutu “Ten Commandments” therefore required all Hutu to obey the ideology, to avert a Tutsi victory. The call to unite was made throughout the course of RTLM’s operations.¹⁸²

48. This call was combined with warnings about what would happen if unity was not achieved and promises about what would happen if it were. For example, in March 1994 RTLM broadcast the words of Donat MUREGO, from the power wing of the MDR, who

¹⁷⁴ Rule70#00638.

¹⁷⁵ Rule70#00094; Rule70#00095; KAB014/MUJAWAMARIYAMonique; KAB089. *See also above*, para.30.

¹⁷⁶ Rule70#00152.

¹⁷⁷ Rule70#00171.

¹⁷⁸ Rule70#00174.

¹⁷⁹ Rule70#00244.

¹⁸⁰ Rule70#00252. *See also* Rule70#00248.

¹⁸¹ *See above*, paras.17, 26-27.

¹⁸² *See e.g.*, Rule70#00080; KAB005. *See also* KAB037; KAB005.

claimed that if the Hutu were not united, it would open the way for the *inyenzi*.¹⁸³ On 17 May 1994, Kantano claimed that the Hutu would unite and once they did, the *inkotanyi* would be exterminated.¹⁸⁴ On 30 May 1994, he claimed that the RPF would be defeated “if all the Hutus rise as one man and say: ‘we do not want Tutsi children in our country’.”¹⁸⁵

49. RTLM therefore portrayed moderate Hutu, who favoured working with the RPF, as traitors.¹⁸⁶ They were often attacked, for example, for their role in drafting the Arusha Accords.¹⁸⁷ These accusations were made against moderate Hutu in general,¹⁸⁸ but certain prominent Hutu were individually targeted, too.¹⁸⁹ These included Prime Minister Agathe UWIRINGIYIMANA,¹⁹⁰ BBTG Prime Minister-designate Faustin TWAGIRAMUNGU,¹⁹¹ Minister of Information Faustin RUCOGOZA,¹⁹² Constitutional Court President Joseph KAVARUGANDA,¹⁹³ Minister of Social Affairs Landoald NDASINGWA,¹⁹⁴ Prosecutor General Alphonse NKUBITO¹⁹⁵ and Butare Prefect Jean-Baptiste HABYARIMANA.¹⁹⁶ The language of the broadcasts included:

- Prime Minister Agathe UWIRINGIYIMANA,¹⁹⁷ a member of the MDR party, was accused of being a servant of the RPF who obeyed their commands,¹⁹⁸ giving away the provinces of Ruhengeri and Byumba to the RPF;¹⁹⁹ planning a coup d’état against HABYARIMANA;²⁰⁰ being a traitor working with the RPF;²⁰¹ being paid by the RPF;²⁰² and on 3 April 1994, four days before her assassination, of meeting military leaders from the south of Rwanda to plan a coup d’état and the possible assassination

¹⁸³ Rule70#00086. See also Rule70#00023; Rule70#00078.

¹⁸⁴ Rule70#00167.

¹⁸⁵ Rule70#00193.

¹⁸⁶ See also KAB005; KAB094.

¹⁸⁷ See e.g., Rule70#00104; Rule70#00226. See also KAB037.

¹⁸⁸ Rule70#00080.

¹⁸⁹ See generally KAB005.

¹⁹⁰ See below.

¹⁹¹ See KAB005; KAB034; Rule70#00078; Rule70#00087; Rule70#00100; Rule70#00103; Rule70#00128.

¹⁹² See below.

¹⁹³ See below.

¹⁹⁴ Rule70#00080; Rule70#00090; Rule70#00087; Rule70#00096; Rule70#00122.

¹⁹⁵ KAB075/NSANZUWERAFrançois-Xavier; Rule70#00086; Rule70#00089.

¹⁹⁶ Rule70#00090; Rule70#00141; KAB078/DUPAQUIERJean-François. See also KAB005.

¹⁹⁷ See KAB005.

¹⁹⁸ Rule70#00019. See also generally KAB005.

¹⁹⁹ Rule70#00061.

²⁰⁰ Rule70#00074.

²⁰¹ Rule70#00104.

²⁰² Rule70#00117.

- of HABYARIMANA, ending with a call for people to “mobilise against this woman”,²⁰³
- Minister of Information Faustin RUCOGOZA,²⁰⁴ an MDR member and the man who had warned RTLM before clashing with **KABUGA** at meetings with RTLM’s leadership in November 1993 and February 1994,²⁰⁵ was accused in March 1994 of planning to kill RTLM journalists in order to intimidate the radio;²⁰⁶ conspiring with TWAGIRAMUNGU, UWIRINGIYIMANA and HIGIRO²⁰⁷ to close down RTLM;²⁰⁸ and, on 1 April 1994, six days before his assassination, of attacking Rwanda’s leaders and RTLM.²⁰⁹
 - Constitutional Court President Joseph KAVARUGANDA:²¹⁰ was accused of wanting to be a Tutsi, with GAHIGI linking him to the Simon BIKINDI song “I hate the Hutus”;²¹¹ and planning a coup that would lead to the same result as in Burundi, with the murder of influential Hutu.²¹²

4. RTLM incited violence against peacekeepers

50. While there had previously been a foreign military presence in Rwanda,²¹³ the UNAMIR peacekeeping mission began only on 5 October 1993.²¹⁴ Almost immediately, RTLM began to attack them,²¹⁵ in particular the Belgian contingent, which was stationed in Kigali.²¹⁶ These attacks centred on UNAMIR’s supposed assistance to the RPF.²¹⁷ For example, around 30 October 1993, RTLM claimed that the “whites” wanted to hand power back to the *inkotanyi* and that the Belgians were openly assisting the RPF.²¹⁸ In January 1994, GAHIGI claimed on RTLM that UNAMIR Commander Roméo DALLAIRE was “digging

²⁰³ Rule70#00128.

²⁰⁴ See KAB005.

²⁰⁵ See below, paras.109-115.

²⁰⁶ Rule70#00083.

²⁰⁷ Rule70#00087.

²⁰⁸ Rule70#00095.

²⁰⁹ Rule70#00122.

²¹⁰ ProposedAF60.

²¹¹ Rule70#00078.

²¹² Rule70#00108.

²¹³ KAB042/DESFORGESAlison.

²¹⁴ UNSC Resolution 872 (1993).

²¹⁵ See e.g., KAB094; KAB037.

²¹⁶ ProposedAF62.

²¹⁷ KAB094.

²¹⁸ Rule70#00008.

his own grave” by denying that the RPF had fired on protesters.²¹⁹ By 21 March 1994, BEMERIKI was claiming that the Belgians were forcing Rwandans to accept the “bloody” leaders of the RPF who were assassinating people, and describing Belgians as “enemies of the country”.²²⁰ On 29 March 1994, Kantano claimed that the Belgians were the allies of the *inkotanyi* and had been ever since October 1990.²²¹

51. After 6 April 1994, RTLM continued to accuse the peacekeepers of being RPF allies,²²² but added the accusation that they had been involved in killing HABYARIMANA.²²³ For example, on 7 April 1994, HITIMANA and BEMERIKI accused the Belgians of having found new allies to take power in Rwanda and taken money to assassinate the President.²²⁴ The next day, BEMERIKI and MBILIZI claimed that UNAMIR and the Belgian contingent specifically were collaborating with the *inkotanyi*, adding that they were warning the Belgians to “clear off” and that they were the “enemies” of Rwanda.²²⁵

B. RTLM broadcasts contributed to widespread killing, sexual violence and genocide

52. RTLM broadcasts had a substantial impact on its listeners, leading or contributing to the deaths of hundreds of thousands of Tutsi across Rwanda during the genocide.²²⁶ The victims included the same people vilified both before and after 6 April 1994 on RTLM: (i) Tutsi, including specific individuals identified as targets on air; (ii) Tutsi women in particular; and (iii) Hutu moderates.

1. RTLM’s impact was immediate and substantial

53. RTLM’s impact was substantial, in part because, as a novel alternative to state-run Radio Rwanda, it succeeded in quickly gaining a large following. RTLM employed popular journalists²²⁷ and, at first, played primarily popular music.²²⁸ Language is furthermore a powerful tool in Rwandan culture²²⁹—with accusations such as RTLM’s taken seriously—

²¹⁹ Rule70#00074. *See also e.g.*, Rule70#00067; Rule70#00069; Rule70#00072.

²²⁰ Rule70#00103. *See also e.g.*, Rule70#00086; Rule70#00100.

²²¹ Rule70#00117.

²²² *See e.g.*, Rule70#00136; Rule70#00132; Rule70#00392.

²²³ *See e.g.*, Rule70#00144; Rule70#00182; Rule70#00162. *See also* KAB094.

²²⁴ Rule70#00130; KAB094.

²²⁵ Rule70#00131. *See also* Rule70#00165.

²²⁶ *See e.g.*, KAB024; KAB030; KAB060; KAB008; KAB094; KAB074; KAB069.

²²⁷ KAB008.

²²⁸ KAB094. *See also e.g.*, KAB034; KAB060; KAB019.

²²⁹ KAB014/MUJAWAMARIYAMonique.

especially when broadcast; and in 1994, radio was the most important medium of mass communication.²³⁰ Due largely to **KABUGA**'s efforts to procure the necessary transmission equipment,²³¹ RTLM had widespread coverage across Rwanda by February 1994.²³²

54. The *Interahamwe* closely monitored RTLM for information and acted on that information.²³³ Potential victims listened fearfully²³⁴ to RTLM because “when someone’s name was mentioned on RTLM, it was almost as if they had been sentenced to death”.²³⁵ Others felt “condemned” after hearing their names on RTLM.²³⁶ RTLM became known by various nicknames such as the “incendiary Radio” as it was inciting people to kill and destroy as if everything was to be set on fire,²³⁷ and Radio *Gapanga* (“machete” in Kinyarwanda) because it was understood to be the voice of the CDR, whose members killed people with machetes.²³⁸

2. RTLM broadcasts contributed to the murder of specific individuals²³⁹

55. RTLM targeted specific individuals for death, identifying them by name, location or other information that encouraged or facilitated their killing,²⁴⁰ such as identifying details of the cars in which they were travelling.²⁴¹ RTLM got this information from their “green line”, a telephone information line that operated throughout the genocide, and from journalists visiting the roadblocks.²⁴² Many were killed at the roadblocks where RTLM messages encouraging or supporting the militiamen were played over the radio.²⁴³

²³⁰ KAB037; KAB081; KAB094; KAB015/SERUGENDOJoseph.

²³¹ See below, paras.97-99.

²³² See e.g., KAB094; KAB015/SERUGENDOJoseph; Rule70#00075; Rule70#00086; Rule70#00106; Rule70#00405.

²³³ See e.g., KAB094.

²³⁴ See also e.g., KAB037; KAB093.

²³⁵ KAB075/NSANZUWERAFrançois-Xavier. See also KAB094; KAB060.

²³⁶ KAB081.

²³⁷ KAB016.

²³⁸ KAB014/MUJAWAMARIYAMonique.

²³⁹ See Indictment, para.19.

²⁴⁰ See e.g., KAB005. See also KAB060; Rule70#00188; Rule70#00181; Rule70#00207; Rule70#00248; Rule70#00251; KAB037; KAB069.

²⁴¹ Rule70#00250. See also KAB094; KAB069.

²⁴² KAB015/SERUGENDOJoseph.

²⁴³ See e.g., KAB015/SERUGENDOJoseph.

(a) Charles SHAMUKIGA

56. Charles SHAMUKIGA was a Tutsi, and President of Association of Volunteers for Peace, a human rights association.²⁴⁴ He had visited, spoken and written about killings in both Bagogwe and Bugesera.²⁴⁵ SHAMUKIGA was mentioned frequently on RTLM,²⁴⁶ and had complained about these broadcasts to the authorities.²⁴⁷ SHAMUKIGA was taken away by the Presidential Guard and killed on 7 April 1994.²⁴⁸ Afterwards, HITIMANA reported that a main accomplice of the *inyenzi* had been killed.²⁴⁹

(b) [REDACTED]

57. [REDACTED]. On 7 April 1994, a day after the presidential plane crashed, HITIMANA claimed there were still *inyenzi* remaining, and that [REDACTED] was one of them. The *Interahamwe* sought after him immediately, and found him searching for food. [REDACTED] was killed along with his wife and [REDACTED] his children.²⁵⁰

(c) Desiré NSHUNGUYINKA (or NSUNGUYINKA)

58. Desiré NSHUNGUYINKA (or NSUNGUYINKA) was killed on either 7 or 8 April 1994. He was driving in a car with his wife, sister and brother-in-law when RTLM broadcast the number plate of the vehicle with a warning that there were *inkotanyi* inside and calling for vigilance. The car was stopped at a roadblock in Nyamirambo and all the passengers were killed.²⁵¹

(d) Zacharie SERUBYOGO

59. Zacharie SERUBYOGO was a Hutu member of the MDR party in Cyanguu. RTLM had previously claimed that SERUBYOGO was an ally of the *inkotanyi*,²⁵² an infiltrator,

²⁴⁴ KAB024.

²⁴⁵ See above, paras.10, 104; KAB024.

²⁴⁶ KAB075/NSANZUWERA François-Xavier.

²⁴⁷ KAB075/NSANZUWERA François-Xavier; Rule70#00279.

²⁴⁸ KAB073.

²⁴⁹ KAB024; KAB038.

²⁵⁰ KAB030.

²⁵¹ KAB075/NSANZUWERA François-Xavier. See also KAB032.

²⁵² Rule70#00076.

working to give Cyangugu to the *inkotanyi* and a Hutu seeking to exterminate other Hutu.²⁵³ SERUBYOGO was murdered between 7 and 9 April 1994.²⁵⁴

(e) Daniel KABAKA and his child

60. RTLM accused Daniel KABAKA, a Tutsi, of financing the RPF and hiding *inkotanyi* in his home. His name appeared on RTLM several times, including on 14 April 1994.²⁵⁵ Two hours later, gendarmes, soldiers and *Interahamwe* shot KABAKA and his daughter, who died shortly afterwards.²⁵⁶ His murderers mocked KABAKA by saying that he had a habit of giving money and should give them money, a clear reference to RTLM's accusations.²⁵⁷

(f) Désiré MUDENGE and others in his vehicle

61. Second Lieutenant Désiré MUDENGE was named on RTLM in January 1994 as a soldier who had been arrested for unlawful possession of grenades.²⁵⁸ In the days after the Presidential plane was shot down,²⁵⁹ Noël HITIMANA saw Désiré MUDENGE escorting Tutsi and broadcast this fact on RTLM. MUDENGE was then stopped at a roadblock in Gitega, Nyarugenge, and killed.²⁶⁰

(g) Abdallar RUBAYIZA and Sultan

62. On 11 April 1994, RTLM broadcast that there would be a weapons search, that Tutsi should return home, and that those who refused would have their homes destroyed. Many Tutsi returned home as a result of this broadcast and many were killed, including Abdallar RUBAYIZA and Sultan.²⁶¹

(h) Antoine SEBERA

63. Antoine SEBERA was a wealthy Tutsi businessman.²⁶² He had been attacked on RTLM prior to the genocide,²⁶³ and on 8 April 1994, BEMERIKI claimed that all the *inyenzi*

²⁵³ KAB005; Rule70#00107.

²⁵⁴ KAB064.

²⁵⁵ KAB057; KAB100.

²⁵⁶ KAB100; KAB057.

²⁵⁷ KAB098.

²⁵⁸ Rule70#00075.

²⁵⁹ KAB097.

²⁶⁰ KAB018; KAB097; KAB103.

²⁶¹ KAB092.

²⁶² Rule70#00480; KAB075/NSANZUWERA François-Xavier.

who had hidden in his cellar were burning alive.²⁶⁴ RTLM also claimed he had a gun and was shooting at Hutu.²⁶⁵ SEBERA's home was attacked by military forces following the broadcast.²⁶⁶ He phoned RTLM and begged them to retract the broadcast, but these pleas had no effect. SEBERA, his family, and four others, managed to flee their home but were found and shot shortly afterwards.²⁶⁷

(i) Dr Théoneste GAFARANGA

64. Dr Théoneste GAFARANGA, a Hutu,²⁶⁸ was the 2nd Vice-President of the PSD party.²⁶⁹ He was named many times on RTLM as an accomplice to the *inkotanyi*.²⁷⁰ He hid after the Presidential plane crash, but on 14 April 1994 Kantano called on the *Interahamwe*, asking why no-one had seen GAFARANGA's body, describing him as a big accomplice.²⁷¹ Two days later, *Interahamwe* captured GAFARANGA, took him to a local Councillor's house where he was mistreated, and then to the RTLM's premises as if to show Kantano that they had done what he had asked.²⁷² Thereafter, GAFARANGA was taken to a roadblock and shot.²⁷³

(j) André GASESERO

65. André GASESERO was a Hutu primary school teacher whom RTLM claimed was meeting with Tutsi (along with SERUBYOGO) in Cyangugu. RTLM mentioned his name repeatedly in March 1994, and GASESERO was chased following these broadcasts. Once the genocide began, GASESERO was killed [REDACTED] along with all six of his sons.²⁷⁴

²⁶³ KAB075/NSANZUWERA François-Xavier.

²⁶⁴ Rule70#00131.

²⁶⁵ KAB008.

²⁶⁶ KAB102.

²⁶⁷ Rule70#00480. *See also* KAB106.

²⁶⁸ KAB081.

²⁶⁹ KAB081.

²⁷⁰ *See e.g.*, Rule70#00039; Rule70#00041; Rule70#00076.

²⁷¹ KAB081.

²⁷² KAB081.

²⁷³ KAB012. *See also* KAB081.

²⁷⁴ KAB005; Rule70#00107.

(k) Clément KABALIRA and his wife, Valérie NGAMBIKI

66. Clément KABALIRA was a Tutsi notary.²⁷⁵ In mid-March, RTLM claimed that he was recruiting for the RPF, and that Tutsi youths came to his house and were tasked with drawing up lists of *Interahamwe* and CDR to be killed.²⁷⁶ KABALIRA wrote to both the Prefect of Kigali and the Prosecutor in the days after this broadcast, requesting an investigation.²⁷⁷ On 30 March 1994, the Collective of Leagues and Associations for Human Rights in Rwanda reported on the threats against him.²⁷⁸ KABALIRA was killed immediately after the Presidential plane crash on 7 April 1994, along with his wife, also a Tutsi.²⁷⁹ [REDACTED].²⁸⁰

(l) Charles KALINJABO

67. Charles KALINJABO had managed to avoid the first wave of killings after the Presidential plane crash. However, in May 1994, RTLM broadcast that not all Tutsi were *inkotanyi*, and called on Tutsi “patriots” to join their comrades at the roadblocks. KALINJABO joined a roadblock, but this call was a trap, with RTLM stating that there was no need to look for the Tutsi as they were now at the roadblocks and should be killed. KALINJABO was killed at the roadblock he had attended.²⁸¹

(m) Stanislas SINIBAGIWE

68. Stanislas SINIBAGIWE was the Hutu Director of the School Printing Press.²⁸² In mid-March 1994, BEMERIKI levelled multiple accusations against him, which included refusing to let his employees listen to RTLM,²⁸³ misappropriating official supplies for his home which allegedly was an *inkotanyi* headquarters²⁸⁴ and printing identity cards for the RPF.²⁸⁵ [REDACTED]. SINIBAGIWE was taken to *Commune Rouge* and killed.²⁸⁶

²⁷⁵ KAB093.

²⁷⁶ Rule70#00090.

²⁷⁷ Rule70#00386; Rule70#00388.

²⁷⁸ Rule70#00390.

²⁷⁹ KAB093.

²⁸⁰ [REDACTED].

²⁸¹ KAB075/NSANZUWERA François-Xavier.

²⁸² KAB078/DUPAQUIER Jean-François.

²⁸³ Rule70#00086.

²⁸⁴ Rule70#00087.

²⁸⁵ KAB087.

²⁸⁶ KAB087; KAB101; KAB009.

