

INFORMATIONAL COPY NOT FINALISE 29  
ICTR-97-22-DP1  
(30-10-97)  
(29-8)

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA

CASE NO: ICTR 197

THE PROSECUTOR  
OF THE TRIBUNAL

AGAINST

FELICIEN  
KABUGA

ICTR  
RECEIVED  
30 OCT 1997  
ACTION: REBISTRATION  
COPY: :

SUPPORTING MATERIAL

2. THE ACCUSED

2.1 **Félicien Kabuga** was born in 1935, in *Muniga secteur, Mukarange commune, Byumba préfecture*, Rwanda. At the time of the events referred to in this indictment, he was a businessman, President of the *Comité Provisoire* of the National Defence Fund [*Fonds de Défense Nationale*] (F.D.N.), and President of the *Comité d'Initiative* of *Radio Télévision Libre des Mille Collines s.a.* (RTLM s.a.).

- A. Copy of F. Kabuga's passport #006867194
- B. See identity of applicant - "Application for a licence to set up and operate a private radio station."
- C. Organizational structure of the *Comité d'initiative élargi de la RTLM* - with Kabuga as president, 26.11.93.
- D. Letter to the government dated 25.04.94 regarding the setting up of a National Defence Fund, signed by F. Kabuga as president of the *comité provisoire*.

### 3. CONCISE STATEMENT OF THE FACTS

3.1. The crimes in this indictment took place in Rwanda between January 1 and December 31 of 1994.

3.2. During the events referred to in this indictment,  
 a. Tutsis, Hutus and Twas were identified as ethnic or racial groups,  
 b. Belgians were considered to be a national, political or racial group.

A. See "Legislative Enactment no. 01/81 dated 16 January 1981, concerning the Census, National Identification Card, residency and Rwandese home address" and "Ministerial Order no. 01/03 dated 19 January 1981 concerning the Census, National Identification Card, residency and Rwandese home address", J.O. no.2 bis dated 20 January 1981.

B. "Members of the Hutu ethnic group, as already stated, have also been the victims of massacres. But at this stage a distinction has to be made. On the one hand, there are Hutu moderates, with whom, by extension, certain foreigners, such as Belgians, are assimilated and who comprise essentially the political opposition and human rights activists. They form a ready target for the elements of the government armed forces and members of the militias....."

(Report on the Situation of Human Rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution E/CN.4/S-3/1 of 25 May 1994, UN Document E/CN.4/1995/7, of 28 June 1994, p13).

C. "During the period between the 7th of April and the 15th of June 1994, I listened to RTLM several times per week. In particular, I listened, on several occasions, to the broadcaster Georges Ruggiu. Ruggiu was making speeches against the Belgians and the Tutsis. In Ruggiu's editorials, even the ones he broadcast before the bloody month of April, he was inciting against the Belgians and UNAMIR, whom he accused of complicity in the implementation of the Arusha Accords by saying that the battle would be decisive, that people should no longer rely on Rwandan friendship and that the Belgians must go. He also spoke about the complicity of members of the opposition and the Belgians and UNAMIR in the installation of an RPF government of bandits and killers."

(Witness Statement ERN # K0040389)[translated from French to English]

**3.3** During the events referred to in this indictment, there were in Rwanda widespread or systematic attacks directed against a civilian population on national, political, ethnic or racial grounds, including Tutsis, certain Hutus and Belgians.

“[The massacres] being perpetrated at present are unprecedented ... [they] have taken on an extent unequalled in space and time. The atrocities have extended over the entire national territory.

Examples, ..., are not lacking. A few may be mentioned: in Butare, several thousand persons have been massacred or mutilated; in Gisenyi, thousands of Tutsi have suffered the same fate, some of them having allegedly been buried alive.....atrocities have also occurred in Kibuye...; at Gikondo, a neighbourhood of Kigali.... at Kiziguro ... a common grave was found containing several hundreds of corpses and a few survivors crying for help. In Cyangugu, the number of persons massacred to date is estimated at more than 25,000. [p. 6]

Those massacres are still continuing. Veritable man hunts have been carried out from house to house, from family to family, from village to village, by members of the militias who, at the present time, are not hesitating to raid the so-called displaced persons' camps. [p. 7]

The massacres are systematic in nature. Whole families are exterminated - grandparents, parents and children. No one escapes, not even newborn babies. ... the victims are pursued to their very last refuge and killed there. This is true of ecclesiastical buildings, particularly churches, which once served as a refuge for the Tutsi. ... The same applies to hiding places ... the woods and forests, to which the attackers set fire to make sure that they leave no survivors behind them. The same applies also to the frontiers, which are blocked to prevent the Tutsi from escaping to neighbouring countries... [p. 8]”

(Report on the Situation of Human Rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution E/CN.4/S-3/1 of 25 May 1994, UN Document E/CN.4/1995/7, of 28 June 1994, pp. 6,7,8,1

- B. “Members of the Hutu ethnic group, as already stated, have also been the victims of massacres. But at this stage a distinction has to be made. On the one hand, there are Hutu moderates, with whom, by extension, certain foreigners, such as Belgians, are assimilated and who comprise essentially the political opposition and human rights activists. They form a ready target for the elements of the government armed forces and members of the militias.....”

(Report on the Situation of Human Rights in Rwanda submitted by Mr. R. Degni-Ségui, Special

Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution E/CN.4/S-3/1 of 25 May 1994, UN Document E/CN.4/1995/7, of 28 June 1994, p13).

3.4 During the events referred to in this indictment the MRND (*Mouvement Révolutionnaire National pour le Développement*) and the CDR (*Coalition pour la Défense de la République*) were political parties. The members of the youth wing of MRND were called the "INTERAHAMWE", and those of CDR were called "IMPUZAMUGAMBI". Most of the "INTERAHAMWE" subsequently became para-military militia groups.

