Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Umuryango w'Abibumbye

Umwimerere: Icyongereza

URUGEREKO RWA MBERE RW'IREMEZO II

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Itariki:	1 Ugushyingo 2010

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POROKIRERI

aburana na

Gaspard KANYARUKIGA

Urubanza N° ICTR-2002-78-T

INYANDIKO Y'URUBANZA

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UMUTWE WA 1: INTANGIRIRO

1. Intangiriro

1. Uregwa muri uru rubanza yitwa Gaspard Kanyarukiga, yavukiye muri Komini ya Kivumu, Perefegitura ya Kibuye[1]. Mu mwaka wa 1994, Kanyarukiga yari umucuruzi, akaba yari afite farumasi kuri santere y'i Nyange yari iherereye muri Segiteri ya Nyange, Komini ya Kivumu, Perefegitura ya Kibuye[2]. Yafunguye iyo farumasi mu mpera z'imyaka ya za 1980[3]. Yacururizaga n'i Kigali[4]. Kanyarukiga aryozwa ibyaha nka gatozi hashingiwe ku ngingo ya 6(1) ya Sitati, no mu rwego rw'umugambi mubisha uhuriweho. Porokireri ashingira ku bikorwa avuga ko Kanyarukiga yakoreye muri Komini ya Kivumu hagati y'itariki ya 6 n'iya 30 Mata 1994, maze akamushinja jenoside, iki cyaha cyaramuka kitamuhamye akamushinja kuba icyitso cy'abakoze jenoside, n'itsembatsemba nk'icyaha cyibasiye inyokomuntu. Ubwunganizi

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[1]Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 14 Ugushyingo 2007, igika 1; Imyanzuro nsozarubanza y'Ubwunganizi, yatanzwe ku itariki ya 11 Gicurasi 2010, igika 283; Imyanzuro nsozarubanza ya Porokireri, yatanzwe mu mwaka wa 2010, igika 4.

[2]Imyanzuro nsozarubanza y'Ubwunganizi, igika 284; Imyanzuro nsozarubanza ya Porokireri, ibika 11-14. Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30; umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 12 na 35; umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 29; umutangabuhamya wiswe CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 50; umutangabuhamya witwa Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 4; umutangabuhamya witwa Tugirumukiza, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 53; umutangabuhamya witwa Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 27.

[3]Nk'uko bivugwa mu mpinamyanzuro y'Ubwunganizi, Uregwa ntiyari afite iyi farumasi mbere y'umwaka wa 1987. Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 15; Imyanzuro nsozarubanza ya Porokireri, igika 14.

[4]Imyanzuro nsozarubanza y'Ubwunganizi, igika 293; Imyanzuro nsozarubanza ya Porokireri, igika 6; umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30; umutangabuhamya wiswe CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 42 na 43; umutangabuhamya wiswe CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 50; umutangabuhamya witwa Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 27.

bwahakanye ibyo byaha byose kandi bwiyambaza imyiregurire ya sinari mpari (*alibi*). Igice gikurikira gikubiyemo incamake y'ibivugwa by'ingenzi[5].

2. Incamake y'uko imiburanishirize yagenze

2. Gaspard Kanyarukiga yafatiwe muri Afurika y'Epfo ku itariki ya 16 Nyakanga 2004, yoherezwa ku Rukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (TPIR) ku itariki ya 19 Nyakanga 2004. Porokireri yatangiye gutanga ibimenyetso bishinja ku itariki ya 31 Kanama 2009, asoza ku itariki ya 17 Nzeri 2009 amaze guhamagaza abatangabuhamya 11 mu minsi 11 y'iburanisha. Ubwunganizi bwatangiye gutanga ibimenyetso bishinjura ku itariki ya 18 Mutarama 2010, busoza ku itariki ya 11 Gashyantare 2010 bumaze guhamagaza abatangabuhamya 23 mu minsi 14 y'iburanisha. Hagati y'itariki ya 19 n'iya 21 Mata 2010, Urugereko rwagiye ahakorewe ibyaha mu Rwanda. Ababuranyi batanze imyanzuro yabo isoza mu magambo mu iburanisha ryo ku itariki ya 24 Gicurasi 2010. Urubanza rwaciwe ku bwumvikane bw'abacamanza bose baruburanishije kandi rwasomwe ku itariki ya 1 Ugushyingo 2010. Inyandiko y'urubanza yatanzwe ku itariki ya 9 Ugushyingo 2010, imirimo yo kunononsora iyandikwa ryarwo irangiye. Imigendekere y'iburanisha mu magambo arambuye yometse ku mugereka w'uru rubanza.

3. Incamake y'ibivugwa muri uru rubanza

Ibitero byibasiye Abatutsi b'abasiviri muri Komini ya Kivumu

3. Mu Nyandiko y'ibirego yahinduwe, Porokireri avuga ko nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, Abatutsi b'abasiviri bo muri Komini ya Kivumu bagabweho ibitero mu ngo zabo, bamwe muri bo barimo Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi bakicwa. Rushingiye ku buhamya butagibwaho impaka bw'abatangabuhamya umunani bashinja n'abatangabuhamya babiri bashinjura, Urugereko rwasanze, nta gushidikanya, Abatutsi b'abasiviri baragabweho ibitero bakicwa muri Komini ya Kivumu nyuma y'itariki ya 6 Mata 1994. Cyakora, Porokireri ntiyashoboye kwerekana ko Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi bari mu bantu bahitanywe n'ibyo bitero.

[5] Ku bijyanye na bimwe mu bivugwa, Urugereko rwasanze Uregwa atarabimenyeshejwe ku buryo bukwiye. Ibi

Abasiviri b'Abatutsi bahungiye ku kiriziya y'i Nyange

4. Inyandiko y'ibirego yahinduwe ivuga ko nyuma y'ibitero byagabwe ku Batutsi b'abasiviri muri Komini ya Kivumu, abo Batutsi bahungiye ku nyubako zihurirwamo na rubanda nk'ibiro bya komini na kiriziya y'i Nyange[6]. Urugereko rushingiye ku buhamya bwatanzwe n'abatangabuhamya barindwi bashinja n'abatangabuhamya batatu bashinjura budahuzagurika kandi bushyigikirana, rwasanze Abatutsi b'abasiviri barahungiye ibyo bitero ku kiriziya y'i Nyange. Cyakora, ibimenyetso byatanzwe ntibihagije kwerekana ku buryo budashidikanywaho ko Abatutsi bahungiye no ku biro bya Komini ya Kivumu.

Inama yabereye kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki

5. Inyandiko y'ibirego yahinduwe ivuga ko ku itariki ya 10 Mata 1994, cyangwa ahagana kuri iyo tariki, Gaspard Kanyarukiga, Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana n'abandi bantu, bitabiriye inama yabereye mu mazu ya paruwasi ya Nyange, yavugiwemo ibibazo by'umutekano muke n'ubwicanyi. Muri iyo nama, Padiri Seromba yashinje Inkotanyi kwica Perezida Habyarimana. Umutangabuhamya

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bivugwa ntibikubiye muri iyi ncamake y'urubanza.

[6]Urugereko rwa Mbere rw'Iremezo rusanga Inyandiko y'ibirego yahinduwe yita Abatutsi b'abasiviri bahungiye muri kiriziya y'i Nyange « impunzi». Abatangabuhamya bashinja n'abashinjura na bo bakoresheje ijambo « impunzi » bavuga Abatutsi bahungiye ku kiriziya. Urugereko rusanga cyakora, nk'uko biteganywa n'Amasezerano n'Umugereka byerekeye Impunzi, «impunzi » ari umuntu, « bitewe n'ubwoba bufite ishingiro bwo gutotezwa kubera ubwoko, idini, ubwenegihugu, kuba mu muryango runaka cyangwa ishyaka rya politiki, *uri hanze y'igihugu afitiye ubwenegihugu*, kandi akaba adashobora, cyangwa, kubera ubwo bwoba, adashaka kurindirwa umutekano n'icyo *gihugu; cyangwa umuntu udafite ubwenegihugu kandi uri hanze y'igihugu yari asanzwe atuyemo* kubera izo mpamvu, udashobora cyangwa, kubera ubwo bwoba, udashaka kugaruka muri icyo gihugu » (ni twe tubishimangiye tubishyira mu nyuguti ziberamye). Amasezerano yerekeye Impunzi yemejwe ku itariki ya 28 Nyakanga 1951, Ingingo ya 1(A)(2), 189 U.N.T.S. 150, 151; Umugereka werekeye Impunzi wemejwe ku itariki ya 31 Mutarama 1967, ingingo 1(A)(2), 606 U.N.T.S. 267, 268. Kubera ko Abatutsi bavugwa bari barakuwe mu byabo ariko bari mu gihugu bafitiye ubwenegihugu, bakaba batarambutse umupaka mpuzamahanga, ugendeye ku mategeko mpuzamahanga usanga ijambo « impunzi » atari ryo abo bantu bakwiye kwitwa hakurikijwe uko bari bameze mu wa 1994. Bityo rero, muri iyi nyandiko y'urubanza, Urugereko rukoresha ijambo impunzi mu kuvuga Abatutsi bari ku kiriziya y'i Nyange iyo rusubira gusa mu magambo yavuzwe n'umutangabuhamya cyangwa umwe mu baburanyi.

umwe ushinja yavuze ko Kanyarukiga yageze kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994, ari kumwe na Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana, bagakorana inama na Padiri Seromba. Uyu mutangabuhamya ushinja nta buhamya yatanze bwerekeye ibyavugiwe muri iyo nama. Urugereko rushidikanya ku makuru yatanzwe n'uyu mutangabuhamya ku birebana n'iyo nama, bityo rukaba rutaragendeye ku buhamya bwe.

Inama yabereye kuri paruwasi ya Nyange ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki

6. Mu Nyandiko y'ibirego yahinduwe, Porokireri avuga ko « ku itariki ya 12 Mata 1994, cyangwa ahagana kuri iyo tariki », Kanyarukiga, Kayishema, Ndahimana, Ndungutse n'abandi bantu bakoranye inama na Padiri Seromba, kuri paruwasi ya Nyange, ku rubaraza rw'inzu Seromba yabagamo. Ubuhamya bwatanzwe bwerekana ariko ko inama ivugwa mu Nyandiko y'ibirego yahinduwe yabaye ku itariki ya 14 Mata 1994. Abatangabuhamya babiri bashinja bavuze ko nibura Kanyarukiga, Kayishema, Ndahimana na Mbakirirehe babonanye na Padiri Seromba ku itariki ya 14 Mata 1994 kuri paruwasi ya Nyange. Ubwunganizi bwahamagaje umutangabuhamya umwe wavuze ko yari kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994, ko kandi nta muntu wigeze abonana na Seromba kuri iyo tariki. Urugereko rusanga muri rusange ubuhamya bw'abo batangabuhamya babiri bashinja bwakwemerwa, kandi ibimenyetso by'Ubwunganizi ntibihagije gukurura ugushidikanya kuri ubwo buhamya. Bityo, Urugereko rusanze byarerekanywe ku buryo budashidikanywaho ko Kanyarukiga yitabiriye inama yabereye kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994. Cyakora, nta bimenyetso byatanzwe bihamya ko iyo nama yabereye ku rubaraza rw'amazu yo mu gipadiri.

Abagabye ibitero bitwaje intwaro bagose Abatutsi bari kuri paruwasi ya Nyange

7. Porokireri avuga ko kuva ku itariki ya 12 Mata 1994, abagabye ibitero bitwaje intwaro, barimo Interahamwe n'abajandarume, baragose kiriziya y'i Nyange Abatutsi bari bahungiyemo. Urugereko rwitaye ku buhamya bwerekeye ibyabaye bitandukanye hagati y'itariki ya 12 n'iya 15 Mata 1994, ku bivugwa muri iki gika. Mu myanzuro yarwo ishingiye ku byabaye, Urugereko ruri bugire icyo ruvuga ku bibazo bishobora kuba byarabayeho birebana no kumenyesha Uregwa ibyo byabaye ku buryo bukwiye.

8. Rushingiye ku bimenyetso byatanzwe mu iburanisha, Urugereko rwasanze ibivugwa muri rusange muri iki gika cy'Inyandiko y'ibirego yahinduwe byaratangiwe ibimenyetso bidashidikanywaho. Urugereko rwasanze kandi ku itariki ya 13 Mata 1994, Abahutu baragabye ibitero ku Batutsi b'abasiviri bari bahungiye ku kiriziya y'i Nyange. Uwo munsi kandi Abatutsi bambuwe inkoni n'imipanga. Urugereko rwasanze haratanzwe ibimenyetso bihamya ko ku itariki ya 14 Mata 1994, Abahutu bagose Abatutsi bari kuri paruwasi ya Nyange maze bakabagabaho igitero, ariko Abatutsi baka ba barashoboye gukumira icyo gitero. Na none, hatanzwe ibimenyetso bidashidikanywaho byerekana ko nyuma y'itariki ya 12 Mata 1994, kuri paruwasi ya Nyange hari abajandarume, ko kandi Padiri Seromba yabategetse kurasa Umututsi wese waramuka agiye guca igitoki mu rutoki rwa paruwasi. Nk'uko biri busobanurwe hano hasi, Porokireri ntiyashoboye kwerekana ku buryo budashidikanywaho ibindi byose bivugwa ku birebana n'imyitwarire mibisha ya mbere y'itariki ya 15 Mata 1994.

Ibitero byagabwe kuri paruwasi ya Nyange n'ubwicanyi bwahakorewe ku itariki ya 15 Mata 1994 mu gitondo

9. Inyandiko y'ibirego yahinduwe ivuga ko mu gitondo cyo ku itariki ya 15 Mata 1994, Kanyarukiga, Kayishema, Ndungutse na Ndahimana bategetse abantu kandi bakabahamagarira kugaba ibitero ku Batutsi b'abasiviri bari kuri paruwasi ya Nyange. Bivugwa ko abagabye ibyo bitero, bari bitwaje amabuye, intwaro za gakondo na za gerenade, bahitanye kandi bagakomeretsa Abatutsi benshi.

10. Abatangabuhamya batatu bashinja batanze ubuhamye bufite ireme kandi ahanini bushyigikirana bwerekana ko Kanyarukiga yari kuri paruwasi ya Nyange no kuri santere ya Nyange iri hafi ya paruwasi, ku itariki ya 15 Mata 1994 mu gitondo. Urugereko rwemeye ubu buhamya. Abatangabuhamya benshi bashinjura bavuga ko batabonye Kanyarukiga kuri paruwasi ya Nyange cyangwa kuri santere ya Nyange ku itariki ya 15 Mata 1994. Cyakora, Urugereko rwasanze ubuhamya bwabo budatuma rushidikanya ku bimenyetso bishinja byatanzwe na Porokireri.

Ibitero byagabwe ku kiriziya y'i Nyange, ubwicanyi bwahakorewe no kugerageza gutwika kiriziya nyuma ku itariki ya 15 Mata 1994

11. Mu Nyandiko y'ibirego yahinduwe, havugwa ko ku itariki ya 15 Mata 1994 ari ho abagabye ibitero bibanze ku kiriziya y'i Nyange, bitwaje imbunda n'urutambi.

Bivugwa ko Kanyarukiga n'abandi bantu bari bahari, ko kandi bategetse, bagashishikaza kandi bakagenzura abagabye ibitero, bakabafasha kandi bakabashyigikira babaha intwaro na lisansi.

12. Urugereko rwemeye ubuhamya ahanini bushyigikirana bwatanzwe n'abatangabu-hamya babiri bashinja, bavuze ko Kanyarukiga yari ahari ubwo ibitero byagabwaga na mbere y'uko abagabye ibitero bagerageza gutwika kiriziya y'i Nyange ku itariki ya 15 Mata 1994. Rwasanze hari kandi abandi batangabuhamya babiri bashinja bavuze ko Kanyarukiga yari kuri kiriziya y'i Nyange nyuma y'uko hageragezwaga ibyo kuyitwika, ko kandi yagiranye ikiganiro na Kayishema bavuga ko kiriziya ishobora gusenywa. Urugereko rwasanze ubuhamya bw'umwe muri aba batangabuhamya babiri bwakwemerwa, bityo rwakira ubuhamya bwabo bombi kuri iki kibazo. Urugereko rusanga ibimenyetso bishinjura bitatuma rushidikanya ku buhamya bwatanzwe n'abo bagabo bashinja.

Inama yabereye kuri CODEKOKI ku itariki ya 16 Mata 1994 mu gitondo

13. Inyandiko y'ibirego yahinduwe ivuga ko ku itariki ya 16 Mata 1994 mu gitondo, Kanyarukiga n'abandi bantu bakoreye inama mu nzu ya CODEKOKI maze bemeza kandi bategura umugambi wo kwica Abatutsi bari mu kiriziya bayibasenyeyeho.

14. Porokireri nta bimenyetso yatanze byo gushyigikira ibyo bivugwa. Ahubwo yishingikirije ku mutangabuhamya umwe watanze ubuhamya ku nama ngo Kanyarukiga yaba yaragiyemo hanze ya farumasi ye ku itariki ya 16 Mata 1994 mu gitondo. Urugereko ntirwitaye kuri ubu buhamya kubera ko ibivugwa Porokireri atabimenyesheje mbere Uregwa ku buryo bukwiye. Bityo, Porokireri ntiyashoboye gutanga ibimenyetso bishyigikira ibivugwa mu gika cya 16 cy'Inyandiko y'ibirego yahinduwe.

Inama yabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994

15. Inyandiko y'ibirego yahinduwe ivuga ko Kanyarukiga n'abandi bantu babonanye na Athanase Seromba ku itariki ya 16 Mata 1994 bakamumenyesha icyemezo bari bafashe cyo gusenya kiriziya y'i Nyange kugira ngo bice Abatutsi bari bayihungiyemo. Ivuga kandi ko Kanyarukiga yahamagariye abantu gusenya iyo kiriziya, avuga ko hazubakwa indi.

16. Abatangabuhamya bane bashinja bavuze ko Kanyarukiga n'abandi bantu babonanye na Padiri Seromba kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 mu gitondo. Abo batangabuhamya bose batanze ubuhamya ku byavuzwe cyangwa ibyo basanga byaravugiwe muri iyo nama. Urugereko rwasanze ubuhamya bwa babiri muri abo batangabuhamya bwakwemerwa muri rusange, bityo rubushingiraho, kubera ko bushyigikira ubw'abandi batangabuhamya babiri bashinja batanze ubuhamya kuri ibyo. Urugereko rushingiye ku buhamya bw'umwe muri abo batangabuhamya wabonye ibyabaye, bushyigikirwa n'ubw'abandi batatu batabonye ibyabaye n'amaso yabo, rwasanze na none gusenya kiriziya byaravuzweho muri iyo nama. Urugereko rwitaye ku buhamya bwatanzwe n'umutangabuhamya umwe ushinjura wavuze ko nta nama yabonye ibera kuri paruwasi ku itariki ya 16 Mata 1994, n'ubuhamya bwatanzwe bw'abatangabuhamya bane bashinjura bavuze ko batabonye Kanyarukiga i Nyange ku itariki ya 16 Mata 1994 cyangwa ngo bumve ko yahageze. Urugereko rwasanze ubu buhamya butatuma umuntu ashidikanya ku buhamya budahuzagurika kandi bushyigikirwa n'ubundi, bwatanzwe n'abatangabuhamya bashinja.

17. Icya nyuma, hari umutangabuhamya ushinja wavuze ko Kanyarukiga yabwiye Burugumesitiri Ndahimana, IPJ Kayishema, umucamanza Habiyambere, Ndungutse n'abandi bantu, ko kiriziya y'i Nyange yagombaga gusenywa, ko kandi azishingira kubaka indi. Urugereko rwasanze ubuhamya bw'uyu mutangabuhamya butashidikanywaho kandi bwakwizerwa, bityo ntirushidikanya ko Kanyarukiga yavuze ayo magambo.

Isenywa rya kiriziya y'i Nyange hakoreshejwe za tingatinga, byahitanye Abatutsi 2000 bari bayirimo

18. Inyandiko y'ibirego yahinduwe ivuga ko Kanyarukiga n'abandi bantu bari bari ku kiriziya y'i Nyange ku itariki ya 16 Mata 1994, kandi ko bahamagariye abantu kuyisenya hakoreshejwe tingatinga, bituma hapfa Abatutsi b'abasiviri 2000. Rushingiye ku buhamya bw'abatangabuhamya batandatu bashinja n'ubw'abatangabuhamya umunani bashinjura, Urugereko rwasanze byarerekanywe ku buryo budashidikanywaho ko nibura tingatinga imwe yakoreshejwe mu gusenya kiriziya y'i Nyange ku itariki ya 16 Mata 1994, hakicwa Abatutsi b'abasiviri bari bahungiye mu kiriziya bagera ku 2.000 ugereranyije.

19. Porokireri ashingira ku buhamya bw'abatangabuhamya batatu mu kwerekana ko Kanyarukiga yari ku kiriziya y'i Nyange igihe yasenywaga. Urugereko rwasanze ubuhamya bwabo butakwemerwa. Nta bimenyetso Porokireri yatanze bishimangira ibyo yavuze ko Kanyarukiga yahamagariye abantu gukora icyo cyaha.