3. RTLM targeted Tutsi taking refuge in religious areas, hospitals and schools²⁸⁷

69. RTLM broadcasts drove Tutsi to flee their homes²⁸⁸ or hide,²⁸⁹ and many went to areas they felt would be safe, such as religious buildings.²⁹⁰ However, these sanctuaries were not safe. RTLM continually suggested that the RPF was using churches as bases²⁹¹ or that groups of Tutsi who were taking refuge there should be eliminated.²⁹² On 20 May 1994, BEMERIKI named several priests and claimed they were shooting at Hutu, distributing weapons to Tutsi and allowing Tutsi to use their churches as a base for attacking Hutu.²⁹³ RTLM also named locations where Tutsi had fled or gathered.²⁹⁴ For example, on 30 May 1994, Kantano informed listeners that they would be provided with weapons in order to “flush out the *inyenzi* wherever they may be hiding”. He specified “a Pentecostal church, the one on the hill opposite us” where he supposedly saw *inyenzi*, before stating that when weapons become available these *inyenzi* would be driven “as far as Rusine”.²⁹⁵ On 9 June 1994, Kantano informed the population of Musambira that *inyenzi* hiding in the mosque fled to the banana groves, then demanded they “sharpen the spears and take your clubs, look for them and kill them.”²⁹⁶ One [REDACTED] heard RTLM call for his elimination on both 12 April and 24 May 1994.²⁹⁷

70. When RTLM identified schools sheltering Tutsi, those locations would be attacked, with the Hutu and the Tutsi separated and the Tutsi killed.²⁹⁸ Often, these schools were linked to religious institutions. For example, on 1 July 1994, RUGGIU stated that “there are many Tutsis at the *Lycée Notre Dame de Citeaux*”.²⁹⁹ RTLM sometimes attacked teachers specifically,³⁰⁰ or named schools “*inyenzi*” were attending.³⁰¹

²⁸⁷ See Indictment, paras.16-18.

²⁸⁸ See e.g., KAB093; Rule70#00388.

²⁸⁹ See e.g., KAB043.

²⁹⁰ See e.g., KAB043.

²⁹¹ See e.g., Rule70#00131; Rule70#00222; Rule70#00446; KAB005.

²⁹² KAB069.

²⁹³ Rule70#173.

²⁹⁴ See e.g., Rule70#00131; KAB005.

²⁹⁵ Rule70#00193. See also Rule70#00196.

²⁹⁶ Rule70#00222.

²⁹⁷ KAB043.

²⁹⁸ KAB032. See also Rule70#00076.

²⁹⁹ Rule70#00260.

³⁰⁰ See e.g., Rule70#00198.

³⁰¹ Rule70#00152.

71. RTLM particularly focused on religious buildings in the Nyamirambo neighbourhood of Kigali: the Khadafi Mosque, Carmélite nunnery, Benebikira nunnery, St. Charles de Lwanga church, St. André College and the Josephite Brothers. RTLM also regularly claimed that there were Tutsi at the Nyarugenge religious sites, namely St. Famille, St. Paul and *Centre d'Éducation des Langues Africaines* (“CELA”). These broadcasts led or contributed to continual waves of attacks against refugees in these sites from 6 April 1994 onwards. [REDACTED].³⁰² [REDACTED],³⁰³ [REDACTED].³⁰⁴ Six to seven men were executed that evening, and two more the next day.³⁰⁵ Similar attacks followed RTLM’s exhortations at St Famille, St Paul and CELA.³⁰⁶

72. RTLM likewise targeted Khadafi mosque at least twice between 10 and 13 April 1994. The mosque was attacked shortly thereafter by *Interahamwe* and soldiers, killing large numbers of Tutsi civilians.³⁰⁷ RTLM targeted the Khadafi mosque again in June 1994, causing yet another massacre.³⁰⁸

73. RTLM broadcasts also contributed to killings and violence perpetrated against religious figures. For example, on 20 May 1994 BEMERIKI claimed that Father Pierre NGOGA, a Tutsi,³⁰⁹ had begun shooting at Hutu who were chasing Tutsi seeking refuge in his church, calling him “evil”.³¹⁰ Father NGOGA was taken to Karubanda prison, then left just outside the prison gates where he was massacred by a mob.³¹¹ In mid-March 1994, RTLM claimed that Father Michel NSENGIYUMVA, a Tutsi,³¹² was recruiting youths for the RPF, and planned to eliminate any politician holding views opposed to the RPF.³¹³ [REDACTED].³¹⁴ On 18 April, *Interahamwe* murdered Father NSENGIYUMVA.³¹⁵

³⁰² See e.g., [REDACTED]; [REDACTED]. See also [REDACTED].

³⁰³ [REDACTED].

³⁰⁴ See e.g., [REDACTED].

³⁰⁵ Rule70#00400.

³⁰⁶ KAB032.

³⁰⁷ KAB056; KAB005; KAB092; KAB090.

³⁰⁸ Rule70#00218; Rule70#00222; Rule70#00422.

³⁰⁹ Rule70#70115; KAB078/DUPAQUIERJean-François.

³¹⁰ Rule70#00173.

³¹¹ Rule70#70115; KAB051; Rule70#00442. See also KAB054.

³¹² Rule70#00442.

³¹³ Rule70#00093.

³¹⁴ [REDACTED].

³¹⁵ KAB095; Rule70#00442.

4. RTLM’s vilification of Tutsi women led to mass sexual violence³¹⁶

74. RTLM broadcasts were a major causal factor that led to the perpetration of mass sexual violence against Tutsi women.³¹⁷ This began prior to the genocide: for example, the day after RTLM stated that Tutsi women in Gitega neighbourhood were causing Hutu men to lose their heads, a young Tutsi woman was killed by a grenade.³¹⁸ From January 1994 onwards, Monique MUJAWAMARIYA was named on RTLM several times as a troublemaker and the daughter of a mixed marriage, with Kantano demanding to know if there were not sufficient men in the country to “take care of her”. As a result of this harassment, stones were thrown into her compound with threats, her car was vandalised and she was chased by three men, one of whom exposed his penis and demanded if that was enough to shut her up.³¹⁹

75. Sexual violence escalated after 6 April 1994. RTLM started announcing that it was necessary to “taste” women, meaning rape them, before they were killed.³²⁰ Rape was systematic, becoming the rule rather than the exception, with a great many women raped.³²¹

76. For example, RTLM claimed that [REDACTED] children were sending ammunition to Rwanda from abroad. [REDACTED] a Tutsi, was stripped naked, forced from her house, raped and killed. [REDACTED] was killed by machete. RTLM updated its listeners on the search for this family at 5am on the day they were attacked, before declaring that the matter had been resolved at around 11am.³²² BEMERIKI stated on air that all Tutsi women should be treated like [REDACTED].³²³

5. RTLM’s persecutory attacks contributed to attacks against Hutu moderates³²⁴

77. Even before the genocide, Hutu moderates targeted by RTLM were attacked and/or killed. There was an assassination attempt against Prosecutor General Alphonse

³¹⁶ See Indictment, para.15.

³¹⁷ KAB036/NOWROJEEBinaifer.

³¹⁸ KAB014/MUJAWAMARIYAMonique.

³¹⁹ KAB014/MUJAWAMARIYAMonique.

³²⁰ KAB038.

³²¹ Rule70#00451; KAB036/NOWROJEEBinaifer; KAB075/NSANZUWERAFrançois-Xavier. *See also e.g.*, KAB089; KAB005; KAB001; KAB094.

³²² KAB038.

³²³ [REDACTED].

³²⁴ See Indictment, para.15.

NKUBITO,³²⁵ whom RTLM targeted before the genocide.³²⁶ [REDACTED] RTLM claimed Dr Théoneste GAFARANGA was working with the RPF,³²⁷ [REDACTED].³²⁸ GAFARANGA would later be assassinated during the genocide following RTLM's calls to kill him.³²⁹ In late February 1994, Félicien GATABAZI, the Secretary-General of the PSD party,³³⁰ which had been attacked by RTLM,³³¹ was assassinated in Kigali.³³²

78. Many moderate Hutu and political opponents whom RTLM regularly attacked³³³ were assassinated on 7 April 1994, including UWIRINGIYIMANA, RUCOGOZA, KAVARUGANDA and NDASINGWA.³³⁴ TWAGIRAMUNGU and NKUBITO both fled,³³⁵ while Jean-Baptiste HABYARIMANA was removed as Prefect of Butare a few days after RTLM named him as a traitor.³³⁶ He was thereafter captured and killed.³³⁷ NKUBITO and his assistant only survived because they were protected by UN peacekeepers.³³⁸

79. RTLM kept a tally of well-known people they had persecuted on a blackboard at RTLM premises. The list included UWIRINGIYIMANA, RUCOGOZA, NGULINZIRA, NZAMURAMBAHO, GAFARANGA, NGANGO and TWAGIRAMUNGU.³³⁹ It indicated who was dead and whose fate was unknown.

80. RTLM continued to refer to moderate Hutu and political opponents as RPF accomplices,³⁴⁰ sometimes even after they had fled or had been killed.³⁴¹

³²⁵ See KAB042/DESFORGESAlison.

³²⁶ See above, para.49.

³²⁷ KAB081.

³²⁸ [REDACTED].

³²⁹ See above, para.64.

³³⁰ KAB094.

³³¹ See e.g., Rule70#00076; KAB015/SERUGENDOJoseph.

³³² KAB042/DESFORGESAlison; KAB094.

³³³ See above, para.49.

³³⁴ KAB078/DUPAQUIERJean-François; KAB042/DESFORGESAlison; Rule70#01003.

³³⁵ KAB042/DESFORGESAlison. KAB075/NSANZUWERAFrançois-Xavier; Rule70#00152.

³³⁶ Rule70#00141.

³³⁷ KAB042/DESFORGESAlison.

³³⁸ KAB075/NSANZUWERAFrançois-Xavier; KAB094.

³³⁹ KAB015/SERUGENDOJoseph; KAB094; KAB069.

³⁴⁰ See e.g., Rule70#00260; Rule70#00255; Rule70#00244.

³⁴¹ See e.g., Rule70#00177; Rule70#00152; Rule70#00241.

6. RTLM glorified the violence and defended the murderers during the genocide³⁴²

81. RTLM glorified this violence and celebrated killings.³⁴³ For example, when Antoine SEBERA was killed following RTLM broadcasts, RTLM celebrated his death on air.³⁴⁴ RTLM announced Charles SHAMUKIGA’s death, claiming that “the main accomplice of the *inyenzi* had been killed”.³⁴⁵ RTLM praised the *Interahamwe* for killing, encouraging them to bring a victim’s body or personal effects to RTLM.³⁴⁶ RTLM sometimes praised the *Interahamwe*’s “work”,³⁴⁷ which was commonly understood to mean killing Tutsi.³⁴⁸ RTLM expressed support for individual *Interahamwe*,³⁴⁹ calling for help when an *Interahamwe* member was arrested and sending greetings when they were ill.³⁵⁰

82. RTLM also encouraged killings by alternately justifying and denying them. RTLM claimed that the *Interahamwe* were under attack and acting in self-defence,³⁵¹ and that Hutu generally were in need of protection from Tutsi.³⁵² Sometimes, RTLM simply blamed *Interahamwe* crimes on the RPF or their infiltrators.³⁵³

7. RTLM’s calls to stop the killings were in fact calls to hide the crimes

83. While RTLM occasionally called for a stop to the violence, this was a ploy to show the Hutu in a positive light, and the calls were made with a view to shaping international opinion. For example, on 15 May 1994, HABIMANA noted that the killings and lootings had cooled down in Kigali, which was good as the international community would see that the Hutu had discipline.³⁵⁴ BEMERIKI encouraged listeners to “stop the killings in areas under our control so that when the French come to verify if they took place, they will realise that no such thing happened.”³⁵⁵

³⁴² See Indictment, para.15.

³⁴³ See e.g., Rule70#00172; Rule70#00237; KAB060.

³⁴⁴ KAB008.

³⁴⁵ KAB024.

³⁴⁶ Rule70#00240. See also Rule70#00237; Rule70#00244.

³⁴⁷ See e.g., Rule70#00255.

³⁴⁸ KAB060; KAB015/SERUGENDOJoseph; KAB096.

³⁴⁹ See e.g., Rule70#00249.

³⁵⁰ Rule70#00171. See also e.g., Rule70#00240.

³⁵¹ KAB094; Rule70#00162.

³⁵² Rule70#00177; Rule70#00255.

³⁵³ Rule70#00249. See also e.g., Rule70#00109; Rule70#00206.

³⁵⁴ Rule70#00162; Rule70#00171. See also e.g., KAB094.

³⁵⁵ Rule70#00254.

C. **KABUGA** founded, financed and defended RTLM³⁵⁶

84. **KABUGA** co-founded RTLM and served as its President from its creation³⁵⁷ until it ceased broadcasting. **KABUGA** created RTLM, set its strategic direction, used his influence to ensure its continued operation,³⁵⁸ and retained power over key organisational areas, including employment and staffing.³⁵⁹ He relied on JCE members NAHIMANA, GAHIGI and Phocas HABIMANA, among others, to instruct broadcasters on what to say.

85. **KABUGA** shared with other members of RTLM management and several of its journalists the common purpose to operate RTLM to further hatred against persons identified as Tutsi and other perceived accomplices or allies of the RPF, and to disseminate an anti-Tutsi message with the goal to destroy the Tutsi ethnic group. This common purpose was evident at least as of 1 January 1994, by which time the content of RTLM's broadcasts had amply revealed RTLM's nature as a broadcaster of hatred and desired destruction. **KABUGA** shared this common purpose with NAHIMANA, BARAYAGWIZA, NZIRORERA, HABIMANA, NKEZABERA, SERUGENDO and journalists BEMERIKI, GAHIGI, HITIMANA, RUGGIU, Kantano HABIMANA, NKURUNZIZA and MBILIZI.

1. **KABUGA** took key steps to launch RTLM

86. **KABUGA** took key steps to establish and launch RTLM. His involvement was instrumental to ensuring RTLM's ability to broadcast, starting in July 1993 and continuing throughout the genocide.

(a) **KABUGA** obtained RTLM's broadcast frequencies

87. In December 1992, **KABUGA** signed the form sent to the Ministry of Transport and Communications requesting radio frequencies for a private radio station.³⁶⁰ These frequencies were granted in a letter to **KABUGA**.³⁶¹ In a country where radio broadcasts were widely

³⁵⁶ See Indictment, paras.8-11.

³⁵⁷ RTLM itself broadcast **KABUGA**'s role. See e.g., Rule70#00037.

³⁵⁸ See e.g., KAB075/NSANZUWERA François-Xavier. See also KAB005.

³⁵⁹ See e.g., KAB074.

³⁶⁰ Rule70#00318; KAB015/SERUGENDO Joseph.

³⁶¹ Rule70#00326.

regarded as carrying the weight of educated authority,³⁶² RTLM was to be Rwanda's first private radio station.³⁶³

(b) KABUGA ensured that RTLM's establishment complied with the applicable administrative protocols

88. On 17 June 1993, **KABUGA** informed the Minister of Information of RTLM's foundation and provided its Articles of Association³⁶⁴ as well as details of its policy, programme and equipment.³⁶⁵ **KABUGA** also planned the nationwide expansion of RTLM's broadcast coverage beyond its initially limited footprint around Kigali, and to expand RTLM's broadcasting hours.³⁶⁶

(c) KABUGA negotiated and signed RTLM's legally binding Broadcasting Agreement with the Minister of Information

89. The Rwandan law on the Private Press required **KABUGA** to enter into a broadcasting agreement with the Minister of Information. On 30 September 1993, **KABUGA** duly signed that agreement on behalf of RTLM. Article 5(2) of the agreement required RTLM to refrain from broadcasting programmes likely to incite hatred, violence or any other form of division.³⁶⁷ By signing this agreement, **KABUGA** assumed legal responsibility for RTLM's compliance with it.³⁶⁸

(d) KABUGA financed, raised funds and monitored the financial status of RTLM

90. Beginning on 8 April 1993,³⁶⁹ RTLM was funded primarily through share capital.³⁷⁰ **KABUGA** chaired the 13 July 1993 General Assembly where shares were sold,³⁷¹ and urged everyone to invest in RTLM.³⁷²

³⁶² See above, para.53.

³⁶³ Rule70#00329; KAB016; KAB005.

³⁶⁴ Rule70#00329.

³⁶⁵ Rule70#00329; KAB016.

³⁶⁶ Rule70#00329.

³⁶⁷ Rule70#00342.

³⁶⁸ KAB005.

³⁶⁹ See e.g., Rule70#00552; Rule70#00549; Rule70#00478; Rule70#00476.

³⁷⁰ See KAB015/SERUGENDOJoseph; KAB094.

³⁷¹ See below, para.96.

³⁷² KAB015/SERUGENDOJoseph.

91. **KABUGA** also helped organise debt financing for RTLM. He worked with Pasteur MUSABE, an RTLM founding member and a bank director, to finance the purchase of transmission equipment.³⁷³ **KABUGA** also took charge of the invoice for additional equipment to enlarge RTLM's reach, working with NAHIMANA, MUSABE and HABYARIMANA's brother-in-law Séraphin RWABUKUMBA with regard to the financing.³⁷⁴

92. **KABUGA** personally paid at least RWF 1.7 million—over USD 10,000—into RTLM.³⁷⁵ He was, along with other prominent figures, RTLM's third largest shareholder,³⁷⁶ the largest being HABYARIMANA.

93. In May 1993, the *Comité d'Initiative* authorised **KABUGA**, BARAYAGWIZA and NAHIMANA to sign jointly on behalf of RTLM for any bank actions until the next General Assembly.³⁷⁷

94. In mid-1993 to late-1993, the *Comité d'Initiative* met with HABYARIMANA, who enquired with the *Comité* as to the progress made since RTLM's founding.³⁷⁸ **KABUGA** represented RTLM along with NAHIMANA, BARAYAGWIZA, SERUGENDO and NKEZABERA.³⁷⁹ The main difficulty at that time was the lack of funds, and HABYARIMANA promised to contact potential investors, an effort that bore fruit.³⁸⁰

95. In total, RTLM had approximately 1,100 shareholders and raised just under RWF 16,000,000,³⁸¹ over USD 100,000.³⁸² Its membership was closely monitored by **KABUGA**, Phocas HABIMANA and NKEZABERA.³⁸³

³⁷³ KAB015/SERUGENDOJoseph.

³⁷⁴ KAB015/SERUGENDOJoseph.

³⁷⁵ Rule70#00549; Rule70#00550; Rule70#00551;Rule70#00387. *See also* Rule70#00333. **KABUGA's** financing of RTLM was widely known. *See* Rule70#00373.

³⁷⁶ Rule70#01004. *See also* Rule70#00550.

³⁷⁷ Rule70#00532.

³⁷⁸ KAB094.

³⁷⁹ KAB094; KAB015/SERUGENDOJoseph.

³⁸⁰ KAB094.

³⁸¹ Rule70#00499.

³⁸² Rule70#00650.

³⁸³ KAB015/SERUGENDOJoseph.

(e) KABUGA chaired public meetings of RTLM and represented RTLM at political rallies

96. **KABUGA** attended³⁸⁴ the 8 April 1993 ceremony during which RTLM’s Statute was signed.³⁸⁵ In July 1993, **KABUGA** then chaired RTLM’s extraordinary General Assembly at the Amahoro Hotel and gave an important speech.³⁸⁶ He obtained agreement from the shareholders at the meeting to allow the *Comité d’Initiative* to continue to operate.³⁸⁷

(f) KABUGA procured the transmission equipment for RTLM

97. **KABUGA** helped procure the transmission equipment necessary for RTLM to broadcast. He signed a letter accepting a pro-forma invoice for radio transmitting equipment on 24 April 1993.³⁸⁸ **KABUGA** continued to negotiate over this order, according to GAHIGI³⁸⁹ and as demonstrated by modified invoices being issued addressed to **KABUGA** in response to his phone calls.³⁹⁰ The equipment was delivered on 15 June 1993,³⁹¹ and RTLM began broadcasting a few weeks later.³⁹²

98. By 15 July 1993,³⁹³ **KABUGA** was investigating the purchase of additional transmission equipment³⁹⁴ to extend RTLM’s coverage across Rwanda.³⁹⁵ Over the months that followed, **KABUGA** was involved in payment discussions.³⁹⁶ RTLM obtained the additional equipment on 23 December 1993.³⁹⁷

99. **KABUGA** also tried to extend RTLM’s reach through the use of Radio Rwanda’s technical installations. [REDACTED].³⁹⁸ [REDACTED],³⁹⁹ [REDACTED].⁴⁰⁰

³⁸⁴ KAB008.

