



The International Residual Mechanism for Criminal Tribunals (“Mechanism”) was established on 22 December 2010 by the United Nations Security Council to continue the jurisdiction, rights, obligations and essential functions of the International Criminal Tribunal for Rwanda (“ICTR”) and the International Criminal Tribunal for the former Yugoslavia (“ICTY”), which closed in 2015 and 2017, respectively.

CASE INFORMATION SHEET

MICT-13-38

FÉLICIEN KABUGA



Félicien Kabuga was the President of the *Comité provisoire* of the *Fonds de défense nationale* (“National Defence Fund”) from about 25 April 1994 to July 1994 and President of the *Comité d’Initiative of Radio Television Libre des Milles Collines* (“RTLML”) during the time of the crimes pleaded in the indictment

Year and place of birth 1935, Muniga secteur, Mukarange commune, Byumba préfecture, Rwanda

Indictment Operative indictment filed on 14 April 2011

Arrest Arrested on 16 May 2020 in Asnières-sur-Seine, France

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

Status of the Case Pre-Trial

PROCEEDINGS BEFORE THE MECHANISM

Upon commencing operations on 1 July 2012, the Mechanism assumed jurisdiction over this case from the ICTR.

On 29 April 2013, a Single Judge, Judge Vagn Joensen, issued a warrant of arrest and an order for transfer requesting all Member States of the United Nations to search for, arrest and transfer Kabuga to the custody of the Arusha Branch of the Mechanism. According to Security Council resolution 1966 (2010), all States have an obligation to cooperate with the Mechanism in the location, arrest, detention, surrender and transfer of accused persons still at large.

On 16 May 2020, Kabuga was arrested near Paris by French authorities as the result of a joint investigation with the Mechanism Office of the Prosecutor.

On 30 September 2020, the French *Cour de cassation* rejected Kabuga’s appeal against the lower court’s decision authorising his transfer to the custody of the Mechanism.



On 1 October 2020, President Carmel Agius assigned this case to a Trial Chamber composed of Judge Iain Bonomy, Presiding, Judge Graciela Susana Gatti Santana, and Judge Elizabeth Ibanda-Nahamya, effective upon the transfer of Kabuga to the seat of the relevant branch of the Mechanism.

On 21 October 2020, Judge Iain Bonomy amended the warrant of arrest and order for transfer, and ordered that Kabuga be transferred to the Hague Branch of the Mechanism.

Kabuga was transferred to the Mechanism's custody on 26 October 2020. His initial appearance took place on 11 November 2020, during which a plea of not guilty was entered with respect to the charges in the indictment.

CASE BACKGROUND INFORMATION

INDICTMENT

Félicien Kabuga is charged with genocide, complicity in genocide, direct and public incitement to commit genocide, attempt to commit genocide, conspiracy to commit genocide, and persecution and extermination as crimes against humanity, committed in Rwanda in 1994.

According to the indictment, Kabuga, together with a number of other persons, is alleged to have operated the radio station RTLM in a manner to further ethnic hatred between the Hutu and persons identified as Tutsi, and to disseminate an anti-Tutsi message with the goal to commit the aforementioned crimes. Kabuga is further alleged to have instructed, assisted, and prompted members of the *Interahamwe* who participated in the killing and harming of persons identified as Tutsi in Kigali, Kibuye, and Gisenyi préfectures.

Additionally, Kabuga is alleged to have established, together with certain other persons, the National Defence Fund in order to raise funds to provide financial and logistical support for the *Interahamwe's* killing and harming of Tutsis. It is also alleged that Kabuga, together with certain other persons, agreed to plan, create and fund a militant group known as Kabuga's *Interahamwe* in Kimironko sector, Kigali, the purpose of which was to further ethnic hatred between the Hutus and Tutsis in Kimironko sector, with the goal of committing genocide against persons identified as Tutsis. Kabuga is further alleged to have instigated crimes, incited genocide or made persecutory statements at various meetings at different locations in Rwanda between February or March 1994 and May 1994.

The indictment further alleges that RTLM, founded by Kabuga and others, directly and publicly incited the commission of genocide through broadcasts that expressly identified persons as Tutsis, provided their locations, described them as the enemy, and called for their elimination.

The indictment states that during this period, there were widespread and/or systematic attacks against a civilian population based on Tutsi ethnic identification throughout Rwanda. During the attacks, some Rwandan citizens killed or caused serious bodily harm to persons perceived to be Tutsi.

The charges in the indictment are the following:

One count of Genocide (Count 1)

One count of Complicity in Genocide (Count 2)

One count of Direct and Public Incitement to Commit Genocide (Count 3)

One count of Attempt to Commit Genocide (Count 4)

One count of Conspiracy to Commit Genocide (Count 5)

Two counts of Crimes against Humanity

- Persecution (Count 6)
- Extermination (Count 7)

For more information please visit the Mechanism website www.irmct.org.

For press inquiries, email mict-press@un.org.