Ibivugwa n'Ubwunganizi

20. Ubwunganizi bwifashishije imyiregurire ya sinari mpari (*alibi*), buvuga ko muri icyo gihe, hagati y'itariki ya 12 n'iya 16 Mata 1994, Kanyarukiga yabarizwaga i Gitarama n'i Ndera hafi y'umujyi wa Kigali. Urugereko rwagendeye ku ngingo zikurikira mu gufata umwanzuro kuri iyo myiregurire ya sinari mpari.

21. Icya mbere, Urugereko rwasanze kuba Uregwa yaratinze kurugezaho inyandiko irumenyesha ko azireguza kuba atari ari aho icyaha cyakorewe gikorwa, ndetse no kuba yaratinze kurugezaho abatangabuhamya bazabyemeza, byatuma umuntu akeka ko iyo myiregurire ya sinari mpari yahimbwe mu gihe runaka hagamijwe kuvuguruza ibimenyetso bishinja, mu nyungu zihariye z'Uregwa.

22. Icya kabiri, Urugereko rwasanze ubuhamya bw'abatangabuhamya bashinjura bavuze ko Uregwa atari ari aho icyaha cyakorewe igihe cyakorwaga butakwemerwa.

23. Icya nyuma, Urugereko rwasuzumye rwitonze ibyo rwiboneye ubwo rwajyaga aho ibyaha byakorewe. Rugereranyije ibyo rwiboneye ubwo rwajyaga aho ibyaha byakorewe n'ubuhamya bwatanzwe n'abatangabuhamya bashinjura, Urugereko rwasanze ubuhamya bwatanzwe n'aba batangabuhamya bashinjura butakwemerwa, kandi inzira Kanyarukiga ngo yaba yaranyuzemo ku itariki ya 16 Mata 1994 yari iyakure, nta mutekano uhari, ikaba itari kunyurwamo rwose icyo gihe.

24. Izo ngingo zose zikomatanyije, zatumye Urugereko rusanga umuntu ushyira mu gaciro abona ko bishoboka ko iyo myiregurire ya sinari mpari atari ukuri.

Icyemezo cy'Urugereko

25. Urugereko rwasanze Kanyarukiga ahamwa n'icyaha cyo gutegura umugambi wo gusenya kiriziya y'i Nyange ku itariki ya 16 Mata 1994, akaba agomba kukiryozwa hashingiwe ku ngingo ya 6(1) ya Sitati. Bityo, Kanyarukiga yahamwe na jenoside (Ikirego cya mbere) n'itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 3).

26. Kanyarukiga ntiyahamwe no kuba icyitso cy'abakoze jenoside (ikirego cya 2).

Igenabihano

27. Urugereko rwitaye ku buremere bwa buri cyaha cyamuhamye, ku mpamvu zongera ububi bw'icyaha no ku mpamvu nyoroshyacyaha. Urugereko ruhanisha Gaspard Kanyarukiga igihano kimwe rukumbi cy'igifungo cy'imyaka 30. Azaguma muri gereza y'Urukiko igihe agitegereje koherezwa mu gihugu azarangirizamo igihano cye.

UMUTWE WA 2: IBIBAZO BY'IBANZE

1. Ibibazo birebana n'Inyandiko y'ibirego

1.1. Ibikorwa Porokireri abyutsa kandi bitavugwa mu Nyandiko y'ibirego

28. Ingingo ya 20(4)(a) ya Sitati iha uregwa uburenganzira bw'ibanze «bwo kumenyeshwa bidatinze kandi ku buryo burambuye, mu rurimi yumva, imiterere y'ibyaha ashinjwa n'impamvu zabyo». Urugereko rw'Ubujurire rwasobanuye iyo ngingo, hamwe n'iza 17(4), 20(2) na 20(4)(b) za Sitati, kimwe n'iya 47(C) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (« Amategeko »), ruvuga ko izo ngingo zisaba Porokireri kuvuga ibikorwa by'ingenzi byose bishyigikira ibirego bikubiye mu nyandiko y'ibirego, aho kuvuga ibimenyetso byerekana ibyo byabaye[7].

29. Urugereko rw'Ubujurire kandi rwasanze ibyaha uregwa ashinjwa n'ibikorwa by'ingenzi bishyigikira ibyo byaha bigomba kuvugwa mu buryo busobanuye neza mu nyandiko y'ibirego kugira ngo uregwa abimenye mbere[8]. Porokireri agomba kumenya ibyo azashinja uregwa mbere y'iburanisha kandi ntashobora kubihindagura hagati mu rubanza bitewe n'uburyo ibimenyetso byigaragaje[9]. Cyakora, amakosa ari mu nyandiko

[7] *Urubanza rwa Ntagerura na bagenzi be*, N° ICTR-99-46-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006, igika 21. Reba na none *Urubanza rwa Ntakirutimana na Ntakirutimana*, N° ICTR-99-10-A na N° ICTR-96-17-A, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 470 (uru rubanza rwifashisha Ingingo ya 20(2), 20(4)(b) za Sitati); *Urubanza rwa Simić*, N° IT-95-9-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2006, igika 20; *Urubanza rwa Naletilić na Martinović*, N° IT-98-34-A, Inyandiko y'urubanza mu bujurire, 3 Gicurasi 2006, igika 23; *Urubanza rwa Kupreškić na bagenzi be*, N° IT-95-16-A, Inyandiko y'urubanza mu bujurire, 23 Ukwakira 2001, igika 88.

[8] *Urubanza rwa Seromba*, N° ICTR-2001-66-A, Inyandiko y'urubanza mu bujurire, 12 Werurwe 2008, ibika 27 na 100; *Urubanza Simba*, N° ICTR-01-76-A, Inyandiko y'urubanza mu bujurire, 27 Ugushyingo 2007, igika 63; *Urubanza rwa Muhimana,* N° ICTR-95-1B-A, Inyandiko y'urubanza mu bujurire, 21 Gicurasi 2007, ibika 76, 167, 195; *Urubanza rwa Gacumbitsi*, N° ICTR-2001-64-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006, igika 49. Reba na none *Urubanza rwa Ndindabahizi*, N° ICTR-01-71-A, Inyandiko y'urubanza mu bujurire, 16 Mutarama 2007, igika 16.

[9] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 27; *Urubanza rwa Niyitegeka*, N° ICTR-96-14-A, Inyandiko y'urubanza mu bujurire, 9 Nyakanga 2004, igika 194. Reba na none *Urubanza rwa Kvočka na bagenzi be*, N° IT-98-60/1-A, Inyandiko y'urubanza mu bujurire, 28 Gashyantare 2005, igika 30; *Urubanza rwa Kupreškić na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 92.

y'ibirego ashobora kugaragara mu iburanisha bitewe n'uko ibimenyetso bitagaragaye nk'uko byari byitezwe. Iyo bigenze gutyo, mu rwego rwo guharanira ko urubanza rucibwa ku buryo bukwiye, Urugereko rwa Mbere rw'Iremezo rugomba kureba niba ari ngombwa guhindura inyandiko y'ibirego, gusubika iburanisha ry'urubanza cyangwa gushyira ku ruhande ibimenyetso bidafite aho bihuriye n'ibivugwa mu nyandiko y'ibirego[10].

30. Porokireri asabwa kuvuga mu nyandiko y'ibirego uburyo bumwe cyangwa bwinshi bwihariye bw'uburyozwacyaha ashingiraho ashinja uregwa[11]. Urugereko rw'Ubujurire rwakunze kwihanangiriza Porokireri ko atagomba kwandukura gusa ibivugwa mu ngingo ya 6(1) (cyangwa iya 7(1) ya Sitati ya TPIY), uretse mu gihe yaba ateganya kwishingikiriza ku buryo by'uburyozwacyaha bwose bukubiye muri iyo ngingo[12]. Ahubwo, Porokireri asabwa kwerekana gusa uburyo bw'uburyozwacyaha azashingiraho[13]. Iyo Porokireri ateganya gushingira ku buryo bwose bw'uburyozwacyaha bukubiye mu ngingo ya 6(1) (cyangwa iya 7(1) ya Sitati ya TPIY), agomba kuvuga ibikorwa by'ingenzi kuri buri buryo bw'uburyozwacyaha[14]. Iyo adashoboye kubahiriza ibyo, inyandiko y'ibirego iba ifite inenge[15].

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[10] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 27. Reba na none *urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 31; *Urubanza rwa Niyitegeka,* Inyandiko y'urubanza mu bujurire, igika 194; *Urubanza rwa Kupreškić na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 92.

[11] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 21 ; *Urubanza rwa Semanza*, N° ICTR-97-20-A, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005, ifik. 357.

[12] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 21 ; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 357. Reba na none *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 473.

[13] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 2 ; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 41.

[14] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 2 ; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 29.

[15] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 2 ; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 29..

31. Kumenya niba ibikorwa runaka « bifatika » biterwa n'ibyo Porokireri ashaka kugaragaza[16]. Uburyo Porokireri asobanuramo imyitwarire mibisha ivugwa y'uregwa no kuba uregwa afite aho ahuriye n'ibyaha nyakuri ni ibintu bya ngombwa Porokireri asabwa kugira ngo agaragaze ibikorwa runaka bifatika hagamijwe kumenyesha uregwa, ku buryo bukwiye, ibyo ashinjwa[17].

32. Nk'urugero, Urugereko rw'Ubujurire rwemeje ko iyo uregwa ashinjwa kuba gatozi w'ibyaha, Inyandiko y'ibirego igomba kuvuga by'umwihariko ibikorwa bigize ibyo byaha, ikanatanga, aho bishoboka, amakuru yerekana « umwirondoro w'abakorewe ibyaha, igihe n'ahantu byakorewe, n'uburyo byakozwemo»[18]. Rimwe na rimwe, bitewe n'intera ibyo byaha byakozwemo, ntibishoboka gusobanura ku buryo bwuzuye ibijyanye n'ibintu bimwe nk'imyirondoro y'abakorewe ibyaha n'amatariki byakoreweho[19].

33. Iyo uregwa aryozwa gucura umugambi, yahamagariye cyangwa yategetse abandi gukora ibyaha, cyangwa ku bundi buryo ubwo ari bwo bwose agafasha kandi agashyigikira gucura umugambi, gutegura cyangwa gukora ibyaha bivugwa, Porokireri agomba kugaragaza « ibikorwa byihariye » cyangwa « imyitwarire yihariye » by'uregwa ashingiraho amushinja[20].

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[16] *Urubanza rwa Karera*, N° ICTR-01-74-A, Inyandiko y'urubanza mu bujurire, 2 Gashyantare 2009, igika 292 ; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 23 ; *Urubanza rwa Naletilić na Martinović*, Inyandiko y'urubanza mu bujurire, igika 24.

[17] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 23. Reba na none *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 292.

[18] *Urubanza rwa Muvunyi*, N° ICTR-2000-55-A-A, Inyandiko y'urubanza mu bujurire, 29 Kanama 2008, igika 120 ; *Urubanza rwa Seromba*, Inyandiko y'urubanza mu bujurire, igika 27 ; *Urubanza rwa Muhimana*, Inyandiko y'urubanza mu bujurire, igika 76 ; *Urubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu bujurire, igika 16 ; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 49 ; *Urubanza rwa Ntakirutimana* na *Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 32, nk'uko byanditse mu *Rubanza rwa Kupreškć na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 89.

[19] *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 94 ; *Urubanza rwa Muhimana*, Inyandiko y'urubanza mu bujurire, igika 79 ; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 50 ; *Urubanza rwa Kupreškić na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 89.

[20] *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 292 ; *Urubanza rwa Seromba*, Inyandiko y'urubanza mu bujurire, igika 27 ; *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, ibika 27 na 100 ; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 25.

34. Iyo Porokireri ateganya gushingira ku ihange rw'umugambi mubisha uhuriweho, agomba kwerekana ku buryo bwihariye ibirebana n'imiterere y'ubwo buryozwacyaha mu Nyandiko y'ibirego[21]. N'ubwo umugambi mubisha uhuriweho wumvikana nk'uburyo bwo « gukora icyaha » nk'uko Sitati ibiteganya, ntibihagije ko inyandiko y'ibirego yarengurira ku ngingo ya 6(1) mu buryo bwa rusange[22]. Ahubwo, Porokireri agomba kwerekana mu nyandiko y'ibirego niba uregwa ashinjwa ibyo bikorwa nka gatozi cyangwa niba abishinjwa mu rwego rw'umugambi uhuriweho, cyangwa niba abishinjwa muri ubwo buryo bwombi[23]. Niba Porokireri ashingira ku ihange ry'umugambi mubisha uhuriweho, intego y'uwo mugambi, umwirondoro w'abawugize, imiterere y'uruhare rw'uregwa muri uwo mugambi n'igihe wabereyeho bigomba kugaragazwa mu nyandiko y'ibirego[24]. Ikindi kandi, Inyandiko y'ibirego ikwiye kwerekana neza uburyo bw'umugambi mubisha uhuriweho nyirizina uvugwa: ubw'ibanze, uburi kuri gahunda cyangwa ubwaguye[25].

35. Icya nyuma, inyandiko y'ibirego ishobora kuba ifite inenge iyo ibikorwa by'ingenzi bitagaragajwe ku buryo busobanuye neza bihagije, nk'urugero igihe ibihe bivugwa biganisha ku matariki adasobanutse, ahantu havugwa hadasobanurwa neza, n'abahohotewe bavugwa gusa muri rusange[26].

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[21] *Urubanza rwa Ntagerura* na *bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 24 ; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 42.

[22] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 24 ; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 42.

[23] *Urubanza rwa Simić,* Inyandiko y'urubanza mu bujurire, igika 22.

[24] *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 63; *Urubanza rwa Simić,* Inyandiko y'urubanza mu bujurire, igika 22 (uru rubanza rurifashisha ibirebana « n'imiterere n'intego ») ; *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 24; *Urubanza rwa Kvočka na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 42.

[25] *Urubanza rwa Rukundo*, N° ICTR-2000-55A-A, Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2009, igika 24; *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 63; *Urubanza rwa Simić,* Inyandiko y'urubanza mu bujurire, igika 22, *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 24. Reba muri rusange *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, ibika 478-484.

[26] *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 27; *Urubanza rwa Kvočka na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 31 (uru rubanza rwongeraho « cyeretse hari impamvu zihariye»).

36. Inyandiko y'ibirego idatanga amakuru neza ku buryo busabwa iba ifite inenge. Cyakora, inenge ishobora gukosorwa kubera impamvu zidasanzwe iyo Porokireri ahaye uregwa amakuru asobanutse, afite ireme kandi atangiwe igihe, asobanura ku buryo burambuye ibikorwa bishyigikira ikirego[27]. Ayo makuru ashobora gutangwa mu buryo bunyuranye, binyujijwe nko mu myanzuro mbanzirizarubanza n'incamake z'ibivugwa n'abatangabuhamya ziba ziyometseho, mu mpinamyanzuro no mu byifuzo bisaba guhindura lisiti z'abatangabuhamya[28]. Cyakora, ihame ry'uko inenge iri mu Nyandiko y'ibirego ishobora kubonerwa umuti rigira aho rigarukira. Muri urwo rwego, Urugereko rw'Ubujurire rwagize ruti :

> « Ibikorwa bifatika bishya » ntibikwiye gutuma habaho « ihinduka rikabije » ry'ibirego Porokireri ashinja uregwa. Urugereko rwa Mbere rw'Iremezo rugomba buri gihe kwita ku ngorane z'uko kwagura ibirego hongerwamo ibikorwa bifatika bishya bishobora kurenganya no kubangamira uregwa. Byongeye kandi, niba ibikorwa bifatika bishya ubwabyo ari ibishobora gushyigikira ibirego buri kimwe ukwacyo, Porokireri akwiye gusaba Urugereko rwa Mbere rw'Iremezo uruhushya rwo guhindura Inyandiko y'ibirego, kandi Urugereko rukwiye kubimwemerera gusa iyo rusanga bitazarenganya cyangwa ngo bibangamire Ubwunganizi[29].

37. Urugereko na none ruributsa ko hagomba gufatwa ko « uregwa azategura imyiregurire ye ashingiye ku bikorwa bifatika bikubiye mu nyandiko y'ibirego, aho gushingira ku nyandiko yashyikirijwe zishobora gushyigikira ibirego by'inyongera uko byangana

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[27] *Urubanza rwa Muvunyi,* Inyandiko y'urubanza mu bujurire, igika 20; *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 100; *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 64; *Urubanza rwa Muhimana,* Inyandiko y'urubanza mu bujurire, ibika 76, 195, 217; *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, igika 49. Reba na none *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, ibika 28 na 65.

[28] Urugero, reba *Urubanza rwa Bagosora na bagenzi be*, N° ICTR-98-41-AR73, Icyemezo ku bujurire Ntabakuze yakoze ajuririra icyemezo cy'agateganyo cyafashwe ku birebana n'Ingingo z'amategeko zabyukijwe n'Urugereko rwa Mbere rw'Iremezo I, ku cyifuzo cyo kuvanaho ubuhamya (mu bujurire), 18 Nzeri 2006, igika 3; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 197. Reba na none *Urubanza rwa Muhimana,* Inyandiko y'urubanza mu bujurire, igika 82.

[29] *Urubanza rwa Muvunyi,* Inyandiko y'urubanza mu bujurire, igika 20, nk'uko byanditse mu *Rubanza rwa Bagosora na bagenzi be*, Icyemezo ku bujurire bwakozwe na Ntabakuze ajuririra icyemezo cy'agateganyo ku ngingo z'amategeko zabyukijwe n'Urugereko rwa Mbere rw'Iremezo I, ku itariki ya 29 Kamena 2006, ku cyifuzo cyo kuvanaho ubuhamya (mu bujurire), igika 30 (ibyandukuwe bivuye ahandi ntibirimo).

kose, cyangwa kwagura ibirego byamaze kugaragazwa[30]». Bityo, Urugereko rw'Ubujurire rwasanze guha uregwa ubuhamya bwanditse bw'abatangabuhamya, byonyine, nk'uko bisabwa, bidahagije mu kumenyesha uregwa ibikorwa bifatika Porokireri ateganya kuzagaragaza mu iburanisha[31].

38. Na none kandi, nk'uko Urugereko rw'Ubujurire rwabisobanuye mu rubanza rwa Karera, ni ngombwa gutandukanya ku buryo bugaragara inyandiko y'ibirego ivuga ibintu mu buryo bwa rusange n'inyandiko y'ibirego itavuga ibirego bimwe na bimwe[32]. Mu gihe ikibazo cy'inyandiko y'ibirego ivuga ibintu ku buryo bwa rusange gishobora kubonerwa umuti, ibyaha byirengagijwe bishobora gusa kongerwa mu nyandiko y'ibirego iyo habayeho ihindurwa ry'inyandiko y'ibirego rinyuze mu nzira zizwi nk'uko biteganywa mu ngingo ya 50 y'Amategeko[33]. Ibirego biri mu nyandiko y'ibirego ni byo byonyine Urugereko rwa Mbere rw'Iremezo rushobora guhamya uregwa[34].

39. Urugereko rwasuzumye niba Uregwa yaramenyeshejwe ku buryo bukwiye ibintu binyuranye bivugwa na Porokireri n'ibimenyetso atanga. Urugereko rurasesengura ibirebana n'iryo menyesha mu myanzuro yarwo ishingiye ku byabaye n'iyo mu rwego rw'amategeko, mbere yo kugira icyo rwemeza ku bivugwa na Porokireri[35].

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[30] *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 100; *Urubanza rwa Muvunyi*, N° ICTR-00-55A-AR73, Icyemezo ku bujurire Porokireri yatanze ajuririra Icyemezo cy'agateganyo cyo ku itariki ya 23 Gashyantare 2005 cyo mu rw'iremezo, icyumba II (mu bujurire), 12 Gicurasi 2005, igika 22.

[31] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 27, nk'uko byanditse mu *Rubanza rwa Brđanin na Talić*, N° IT-99-36-PT, Icyemezo ku miterere y'Inyandiko y'ibirego yongeye guhindurwa no ku cyifuzo cya Porokireri cyo guhindura (mu rw'iremezo), 26 Kamena 2001, igika 62. Reba na none *urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 24; *Urubanza rwa Naletilić na Martinović*, Inyandiko y'urubanza mu bujurire, igika 27.

[32] *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 293.

[33] *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 293.

[34] *Urubanza rwa Muvunyi,* Inyandiko y'urubanza mu bujurire, igika 18; *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 28; *Urubanza rwa Kvočka na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 33. Reba na none *Urubanza rwa Nahimana na bagenzi be*, N° ICTR-99-52-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2007, igika 236.

[35] Reba ibika 197, 240, 241, 242, 322-323, 445, 446, 447, 448, 466, 573, 627,-630, 631-632;

1.2. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso bimwe bivanwaho

40. Ku itariki ya 15 Mutarama 2010, Urugereko rwa Mbere rw'Iremezo rwashyize ahagaragara icyemezo cyarwo ku cyifuzo cy'Ubwunganizi cyasabaga ko urubanza rwahagarara cyangwa hakavanwaho ibimenyetso bya Porokireri Ubwunganizi bwavugaga ko bidafite aho bihuriye n'Inyandiko y'ibirego yahinduwe[36]. Icyifuzo cy'Ubwunganizi cy'uko urubanza rwahagarara nticyakiriwe kubera ko kitari gishingiye ku bukererwe cyangwa imyitwarire idahwitse yabanjirije urubanza, nk'uko bisabwa n'ubukemuramanza bw'Urukiko[37].