³⁸⁵ Rule70#00322; Rule70#00438. *See also* KAB008.

³⁸⁶ KAB015/SERUGENDOJoseph; KAB069. *See also* KAB019.

³⁸⁷ KAB069.

³⁸⁸ Rule70#00331. *See also* Rule70#00330.

³⁸⁹ Rule70#00333.

³⁹⁰ Rule70#00331.

³⁹¹ Rule70#00330. *See also* Rule70#00331.

³⁹² Rule70#00341; Rule70#00641. *See also* Rule70#00265.

³⁹³ Rule70#00331.

³⁹⁴ Rule70#00331.

³⁹⁵ KAB078/DUPAQUIERJean-François.

³⁹⁶ Rule70#00331.

³⁹⁷ Rule70#00331.

³⁹⁸ [REDACTED].

³⁹⁹ [REDACTED]; [REDACTED].

⁴⁰⁰ [REDACTED].

2. KABUGA and his co-founders created RTLM to advance the Hutu Power ideology

100. **KABUGA** publicly declared the ideology of RTLM from the outset. He spoke at a rally shortly after RTLM’s creation, where he was introduced as an “important member [] of Hutu Power”. **KABUGA** stated that RTLM was the people’s radio and would disseminate the ideals of Hutu Power and accused Radio Rwanda of collaborating with the *inyenzi*.⁴⁰¹ JCE members NAHIMANA and BARAYAGWIZA echoed **KABUGA**’s comments when they spoke immediately after him.⁴⁰² Everything said at this meeting was reported on RTLM.⁴⁰³

101. Other Hutu Power media understood RTLM’s purpose. Immediately upon RTLM’s creation, *Kangura* published an article entitled “RTLM: No chance for the Tutsi”.⁴⁰⁴ The article pointed out the “obvious”: that “this radio and television station [was] a symbol of solidarity for the Hutus”.⁴⁰⁵ *Kangura* also claimed that while rich Hutu invested in RTLM, “no single Tutsi has bought shares in RTLM.”⁴⁰⁶

(a) RTLM co-founders and senior management were leading Hutu Power figures

102. It was equally clear from the identity of the founders that RTLM was intended as a mouthpiece of Hutu Power ideology, as many recognised at the time.⁴⁰⁷ **KABUGA** himself demonstrated his pro-Hutu Power beliefs from at least 1992 [REDACTED]⁴⁰⁸ describing the Tutsi as “snakes”.⁴⁰⁹ **KABUGA** appeared on television as a guest of honour during a 1992 rally where MUGESERA delivered a hate-ridden speech proclaiming that the Tutsi were going to be sent back to Ethiopia—thus repeating the slur that the Tutsi were foreign to Rwanda—via the river Nyabarongo.⁴¹⁰ A warrant was issued for MUGESERA’s arrest before he took shelter in a military camp and fled Rwanda with the army’s assistance.⁴¹¹

103. **KABUGA** also appeared on television next to HABYARIMANA during a rally at which HABYARIMANA said he was going to “descend” and “do something” with the

⁴⁰¹ KAB030. *See also* KAB034.

⁴⁰² KAB030.

⁴⁰³ KAB030; KAB034.

⁴⁰⁴ Rule70#00641.

⁴⁰⁵ Rule70#00641.

⁴⁰⁶ Rule70#00641.

⁴⁰⁷ *See e.g.*, Rule70#00332; KAB016; KAB014/MUJAWAMARIYAMonique.

⁴⁰⁸ [REDACTED].

⁴⁰⁹ KAB024.

⁴¹⁰ KAB053; KAB023. *See above*, para.38.

⁴¹¹ KAB042/DESFORGESAlison.

Interahamwe, which was understood to mean kill Tutsi.⁴¹² In late February or March 1994, **KABUGA** was introduced at an MRND rally as a major “thunder” in MRND and a leader of the *Interahamwe*.⁴¹³ He characterised the Tutsi as the enemy and as “snakes” that had to be killed lest they kill the Hutu.⁴¹⁴ **KABUGA** was well aware of the effect of these words: Tutsi were attacked as he spoke.⁴¹⁵ In late April 1994, **KABUGA** forced the Hotel Méridien in Gisenyi—where **KABUGA** was staying at the time—to sack an employee because **KABUGA** believed he was a Tutsi.⁴¹⁶

104. Other key members of RTLM’s leadership shared such views. JCE members NAHIMANA, BARAYAGWIZA and SERUGENDO—three out of eight members of RTLM’s controlling *Comité d’Initiative*⁴¹⁷—were convicted by the ICTR of genocide or direct and public incitement to genocide.⁴¹⁸ Before he joined RTLM, NAHIMANA was fired from ORINFOR, where he served as its Director, for propagating the Hutu Power ideology and authorising broadcasts which led to mass violence against Tutsi in Bugesera. In March 1992, Radio Rwanda broadcast a communique on NAHIMANA’s express instruction falsely alleging that the *Parti Libéral* was the internal arm of the RPF and was planning to massacre Hutu. This broadcast was aired repeatedly—despite the objections of Radio Rwanda’s editorial team⁴¹⁹—and led to the massacre of hundreds of Tutsi in just a few days.⁴²⁰ This led to NAHIMANA’s removal as director of ORINFOR,⁴²¹ the year before RTLM chose him for a similar role.⁴²² NAHIMANA continued to defend his actions while working at RTLM.⁴²³ He also displayed reluctance to hire Tutsi or people from southern Rwanda at ORINFOR.⁴²⁴

105. NAHIMANA continued to display his extremist ideology in the years before the genocide. In mid-1992, shortly after being fired from ORINFOR, NAHIMANA established the *Interahamwe* in Ruhengeri.⁴²⁵ In February 1993, he published an article claiming that a

⁴¹² KAB053.

⁴¹³ KAB053.

⁴¹⁴ KAB053.

⁴¹⁵ KAB053.

⁴¹⁶ See below, para.167.

⁴¹⁷ See below, paras.117.

⁴¹⁸ Nahimana TJ; Nahimana AJ; Serugendo TJ.

⁴¹⁹ KAB037.

⁴²⁰ KAB037.

⁴²¹ KAB015/SERUGENDOJoseph; KAB037.

⁴²² See below, paras.117-118.

⁴²³ Rule70#00334.

⁴²⁴ KAB069; KAB037.

⁴²⁵ KAB008.

“Tutsi league” had worked to create division between Hutu from northern and southern Rwanda in order to assist the RPF in seizing power and oppressing the Hutu.⁴²⁶

106. BARAYAGWIZA was a member of the CDR Executive Committee,⁴²⁷ and considered its dominant member.⁴²⁸ From February 1994, he was the CDR National Secretary.⁴²⁹ The CDR explicitly and publicly espoused the Hutu Power ideology,⁴³⁰ equating the RPF with the Tutsi minority and naming anyone cooperating with the RPF as an “enemy of Rwanda”. In September 1992, the CDR claimed that almost the entire leadership of the political opposition fell into this category.⁴³¹ The CDR also claimed that the RPF had created a network of accomplices within the country.⁴³² BARAYAGWIZA was clear that CDR was explicitly for the Hutu.⁴³³

107. The broader list of RTLM’s 50 founding members was likewise closely connected to Hutu Power. Forty came from the three northern provinces, namely Gisenyi, Ruhengeri and Byumba.⁴³⁴ The founders were members of either MRND or CDR⁴³⁵ and there were high-ranking members of both parties—including leading *Interahamwe*⁴³⁶—on the list.⁴³⁷ Simon BIKINDI, another founding member, wrote songs inciting ethnic hatred that were played on RTLM before and during the genocide.⁴³⁸

108. RTLM officials also had help from pro-HABYARIMANA personnel and groups. **KABUGA**’s communications with RTLM’s overseas suppliers⁴³⁹—a key aspect of establishing a new broadcaster and which naturally fell within **KABUGA**’s purview given his trading expertise and connections—were transmitted through the Minister of Foreign Affairs⁴⁴⁰ and the equipment was installed by Radio Rwanda staff.⁴⁴¹ When RTLM installed

⁴²⁶ KAB042/DESFORGESAlison.

⁴²⁷ KAB069.

⁴²⁸ KAB069.

⁴²⁹ KAB094.

⁴³⁰ KAB069; KAB042/DESFORGESAlison.

⁴³¹ Rule70#51270.

⁴³² Rule70#00312.

⁴³³ KAB069. BARAYAGWIZA even got rid of his Tutsi mistress in an effort to show his conviction.

⁴³⁴ Rule70#00438. *See also* KAB015/SERUGENDOJoseph.

⁴³⁵ Rule70#00333.

⁴³⁶ KAB015/SERUGENDOJoseph.

⁴³⁷ Rule70#00438. *See also* KAB015/SERUGENDOJoseph.

⁴³⁸ *See above*, paras.26-27.

⁴³⁹ *See below*, paras.97-98.

⁴⁴⁰ Rule70#00331. JCE Manager BARAGYAGWIZA was Director General at the Ministry of Foreign Affairs. *See above*, para.22.

⁴⁴¹ Rule70#70697. *See also* KAB015/SERUGENDOJoseph.

additional equipment in January 1994 on government land, they paid no fee for the premises.⁴⁴²

(b) KABUGA defended RTLM’s persecutory broadcasts before the Minister of Information

109. Having created RTLM and set it in motion, **KABUGA** defended RTLM from those within Rwanda seeking to end its incendiary broadcasts. This conduct proves his agreement with those broadcasts, and was an important contribution towards ensuring RTLM’s continued ability to operate.

110. On 25 October 1993, Minister of Information RUCOGOZA sent a letter addressed to **KABUGA** as President of the *Comité d’Initiative* noting that RTLM’s broadcasts were inciting violence and attacking the Arusha Accords.⁴⁴³ The letter placed responsibility on **KABUGA** to ensure that RTLM broadcasts complied with the law.⁴⁴⁴

111. On 26 November 1993, RUCOGOZA met with an RTLM delegation led by **KABUGA** that also included NAHIMANA and BARAYAGWIZA.⁴⁴⁵ RUCOGOZA noted that RTLM broadcasts had grown more extreme, and gave RTLM examples of broadcasts that violated the law and RTLM’s agreement with the Ministry.⁴⁴⁶ [REDACTED].⁴⁴⁷ While conceding that mistakes might have been made, **KABUGA** insisted that RTLM was only able to satisfy one ethnic group; [REDACTED];⁴⁴⁸ [REDACTED] and that RTLM would not deny any person a platform to denounce RPF atrocities while the government remained silent. He added, disingenuously, that “telling the truth is not an offense”.⁴⁴⁹ **KABUGA** denied that RTLM was denigrating the Arusha Accords, despite evidence to the contrary,⁴⁵⁰ [REDACTED].⁴⁵¹

112. [REDACTED].⁴⁵²

⁴⁴² KAB015/SERUGENDOJoseph.

⁴⁴³ Rule70#00346. [REDACTED].

⁴⁴⁴ Rule70#00346. [REDACTED].

⁴⁴⁵ Rule70#00349; Rule70#00544; Rule70#00349; [REDACTED].

⁴⁴⁶ Rule70#00349.

⁴⁴⁷ [REDACTED].

⁴⁴⁸ [REDACTED].

⁴⁴⁹ Rule70#00544; Rule70#00349.

⁴⁵⁰ Rule70#00544; Rule70#00349.

⁴⁵¹ [REDACTED].

⁴⁵² [REDACTED].

113. The Minister’s admonishments at the meeting changed nothing. RTLM continued to “sow the seeds of ethnic division”, and in February 1994, the Ministry of Information arranged a second meeting.⁴⁵³ Examples of offending RTLM broadcasts were compiled⁴⁵⁴ [REDACTED].⁴⁵⁵

114. The beginning of the meeting was held in public and videotaped.⁴⁵⁶ The RTLM delegation was again led by **KABUGA**, again accompanied by NAHIMANA and BARAYAGWIZA, among others [REDACTED].⁴⁵⁷ [REDACTED].⁴⁵⁸ In response to RUCOGOZA’s speech⁴⁵⁹ that RTLM continued to incite people to ethnic hatred, **KABUGA** again accused all employees of the Ministry of Information of being enemy accomplices; [REDACTED].⁴⁶⁰ [REDACTED].⁴⁶¹ [REDACTED].⁴⁶²

115. After this meeting, the tone of RTLM broadcasts hardened further.⁴⁶³ At no point did **KABUGA** disassociate himself from RTLM.⁴⁶⁴

3. **KABUGA** exercised control over RTLM’s programming, operations and finances

116. **KABUGA**’s leadership of RTLM manifested in different ways: he chaired internal meetings; delegated tasks to others; represented RTLM in external meetings, such as the meeting with the Ministry of Information described above; and took other miscellaneous management actions.

(a) **KABUGA** was President of RTLM and Chairman of its *Comité d’Initiative*

117. In the period prior to the signing of the RTLM Statute on 8 April 1993, a management committee was established and placed in charge of directing the creation of RTLM, including

⁴⁵³ [REDACTED]; Rule70#00619; Rule70#00378; Rule70#00379.

⁴⁵⁴ Rule70#60023; Rule70#00353; Rule70#00542; Rule70#00354; Rule70#00355; Rule70#00543; Rule70#00357; Rule70#00358; Rule70#00359; Rule70#00361; Rule70#00362; Rule70#00363; Rule70#00366; Rule70#00537; Rule70#00538.

⁴⁵⁵ [REDACTED].

⁴⁵⁶ Rule70#00545.

⁴⁵⁷ [REDACTED].

⁴⁵⁸ [REDACTED].

⁴⁵⁹ Rule70#00381.

⁴⁶⁰ [REDACTED].

⁴⁶¹ [REDACTED].

⁴⁶² [REDACTED].

⁴⁶³ KAB005.

⁴⁶⁴ KAB005.

matters such as fundraising.⁴⁶⁵ This body became known as the *Comité d'Initiative*, and it controlled and managed RTLM until broadcasting ceased around 14 July 1994.⁴⁶⁶ **KABUGA** was named chairman of RTLM on 8 April 1993.⁴⁶⁷ The committee initially comprised:

- Félicien **KABUGA**, who was the Chairman of the *Comité*;
- Charles NZABAGERAGEZA, *chef de cabinet* in the Ministry of Transport and Communications, and the former Prefect of Ruhengeri;
- Ferdinand NAHIMANA;
- Jean-Bosco BARAYAGWIZA;
- Ephrem NKEZABERA;
- Joseph SERUGENDO;
- Augustin HATAR / HATARI (ORINFOR's Chief of Programmes); and
- Ignace TEMAHAGARI, who was elected secretary of the *Comité*.⁴⁶⁸

118. While the *Comité d'Initiative* was meant to expand in November 1993, and a list of additions to the *Comité* as well as a number of sub-committees were proposed, the expanded *Comité* met only once at a “contact” session, while the sub-committees never met at all.⁴⁶⁹ As the leader of RTLM's eight-person *Comité d'Initiative*, “Mr. Félicien **KABUGA** was, of course, the highest authority”.⁴⁷⁰

119. **KABUGA** delegated certain administrative and managerial tasks to others. **KABUGA** delegated certain correspondence to NAHIMANA during the equipment procurement process in late 1993.⁴⁷¹ On 11 May 1993, two letters were written in **KABUGA**'s name regarding RTLM's representatives in Belgium, but signed by BARAYAGWIZA.⁴⁷²

⁴⁶⁵ KAB094.

⁴⁶⁶ KAB015/SERUGENDOJoseph.

⁴⁶⁷ KAB015/SERUGENDOJoseph.

⁴⁶⁸ KAB015/SERUGENDOJoseph; Rule70#00351. *See also* KAB094.

⁴⁶⁹ Rule70#00351; KAB015/SERUGENDOJoseph; KAB016.

⁴⁷⁰ KAB015/SERUGENDOJoseph.

⁴⁷¹ Rule70#00331 (letter above **KABUGA**'s name signed by NAHIMANA).

⁴⁷² Rule70#00323; Rule70#00324.

(b) KABUGA convened meetings of the *Comité d'Initiative*

120. **KABUGA** convened and chaired meetings of the *Comité d'Initiative*. As **KABUGA**'s deputy, NAHIMANA convened and chaired meetings in **KABUGA**'s absence.⁴⁷³ BARAYAGWIZA also deputised for **KABUGA**, and BARAYAGWIZA and NAHIMANA both had aspirations to join the top ranks of RTLM management. **KABUGA** restrained those ambitions.⁴⁷⁴ **KABUGA**, NAHIMANA and BARAYAGWIZA often dealt with legal and other official matters without consulting the full *Comité d'Initiative*.⁴⁷⁵

121. **KABUGA**'s authority lasted throughout the genocide. On 5 July 1994, there was a meeting of RTLM journalists and management, when the decision to re-start RTLM broadcasting in Gisenyi was taken.⁴⁷⁶ While NAHIMANA chaired this second meeting, he would have had to consult **KABUGA** beforehand⁴⁷⁷—and indeed, he met with **KABUGA** together with BARAYAGWIZA, RUGGIU and Kantano not long before.⁴⁷⁸ Further, during the genocide, it was known that NAHIMANA had two jobs: one, as a counsellor to the interim government; and the second, as **KABUGA**'s deputy at RTLM.⁴⁷⁹

4. **KABUGA** supported RTLM as it incited genocide

(a) **KABUGA** assisted journalists to ensure RTLM's continued operation

122. On 6 April 1994, HABYARIMANA's airplane was shot down. RTLM announced the President's death that night, and its calls for extermination of Tutsi quickly became more explicit.⁴⁸⁰

123. On 17 April 1994, RTLM was hit by a shell. **KABUGA** rushed to the site to provide support to the journalists, remind them of their pivotal role in the war against the RPF, and ensure RTLM's ability to continue broadcasting.⁴⁸¹ **KABUGA**'s presence at RTLM and his

⁴⁷³ KAB015/SERUGENDOJoseph.

⁴⁷⁴ KAB015/SERUGENDOJoseph.

⁴⁷⁵ KAB015/SERUGENDOJoseph. *See also* KAB094.

⁴⁷⁶ KAB015/SERUGENDOJoseph. *See also* KAB094.

⁴⁷⁷ KAB015/SERUGENDOJoseph.

⁴⁷⁸ KAB033. *See also* KAB096.

⁴⁷⁹ KAB015/SERUGENDOJoseph.

⁴⁸⁰ *See above*, paras.38-42.

⁴⁸¹ KAB032. RTLM did not miss this opportunity to demand revenge, demanding that the Hutu avenge their injured colleague, which resulted in more massacres of Tutsi in Ruhengeri. *See* KAB109.

words of support further evidences his active contribution to the JCE Journalists’ crimes, and his agreement with their express calls for extermination.

124. One of the RTLM journalists, Noël HITIMANA, was injured when the shell hit RTLM⁴⁸² and was hospitalised.⁴⁸³ **KABUGA** visited HITIMANA three times in hospital [REDACTED].⁴⁸⁴ [REDACTED],⁴⁸⁵ [REDACTED].⁴⁸⁶ [REDACTED]⁴⁸⁷ [REDACTED].⁴⁸⁸ [REDACTED].⁴⁸⁹ [REDACTED]⁴⁹⁰ [REDACTED].⁴⁹¹ **KABUGA** also collected money for HITIMANA,⁴⁹² and on 20 June 1994, gave him at least RWF 100,000,⁴⁹³ approximately USD 700.⁴⁹⁴

125. Lending such aid to a wounded employee of RTLM reassured other journalists to continue broadcasting. If something were to happen to them, they could expect **KABUGA** to take care of them. RTLM continued broadcasting from Kigali until 3 July 1994, the day before the city was captured by RPF forces,⁴⁹⁵ and restarted in Gisenyi until around 14 July.⁴⁹⁶

(b) **KABUGA** continued to finance RTLM during the genocide

126. When banks closed during the genocide, **KABUGA** ensured that RTLM had funds to pay salaries. Phocas HABIMANA came to **KABUGA** in May 1994 to obtain money to pay salaries for April.⁴⁹⁷ NAHIMANA worked to resolve salary issues for RTLM staff throughout the genocide, with **KABUGA**’s involvement.⁴⁹⁸

⁴⁸² See e.g., KAB068.

⁴⁸³ KAB031.

⁴⁸⁴ [REDACTED].

⁴⁸⁵ [REDACTED].

⁴⁸⁶ [REDACTED].

⁴⁸⁷ [REDACTED].

⁴⁸⁸ [REDACTED].