- A. "...most of the massacres are carried out by the militias of the National Revolutionary Movement for Democracy and Development (MRND) - the interahamwe ("those who attack together") - and of the Coalition for the Defence of the Republic (CDR) - impuzamugambi ("those who have a single aim"), and are directed against the tutsi in general and against Hutu who are considered moderate, i.e. against unarmed and defenceless people."

(Report on the Situation of Human Rights in Rwanda submitted by Mr. R. Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of Commission resolution E/CN.4/S-3/1 of 25 May 1994, UN Document E/CN.4/1995/7, of 28 June 1994, p. 5)

- B. "... To all observers, 28 May 1992 seems to mark the turning point when all the movements, particularly the Youth Wing of the MRND, already generally known as the INTERAHAMWE, took a new direction. Indeed, several political rallies were held that day in Kigali, including those organised by the MDR, PSD and MRND. At the end of the rallies, fighting broke out among youths of the different parties on the streets of Kigali. A hitherto unknown form of violence was seen during the scuffles; it showed the level of the preparation that some of the youths who were armed with hand weapons must have had. The MRND Youth Wing drew a lesson from those fights: they should be better and differently organised to confront the other movements which seemed larger in number. **That marked the beginning of the military training and weapons distribution to the INTERAHAMWE militiamen.**"

Witness 38

- C. The statute of the CDR party:

"Convinced of the need to preserve the accomplishments of the Social Revolution of 1959, ... alarmed at the activism of the elements working against democracy and the Republic..."

D. The internal rules and procedures for the MRND.

E. "I should add at this point that the term "Interahamwe" to me, fundamentally means a team of people working together and, in relation to the events of 1994 and onwards (actually from 1992 onwards) it means the killers of the MRND political party. Even the youngest child today would think of the term "Interahamwe" as meaning "a team of people who come together to kill others"

(Witness statement IIF #405)

F. "To me the term "Interahamwe" just means all the killers belonging to all groups-some were connected to the MRND, some to the CDR, others to the MDR. Those three MRND, CDR & MDR were political parties. All the Interahamwe were Hutu."

(Witness statement IIF 319)

**3.5** During the events referred to in this indictment, radio broadcasts exercised great influence over the Rwandan population.

A. "I have lived in Rwanda for 13 years and have observed that it is a fact that radio constitutes the main and almost only source of information and training to the population; at civic level, it represents a sort of 'gospel' to these people."

(Witness Statement 1099/K96)

B. "Before and during the genocide in Rwanda, a country where people can barely read or write, what was said on the radio was perceived as law. In the minds of Rwandans, the message the radio conveyed was what the people should obey and it was indeed obeyed."

(Witness Statement ERN K0040387)

**3.6** During the events referred to in this indictment, **Félicien Kabuga** displayed anti-Tutsi behaviour that increased animosity against Tutsis.

A. "Kabuga is a racist. I never saw any Tutsis at his home, only Hutus, and many of his colleagues (he was a building contractor) are Tutsis." (The witness states that his friend Jacques was friends with Kabuga's daughter, Séraphine, and wanted to marry her.) He had already arranged the wedding. Afterwards, there was a meeting at President Habyarimana's

home and Kabuga had to cancel the wedding because Jacques is Tutsi.”  
(Witness Statement )

B. “When I was dating Séraphine (Kabuga’s daughter), she would tell me that her parents could not stand Tutsis, and said that Tutsis were nasty people. Because of that, Séraphine and I used to see each other secretly and her parents did not know about it.”  
(Witness Statement )

C. “ F. Kabuga was an influential member of the *Akazu* and of the extremist and ethnicist faction that was close to the government.”  
(Witness Statement 1501/K97)

D. “In all of the meetings the atmosphere was tense. The sole purpose was to collect money to purchase weapons and ammunition for the army and the *Interahamwe* so they could exterminate all the *Inyenzi*. Kabuga always managed to create an anti-Tutsi atmosphere. And we felt obliged to be there, for fear of being called accomplices.”  
“I would like to add that in my view Kabuga is a murderer, because he was responsible for creating the atmosphere that led to killing the Tutsis.”  
(Witness Statement IIF 31)

3.7 On 25 April 1994, in Gisenyi *préfecture*, **Félicien Kabuga** agreed together with others to establish the F.D.N.in order to provide the weapons, transport and uniforms for the *Interahamwe* and for the army. **Félicien Kabuga** became president of its *Comité Provisoire*.

A. “p.2. . . They (the participants in this meeting) also wanted the intelligence service to be reformed as a matter of urgency and the director of ORINFOR to be appointed; **the latter would quickly create a unit responsible for refuting the allegations of the enemy and of those who intend to sully the image of our country.**”  
“p.5 As regards the coordination of the civilian forces, the armed forces and the youth who support them, the participants at the meeting decided to create a National Defence Fund.”  
“p.6 As it is clear that the war we are waging has the full support of the Belgian and Ugandan governments, the meeting participants asked the Rwandan government to accuse the two countries officially. . .”

(Letter to the government dated 25.04.94 regarding the setting up of a National Defence Fund, signed by F. Kabuga as president of the *comité provisoire*.)

B. “We have the honour to inform you that the FND has been set up to help **support our armed forces and the civilian population which is helping them fight and win the war being waged against us by the enemy, the FPR Inkotanyi.**”  
“It would be best for the government to open a single central account at the Central Bank to

collect all the monies... Management of the fund would be determined by the representatives of the government, the armed forces and public institutions. . .”

(Letter to the Prime Minister dated 20.05.94 and signed by Kabuga)

- C. “For the *préfectures* that are already at war:
- Cost of feeding **militiamen**
  - Transportation during military operations
  - Fuel
  - Costs related to intelligence and information
  - **Purchase of hand weapons**
- For the *préfectures* not yet affected by the war:
- **Purchase of hand weapons**

(Ministerial Instruction for the use of the FDN (National Defence Fund))

- D. Bank document with FDN account number and F. Kabuga’s name as signatory.