41. Urugereko rwa Mbere rw'Iremezo rumaze gusuzuma ubukemuramanza bw'Urukiko bujyanye n'imenyeshwa ry'ibirego, rwakuyeho ubuhamya bw'umutangabuhamya wiswe CBN wavuze ko Uregwa yari kuri bariyeri ku itariki ya 13 n'iya 14 Mata 1994, n'ubuhamya bw'umutangabuhamya wiswe CNJ wavuze ko Uregwa yagiye gushaka tingatinga ari kumwe n'Interahamwe imwe[38]. Urugereko rwanze kwakira ibindi byifuzo bitandatu by'inyongera by'Ubwunganizi byasabaga ivanwaho ry'ibimenyetso, kubera ko hari harabayeho imenyekanisha rihagije ry'ibyo bimenyetso byatanzwe[39]. Mu cyemezo rwafashe ku bujurire bwatanzwe hajuririrwa icyemezo cy'agateganyo cy'Urugereko rwa Mbere rw'Iremezo, Urugereko rw'Ubujurire rwa TPIR rwagumishijeho umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko ubuhamya bw'umutangabuhamya wiswe YAU wavuze ko Kanyarukiga yamennye hasi ibiryo byari bigenewe impunzi kuri paruwasi[40] bwamenyeshejwe Uregwa ku buryo bukwiye.

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[36] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010; Icyifuzo gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, cyatanzwe ku itariki ya 18 Ukuboza 2009.

[37] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 9.

[38] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, ibika 22 na 30, Ibyemejwe.

[39] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, ibika 19, 24, 26, 32, 36, 40.

[40] *Urubanza rwa Kanyarukiga*, N° ICTR-02-78-AR73.2, Icyemezo ku bujurire Gaspard Kanyarukiga yatanze ajuririra Icyemezo cy'agateganyo kirebana no kuvanaho ibimenyetso (mu bujurire), 23 Werurwe 2010, igika 11.

42. Ku birebana n'ibivugwa n'abatangabuhamya bashinja ko hari amanama Uregwa yagiyemo, Urugereko rwemeje ko ruzabifataho umwanzuro mu gihe cyo guca urubanza burundu[41]. Mu myanzuro yarwo ishingiye ku byabaye iri hano hasi muri iyi nyandiko y'urubanza, Urugereko rurasuzuma niba imenyesha risabwa ryarakozwe ku bijyanye n'ubu buhamya[42].

2. Ibirebana n'ibimenyetso

43. Ingingo ya 20(3) ya Sitati iteganya ko umuntu wese warezwe afatwa nk'umwere kugeza ibyaha bimuhamye. Porokireri ni we ugomba kwerekana ku buryo budashidikanywaho ko uregwa yakoze icyaha, ibyo bikaba bidashobora na rimwe kuba inshingano y'Ubwunganizi. Mbere yo gufata icyemezo ngenabihano, Urugereko rugomba kuba rwasanze uregwa ahamwa n'icyaha ku buryo budashidikanywaho[43].

44. Mu gihe atari ngombwa ko Ubwunganizi butanga ibimenyetso bivuguruza ibya Porokireri, Porokireri we aba yananiwe kurangiza inshingano ze zo gutanga ibimenyetso iyo Ubwunganizi butanze ibimenyetso bituma ibya Porokireri bishidikanywaho[44]. Umuntu uregwa agomba guhanagurwaho icyaha iyo hari igisobanuro icyo ari cyo cyose gishyize mu gaciro kigaragaza ko ibimenyetso bya Porokireri hari ukundi byafatwa uretse guhamya ushinjwa icyaha[45]. Kwanga kwemera cyangwa gushingira ku bimenyetso by'ubwunganizi ntibivuga byanze bikunze ko uregwa ahamwa n'icyaha[46]. Urugereko rugomba kwemeza niba ibimenyetso rwakiriye

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[41] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, ibika 17, 28 na 37.

[42] Reba ibika 243-249, 250, 251, 450, 568-571.

[43] Reba na none Ingingo ya 87(A) y'Amategeko (« uregwa ahamwa n'icyaha gusa iyo abacamanza bagize Urugereko rwa Mbere rw'Iremezo ku bwiganze bw'amajwi basanze icyaha kimuhama nta gushidikanya»).

[44] *Urubanza rwa Ncamihigo*, N° ICTR-01-63-T, Inyandiko y'urubanza mu rw'iremezo, 12 Ugushyingo 2008, igika 13. Reba na none *urubanza rwa na Kayishema na Ruzindana*, N° ICTR-95-1-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001, igika 117; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, ibika 60 na 61 (ahasesengurwa imyiregurire ya sinari mpari).

[45] *Urubanza rwa Delalić na bagenzi be* (« *Urubanza rwa Čelebići* »), N° IT-96-21-A, Inyandiko y'urubanza mu bujurire, 20 Gashyantare 2001, igika 458; *Urubanza rwa Ncamihigo,* Inyandiko y'urubanza mu rw'iremezo, igika 13.

[46] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu rw'iremezo, igika 13.

byerekana ko uregwa ahamwa n'icyaha ku buryo budashidikanywaho[47]. Iyo uregwa yiyambaje imyiregurire ya sinari mpari ku buryo bukurikije amategeko, Porokireri agomba kwerekana ku buryo budashidikanywaho ko, hatitawe kuri iyo myiregurire, ibyo ashinja Uregwa ari ukuri[48]. Iyo imyiregurire ya sinari mpari igaragaza rugikubita ibyo uregwa yakoraga bindi mu gihe icyaha cyakorwaga, Porokireri agomba « gutanga ibimenyetso bigaragaza ko iyo myiregurire idashobora kuba ari ukuri[49]».

45. Ihame rusange riteganywa n'ingingo ya (90)A y'Amategeko rivuga ko Urugereko rwa Mbere rw'Iremezo rwumvira abatangabuhamya ku buryo butaziguye[50]. Cyakora, hariho amarengayobora amenyerewe ku byo Urugereko rukunze gukurikiza byo kumva abatangabuhamya ubwarwo mu buhamya butangiwe mu rukiko, nk'ubuhamya bwakiriwe hanze n'umuntu wagenwe n'Urugereko[51] cyangwa inyandiko y'umutangabuhamya isimbura ibyo yahamiriza mu Rukiko, kandi iyo nyandiko ikaba ihamya ibindi bintu bitarebana n'ibikorwa uregwa ashinjwa cyangwa imyitwarire ye, nk'uko biba bivugwa mu nyandiko y'ibirego[52].

46. N'ubwo ubuhamya bw'umutangabuhamya wiboneye ibyabaye ari bwo bwibandwaho, ntibivuga ko Urugereko rwa Mbere rw'Iremezo rutakira ubuhamya bushingiye ku nkuru mbarirano[53]. Urugereko rwa Mbere rw'Iremezo rusuzuma ubwo buhamya bushingiye ku nkuru mbarirano rwigengesereye, bitewe n'imiterere ya buri rubanza[54]. Rimwe na rimwe ubuhamya bushingiye ku nkuru mbarirano bushobora gukenera

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[47] *Urubanza rwa Ncamihigo,* Inyandiko y'urubanza mu rw'iremezo, igika 13.

[48] *Urubanza rwa Zigiranyirazo*, N° ICTR-01-73-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2009, igika 18.

[49] *Urubanza rwa Zigiranyirazo*, Inyandiko y'urubanza mu bujurire, igika 18, nk'uko byanditse mu *Rubanza rwa Kajelijeli*, N° ICTR-98-44A-A, Inyandiko y'urubanza mu bujurire, 23 Gicurasi 2005, igika 41; *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu bujurire, igika 106.

[50] *Urubanza rwa Simba*, Inyandiko y'urubanza mu bujurire, igika 19.

[51] Ingingo ya 71 y'Amategeko.

[52] Ingingo ya 92 *bis* (A) y'Amategeko.

[53] *Urubanza rwa Muvunyi*, N° ICTR-2000-55A-T, Inyandiko y'urubanza mu rw'iremezo, 12 Nzeri 2006, igika 12; *Urubanza Rutaganda*, N° ICTR-96-3-A, Inyandiko y'urubanza mu bujurire, 26 Gicurasi 2003, igika 34.

[54] *Urubanza rwa Rutaganda,* Inyandiko y'urubanza mu bujurire, igika 34; *Urubanza rwa Aleksovski*, N° IT-95-14/1-AR73, Icyemezo ku bujurire bwa Porokireri bwerekeye iyakirwa ry'ibimenyetso (mu bujurire), 16 Gashyantare 1999, igika 15. Reba na none Ingingo ya 89 y'Amategeko.

ubundi bwakwemerwa cyangwa bwakwizerwa bwatanzwe n'abatangabuhamya bashinja hagamijwe kwerekana ibyabaye ku buryo budashidikanywaho. «Aho amakuru yaturutse, imiterere nyayo y'ayo makuru, no kuba hari ubundi buhamya bushimangira ubushingiye ku nkuru mbarirano, ni ingingo z'ingenzi zigenderwaho mu gusuzuma uburemere cyangwa agaciro k'ubuhamya bushingiye ku nkuru mbarirano[55].

47. Muri rusange, Urugereko rushobora gufata umwanzuro ku byabaye rushingiye ku buhamya bw'umutangabuhamya umwe rukumbi iyo rusanze ubwo buhamya bufite aho buhuriye n'ibivugwa kandi ari ubwo kwizerwa[56]. Mu mikorere y'Urukiko si ngombwa ko ubuhamya bw'umutangabuhamya bugira ubundi bubushyigikira[57]. Na none kandi, n'iyo Urugereko rwa Mbere rw'Iremezo rwasanga ubuhamya buhuzagurika cyangwa se buteye ikibazo, rushobora kubwemera bitewe n'uko hari ubundi bubushyigikira[58].

48. Ubuhamya bubiri buba bushyigikirana iyo bumwe ukibwumva ubona ari ubwo kwizerwa noneho ukaza gusanga n'ubundi ari uko, kandi buvuga ku cyabaye kimwe cyangwa ku kintu runaka cyo mu bikorwa bifite aho bihuriye. Si ngombwa ko ubwo buhamya bubiri buba busa ku ngingo zose cyangwa buvuga igikorwa kimwe mu buryo bumwe[59]. Ubuhamya bushobora gushyigikirana n'ubwo bwanyuranya ku ngingo zimwe na zimwe, bipfa gusa kuba ubwo buhamya bwo kwizerwa ntaho butanga ibisobanuro binyuranye n'iby'ubundi bwakwemerwa bwatanzwe mbere[60].

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[55] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 39 (amagambo yasubiwemo avanywe ahandi nta yarimo).

[56] *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 45; *Urubanza rwa Musema*, N° ICTR-13-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2001, ibika 37 na 38.

[57] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 45; *Urubanza rwa Musema*, Inyandiko y'urubanza mu bujurire, igika 36; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 132.

[58] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 132.

[59] *Urubanza rwa Bikindi*, N° ICTR-01-72-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010, igika 81, nk'uko byanditse mu *Rubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 428; *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, ibika 173 na 192.

[60] *Urubanza rwa Bikindi*, Inyandiko y'urubanza mu bujurire, igika 81, nk'uko byanditse mu *Rubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 428; *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, ibika 173 na 192.

49. Urugereko rwa Mbere rw'Iremezo rushobora kugendera ku buhamya butanzwe n'icyitso cyangwa butanzwe n'abafungwa[61]. Mu bukemuramanza bw'Urukiko, "icyitso" ni umuntu « uhuriye n'undi ku cyaha, wafatanyije n'undi mu cyaha[62] », cyangwa se, ku buryo busobanutse kurushaho, umuntu ushinjwa ibyaha bimwe n'uregwa[63]. Nk'uko Urugereko rw'Ubujurire rwabisobanuye, ntabwo kuba ubuhamya butanzwe n' "icyitso" ubwabyo bituma butakwizerwa, cyane cyane iyo icyo "cyitso" cyabajijwe ibibazo binyomoza mu buryo busesuye[64]. Cyakora, gusuzuma ubuhamya butanzwe n'"icyitso" bisaba «ubushishozi bwinshi[65]». Urugereko rw'Ubujurire rwagize ruti:

> Kubera ko abatangabuhamya babaye "ibyitso" bashobora kugira impamvu cyangwa inyungu zituma bashyira uregwa mu majwi imbere y'Urukiko, iyo Urugereko rusuzuma agaciro k'ubuhamya bwabo, rugomba gushishoza rukita ku makuru yose ajyanye n'uburyo bwatanzwemo[66] .

[61] *Urubanza rwa Ncamihigo*, N° ICTR-2001-63-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010, igika 42; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 98.

[62] *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 98, nk'uko byanditse muri *Oxford English Dictionary (2nd ed. 1998); Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 203. Reba na none *Urubanza rwa Akayesu*, N° ICTR-96-4-T, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 527 (gisobanura icyitso « nk'umuntu ufite aho ahurira n'icyaha cyakozwe n'undi muntu » (amagambo yasubiwemo avanywe ahandi nta yarimo).

[63] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 234. Urugereko rw'Ubujurire rwasanze impamvu yo « gushishoza cyane » iyo hasuzumwa ubuhamya bw'icyitso ari uko abatangabuhamya babaye ibyitso bashobora kugira impamvu cyangwa inyungu zituma bashyira uregwa mu majwi imbere y'Urukiko. Birumvikana ko izi mpamvu cyangwa inyungu ziba zigaragara kurushaho iyo umutangabuhamya ashinjwa ibyaha bimwe n'uregwa [binyuranye no gushinjwa ibyaha biteye kimwe] ».

[64] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 204; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 98. Reba na none *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 128.

[65] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 42; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 105, nk'uko byanditse mu *Rubanza rwa Niyitegeka*, N° ICTR-96-14-T, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003, igika 245; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, ibika 204-205; *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 439.

[66] *Urubanza rwa Niyitegeka,* Inyandiko y'urubanza mu bujurire, igika 98; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 204. Reba na none *Urubanza rwa Nahimana na bagenzi be*,

50. Mu gusuzuma niba umutangabuhamya w'icyitso yakwizerwa, Urugereko rwa Mbere rw'Iremezo rureba rero niba icyo cyitso hari impamvu yihishe inyuma yagiteye gutanga ubuhamya cyangwa niba ntayo[67].

51. Urugereko rufite uburenganzira busesuye bwo kugendera ku buhamya budafite ubundi bubushyigikiye iyo rusanga ari ubwo kwizerwa, rupfa gusa kuba rwasuzumye rukenga ikibazo cyo kumenya niba umutangabuhamya ataratanze ubuhamya bwe abitewe n'izindi mpamvu[68]. Mu gusuzuma ubuhamya bw'abatangabuhamya b'"ibyitso", Urugereko rushobora kwita by'umwihariko kuri ibi bikurikira: ibisobanuro byatanzwe ku birebana no kuvuguruzanya kwaboneka hagati y'ubuhamya bwabo[69]; kuba umutangabuhamya w'icyitso yaragiranye na Porokireri amasezerano yo kwemera icyaha[70]; kuba uyu mutangabuhamya yararangije kuburana, kuba yaba yaraburanishijwe cyangwa se yarakatiwe kubera ibyaha yakoze, cyangwa niba ategereje ko

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Inyandiko y'urubanza mu bujurire, igika 439; *Urubanza rwa Nchamihigo*, Inyandiko y'urubanza mu bujurire, igika 42.

[67] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 42, nk'uko byanditse mu *Rubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza, mu bujurire, igika 206 (« Urugereko rwa Mbere rw'Iremezo rugomba gusuzuma niba hariho impamvu yihariye yateye umutangabuhamya gutanga ubuhamya ubu n'ubu cyangwa kubeshya. »); *Urubanza rwa Brima na bagenzi be*, N° SCSL-2004-16-A, Inyandiko y'urubanza (SCSL [Urukiko Rudasanzwe Rwashyiriweho Sierra Leone], (mu bujurire), 22 Gashyantare 2008, igika 128; *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 439.

[68] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 42 (« Urugereko rwa Mbere rw'Iremezo rufite uburenganzira bwo kugendera ku buhamya budafite ubundi bubushyigikira, ariko bwakwizerwa, kuko ari rwo mbere na mbere rusuzuma agaciro k'ubuhamya. Kwakira ubuhamya budashyigikirwa n'ubundi no kubugenderaho ubwabyo si ikosa ryo mu rwego rw'amategeko»); *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 45; *Urubanza rwa Muhimana*, Inyandiko y'urubanza mu bujurire, igika 101; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 72; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 92. Mu rubanza rwa Muvunyi, Urugereko rw'Ubujurire rwasanze gushyigikira ubuhamya biba ngombwa gusa kubera impamvu runaka, kubera ko umutangabuhamya ushinjwa na we ibyo bitero yari afite impamvu yogushimangira uruhare Uregwa yagize mu byaha ashinjwa, no koroshya uruhare rwe bwite. *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, ibika 129-131.

[69] *Urubanza rwa Simba*, Inyandiko y'urubanza mu bujurire, igika 129 (Urugereko rw'Ubujurire rwasanze Urugereko rwa Mbere rw'Iremezo « rutararengereye mu isesengura rwakoze ubwo rwasangaga kunyuranya kuri hagati y'ubuhamya YH yatanze mu Rukiko n'ubuhamya bwe bwanditse bwo ku itariki ya 1 Ukwakira 1997 bishobora gufatwa nk'uburyo bwo gushaka kwigurutsa ibyaha yaje kwemera nyuma ».)

[70] *Urubanza rwa Blagojević na Jokić*, N° IT-02-60-T, Inyandiko y'urubanza mu bujurire, 17 Mutarama 2005, igika 24.

urubanza rwe rurangira[71]; no kuba umutangabuhamya ashobora kuba afite indi mpamvu iyo ari yo yose yatuma agira icyo apfa n'uregwa[72]. Ikindi kandi, Urugereko ruributsa ko, n'ubwo « nta tegeko ririho rivuga ko ibimenyetso bigomba gushyigikirana rugomba byanze bikunze kugenderaho mu gufata ibyemezo bishingiye ku buhamya n'ibindi bimenyetso[73] », kuba ubuhamya bufite ubundi bubushyigikira ari kimwe mu bintu byinshi bifasha Urugereko gusuzuma niba umutangabuhamya ari uwo kwizerwa[74].

52. Iyo Urugereko rwemeye ubuhamya bw'umutangabuhamya w'"icyitso", ushobora kuba afite impamvu cyangwa inyungu zituma ashinja uregwa, rugomba gusobanura impamvu zatumye rubwemera[75]. Urugereko rw'Ubujurire rwasanze « Ingereko za mbere z'iremezo zidashobora gusa kuvuga ko zakoresheje ubushishozi bwinshi

[71] *Urubanza rwa Blagojević na Jokić*, Inyandiko y'urubanza mu bujurire, igika 24 (Urugereko rwa Mbere rw'Iremezo rwasuzumye ubuhamya bw'abatangabuhamya babiri bari bafunganwe n'abaregwa, bahamagajwe nk'abatangabuhamya bashinja, bamaze guhamwa n'ibyaha bashinjwa nyuma yo kubyemera, rusanga « Urugereko rwa Mbere rw'Iremezo rwarasuzumye ubuhamya bwabo rugendeye ku buryo babutanzemo, by'umwihariko, kuba baratanze ubuhamya bamaze kwemera ibyaha ; kuba bararahiye ku mugaragaro ko bazavuga ukuri ; kuba nta karengane kabayeho mu kubavaniraho ibyaha bimwe; kuba bari batarakatirwa, n'igihe batangiye ubuhamya. Ubuhamya bwabo bwasuzumwe bugereranywa n'ibindi bimenyetso byose byatanzwe mu iburanisha. ») Reba na none *Urubanza rwa Krajišnik*, N° IT-00-39-A, Inyandiko y'urubanza mu bujurire, 17 Werurwe 2009, igika 147.

[72] *Urubanza rwa Kajelijeli*, N° ICTR-98-44A-T, Inyandiko y'urubanza mu bujurire, 1 Ukuboza 2003, igika 151.

[73] *Urubanza rwa Musema*, Inyandiko y'urubanza mu bujurire, igika 37, nk'uko byanditse mu *Rubanza rwa Musema*, N° ICTR-96-13-T, Inyandiko y'urubanza mu rw'iremezo 27 Mutarama 2000, igika 45. Reba na none *Urubanza rwa Kajelijeli*, Inyandiko y'urubanza mu bujurire, igika 170, nk'uko byanditse mu rubanza rwa *Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 92 (« Urugereko rw'Ubujurire ntirwigeze ruhwema kwemeza ko Urugereko rwa Mbere rw'Iremezo ari rwo rugomba gusuzuma agaciro k'ibimenyetso, ko kandi rushobora, bitewe n'isuzuma rwakoze, kugendera ku buhamya bw'umutangabuhamya umwe rukumbi mu kwemeza ko igikorwa cy'ingenzi cyabayeho»). Reba na none *Urubanza rwa Muhimana*, Inyandiko y'urubanza mu bujurire, igika 49; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu bujurire, igika 29; *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 44.

[74] *Urubanza rwa Simba*, Inyandiko y'urubanza mu bujurire, igika 24; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 132.

[75] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 46; *Urubanza rwa Krajišnik*, Inyandiko y'urubanza mu bujurire, ibika 146 na 147.

zisuzuma ubuhamya bw'umutangabuhamya w'icyitso, ahubwo zigomba no kwerekana uko zabikoze[76]».