⁴⁸⁹ [REDACTED].

⁴⁹⁰ [REDACTED]. See also [REDACTED].

⁴⁹¹ [REDACTED].

⁴⁹² Rule70#00548.

⁴⁹³ Rule70#00548; Rule70#00428; KAB021.

⁴⁹⁴ Rule70#00650.

⁴⁹⁵ See e.g., Rule70#00269.

⁴⁹⁶ KAB015/SERUGENDOJoseph.

⁴⁹⁷ Rule70#00407.

⁴⁹⁸ KAB015/SERUGENDOJoseph.

(c) **KABUGA** continued to support RTLM after the genocide

127. Even after the genocide, **KABUGA** insisted that RTLM had done nothing wrong. In a 21 August 1995 letter, **KABUGA** claimed that RTLM had never called for Hutu to kill Tutsi.⁴⁹⁹ While **KABUGA** sought to deflect responsibility by stating that errors might have been committed by broadcasters and if so it was the broadcaster's responsibility, **KABUGA** claimed that RTLM's activities were justified by the politicisation of Radio Rwanda by pro-RPF factions,⁵⁰⁰ reiterating his past claims that the Ministry of Information was full of *inyenzi* and/or *inkotanyi* accomplices.

128. In addition to **KABUGA**'s many active contributions to RTLM, he did nothing to stop the broadcasts.⁵⁰¹ Instead, RTLM continued to function, even after its premises were shelled. His continued support for an organisation that explicitly called for genocide demonstrates **KABUGA**'s commitment to RTLM at all relevant times.

V. FÉLICIEN KABUGA'S CRIMINAL RESPONSIBILITY REGARDING SUPPORT TO AND INVOLVEMENT WITH INTERAHAMWE

129. **KABUGA** not only incited genocide through RTLM: he contributed directly to its execution by arming, funding and encouraging *Interahamwe* and other armed civilians to kill and harm Tutsi and their perceived allies. As an important figure in the MRND,⁵⁰² **KABUGA** had longstanding connections to and influence over the *Interahamwe*. He exploited those connections both before and during the genocide to support varied groups of *Interahamwe* across Rwanda, foster anti-Tutsi sentiment in their ranks and encourage them to commit crimes. **KABUGA** supported *Interahamwe* particularly in Kigali-Ville and Gisenyi; in Kigali-Ville, he established a group to whom he was so closely connected they became known as "**KABUGA**'s *Interahamwe*".⁵⁰³ His support contributed substantially to the crimes they committed during the genocide.

⁴⁹⁹ Rule70#00533.

⁵⁰⁰ Rule70#00533.

⁵⁰¹ See e.g., KAB008.

⁵⁰² See above, paras.6-8.

⁵⁰³ See below, paras.134-141.

A. KABUGA was a significant patron of and held influence over the *Interahamwe*

130. **KABUGA** was a prominent MRND member who supported the party both financially and through his influence. When the MRND created the *Interahamwe*,⁵⁰⁴ **KABUGA** extended his support for the MRND to the new youth group. For instance, **KABUGA** financially supported the *Interahamwe* and prior to July 1993 he pledged some RWF 400,000-500,000 (around USD 3,000)⁵⁰⁵ to the *Interahamwe*.⁵⁰⁶ In 1993 and 1994, **KABUGA** provided the MRND and *Interahamwe* with office space and a training area in his Muhima building free of charge.⁵⁰⁷ In early 1994, **KABUGA** addressed a political rally in Musave. He spoke of supporting the *Interahamwe* including by having them train at his house and committed to provide money, vehicles and equipment to fight the Tutsi. He described Tutsi as *inzoka* and *inyenzi* and repeatedly characterised the Tutsi as the enemy.⁵⁰⁸

131. **KABUGA** had close ties to the *Interahamwe* National Committee, whose members included Robert KAJUGA (*Interahamwe* national president), Eugene MBARUSHIMANA (*Interahamwe* Secretary General, who married **KABUGA**'s daughter),⁵⁰⁹ Pheneas RUHUMULIZA (*Interahamwe* 1st Vice-President and **KABUGA**'s neighbour in Kimironko, whose own *Interahamwe* group committed crimes together with **KABUGA**'s *Interahamwe*),⁵¹⁰ [REDACTED].⁵¹¹ **KABUGA** was highly respected by many high-ranking army officers and members of the *Interahamwe* National Committee because of his status, contributions, and close relationship to HABYARIMANA.⁵¹² **KABUGA** wanted HABYARIMANA to recognise the *Interahamwe*'s activities and organised a meeting between the *Interahamwe* National Committee and HABYARIMANA after the latter signed the Arusha Accords.⁵¹³ [REDACTED].⁵¹⁴

132. **KABUGA**'s influence over and support for the *Interahamwe* is reflected in his ability to marshal their resources in support of projects he supported. As early as 1993, **KABUGA**

⁵⁰⁴ ProposedAF33; ProposedAF35; KAB069.

⁵⁰⁵ Rule70#00650.

⁵⁰⁶ KAB094.

⁵⁰⁷ KAB076; KAB007; KAB050; KAB008; KAB102. *See below*, paras.159-161.

⁵⁰⁸ KAB053; KAB085.

⁵⁰⁹ *See above*, para.6.

⁵¹⁰ KAB055; KAB025; KAB015/SERUGENDOJoseph. *See below*, para.139.

⁵¹¹ [REDACTED].

⁵¹² KAB069; KAB048.

⁵¹³ KAB069.

⁵¹⁴ [REDACTED].

approached KAJUGA for *Interahamwe* help in assisting Hutu who had fled the RPF. His request was granted and *Interahamwe* brought tools, kitchen equipment, and clothing for the displaced Hutu [REDACTED].⁵¹⁵ Thereafter, **KABUGA** received sectoral *Interahamwe* chairmen⁵¹⁶ [REDACTED],⁵¹⁷ offered them drinks, thanked them, and asked them to continue assisting “our people” to defend the country and flush out the enemy.⁵¹⁸

133. **KABUGA**’s support was not limited to the MRND *Interahamwe*, but rather extended to the CDR’s *Impuzamugambi* and other Hutu militia groups and armed Hutu civilians.⁵¹⁹ Indeed, **KABUGA**’s influence⁵²⁰ was such that he had the capacity to unite these different groups. In early May 1994, after collaboration between *Interahamwe* and *Impuzamugambi*⁵²¹ faltered due to a misunderstanding, **KABUGA** organised a meeting between the two groups.⁵²² **KABUGA** called for unity between Hutu, telling *Interahamwe* and *Impuzamugambi* that they should cooperate and fight their common enemy: the Tutsi.⁵²³ **KABUGA**’s call to action was obeyed and, at the end of the meeting, *Interahamwe* and *Impuzamugambi* decided to continue to work together in attacking Tutsi.⁵²⁴

B. KABUGA supported *Interahamwe* in Kigali-Ville prefecture where they committed crimes

1. **KABUGA supported *Interahamwe* crimes in Kimironko**

(a) **KABUGA supported *Interahamwe* in Kimironko, including by creating his own *Interahamwe* group**

134. Sometime in 1992 or 1993, **KABUGA** began supporting and developed close ties with a group of *Interahamwe* in Kimironko, Kigali, where he had one of his residences.⁵²⁵ This group was known as “**KABUGA**’s *Interahamwe*” and it consisted of around 50 members.

⁵¹⁵ [REDACTED].

⁵¹⁶ [REDACTED].

⁵¹⁷ [REDACTED].

⁵¹⁸ KAB076.

⁵¹⁹ See e.g., KAB067; KAB007; KAB009.

⁵²⁰ KAB076.

⁵²¹ See above, para.19.

⁵²² KAB048.

⁵²³ KAB048.

⁵²⁴ KAB048.

⁵²⁵ KAB076; KAB028; KAB069; KAB025; KAB045; KAB046. See above, para.5.

While many provided personal security for **KABUGA**,⁵²⁶ they were also inundated with anti-Tutsi propaganda and primed to kill Tutsi.⁵²⁷ Sometime after establishing this group, **KABUGA** scheduled a function at his house to introduce them to the senior leaders of the national *Interahamwe*.⁵²⁸

135. The leader of **KABUGA**'s *Interahamwe* was HAJABAKIGA, who originated from **KABUGA**'s home prefecture of Byumba.⁵²⁹ Other members of **KABUGA**'s *Interahamwe* included vice-chairman Gerard SEHENE and treasurer Gratién MURENZI,⁵³⁰ as well as Vincent MUGABONAKE his brother Innocent, Faustin MUNYAKAZI, MUTABAZI, [REDACTED] Thacien TEBAYIJUKA, SEHENE's brother GAKUBA, PENK, Tharcisse RUZIBIZA and a driver named Jean MWEREKANDE.⁵³¹ There were also armed civilians such as Emmanuel RUDASINGWA aka Huni who were not originally members of **KABUGA**'s *Interahamwe* but later joined the group in committing crimes.⁵³² While **KABUGA**'s *Interahamwe* included a few Tutsi members—a feature of the *Interahamwe* in its early days throughout Rwanda—the general approach was to sideline Tutsi.⁵³³ *Interahamwe* within the group were used to recruit more people.⁵³⁴

136. **KABUGA**'s *Interahamwe* were prepared to kill Tutsi. While the exercises they learned on **KABUGA**'s property were characterised as “traditional dance”, they were geared towards fostering anti-Tutsi sentiment and served to unite the *Interahamwe* and prepare them to commit crimes.⁵³⁵ In the course of these trainings the *Interahamwe* were told that the Tutsi were very bad and that if they failed to exercise vigilance, the Tutsi would harm them.⁵³⁶ Some of **KABUGA**'s *Interahamwe* carried machetes or other weapons while partaking in the dances.⁵³⁷ [REDACTED].⁵³⁸

⁵²⁶ KAB076; KAB069; KAB025.

⁵²⁷ See below, para.136.

⁵²⁸ KAB069.

⁵²⁹ KAB076; KAB046; KAB028; KAB045; KAB050.

⁵³⁰ [REDACTED]; KAB025; KAB028; KAB050.

⁵³¹ KAB025; [REDACTED]; [REDACTED]; KAB086; KAB041.

⁵³² [REDACTED]; KAB046.

⁵³³ KAB076; KAB046; KAB028.

⁵³⁴ KAB046; KAB050.

⁵³⁵ KAB046; KAB028; KAB086; KAB085; KAB076; KAB050.

⁵³⁶ KAB046.

⁵³⁷ KAB086.

⁵³⁸ [REDACTED].

137. **KABUGA** supported *Interahamwe* in myriad ways, and they in turn saw him as an authority figure. **KABUGA** permitted the *Interahamwe* to use his compound, free of charge, for their meetings and training.⁵³⁹ **KABUGA** provided his *Interahamwe* with vehicles to move around town and take them to and from rallies;⁵⁴⁰ he bought them drinks and gave them uniforms so that they looked presentable during rallies when they tried to recruit new members;⁵⁴¹ and they were offered receptions at **KABUGA**'s expense.⁵⁴² **HAJABAKIGA** would tell recruits that, once they became *Interahamwe*, **KABUGA** would provide for them.⁵⁴³ Some of the *Interahamwe* were employed by **KABUGA**, as drivers, security or domestic workers.⁵⁴⁴ **HAJABAKIGA** considered **KABUGA** to be his "boss" and, in May 1994, he travelled to Gisenyi to meet **KABUGA** at the Méridien Hotel and report on the situation in Kimironko.⁵⁴⁵

138. On two occasions—first in December 1993 and again in January 1994—**KABUGA** personally visited his *Interahamwe* while they were training on his Kimironko compound. He encouraged them, congratulated them, and gave them money for a job well done.⁵⁴⁶ The group spent the money on drinks; indeed, they were often [REDACTED] drunk after leaving **KABUGA**'s compound.⁵⁴⁷

139. **KABUGA**'s support also extended to other *Interahamwe* groups in Kimironko,⁵⁴⁸ in particular Pheneas RUHUMULIZA's,⁵⁴⁹ which participated in attacks alongside **KABUGA**'s *Interahamwe*.⁵⁵⁰ Roadblocks near **KABUGA**'s compound were manned by *Interahamwe* from both groups.⁵⁵¹ Notably, **KABUGA** provided both groups with space for their meetings, training and other activities.⁵⁵² Moreover, one of the leaders of **KABUGA**'s *Interahamwe*,

⁵³⁹ KAB050; KAB046; KAB070; KAB076; KAB045; KAB035.

⁵⁴⁰ KAB046; KAB024; KAB025; KAB076; KAB086.

⁵⁴¹ KAB046.

⁵⁴² KAB076; KAB085; KAB045; KAB025.

⁵⁴³ KAB045; KAB046; KAB025.

⁵⁴⁴ KAB046; KAB076; KAB024; KAB025. *See also* KAB045.

⁵⁴⁵ KAB076.

⁵⁴⁶ KAB046.

⁵⁴⁷ KAB046; KAB041.

⁵⁴⁸ KAB046. *See also* KAB025.

⁵⁴⁹ KAB025; KAB046; KAB055.

⁵⁵⁰ KAB025; KAB046; KAB070.

⁵⁵¹ KAB025; KAB055.

⁵⁵² KAB046.

MUTABAZI, was RUHUMULIZA's brother-in-law and lived at RUHUMULIZA's compound.⁵⁵³

140. **KABUGA** both stored and distributed weapons to *Interahamwe* at or near his Kimironko compound. By January 1994, **KABUGA** was stocking his Kimironko compound with weapons intended for use in the genocide, including machetes and clubs with embedded nails. [REDACTED]⁵⁵⁴ Soon after the genocide began, **KABUGA** personally went to the *Groupement* roadblock, located close to both RUHUMULIZA's house and **KABUGA**'s compound,⁵⁵⁵ and considered the most dangerous in Kimironko.⁵⁵⁶ Armed *Interahamwe* including MUGABONAKE and MUNYAKAZI were manning the roadblock and detaining Tutsi.⁵⁵⁷ **KABUGA** stood next to high-ranking FAR officers and told the *Interahamwe* that they had to be vigilant and continue to control the comings and goings of people because Tutsi were trying to infiltrate the country.⁵⁵⁸ **KABUGA** also told the *Interahamwe* that he would support them and their families.⁵⁵⁹ He gave two firearms to an *Interahamwe*⁵⁶⁰ and others from his vehicle were distributed to other *Interahamwe* at the roadblock.⁵⁶¹

141. Even in late May 1994, after **KABUGA** had left Kigali,⁵⁶² he succeeded in supplying ammunition to HAJABAKIGA.⁵⁶³ This was part of a larger distribution of ammunition transported from Gisenyi on one of **KABUGA**'s trucks⁵⁶⁴ marked with his initials,⁵⁶⁵ and used to kill Tutsi throughout Rwanda, in particular in Kigali-Ville prefecture and its neighbouring *secteurs*.⁵⁶⁶

(b) **KABUGA**'s support contributed to *Interahamwe* crimes in Kimironko

142. Between 7 April and the end of June 1994, the same *Interahamwe* who received **KABUGA**'s material and moral support and were incited to violence against Tutsi on his

⁵⁵³ KAB025; KAB070.

⁵⁵⁴ [REDACTED].

⁵⁵⁵ Rule70#00527; KAB046; KAB050; KAB055.

⁵⁵⁶ KAB055.

⁵⁵⁷ KAB065.

⁵⁵⁸ KAB065.

⁵⁵⁹ KAB065.

⁵⁶⁰ KAB065.

⁵⁶¹ KAB065.

⁵⁶² See below, para.165.

⁵⁶³ KAB076.

⁵⁶⁴ KAB076.

⁵⁶⁵ See above, para.5.

⁵⁶⁶ KAB076.

property participated in attacks against Tutsi and other perceived “accomplices” or “allies” of the RPF. **KABUGA** is responsible for these crimes he encouraged and facilitated.

143. In the early morning of 7 April 1994, **KABUGA**'s *Interahamwe* were seen coming out of **KABUGA**'s Kimironko compound whilst shooting and inciting the local population to take their machetes and “clear” the neighbourhood now that the *inyenzi* had attacked.⁵⁶⁷ In one of the first attacks, *Interahamwe* led by HAJABAKIGA abducted Jean-Pierre NZARAMBA, a Tutsi, from his home in Kimironko. They took him to the roadblock near **KABUGA**'s residence—manned by **KABUGA**'s *Interahamwe*—to kill him. Thacien TEBAYIJUKA and MUNYAKAZI also participated in the attack.⁵⁶⁸ The killings of other Tutsi in Kimironko “followed suit” and **KABUGA**'s *Interahamwe* were the main perpetrators in the area.⁵⁶⁹ In the afternoon of 7 April 1994, a group of about 30 assailants including MUTABAZI, HAJABAKIGA, Tharcisse RUZIBIZA, MUGABONAKE and MUNYAKAZI—all members of **KABUGA**'s *Interahamwe* —attacked SAHAHA and Joseph KAYIJUKA because they were accused of being Tutsi.⁵⁷⁰

144. Also on 7 April 1994, *Interahamwe* including [REDACTED] and [REDACTED] attacked the house [REDACTED] and destroyed the premises. [REDACTED] children, [REDACTED] wife, and her brothers [REDACTED], were all present in the house. The *Interahamwe* burnt down the house, captured the [REDACTED] brothers escaping to the attic, brought them outside, and killed them with machetes and clubs. [REDACTED] family were never again seen after the genocide.⁵⁷¹ After this attack, the same *Interahamwe* went to the neighbouring house [REDACTED] and killed him and two of his young children.⁵⁷²

145. [REDACTED] parents were also killed by Kimironko *Interahamwe*. [REDACTED]; [REDACTED] found [REDACTED] parents' home had been burnt down and [REDACTED] family killed. [REDACTED] later unearthed the bodies of [REDACTED] parents, aunt, sister and cousin. During Gacaca proceedings, **KABUGA**'s *Interahamwe* were accused of these murders, including [REDACTED], [REDACTED] and [REDACTED].⁵⁷³ [REDACTED] wife, [REDACTED], and their two children, [REDACTED], were killed by *Interahamwe*

⁵⁶⁷ KAB045.

⁵⁶⁸ KAB046; KAB025; KAB028.

⁵⁶⁹ KAB025. *See also* KAB046.

⁵⁷⁰ KAB025; [REDACTED]; [REDACTED]; Rule70#00526.

⁵⁷¹ KAB041; KAB025.

⁵⁷² KAB041; KAB025; Rule70#00527.

⁵⁷³ [REDACTED]; [REDACTED].

sometime after 11 April 1994 in Kimironko [REDACTED]. The children were [REDACTED] years old. All three victims were Tutsi [REDACTED].⁵⁷⁴

146. The attacks in Kimironko continued throughout April 1994 and **KABUGA**'s *Interahamwe* killed Léopold NYAKANA and his family, as well as MUNYESHULI, his father and other family members on 8 April 1994.⁵⁷⁵ Around 9 or 10 April 1994, **KABUGA**'s *Interahamwe* stopped and killed KALIMWIJABO's wife and her three children⁵⁷⁶—all Tutsi—at a roadblock in Bibare, Kimironko, located below **KABUGA**'s compound on the road going towards Bisoro. SEHENE and GAKUBA were among the attackers, and threw the bodies in a pit located at “*Chez Conseiller*”.⁵⁷⁷

147. Around mid-April 1994, **KABUGA**'s *Interahamwe* attacked MUKANDAHIRO and her two children after complaining that *inyenzi* were still living in their Kimironko neighbourhood. The *Interahamwe* killed MUKANDAHIRO's children, shot MUKANDAHIRO on the road in front of her house, and threw the three bodies in a hole.⁵⁷⁸ Also around mid-April, **KABUGA**'s *Interahamwe* attacked and killed the Tutsi family of Eric MUSHIMIRE, who was the brother of Jean-Pierre NZARAMBA (murdered on 7 April 1994) because they believed that MUSHIMIRE had joined the *inkotanyi*.⁵⁷⁹ They also attacked MUSHIMIRE's grandmother's house.⁵⁸⁰ They killed two men (Rudevure and Kambari) and two children (Gafita and Kalinda).⁵⁸¹

148. Around 18 April 1994, **KABUGA**'s *Interahamwe* attacked Semaragide NSENGIMANA and his father MUBERUKA, who lived about 30 meters apart. After killing those at NSENGIMANA's house, they killed MUBERUKA's wife and a child.⁵⁸² The *Interahamwe* dumped the dead bodies in a latrine, including the bodies of some of NSENGIMANA's children who managed to survive the attack but were believed to be dead.⁵⁸³ Neighbours later saved those children from the latrine.⁵⁸⁴

⁵⁷⁴ [REDACTED].