- E. In connection with the meeting in Gisenyi stadium in May 1994:  
 “On my way to the stadium, I saw Hassan Ngeze’s vehicle. I saw KABUGA in the stadium. He was seated at the covered stand in the section reserved for dignitaries. . . Kabuga had a microphone to speak to the people. Kabuga spoke for an hour, an hour and a half. **The main thrust of his speech was to ask people to contribute for the purchase of weapons and ammunition for the army and the *Interahamwe*.** The armed forces needed weapons to defeat the *Inyenzi*. He said that we could give our contributions to the *conseillers* or the leaders of the political parties like the MRND and CDR.”

(Witness Statement IIF 34)

- F. “In May 1994, F. Kabuga organized a meeting of all the most prominent merchants. I attended the meeting, which took place at the Meridien. Approximately 50-60 merchants were present in the Meridien Hotel conference room in Gisenyi. Kabuga chaired the meeting. It was held on his initiative to collect money. Naturally the interim government was aware of his initiative. **Kabuga wanted to collect money to purchase weapons and ammunition for the soldiers and the *Interahamwe* so they could continue fighting the enemy.** For the merchants, they always used receipts bearing the Chamber of Commerce stamp, and for the general public they used receipts bearing the MRND stamp.”  
 “In all of the meetings the atmosphere was tense. The sole purpose was to collect money to purchase weapons and ammunition for the army and the *Interahamwe* so they could exterminate all the *Inyenzi*.”

(Witness Statement IIF 31)

3.8 During the time of events referred to in this indictment, **Félicien Kabuga** aided and abetted the *Interahamwe* to persecute and kill the Tutsi population, notably by providing them with logistical and financial support.

A. Transport Order from 26.10.93 for the transport of 25,662 kg of machetes from Mombasa to Kigali in the name of Kabuga.

Port release order from Mombassa-12.X.1992, for 3750 wooden cases of machetes, in Kabuga's name.

B. The licenses given to ETS Kabuga Félicien in the years 1992, 1993, 1994 for import of machetes and other similar tools.

C. "Massive purchases of hand weapons including machetes, spades and screwdrivers were made in 1992 and particularly 1993. The level of purchases greatly exceeded that of previous years, thus providing a link with the preparation of the genocide. . . According to CLADO, numerous receipts were made out in the name of Félicien Kabuga, a close friend of Habyarimana." (p. 529)

...  
"More than four tonnes of hand weapons were collected from the killing fields of the genocide. One machete weighs approximately one kilogram."(p. 529)

...  
"Question: Did you find evidence that weapons were supplied directly to the militias?  
Answer: All the supplies were made indirectly. The government had ready access to businessmen who served as intermediaries for these transactions."(p. 530)

...  
"My research shows, and this is borne out by Arusha, that a series of private business people, including F. Kabuga, planned the genocide and the supply of weapons to the militias. I will hand this list of business people over to the President. The accounts belong to people who were part of President Habyarimana's entourage, who are known as *génocidaires*." (p. 521)  
(Report made by Mr. Galand before the Belgian Parliament)

D. "Kabuga owned a building in Muhima *secteur*. The MRND offices were on the first floor. Kabuga's business was on the ground floor. Kabuga also owned a building in Gakinjiro. The CDR office was located in this building. The two buildings had the flags of their parties. . . Kabuga raised funds for the MRND. . . Several contractors told me that Kabuga was asking them for contributions. . . I know that KABUGA used to make his vehicles available to the MRND and the *Interahamwe* for them to transport people to meetings. . . The jeep was carrying Kabuga's children. They were wearing MRND berets. . . I know that Kabuga rented the Meridien Hotel in Gisenyi during the genocide for the interim government."

“Kabuga had his own pick-up trucks to transport the goods. The name of his business was marked on the vehicle doors. I know that KABUGA used to make his vehicles available to the MRND and the *Interahamwe* for them to transport people to meetings. . .since they were wearing MRND berets and *Interahamwe* uniforms. They were armed with sticks. I saw them several times in Kigali. . . I know there was a workshop producing clothing in the basement of his office in Muhima. The *Interahamwe* uniforms were sewn in the workshop. The workshop was near my house and I saw the uniform material being brought in regularly. I know that Kabuga rented the Meridien Hotel in Gisenyi during the genocide for the interim government. All the Tutsi staff who were still alive had to leave the hotel. I think that Jacques Pitteloud has copies of the rent bills that Kabuga paid.”  
 (Witness Statement (G.P. Célestin))

E. “1. F. Kabuga was one of the founding members of the CDR party and he made his Kigali home available at no cost for use as the party secretariat.

.....  
 3. Mr. Kabuga made his Daihatsu minibuses, marked ‘F. Kabuga’ on the doors, available to the CDR for Kigali, in order for them to organize meetings to incite racial hatred. F. Kabuga paid for the rent of the Meridien Hotel in Gisenyi for the genocidal government to use as its headquarters. . . **Mr. Kabuga placed a number of vehicles at the disposal of his son-in-law, Mr. MBARUSHIMANA, to carry out massacres in Nyamirambo. . .**”  
 (Witness Statement 1501/K97)

F. “I know that Kabuga made his pick-up trucks and minibuses available for the *Interahamwe*. Thomas, the former taxi driver who killed a lot of people, often drove the dark blue Toyota Hiace minibus. He transported bodies to the mass grave in Gisenyi and also transported Tutsis who were still alive, to have them killed or to kill them himself down there. Chars BATERA also drove around in one of Kabuga’s pick-up trucks. He did the same things as Thomas. . . I would like to add that in my view Kabuga is a murderer, because he was responsible for creating the atmosphere that led to killing the Tutsis. . . Kabuga was always escorted by soldiers or *Interahamwe* wearing military uniforms and *kitenges*.”  
 (Witness Statement IIF 31)

G. “Regarding Félicien Kabuga, I personally heard Thomas say in a conversation that Kabuga had made his vehicle available to assist the *Interahamwe* in patrolling the city and the *communes* in late-April 1994.”  
 (Witness Statement David SEMASUKA)

**3.9 During May 1994, Félicien Kabuga chaired public meetings during which he called for the extermination of Tutsis and incited participants to kill them.**

- A. "In May 1994, F. Kabuga organized a meeting of all the most prominent merchants. . . Among other things, he said: "These Tutsis have to be fought so that they do not take over our country. All the Tutsis have to be exterminated."