53. Urugereko rwa Mbere rw'Iremezo na none rufite ububasha busesuye bwo kugena agaciro kahabwa ukuvuguruzanya kubonetse hagati y'ubuhamya bw'umugabo butangiwe mu Rukiko n'ubundi bwe bwanditse yatanze mbere[77]. Urugereko ni rwo rwemeza niba guhuzagurika kuvugwa guhagije kugira ngo ubuhamya bushidikanyweho, kandi Urugereko rushobora kwemera bene ubwo buhamya, n'iyo bwaba buvuguruzanya[78]. Cyakora, iyo rusuzuma agaciro k'ibimenyetso, Urugereko rwa Mbere rw'Iremezo rugomba kuzirikana ihuzagurika ryose rigaragara mu buhamya, n'ibisobanuro ibyo ari byo byose byatanzwe kuri iryo huzagurika[79].

54. Icya nyuma, Urugereko rwa Mbere rw'Iremezo rufite uburenganzira bwo kwemera ibice bimwe by'ubuhamya no kutemera ibindi[80]. Nk'urugero, rushobora kugendera ku gice cy'ubuhamya gishingiye ku byo umutangabuhamya yiboneye ubwe, no kwanga ikindi gice cy'ubuhamya bwe gishingiye ku nkuru mbarirano[81]. Urugereko rwa Mbere rw'Iremezo ntirutegetswe kugaragaza mu magambo arambuye impamvu rwemeye cyangwa rutemeye ibice ibi n'ibi by'ubuhamya[82].

3. <u>Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho icyaha</u>

55. Ku itariki ya 9 Ukwakira 2009, Urugereko rwa Mbere rw'Iremezo rwafashe Icyemezo cyo kutakira icyifuzo Ubwunganizi bwatanze, bushingiye ku Ngingo ya 98 *bis* y'Amategeko, gisaba ko Uregwa yahanagurwaho ibyaha bivugwa mu gika cya 11

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[76] *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 46.

[77] *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 74; *Urubanza rwa Kajelijeli*, Inyandiko y'urubanza mu bujurire, igika 96.

[78] *Urubanza rwa Kajelijeli*, Inyandiko y'urubanza mu bujurire, igika 96; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu bujurire, igika 443; *Urubanza rwa Musema*, Inyandiko y'urubanza mu bujurire, igika 89.

[79] *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 96, nk'uko byanditse mu *Rubanza rwa Kupreškić na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 31.

[80] *Urubanza rwa Bikindi*, Inyandiko y'urubanza mu bujurire, igika 68; *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, 88.

[81] Reba *Urubanza rwa Bikindi*, Inyandiko y'urubanza mu bujurire, igika 69.

[82] *Urubanza rwa Bikindi*, Inyandiko y'urubanza mu bujurire, igika 68; *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 90.

n'icya 16 by'Inyandiko y'ibirego yahinduwe[83]. Rushingiye ku bukemuramanza bw'Urukiko bwashinze imizi, Urugereko rwa Mbere rw'Iremezo rwanze gusuzuma niba hari ibimenyetso bihagije bishyigikira ibivugwa muri ibi bika, hirengagijwe ibindi bice bisigaye by'Inyandiko y'ibirego yahinduwe[84]. Na none, rumaze gusanga inenge ziri mu Nyandiko y'ibirego zidashobora gusuzumwa hashingiwe ku ngingo ya 98 *bis*, ku birebana n'igihe inama yo kuri CODEKOKI yabereyeho, Urugereko ntirwitaye ku gusuzuma niba kunyurana kuri hagati y'itariki ivugwa mu gika cya 16 cy'Inyandiko y'ibirego yahinduwe n'ivugwa mu buhamya, kwaratumye igika cya 16 kiba imfabusa[85].

4. <u>Ibyo Urukiko rwasanze ababuranyi batajyaho impaka</u>

56. Nk'uko biteganywa n'ingingo ya 94 y'Amategeko, Urugereko rwa Mbere rw'Iremezo rwemeza ko ibintu ibi n'ibi bizwi na rubanda kandi rushobora no kwemeza ko hari ibindi bitagibwaho impaka biba byaremejwe mbere n'ingereko z'Urukiko.

4.1. Ibintu bizwi na rubanda

57. Ingingo ya 94(A) igira iti: «Urugereko rwa Mbere rw'Iremezo ntirusaba itangwa ry'ibimenyetso ku kintu runaka kizwi na rubanda, ariko rwemeza ko kitagibwaho impaka n'ababuranyi». Ibintu bizwi na rubanda ni ibyo umuntu ushyira mu gaciro atagomba kujyaho impaka. Mu yandi magambo, ni ibintu byemerwa muri rusange cyangwa bizwi ku isi hose, nk'ibyo mu mateka cyangwa mu bumenyi bw'isi, cyangwa ibiteye gutya na gutya ku bwa kamere. Bene ibyo bintu uretse kuba bizwi hose, nta n'umuntu ushyira mu gaciro wabijyaho impaka[86].

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[83] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho ibyaha, hashingiwe ku ngingo ya 98 *bis* (mu rw'iremezo), 9 Ukwakira 2009.

[84] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho ibyaha, hashingiwe ku ngingo ya 98 *bis* (mu rw'iremezo), 9 Ukwakira 2009, ibika 14 na 15.

[85] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho ibyaha, hashingiwe ku ngingo ya 98 *bis* (mu rw'iremezo), 9 Ukwakira 2009, igika 17.

[86] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 194, nk'uko byanditse mu *Rubanza rwa Slobodan Milošević*, N° IT-02-54-AR73.5, Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku itariki ya 10 Mata 2003 ku ngoboka ye yasabaga Urugereko kwemeza ibitagibwaho impaka n'ababuranyi (mu bujurire), 28 Ukwakira 2003.

58. Hashingiwe ku myanzuro y'Urugereko rw'Ubujurire mu rubanza rwa Karemera n'urwa Semanza, Urugereko rutegura urubanza rwemeje ibintu bitagomba kugibwaho impaka n'ababuranyi mu cyemezo cyarwo cyo ku itariki ya 14 Gicurasi 2009[87]:

i. Hagati y'itariki ya 6 Mata 1994 n'iya 17 Nyakanga 1994, mu Rwanda habaye jenoside yakorewe abantu bo mu bwoko bw'Abatutsi.

ii. Hagati y'itariki ya 6 Mata 1994 n'iya 17 Nyakanga 1994, buri Munyarwanda kavukire yabarirwaga muri bumwe mu bwoko butatu bukurikira: Abahutu, Abatutsi n'Abatwa.

iii. Hagati y'itariki ya 6 Mata 1994 n'iya 17 Nyakanga 1994, mu Rwanda hose hagabwe ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira kuba Abatutsi. Muri ibyo bitero, Abanyarwanda bamwe bishe abantu bafatwaga nk'Abatutsi cyangwa babatera ububabare bukomeye bwaba ubwo ku mubiri cyangwa ubwo mu mutwe. Ibyo bitero byahitanye abantu benshi cyane bo mu bwoko bw'Abatutsi.

iv. Hagati y'itariki ya 6 Mata 1994 n'iya 17 Nyakanga 1994, mu Rwanda habaye intambara itari iyo mu rwego mpuzamahanga.

v. Hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, u Rwanda rwari mu bihugu byemeye Amasezerano Mpuzamahanga yerekeye Gukumira no Guhana Icyaha cya Jenoside (1948), rukaba rwarayashyizeho umukono ku itariki ya 16 Mata 1975.

vi. Hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, u Rwanda rwari mu bihugu byemeye Amasezerano y'i Jeneve yo ku itariki ya 12 Kanama 1949 n'Inyongera yayo ya II yo ku itariki ya 8 Kamena 1977, rukaba rwarashyize umukono ku Masezerano y'I Jeneve yo ku itariki ya 12 Kanama 1949 ku itariki ya 5 Gicurasi 1977, rukaba kandi rwarashyize umukono ku migereka yayo y'inyongera yo mu mwaka wa 1977 ku itariki ya 19 Ugushyingo 1984.

59. Urugereko ruributsa ko kwemeza ko ibyo bintu bitagomba kugibwaho impaka n'ababuranyi bidakuraho inshingano Porokireri afite yo gutanga ibimenyetso byerekana ku buryo budashidikanywaho ko imyitwarire y'Uregwa n'ukuntu yari ameze mu mutwe

[87] Icyemezo ku cyifuzo cya Porokireri gisaba kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009, ibika 12 na 14. Reba na none *Urubanza rwa Karemera na bagenzi be*, N° ICTR-98-44-AR73(C), Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo ku ngoboka kirebana no kwemeza ibitagibwaho impaka n'ababuranyi (mu bujurire), 16 Kamena 2006, ibika 25-38; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 192.

bituma aryozwa nka gatozi icyaha cya jenoside cyangwa ibyaha byibasiye inyokomuntu nk'uko abishinjwa mu Nyandiko y'ibirego[88].

4.2. Ibyabaye Urukiko rwafasheho icyemezo

60. Ingingo ya 94(B) ivuga ko Urugereko rwa Mbere rw'Iremezo rushobora kwemeza ibitagibwaho impaka n'ababuranyi birebana n'ibyabaye Urukiko rwafasheho icyemezo cyangwa n'ibimenyetso birebana n'inyandiko, amafoto cyangwa amajwi byemewe mu zindi manza z'Urukiko kandi bifite aho bihuriye n'urubanza ruburanishwa. Icyabaye cyafashweho umwanzuro ni ikintu Urukiko rwasuzumye rukagifataho umwanzuro wa burundu[89]. Cyakora, icyemezo cyerekana ibitagibwaho impaka n'ababuranyi ntikigomba kuba gikubiyemo ibintu bifitanye isano n'ibikorwa n'imyitwarire by'uregwa, n'ukuntu ameze mu mutwe[90]. Nta n'ubwo kigomba kujyamo ibyabaye bifitanye aho bihuriye n'ibibazo by'ingenzi bibyutswa mu rubanza[91]. Icya nyuma, icyemezo cyerekana ibyabaye bitagibwaho impaka cyafashwe hashingiwe ku Ngingo ya 94(B), « ntikigomba kuba kigamije kuzana mu rubanza imyanzuro yo mu rwego rw'amategeko yafashwe mu zindi manza zaburanishijwe»[92].

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[88] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 192; *Urubanza rwa Karemera na bagenzi be*, Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo ku ngoboka kirebana no kwemeza ibitagibwaho impaka n'ababuranyi (mu bujurire), ibika 28 na 30.

[89] Icyemezo ku cyifuzo cya Porokireri gisaba ko hemezwa ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009, igika 18. Reba na none *Urubanza rwa Ntakirutimana na Ntakirutimana*, N° ICTR-96-10-T na ICTR-96-17-T, Icyemezo ku cyifuzo cya Porokireri gisaba ko hemezwa ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 22 Ugushyingo 2001, igika 26; *Urubanza rwa Krajšnik*, N° IT-00-39-PT, Icyemezo ku byifuzo bya Porokireri bisaba ko hemezwa ibitagibwaho impaka n'ababuranyi, kinasaba ko imvugo zanditse z'abatangabuhamya zakwakirwa hashingiwe ku ngingo ya 92 *bis* (mu rw'iremezo), 28 Gashyantare 2003, ibika 14 na 15.

[90] *Urubanza rwa Karemera na bagenzi be*, No. Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo ku ngoboka ku birebana no kwemeza ibitagibwaho impaka n'ababuranyi (mu bujurire), igika 50.

[91] Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009, igika 19.

[92] *Urubanza rwa Dragomir Milošević*, N° IT-98-29/1-AR73.1, Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo ku ngoboka kirebana no kwemeza ibitagibwaho impaka n'ababuranyi, hamwe no kwemeza ibikubiye ku rutonde rwatanzwe na Porokireri rw'ibitagibwaho impaka n'ababuranyi (mu bujurire), 26 Kamena 2007, igika 22, nk'uko byanditse mu *Rubanza rwa Dragomir Milošević*, N° IT-98-29/1-T, Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibintu bimwe na bimwe bitagibwaho impaka n'ababuranyi, no

61. Mu cyemezo cyarwo cyo ku itariki ya 14 Gicurasi 2009, Urugereko rutegura urubanza ntirwemeye icyifuzo cya Porokireri cyarusabaga kwemeza ko hari ibintu bibiri byafatiwe umwanzuro mbere bitagomba kugibwaho impaka, ari byo: 1) kuba kiriziya y'i Nyange yarashenywe na tingatinga ku itariki ya 16 Mata 1994; 2) no kuba Athanase Seromba yarahamwe n'icyaha cya jenoside yakorewe « impunzi » z'Abatutsi zigera ku 1.500 zari zahungiye ku kiriziya y'i Nyange[93]. Urugereko rwasanze icyo cyifuzo cya mbere kirebana n'ikibazo cy'ingenzi mu rubanza, bityo kwemeza ko ibyabaye bitagomba kugibwaho impaka bikaba byari kubera Uregwa umutwaro ukomeye wo gutanga ibimenyetso bivuguruza ibivugwa[94]. Urugereko na none rwasanze icyifuzo cya kabiri kirebana n'ibyabaye bikubiyemo imyanzuro ahanini yo mu rwego rw'amategeko, ibintu nk'ibyo rero bikaba bitari mu rwego rw'ibitagomba kugibwaho impaka n'ababuranyi[95].

5. <u>Ibivugwa ko hari ibimenyetso bishinjura byazimiye</u>

62. Ubwo Kanyarukiga yashyikirizwaga abahagarariye TPIR ku itariki ya 19 Nyakanga 2004 muri Afurika y'Epfo, Ibiro bya Porokireri byatanze urutonde rwakozwe icyo gihe rw'ibintu byafatiriwe bamusanganye[96]. Ibarura ry'ibintu ryakozwe ku buryo burambuye kurushaho ryateguwe ku itariki ya 10 Nzeri 2004, Uregwa amaze koherezwa Arusha[97]. Kanyarukiga yashyize umukono kuri urwo rutonde rwa kabiri ku itariki ya 10 Nzeri 2004, ariko yerekana ko hari ibintu bimwe bitagaragaraga kuri urwo rutonde, birimo inzandiko ebyiri z'inzira[98]. Ku itariki ya 7 Kanama 2009, Ubwunganizi bwatanze icyifuzo rushingiye ku ngingo ya 68(A) y'Amategeko, busaba ko Porokireri

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kwemeza ibikubiye ku rutonde rwatanzwe na Porokireri rw'ibitagibwaho impaka n'ababuranyi, umucamanza Harhoff ariko akaba afite igitekerezo gitandukanye n'icya bagenzi be (mu rw'iremezo), 10 Mata 2007, igika 33.

[93] Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009.

[94] Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009, igika 24.

[95] Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009, igika 25.

[96] Ibarura ryakozwe n'Ibiro bya Porokireri ryometse ku cyifuzo gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe, cyatanzwe ku itariki ya 7 Kanama 2009.

[97] Ibarura ry'ibintu bya Gaspard Kanyarukiga byafatiriwe, 10 Nzeri 2004.

[98] Ibarura ry'ibintu bya Gaspard Kanyarukiga byafatiriwe, 10 Nzeri 2004, urup. 3.

yashyira ahagaragara kandi agasubiza Uregwa inzandiko eshatu z'inzira zatangiwe mu Rwanda, buvuga ko zafatiriwe ubwo Kanyarukiga yafatwaga, zikaba zari zarashyikirijwe Ibiro bya Porokireri wa TPIR[99].

63. Mu cyemezo cyarwo cyo ku itariki ya 30 Ukwakira 2009 ku cyifuzo cy'Ubwunganizi cyasabaga gushyira ahagaragara no gusubiza Uregwa ibimenyetso bishinjura, Urugereko rwa Mbere rw'Iremezo ntirwemeye icyifuzo cy'Ubwunganizi gisaba izo nzandiko z'inzira, rushingiye ku mpamvu z'uko biterekanywe ko izo nzandiko z'inzira hari aho zibitse cyangwa se ko ziri ahantu hagenzurwa na Porokireri[100].

64. Mu cyemezo rwafashe ku itariki ya 19 Gashyantare 2010 ku bujurire bwatanzwe ku cyemezo ku ngoboka cy'Urugereko rwa Mbere rw'Iremezo, Urugereko rw'Ubujurire ntirwemeye ingingo ya mbere y'ubujurire y'Ubwunganizi kuko rwasanze butarashoboye kwerekana ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa rigaragara ubwo rwemezaga ko ntaho rwashingira rutegeka ko izo nzandiko z'inzira zashyirwa ahagaragara[101]. Kimwe n'Urugereko rwa Mbere rw'Iremezo, Urugereko rw'Ubujurire rwasanze bitaragaragajwe ko izo nzandiko z'inzira zari mu bintu by'Uregwa byafatiriwe[102].

65. Urugereko rw'Ubujurire kandi ntirwemeye ingingo ya kabiri y'ubujurire bw'Uregwa, cyakora rwasanze Urugereko rwa Mbere rw'Iremezo rwarakoze ikosa mu rwego rw'amategeko agenga imyiregurire ya sinari mpari, ubwo rwavugaga ko izo nzandiko z'inzira « zitari kwerekana aho Uregwa yari aherereye igihe icyo ari cyo cyose

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[99] Icyifuzo gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe, cyatanzwe ku itariki ya 7 Kanama 2009, ibika 1, 2 na 4-6.

[100] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu rw'iremezo), 30 Ukwakira 2009, igika 19.

[101] *Urubanza rwa Kanyarukiga*, N° ICTR-02-78-AR73, Icyemezo ku bujurire bwatanzwe na Kanyarukiga ajuririra icyemezo ku ngoboka kirebana no kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu bujurire), 19 Gashyantare 2010, igika 20.

[102] *Urubanza rwa Kanyarukiga*, Icyemezo ku bujurire bwatanzwe na Kanyarukiga ajuririra icyemezo ku ngoboka kirebana no kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu bujurire), igika 18.

runaka[103]». Urugereko rw'Ubujurire na none rwasanze « ibyo Urugereko rwa Mbere rw'Iremezo rwavuze ku buryo bw'itangwa ry'ibimenyetso aho ujurira ashobora kwifashisha imyiregurire ya sinari mpari no ku kandi karengane kose kavugwa, bitari ngombwa kandi umwanzuro warafashwe igihe kitaragera[104]».

66. Bushingiye kuri aya makosa yakozwe, Ubwunganizi bwasabye mu myanzuro nsozarubanza yabwo, ko Urugereko rwa Mbere rw'Iremezo rwagaruka ku kibazo cy'inzandiko z'inzira mu icibwa ry'urubanza rwa burundu[105]. Ubwunganizi buvuga ko bwatanze ibimenyetso bifatika byerekana ko izo nzandiko z'inzira zabayeho, ko kandi « gutakara kw'izo nyandiko z'ingirakamaro zari mu maboko ya Porokireri kwagize ingaruka zikomeye ku burenganzira bw'Uregwa bwo kwiregura ku buryo busesuye[106]». Ubwunganizi buvuga ko ubwo burangare bwa Porokireri bwagombye gushingirwaho kugira ngo Uregwa agenerwe indihano[107].

67. Urugereko rwa Mbere rw'Iremezo ruributsa ko icyo kibazo cyakemuwe n'Urugereko rw'Ubujurire. Ikindi kandi, n'iyo ubuhamya bwatanzwe n'abatangabuhamya bashinjura mu iburanisha bwaramuka bwemewe, bwakwerekana gusa ko izo nyandiko zahawe Uregwa mu mwaka wa 1994. Ntibushobora kwerekana ko izo nyandiko ziri mu bintu by'Uregwa byafatiriwe ubwo yafatirwaga muri Afurika y'Epfo mu mwaka wa 2004. Bityo rero, kubera ko, kuva aho Urugereko rw'Ubujurire rufatiye icyo cyemezo, Ubwunganizi nta bimenyetso bwatanze bihamya ko izo nzandiko z'inzira hari aho zaba ziri mu bubiko cyangwa se ko ziri ahantu hagenzurwa na Porokireri, Urugereko rwa Mbere rw'Iremezo ntirwiriwe rugaruka kuri icyo kibazo.

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103 *Urubanza rwa Kanyarukiga*, Icyemezo ku bujurire bwatanzwe na Kanyarukiga ajuririra icyemezo ku ngoboka kirebana no kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu bujurire), ibika 24 na 26, nk'uko byanditse mu cyemezo ku cyifuzo cy'Ubwunganizi gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu bujurire), 30 Ukwakira 2009, igika 20. Urugereko rw'Ubujurire rwasobanuye ko uregwa adasabwa kwerekana aho yari aherereye igihe runaka, ahubwo ashobora kwerekana ibimenyetso bishobora gutuma ibimenyetso bya Porokireri bishidikanywaho hashyizwe mu gaciro.

104 *Urubanza rwa Kanyarukiga*, Icyemezo ku bujurire bwatanzwe na Kanyarukiga ajuririra Icyemezo ku ngoboka kirebana no gushyira ahagaragara no gusubiza inyandiko z'Uregwa zishinjura (mu bujurire), igika 25.