⁵⁷⁵ KAB086.

⁵⁷⁶ [REDACTED].

⁵⁷⁷ KAB086.

⁵⁷⁸ KAB046.

⁵⁷⁹ KAB025; KAB046. *See also* KAB035.

⁵⁸⁰ KAB028. *See also* KAB035.

⁵⁸¹ KAB028. *See also* KAB035.

⁵⁸² KAB035; KAB028; KAB046.

⁵⁸³ [REDACTED].

149. After 6 April 1994, it was common for **KABUGA**'s *Interahamwe* to dump dead bodies in latrines around Kimironko, not far from **KABUGA**'s compound.⁵⁸⁵ The latrines were shallow and the dead bodies—often cut to pieces—were visible to passers-by.⁵⁸⁶ Even Tutsi who participated in the genocide were killed. For instance, the Tutsi family of Célestin RUGIGANA participated in activities with the Kimironko *Interahamwe* but the whole family was nonetheless murdered by them, [REDACTED].⁵⁸⁷ **KABUGA**'s *Interahamwe* continued killing until they had to flee. MUVUNYI and other *Interahamwe* killed the Tutsi family of David [LNU], his wife and their child at their family home. Their bodies were dumped into a ditch [REDACTED].⁵⁸⁸

150. **KABUGA**'s *Interahamwe* participated in the massacre of Tutsi refugees at Karama primary school.⁵⁸⁹ Over 200 people—Tutsi and Hutu—had sought refuge at the school.⁵⁹⁰ On or around 11 April 1994, some 20 to 30 *Interahamwe* armed with machetes and other weapons arrived at Karama school on a vehicle belonging to Daniel GASIMBA and driven by an *Interahamwe* member called “Kigubiri”.⁵⁹¹ Another group of *Interahamwe* arrived on a Daihatsu vehicle belonging to **KABUGA**, driven by a certain John.⁵⁹² The *Interahamwe* separated the refugees, sparing the Hutu and attacking the Tutsi. As Kimironko residents, the attackers knew most of the refugees and could identify which ones were Tutsi,⁵⁹³ or otherwise asked for identification cards and took notice of the refugees' physical features to determine who was Tutsi.⁵⁹⁴ The assailants included HAJABAKIGA, SEHENE, TEBAYIJUKA and ASUMANI MANERI.⁵⁹⁵ HAJABAKIGA had a list of names of Tutsi who were the main targets; generally, Tutsi who were wealthy or intellectuals were prime targets for the *Interahamwe*.⁵⁹⁶ Many refugees who tried to escape had to flee without their family members.

⁵⁸⁴ KAB028.

⁵⁸⁵ KAB028.

⁵⁸⁶ KAB028; KAB086; KAB072.

⁵⁸⁷ [REDACTED].

⁵⁸⁸ [REDACTED].

⁵⁸⁹ KAB028; KAB046; KAB025.

⁵⁹⁰ KAB028; KAB046; KAB025.

⁵⁹¹ KAB028; KAB046; KAB041.

⁵⁹² KAB025.

⁵⁹³ KAB028; KAB046; KAB041.

⁵⁹⁴ KAB028.

⁵⁹⁵ KAB028; KAB046; KAB035. *See also* KAB025.

⁵⁹⁶ KAB028.

Some were killed on the road linking Karama to Kimironko.⁵⁹⁷ Large numbers of Tutsi were killed, including children as young as six years old.⁵⁹⁸

151. The *Interahamwe* who attacked Karama school then attacked the church *Association des Églises Pentecôtistes au Rwanda* (“ADEPR”) in Kimironko. They used the same vehicle owned by GASIMBA to get there.⁵⁹⁹ Some 150 Tutsi from Kimironko had taken refuge at the ADEPR church because the priest, MPAMBARA, was a Hutu and they believed they would be safe.⁶⁰⁰ The number of refugees increased as people fled to ADEPR from Karama school.⁶⁰¹ When the *Interahamwe* attacked the church they killed several people including Sylvestre NYOMUGISHA and MUSONI, both Tutsi, they injured a Tutsi woman named Domitila MUKANGIRA, and they also stole money from Tutsi refugees.⁶⁰²

2. **KABUGA** supported *Interahamwe* crimes in Kimihurura

(a) **KABUGA** supported *Interahamwe* in Kimihurura

152. **KABUGA**’s support for the *Interahamwe* in Kigali-Ville extended to Kimihurura, where he had previously had his residence. NZABANTERURA was the president of the *Interahamwe* in Kimihurura.

153. One evening in 1994 before the genocide, **KABUGA** drove to NZABANTERURA’s bar and distributed machetes and other traditional weapons to *Interahamwe*, who brought them into the bar.⁶⁰³ Towards the end of May 1994, **KABUGA** sent vehicles carrying ammunition to re-supply the Kigali *Interahamwe*. This ammunition was distributed to NZABANTERURA and other *Interahamwe* leaders.⁶⁰⁴ **KABUGA** sent the ammunition with the instruction that it was to help fight the enemy, meaning the ammunition was to be used to kill RPF soldiers or any Tutsi since they were considered accomplices.⁶⁰⁵

⁵⁹⁷ KAB028.

⁵⁹⁸ KAB028; KAB035; KAB041; KAB083; KAB002.

⁵⁹⁹ KAB041.

⁶⁰⁰ KAB041.

⁶⁰¹ KAB041.

⁶⁰² KAB035; KAB041; Rule70#00527.

⁶⁰³ KAB099. *See also* KAB032.

⁶⁰⁴ KAB076.

⁶⁰⁵ KAB076.

(b) KABUGA's support contributed to *Interahamwe* crimes in Kimihurura

154. *Interahamwe* in NZABANTERURA's group began methodically traversing Kimihurura searching out Tutsi as soon as the Presidential plane crashed. KABUGA's conduct in arming the *Interahamwe* contributed to these crimes.

155. On the night of 6 April 1994, NZABANTERURA armed several *Interahamwe* who began killings in Rugando *cellule* in conjunction with the Presidential Guard.⁶⁰⁶ By the morning of 7 April 1994, nearly all Tutsi and MRND opponents in Rugando *cellule* had been killed.⁶⁰⁷ The victims included, among many others, NZABANTERURA's neighbour Désiré MUNYANGEYO and Laurent BAJENEZA and his half-brother Martine.⁶⁰⁸

156. On 7 April 1994, a member of NZABANTERURA's *Interahamwe* named John KAVUNDELI kidnapped six people [REDACTED] and brought them to his brother Noel KAVUNDELI. Several *Interahamwe* [REDACTED] spent the night raping the [REDACTED] mother and her three daughters. The following morning the *Interahamwe*, including Noel KAVUNDELI, took the four women and the two [REDACTED] sons to the Presidential Guard, who killed them in the nearby forest.⁶⁰⁹ Starting 10 April 1994, NZABANTERURA's *Interahamwe* killed Tutsi civilians who had sought refuge at the Presidential Guard camp.⁶¹⁰

157. Other victims killed by NZABANTERURA's *Interahamwe* in April 1994 included Martin GATABAZI, Désiré RWAKAGEYO, members of JMV BUREGEYA's family, Athanase MUTAGA, Jean MUTERAHEJURU, Isaie TWATWA (or BUTWATWA), MUKAZI, GAKUMBA, and Xavier SEBINYAVANGA—all of whom were killed in Rugando *cellule*.⁶¹¹ Martin GATABAZI, the head of MDR in Kimihurura, was killed with his family and domestic staff, all Hutu.⁶¹² [REDACTED].

⁶⁰⁶ KAB003.

⁶⁰⁷ KAB003.

⁶⁰⁸ KAB003. *See also* Rule70#00620.

⁶⁰⁹ KAB047; KAB022.

⁶¹⁰ KAB003.

⁶¹¹ KAB003. *See also* Rule70#00494. *See also* Rule70#00620.

⁶¹² KAB040; Rule70#01007; Rule70#00494.

3. **KABUGA** supported *Interahamwe* crimes in Muhima *secteur*

(a) **KABUGA** supported *Interahamwe* in Muhima

158. **KABUGA** supported the *Interahamwe* in Muhima by making his Muhima building available to them free of charge. In 1993, one of the top floors of his Muhima building was used for weapons training for *Interahamwe* leaders in Kigali, including NZABANTERURA and HAJABAKIGA.⁶¹³ They were trained on how to use firearms and grenades as well as in martial arts.⁶¹⁴ **KABUGA** was aware that the training was taking place in his building and that it was a covert operation.⁶¹⁵ The room dedicated to the training was not visible from the outside of the building, and **KABUGA** stopped the training in 1993, when he became concerned that the local population in Muhima might learn about it.⁶¹⁶

159. However, the MRND and *Interahamwe* continued to use **KABUGA**'s Muhima building for meetings and other activities into 1994.⁶¹⁷ The building was referred to as the *Interahamwe* headquarters, and members obtained their *Interahamwe* identity cards there.⁶¹⁸ **KABUGA** often visited this building⁶¹⁹ and personally attended MRND meetings there in 1993.⁶²⁰ During these meetings, *Interahamwe* would throw or catapult rocks at the houses of neighbouring Tutsi. BIKINDI's dance troupe came to meetings and sang about how they would "tsemba tsemba" the *inyenzi*, a reference to exterminating the Tutsi.⁶²¹ Tutsi in the neighbourhood hid inside their homes when the meetings took place.⁶²²

160. On 7 April 1994, *Interahamwe* leaders in Muhima called upon all able-bodied youth to meet in the compound of **KABUGA**'s Muhima building.⁶²³ The *Interahamwe* were given machetes and grenades. **KABUGA** was at this gathering.⁶²⁴ During the genocide, food was

⁶¹³ KAB076; KAB032. See also KAB102; KAB069.

⁶¹⁴ KAB076; KAB032. See also KAB069; KAB094.

⁶¹⁵ KAB032; KAB076.

⁶¹⁶ KAB076; KAB032.

⁶¹⁷ KAB076; KAB032; KAB038; KAB094.

⁶¹⁸ KAB024. See also KAB060.

⁶¹⁹ KAB076; KAB048; KAB091; KAB114.

⁶²⁰ KAB038.

⁶²¹ KAB038.

⁶²² KAB038.

⁶²³ KAB038; KAB091.

⁶²⁴ KAB038; KAB091.

distributed from **KABUGA**'s Muhima building by *Interahamwe*. Further, weapons were made available at that location.⁶²⁵

(b) **KABUGA**'s support contributed to *Interahamwe* crimes in Muhima

161. The *Interahamwe* who attended trainings, meetings and other activities at the Muhima building participated in widespread crimes during the genocide. These included some of the worst perpetrators in Muhima: Pio AMBOTI aka “Kajisho”, Elize KABILIGI, “Encadreur”, “Corbeau” and “Sebyatsi”.⁶²⁶

162. [REDACTED].⁶²⁷ [REDACTED].⁶²⁸ [REDACTED].

163. [REDACTED].⁶²⁹ [REDACTED].⁶³⁰ [REDACTED].⁶³¹ [REDACTED].⁶³² [REDACTED].⁶³³ [REDACTED].⁶³⁴ [REDACTED].⁶³⁵ [REDACTED].⁶³⁶

164. [REDACTED].⁶³⁷ [REDACTED].⁶³⁸

C. KABUGA supported *Interahamwe* in Gisenyi prefecture where they committed crimes

165. By 9 April 1994, **KABUGA** sought refuge at the French Embassy⁶³⁹ before travelling to Gisenyi towards the end of April.⁶⁴⁰ **KABUGA** provided varied and extensive support to *Interahamwe* in Gisenyi, starting days before 6 April 1994 and escalating once he relocated there for the duration of the genocide. He delivered and distributed weapons;⁶⁴¹ raised funds

⁶²⁵ KAB062.

⁶²⁶ KAB038.

⁶²⁷ [REDACTED].

⁶²⁸ [REDACTED].

⁶²⁹ [REDACTED].

⁶³⁰ [REDACTED].

⁶³¹ [REDACTED].

⁶³² [REDACTED].

⁶³³ [REDACTED].

⁶³⁴ [REDACTED].

⁶³⁵ [REDACTED].

⁶³⁶ [REDACTED].

⁶³⁷ [REDACTED].

⁶³⁸ [REDACTED].

⁶³⁹ Rule70#00646.

⁶⁴⁰ KAB025 (**KABUGA** left Kigali before late April). *See below*, paras.171-195 (**KABUGA** repeatedly attending and leading events in Gisenyi from late April through June 1994).

⁶⁴¹ *See below*, paras.168-169, 182-191; KAB082.

and donated money⁶⁴² to defeat Tutsi and perceived RPF accomplices; provided transportation to facilitate *Interahamwe* crimes; and encouraged and rewarded perpetrators. He provided this support across Gisenyi, including at the Gisenyi MRND office, the Méridien Hotel, Umuganda Stadium, Gisenyi military camp, and various other locations. This support contributed to crimes in Gisenyi, Kibuye and Kigali.

166. **KABUGA** sought to unite the different militia youth groups in Gisenyi.⁶⁴³ There was a large overlap between the MRND *Interahamwe*, the *Impuzamugambi* and the *Abakombozi*.⁶⁴⁴ The three groups underwent joint trainings in 1993 and 1994 to prepare them to kill Tutsi.⁶⁴⁵ This training was attended by senior FAR officers and civilian officials in the area.⁶⁴⁶

167. When **KABUGA** was in Gisenyi, he was often seen escorted by local *Interahamwe* or other armed officials, indicating not only his support for *Interahamwe* but also his importance, influence and prestige.⁶⁴⁷ This importance and influence is also evident from an incident at the Méridien Hotel, where **KABUGA**, referring to an employee he believed to be Tutsi, indicated his dismay at running from the *inyenzi* in Kigali only to find them in Gisenyi. The employee was immediately fired but subsequently reinstated when **KABUGA** discovered he was “one of us”.⁶⁴⁸

1. **KABUGA** provided weapons that were distributed to *Interahamwe* in April 1994 at the Gisenyi MRND office that were intended for and used to kill Tutsi

168. **KABUGA** provided weapons even before arriving in Gisenyi. On 3 April 1994, Barnabé SAMVURA convened a meeting at the seat of the CDR party in Gisenyi, and he told the approximately 200 *Interahamwe* present to head to the seat of the MRND at Mukizungu in order to receive weapons that had been sent by **KABUGA**.⁶⁴⁹ SAMVURA told the *Interahamwe* that the weapons were to be used to hunt down the *inyenzi*, the Tutsi who had attacked the country.⁶⁵⁰ At the MRND office, Captain Anastase BIZUMUREMYI⁶⁵¹ and

⁶⁴² See below, paras.171-181; KAB087.

⁶⁴³ See e.g., KAB067; KAB007; KAB009.

⁶⁴⁴ Collectively referred to as *Interahamwe*. See above, para.19. See also KAB067.

⁶⁴⁵ KAB067.

⁶⁴⁶ KAB067.

⁶⁴⁷ KAB082; KAB067.

⁶⁴⁸ KAB096.

⁶⁴⁹ KAB067.

⁶⁵⁰ KAB067.

others were present⁶⁵² and told the *Interahamwe* that they would receive weapons sent by **KABUGA**.⁶⁵³ One of **KABUGA**'s vehicles—a Mercedes Benz truck with the letters “KF” on it—was parked in front.⁶⁵⁴ Some 80 R4 rifles from the vehicle were distributed to the *Interahamwe*,⁶⁵⁵ who were told they would be called upon to use the weapons at the appropriate time.⁶⁵⁶

169. In the early morning of 7 April 1994, more weapons were distributed at the MRND office in Gisenyi from a truck belonging to **KABUGA**.⁶⁵⁷ *Interahamwe* who complained that they did not receive any weapons on 3 April 1994 were given traditional weapons during this distribution.⁶⁵⁸ The *Impuzamugambi* first gathered at the CDR office, where SAMVURA told them that the presidential plane had been attacked by the Tutsi and that they should head to the MRND office to get the second consignment of weapons sent by **KABUGA**.⁶⁵⁹ Party officials together with Captain BIZUMUREMYI distributed some 200 machetes and small axes to the *Interahamwe*.⁶⁶⁰

(a) Weapons were used to kill Tutsi

170. Weapons from both distributions were used to seek out and kill Tutsi.⁶⁶¹ The *Interahamwe* were separated into groups and dispersed by *Interahamwe* when they went throughout Gisenyi town and they began the killings at 10 am on 7 April 1994.⁶⁶² The weapons distributed on 3 and 7 of April 1994 were used by *Interahamwe* manning roadblocks in Muduha and Bugoyi *cellules* between April and July 1994. The main purpose of these roadblocks was to arrest and kill Tutsi.⁶⁶³ Tutsi stopped at the roadblocks were killed on the spot if they resisted arrest, or were taken to *Commune Rouge*—a cemetery where Tutsi were

⁶⁵¹ BIZUMUREMYI was a FAR officer and RTLM shareholder. See Rule70#00649; Rule70#00499; Rule70#01011.

⁶⁵² KAB067.

⁶⁵³ KAB067.

⁶⁵⁴ KAB067.

⁶⁵⁵ KAB067.

⁶⁵⁶ KAB067.

⁶⁵⁷ KAB067.

⁶⁵⁸ KAB067.

⁶⁵⁹ KAB067.

⁶⁶⁰ KAB067.

⁶⁶¹ KAB067.

⁶⁶² KAB067.

⁶⁶³ KAB067.

taken to be killed.⁶⁶⁴ The killings in Gisenyi town were extensive. Beyond the town, some *Interahamwe* who received the weapons killed Tutsi in Nyundo, located in Gisenyi prefecture some 20 kilometres from the town, and in Rutsiro, in the former Kibuye prefecture.⁶⁶⁵

2. **KABUGA raised funds to support the killing and harming of Tutsi**

(a) **KABUGA set up the FDN and served as the President of its Provisional Committee**

171. On or about 24 and 25 April 1994, **KABUGA** chaired a meeting at the Méridien Hotel at which it was decided to establish the Fonds de Défense Nationale (“FDN”).⁶⁶⁶ In the midst of widespread and public violence by military forces and *Interahamwe* against Tutsi and other civilians, the FDN was established to raise money to support the *Interahamwe* and the army.⁶⁶⁷ During this meeting, **KABUGA** was elected President of the FDN’s Provisional Committee (*Comité Provisoire*).⁶⁶⁸ He announced that the overall goal in collecting funds to buy firearms for soldiers and *Interahamwe* was to defeat the “enemy”, whom he identified as the Tutsi and characterised as *inyenzi*.⁶⁶⁹ **KABUGA** also told the guests that this meeting was the first of many fundraising meetings that would be organised for the same purpose.⁶⁷⁰

172. Other members of the FDN’s Provisional Committee included Vice-President Abijah KWILINGIRA and Secretary Stanislas HARELIMANA.⁶⁷¹ Together with **KABUGA**, they decided to create the FDN and to each contribute according to their respective means in order to launch the fund.⁶⁷² **KABUGA** was a signatory on several bank accounts held in the name of FDN along with Mathias NYAGASAZA,⁶⁷³ Augustin BASEBYA, Gerard NSENGA and Pasteur MUSABE.⁶⁷⁴

173. At the end of the two-day meeting establishing the FDN, **KABUGA** signed, as President of the Provisional Committee, a message to the Government which outlined several pressing issues. These included providing the youth with military training, noting the lack of

⁶⁶⁴ KAB067; KAB007.

⁶⁶⁵ KAB067.

⁶⁶⁶ Rule70#00404; Rule70#00411. *See also* KAB104.

⁶⁶⁷ Rule70#00404; Rule70#00411. *See also* KAB104.

⁶⁶⁸ Rule70#00404; Rule70#00411. *See also* KAB104; KAB074.

⁶⁶⁹ KAB074.

⁶⁷⁰ KAB074.

⁶⁷¹ Rule70#00404.

⁶⁷² Rule70#00404.

⁶⁷³ [REDACTED].