"Kabuga always managed to create an anti-Tutsi atmosphere. And we felt obliged to be there, for fear of being called accomplices."

(Witness Statement IIF 31)

- B. "KABUGA said that they had to be forced to retreat, that the work had to be continued to achieve victory. The phrase 'continue the work' at the time meant continue to kill the Tutsis."

"KABUGA spoke for an hour, hour and a half. The main thrust of his speech was to ask people to contribute for the purchase of weapons and ammunition for the army and the *Interahamwe*. The armed forces needed weapons to defeat the *Inyenzi*."

(Witness Statement IIF 34)

**3.10** During 1993, the private company *Radio Télévision Libre des Mille Collines s.a.* (RTL M sa) and its radio station RTL M were founded. In the latter half of 1993, RTL M began broadcasting from Kigali throughout Rwanda. It continued to broadcast to various parts of Rwanda from Kigali, and other places within the country, until about the end of July 1994.

- A. Letter to the Ministry of Information regarding the creation of RTL M, its statutes and policies, programming and equipment, signed by Kabuga in his capacity as president.
- B. Agreement for the Establishment and Use of Radio and T.V. between the Government of Rwanda and RTL M, dated the 30th of September 1993 and signed on behalf of RTL M by Kabuga.
- C. *Radio Télévision Libre des Mille Collines, Société Anonyme* (RTL M S.A.) - Statutes signed by J.B.B., F. Kabuga and others and dated 08.04.1993.
- D. Letter to Kabuga from the Minister of Transport and Communications dated 2.06.93, in connection with the RTL M frequencies requested by F. Kabuga, recommending that an agreement be signed with the government.
- E. "... In 1992, Incomtel was asked to supply equipment for the other Radio Stations in Rwanda.... I was called by NAHIMANA once.....They had ordered a 100 watt transmitter

with Telefunken Berlin.... RTLM paid me for the 100 watt transmitter in Rwandese Francs and I paid Telefunken in German Marks. Telfunken shipped this transmitter to Kigali. The transmitter was installed by the technicians RTLM.”

(Witness statement 549/K96)

See paragraphs 3.16

**3.11** During 1993, **Félicien Kabuga** agreed, together with F. NAHIMANA, Jean Bosco BARAYAGWIZA and others, to establish the private company RTLM s.a., in order to broadcast the ideology of Hutu extremists, and to further the aims of Hutu extremists within Rwanda. During the period referred to in this indictment, Hutu extremist aims included the killing of and causing serious bodily or mental harm to the Tutsi population.

- A. “RTLM was the initiative of people like NAHIMANA Ferdinand, SERUGENDO Joseph, BARAYAGWIZA Jean Bosco and KABUGA Félicien. The RTLM charter, the statute was written in ORINFOR. I know the secretary who typed it. RTLM was presented as a commercial station but I know that they had to make an oppositional radio to radio Muhabura. They tried to jam Muhabura but did not succeed.”  
(Witness Statement 414/K96)
- B. Letter of application for frequencies for RTLM, addressed to the Minister of Transport and Communications, A. Ntagerura, signed by Kabuga.
- C. Excerpt from RTLM Committee minutes from 1.06.93, regarding the decision to have any two of the following people -- J.B.B., F. KABUGA and F. NAHIMANA -- sign all banking documents for operation of RTLM’s accounts.
- D. *Banque Continentale Africaine* (Rwanda) (BACAR) s.a. - As a shareholder, F. Kabuga bought shares of RTLM on three occasions.
- E. “ In 1993, there was yet another meeting organized by the MRND in the same stadium about the establishment of the RTLM. Once again it was NGIRUMPATSE who introduced the important personalities. Although the MRND organized the meeting, it was also a gathering of HUTU POWER, attended by politicians from MRND, R, PSD and PL. Among the people NGIRUMPATSE introduced as members of HUTU POWER were: Felicien KABUGA, Froduald KARAMIRA, Justin MUGENZI, Ferdinand NAHIMANA, Jean-Bosco BARAYAGWIZA, Hassan NGEZE and the journalists: KANTANO, Valerie BEMERIKI,

Noel HITIMANA and Gaspard GAHIGI. I recognized these people and I think Ananie NKURUNZIZA was also there but I do not know him. Apart from NGIRUMPATSE, **KABUGA also took the floor and said that he had established the RTLM because Radio Rwanda was an *Inyenzi* radio station and so RTLM would become the HUTU POWER radio station.** He asked the people to contribute and gave the RTLM account number. . .”

(Witness Statement 1682/K97)

F. “I know the radio station RTLM. I would like to point out that this radio station had CDR-MRND political leanings. **It was created primarily to convey the racist anti-Tutsi ideology. In my view, that station attacked not only the Tutsis, but also all the opposition parties, by trying to create disparities among them.**”

“You asked me whether words were used on the air to designate Tutsis or opponents? I can give the example of IBYITSO, meaning accomplice, UMWANZI, meaning enemy, INZOKA, etc.”

(Witness Statement (PV #32565)

G. “Before and during the genocide, KABUGA appealed to the people on RTLM to contribute money. These appeals were made in speeches. He asked everyone to listen to and support the RTLM.”