105 Imyanzuro nsozarubanza y'Ubwunganizi, yatanzwe ku itariki ya 11 Gicurasi 2010, igika 463.

106 Imyanzuro nsozarubanza y'Ubwunganizi, igika 460.

107 Imyanzuro nsozarubanza y'Ubwunganizi, igika 467.

6. Imenyekanisha ry'imyiregurire ya sinari mpari

68. Ubwunganizi bwatanze « Inyandiko y'agateganyo imenyekanisha imyiregurire ya sinari mpari » ku itariki ya 30 Nzeri 2009, nyuma y'aho Porokireri arangirije gutanga ibimenyetso bishinja ku itariki ya 17 Nzeri 2009, akaba yari tangiye kubitanga ku itariki ya 31 Kanama 2009[108]. Urugereko ruributsa ko ingingo ya 67(A)(ii)(a) y'Amategeko ivuga ko Ubwunganizi bugomba kumenyesha Porokireri ko buteganya kuzireguza imyiregurire ya sinari mpari. Ingingo ya 67(A)(ii)(a) ivuga ko iri menyekanisha rikorwa « vuba bishoboka » kandi mbere y'uko urubanza rutangira kuburanishwa. Cyakora, ingingo ya 67(B) ikomeza ivuga ko kuba Ubwunganizi butatanze inyandiko imenyesha Porokireri ubwo buryo bwo kwiregura nk'uko biteganywa n'ingingo ya 67(A)(ii), bitabuza uregwa uburenganzira bwo kubwiyambaza mu iburanisha. Kubera ko ku birebana n'iki kibazo amategeko yemerera uregwa kwifashisha imyiregurire ya sinari mpari, kabone n'iyo yaba ataramenyekanishije ubwo buryo bwo kwiregura mbere y'itangwa ry'ibimenyetso bishinja, Urugereko rwemeye ko Uregwa ashobora kwiyambaza imyiregurire ya sinari mpari, kandi rwemeye, ku birebana n'imiburanishirize, inyandiko y'imenyekanisha yatanze[109].

69. Mu gice kirebana n'imyiregurire ya sinari mpari, Urugereko ruri busuzume ingaruka, ziramutse zihari, zikomoka ku gutinda kumenyekanisha ko hazitabazwa imyiregurire ya sinari mpari, nk'uko bivugwa muri uru rubanza[110].

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[108] Inyandiko y'agateganyo imenyesha ko Uregwa aziyambaza *alibi*, yatanzwe ku itariki ya 30 Nzeri 2009.

[109] Urugereko rusanga Porokireri, mu myanzuro nsozarubanza ye, arengurira ku kuba Ubwunganizi butaratanze inyandiko imenyesha ko Uregwa aziyambaza *alibi* mbere y'uko iburanisha ritangira. Imyanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 11 Gicurasi 2010, ibika 265-268.

[110] Reba *Urubanza rwa Kalimanzira*, N° ICTR-05-88-A, Inyandiko y'urubanza mu bujurire, 20 Ukwakira 2010, ibika 54, 56; *Urubanza rwa Ncamihigo*, Inyandiko y'urubanza mu bujurire, igika 99.

UMUTWE WA 3: IMYANZURO Y'URUGEREKO ISHINGIYE KU BYABAYE

1. <u>Imyiregurire ya sinari mpari ku birebana n'ibyabaye hagati y'itariki ya 12 n'iya 16 Mata 1994</u>

1.1. Intangiriro

70. Nk'uko bigaragara mu Nyandiko y'ibirego, Porokireri avuga ko Kanyarukiga yari ari kuri paruwasi ya Nyange cyangwa hafi yaho hagati y'itariki ya 12 n'iya 16 Mata 1994[111]. Byongeye kandi, Porokireri avuga ko muri icyo gihe Kanyarukiga yakoze ibikorwa Sitati ifata nk'ibyaha[112].

71. Ubwunganizi « buhakana bwivuye inyuma » ko Kanyarukiga yari aho ibyaha byakorewe igihe byakorwaga, rukavuga kandi ko nta ruhare yabigizemo, ibyo bikaba binyuranye n'ibivugwa mu bimenyetso bishinja[113]. Ubwunganizi buvuga ko Kanyarukiga yavuye i Nyange ku itariki ya 12 Mata 1994, yagera i Gitarama akahaguma kuva kuri iyo tariki ya 12 kugeza ku ya 14 Mata 1994, mu byo yageragezaga gushakayo hakaba harimo impapuro z'inzira zamufasha kugera i Ndera, hanze gato y'umujyi wa Kigali, kuvanayo umuryango we[114]. Ubwunganizi na none buvuga ko Kanyarukiga yavuye i Gitarama mu gitondo cya kare ku itariki ya 15 Mata 1994, anyura mu Kigo cya gisirikare cy'i Gitarama gufata umusirikare wo kumuherekeza, hanyuma yerekeza i Ndera, mu nzira akaba yarahagaze mu rugo rw'umutangabuhamya wiswe KG55, ku iduka ry'umutangabuhamya Hitimana i Kigali, no kuri bariyeri yari i Ndera[115]. Ikindi kandi, Ubwunganizi buvuga ko ku itariki ya 16 Mata 1994, umunsi kiriziya y'i Nyange yasenyeweho, Kanyarukiga yavuye i Ndera yerekeza i Nyange ari kumwe n'umuryango we, bakanyura mu wundi muhanda wari

[111] Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 14 Ugushyingo 2007, ibika 12-18.

[112] Inyandiko y'ibirego yahinduwe, ibika 6-8, 18 na 19.

[113] Imyanzuro nsozarubanza y'Ubwunganizi, igika 8.

[114] Inyandiko y'agateganyo imenyesha ko Uregwa aziyambaza imyiregurire ya sinari mpari *(alibi),* ibika 2-3; Imyanzuro nsozarubanza y'Ubwunganizi, ibika 17-46.

[115] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 47-66.

muremure kurusha uwo yanyuzemo ku itariki ya 15 Mata 1994[116]. Ubwunganizi bwahamagaje abatangabuhamya benshi bashinjura bavuze ko babonye Kanyarukiga nibura umunsi umwe muri iyo imaze kuvugwa.

72. Porokireri avuga ko ibimenyetso byatanzwe n'Ubwunganizi byo gushyigikira imyiregurire y'Uregwa ya sinari mpari « bidafite uburemere, bihuzagurika kandi atari ibyo kwemerwa ». Avuga ko hari ibibazo byinshi byerekeranye n'ukwizerwa kw'abatangabuhamya bashinjura bashyigikiye iyo myiregurire. Porokireri ntiyemera ko Kanyarukiga atari i Nyange muri icyo gihe[117].

73. Urugereko rusanga mu isesengura rwakoze rwarasuzumye imyiregurire y'Uregwa ya sinari mpari ruzirikanye n'ibimenyetso byatanzwe na Porokireri.

1.2. Ibimenyetso

Umutangabuhamya ushinjura wiswe KG59

74. Kuva akiri muto, KG59 yari azi Kanyarukiga[118]. KG59 yavuze ko yumvikanaga na Kanyarukiga, ko bahuraga kenshi, ko kandi yatekerezaga ko Kanyarukiga amwizera[119].

75. KG59 yibuka ko ku itariki ya 12 Mata 1994, ahagana saa mbiri za mu gitondo, Kanyarukiga yamusigiye imfunguzo z'inzu ye yo muri Serire ya Giko[120]. KG59 yavuze ko Kanyarukiga yari amenyereye kumusigira imfunguzo z'inzu ye, yaba atamusanze iwe muri Komini ya Kivumu akazisigira umugore we[121]. Kanyarukiga yamubwiye ko yari agiye kureba umuryango we[122]. Icyibutsa KG59 ko Kanyarukiga yavuye i Nyange

[116] Inyandiko y'agateganyo imenyesha ko Uregwa aziyambaza *alibi*, ibika 6-9; Imyanzuro nsozarubanza y'Ubwunganizi, ibika 67-102.

[117] Imyanzuro nsozarubanza ya Porokireri, ibika 249, 250, 265-424.

[118] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 8 na 9 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 12.

[119] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 9 na 20 (iburanisha mu muhezo).

[120] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 10 (iburanisha mu muhezo). Uyu mutangabuhamya yanavuze ko Kanyarukiga yari i « Gaseke » hagati y'itariki ya 6 n'iya 12 Mata 1994.

[121] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 10 na 11 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. i na ii (igice cy'inyandiko).

[122] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 10 (iburanisha mu muhezo).

ku itariki ya 12 Mata 1994, ni uko ari wo munsi wa mbere abantu bishweho mu gace yari atuyemo[123].

76. KG59 yavuze ko yongeye kubona Kanyarukiga byenda kuba mu gicuku ku itariki ya 16 Mata 1994 ubwo yasubizaga Kanyarukiga imfunguzo z'inzu ye[124]. KG59 yavuze ko Kanyarukiga yamubwiye ko yari yazanye abagize umuryango we i Nyange[125]. Kanyarukiga yaje mu rugo rw'umutangabuhamya mu ijoro ryo ku wa gatandatu, ku munsi kiriziya y'i Nyange yashenyweho[126]. KG59 mu buhamya bwe yavuze ko atabonye abagize umuryango wa Kanyarukiga ubwo Kanyarukiga yazaga mu rugo rwe ku itariki ya 16 Mata 1994[127].

Umutangabuhamya ushinjura wiswe KG45

77. KG45 yari afite imyaka 21 mu wa 1994, kandi yari umunyeshuri icyo gihe[128]. KG45 yafashaga Kanyarukiga mu bucuruzi bwe, kandi yari afitanye isano yo mu muryango na Kanyarukiga, ariko ya kure[129]. KG45 yibuka ko Kanyarukiga yageze i Nyange ku itariki ya 6 Mata 1994 akahava ku itariki ya 12 Mata 1994[130]. KG45 yibuka kandi ko ku itariki ya 12 Mata 1994 kare mu gitondo (ahagana saa moya n'igice), Kanyarukiga yamubwiye ka agiye kuva i Nyange akajya kuvana umuryango we i Kigali akawugarura i Nyange kubera ko « intambara yarimo gukaza umurego[131]».

78. KG45 yibuka ko farumasi ya Kanyarukiga yari ifunze ku itariki ya 14 Mata 1994 hagati ya saa sita na saa saba z'amanywa, ikaba yari igifunze kugeza ku itariki ya 21 Mata

[123] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 25 na 26.

[124] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

[125] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

[126] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. i (igice cy'inyandiko).

[127] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. v (igice cy'inyandiko).

[128] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 58.

[129] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 59, 62, 66 na 67 (iburanisha mu muhezo).

[130] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 70 (iburanisha mu muhezo).

[131] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 60, 61, 70, 77 (iburanisha mu muhezo). Umutangabuhamya yavuze ko ubwo farumasi yafungaga ku itariki ya 14 Mata 1994, hari hashize « iminsi ibiri » Uregwa amubwiye ko agiye i Kigali.

1994 kubera ko umutekano wari muke mu gace ka Nyange[132]. KG45 avuga ko atabonye Kanyarukiga i Nyange muri icyo gihe[133].

Umutangabuhamya ushinjura witwa Juvénal Nshogozabahizi

79. Juvénal Nshogozabahizi ni umuhungu wa Kanyarukiga, akaba yari afite nk'imyaka 25 mu mwaka wa 1994[134]. Uyu mutangabuhamya yavuye kwa se i Gaseke yerekeza i Gitarama ku itariki ya 12 Mata 1994, hagati ya saa tatu na saa yine za mu gitondo ari kumwe na Kanyarukiga, Théodomir Rwamakuba (bahimba Mateco) n'abagize umuryango w'uyu Rwamakuba, bakaba baragiye mu modoka eshatu[135]. Nshogozabahizi yavuze ko Kanyarukiga yafashe icyemezo cyo kujya i Gitarama ku itariki ya 12 Mata 1994 kubera ko nta makuru yari afite y'umuryango we wari i Ndera[136]. Byongeye kandi, Nshogozabahizi yavuze ko Rwamakuba n'abagize umuryango we bagombaga kuva i Nyange kubera ko umutekano wabo washoboraga guhungabana[137].

80. Uyu mutangabuhamya yavuze ko we na Kanyarukiga hari inzu barayemo i Gitarama mu ijoro ryo ku itariki ya 12 n'iryo ku ya 13 Mata 1994[138]. Nshogozabahizi yibutse ko, ku itariki ya 13 n'iya 14 Mata 1994, Kanyarukiga yagumye mu gipangu cy'inzu bari barimo[139]. Nshogozabahizi yavuze ko kuva ku itariki ya 12 Mata 1994 kugeza ku ya 15

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[132] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 59, 60, 61, 62 na 71 (iburanisha mu muhezo).

[133] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 61 (iburanisha mu muhezo).

[134] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 22. Umutangabuhamya yavuze ko ubu afite imyaka 41. Nyuma yaje kwemera ko « yari afite imyaka 26 cyangwa hafi yayo » mu mwaka wa 1994. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 43.

[135] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 27, 28, 32, 42 na 51. Umutangabuhamya yavuze ko bagiye mu modoka ya Kanyarukiga y'ivatiri itukura yo mu bwoko bwa Nissan n'imodoka ya Théodomir yo mu bwoko bwa Mazda 303, n'indi yo mu bwoko bwa Mitsubishi Pajero. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 28.

[136] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 28 na 43. Umutangabuhamya witwa Nshogozabahizi yavuze ko, igihe Uregwa yavaga i Nyange, yari yarahiye ko akora ibishoboka byose akajya kuzana abagize umuryango we bari i Ndera.

[137] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 28.

[138] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 28 na 29.

[139] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 29. Umutangabuhamya yavuze ko mu by'ukuri icyo gihe atari akurikiye Kanyarukiga.

Mata 1994, Kanyarukiga atigeze akoresha imodoka ye kubera ikibazo cya lisansi, ko igihe cyose yashakaga kugira aho ajya yagendaga n'amaguru cyangwa akagenda mu yindi modoka[140].

81. Nshogozabahizi yavuze ko ku itariki ya 15 Mata 1994 ahagana saa tatu za mu gitondo, Kanyarukiga yavuye mu nzu barimo i Gitarama, ari mu modoka itukura yo mu bwoko bwa Mitsubishi Pajero[141]. Uyu mutangabuhamya yatekereje ko Kanyarukiga agiye i Ndera kuzana abagize umuryango we[142].

82. Ku itariki ya 16 Mata 1994, ni ho Kanyarukiga ari kumwe n'abandi bagize umuryango we bageze i Gitarama, basanga Nshogozabahizi muri ya nzu yari yasigaye acumbitsemo[143]. Yavuze ko bahageze nyuma ya saa mbiri za ni njoro, nk'ahagana saa tatu cyangwa saa yine[144]. Abantu bose basohotse mu nzu baza guha ikaze abari bazanye na Kanyarukiga[145]. Uyu mutangabuhamya yibutse ko yari yishimye kubera ko yari abonye nyina wari wazanye na Kanyarukiga[146]. Yavuze ko imodoka imaze kuhagera mu nzu haje abantu bagera ku icyenda cyangwa icumi[147].

83. Kanyarukiga n'abo bari kumwe bamaze igihe kiri hagati y'iminota 30 n'isaha muri iyo nzu y'i Gitarama[148]. Muri iyo nzu nta byumba byari bihari bashoboraga kuraramo iryo joro, ari yo mpamvu bakomeje berekeza i Nyange[149]. Nshogozabahizi yagumye muri iyo nzu i Gitarama, ntabwo yajyanye na se muri Komini ya Kivumu[150].

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[140] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 29.
[141] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 29.
[142] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 29
[143] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 30, 31 na 41.
[144] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 30, 31 na 41.
[145] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 30.
[146] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 30.
[147] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 30, 31 na 41.
[148] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 48.
[149] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 30 na 41
[150] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 30.

Umutangabuhamya ushinjura wiswe KG18

84. KG18 ni Umuhutu wari ufite imyaka 18 mu mwaka wa 1994, akaba yari umunyeshuri icyo gihe, kandi yari azi Kanyarukiga kuva akiri umwana[151]. Uyu mutangabuhamya yavuze ko we na se hari ubwo bajyanaga mu rugo kwa Kanyarukiga i Kigali[152].

85. KG18 yavuze ko Kanyarukiga n'umuhungu we Juvénal, hamwe na Théodomir Rwamakuba n'abagize umuryango we bavuye i Kigali bakagera mu rugo uyu mutangabuhamya yari atuyemo ku itariki ya 12 Mata 1994[153]. KG18 yavuze kandi ko ku itariki ya 12 Mata 1994, Kanyarukiga n'abo bandi bari baturutse ku Kibuye bahunga[154].

86. Uyu mutangabuhamya yibutse ko ku itariki ya 12 Mata 1994, umunsi Kanyarukiga yajeho, Kanyarukiga atigeze asohoka[155]. Ku munsi wakurikiyeho, ku itariki ya 13 Mata 1994, Kanyarukiga yasohotse inshuro imwe, naho ku munsi wa gatatu (ku itariki ya 14 Mata 1994) Kanyarukiga yasohokanye n'inshuti ye, agaruka mu rugo kurya, yongera gusohokana na Théodomir Rwamakuba[156]. Uyu mutangabuhamya yavuze ko hagati y'itariki ya 12 n'iya 14 Mata 1994, igihe Kanyarukiga yasohokaga, yababwiraga aho agiye kugira ngo nihagira umushaka amenye aho aherereye[157].

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[151] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp. 8, 12, 20 na 26 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahwe No D62 (Ifishi y'umwirondoro wa KG 18).

[152] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 8 (iburanisha mu muhezo).

[153] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp. 7, 8, 9, 10, 11, 31 na 34 (iburanisha mu muhezo). Umutangabuhamya yavuze ko baje mu modoka eshatu: Mazda y'ikamyoneti, Pajero n'ivatiri.

[154] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 11 (iburanisha mu muhezo).

[155] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.24 na 25 (iburanisha mu muhezo).

[156] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp. 22 na 25 (iburanisha mu muhezo).

[157] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.13 na 22 (iburanisha mu muhezo). Umutangabuhamya yabanje kuvuga ko Kanyarukiga yasohokaga rimwe cyangwa kabiri ku munsi muri iyo minsi itatu. Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 22 (iburanisha mu muhezo). Nyuma yavuze ko yabonye Kanyarukiga asohoka inshuro ebyiri muri icyo gihe cy'iminsi itatu. Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 25 (iburanisha mu muhezo). KG18 yibutse ko atabonye Kanyarukiga ajya hanze mu modoka iyo ari yo yose mu gihe yari mu nzu i Gitarama. Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 13 (iburanisha mu muhezo).

87. Uyu mutangabuhamya yavuze ko, ku itariki ya 15 Mata 1994, Uregwa yavuye mu nzu i Gitarama ari wenyine, hagati ya saa moya na saa mbiri za mu gitondo, ari mu modoka itukura ya Pajero[158]. Mu ijoro ryo ku itariki ya 15 Mata 1994, Kanyarukiga ntiyaraye muri iyo nzu y'i Gitarama[159]. Umuhungu wa Kanyarukiga yabwiye uyu mutangabuhamya ko Kanyarukiga yari agiye gushaka abana be, ko kandi hari umuntu wari uherekeje Kanyarukiga aho yari agiye[160].

88. Ku itariki ya 16 Mata 1994, ahagana saa tatu za ni njoro, Kanyarukiga yagarutse i Gitarama ari kumwe n'abantu nk'icyenda cyangwa icumi[161]. Umutangabuhamya yavuze ko harimo abakobwa batatu ari bo Agnès, Spéciose na Aimée, umuhungu wari ufite imyaka umunani cyangwa icyenda, abandi bakobwa bane, umugore wa Kanyarukiga na nyina wa Kanyarukiga[162]. Uyu mutangabuhamya yibuka ko Kanyarukiga n'abagize umuryango we bamaze hafi amasaha abiri mu nzu y'i Gitarama, nyuma bakerekeza i Nyange kubera ko batari kubona aho barara muri iyo nzu[163].

Umutangabuhamya ushinjura witwa Philippe Rukabyatorero

89. Rukabyatorero yari umuyobozi w'agateganyo w'Ikigo cya gisirikare cya Gitarama kuva mu mwaka wa 1993 kugeza ahagana ku itariki ya 14 Mata 1994[164]. Azi Kanyarukiga kuva mu mwaka wa 1986, ubwo yigaga mu Ishuri Rikuru rya Gisirikare (ESM)[165]. Uyu mutangabuhamya yabonye Kanyarukiga i Gitarama inshuro ebyiri ku itariki ya 14 Mata 1994[166].

90. Uyu mutangabuhamya yahuye na Kanyarukiga bwa mbere bimugwiririye ku itariki ya 14 Mata 1994 saa yine za mu gitondo, kuri Hotel Tourisme i Gitarama, bamarana

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[158] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.13, 15, 16 na 25 (iburanisha mu muhezo).

[159] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 16 (iburanisha mu muhezo). Igituma KG18 yibuka iyi tariki ya 15 Mata 1994 ni uko yiteguraga kwizihiza umunsi we w'amavuko, akaba yari yatumiye abandi bana benshi.

[160] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.11 na 16 (iburanisha mu muhezo).

[161] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.16, 17 na 18 (iburanisha mu muhezo).

[162] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp.17 na 18 (iburanisha mu muhezo).

[163] Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp. 18 na 19 (iburanisha mu muhezo).

[164] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 25 na 26.

[165] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 26.