⁶⁷⁴ Rule70#00483. *See also* Rule70#00484.

modern weapons for militia youth and the need to make “traditional weapons available in large quantities in order to be used in guerrilla warfare”.⁶⁷⁵ The FDN’s Provisional Committee also expressed its support for the interim government’s Prime Minister, Jean KAMBANDA and its Head of State Theodore SINDIKUBWABO.⁶⁷⁶ The interim government was aware of **KABUGA**’s fundraising initiatives.⁶⁷⁷

174. **KABUGA** subsequently wrote a letter to the Prime Minister regarding the creation of the FDN, which he signed as the President of its Provisional Committee. The letter states that the FDN was designed to support the armed forces and the civilian population in fighting and winning “the war against the enemy, the RPF/*inkotanyi*.”⁶⁷⁸ **KABUGA** noted that three FDN accounts had been established (two BCR accounts and one *Banque de Kigali* account) in Gisenyi. The total amount deposited was RWF 4,839,925—approximately USD 34,000⁶⁷⁹—but further contributions were pending. The plan was to reach RWF 10 million, approximately USD 70,000.⁶⁸⁰

(b) **KABUGA** organised and attended several other meetings geared towards raising funds for or otherwise supporting the *Interahamwe*

175. During the genocide, several political meetings were held in Gisenyi and **KABUGA** personally organised and attended meetings whose overall purpose was to find the “enemy”.⁶⁸¹

(i) Meeting at the MRND office, April 1994

176. In April 1994, a national-level meeting was held at the MRND office in Gisenyi, with some 200 attendees including a large number of armed *Interahamwe*. The speakers included Gisenyi MRND President Banzi WELLARS, Mathias NYAGASAZA, and **KABUGA**. When **KABUGA** took the floor he reiterated the message of his fellow FDN signatory NYAGASAZA: that Tutsi should not be left to live like they were in 1959. **KABUGA** declared that he was against anybody who supported the Tutsi enemy. He then invited all

⁶⁷⁵ Rule70#00404; ProposedAF54.

⁶⁷⁶ Rule70#00404

⁶⁷⁷ KAB059.

⁶⁷⁸ Rule70#00411.

⁶⁷⁹ See Rule70#00650.

⁶⁸⁰ Rule70#00411. See also Rule70#00483; Rule70#00484; ProposedAF56.

⁶⁸¹ KAB067.

businessmen to provide support for the purchase of arms and other military equipment. After the speeches, the attendees gave contributions, **KABUGA** included.⁶⁸²

(ii) Meeting at Umuganda Stadium, May 1994

177. In early May 1994, **KABUGA** organised a meeting at Umuganda Stadium for *Interahamwe* and *Impuzamugambi* to call for a united front between them in fighting the Tutsi enemy. Over 200 people attended this meeting. **KABUGA** told the militia groups that they had to join forces in order to defeat the Tutsi and he offered them RWF 200,000 (approximately USD 1,400)⁶⁸³ for them to forget their past misunderstandings and encourage them to work together in hunting down the Tutsi in Gisenyi.⁶⁸⁴ In response to **KABUGA**'s contribution, Colonel Anatole NSENGIYUMVA then took the floor and said he would also be giving RWF 100,000 (approximately USD 700)⁶⁸⁵ because he was delighted to see collaboration between *Interahamwe* and *Impuzamugambi*.⁶⁸⁶

(iii) Meetings at the Méridien Hotel, May 1994

178. In May 1994,⁶⁸⁷ after the UN Security Council imposed an arms embargo on the sale or supply of arms to the territory of Rwanda,⁶⁸⁸ **KABUGA** organised and presided over a fundraising meeting at the Méridien Hotel.⁶⁸⁹ The purpose was to buy weapons and ammunition for the *Interahamwe* and military to continue fighting the Tutsi enemy,⁶⁹⁰ in reality meaning, to continue the genocide.

179. **KABUGA** brought together some 50 to 60 businessmen and traders.⁶⁹¹ Those in attendance included Édouard KAREMERA, Gisenyi commander Colonel Anatole NSENGIYUMVA, BIZIMUREMYI, and Mathias NYAGASAZA.⁶⁹² **KABUGA** urged them to continue fighting the Tutsi so that they did not rule the country any longer, adding that all

⁶⁸² KAB082.

⁶⁸³ Rule70#00650.

⁶⁸⁴ KAB048.

⁶⁸⁵ Rule70#00650.

⁶⁸⁶ KAB048.

⁶⁸⁷ KAB059.

⁶⁸⁸ UNSC Resolution 918 (1994); KAB061.

⁶⁸⁹ KAB059.

⁶⁹⁰ KAB059; KAB007; KAB071; KAB063; KAB009; KAB061.

⁶⁹¹ KAB059; KAB007.

⁶⁹² KAB007.

Tutsi should be exterminated.⁶⁹³ **KABUGA** explained that an account had been opened with BCR and that they needed to collect funds to buy weapons for the military and *Interahamwe* to fight the Tutsi. He provided the account details and those present promised to contribute.⁶⁹⁴ Radio Rwanda later announced that a total of RWF 8 million (over USD 50,000)⁶⁹⁵ was collected during this meeting.⁶⁹⁶ Other sources reported that the amount was as high as RWF 160 million (over USD 1 million).⁶⁹⁷ These contributions allowed the Gisenyi *Interahamwe* to receive a shipment of weapons by the end of May or beginning June 1994.⁶⁹⁸

180. During another May 1994 fundraising meeting at the Méridien Hotel, the interim government's Head of State Theodore SINDIKUBWABO personally thanked **KABUGA** for his efforts in providing weapons, ammunition and other military equipment and he urged those in attendance to follow suit. The meeting brought together high-ranking officials, MRND members, *Interahamwe* and businessmen from Gisenyi. When **KABUGA** took the floor, he thanked SINDIKUBWABO and asked those present to increase their efforts to support the government and army in the war against the enemy whom he said was well known to all. He confirmed his continued commitment to keep providing weapons and encouraged the government to keep fighting even if it meant the destruction of Kigali. When he finished speaking, people in attendance gave cash and cheques to the table where SINDIKUBWABO and NZIRORERA were sitting.⁶⁹⁹ [REDACTED].⁷⁰⁰

(iv) Meeting at Umuganda Stadium, May or June 1994

181. In late May or early June 1994, **KABUGA** spoke again at an open meeting at Umuganda Stadium. He called for contributions to fight the enemy with all their strength, adding that people had to be vigilant and watch their surroundings in order to defeat the enemy from within—meaning to defeat the Tutsi in the country.⁷⁰¹

⁶⁹³ KAB059. *See also* KAB061.

⁶⁹⁴ KAB007.

⁶⁹⁵ Rule70#00650.

⁶⁹⁶ KAB059.

⁶⁹⁷ KAB009; Rule70#00650.

⁶⁹⁸ KAB007.

⁶⁹⁹ KAB082.

⁷⁰⁰ [REDACTED].

⁷⁰¹ KAB009.

3. KABUGA imported and transported weapons during the genocide

182. **KABUGA** imported, transported and distributed weapons at least four times during the genocide. Each time, the pattern was the same: the military was informed that weapons imported by **KABUGA** had arrived at Goma airport and requested to arrange transport. If necessary, **KABUGA**'s vehicles were also used. Soldiers and *Interahamwe* worked together in bringing the weapons into Rwanda and shared out the weapons.

183. First, in early May 1994,⁷⁰² the weapons **KABUGA** purchased using funds raised at his first May 1994 meeting at the Méridien Hotel⁷⁰³ were distributed at Gisenyi military camp. Gisenyi FAR officers gathered *Interahamwe* to collect the weapons at Goma airport using trucks provided by **KABUGA**.⁷⁰⁴ Three of those trucks and two government buses owned by the *Office National de Transport en Commun* (“ONATRACOM”) travelled to Goma with soldiers and *Interahamwe* on board.⁷⁰⁵ When the vehicles returned to Gisenyi, they were escorted to the military camp and boxes were offloaded labelled “IMPORT Filicien [*sic*] KABUGA”. They contained Kalashnikov rifles and ammunition.⁷⁰⁶ Some of these weapons were sent to Kigali.⁷⁰⁷

184. The second distribution took place in May 1994. FAR soldiers were again sent at night by their superiors to Goma airport to escort Mercedes-Benz vehicles carrying weapons.⁷⁰⁸ **KABUGA** was present and oversaw the unloading of the weapons—consisting of Kalashnikovs—from the aircraft together with senior FAR officers.⁷⁰⁹ The trucks proceeded to Gisenyi military camp, where **KABUGA** declared he was the one who bought the weapons, adding: “I am ready to give all my fortune so that the enemy cannot seize the country”.⁷¹⁰ The weapons were distributed to soldiers,⁷¹¹ and thereafter to *Interahamwe* brought to the camp on ONATRACOM buses. The *Interahamwe* were then escorted to Kigali military camp.⁷¹²

⁷⁰² KAB082; Rule70#00553.

⁷⁰³ See above, paras.178-179.

⁷⁰⁴ KAB082.

⁷⁰⁵ KAB082.

⁷⁰⁶ KAB082.

⁷⁰⁷ KAB082.

⁷⁰⁸ KAB006. See also KAB061; Rule70#00553; KAB063.

⁷⁰⁹ KAB006. See also Rule70#00649.

⁷¹⁰ KAB006.

⁷¹¹ KAB006.

⁷¹² KAB006.

185. On the third occasion, around late May or early June 1994, **KABUGA** was again present at Gisenyi military camp with senior FAR officers during the distribution of weapons.⁷¹³ Numerous *Interahamwe* arrived at the camp, some of them sent by the FAR.⁷¹⁴ When the *Interahamwe* told **KABUGA** that they were unable to defeat the Tutsi in Nyamyumba commune, he told them to take the equipment they needed from his vehicle and to “continue [their] job”. The *Interahamwe* took machetes, small axes,⁷¹⁵ firearms and grenades.⁷¹⁶ After reprimanding the *Interahamwe* for not having killed enough Tutsi, **KABUGA** told them to hurry up and finish their job since in other areas the Tutsi had already been exterminated.⁷¹⁷ He gave them RWF 30,000 (approximately USD 200)⁷¹⁸ for drinks to encourage them, adding that he would return to check whether their job was done and if it was he would reward them.⁷¹⁹

186. As instructed by **KABUGA**, the *Interahamwe* who received weapons killed Tutsi in Rushubi *secteur*, Nyamyumba commune.⁷²⁰ The *Interahamwe* launched attacks to find and kill Tutsi throughout Gisenyi, “because that’s why [they] had received those weapons”.⁷²¹ The places they attacked included Saint Fidèle Institute, people passing a roadblock in front of the Nyenyeri bus terminal, a hospital, and Majengo neighbourhood where they worked together with MUNYAGISHARI’s *Interahamwe*.⁷²² When **KABUGA** was in Nyamyumba commune, at Bruxelles, the *Interahamwe* went to see him to report on their job well done and collect the reward he had promised them. **KABUGA** was delighted to hear that there were no more Tutsi in the area, and showed his appreciation and support by offering refreshments to the perpetrators.⁷²³

187. On the fourth occasion, in late May or early June 1994,⁷²⁴ **KABUGA** distributed weapons that were purchased with the funds raised at the second Méridien Hotel fundraiser

⁷¹³ KAB048.

⁷¹⁴ KAB048.

⁷¹⁵ KAB048.

⁷¹⁶ KAB048.

⁷¹⁷ KAB048.

⁷¹⁸ Rule70#00650.

⁷¹⁹ KAB048.

⁷²⁰ KAB048.

⁷²¹ KAB048.

⁷²² KAB048.

⁷²³ KAB048. See Rule70#000650.

⁷²⁴ KAB007.

two weeks earlier⁷²⁵ and delivered to Goma.⁷²⁶ FAR officers and local Gisenyi administrative officials sent *Interahamwe* and soldiers to Goma on board an ONATRACOM bus to collect the weapons.⁷²⁷ They travelled late at night and were told to dress in civilian clothing.⁷²⁸

188. They offloaded the weapons onto two of **KABUGA**'s trucks⁷²⁹ and the ONATRACOM bus. The trucks were driven to Gisenyi military camp, where Kalashnikov rifles and ammunition were distributed to both soldiers and *Interahamwe*.⁷³⁰ The *Interahamwe* had undergone training in order to receive weapons and proceed to Kigali to fight.⁷³¹ A portion of the weapons was also given to *Interahamwe* who were going to Bisesero to fight the Tutsi there.⁷³² The bus travelled to the Méridien Hotel.⁷³³

189. The next morning, **KABUGA** arrived at the Méridien Hotel together with *Interahamwe*. Top-ranking FAR officers and MRND officials were present.⁷³⁴ **KABUGA** congratulated himself for having been able to supply these weapons with the money he fundraised.⁷³⁵ He then authorised the offloading of the weapons from the bus and oversaw their distribution.⁷³⁶ The weapons were packaged in boxes marked with “Imported by Kabuga, Félicien, through Mombasa” in French.⁷³⁷ Most were distributed to *Interahamwe* leaders, and were subsequently used by *Interahamwe* to kill surviving Tutsi, including in Bisesero and Kigali.⁷³⁸ The *Interahamwe* who left Gisenyi to commit killings in Bisesero boasted publicly about their crimes; they also killed refugees at Nyundo parish with the weapons they received.⁷³⁹

190. After this distribution, *Interahamwe* under MUNYAGISHARI's leadership were seen around Gisenyi with brand new weapons and they acknowledged that **KABUGA** had brought

⁷²⁵ See above, para.180.

⁷²⁶ KAB061.

⁷²⁷ KAB009; KAB007.

⁷²⁸ KAB007; KAB009.

⁷²⁹ KAB009; KAB007. See also KAB061.

⁷³⁰ KAB009; KAB007.

⁷³¹ KAB009; KAB007; KAB006.

⁷³² KAB007.

⁷³³ KAB009; KAB007.

⁷³⁴ KAB009; KAB007.

⁷³⁵ KAB007.

⁷³⁶ KAB009. See also KAB007.

⁷³⁷ KAB009; KAB007.

⁷³⁸ KAB009; KAB007.

⁷³⁹ KAB074.

in these weapons.⁷⁴⁰ The arrival of these additional weapons led to an acceleration of killings.⁷⁴¹

4. KABUGA provided a weapon and financial reward to *Interahamwe* in Bugoyi cellule

191. In late May or early June 1994, **KABUGA** rented a house in Gisenyi [REDACTED].⁷⁴² **KABUGA** arrived in the area escorted by three FAR officers⁷⁴³ [REDACTED]. [REDACTED], **KABUGA** gave [REDACTED] an [REDACTED] rifle and RWF [REDACTED].⁷⁴⁴ **KABUGA** explained that the weapon was for hunting down the Tutsi [REDACTED],⁷⁴⁵ and that the money was a reward for hunting down the Tutsi. [REDACTED] the rifle **KABUGA** gave [REDACTED],⁷⁴⁶ were used when manning roadblocks and tracking down Tutsi, just as **KABUGA** had requested.⁷⁴⁷

5. In June 1994 **KABUGA** continued to raise funds and provide financial and other support to *Interahamwe* in Gisenyi, including weapons that were intended for and used to kill Tutsi

(a) Meeting at MRND, office June 1994

192. In June 1994, **KABUGA** gave a speech at the MRND office in Gisenyi during a meeting bringing together about 80-85 *cellules* administrative leaders.⁷⁴⁸ Attendees included Banzi WELLARS, Bernard MUNYAGISHARI, Colonel Anatole NSENGIYUMVA and members of the *cellule* committees in Gisenyi town.⁷⁴⁹ MUNYAGISHARI introduced **KABUGA** and the *Interahamwe* present sang a song in his honour before he took the stage.⁷⁵⁰ **KABUGA** told the audience that he was angry because he was seeing Tutsi crossing the border and asked why they were permitted to flee. He promised the *Interahamwe* that he would give them uniforms, guns, grenades and other weapons so that they could reinforce the roadblocks around the border crossing.⁷⁵¹ **KABUGA** promised that he would give guns to

⁷⁴⁰ KAB061.

⁷⁴¹ KAB061.

⁷⁴² [REDACTED].

⁷⁴³ KAB067.

⁷⁴⁴ [REDACTED]. See [REDACTED].

⁷⁴⁵ [REDACTED].

⁷⁴⁶ [REDACTED].

⁷⁴⁷ KAB067.

⁷⁴⁸ KAB105.

⁷⁴⁹ KAB105.

⁷⁵⁰ KAB105.

⁷⁵¹ KAB105.

Councillors of *secteurs*, who in turn distributed those guns to *Interahamwe*.⁷⁵² The day after his speech, *Interahamwe* around Gisenyi town were seen carrying new guns and new grenades, notably at roadblocks.⁷⁵³

(b) Meeting at Gisenyi Prefecture Hall, June 1994

193. In June 1994, **KABUGA** presided over a meeting at Gisenyi Prefecture Hall organised by NYAGASAZA⁷⁵⁴ to raise funds to purchase weapons and ammunition for the army and the *Interahamwe* to “exterminate the *inyenzi*”.⁷⁵⁵ A few days earlier, NYAGASAZA also presided over a rally at Umuganda Stadium at which **KABUGA** was meant to preside, to raise funds to purchase military equipment for soldiers and *Interahamwe* to fight the Tutsi enemy.⁷⁵⁶ NYAGASAZA apologised for **KABUGA**’s absence and spoke on his behalf by calling on those present to contribute money for these purchases.⁷⁵⁷

(c) Meeting at the Méridien Hotel in Gisenyi, June 1994

194. Around 20 June 1994, MUNYAGISHARI chose around 30 *Interahamwe* who had been trained at Umuganda Stadium to participate in an event at Méridien Hotel which featured **KABUGA**, KAMBANDA, and BAGOSORA, among others.⁷⁵⁸ KAMBANDA introduced **KABUGA** as an *Interahamwe* supporter. **KABUGA** told the *Interahamwe* they needed to prevent Tutsi from fleeing to Zaïre and he promised them that he would support them and their families.⁷⁵⁹ He also announced that two trucks with civilian number plates had arrived from Zaïre and they were full of “tools”.⁷⁶⁰ The following night, MUNYAGISHARI and NSENGIYUMVA brought Gisenyi *Interahamwe* to collect their “tools”, which consisted of R4 and Kalashnikov rifles. As **KABUGA** had described, the rifles were collected from two trucks filled with weapons and ammunitions which were parked in front of RWANDEX in Gisenyi.⁷⁶¹ The trucks were marked as “Transit Good”.⁷⁶²

⁷⁵² KAB105.

⁷⁵³ KAB105.

⁷⁵⁴ KAB059.

⁷⁵⁵ KAB059.

⁷⁵⁶ KAB071; KAB059.

⁷⁵⁷ KAB071.

⁷⁵⁸ KAB101.

⁷⁵⁹ KAB065.

⁷⁶⁰ KAB101; KAB065.

⁷⁶¹ KAB101. *See also* Rule70#00423.

⁷⁶² KAB101.

6. **KABUGA** provided the Gisenyi *Interahamwe* with vehicles to transport Tutsi victims

195. **KABUGA** provided *Interahamwe* in Gisenyi with vehicles to transport victims. For example, **KABUGA**'s black Toyota Hiace bearing number plate IB1475 was used by the *Interahamwe* to transport dead bodies to *Commune Rouge*, as well as to transport Tutsi to *Commune Rouge* in order to kill them there.⁷⁶³ This Hiace vehicle was given to Thomas [LNU], who was the *Interahamwe* chairman in Gisenyi *secteur*.⁷⁶⁴ **KABUGA** also put a Mitsubishi vehicle at the disposal of MUNYAGISHARI and his *Interahamwe* group.⁷⁶⁵ They used this vehicle when attacking the Tutsi family of Mark [LNU] in Gacuba village in Gisenyi; Mark, his wife and four children were all taken to *Commune Rouge* and killed.⁷⁶⁶

VI. KABUGA IS CRIMINALLY RESPONSIBLE UNDER ARTICLE 6(1) OF THE ICTR STATUTE

A. The chapeau elements of crimes against humanity are satisfied

196. Between at least 6 April and 17 July 1994, there were throughout Rwanda widespread and systematic attacks directed against a civilian population on both ethnic and political grounds.⁷⁶⁷ In the course of these attacks, homes were destroyed,⁷⁶⁸ and widespread killings⁷⁶⁹ and acts of sexual violence⁷⁷⁰ were committed. Tutsi and others perceived as their political allies were targeted.⁷⁷¹ Places of refuge were targeted specifically in an effort to root out refugees and survivors.⁷⁷² In light of the widespread and public nature of the violence, both **KABUGA** and the direct physical perpetrators of the crimes charged knew their acts formed part of a widespread and systematic attack directed against a civilian population on ethnic and political grounds.