“I heard Kabuga himself speak on the radio. . . He asked everyone to listen to and support the RTLM. First he directed his remarks at the merchants and then at the general public. I heard his appeals several times. . . **Vehicles equipped with megaphones were used to call on merchants to support the RTLM and the *Interahamwe*.**”

(Witness Statement 1677/K97)

H. “Q. So, you could say that RTLM was created to prepare the ground for ethnic hatred.

A. Yes, to prepare people’s minds, to teach them ethnic hatred. Then the slightest pretext incited people to act right away. Every Tutsi inside the country was considered to be a member of theRPF. . . These teachings were repeated on RTLM daily.” (Witness Statement 1393/K97)

I. “R.T.L.M. was created in order to be the radio station of the Hutu. To create a Hutu conscience. During the first Republic people were more Hutu than they were Rwandese. The enemy were the Tutsis, as they said. This was done by songs, plays, dances and speeches.....It was done by radio broadcasters, making radio programmes. They had text of what to say and they were saying who to kill. They were saying to kill Tutsi, adults and children.”

(witness statement 557/K 96).

J. “Before the genocide RTLM was already broadcasting and was playing a definite role in the preparation of people’s minds. RTLM preached ethnic hatred in all its forms ....Round tables

were organised with MRND extremists in order to publicise racist ideas.....The objective of this radio station was to smear and not to inform. This station had a high percentages of listeners. It perfectly expressed the extremist tendencies of those in power at the time."

(witness statement 1165/K 96). [translated from French into English]

- K. "I was tasked to listen to RTLM from late August 1993.....The objective was to instil distrust in the minds of the people via-à-vis the Belgians and some Hutu. They would use turns of phrases which, by their tone and snigger, would create a climate of defiance and aggression toward these persons and opponents of the regime. It was thus that I heard RUGGIU, who on Monday, 11 April 94, around 8:30, made the following arguments: "Belgium sent its elite troops to guard the airport in Kigali. From then on it became impossible to enter that area. Therefore, it was the Belgian paratroopers who shot down the presidential plane." The tone, the comments, RUGGIU's literary style were unequivocal calls for the murder of Belgians in Rwanda. Do not forget that this radio station targeted people with little education. It was a form of indoctrination."

(witness statement 1151/96). [translated from French into English]

- L. "I have listened to some broadcasts of this radio station RTLM. The first broadcasts of RTLM contained messages like: 'Hutus please unite against Tutsis.' Later in April 1994, the contents of the broadcasts changed into 'kill all Tutsis.' In these broadcasts the Kinyarwanda word 'Kwica' was often used. It means 'to kill'. There was also a song broadcast by Radio Mille Collines. I do not recall the title of this song but I know the name of the singer. He was named Simon BIKINDI. In this song the following phrase was used: 'Nanga Abahutu Biinda Nini'. Literally translated it means 'I hate and blame Hutus with big belly's.' The idea behind this song is in my belief the following; it is addressed to moderte Hutus to become more radical and to join the other radical Hutus to stand up against Tutsis. I believe there is another meaning in this song. It is also addressed to the radical Hutus to prevent them from shifting from radical to moderte."

(witness statement 1302/K96) [English original]

- M. "What these journalists had in common was the conviction that the "Social Revolution of 1959" was well founded and that the RPF was a foreign aggressor to be fought through all means necessary, including denouncing its potential allies within the country: the Tutsi and Hutu members of democratic opposition parties. It is worth noting that these journalists included the Belgian Georges RUGGIU, Gaspard GAHIGI and Jean-Noel HITIMANA. Even before 6 April, they spent their time denigrating important figure like Prime Minister Agathe and publicising incidents supposedly attributed to the Belgian Peacekeepers in order to rally public opinion against them."

(witness statement 1152/K 96). [translated from French into English]

- N. "Concerning RTLM, I remember hearing on 9 April 1994 radio broadcasters like MUREGO,

KARAMIRA, inciting the people to kill the *Inkotanyi* and their associates. Their message was extraordinary, often mentioning names of people that should be killed. I remember for instance Mr. SEVERA, a businessman, who was pursued and killed. Generally, they were asking the people to go and mount roadblocks and never allow the *Inkotanyi* and their associates to pass."

(witness statement 1155/K 96).

3.16 During the events referred to in this indictment, the broadcasts over RTLTM:

- a. assisted in the killing of and causing of serious bodily or mental harm to Tutsis;
- b. incited to kill and/or cause serious bodily and/or mental harm to Tutsis;
- c. persecuted Tutsis, certain Hutus and Belgians.

A "RTLTM incited the massacres. At a certain point in time, the message was very clear, they identified the RPF as the enemy and the Tutsis as RPF accomplices. Hutus "with fat stomachs", as they would say, were also RPF accomplices as were the Hutu friends of the Belgians."

(witness statement 1147/K 96).

B "With regards to RTLTM, I heard Georges Ruggiu on the air before the events. I heard him denouncing some officers as so-called RPF accomplices, IBYITSO (RPF spy) and thereby condemn them to death."

(Witness statement 1149/K 96). [translated from French into English]

C " In any case, the French operation is still going on because it went to Kibuye yesterday and a France International Radio report told us that 50 out of 600 persons had been killed in a commune and the person who confirmed it declared that if the Inyenzi came in attacking/shooting they would attack them too. The French seem somewhat bewildered by this general mobilisation. They should not forget that 50 persons out of 600 is a little less than one-tenth, that is to say 9%. This is also a good approximation of the Tutsi population which had to have been in town.....In that commune according to national statistics because they accounted for 9% in the last census. They should not forget that the RPF had infiltrated all the zones of the country where they could find accomplices and which could serve as places for their withdrawal, where they could find persons to hide them and where they could hide their material and themselves. 50 persons out of 600 represents almost the

proportion of persons who could have helped the RPF, and it is true, this represents the proportion of Tutsi members of a commune. But from that to say that all the Tutsi were killed, that has not been said. From that to say that all RPF members were killed, that's not true either. The population was so furious that it probably killed all the persons it suspected to be close or favourable to the RPF and those who could have hurt the majority of the population. Did not Robespierre do the same thing in France? A suspect was a condemned person."

