

CASE NO: ICR-98-41-T
EXHIBIT NO: P-398B
DATE ADMITTED: 14-6-2008
TENDERED BY: PROSECUTION
NAME OF WITNESS: CJK-1

K0364929

REPUBLIC OF RWANDA
MINADEF
GEND/MILIT.
GPT/GISENYI

BDE/GISENYI

Gisenyi, .../.../....
CASE No. 272/CRIM/MC/GIS
Record. No. 07
TRANSMITTED TO THE PROSECUTOR'S
OFFICE, GISENYI
3 March 1998

PRO JUSTITIA

This 25th day of March 1997, I, Corneille Muligo, Prosecution Counsel with overall jurisdiction in Gisenyi, now have appearing before me as witness Saidi Habarurema, son of Téléphore Sinamenye and of Bandorere, born in 1966 at Gisenyi, resident of Gisenyi, Muhato cellule, Gisenyi secteur, Rubavu commune, single, driver by trader, of Rwandan nationality, who has made the following statement in Kinyarwanda.

STATEMENT OF THE ACCUSED

- Q1. Where were you living during the genocide and what was your occupation?
A1. I was living in Bugoyi *cellule*, Gisenyi *secteur*, Rubavu *commune*.
- Q2. Do you know a woman by the name of Joséphine Mukabutore?
A2. Yes, I do.
- Q3. Where do you know her from and what are her current whereabouts?
A3. She was a businesswoman here in Gisenyi, but she died during the genocide.
- Q4. Can you describe to me in detail the circumstances of her death?
A4. On 7 April 1994, at 7.30 in the morning, I was at home. Bizumuremyi, who was a *captain* at Gisenyi military camp, came to my house with other *Interahamwe*, namely Mabuye, Thomas Rumiya and François Dalo. They ordered me to drive them to the military camp in a white Daihatsu. When we reached the camp, they alighted from the vehicle and held meetings. After that, Colonel Anatole, who was then commander of Gisenyi, gave Bizumuremyi, Thomas and Fiacre an order for us to go fetch a woman by the name of Mukabutore. We left right away. I was Rumiya and Dalo who showed us the lady's house. Once at Mukabutore's house, we captured and took her to Gisenyi military camp. [Illegible segment] I immediately loaded the food rations onto the vehicle and took them to the soldiers' *positions*. The deliveries ended around 8.30 in the evening and I went home immediately. I left that night and when I reached Rwemalika's house, I saw Fiacre carrying a firearm. He stopped me and ordered me to transport his 36 cases of beer, which he had taken from Mukabutore's *depot*. I took them to Hussein's house. On that occasion, Fiacre was with Dolo François who had the keys to the depot, Rumiya and Twizere. So I took the beer to Hussein's house and went home immediately. The vehicle took me home and a soldier returned it to the camp. I did not collaborate with them after that.

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Q5. At what time did you go to pick up Mukabutore?

A5. At 4 p.m.

Q6. Did you go anywhere else before you reached Mukabutore's house?

A6. No.

Q7. According to the accusations made against you, before going to Mukabutore's house, you stopped by the place where Hussein lived. You found Twizere there with another vehicle, with people in it. You told them to alight from this vehicle and get into the Daihatsu. You then went to Mukabutore's house after killing someone by the name of Assuman Kajonjo. What do you have to say to that?

A7. It is not true.

Q8. Are you prepared to be punished should the eyewitnesses accuse you of these crimes?

A8. Yes.

Q9. Still according to the accusations made against you, on reaching Mukabutore's house, you and Twizere ordered the *Interahamwe* who were in the Daihatsu you were driving to break in the doors and bring out all the *Inyenzi* inside the house. Do you also deny this charge?

A9. I do not admit this charge either, because I was not leading the attack.

Q10. Still according to the accusations made against you, after the assailants took Mukabutore out of the house, you and Twizere drove her away privately in the vehicle and later returned her to her house. Do you admit this?

A10. No.

Q11. You are accused of demanding money from Mukabutore when you took her out of the house. She told you that the money was at the shop, and you drove her there. She then gave you money and then you killed her. Do you deny this too?

A11. I deny it.

Q12. When you took the cases of beer to Hussein's house, you uttered the following words over a drink: "We have killed this poor *Inyenzi* unjustly. If she had had money, he would have given it to us. The check she has given us will not be of much use to us." You were the one who was holding the check. Did you utter those words?

A12. I never uttered such words.

Q13. While in detention, did you speak to Abishuka about Mukabutore's death?

A13. We spoke about it.

Q14. What did you say?

- A14. We spoke about the cases of beer he is accused of having looted. I told him that I knew that Fiacre and his companions had looted a number of cases of beer. I even told him that I am the one who transported them after being ordered to do so.
- Q15. When you returned from exile, before you were detained, did you ask anyone for advice on how to defend yourself in case you were prosecuted for Mukabutore's murder?
- A15. I did not discuss the matter with anyone.
- Q16. Assuming you did not support the plan to kill Mukabutore, did you, when you returned from exile, tell any authority about what you did under duress by naming the people who forced you so that they could be prosecuted?
- A16. I did not. I asked Joseph to go and explain to Zaruna, Mukabutore's daughter, what happened. Zaruna then told him that I and Dolo were going to explain it to her.
- Q17. You deny all the accusations against you, claiming that they are false. Should it be established through eyewitness statements, that you are doing so in order to deny your responsibility, are you prepared to be punished for the crimes charged against you and for having lied to the authorities?
- A17. In that case, I would accept to be punishment for the two offences, as provided by the law.
- Q18. You were forced to act by the *Interahamwe*. How long were you at their disposal?
- A18. I was with them only 7 April 1994 only.
- Q19. In your defence, you deny the accusations made against you. Are you able to provide proof of your innocence?
- A19. I will cite as my witnesses, the persons who were present when I was forced to drive *notorious Interahamwe*, namely, the wife of the taxi-driver named Abdou and a lady by the name of Anatolie.
- Q20. Do you have anything to add to your statement?
- A20. I acted under duress. In fact before that, they forced me to attend meetings on preparing genocide.

After the reading of the statement, the appearant certifies the truth thereof and appends his thumbprint.

*Accused
Saïd Habarurema
[Thumbprint]*

*I swear that the present statement is true
Prosecution Official
Corneille Muligo
[Signed]*