[166] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 27 na 28.

nk'iminota 30[167]. Kanyarukiga yamubwiye ko abagize umuryango we bari « baraheze » mu rugo rwe i Ndera, ko yarimo kugerageza gushaka ukuntu yajya iwe aho i Ndera kubashaka[168]. Kanyarukiga yasabye umutangabuhamya kumufasha kuzana abagize umuryango we[169]. Uyu mutangabuhamya yasabye Kanyarukiga kuza ku biro bye mu Kigo cya gisirikare cy'i Gitarama uwo munsi nyuma ya saa sita kugira ngo ikibazo cye gishakirwe umuti[170].

91. Ku itariki ya 14 Mata 1994, ahagana hafi saa kumi zo ku gicamunsi, uyu mutangabuhamya yabonanye na Kanyarukiga ku nshuro ya kabiri, ubwo Kanyarukiga yamusangaga ku biro bye mu Kigo cya gisirika cy'i Gitarama[171]. Bamaze kuganira umwanya muto, umutangabuhamya yasabye ko bategurira Kanyarukiga urupapuro rw'inzira, rugasinywa bakarumushyikiriza[172]. Umutangabuhamya yibutse ko urwandiko rw'inzira rwari rugamije gufasha Kanyarukiga kuva i Gitarama, agaca kuri za bariyeri agashobora kugera i Ndera[173]. Kanyarukiga yamaze igihe kiri hagati y'iminota nka 30 na 45 mu biro by'umutangabuhamya[174].

92. Uyu mutangabuhamya yasabye umwe mu bari bakuriye agatsinda k'abasirikare ka "*peloton*" kumuha umusirikare wo guherekeza Kanyarukiga i Ndera, hanyuma umutangabuhamya amuhuza na Kanyarukiga[175]. Umutangabuhamya ntiyashooboye kwibuka izina ry'uwo musirikare, ariko yibutse ko yari afite ipeti rya soruda wo mu rwego rwa mbere[176]. Umutangabuhamya yasabye Kanyarukiga kugaruka mu Kigo cya gisirikare cy'i Gitarama bukeye gufata uwo musirikare yari yahawe kugira ngo bajye i Ndera kare muri icyo gitondo[177]. Uwo musirikare yagarutse mu kigo nka nyuma y'iminsi ibiri, ahagana ku itariki ya 17 Mata 1994, abwira umutangabuhamya ko we na

[167] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 27, 28 na 52.

[168] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 28.

[169] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 28.

[170] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 28.

[171] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 28.

[172] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 28, 29, 33, 34, 37, 38 na 52.

[173] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 37.

[174] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.

[175] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 29 na 54.

[176] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.

[177] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.

Kanyarukiga bari bashoboye kuzana abagize umuryango wa Kanyarukiga[178]. Uwo musirikare kandi yamubwiye ko bahuye n'ingorane mu nzira bagaruka ntibaca mu muhanda mukuru wa Kigali-Gitarama[179], ko ahubwo baciye mu Bugesera kubera ko mu gace ka Kanombe na Kicukiro-Remera hari imirwano ikaze[180].

Umutangabuhamya ushinjura witwa Thicien Ndaberetse

93. Thicien Ndaberetse yari umusirikare ufite ipeti rya soruda wo mu rwego rwa mbere mu gisirikare cy'u Rwanda, akaba yarabaga mu Kigo cya gisirikare cy'i Gitarama mu mwaka wa 1994. Mu buhamya bwe, yavuze ko umuyobozi w'Ikigo cya gisirikare cy'i Gitarama, ari we Rukabyatorero, yamutegetse kujyana na Kanyarukiga i Ndera bavuye i Gitarama no kugarukana, kugira ngo bajye kuzana abagize umuryango wa Kanyarukiga, yongeraho ko ibyo byabaye nka nyuma y'icyumweru Perezida apfuye[181].

94. Rukabyatorero yahamagaye uyu mutangabuhamya mu biro bye, ahageze asanga ari kumwe na Kanyarukiga[182]. Umutangabuhamya ntiyavuze itariki we na Kanyarukiga bagiriyeho i Ndera n'iyo bagarukiyeho, ariko yavuze ko ku munsi wakurikiye uwo yahuriyeho na Kanyarukiga, bavuye mu Kigo cya gisirikare cya Gitarama mu masaa tatu za mu gitondo bakagera i Ndera uwo munsi hagati ya saa munani na saa cyenda z'amanywa[183]. Umutangabuhamya na Kanyarukiga bajya i Ndera bahagaze ku rugo rw'umugore umwe[184]. Ndaberetse yavuze ko ugereranyije bahamaze nk'iminota iri hagati ya 40 na 60 hanyuma bagakomeza urugendo[185]. Bambukiranyije umujyi wa Kigali hanyuma bagera mu rugo rwa Kanyarukiga i Ndera baraharara[186]. Uyu mutangabuhamya yavuze ko we na Kanyarukiga baciye kuri za bariyeri nyinshi hagati ya Gitarama na Ndera[187].

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[178] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.
[179] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.
[180] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 29.
[181] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 7, 8, 9, 11.
[182] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 8, 9, 10.
[183] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 14.
[184] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 11.
[185] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 11.
[186] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 11, 12 na 13.
[187] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 14, 37, 38 na 39.

95. Umutangabuhamya yibuka ko kuri uwo munsi nyuma ya saa sita, we na Kanyarukiga bagiye ku biro bya Burugumesitiri i Ndera[188]. Yongeyeho ko byabaye ngombwa ko Kanyarukiga ajya kureba Burugumesitiri kugira ngo amuhe urundi rwandiko rw'inzira, rwari ruriho amazina y'abagize umuryango we, kubera ko urwo yari yaziyeho ayo mazina atariho[189]. Ndaberetse yavuze ko atigeze abona ayo mazina yose kuri urwo rwandiko rwatanzwe na Burugumesitiri, ariko yemeza ko yari ariho, ko kandi izina rye n'irya Kanyarukiga ari yo yazaga mbere, amazina akaba yari yandikishije imashini[190].

96. Ku munsi wakurikiyeho, umutangabuhamya, Kanyarukiga n'abagize umuryango we bavuye i Ndera hagati ya saa mbiri na saa tatu za mu gitondo[191]. Uyu mutangabuhamya yibuka ko mu modoka hari harimo abantu bari hagati ya batanu n'umunani, barimo abana n'abantu bakuze, ko kandi imodoka yari yuzuye[192].

97. Umutangabuhamya yavuze ko imodoka yanyuze kuri za bariyeri nyinshi, igeze kuri bariyeri y'ahitwa kuri « 19 » irahagarikwa[193]. Ndaberetse yibuka ko berekanye urwandiko rw'inzira rwabo, ariko abantu bari barinze bariyeri banga kwemera ko rwatanzwe n'inzego zibishinzwe, bavuga ko ahubwo rwatanzwe n'Inyenzi[194]. Kuri bariyeri, imodoka n'abari bayirimo baragenzuwe, ku buryo umutangabuhamya yabonaga ibintu bimeze nabi cyane[195]. Iryo « hangana » ryamaze iminota iri hagati ya 40 na n'isaha[196].

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[188] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 13, 14, 26-28, 31.

[189] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 13 na 26.

[190] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 27 na 28.

[191] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 14 na 15.

[192] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 14 na 26.

[193] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 15.

[194] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 15-17. Ntibisobanutse neza niba urwandiko rw'inzira berekanye ari urwari rwatanzwe na komanda Rukabyatorero, cyangwa Burugumesitiri, ariko umutangabuhamya Ndaberetse yaketse ko ari urwari rwatanzwe na Burugumesitiri. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 17.

[195] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 16.

[196] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 16.

98. Umutangabuhamya yibuka ko Kanyarukiga yagiye kureba umuyobozi w'Ikigo cya gisirikare cy'i Kanombe, wamuhaye urundi rwandiko rw'inzira[197]. Urwo rwandiko rw'inzira rwariho izina ry'umutangabuhamya, irya Kanyarukiga n'amazina y'abagize umuryango wa Kanyarukiga[198].

99. Kanyarukiga amaze kubona urwo rwandiko rw'inzira, abari mu modoka basubiye mu muhanda mukuru, bashobora kunyura kuri bariyeri yo kuri « *19* »[199]. Ndaberetse ntiyashoboye kwibuka isaha bagarukiyeho kuri bariyeri yo kuri « *19* », kubera ko « hashize igihe kirekire bibaye»[200].

100. Kanyarukiga ni we wari utwaye imodoka. Ndaberetse yamugiriye inama yo kunyura mu wundi muhanda basubira i Gitarama, kubera ko bari bahuye na bariyeri nyinshi ubwo bavagayo bagana i Ndera[201]. Bafashe umuhanda unyura mu Bugesera bahagarara ku gasantere k'ubucuruzi kitwa Ruhuha, bahamara isaha[202]. Bamaze gufungura, basanze umupira w'imodoka watobotse[203]. Bavuye ku Ruhuha bambuka iteme rya Rwabusoro[204]. Ndaberetse yavuze ko cyari « igihe cy'imvura », ko kandi umuhanda warimo ibyondo byinshi[205]. Yibutse ko basabwe kwerekana urwandiko rwabo rw'inzira kuri za bariyeri nyinshi, harimo iyo ku iteme rya Rwabusoro, iyakurikiraga iyo kuri

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[197] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 17 na 18. Umutangabuhamya witwa Ndaberetse yibutse ko Uregwa yahagaritse imodoka ye hanze y'ikigo cya gisirikare, hanyuma « bombi uko ari babiri bakinjira mu kigo ku maguru bagiye gusaba urwandiko rw'inzira». Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 30. Ubwo yabazwaga ubwa mbere, uyu mutangabuhamya yavuze ko Kanyarukiga yinjiye mu kigo wenyine. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18. Reba na none Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 37. Nyuma, Ndaberetse yavuze ko yaretse Kanyarukiga akinjira mu kigo wenyine, we agasigarana n'abagize umuryango we [wa Kanyarukiga] mu modoka. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 42. Uyu mutangabuhamya yanavuze ko atibukaga niba barinjiranye mu kigo cya gisirikare bombi, « kubera ko hashize igihe kirekire bibaye », ko icyo yibukaga ari uko bagiye ku kigo. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 31.

[198] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup.17.

[199] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18.

[200] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18.

[201] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 14.

[202] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18.

[203] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 19.

[204] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18.

[205] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18.

iryo teme, iyo mu Ruhango n'iy'i Gahogo mbere yo kugera ku Kigo cya gisirikare cy'i Gitarama[206]. Ndaberetse yavuze ko urwandiko rw'inzira rwagombaga kwerekanwa ahantu hose hakorerwaga igenzura, ko kandi na we hari ubwo yagombaga kwerekana ikarita ye ya gisirikare[207]. Abari mu modoka bageze i Gitarama ijoro riguye, Kanyarukiga atwara umutangabuhamya mu Kigo cya gisirikare cya Gitarama[208].

Umutangabuhamya ushinjura wiswe KG55

101. KG55 afitanye amasano na Kanyarukiga[209]. KG55 yavuze ko yabonye Kanyarukiga ku itariki ya 15 Mata 1994 ubwo yazaga iwe [kwa KG55][210]. Kanyarukiga yaganiye na KG55 muri urwo rugo rwe mu gihe cy'iminota nka 30, hagati ya saa yine na saa tanu za mu gitondo[211]. Uyu mutangabuhamya yibuka ko Kanyarukiga yamubwiye ko yari yavuye i Gitarama, ko kandi yari agiye i Ndera kuvanayo umugore we n'abandi bagize umuryango we bahababaga[212]. Uwo mugore yavuze ko yibuka iyo tariki kubera ko ari wo munsi yatadukaniyeho n'abana be[213].

102. Uyu mutangabuhamya yari ahangayikishijwe n'umutekano we, maze mu rwego rwo kumuhumuriza hamwe n'abana be, Kanyarukiga aramubwira ati, « wihangayika ibintu bizagenda neza », hanyuma anamuha amafaranga 5.000 y'u Rwanda[214].

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[206] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 30.

[207] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 28. Urugereko rusanga umutangabuhamya witwa Ndaberetse yaratanze iki gisubizo asubiza ibibazo byerekeye urwandiko rw'inzira rwatanzwe na Burugumesitiri, ariko bigaragara ko icyo gisubizo kijyanye n'izindi nzandiko z'inzira uko ari ebyiri.

[208] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 19.

[209] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp.37-38, 39 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D55 (Ifishi y'umwirondoro wa KG55).

[210] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp. 37, 38 na 39 (iburanisha mu muhezo). KG55 yibuka ariko akekeranya ko yabonye Uregwa hashize nk'icyumweru « imvururu » zitangiye. Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 39 (iburanisha mu muhezo).

[211] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp. 39, 42 na 43 (iburanisha mu muhezo). Mu gihe yari akibazwa ibibazo by'ibanze n'Ubwunganizi, KG55 yavuguruje ubuhamya bwe yari yaratanze mbere, aho yavuze ko yibukaga ko Kanyarukiga yamusuye iwe « nyuma ya saa sita », Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 40 (iburanisha mu muhezo).

[212] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp. 40 na 42 (iburanisha mu muhezo).

[213] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 40 (iburanisha mu muhezo).

[214] Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 39 (iburanisha mu muhezo).

Umutangabuhamya ushinjura witwa Célestin Hitimana

103. Hitimana ni Umuhutu akaba yari inshuti ya Kanyarukiga kuva mu mashuri abanza[215]. Hitimana yibuka ko Perezida Habyarimana yapfuye ku itariki ya 6 Mata 1994, ko kandi yabonye Kanyarukiga nka nyuma y'icyumweru, mu iduka rye [rya Hitimana] i Kigali[216]. Uyu mutangabuhamya yavuze ko yamubonye hagati ya saa yine za mu gitondo na saa sita z'amanywa, bakamarana iminota itarenze itanu[217]. Kanyarukiga ageze ku iduka ry'umutangabuhamya, yamubwiye ko yari aturutse i Gitarama yerekeza i Ndera kureba umuryango we[218].

Umutangabuhamya ushinjura wiswe KG44

104. KG44 yari mu bantu bacunga bariyeri yari i Ndera muri Mata 1994 akaba yari yaramenyeye Kanyarukiga muri ako gace[219]. Mu buhamya bwe, yabaye nk'uganisha ku kuba yaragize uruhare mu « bikorwa bishobora kuba bifite aho bihuriye na jenoside » ubwo yari arinze iyo bariyeri[220].

105. Kanyarukiga yanyuze kuri bariyeri umutangabuhamya yacunganga ku itariki ya 15 Mata 1994, ariko ntibavuganye[221]. Yabonye Kanyarukiga ari ku manywa, ariko ntiyashoboye kuvuga isaha nyirizina yamuboneyeho[222]. Uregwa yari atwaye imodoka

[215] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 3, 5, 6 na 8.

[216] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 6 na 7. Umutangabuhamya yavuze ko yongeye gufungura iduka nyuma y'icyumweru kirenga Perezida apfuye, ko kandi « hashize iminsi ibiri afunguye » Kanyarukiga yaje kumureba.

[217] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 7, 8 na 21.

[218] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 7, 20 na 21.

[219] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 3, 4 na 5 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D58 (Ifishi y'umwirondoro wa KG44).

[220] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 5 (iburanisha mu muhezo).

[221] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 4 na 5 (iburanisha mu muhezo).

[222] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 5 na 27 (iburanisha mu muhezo).

ya Pajero itukura kandi yari kumwe n'undi muntu muri iyo modoka[223]. Iyo modoka yari yaturutse kuri « *15* », ikaba yarerekezaga mu rugo kwa Kanyarukiga[224].

106. KG44 na none yabonye Kanyarukiga kuri iyo bariyeri mu gitondo cyo ku itariki ya 16 Mata 1994 aturuka mu cyerekezo cy'iwe, ari kumwe n'umusirikare n'abandi bantu benshi mu modoka[225]. Ntiyashoboye kwibuka isaha yaboneyeho Kanyarukiga kuri iyo tariki ya 16 Mata 1994, yavuze gusa ko hatari nijoro[226]. Ubwo Kanyarukiga yari ari kuri iyo bariyeri ku itariki ya 16 Mata 1994, uyu mutangabuhamya yabonye abandi bari bacunze iyo bariyeri hari ibibazo bimwe na bimwe batumvikanaho, kandi batabona Kanyarukiga kimwe[227].

Umutangabuhamya ushinjura wiswe KG46

107. KG46 yari mu bantu bacungaga bariyeri yari hafi y'urugo rwa Kanyarukiga muri Mata 1994[228]. Yari azi Kanyarukiga muri Mata 1994 kandi yari atuye hafi y'urugo rwe i Ndera[229]. Ubwo yari acunze bariyeri ku itariki ya 15 Mata 1994, yabonye Kanyarukiga ahagana saa cyenda z'amanywa, anyura kuri iyo bariyeri aturutse kuri «*15*»[230].

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223 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 5 (iburanisha mu muhezo). Umutangabuhamya yasobanuye ko iyi modoka ari imwe yari yabonye itwawe na Théodore Rwamakuba, mwishywa wa Kanyarukiga.

224 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 6 (iburanisha mu muhezo).

225 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 6, 7 na 17 (iburanisha mu muhezo) Umutangabuhamya yavuze ko imodoka yari yuzuye. Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 18 (iburanisha mu muhezo). KG44 yavuze ko ubwo yatangaga ubuhamya avuga ko imodoka yari yuzuye, yashakaga kuvuga ko umubare w'abantu bari mu modoka warutaga uw'abantu imodoka yari yemerewe gutwara, abarimo bakaba barabyiganaga. Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 25 (iburanisha mu muhezo).

226 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 7 (iburanisha mu muhezo). Nyuma KG44 yaje kuvuga ko ku itariki ya 16 Mata 1994, « ubwo Kanyarukiga yavaga iwe, hari mu gitondo. » Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 27 (iburanisha mu muhezo).

227 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 7 (iburanisha mu muhezo).

228 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 33 na 39 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D59 (Ifishi y'umwirondoro wa KG46).

229 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 32 (iburanisha mu muhezo).

230 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 33 na 35 (iburanisha mu muhezo).

108. KG46 yongeye kubona Kanyarukiga ku itariki ya 16 Mata 1994 mbere ya saa sita z'amanywa, ubwo yanyuraga kuri bariyeri uyu mutangabuhamya yari arinze[231]. Kanyarukiga yari mu modoka aturuka mu cyerekezo cy'i Ndera[232]. Iyo modoka yarimo abantu benshi, ariko umutangabuhamya ntiyamenye amazina yabo[233].

Umutangabuhamya ushinjura witwa Saverina Muhayimana

109. Saverina Muhayimana yamenye Kanyarukiga kuva mu myaka ya za 1980, muri Mata 1994 akaba yari atuye nko muri metero 200 uvuye ku rugo rwa Kanyarukiga rw'i Ndera[234].

110. Uyu mutangabuhamya yabonye Kanyarukiga imbere y'inzu ye [y'umutangabuhamya] hagati ya saa kumi na saa kumi n'imwe z'igicamunsi, ku itariki ya 15 Mata 1994[235]. Umutangabuhamya yavuze ko «yumvise imodoka isuma, hanyuma bagasohoka kujya kureba uwari uyitwaye»[236]. Kanyarukiga yaje i Ndera ari mu modoka ya Pajero itukura, kandi yari aherekejwe n'umusirikare wari witwaje intwaro[237]. Umutangabuhamya yavugishije Kanyarukiga ubwo Kanyarukiga yari mu gipangu cy'inzu ye, amubwira ko yazanywe no gutwara umuryango we[238]. Umutangabuhamya yasabye Kanyarukiga kumujyana hamwe n'abana be Henriette Mutoneshwa, wari ufite imyaka icumi, na Raphaël Banderere, wari ufite imyaka umunani[239]. Kanyarukiga ntiyashoboye kumutwara, ariko yamwemereye kumutwarira abana, kubera ko bari bato bakaba batari bakeneye kubona intebe yihariye yo kwicaraho mu modoka[240].

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[231] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 35 (iburanisha mu muhezo).

[232] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 35 na 36 (iburanisha mu muhezo).

[233] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 35 (iburanisha mu muhezo).

[234] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 2 na 3.

[235] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 3, 4 na 17.

[236] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 3.

[237] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 3 na 4.

[238] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 4 na 17.

[239] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 4, 5 na 6; Inyandikomvugo y'iburanisha iri mu gifaransa, 20 Mutarama 2010, urup. 5.

[240] Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 5.

111. Ku itariki ya 16 Mata 1994, Muhayimana yajyanye abana be kwa Kanyarukiga, ahagana saa moya cyangwa saa mbiri za mu gitondo[241]. Uyu mutangabuhamya yibuka ko bagiye ku itariki ya 16 Mata 1994 kubera ko yari umudivantisite w'umunsi wa karindwi kandi kuri iyo tariki ya 16 Mata hakaba « hari ku wa gatandatu mu gitondo, ku badivantisite ukaba umunsi w'isabato»[242]. Imodoka yatwaye abagize umuryango wa Kanyarukiga yari yuzuyemo abantu, barimo abana b'umutangabuhamya, nyina wa Kanyarukiga, umugore we n'abana be[243]. Muhayimana yibuka ko Kanyarukiga yamubwiye ko bari bagiye i Nyange muri Komini ya Kivumu[244].

