



UNITED NATIONS

## International Residual Mechanism for Criminal Tribunals

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 d’initiative* of *Radio Télévision Libre des Mille Collines* (“RTLM”) during the time of the crimes pleaded in the indictment and President of the *Comité provisoire* of the *Fonds de défense nationale* (“National Defence Fund”) from about 25 April 1994 to July 1994.

### Year and place of birth

1935, Muniga secteur, Mukarange commune, Byumba préfecture, Rwanda

### Indictment

Operative indictment filed on 1 March 2021

### 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

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. 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.

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.

Kabuga's initial appearance took place on 11 November 2020, during which a plea of not guilty was entered on his behalf with respect to the charges in the indictment.

Since Kabuga's initial appearance, the Pre-Trial Judge or the Trial Chamber held regular status conferences. The first status conference, in view of Covid-19 restrictions, was held by way of written procedure that commenced by an order of the Trial Chamber issued on 9 March 2021 and concluded by an order of the Trial Chamber filed on 6 April 2021. Subsequent in-person status conferences were held on 1 June 2021, 6 October 2021, 3 February 2022, and 11 May 2022.

Pursuant to the Trial Chamber's Decision on Prosecution Motion to Amend the Indictment, issued on 24 February 2021, the Prosecution filed its Second Amended Indictment on 1 March 2021 ("Indictment"). Moreover, the Trial Chamber took judicial notice of 45 adjudicated facts and facts of common knowledge, and it has issued decisions related to the admission of evidence of approximately 70 Prosecution witnesses pursuant to Rules 110, 111 or 112 of the Rules of Procedure and Evidence of the Mechanism.

Since Kabuga's transfer to the Hague branch, the Trial Chamber has also been receiving twice-monthly medical reports from the United Nations Detention Unit's Medical Officer related to Kabuga's health. In view of a Defence request for the appointment of medical experts to assess Kabuga's fitness to stand trial, the Trial Chamber also appointed three independent medical experts, one Prosecution medical expert, and one Defence medical expert. After having received expert reports as well as the regular medical reports from the Medical Officer, the Trial Chamber held hearings on 31 May, 1 June, and 7 June 2022 to allow for the examination of three of the medical experts and submissions of the parties on Kabuga's fitness to stand trial and to be detained in Arusha.

In the Decision on Félicien Kabuga's Fitness to Stand Trial and to be Transferred to and Detained in Arusha, issued on 13 June 2022, the Trial Chamber found that the Defence had not established that Kabuga is presently unfit for trial, and it decided that Kabuga shall remain detained at the Hague branch of the Mechanism and that his trial shall commence there until otherwise decided. On 20 June 2022, Kabuga filed a motion for certification to appeal the Trial Chamber's decision of 13 June 2022. On 23 June 2022, the Trial Chamber certified for appeal the issue of Kabuga's fitness to stand trial, and informed the parties that proceedings shall continue while the interlocutory appeal is pending. Kabuga filed his appeal on 30 June 2022 and, by order of the same date, the then-President assigned the appeal to a Bench of the Appeals Chamber composed of Judge Carmel Agius, Presiding, Judge Burton Hall, Judge Liu Daqun, Judge Aminatta Lois Runeni N'gum, and Judge José Ricardo de Prada Solaesa. On 12 August 2022, the Appeals Chamber dismissed the Appeal in its entirety.

On 7 July 2022, the Pre-Trial Judge scheduled the Pre-Trial Conference to be held at the Hague branch of the Mechanism on 18 August 2022.

## CASE BACKGROUND INFORMATION

### INDICTMENT

Kabuga is charged with genocide, direct and public incitement to commit genocide, conspiracy to commit genocide, and persecution on political grounds, extermination, and murder as crimes against humanity, committed in Rwanda in 1994.

The Indictment states that between 6 April 1994 and 17 July 1994, genocide against the Tutsi ethnic group occurred in Rwanda, and that, throughout Rwanda, there were widespread and/or systematic attacks against the civilian population based on Tutsi ethnic identification and/or political grounds.

According to the Indictment, Kabuga, a founder of the radio station RTLM, operated it with others in a manner that furthered hatred and violence against Tutsi and others and that he and others agreed to disseminate an anti-Tutsi message with the goal to eliminate the Tutsi ethnic group in Rwanda. Specifically, the Indictment alleges that RTLM directly and publicly incited the commission of genocide and persecution through denigrating and threatening broadcasts. These broadcasts expressly identified



persons as Tutsi or as “accomplices” or “allies” of the Rwandan Patriotic Front and, in some instances, provided locations and other information that encouraged or facilitated their killing. The Indictment alleges that Kabuga is liable for these crimes based on his participation in a joint criminal enterprise with others involved in RTLM’s operations, as well as aiding and abetting the criminal conduct of RTLM journalists, *Interahamwe*, and others whose crimes were assisted or instigated by RTLM broadcasts.

Kabuga is further charged with aiding and abetting *Interahamwe* who killed and harmed Tutsi and others in Kigali-Ville, Gisenyi, and Kibuye prefectures by having provided material, logistical, financial, and moral support to them. As an example, the Indictment alleges that Kabuga supported a core group of *Interahamwe* in Kimironko, Kigali, known as “Kabuga’s *Interahamwe*” in numerous ways and that this group participated in attacks, killing and harming of Tutsi and others in Kigali-Ville prefecture at roadblocks, places of refuge, and houses. Kabuga is further alleged to have raised funds to purchase weapons and ammunition and to have played a role in importing arms and ammunition which were distributed to *Interahamwe* in Gisenyi prefecture. The Indictment alleges that these supplies were used for committing crimes in Gisenyi, Kibuye, and Kigali-Ville prefectures.

The charges in the Indictment are the following:

**One count of Genocide** (Count 1)

**One count of Direct and Public Incitement to Commit Genocide** (Count 2)

**One count of Conspiracy to Commit Genocide** (Count 3)

**Three counts of Crimes Against Humanity**

- Persecution on political grounds (Count 4)
- Extermination (Count 5)
- Murder (Count 6)

For more information please visit the Mechanism website [www.irmct.org](http://www.irmct.org).

For press inquiries, email [mict-press@un.org](mailto:mict-press@un.org).