B. KABUGA is criminally responsible for his role at and involvement with RTLM

197. **KABUGA** is criminally responsible for:

⁷⁶³ KAB071; KAB059.

⁷⁶⁴ KAB066; KAB071; KAB059.

⁷⁶⁵ KAB066.

⁷⁶⁶ KAB066.

⁷⁶⁷ ProposedAF1-ProposedAF10; KAB042/DESFORGESAlison.

⁷⁶⁸ See above e.g., paras.62, 144-145, 162.

⁷⁶⁹ See above e.g., Sections IV-B-2, IV-B-3, IV-B-5.

⁷⁷⁰ See above e.g., Section IV-B-4.

⁷⁷¹ See generally above, Section IV-B.

⁷⁷² See above e.g., paras.36, 69-72.

- committing direct and public incitement to genocide (Count 2) and persecution on political grounds (Count 4) through his participation in a JCE;
 - alternatively, for aiding and abetting those crimes;
- aiding and abetting genocide (Count 1), persecution on political grounds (Count 4), extermination (Count 5) and murder (Count 6) by facilitating RTLM broadcasts which substantially contributed to crimes by *Interahamwe* and others;
- conspiracy to commit genocide (Count 3) by agreeing with the JCE Managers and JCE Journalists to commit genocide through RTLM.

1. **KABUGA** participated in a JCE to persecute and incite genocide against Tutsi

198. From at least 1 January through July 1994, **KABUGA** participated in a JCE with the JCE Managers and the JCE Journalists with the common purpose to operate RTLM to further hatred against persons identified as Tutsi and other perceived accomplices or allies of the RPF, and to disseminate an anti-Tutsi message with the goal to destroy, in whole or in part, the Tutsi ethnic group in Rwanda, as such. Through the RTLM broadcasts, the JCE members committed direct and public incitement to genocide (Count 2) and persecution through speech (Count 4) as part of their execution of the common purpose.

(a) **KABUGA** shared the common purpose with other JCE members

199. Starting before January 1994, **KABUGA** operated RTLM together with the JCE Managers and JCE Journalists in a manner that denigrated and incited violence against Tutsi and perceived allies and accomplices of the RPF. **KABUGA** and the JCE Managers provided the means to disseminate messages inciting genocide;⁷⁷³ the JCE Journalists prepared and delivered those messages;⁷⁷⁴ and **KABUGA** and others defended and supported the journalists to ensure those messages remained on air.⁷⁷⁵

200. From at least 1 January 1994, **KABUGA** had the specific intent to: (i) destroy, in whole or in part, the Tutsi ethnic group in Rwanda as such; (ii) incite *Interahamwe* and others to commit genocide; (iii) discriminate in fact against Tutsi and other perceived accomplices

⁷⁷³ See above, Section IV-C.

⁷⁷⁴ See above, Section IV-A.

⁷⁷⁵ See above, paras.109-115, 122-125.

and allies of the RPF; and (iv) violate the right to dignity and security on political grounds of Tutsi and other perceived accomplices and allies of the RPF. **KABUGA** held longstanding *animus* toward Tutsi and perceived RPF allies, which he expressed in both his personal and political affairs. He confirmed the depths of this animosity after 6 April 1994, when RTLM broadcasts escalated to express calls for extermination amidst an ongoing genocide. **KABUGA** maintained his position as RTLM's highest authority, protected and supported the journalists who were the public face of RTLM's incitement to genocide, and took no steps to moderate RTLM's message. For example, **KABUGA**:

- appeared in public at events at which anti-Tutsi slurs were propagated and threats against Tutsi were made;⁷⁷⁶
- spoke at public events both before and after 1 January 1994 denigrating and threatening Tutsi and perceived RPF accomplices, using language similar to RTLM;⁷⁷⁷
- defended the anti-Tutsi content of RTLM broadcasts during meetings with the Ministry of Information in November 1993 and February 1994, and accused Ministry of Information staff of being accomplices of the *inkotanyi*;⁷⁷⁸
- remained the titular and effective leader of RTLM throughout the genocide, as broadcasts called for and *Interahamwe* and others carried out genocide;⁷⁷⁹ and
- directly supported the *Interahamwe* in the course of the genocide by supplying and transporting weapons, raising money and providing encouragement.⁷⁸⁰

201. Other JCE members shared **KABUGA**'s intent. NAHIMANA and BARAYAGWIZA—both convicted of genocide⁷⁸¹—worked with **KABUGA** directly to ensure and facilitate RTLM's continued operation. They appeared side-by-side with **KABUGA** at both his meetings with RUCOGOZA, adopting the same talking points in defence of the content of RTLM's broadcasts.⁷⁸² They stood in for **KABUGA**, taking on his

⁷⁷⁶ See above *e.g.*, paras.102-103.

⁷⁷⁷ See above *e.g.*, paras.103, 176, 179, 181, 192-193.

⁷⁷⁸ See above, paras.109-114.

⁷⁷⁹ See above *e.g.*, paras.117-118, Section IV-A.

⁷⁸⁰ See above, Section V.

⁷⁸¹ See above, para.104.

⁷⁸² See above, paras.112, 114.

responsibilities in his absence.⁷⁸³ Other members of RTLM’s management—including SERUGENDO, NKEZABERA and HABIMANA—continued to facilitate RTLM’s operations throughout the genocide.

202. The JCE Journalists—GAHIGI, BEMERIKI, HITIMANA, RUGGIU, Kantano, NKURUNZIZA and MBILIZI—also shared **KABUGA**’s intent. Their broadcasts revealed their genocidal intentions, dehumanising and inciting violence against Tutsi on air from at least October 1993,⁷⁸⁴ and calling routinely to murder, exterminate and commit sexual violence against Tutsi and perceived RPF allies and accomplices after 6 April 1994.⁷⁸⁵ They were physically involved in directing, supporting and encouraging the killings, visiting roadblocks and encouraging violence against their targets.⁷⁸⁶ They celebrated the killings after they took place,⁷⁸⁷ thereby normalising such conduct.

(b) **KABUGA** substantially contributed to the JCE

203. **KABUGA**’s conduct in defending RTLM and its broadcasts, supporting journalists, and funding and managing RTLM, and his omissions in failing to reprimand journalists or alter the broadcasts, substantially contributed to the crimes charged by providing the JCE Journalists with the means to broadcast their criminal statements, and by encouraging and emboldening them to do so. For example, **KABUGA**:

- took key administrative steps to ensure RTLM’s legal and technical ability to broadcast starting before 1994 and continuing throughout the Indictment period;⁷⁸⁸
- served as RTLM’s President, chairman of its *Comité d’Initiative* and “highest authority” that enabled RTLM to function starting before 1994 and continuing throughout the Indictment period;⁷⁸⁹
- paid RTLM staff salaries and/or ensured they were paid;⁷⁹⁰

⁷⁸³ See above, paras.119-121.

⁷⁸⁴ See above, Section IV-A.

⁷⁸⁵ See above, Section IV-B.

⁷⁸⁶ See above e.g., para.41.

⁷⁸⁷ See above, para.81.

⁷⁸⁸ See above, Section V-C-1.

⁷⁸⁹ See above, Section V-C-3.

⁷⁹⁰ See above, para.126.

- led the RTLM delegations that ensured RTLM's continued ability to denigrate and incite violence against Tutsi and perceived RPF accomplices by interfering with the Ministry of Information's efforts to prevent those broadcasts;⁷⁹¹
- provided moral support to RTLM journalists by visiting the RTLM premises after they were attacked in April 1994, reminding the journalists of their crucial role in fighting the RPF, and making significant efforts to aid HITIMANA's recovery;⁷⁹²
- agreed or acquiesced in the decision to restart RTLM broadcasts from Gisenyi in July 1994;⁷⁹³ and
- at no point acted on his legal obligation to put an end to the persecutory broadcasts.⁷⁹⁴

(c) JCE members committed crimes within the scope of the common purpose

204. **KABUGA** and other JCE members committed, in their execution of the common purpose: (i) direct and public incitement to genocide of the Tutsi ethnic group; and (ii) persecution on political grounds through denigrating and threatening statements. **KABUGA** is individually responsible for these crimes, which formed part of the common purpose.

(i) **KABUGA** is criminally responsible for direct and public incitement to genocide

205. RTLM journalists committed direct and public incitement to genocide by continually broadcasting statements expressly calling for extermination of, and murder, sexual violence and other forms of harm against, the Tutsi in Rwanda.⁷⁹⁵ These statements were made publicly on RTLM, a radio station with a broad reach across Rwanda and a significant influence on the Rwandan population.⁷⁹⁶

206. The Tutsi in Rwanda is an ethnic group under Article 2(2) of the ICTR Statute.⁷⁹⁷

(ii) **KABUGA** is criminally responsible for persecution on political grounds

⁷⁹¹ See above, paras.109-115.

⁷⁹² See above, paras.122-125.

⁷⁹³ See above, para.121.

⁷⁹⁴ See above, para.89.

⁷⁹⁵ See above, Section IV-A-1.

⁷⁹⁶ See above, Section IV-B-1.

⁷⁹⁷ KAB042/DESFORGESAlison.

207. **KABUGA** and other JCE members committed persecution on political grounds by continually broadcasting statements: denigrating Tutsi as cockroaches, snakes and other highly-charged and derogatory language;⁷⁹⁸ inciting fear of Tutsi;⁷⁹⁹ characterising Tutsi women as untrustworthy and promiscuous;⁸⁰⁰ and calling for violence against both Tutsi and their perceived political allies.⁸⁰¹ These statements violated fundamental human rights to dignity and security and discriminated in fact against the Tutsi and their perceived political allies because they were expressly directed toward Tutsi—or used language otherwise understood by RTLM listeners to refer to Tutsi—and other groups characterised in RTLM broadcasts as their political allies.

(d) Alternatively, **KABUGA** aided and abetted RTLM journalists’ crimes

208. In the alternative to commission through a JCE, **KABUGA** is criminally responsible for aiding and abetting direct and public incitement to genocide and persecution on political grounds. **KABUGA**’s conduct in funding, managing and defending RTLM and its broadcasts substantially contributed to the crimes charged by providing RTLM journalists with the means to broadcast their criminal statements, and by encouraging and emboldening them to do so.⁸⁰²

209. In addition to his specific intent to commit genocide against the Tutsi ethnic group and persecution against the Tutsi and perceived RPF accomplices and allies,⁸⁰³ **KABUGA** was aware of the probability that the crimes would occur and that his conduct would assist in their commission. He was aware prior to 1 January 1994 of the content of RTLM broadcasts, which were notorious in Rwanda,⁸⁰⁴ and were repeated to him in November 1993 and February 1994 by the Ministry of Information.⁸⁰⁵ **KABUGA** was aware that, by continuing to support RTLM and taking no action to stop or alter the content of its broadcasts, the same conduct was sure to continue.

⁷⁹⁸ See above, Section IV-A-1(a).

⁷⁹⁹ See above, Section IV-A-1(b).

⁸⁰⁰ See above, Section IV-A-2.

⁸⁰¹ See above, Section IV-A-1(c), IV-A-3, IV-A-4.

⁸⁰² See above, para.203.

⁸⁰³ See above, para.200.

⁸⁰⁴ See above, Section IV-B-1.

⁸⁰⁵ See above, paras.109-114.

2. **KABUGA** aided and abetted *Interahamwe* crimes

210. **KABUGA** aided and abetted crimes committed by *Interahamwe* and others through his role at and support for RTLM. These crimes include genocide, extermination, murder and persecution on political grounds through killing and harming.

211. *Interahamwe* and other armed Hutu civilians committed widespread acts of killing, sexual violence and other harm against Tutsi and perceived RPF allies from at least 1 January 1994.⁸⁰⁶ Their specific intent to destroy the Tutsi ethnic group as such and discriminate against political opponents is reflected in, for example: attacks against individuals specifically named by RTLM and other sources as Tutsi or other political opponents;⁸⁰⁷ attacks against locations where Tutsi civilians were known to be taking refuge;⁸⁰⁸ and the execution of their crimes as part of the *Interahamwe*, whose members were trained and encouraged to target Tutsi civilians and political opponents.⁸⁰⁹

212. **KABUGA** substantially contributed to these crimes by ensuring RTLM’s continued ability to incite violence against Tutsi and perceived RPF allies.⁸¹⁰ RTLM had a significant impact in Rwanda⁸¹¹ and had the attention of *Interahamwe* and others manning roadblocks.⁸¹² Their broadcasts incited crimes: individuals identified by RTLM as Tutsi and other political opponents were attacked,⁸¹³ as were locations identified by RTLM as their places of refuge,⁸¹⁴ often soon after they were named on air. Perpetrators acknowledged RTLM’s influence, in some cases even bringing victims or their personal effects to RTLM’s premises.⁸¹⁵

213. In addition to his specific intent to commit genocide against the Tutsi ethnic group and persecution against the Tutsi and perceived RPF accomplices and allies,⁸¹⁶ **KABUGA** was aware of the probability that his conduct at RTLM would contribute to the crimes charged. Political and ethnic violence was rampant in Rwanda long before 1994,⁸¹⁷ and **KABUGA**

⁸⁰⁶ See above, Section IV-B.

⁸⁰⁷ See above, Section IV-B-2.

⁸⁰⁸ See above, Section IV-B-3.

⁸⁰⁹ See above e.g., paras.136, 159.

⁸¹⁰ See above, Section IV-C-2(b), IV-C-4.

⁸¹¹ See above, Section IV-C-1.

⁸¹² See above e.g., paras.41.

⁸¹³ See above, Section IV-B-2.

⁸¹⁴ See above, Section IV-B-3.

⁸¹⁵ See above e.g., para.64.

⁸¹⁶ See above, para.200.

⁸¹⁷ See above, para.10.

witnessed the role of words—including his own—in aggravating that violence.⁸¹⁸ As violence evolved into genocide and extermination, and the *Interahamwe* and others began attacking those identified by RTLM on air as targets,⁸¹⁹ **KABUGA** was at a minimum aware of the probability that the crimes would occur and that his conduct would assist in their commission.

3. **KABUGA is criminally responsible for conspiracy to commit genocide**

214. **KABUGA** and the members of the RTLM JCE agreed that genocide should be committed against the Rwandan Tutsi and possessed the intent to destroy in whole or in part the Tutsi ethnic group in Rwanda, as such.⁸²⁰ The existence of the agreement is reflected in the concerted effort among the members of the conspiracy to operate RTLM so as to incite genocide.⁸²¹

C. KABUGA is criminally responsible for his support for *Interahamwe*

215. **KABUGA** is criminally responsible for aiding and abetting genocide (Count 1), persecution on political grounds (Count 4), extermination (Count 5) and murder (Count 6) by providing material and moral support to the *Interahamwe*. **KABUGA** is additionally responsible for conspiracy to commit genocide (Count 3) through his role in creating and operating FDN.

1. **KABUGA aided and abetted crimes committed by *Interahamwe***

216. **KABUGA** aided and abetted *Interahamwe* crimes by providing material and moral support to *Interahamwe* in Kigali-Ville (specifically, Kimironko, Kimihurura and Muhima) and Gisenyi.

(a) **KABUGA aided and abetted *Interahamwe* crimes in Kigali-Ville**

(i) **Kimironko**

217. **KABUGA**'s assistance to *Interahamwe* in Kimironko included:

⁸¹⁸ See above, para.103.

⁸¹⁹ See above, Section IV-B-2, IV-B-3, IV-B-5.

⁸²⁰ See above, paras.200-202.

⁸²¹ See above, paras.199-207.

- providing space on his compound to “**KABUGA**’s *Interahamwe*” at which they were indoctrinated in anti-Tutsi ideology and primed to kill Tutsi;⁸²²
- providing material support to those *Interahamwe*, including uniforms, jobs and use of his vehicles;⁸²³
- personally encouraging, paying and congratulating the *Interahamwe* training on his compound;⁸²⁴
- arming *Interahamwe* at the *Groupement* roadblock in April 1994 and encouraging them to be vigilant about the movements of Tutsi; and⁸²⁵
- extending this support to other *Interahamwe* groups in Kimironko, including RUHUMULIZA’s.⁸²⁶

218. **KABUGA**’s conduct substantially contributed to crimes in Kimironko. The *Interahamwe* who were trained, armed, encouraged and supported by **KABUGA** and at his compound became the main perpetrators in the area.⁸²⁷ **KABUGA**’s *Interahamwe* began killing Tutsi from the moment the genocide began, as they left **KABUGA**’s compound on the morning of 7 April 1994.⁸²⁸ They continued killing Tutsi throughout April,⁸²⁹ and on or around 11 April 1994, they committed mass killings of Tutsi in successive massacres at Karama school and ADEPR.⁸³⁰

(ii) Kimihurura

219. **KABUGA** aided and abetted *Interahamwe* crimes in Kimihurura by providing arms to NZABANTERURA, the leader of the Kimihurura *Interahamwe*, in 1994 before the genocide.⁸³¹ From the morning of 7 April 1994, and continuing throughout April 1994,

⁸²² See above, paras.136.

⁸²³ See above, para.137.

⁸²⁴ See above, para.138.

⁸²⁵ See above, para.140.

⁸²⁶ See above, paras.139.

⁸²⁷ See above, paras.143-151.

⁸²⁸ See above, para.143.

⁸²⁹ See above, paras.144-149.

⁸³⁰ See above, paras.150-151.

⁸³¹ See above, para.153.

Interahamwe under NZABANTERURA's control participated in widespread killings and acts of sexual violence in Kimihurura.⁸³²

(iii) Muhima

220. **KABUGA** aided and abetted *Interahamwe* crimes in Muhima by allowing local *Interahamwe* to use a building he owned to hold meetings at which violence against Tutsi was encouraged.⁸³³ On 7 April 1994, machetes and grenades were distributed at the building in **KABUGA**'s presence. During the genocide, **KABUGA** continued to make his building available during the genocide for ongoing use by the *Interahamwe*, including as a canteen and for weapons storage.⁸³⁴

221. On 7 April 1994, the *Interahamwe* who used **KABUGA**'s building—including Kajisho, Encadreur, Corbeau and Sebyatsi—began killing and committing sexual violence against Tutsi. They were amongst the worst perpetrators of violence against Tutsi in the area.⁸³⁵ Victims were raped daily for weeks.

(b) **KABUGA** aided and abetted *Interahamwe* crimes in Gisenyi

222. **KABUGA** raised funds, distributed weapons and encouraged killings at locations across Gisenyi beginning days before the genocide and continuing well into June 1994. For example:

- On 3 and 7 April 1994, arms provided by **KABUGA** were distributed at the Gisenyi MRND offices.⁸³⁶ These weapons were used to kill Tutsi in numerous locations, including the Muduha and Bugoyi roadblocks and *Commune Rouge* in Gisenyi.⁸³⁷ The *Interahamwe* who received the weapons killed Tutsi in Rusitiro in Kibuye prefecture.⁸³⁸

⁸³² See above, paras.155-157.

⁸³³ See above, para.159.

⁸³⁴ See above, para.160.

⁸³⁵ See above, paras.161-164.

⁸³⁶ See above, paras.168-169.

⁸³⁷ See above, para.170.

⁸³⁸ See above, para.170.

- **KABUGA** repeatedly encouraged crowds of *Interahamwe* to kill Tutsi, sometimes offering money as a reward. He gave these speeches at various locations including Umuganda Stadium in May 1994⁸³⁹ and Méridien Hotel.⁸⁴⁰
- **KABUGA** raised money for the purchase of arms at a series of fundraisers, including twice at the Méridien Hotel in May 1994,⁸⁴¹ and at Umaganda Stadium in May or June 1994.⁸⁴² Often, these fundraisers were accompanied by calls to kill Tutsi.⁸⁴³
- **KABUGA** repeatedly distributed weapons and rewards to *Interahamwe*, including:
 - in late May or early June at Gisenyi military camp, telling *Interahamwe* who received weapons to continue the “job”. These *Interahamwe* killed Tutsi across Gisenyi town, including Saint Fidèle institute and in front of bus terminal Nyenyeri.⁸⁴⁴
 - in late May or early June at Méridien Hotel, following which *Interahamwe* who received them killed Tutsi in Kigali and Bisesero.⁸⁴⁵
 - in late May or early June at Bugoyi *cellule*. The weapon was used to man roadblocks and track down Tutsi.⁸⁴⁶
- **KABUGA** provided *Interahamwe* with vehicles which were used in attacking and killing Tutsi.⁸⁴⁷

223. **KABUGA**’s conduct substantially contributed to crimes:

- He encouraged and facilitated killings of Tutsi by providing vehicles and arms to *Interahamwe* who, shortly thereafter, attacked and/or killed Tutsi in Gisenyi Town,⁸⁴⁸ Bugoyi,⁸⁴⁹ Kigali,⁸⁵⁰ Kibuye prefecture⁸⁵¹ and Bisesero.⁸⁵²

⁸³⁹ See above, para.177.

