

The trial of the alleged Rwandan Genocide “financier”, Félicien Kabuga, started Thursday, September 29 in The Hague, in the Netherlands with the defendant refusing to attend the hearing, either in person or by video.

Considered one of the richest men in Rwanda shortly before and during the Genocide against Tutsis, he used his fortune to set up and run the infamous Radio-television libre des mille collines (RTLM) that spread speeches of hatred against the Tutsis, 24 hours a day.

During the opening of the trial, the prosecution cited witnesses who confirm how Kabuga financed and trained the Hutu Interahamwe militias, the main armed arms of the massacre.

In its opening statement to the Trial Chamber, Prosecution set out the main elements of the case against Kabuga. Having recalled that there can be no dispute that during 1994 there was a campaign of mass killing intended to destroy Rwanda’s Tutsi population, the Prosecution argued that Kabuga intentionally made two primary contributions to these crimes: first, by creating and operating Radio Télévision Libre des Mille Collines (RTLM), and second, by financing, arming and supporting the feared Interahamwe militia.

The defense team lead by Emmanuel Altit defended their client in court arguing that Kabuga was not the editor-in-chief of Radio-Television des Mille Collines.

The lawyer criticized prosecution for wanting to overlook the war and ignoring the context in which the genocide took place.

“He (Kabuga) is no longer a warlord, he is a businessman, caught up in the chaos of his time, and that is what we will show” Emmanuel Altit told court.

But as Prosecution noted, RTLM was the propaganda machine rousing hatred and ultimately violence against Tutsi; and the *Interahamwe*, receptive to RTLM’s rhetoric and trained, armed and primed to execute it on the ground.”

Genocide and crimes against humanity

Kabuga is being tried before the International Residual Mechanism for Criminal Tribunals in The Hague (Netherlands) on charges of genocide and crimes against humanity. He was arrested by the French police in May 2020 at the age of 87 after 26 years on the run.

Yet he refused to appear in court, saying in a note that this was in protest against a refusal to let him change lawyers, judges ordered that the proceedings should go ahead and asked the prosecution to read its opening statement.

Before his arrest, the suspect was the subject of an international arrest warrant issued by the International Criminal Tribunal for Rwanda on 29 April 2013, which directs his transfer to the Arusha Branch of the Mechanism to be remanded into the custody of the United Nations Detention Facility.

The trial has been delayed after Kabuga's associates, whose bank accounts were frozen on suspicion they could aid him avoid arrest, filed a motion to the court seeking access to their funds.

Rwanda, however, submitted that the delay was unjustifiable and took issue with the extended pretrial phases, saying they not only delay justice for the victims and survivors of the genocide but also jeopardise the core judicial mandate of IRMCT.

Commenting on the move, the UN secretary-general's special adviser on genocide prevention, Alice Wairimu Nderitu welcomed the opening of Kabuga's trial.

"Our collective commitment not to forget constitutes a commitment to prevent," said Nderitu. "Accountability is prevention in itself and hence a deterrent for future crimes."

Akazu clique

Before the genocide, Kabuga was one of the wealthiest and most influential individuals in Rwanda, a close ally of then-President Juvénal Habyarimana, his wife Agathe Kanziga and the Akazu clique that representing the country's top elites. Despite his very modest background and lack of formal education, Kabuga built a business empire, which he then leveraged to build relationships with political, military and business leaders across Rwanda.

With the advent of multi-party elections and the outbreak of armed conflict with the Rwandan Patriotic Front in the early 1990s, divides developed among the Rwandan leadership, between those committed to maintaining Hutu supremacy and those supporting ethnic peace and pluralism.

The trial has been adjourned until October 5, when the prosecutor's first witness will be called – a protected witness who will testify under a pseudonym.