(RTL M Cassette of 28/30 June 1994 1161/ K 96). [translated from French into English]

D "Between 7 April and 28 May 1994, I passed through and saw some roadblocks in Kigali. I know a lot of people who were killed at the roadblocks during the genocide. These roadblocks were used to separate the people for the purpose of killing those among them that were Tutsis. The roadblocks could not at all be justified militarily. How could a civilian determine that someone was a RPF infiltrator? I do not see how the neighborhood defense could stop the enemy's advance. To stop the enemy, one had to go to the front."

(Witness Statement ERN K0040383)

E "Hello to all the displaced people who lost their homes, a quite special hello also to all our soldiers, to all the security agents, to all the youths of the parties and all the volunteers who are at roadblocks and who are working.....Well, go on. mobilise, work, you all the young people all over the country. Come and work with your army, come to work with your government to defend your country, because if not, where will you go?"

(RTL M Cassette of 4-5 June 1994). [translated from French into English]

F "The goal of the message was to incite the Hutu against the Tutsi, to foment hatred and division. This was the daily business of the journalists Kantano, Valerie Bemeriki. The effect of these broadcasts was that it drove the young CDR and MRND members to mount roadblocks everywhere in Ruhengeri and Gisenyi prefectures, to stop all Tutsi in order to kill them and to even go hunting for Tutsi. I was an eye witness of this. . . In addition, the journalists Kantano and Valerie Bemeriki sometimes incited the people to mount roadblocks and to hunt down the Tutsi and political opponents. For instance, when the RTL M premises were hit by a mortar, one of the journalists claimed that his colleagues Valérie BEMERIKI and HITIMANA had been wounded and asked the Hutu to avenge them. This order was immediately carried out in Ruhengeri prefecture where the tutsi and anyone resembling a Tutsi were rounded up and assembled in the Ruhengeri Court of Appeal. Three days later, they were all massacred by the *Interhamwe* [sic] and the *Impuzamugambi*; the death toll was 260."

(witness statement K980/96)

G "Concerning the incitement against the Tutsis, Ruggiu was sometimes more vicious than the Rwandans themselves, including Kantano Habimana. Ruggiu was trying to advance a

theory by linking the massacres of 1994 to those of 1959 and saying that they needed to be completed. He would say: 'Now is the time to complete the 1959 revolution', which was a way of inciting people to massacre Tutsis. Why? Because Rwandans understand that during the '59 revolution, the idea was to kill Tutsi men only. Tutsi women and children were spared. Hence, in the minds of the extremist Hutus, Tutsis had multiplied and were the enemy in 1994. In order to complete the '59 revolution, all the Tutsis had to be killed in 1994, including women and children so that they would never be able to procreate again. That is why on 9 April, my neighbor, the *gendarme*, while telling me that the Presidential Guard had told him to 'carry the '59 revolution to its logical conclusion' said that the same Presidential Guard had already massacred a large number of Tutsi women in Nyamirambo."

(Witness Statement ERN K0040383)

H "In my opinion, the most blameworthy announcers were the RTLM announcers. In particular, Noël and Kantano made names for themselves with their calls for genocide. I remember that, in April 1994, when the town of Kibungo was taken, Kantano, who was speaking to the people of Musamvu (*Birenga commune, Kibungo préfecture*), told them that there was a lot of fighting in Kibungo and that he hoped that the people of Musamvu had cleaned out all the filth in their midst, making it understood thereby that he hoped that all the Tutsis in Musamvu had been exterminated. Noël also made similar remarks."  
(witness statement 1107/K96)

I "In April 1994, I personally heard the messages broadcast by Ruggiu. His messages had become more extremist. He said that all the Tutsis, wherever they were, had to be killed. He would say: "Roadblocks have to be beefed up, so nobody gets away". He also used Kinyarwanda words such as *Ibitso, Inkotanyi, Inyenzi*. 'We need to remain calm. The *Inkotanyi* are not strong; go find the *Ibitso* wherever they are hiding'. To those who were manning the roadblocks, Ruggiu had this to say: 'You have to be vigilant; you have to kill the *Ibitso*, including the babies'. When Ruggiu used the term *Ibitso*, he was referring to the Tutsis and Belgians. . . As far as I'm concerned, the effect of Ruggiu's message started to change the attitudes of Hutus toward the Tutsis and Belgians. The Hutus were convinced and they started to burn down houses in the communes and in the countryside."  
(Witness statement ERN K0040140)

J "Of course the RTLM broadcasts in which my husband was mentioned as well as other broadcasts provoked these attacks by the Interahamwe or the army. Without fail, whenever a name was mentioned by the RTLM broadcast, we knew that this person was in danger."  
(witness statement K410/95)

K Q. What did you notice or do or hear on the radio in the Islamic Cultural Center on 12<sup>th</sup> of April 1994? A. On that day, I went outside of the compound. On the dirty road on the left

13

side outside the compound of the mosque (Islamic Cultural Center) near the fence, I saw two local people giving food to refugees on the compound of the mosque. I saw a journalist "Hitimana Noel" pass by those two local people on that road. I heard him ask them "What are you doing there? Are you giving food to those Inyenzi?" I told the journalist Hitimana Noel that he used to share glasses with them. Without saying a word Hitimana Noel left the place. One or two hours later, I listened to the RTLM broadcast. I heard the journalist Cantano announce on the radio that RPF soldiers were hiding in the mosque of the Islamic Cultural Center. I was sure that in the mosque there were no soldiers at all. I told the other refugees staying in the compound of the mosque this news.

.....on the 14<sup>th</sup> April 1994, Federick and I decided to go to the mosque of the Islamic Cultural Center for safety and went there. On 14<sup>th</sup> April 1994, I saw six refugees had returned to the dormitory. I do not know when and how they came back. Three of them were seriously injured. They had a lot of blood all over their bodies. That day one of them died. The injured survivors all had sharp and deep wounds all over their bodies. I did not see the gun-shot-wounds.....The other three survivors told us that they were lucky enough to flee the massacre. They told me that the whole group was put into different housed in Kivugiza near the Islamic Cultural Center. After this the militia threw handgrenades or grenades into the housed to kill the people. Those six people whom I met in the dormitory at that time were the only survivors of the massacre that took place in Kivugiza on 13<sup>th</sup> of April 1994 with the people of the mosque."