⁸⁴⁰ See above, paras.178-179.

⁸⁴¹ See above, paras.178-180.

⁸⁴² See above, paras.181.

⁸⁴³ See above e.g., para.179.

⁸⁴⁴ See above, paras.185-186.

⁸⁴⁵ See above e.g., para.189.

⁸⁴⁶ See above, para.191.

⁸⁴⁷ See above, para.195.

⁸⁴⁸ See above, paras.170, 186.

- He raised money used to purchase arms distributed to *Interahamwe* who killed Tutsi.⁸⁵³
- He normalised, encouraged and facilitated violence among *Interahamwe* throughout Gisenyi by calling for the killing of Tutsi and making weapons widely available to *Interahamwe*.⁸⁵⁴

(c) **KABUGA** and the *Interahamwe* acted with the requisite intent

224. The *Interahamwe* acted intentionally and with the specific intent to (i) destroy, in whole or in part, the Tutsi ethnic group in Rwanda as such; and (ii) discriminate in fact against Tutsi and other perceived accomplices and allies of the RPF. They responded to **KABUGA**'s calls to kill Tutsi and received weapons in the course of meetings in which those calls were made⁸⁵⁵ and understood they were being armed for the purpose of killing Tutsi;⁸⁵⁶ they made anti-Tutsi statements while committing their crimes;⁸⁵⁷ and committed crimes as *Interahamwe* after being trained and encouraged to target and kill Tutsi as part of the same group.⁸⁵⁸

225. In addition to his specific intent to commit genocide against the Tutsi ethnic group and persecution against the Tutsi and perceived RPF accomplices and allies,⁸⁵⁹ **KABUGA** was aware of the probability that funding, arming and encouraging *Interahamwe* in the midst of ongoing and widespread violence against Tutsi would assist in the commission of crimes.

2. Conspiracy to commit genocide

226. **KABUGA** is criminally responsible for conspiracy to commit genocide because he agreed with Abijah KWILINGIRA, Stanislas HARELIMANA, Mathias NYAGASAZA, Augustin BASEBYA, Gerard NSENGA, Pasteur MUSABE and others that genocide should be committed against the Tutsi ethnic group in Rwanda. The members of the conspiracy

⁸⁴⁹ See above, paras.191.

⁸⁵⁰ See above, paras.189.

⁸⁵¹ See above, paras.170.

⁸⁵² See above, paras.188-189.

⁸⁵³ See above, paras.171-174, 178-180. See also above, paras.183, 187-190.

⁸⁵⁴ See above, Section V-C.

⁸⁵⁵ See above, paras. 181, 185-186, 191-192, 194.

⁸⁵⁶ See above e.g., para.186.

⁸⁵⁷ See above e.g., para.163.

⁸⁵⁸ See above e.g., paras.136, 159.

⁸⁵⁹ See above, para.200.

agreed in late April 1994 to establish the FDN to raise funds for the army and *Interahamwe*—the same forces in the midst of executing a genocide against the Tutsi.⁸⁶⁰

227. **KABUGA** specifically intended to destroy, in whole or in part, the Tutsi group in Rwanda as such.⁸⁶¹ The other participants in the agreement possessed the same intent, as reflected for example in their support for FDN. NYAGASAZA further demonstrated that intent by publicly stating that the Tutsi should not be left to live like they were in 1959,⁸⁶² and by fundraising to “exterminate the *inyenzi*.”⁸⁶³

⁸⁶⁰ See above, paras.171-174.

⁸⁶¹ See above, para.200.

⁸⁶² See above, para.176.

⁸⁶³ See above, para.193.

GLOSSARY**Abbreviations**

Abbreviation	Full Citation
ADEPR	Association des Églises Pentecôtistes au Rwanda
BBTG	Broad-Based Transitional Government
BCR	Banque Commerciale du Rwanda
CDR	Coalition pour la Défense de la République
CELA	Centre d'Éducation des Langues Africaines
FAR	Forces Armée Rwandaises
FDN	Fonds de Défense Nationale
ICTR	International Criminal Tribunal for Rwanda
JCE	Joint Criminal Enterprise
LNU	Last name unknown
MDR	Mouvement Démocratique Républicain
MRND	Mouvement Républic National pour la Démocratie et le Développement

Abbreviation	Full Citation
NRA	National Resistance Army of Uganda
ONATRACOM	Office National de Transport en Commun
ORINFOR	Office Rwandais d'Information
PL	Parti Libéral
PSD	Parti Social Démocrate
RPF	Rwandan Patriotic Front
RTL	Radio Télévision Libre des Mille Collines
RWF	Rwandan Franc
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
USD	United States Dollars

Authorities and Filings

Abbreviation used in Prosecution Pre-Trial Brief	Full Citation
Indictment	<i>Prosecutor v. Félicien Kabuga</i> , Case No.MICT-13-38-PT, Prosecution's Second Amended Indictment (Public with Public and Confidential Annexes), 1 March 2021
<i>Nahimana</i> AJ	<i>Prosecutor v. Ferdinand Nahimana</i> , Case No.ICTR-99-52-A, Judgement, 28 November 2007
<i>Nahimana</i> TJ	<i>Prosecutor v. Ferdinand Nahimana</i> , Case No.ICTR-99-52-T, Judgement and Sentence, 3 December 2003
<i>Ngirabatware</i> AJ	<i>Prosecutor v. Augustin Ngirabatware</i> , Case No. MICT-12-29-A, Judgement, 18 December 2014
<i>Ngirabatware</i> TJ	<i>Prosecutor v. Augustin Ngirabatware</i> , Case No. ICTR-99-54-T, Judgement and Sentence, 20 December 2012
Nzitorera Termination Decision	<i>Prosecutor v. Édouard Karemera, Matthieu Ndirumpatse and Joseph Nzitorera</i> , Case No. ICTR-98-44-T, Decision Relating to Registrar's Submission Notifying the Demise of Accused Joseph Nzitorera, 12 August 2010
<i>Serugendo</i> TJ	<i>Prosecutor v. Joseph Serugendo</i> , Case No.ICTR-2005-84-I, Judgement and Sentence, 12 June 2006
UNSC Resolution 827 (1993)	United Nations Security Council Resolution 827 (1993), Adopted by the Security Council at its 3217th meeting, on 25 May 1993, S/RES/827 (1993)
UNSC Resolution 918 (1994)	United Nations Security Council Resolution 918 (1994), Adopted by the Security Council at its 3377th meeting, on 17 May 1994, S/RES/918(1994)

ATTACHMENT 1**Index of Names, Titles and Roles**

_Name	Title
Jean-Bosco BARAYAGWIZA	Founding Member of CDR and RTLM & Member of the RTLM <i>Comité d'Initiative</i>
Valérie BEMERIKI	RTLM Journalist
Simon BIKINDI	Singer and Founding Member of RTLM
Captain Anastase BIZUMUREMYI	FAR Officer
Gaspard GAHIGI	RTLM editor-in-chief
Kantano HABIMANA	RTLM Journalist
Phocas HABIMANA	RTLM Manager
Juvénal HABYARIMANA	President of Rwanda
HAJABAKIGA	Leader of Kabuga's <i>Interahamwe</i>
Noël HITIMANA	RTLM Journalist
Robert KAJUGA	<i>Interahamwe</i> National President
Froduald KARAMIRA	MDR 2 nd Vice-President
Édouard KAREMERA	MRND Vice-President
Eugene MBARUSHIMANA	<i>Interahamwe</i> Secretary-General
Philippe MBILIZI	RTLM Journalist
Vincent MUGABONAKE	Member of Kabuga's <i>Interahamwe</i>
Léon MUGESERA	MRND Gisenyi Vice-President
Bernard MUNYAGISHARI	<i>Interahamwe</i> Gisenyi President

Pasteur MUSABE	General Director of BACAR and Founding Member of RTLM
Ferdinand NAHIMANA	RTLM Founding Member & Member of the RTLM <i>Comité d'Initiative</i>
Augustin NGIRABATWARE	Minister of Planning and MRND Prefecture Committee Member
Mathieu NGIRUMPATSE	MRND Chairman
Dieudonné NIYITEGEKA	<i>Interahamwe</i> Treasurer
Ephrem NKEZABERA	Member of the RTLM <i>Comité d'Initiative</i> & Advisor to <i>Interahamwe</i> National Committee
Ananie NKURUNZIZA	RTLM Journalist
Anatole NSENGIYUMVA	FAR Commander of Gisenyi Operational Sector
Mathias NYAGASAZA	President of Chamber of Commerce
André NZABANTERURA	President of Kimihirura <i>Interahamwe</i>
Joseph NZIRORERA	MRND National Secretary
Faustin RUCOGOZA	Minister of Information
Georges RUGGIU	RTLM Journalist
Pheneas RUHUMULIZA	<i>Interahamwe</i> 1 st Vice-President
Barnabé SAMVURA	CDR Gisenyi Chairman
Joseph SERUGENDO	Member of the RTLM <i>Comité d'Initiative</i> & Advisor to <i>Interahamwe National Committee</i>
Stanislas SIMBIZI	CDR Founding Member
Theodore SINDIKUBWABO	President of Interim Government
Banzi WELLARS	Gisenyi MRND President

ATTACHMENT 2**Key Events in Rwanda**

Date	Event
1959	Revolution against Tutsi monarchy
1962	Independence from Belgium
1962-1973	KAYIBANDA presidency
1973	Juvénal HABYARIMANA military coup
1973-1994	HABYARIMANA presidency
1975	Establishment of MRND. Single-party State
1 October 1990	RPF entry into Rwanda
18 June 1991	Law on the establishment of political parties, marking the beginning of multipartyism.
August 1993	Final component of Arusha Accords signed
21 October 1993	Burundian President NDADAYE's assassination
6 April 1994	HABYARIMANA killed alongside Burundian President NTARYAMIRA in Presidential plane crash. Start of genocide.



GOMA

ire (now the Democratic Republic of the Congo)

Goma Airport

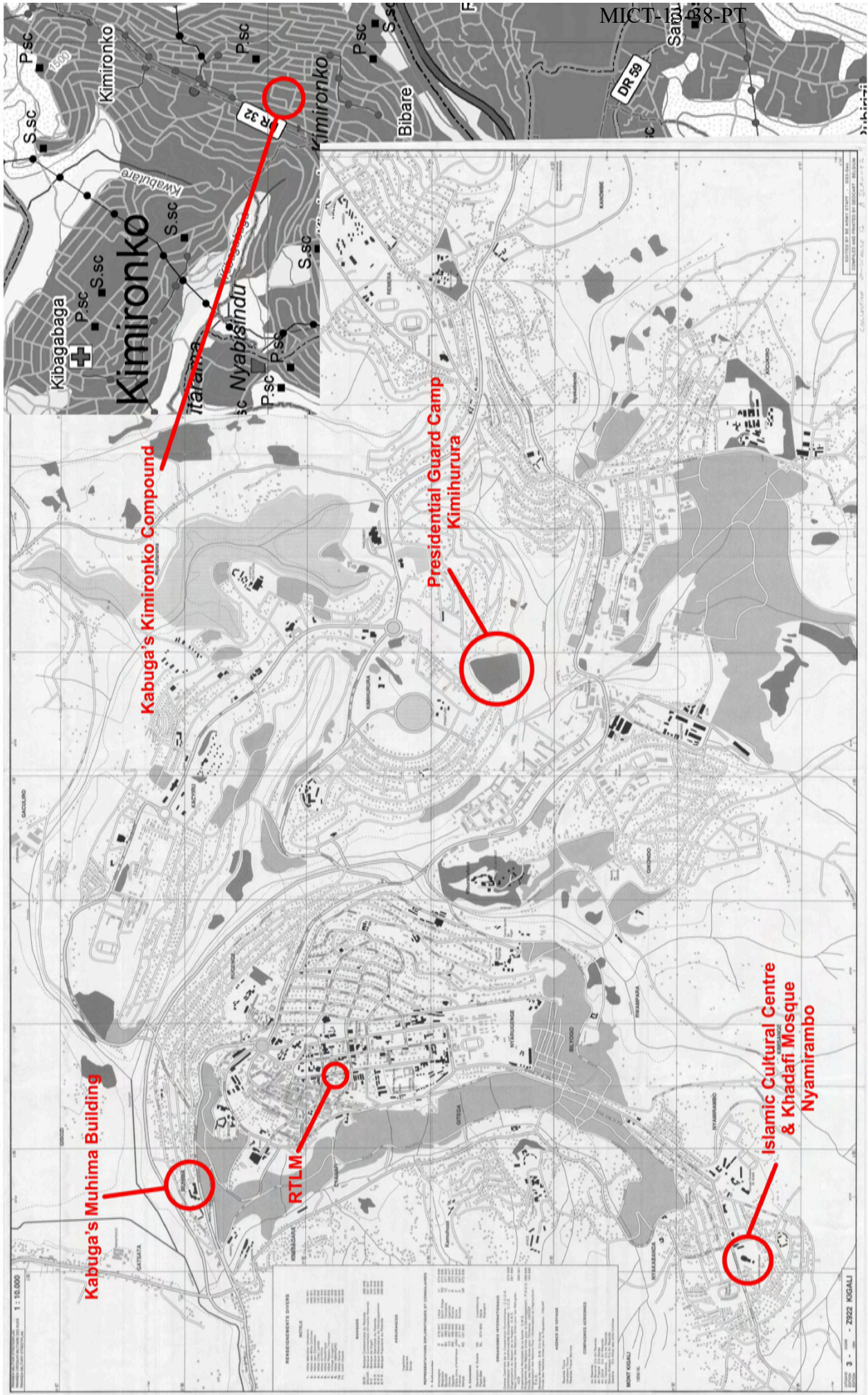
Umuganda Stadium

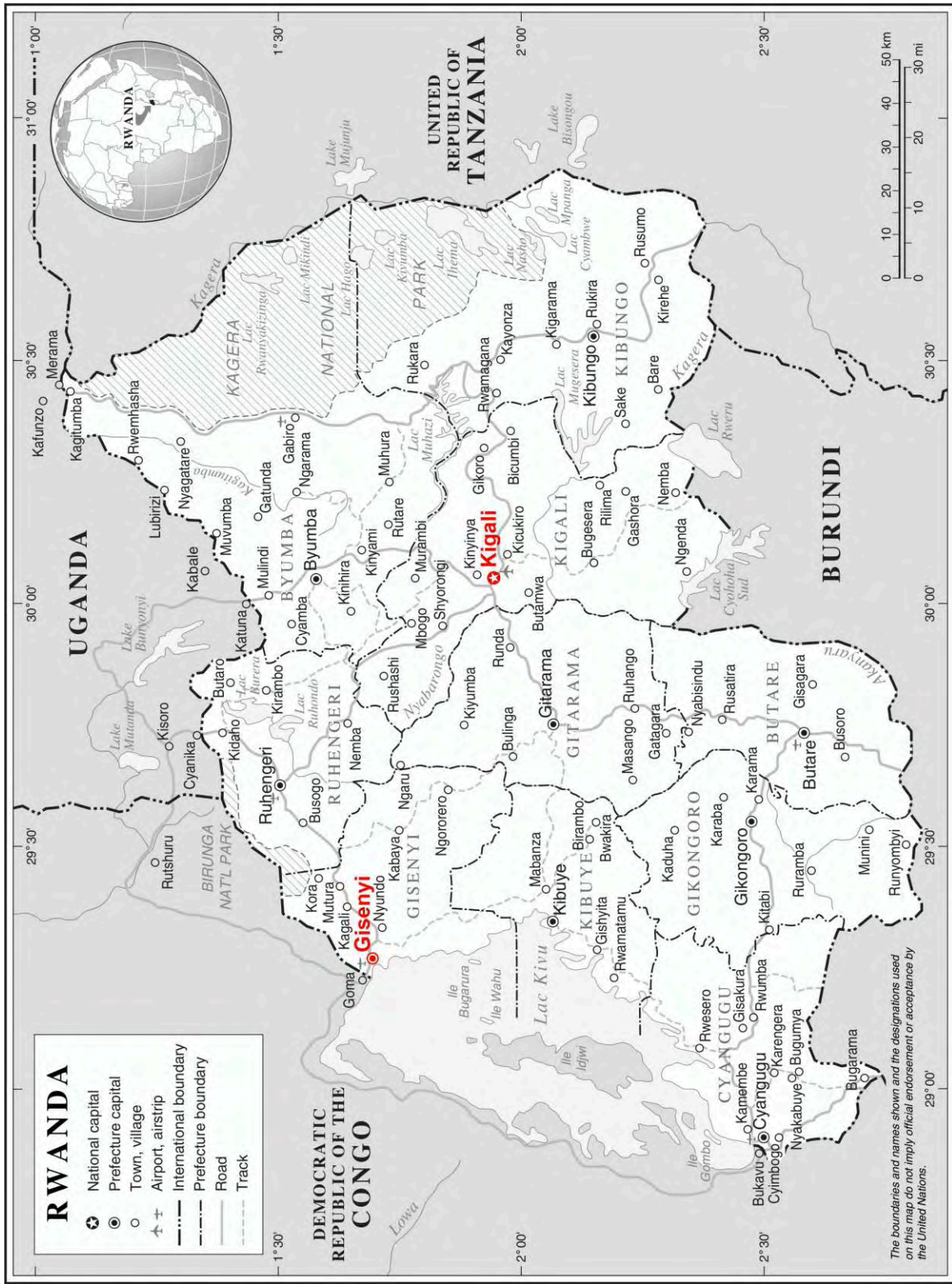
**Grande Barriere
Border Crossing**

Hotel Meridien
(now Hotel Serena)

INTERNATIONAL BORDER

Kigali - Key locations





The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

**Photo of
RTLTM building, Kigali**



**Photos of
KABUGA's Muhima building, Kigali**

K0675877





K0675896

MICT-13-38-PT

2371

**Photos of
KABUGA's Kimironko residence, Kigali**







I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ <i>Greffe du MIFRTP</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input type="checkbox"/> President / <i>Président</i>	<input type="checkbox"/> Chambers / <i>Chambre</i>	<input checked="" type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
	<input type="checkbox"/> Registrar / <i>Greffier</i>	<input type="checkbox"/> Other/ <i>Autre</i>	<input type="checkbox"/> Defence / <i>Défense</i>
Case Name/ Affaire :	KABUGA	Case Number/ Affaire n° :	MICT-13-38-PT
Date Created/ Daté du :	12 October 2021	Date transmitted/ Transmis le :	12 October 2021
			No. of Pages/ Nombre de pages : 102
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Other/Autre (specify/préciser) :
	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S	
Title of Document/ Titre du document :	NOTICE OF FILING OF PUBLIC REDACTED VERSION OF PROSECUTION PRE-TRIAL BRIEF		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :			
<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
<input type="checkbox"/> Decision/ <i>Décision</i>	<input checked="" type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>	
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction :</i> (Word version of the document is attached/ <i>La version Word est jointe</i>)	
<input type="checkbox"/> English/ <i>Anglais</i> <input checked="" type="checkbox"/> French/ <i>Français</i> <input checked="" type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :	
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ <i>La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :</i>	
Original/ Original en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> Other/Autre (specify/préciser) :	
	<input type="checkbox"/> B/C/S
Translation/ Traduction en <input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> Other/Autre (specify/préciser) :	
	<input type="checkbox"/> B/C/S
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ <i>La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) :</i>	
<input type="checkbox"/> English/ <i>Anglais</i> <input type="checkbox"/> French/ <i>Français</i> <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :	

Send completed transmission sheet to/ *Veuillez soumettre cette fiche dûment remplie à :*

JudicialFilingsArusha@un.org OR/ *OU* JudicialFilingsHague@un.org

Rev: August 2019/ *Rév. : Août 2019*