Umutangabuhamya ushinjura witwa Henriette Mutoneshwa Isaro

112. Mutoneshwa ni Umuhutukazi, mu mwaka wa 1994 akaba yari afite imyaka 10 y'amavuko abana n'ababyeyi be kandi ari umunyeshuri[245]. Yari azi Kanyarukiga neza kubera ko Kanyarukiga yari inshuti y'umuryango we, bakaba bari baturanye i Ndera, kandi yakundaga kujya kwa Kanyarukiga[246]. Mutoneshwa kandi yari inshuti y'abakobwa ba Kanyarukiga[247].

113. Mutoneshwa yavuze ko Uregwa yamutwaye hamwe na musaza we muto abavana i Ndera abageza i Nyange. Hari hashize nk'igihe kiri hagati y'icyumweru n'iminsi 10 kuva Perezida yishwe muri Mata 1994[248]. Kubera ko i Ndera hari umutekano muke, nyina w'umutangabuhamya yamuhaye Kanyarukiga hamwe na musaza we ngo abajyane ku Kibuye[249]. Mutoneshwa yavuze ko bakoze urugendo rurerure cyane, rwatangiye kuva mu gitondo cya kare cyane[250]. Uwo mutangabuhamya yavuze ko

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241 Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 5.

242 Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 7, 11, 12 na 32.

243 Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 6.

244 Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 7.

245 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 48, 49 na 52. Umutangabuhamya witwa Mutoneshwa ni umukobwa wa Xavérina Muhayimana.

246 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 49.

247 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 49 na 53.

248 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 49, 50, 52, 54 na 55.

249 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 50.

250 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 50.

bahuye na bariyeri mu muhanda banyuzemo[251]. Mutoneshwa yavuze ko hari urugo bahagazemo i Gitarama[252]. Yibuka ko bahagaze kubera ko baruhutse akanya gato, kandi muri iyo nzu hakaba harimo abantu[253]. Uyu mutangabuhamya yavuze ko umuhanda wari mubi, udakoze neza, ko kandi imodoka yagize ibibazo[254]. Bagenze amanywa yose, bagerayo bwije hajya kuba mu gicuku[255].

Umutangabuhamya ushinjura witwa Aaron Ephrem Sebitabo Sebisukiro

114. Sebisukiro azi Kanyarukiga kuva mu mwaka wa 1984. Yahujwe na Kanyarukiga n'umuntu bombi bari bazi[256]. Sebisukiro yahuriraga na Kanyarukiga kenshi mu « mugi » mu mwaka wa 1994[257].

115. Sebisukiro yabonye Kanyarukiga ku itariki ya 16 Mata 1994 imbere y'urugo rwe [rwa Sebisukiro] rwari muri Serire ya Runyombya, Segiteri ya Rusororo, Komini ya Rubungo, Perefegitura ya Kigali Ngari, hagati ya saa tanu za mu gitondo na saa sita z'amanywa, amubona igihe cy'iminota itarenze itanu[258]. Inzu y'umutangabuhamya yari iherereye nko muri metero 50 uvuye ku muhanda Kanyarukiga yanyuzemo ku itariki ya 16 Mata 1994[259]. Kanyarukiga yari mu modoka y'ijipe imeze nka « *Land Cruiser* » aturuka i Kigali kandi ari kumwe n'abandi bantu[260]. Umutangabuhamya yavuze ko Kanyarukiga yahavuye agana mu cyerekezo cya Kibungo[261].

Umutangabuhamya ushinjura wiswe KG24

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[251] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 51 na 54.

[252] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 50.

[253] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 50.

[254] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 51.

[255] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 50 na 51.

[256] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 31 na 32.

[257] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 32.

[258] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 31, 34, 35, 59 na 60.

[259] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 35.

[260] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 34.

[261] Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 35.

116. KG24 yamenyaniye na Kanyarukiga mu bikorwa by'ubucuruzi kuva mu mwaka wa 1993[262]. Yavuze ko yabonaga Kanyarukiga hafi buri wa gatandatu hagati y'Ukwakira 1993 na Mata 1994[263]. Muri Mata 1994, uyu mutangabuhamya yakoraga mu iduka ku Ruhuha[264].

117. Ku itariki ya 16 Mata 1994, KG24 yabonye Kanyarukiga ahagana saa kumi cyangwa saa kumi n'imwe z'igicamunsi muri santere ya Ruhuha, ubwo Kanyarukiga yahagararaga ku iduka yakoragamo[265]. Umutangabuhamya yavuze ko indi mihanda yasaga nk'itakigendwa, bityo imodoka nyinshi zigaca ku Ruhuha[266]. Kanyarukiga n'abo bari kumwe bamaze nk'isaha mu kabari kari muri santere ya Ruhuha, bahava nk'izuba rijya kurenga[267]. Kanyarukiga yari ari kumwe n'abantu icyenda cyangwa icumi buzuye imodoka, harimo abantu bakuru, abana n'umusirikare; nta muntu n'umwe mu bari mu modoka umutangabuhamya yari azi[268].

118. Kanyarukiga agiye kugenda yagerageje kwatsa imodoka ariko iranga[269]. Yasabye umutangabuhamya kumufasha kuyatsa, hanyuma arebye asanga umupira umwe wari watobotse[270]. Umutangabuhamya yafashije Kanyarukiga guhindura uwo mupira[271]. Kanyarukiga yabwiye KG24 ko yari yerekeje mu gace avukamo, kubera impamvu z'umutekano[272].

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[262] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 6 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D61 (Ifishi y'umwirondoro ya KG24).

[263] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 6 na 7 (iburanisha mu muhezo).

[264] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 5 na 6 (iburanisha mu muhezo).

[265] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 8 na 9 (iburanisha mu muhezo).

[266] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 22 (iburanisha mu muhezo).

[267] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 9 na 10 (iburanisha mu muhezo). Reba na none Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 22 (iburanisha mu muhezo).

[268] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 10, 14 na 22 (iburanisha mu muhezo).

[269] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 10 (iburanisha mu muhezo).

[270] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 10 (iburanisha mu muhezo).

[271] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 10 (iburanisha mu muhezo).

[272] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 10 (iburanisha mu muhezo).

119. Umunsi uyu mutangabuhamya yaboneyeho Kanyarukiga, iduka rye ryari ryarasahuwe[273]. Kanyarukiga yaramuhumurije, amuha n'amafaranga 2.000 y'u Rwanda[274].

1.3. Isesengura ry'Urugereko

120. Mu rubanza rwa Zigiranyirazo, Urugereko rw'Ubujurire rwibukije ihame rigenderwaho mu myiregurire ya sinari mpari:

> Imyiregurire ya sinari mpari ubwayo si ikimenyetso gishinjura. Iyo uregwa yifashishije imyiregurire ya sinari mpari, aba gusa ahakana icyaha ashinjwa avuga ko aho yari ari atashoboraga kugikora. Uregwa si we ufite inshingano zo kwerekana ku buryo budashidikanywaho ko atari ari aho icyaha cyakorewe igihe cyakorwaga. Ahubwo agomba gusa gutanga ibimenyetso bishaka kwerekana ko atari ari aho icyaha cyakorewe igihe cyakorwaga, cyangwa se, mu yandi magambo, agatanga ibimenyetso bishobora gutuma ubuhamya bushinja bushidikanywaho. Iyo imyiregurire ya sinari mpari ishobora kuba ari ukuri umuntu ashyize mu gaciro, igomba kwemerwa.
>
> Iyo uregwa yiyambaje imyiregurire ya sinari mpari ku buryo bukwiye, Porokireri agomba kwerekana ku buryo budashidikanywaho ko, hatitawe kuri iyo myiregurire ya sinari mpari, ibivugwa ku uregwa ari ukuri. Porokireri ashobora kubikora, nk'urugero, yerekana ko imyiregurire ya sinari mpari mu by'ukuri umuntu ashyize mu gaciro itareba amatariki uregwa avugwaho kuba yarakoze icyaha. Iyo iyo myiregurire ya sinari mpari igaragaza rugikubita ko iby'uregwa yari ahugiyemo bindi igihe icyaha cyakorwaga, Porokireri agomba « kwerekana ko ushyize mu gaciro usanga iyo myiregurire atari ukuri », tuvuge akerekana ko icyo kimenyetso cya « *alibi* » atari icyo kwemerwa[275].

Icyo Urugereko rubivugaho muri rusange

121. Hari ibintu ibi n'ibi Urugereko ruza kugenderaho ku buryo bukomeye mu myumvire yarwo y'iyi myiregurire ya sinari mpari. Icya mbere, ni uko Ubwunganizi bwatanze inyandiko ngufi imenyekanisha imyiregurire ya sinari mpari nyuma y'itangwa

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[273] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 8 na 9 (iburanisha mu muhezo).

[274] Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, urup. 10 (iburanisha mu muhezo).

[275] *Urubanza rwa Zigiranyirazo*, Inyandiko y'urubanza mu bujurire, ibika 17 na 18 (ibyandukuwe mu zindi nyandiko nta birimo).

ry'ibimenyetso bishinja, nyuma yaho ni bwo bwaje gutanga inyandiko ikubiyemo urutonde ndakuka rw'abatangabuhamya bazashyigikira imyiregurire ya sinari mpari, ariko hasigaye ukwezi kumwe gusa ngo butangire gutanga ibimenyetso bishinjura. Icya kabiri, abatangabuhamya bashinjura, uretse batatu gusa, abandi bari bafitanye n'Uregwa isano yo mu muryango ya hafi, cyangwa umubano wihariye cyangwa se umubano ushingiye ku bikorwa by'ubucuruzi, ibyo bigatuma Urugereko ruha agaciro gake ubuhamya bwabo cyangwa butabugaha na mba. Urugereko rusanga ubuhamya bw'aba batangabuhamya batatu basigaye butakwemerwa. Hanyuma kandi, Urugereko rwagiye mu Rwanda ahakorewe ibyaha bivugwa, urwo ruzinduko rwakoze rukaba rwareretse Urugereko ko ubuhamya bw'abatangabuhamya bashinjura ku bijyanye n'itariki ya 15 Mata 1994 butakwizerwa, ko kandi n'umuhanda wasobanuwe n'abatangabuhamya bashinjura wari muremure cyane kandi nta mutekano ufite, ku buryo utari kunyurwamo rwose ku itariki ya 16 Mata 1994. Bityo, nk'uko biza gusobanurwa ku buryo burambuye hano hasi, ibi bintu bitatu bituma Urugereko rufata umwanzuro ko iyo myiregurire ya sinari mpari ari inkuru y'impimbano, ivugwa n'abatangabuhamya bashinjura, buri wese muri bo akaba yaravuze ku buryo bugaragara ibihuje n'inyungu z'Uregwa n'ibigamije gushyigikira imyiregurire ya sinari mpari. Iyo myiregurire ya sinari mpari rero umuntu ashyize mu gaciro asanga bishoboka ko ataba ari ukuri.

122. Urugereko rugiye noneho gusesengura ibibazo byihariye rufite ku bijyanye n'ibyo rwabonye muri rusange.

Gukererwa gutanga inyandiko imenyekanisha imyiregurire ya sinari mpari n'imyirondoro y'abatangabuhamya

123. Urugereko ruributsa ko rufite ububasha busesuye bwo gusuzuma niba gukererwa gutanga inyandiko imenyekanisha imyiregurire ya sinari mpari byaratesheje agaciro ukwemerwa kwagombye kugirirwa iyo myiregurire[276]. Urugereko ruri busuzume niba uko gukererwa gutanga inyandiko imenyekanisha imyiregurire ya sinari mpari, ariko

[276] *Urubanza rwa Kalimanzira*, Inyandiko y'urubanza mu bujurire, igika 56, nk'uko byanditse mu *Rubanza rwa Rutaganda*, Inyandiko y'urubanza mu bujurire.

cyane cyane gukererwa gutanga imyirondoro y'abatangabuhamya bashinjura, hari ingaruka byagize mu myumvire yarwo y'iyo myiregurire.

124. Ubwunganizi bwatanze inyandiko imenyekanisha imyiregurire ya sinari mpari Porokireri amaze gutanga ibimenyetso bishinja[277]. Urugereko ruributsa ko rwakiriye iyo nyandiko mu rwego rw'imiburanishirize (n'ubwo itatanzwe mu buryo nyabwo bwubahirije ibiteganywa n'ingingo ya 67(A)(ii)(a)), rukaba rusanga icyemezo cy'Urugereko cyerekeye izimira rivugwa ry'inzandiko z'inzira cyarafashwe nyuma y'itangwa ry'ibimenyetso bishinja[278]. Cyakora, Urugereko rusanga inyandiko imenyesha imyiregurire ya sinari mpari yaratanzwe Porokireri yaramaze gutanga ibimenyetso bishinja, byongeye kandi Ubwunganizi mu nyandiko y'agateganyo imenyekanisha imyiregurire ya sinari mpari bukaba bwaravuzemo abatangabuhamya umunani gusa bazatanga ubuhamya bushyigikira iyo myiregurire[279]. Nyuma yaho bwakurikijeho urutonde rw'imyirondoro y'abatangabuhamya ku itariki ya 6 Ugushyingo 2009, kuri urwo rutonde Ubwunganizi buvanaho batatu muri ba batangabuhamya bwari bumaze icyumweru butanze, bushyiraho abatangabuhamya 13 b'inyongera[280]. Ubwunganizi bwatanze urundi rutonde rw'abatangabuhamya bo gushyigikira imyiregurire ya sinari mpari ku itariki ya 1 Ukuboza 2009, bukura umutangabuhamya umwe kuri rwa rutonde rurerure, maze bwongeraho abandi babiri[281]. Mu nyandiko ikubiyemo urwo rutonde ni ho honyine Ubwunganizi bwatanze amakuru arambuye yerekeye ubuhamya buri mutangabuhamya azatanga; iyi nyandiko, nk'uko Ubwunganizi bubivuga, « yahuje » urutonde rw'abatangabuhamya bo gushyigikira imyiregurire ya sinari mpari[282]. Nyamara, mu myanzuro

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[277] Inyandiko y'agateganyo imenyesha ko Uregwa aziyambaza *alibi*. Byavuzweho ku buryo burambuye mu gice cy'iyi nyandiko y'urubanza cyahariwe ibibazo by'ibanze, mu gika cya 68 n'icya 69. Reba na none Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 40 (*Senior Trial Attorney* Holo Makwaia wo mu Biro bya Porokireri asoza itangwa ry'ibimenyetso bishinja).

[278] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu rw'iremezo), 30 Ukwakira 2009.

[279] Inyandiko y'agateganyo imenyesha ko haziyambazwa *alibi*, yatanzwe ku itariki ya 30 Nzeri 2009, ibika 3-6 na 10. Ubwunganizi bwavugaga abatangabuhamya biswe KG1, KG2, KG3, KG5, KG7, KG8, KG20 na KG36.

[280] Imyirondoro y'abatangabuhamya bashinjura bashyigikira *alibi*, yatanzwe ku itariki ya 6 Ugushyingo 2009.

[281] Imyirondoro y'abandi batangabuhamya bashinjura bashyigikira *alibi*, yatanzwe ku itariki ya 1 Ukuboza 2009.

[282] Imyirondoro y'abandi batangabuhamya bashinjura bashyigikira *alibi*, urup. 2.

mbanzirizarubanza yashyikirijwe Urugereko ku itariki ya 18 Ukuboza 2009, Ubwunganizi bwongeyeho abandi batangabuhamya bane bo gushyigikira imyiregurire ya sinari mpari, umwe muri bo, nk'uko Ubwunganizi bubivuga, akaba ari umutangabuhamya w'ingenzi wo kuvuga ku rugendo Kanyarukiga yakoze rwo kujya i Ndera no kuvayo, ku itariki ya 15 n'iya 16 Mata 1994[283]. Ubwunganizi rero kugeza ku itariki ya 18 Ukuboza 2009[284] bwari butaratanga urutonde ndakuka rwuzuye rw'abatangabuhamya bazashyigikira imyiregurire ya sinari mpari, icyo gihe hakaba hari hasigaye ukwezi kumwe ngo butangire gutanga ibimenyetso bishinjura[285]. Ibi bituma Urugereko rutekereza ko abatangabuhamya bashinjura, nyuma yo kubona umwanya uhagije aho Porokireri arangirije guhamagaza abatangabuhamya bashinja, bwahinduye ubuhamya bwabo hagamijwe kuvuguruza ibimenyetso bishinja. Byongeye kandi, kuba Ubwunganizi bwaratangiye buvuga amakuru y'aho Kanyarukiga yari aherereye nyamara bugatanga urutonde rw'abatangabuhamya bukererewe, bituma Urugereko rubona ko Kanyarukiga mu by'ukuri yashakishije abatangabuhamya bo kuvuga ibihuje n'inkuru ye y'imyiregurire ya sinari mpari.

125. Gutanga inyandiko imenyesha imyiregurire ya sinari mpari no gukererwa gutanga inyandiko ikubiyemo urutonde rw'abatangabuhamya b'Ubwunganizi, bituma na none Urugereko rutekereza ko iyo myiregurire yahimbwe mu gihe runaka mu rwego rwo kunyomoza ibimenyetso bishinja, no kurwana ku nyungu zihariye z'Uregwa.

Abatangabuhamya bashinjura bashyigikira imyiregurire ya sinari mpari n'imiterere y'ubuhamya bwabo

126. Urugereko rusanga kandi imyumvire yarwo ko imyiregurire ya Kanyarukiga ya sinari mpari umuntu ashyize mu gaciro asanga ishobora kuba atari ukuri, ishimangirwa n'uko ibimenyetso byatanzwe n'abatangabuhamya bashinjura byuzuye neza kandi bikaba

[283] Imyanzuro y'Ubwunganizi ibanziriza itangwa ry'ibimenyetso bishinjura, yatanzwe ku itariki ya 18 Ukuboza 2009, imp. 16, 17 na 18. KG16 yongeye kugaragara muri iyi nyandiko nyuma y'aho izina rye rivaniwemo. KG45, KG59 na Ndaberetse bagaragaye ku nshuro ya mbere. Ikindi, ingingo Ndaberetse azavugaho mu buryo burambuye zashyikirijwe Urugereko hasigaye iminsi ibiri gusa ngo atange ubuhamya bwe (zohererejwe Urugereko na Porokireri ku itariki ya 19 Mutarama 2010 saa kumi n'imwe n'igice z'umugoroba, hakoreshejwe uburyo bw'itumanaho bwa « *email* »).

[284] Imyanzuro y'Ubwunganizi ibanziriza itangwa ry'ibimenyetso bishinjura, imp. 6-20.

[285] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 14. (hatangira gutangwa ibimenyetso bishinjura).

bigaragara rwose ko byacuzwe ku buryo bijyana n'amatariki nyirizina ibyaha bivugwa byakoreweho kuri paruwasi ya Nyange. Abatangabuhamya bashinjura bavuze ko Kanyarukiga yavuye muri Komini ya Kivumu ku itariki ya 12 Mata 1994, umunsi umwe mbere y'uko Abatutsi bari bahungiye kuri paruwasi ya Nyange bagabwaho igitero ku nshuro ya mbere, umunsi imwe mu nama zivugwa mu Nyandiko y'ibirego yahinduwe yabereyeho, akaba ari na wo munsi abagabye ibitero batangiye kugota paruwasi, akagaruka ku mugoroba wo ku itariki ya 16 Mata 1994, hashize amasaha make gusa kiriziya isenywe n'ubwicanyi burangiye[286]. Mu yandi magambo, Kanyarukiga ntiyari ahari, dukurikije ibimenyetso bishinjura, mu gihe nyirizina ibikorwa bikubiye mu Nyandiko y'ibirego yahinduwe bivugwa ko byakoreweho.

127. Urugereko rusanga kuri buri rugendo rwa Kanyarukiga na buri hantu yagiye Ubwunganizi bwarahamagaje umutangabuhamya umwe cyangwa babiri bibuka ko bamubonye. Nyuma y'imyaka 16 ibivugwa bibaye, nta kintu kibura mu ruhererekane rw'ubuhamya bwabo, ibi Urugereko rukaba rusanga ari ibintu bidasanzwe. Na none, Urugereko ntirwemera ko, nk'uko byemejwe n'abatangabuhamya bashinjura bashyigikira imyiregurire ya sinari mpari, Kanyarukiga yari gukoresha iminsi itanu agerageza gutabara abagize umuryango we urebye ukuntu ibintu byari byifashe muri Mata 1994. By'umwihariko, Urugereko ntirwemera ko yakoresheje iminsi itanu, harimo iminsi itatu yamaze i Gitarama, mu rugendo rwashoboraga kumara umunsi umwe cyangwa ibiri[287], mu gihe, nk'uko bivugwa n'abatangabuhamya bashinjura, byihutirwaga « kuvana » umuryango wa Kanyarukiga i Ndera[288].

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[286] Reba hejuru icyiciro cyahariwe « Ibimenyetso». Abatangabuhamya bashinjura biswe KG45, KG59, uwitwa Nshogozabahizi, KG18, abitwa Rukabyatorero, Ndaberetse, Mutoneshwa, Muhayimana, abiswe KG55, KG44, KG46, abitwa Hitimana na Sebisukiro, hamwe n'uwiswe KG24, batanze ubuhamya bushyigikira *alibi* kuri aya matariki.

[287] Reba Ikimenyetso gihamya cya Gerefiye cyahawe No R4 (Raporo y'ubutumwa mu rubanza rwa Kanyarukiga), urup. 2.