(witness statement K336/95)

L "Immediately after that, I left my house and went to the Mosque of the Islamic Cultural Center. More than three (300) hundred unarmed people (children, men and women) were already in the dormitory of the Mosque (Islamic Cultural Center). Most of the people who were there seeking shelter. They had radios with them in order to listen to the broadcast. I did not bring my radio with me. On the radio we heard RTLM "appeal to people to come and kill the people who are hidden." On 11<sup>th</sup> of April, I left the Mosque.....On 13<sup>th</sup> of April 1994, I saw militia and soldiers coming to the Mosque of Islamic Cultural Center. There were many soldiers and militia. I could not count them.....I went back to my home. I heard grenade explosions for five to ten (5 to 10) minutes coming from the neighbourhood of the Mosque of the Islamic Cultural Center. At around 10.00a.m. on 13 April 1994 people were killed in a house where grenades had exploded. At around 3.00p.m. the same day I went to see with others the house. I saw many dead bodies there. Even on the road and in the bushes I saw many dead bodies either chopped by the machetes or killed by gun shots..... When I returned home after the visit in that house, I heard RTLM news broadcast that the "Inyenzi who were hiding the Mosque of the Islamic Cultural Center were killed and the Mosque should be checked several times because some Inyenzi may still be hidden in the Mosque." It was the journalists Valerie and Cantano who read the news of RTLM that day."

(witness statement Habimana, Jusufu)

- M "From the beginning of 1994 the names of Tutsis, who were assumed of supporting the RPF were mentioned on RTL M radio, every day. Also the name of KABAKA was mentioned several times on RTL M radio. I heard two times a broadcast, where his name was mentioned. Both times the speaker was Noel HITIMANA. The first time was in March 1994. I cannot remember the exact date. The second time was in April 1994. It was somewhere between the 6<sup>th</sup> (plane-crash with the President) and the 15<sup>th</sup> of April 1994 (date of assassination of KABAKA). In both broadcasts KABAKA was mentioned an INYENZI and HITIMANA said that KABAKA hid INYENZIS. I know for sure that KABAKA was not hiding anyone, because I lived in the same house. Beside that KABAKA was not armed.....Before KABAKA was killed, there were two attempts to kill him. The first was I think on 7 or 8 April 1994. I know it was during the night. They came and threw a handgrenade in his house. The second attempt was after that, but I don't know the exact date. That time they shot through his door. I didn't see any of these attempts. I heard about the first afterwards and I saw the damage on the house. The second time I was at home and heard the shots. I also saw that KABAKA was killed. Gendarmes, it appeared to me they were soldiers with red berets.....Then I saw the soldiers shooting KABAKA three times."
- (witness statement K393/95)
- N "At the time that KABAKA was killed, I lived in a house opposite his house in Nyamirambo, Kigali. One of the neighbours, MUNYANTORE, called RTL M radio, to tell them that KABAKA had hidden accomplices of the RPF in his house. I heard this from Jerome..., who was his neighbour. The same day the speaker on RTL M, Noel HITIMANA, had said the same on the radio. There were three broadcasts on RTL M radio, where they reported this to the listeners. The last broadcast, just before he was killed, was done by Noel HITIMANA. I heard this myself. I heard also the other broadcasts, but I can not remember the name of the speaker. These last broadcast was just before the 15<sup>th</sup> of April, the day that KABAKA was killed.
- (witness statement K392/95)
- O. "We are going to talk about the malice of the Inkotanyi cockroaches and their manservant Faustin Twagiramungu who made an absurd declaration in one of the international media.....Now we are going to continue with history. It is not today that the group of Tutsi Inkotanyi RPF wants to take and monopolise power to oppress Hutus and ipso facto make democracy disappear. The Tutsi's superiority complex dates from time immemorial." (RTL M Cassette No 4: 12 April 1994).
- P. "Between July 1993 and the end of May 1994, I listened to Ruggiu's broadcasts. I no longer recall exact dates. I listened to his programmes every day. I remember his statements. He said, 'Chase the enemy, the Inyenzi, and its Tutsi accomplices, who are the cause of all the problems

of the Rwandans'. He repeated this sentence continually during all his broadcasts. I wish to put out that eh enemy, the Inyenzi, and its Tutsis accomplices referred to none other than the ethnic Tutsis."

(Witness Statement IIF no. 68)

Q. "I remember him saying the following in connection with the Belgians: 'If they don't like it they should leave'. And he ended by saying, 'Belgians, beware!'"

(Witness Statement IIF no. 51)

R. "The first time I heard the journalist Ruggiu talking on RTLM was at about the end of 1993. He spoke French very well. He made political speeches which became more and more aggressive. It happened that one day, between 1 March and 6 April 1994, I heard Ruggiu say on RTLM 'To each his Belgian.' For me that meant that each *Interahamwe* militiaman must kill a Belgian. I heard Ruggiu make this statement on RTLM at least two or three times."

(Witness Statement IIF 49) [translated from French to English]

S. "During the period of 7 April to 28 May 1994, I very often listened to *Radio Télévision Libre des Mille Collines* (RTLM). In particular, on several occasions I heard the announcer, Georges Ruggiu. He is the one who attacked the Belgians the most. In fact, he incited people to massacre Belgians. On RTLM, I heard Ruggiu say the following: 'To each his Belgian'. When he said that sentence, there was a lot of hostility in his voice. I am of the opinion that, within the context of the broadcasts, the sentence meant: 'Each person must kill a Belgian'."

(Witness Statement ERN K0040383)

T. "In April 1994, I personally heard the messages broadcast by Ruggiu. His messages had become more extremist. He said that all the Tutsis, wherever they were, had to be killed. He would say: "Roadblocks have to be beefed up, so nobody gets away". He also used Kinyarwanda words such as *Ibitso*, *Inkotanyi*, *Inyenzi*. 'We need to remain calm. The *Inkotanyi* are not strong; go find the *Ibitso* wherever they are hiding'. To those who were manning the roadblocks, Ruggiu had this to say: 'You have to be vigilant; you have to kill the *Ibitso*, including the babies'. When Ruggiu used the term *Ibitso*, he was referring to the Tutsis and Belgians. . . As far as I'm concerned, the effect of Ruggiu's message started to change the attitudes of Hutus toward the Tutsis and Belgians. The Hutus were convinced and they started to burn down houses in the communes and in the countryside."

(Witness Statement K0040140)

U. "These Belgians, who for a long time helped the Tutsis until 1959, these Belgians who for all those years never tried to understand the problems of the Hutus. So, keep on breaking into all the houses whose owners left them behind. Where have they gone? Get them out

of their houses! Find them at all costs!"  
(Case 33/95 page 6 of PV No 30339)

V. "Come on, you peasant farmers, take up your weapons, your knives and go fight the INKOTANYI and their Belgian accomplices."  
(Case 36/95, page 8 of PV No 3039)

W. See the reports for the Ministry of Information on RTLM submitted on 10,21,22,23,24,27 and 31 December 1993  
See annex 2

**3.13** During the events referred to in this indictment, **Félicien Kabuga**, with others, exercised authority and control or had the opportunity to exercise control over the RTLM s.a. and RTLM.

A. "I know Mr. Kabuga. He was a major shareholder, founder and the president of RTLM. I believe that Mr. Kabuga, as the major shareholder, a relative of President Habyarimana and the president of the RTLM, had a major role in RTLM."

The witness also talks about the meeting that took place between officials at the Ministry of Information and Kabuga for RTLM. They asked RTLM to change its wording and to stop inciting the population to violence and hatred, but RTLM did nothing but the contrary.  
(Witness Statement 0285/K95)

B. "RTLM was the initiative of people like NAHIMANA ferdinand. SERUGENDO joseph. BARAYAGWIZA jean bosco and KABUGA felicien. They formed the "comite d'initiative" ..... The President of RTLM was Kabuga. As a matter of fact they appointed the "comite d'initiative" as the direction. This was a provisional structure to be replaced by an official structure There were five people in the direction: KABUGA, NAHIMANA, HABIMANA phocas, BARAYAGWIZA and SERUGENDO.....Barayagwiza was also like Nahimana the ideologist of RTLM."  
(witness statement 939/K96)

C. Faxes from Telefunken to Kabuga as president of RTLM s.a. and purchaser of equipment for RTLM:

- 9
- Fax dated 27.04.93 - Kabuga's request for equipment
  - Fax dated 9.06.93 - Equipment sent
  - Proforma invoices in Kabuga's name

- B. RTLM's banking operations were managed by Kabuga.
- C. The licence to set up RTLM was in his name.
- D. The documents on technical matters signed by Kabuga and sent to him.
- E. All correspondence with the government and ministers is addressed to him.

G. "I know Mr. Kabuga. He was a major shareholder, founder and the president of RTLM. I believe that Mr. Kabuga, as the major shareholder a relative of President Habyarimana and the president of RTLM had the major role in RTLM"

(Witness statement 1153/K96)

**3.14** As one of those responsible for the operation of RTLM, **Félicien Kabuga** was aware of the content of the broadcasts on RTLM and was, in his capacity as President of the *Comité d'initiative* of RTLM, called to a meeting as early as November 1993 at the Ministry of Information and was instructed to stop the increasing violence and messages inciting to ethnic hatred and division. A second meeting concerning the same problems was held on 10 February 1994. However, RTLM continued to make incitory broadcasts until about the end of July 1994.

A. "Mr. Kabuga refused on several occasions to stop broadcasting messages calling for racial hatred on the RTLM airwaves (see letters between Kabuga and the Minister of Information)."

(Witness Statement 1501/K97)

B. Kabuga took part in the meeting between representatives of RTLM and the Ministry of Information following violation of their agreement and the regulations governing the press.

(Witness Statement Jacques NSENGUMUREMYI)

C. Minutes of the meeting held at the Ministry of Information on 26.11.93.:

"Kabuga and Nahimana took part in the meeting on behalf of RTLM. Kabuga spoke in his capacity as President and CEO of RTLM. '... Some announcers have occasionally been too zealous, but they have never broken any law. The government is attacking RTLM but not Muhabura. RTLM cannot tolerate the disdain of those who are in favour of ethnic division and who consider others not to be

human.' Kabuga demanded proof that RTLM was breaking the law." NZEYIMANA spoke in response to Kabuga. He quoted Kabuga saying that conveying the message that someone is dead, does not make one a murderer, but when RLTM said that someone would die, that person did die.

H "There were two meetings with RTLM and Minifor, organised by the Minister of Information. I was invited at the second one. That was on February 10, 1994. The meetings were organised to warn RTLM and to tell them to stop their increasing violence and messages, inciting to genocide." (witness statement K939/96)

I "Document 8 consists of notes taken during the meeting of 26 November 1993. Document 9 is a final report from the same meeting. ....No final report of the meeting on 10 February 1994 was ever issued because one of RPLM officials did not wish to cooperate in the drafting of this document. This official's name is Jean-Bosco Barayagwiza. He threatened me when I went to present this document to him. He insulted me and said that I was an enemy of the Rwandan people, and INKOTANYI.....I attended two meetings between the Ministry of Information and RTLM on 26 November 1993 and 10 February 1994.....On 26.11.1993, RTLM was represented by Félicien Kabuga, Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Phocas Habimana. Kabuga was the head of the delegation." (witness statement K937/96) [translated from French into English]

WITTED

25/11/97