[288] Nshogozabahizi yavuze ko ubwo Kanyarukiga yavaga i Nyange, yari yarahiye ko azakora ibishoboka byose akajya kuzana abagize umuryango we bari i Ndera. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 28. KG45 yavuze ko Kanyarukiga yamubwiye ko yari agiye i Ndera kuzana abagize umuryango we. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 60, 70 na 77 (iburanisha mu muhezo); Reba *Urubanza rwa Kalimanzira*, Inyandiko y'urubanza mu bujurire, igika 68 (kuba Urugereko rw'Ubujurire rwaremeje ko nta

128. Imyirondoro y'abatangabuhamya bashyigikira imyiregurire ya sinari mpari nayo ishimangira imyumvire y'Urugereko ko umuntu ashyize mu gaciro iyo myiregurire ishobora kuba atari ukuri. Abatangabuhamya 10 kuri 13 bashinjura batanze ubuhamya ku hantu Kanyarukiga yari aherereye mu gihe kivugwa bari bafitanye isano na we, bakorana mu bucuruzi cyangwa bafite ibindi bahuriraho, cyangwa se ari we ubaha amafaranga yo kubafasha[289]. Abo batangabuhamya bose bafite inyungu mu kuba urubanza rw'Uregwa rwarangira uko abyifuza. Nk'urugero, Nshogozabahizi, umuhungu w'Uregwa, yavuze ko asanga Kanyarukiga arengana, ko kandi akwiye kurekurwa[290]. Byongeye kandi, KG45 yavuze ko igihe cyose ashimira Kanyarukiga ibyo yamukoreye, kandi abajijwe ko yiteguye gufasha Kanyarukiga aramutse abifitiye ubushobozi, uyu mugore yarabyemeye[291]. Ku byerekeye abatangabuhamya bashinjura basigaye uko ari batatu, Urugereko rusanga ubuhamya bwabo butakwemerwa, kubera ko bujyanye mahwi kandi ku buryo budasanzwe n'« inkuru » y'imyiregurire ya sinari

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kosa Urugereko rwa Mbere rw'Iremezo rwakoze ubwo rutemeraga ibyo Kalimanzira yavugaga ko yamaze ijoro muri Kibungo kubera impamvu z'umutekano).

[289] KG45, Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 59, 62, 66, 67, 68 na 69 (iburanisha mu muhezo); KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 9 (iburanisha mu muhezo); Nshogozabahizi, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 22, 51 na 52; KG18, Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 8 (iburanisha mu muhezo); Rukabyatorero, Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 26 na 27; Mutoneshwa, Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 49 na 53 (uyu mutangabuhamya ni umukobwa wa Muhayimana, na byo bikerekana ko afitanye aho ahuriye bya hafi n'Uregwa, kubera nyina. Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 4 na 30); Muhayimana, Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 2, 3 na 21; KG55, Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp. 37 na 39 (iburanisha mu muhezo); Sebisukiro, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 31 na 32; KG24, Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, 6, 7 na 10. Buri mutangabuhamya yemeye ko afite aho ahuriye n'Uregwa, haba mu bucuruzi cyangwa se mu yandi masano ya hafi. Reba na none *Urubanza rwa Kalimanzira*, Inyandiko y'urubanza mu bujurire, igika 70 (« N'ubwo Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ubwo rwavugaga ko umutangabuhamya witwa Siniyobewe ari inshuti y'Uregwa aho kuba umuntu yategekaga, Urugereko rw'Ubujurire rusanga ubuhamya bwa Siniyobewe n'ubundi ari ubwo gusuzumana ubushishozi »).

[290] Nshogozabahizi yavuze ko akunda Kanyarukiga, yongeraho ko abana bose bakunda ba se. Yavuze ko azi neza ko Kanyarukiga ashinjwa ibinyoma. Yanavuze ko yifuza ko Kanyarukiga yagirwa umwere kubera ko bigenze bityo haba habayeho ubutabera kandi akaba azi neza ko Kanyarukiga ari umwere imbere y'Imana n'imbere y'amategeko. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 51 na 52.

[291] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 63 na 66.

mpari[292]. Uwa mbere ni Ndaberetse, watanze ibisobanuro bitatu bitandukanye ku bijyanye n'impamvu we na Kanyarukiga banyuze mu yindi nzira mu kugaruka i Gitarama ku itariki ya 16 Mata 1994, aho guca muyo bari banyuzemo ku itariki ya 15 Mata 1994[293]. Ikindi kandi, Ubwunganizi bwamenyekanishije uyu mutangabuhamya hasigaye ukwezi kumwe gusa ngo butange ibimenyetso bishinjura.

129. Abandi batangabuhamya Urugereko rusanga ubuhamya bwabo butakwemerwa ni abiswe KG44 na KG46. Bombi bari mu mubare w'abantu bacungaga za bariyeri Kanyarukiga n'abo bari kumwe bivugwa banyuzeho i Ndera. Cyakora, bibutse gusa ko Kanyarukiga n'abo bari kumwe baciye kuri bariyeri zabo, ntibashobora kwibuka izina na rimwe ry'undi muntu wahaciye[294]. Ibi bituma Urugereko rudashira amakenga aba batangabuhamya. Icya kabiri, KG44 na KG46 batanze ubuhamya bwerekeye ahantu Kanyarukiga yari aherereye ku itariki ya 15 n'iya 16 Mata 1994, kandi Urugereko rushingiye ku byo rwiboneye mu ruzinduko rwagiriye aho ibyaha bivugwa byakorewe, nk'uko bivugwa hepfo, ntirwemera ubu buhamya bwose uko bwakabaye. Kubera izo mpamvu, Urugereko ntirwemera amakuru yatanzwe n'abatangabuhamya bashinjura, rusanga kandi ayo makuru, hamwe n'ibindi bibazo byasesenguwe, bishimangira imyumvire y'Urugereko ko imyiregurire ya sinari mpari ari inkuru y'incurano, yahimbwe kugira ngo irengere inyungu z'Uregwa.

Urugendo Urugereko rwagiriye aho ibyaha byakorewe

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[292] Abatangabuhamya basigaye Urugereko rusanga batakwizerwa ni Ndaberetse, KG44 na KG46.

[293] Ku nshuro ya mbere ubwo yasubizaga icyo kibazo mu ibaza ry'ibanze, Ndaberetse yavuze ko, nk'umusirikare, yari azi ko mu kugaruka agomba kwirinda guca mu nzira yari yanyuzemo. Yongeye kubazwa kuri icyo kibazo, yavuze ko yagiriye Kanyarukiga inama yo kunyura indi nzira kubera ko aho bari banyuze baza hari za bariyeri nyinshi cyane. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 14. Mu ibaza rinyomoza, yabajijwe icyo kibazo, avuga ko mu myitozo ya gisirikare yahawe, yabwiwe ko atagomba gukoresha inzira yanyuzemo agenda. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 39. Abacamanza bamubajije icyo kibazo bamusaba gusobanura iryo nyuranya riri mu bisubizo bye, asubiza ko nk'uko yari yavuze mbere (mu ibaza ry'ibanze), mu myitozo ya gisirikare yahawe yabwiwe ko iyo avuye ahantu atagomba kongera kunyura mu nzira yaciyemo ahajya. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 39. Ndaberetse yanongeyeho ko Umuyobozi w'ikigo yari yamuhaye uburenganzira bwo kuba yanyura mu yindi nzira. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 40.

[294] Umutangabuhamya wiswe KG44, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 22 (iburanisha mu muhezo); Umutangabuhamya wiswe KG46, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 54.

130. Urugereko ruributsa ko rwagiye mu Rwanda ahantu ibyaha bivugwa byakorewe, kuva ku itariki ya 19 kugera ku ya 21 Mata 2010. Muri urwo rugendo, hapimwe intera iri hagati ya Gitarama na Ndera n'igihe urugendo hagati y'aho hantu rwafata, bagenda bahagarara ahantu abatangabuhamya bashinjura bavuga ko Kanyarukiga yahagaze. Nyuma y'uru ruzinduko, Ibiro bya Gerefiye byatanze raporo ikubiyemo ibipimo byafashwe mu ruzinduko, inyandiko, amajwi n'amashusho byafashwe[295].

131. Urugereko rumaze kujya mu Rwanda aho ibyaha bivugwa byakorewe, rwongeyeho n'impamvu zatanzwe haruguru, rwasanze imyiregurire ya sinari mpari hagati y'itariki ya 15 n'iya 16 Mata 1994 umuntu ashyize mu gaciro ishobora kuba atari ukuri, rushingiye ku gihe cyakoreshejwe n'imihanda yanyuzwemo[296]. Urugereko rusanga nta muburanyi n'umwe wahakanye ibikubiye muri raporo y'Ibiro bya Gerefiye kuri uru rugendo. Ikindi kandi, Urugereko rusanga imihanda yanyuzwemo mu ruzinduko yarashingiye ku buhamya bwatanzwe n'abatangabuhamya bashinjura ndetse no ku makuru yerekeye ahantu Uregwa yaba yarahagaze mu rugendo rwo ku itariki ya 16 Mata 1994, ayo makuru akaba yaratanzwe gusa na Dick Prudence Munyeshuri ukora iperereza ku ruhande rw'Ubwunganizi[297].

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[295] Ikimenyetso gihamya cya Gerefiye cyahawe No R4 (Raporo y'ubutumwa mu rubanza rwa Kanyarukiga), yakiriwe nk'ikimenyetso ku itariki ya 7 Gicurasi 2010; Ikimenyetso gihamya cya Gerefiye cyahawe No R1 (*DVD* yakozwe igihe cy'urugendo rwagiriwe ahakorewe ibyaha bivugwa, umunsi wa mbere, uwa kabiri n'uwa gatatu – igomba kubikwa mu ibanga); Ikimenyetso gihamya cya Gerefiye cyahawe No R2 (*CD ROMS* enye z'urugendo Urugereko rwagiriye ahakorewe ibyaha bivugwa, zigomba kubikwa mu ibanga); Ikimenyetso gihamya cya Gerefiye cyahawe No R3(I) (Inyandikomvugo z'urugendo Urugereko rwagiriye ahakorewe ibyaha bivugwa, zo ku itariki ya 19 Mata 2010); Ikimenyetso gihamya cya Gerefiye cyahawe No R3(II) (Inyandikomvugo z'urugendo Urugereko rwagiriye ahakorewe ibyaha bivugwa, zo ku itariki ya 20 Mata 2010); Ikimenyetso gihamya cya Gerefiye cyahawe No R3(III) (Inyandikomvugo z'urugendo Urugereko rwagiriye ahakorewe ibyaha bivugwa, zo ku itariki ya 21 Mata 2010).

[296] Urugereko rwasuzumye inyandiko rwahawe n'umukozi w'Ubwunganizi ushinzwe iperereza, Dick Prudence Munyeshuri, n'ubuhamya bwe. Reba Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D52 (Amafoto afite ibara ry'umweru n'iry'umukara y'urugo rwa Kanyarukiga rw'i Ndera); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D53 (Amafoto afite ibara ry'umweru n'iry'umukara y'itongo rya Kanyarukiga ry'i Kivumu); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D54 (Ikarita y'u Rwanda umutangabuhamya Prudence Munyeshuri yagaragarijeho ahantu havugwa); Inyandikomvugo y'iburanisha, 19 Mutarama 2010, imp. 2-33.

[297] Munyeshuri yavuze ahantu hatandukanye yanyuze ava i Ndera ajya i Gitarama, anyuze ku Ruhuha. Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 14. Cyakora, Ndaberetse yatanze gusa ubuhamya

132. Ku bijyanye n'inzira Uregwa yanyuzemo ku itariki ya 15 Mata 1994, Urugereko mu rugendo rwagiriye aho ibyaba bivugwa byakorewe rwasanze igihe cyose cyakoreshejwe kuva i Gitarama kugera ku rugo rw'Uregwa i Ndera, unyuze mu rugo rw'umutangabuhamya wiswe KG55 no ku iduka rya Célestin Hitimana i Kigali, ugereranyije ari isaha n'iminota 50[298]. Urugereko rwongeyeho indi saha imwe kubera ahandi ahantu Kanyarukiga yagiye ahagarara mu rugendo rwe ava i Gitarama ajya i Ndera ku itariki ya 15 Mata 1994, nk'uko bivugwa mu buhamya, urwo rugendo rwagombye kuba rwaramufashe nk'amasaha atatu. Hashingiwe ku buhamya bujyanye n'uwo munsi bwatanzwe n'abatangabuhamya bashinjura, by'umwihariko Ndaberetse wavuze ko bavuye i Gitarama saa tatu za mu gitondo bakagera i Ndera ahagana saa cyenda z'amanywa, urugendo Uregwa yakoze ku itariki ya 15 Mata 1994 rwafashe hafi amasaha atandatu; ayo masaha yanarenga Urugereko rushingiye ku buhamya bwa Muhayimana wavuze ko bahageze hagati ya saa kumi na saa kumi n'imwe z'umugoroba[299].

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buvuga ko baciye ku Ruhuha ubwo bavaga i Ndera bajya i Gitarama (uyu mutangabuhamya ni we wenyine watanze ibisobanuro birambuye ku hantu bahagaze n'inzira banyuzemo). Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18. Mutoneshwa yavuze ko yanyuze muri iyi mihanda ari kumwe na Kanyarukiga ariko ntiyashoboye kwibuka ku buryo burambuye iyo mihanda avuga banyuzemo, uretse kuvuga ko « bakoze urugendo rurerure cyane » mu mihanda mibi irimo za bariyeri. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 50-51.

298 Ikimenyetso gihamya cya Gerefiye cyahawe No R4 (Raporo y'ubutumwa mu rubanza rwa Kanyarukiga), urup. 2. Kuva aho Kanyarukiga yaraye kugera kwa KG55 hari urugendo rw'iminota 33; kuva aho KG55 yahoze atuye kugera ku iduka rya Célestin Hitimana hari urugendo rw'iminota 42; kuva ku iduka rya Hitimana kugera aho Uregwa yari atuye i Ndera hari urugendo rw'iminota 35.

299 Ku bijyanye n'itariki ya 15 Mata 1994, Ubwunganizi bwatanze ubuhamya buvuga ko Kanyarukiga yavuye mu nzu yari arimo i Gitarama mu gitondo, nko hagati ya saa moya na saa tatu (Nshogozabahizi, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 29; KG18, Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, urup. 15 (iburanisha mu muhezo)), ahagarara ku kigo cya gisirikare cy'i Gitarama gufata umusirikare wo kumuherekeza, ahava saa tatu za mu gitondo. (Ndaberetse, Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 10, 11 na 13). Ibimenyetso by'Ubwunganizi bivuga ko Kanyarukiga yamaze iminota iri hagati ya 30 na 60 mu rugo rwa KG55 hafi y'i Gitarama, hagati ya saa yine na saa tanu za mu gitondo (KG55, Inyandikomvugo y'iburanisha, 19 Mutarama 2010, urup. 39 (iburanisha mu muhezo); Ndaberetse, Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 1), akamara n'iminota itanu ku iduka rya Hitimana i Kigali, hagati ya saa yine za mu gitondo na saa sita z'amanywa. (Hitimana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 7, 8, 20 na 21). Ubuhamya bwatanzwe na KG44 na KG46 buvuga ko Kanyarukiga yari

133. Urugereko rusanga, hakurikijwe ibivugwa n'abatangabuhamya bashinjura, urugendo rwo ku itariki ya 15 Mata 1994 rwarafashe igihe kijya kuba inshuro ebyiri z'icyakoreshejwe n'abagize Urugereko ubwo bajyaga aho ibyaha bivugwa byakorewe. Kunyurana kw'igihe Urugereko rwakoresheje n'igihe cyavuzwe n'Ubwunganizi mu bimenyetso byabwo, bishimangira imyumvire y'Urugereko ko abatangabuhamya bashinjura bahimbye ubuhamya bugamije gushyigikira imyiregurire ya sinari mpari y'Uregwa. Urugereko rusanga rero nta buremere bwahabwa ubuhamya bushinjura ku birebana n'iyo tariki. Bityo, ibi byiyongereye ku byo Urugereko rwavuzeho hejuru, kandi hashingiwe ku isesengura rwakoze rirebana n'igihe byafashe Kanyarukiga kuva i Gitarama ajya i Ndera ku itariki ya 15 Mata nk'uko kigaragazwa n'ibimenyetso, rusanga imyiregurire y'Uregwa ko atari aho icyaha cyakorewe igihe cyakorwaga ku itariki ya 15 Mata 1994 ushyize mu gaciro ishobora kuba atari ukuri.

134. Urugereko kandi ntirushira amakenga ubuhamya bwatanzwe ku birebana n'inzira ngo Uregwa yaciyemo ku itariki ya 16 Mata 1994. Urugendo Urugereko rwagiriye aho ibyaha bivugwa byakorewe rwarweretse ko uyu muhanda, by'umwihariko urebye umutekano muke wari mu Rwanda muri Mata 1994, ushobora kuba utari kwizerwa, wari uwa kure kandi ugoranye kuwunyuramo n'imodoka irimo abantu benshi. Ibivugwa ku birebana n'iyi nzira, nk'uko yerekanwe, Urugereko ntirubishira amakenga ku buryo rwibaza niba yaraciwemo mu by'ukuri ku itariki ya 16 Mata 1994[300]. Urugereko ntirwemera ko Uregwa yaba yarafashe uru rugendo rw'amasaha 14, nta mutekano, ari kumwe n'abagize umuryango we barimo, nk'uko abivuga, nyina wari urwaye n'abana benshi, nyuma y'umunsi umwe anyuze mu muhanda mukuru wa Gitarama, wari wamutwaye urebye igihe gito kurushaho. Ikindi kandi, nta kimenyetso

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kuri bariyeri i Ndera nyuma ya saa sita cyangwa nimugoroba ku itariki ya 15 Mata 1994 (KG44, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 5 na 27 (iburanisha mu muhezo); KG46, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 33 (iburanisha mu muhezo), naho Muhayimana na Ndaberetse bavuze ko Kanyarukiga yageze mu rugo i Ndera nyuma ya saa sita cyangwa nimugoroba. Cyakora, Muhayimana yavuze ko Uregwa yageze iwe i Ndera hagati ya saa kumi na saa kumi n'imwe z'igicamunsi (Inyandikomvugo y'iburanisha, 20 Mutarama 2010, imp. 3 na 17), mu gihe Ndaberetse yavuze ko we na Kanyarukiga bageze muri uru rugo hagati ya saa munani na saa cyenda z'amanywa. (Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 13).

[300] Ikimenyetso gihamya cya Gerefiye cyahawe No R4 (Raporo y'ubutumwa mu rubanza rwa Kanyarukiga), imp. 1 na 2 (amakuru ku buryo umuhanda umeze).

cyatanzwe cyerekana ko hari ingorane zikomeye Kanyarukiga yagiriye muri uwo muhanda mukuru, zikaba ari zo zatumye anyura muri uwo muhanda wa kure kandi umuntu atakwizera. Kubera ko abagize Urugereko banyuze muri iyo nzira abatangabuhamya bashinjura basobanura, Urugereko ntirwemera ko umuhanda uca ku Ruhuha waba waranyuzwemo ku itariki ya 16 Mata 1994, uramutse ushyize mu gaciro, bityo rukaba rutakwizera abatangabuhamya bashinjura bashyigikira imyiregurire y'Uregwa ko atari aho icyaha cyakorewe igihe cyakorwaga kuri iyo tariki.

135. Rushingiye ku bimenyetso byatanzwe n'Ubwunganizi, Urugereko rusanga urugendo Kanyarukiga yakoze aturuka i Ndera kugera mu rugo rwe muri Komini ya Kivumu ku itariki ya 16 Mata 1994 rwaratwaye amasaha 14 ugereranyije[301]. Muri rusange, raporo

[301] Ndaberetse yashatse kuvuga ko Kanyarukiga yavuye iwe i Ndera hagati ya saa mbiri na saa tatu za mu gitondo, ku itariki ya 16 Mata 1994 (Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 14 na 15), Mutuyimana amaze kujyana abana be kwa Kanyarukiga, hagati ya saa moya na saa mbiri za mu gitondo, kugira ngo bavanwe mu gace ka Ndera (Inyandikomvugo y'iburanisha, 20 Mutarama 2010, urup. 5). KG44 na KG46 bavuze ko Kanyarukiga yari kuri bariyeri y'i Ndera « ku manywa » cyangwa mbere ya saa sita z'amanywa ku itariki ya 16 Mata 1994 (KG44, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 6 na 7 (iburanisha mu muhezo); KG46, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 35 (iburanisha mu muhezo). Ndaberetse hanyuma yavuze ko we na Kanyarukiga bageze kuri bariyeri y'ahitwa « Kuri 19 » bakahahurira n'ingorane zikomeye ziturutse ku mpapuro zabo z'inzira, ku buryo bahamaze iminota iri hagati ya 40 na 60 (Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 15, 16 na 28). Ibyo byatumye, nk'uko Ndaberetse abivuga, bazenguruka bakajya i Kanombe ku kigo cya gisirikare gushaka izindi mpapuro z'inzira, hanyuma bagaruka kuri ya bariyeri. (Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 17, 18, 30, 31, 37 na 42. Bose, nk'uko Ndaberetse abivuga, bagarutse kuri bariyeri barabareka barahita, ariko ntiyashoboye kwibuka igihe byabereye. Inyandiko y'urubanza, 21 Mutarama 2010, urup. 18. Sebisukiro yavuze ko Kanyarukiga yari i Rubungo, hagati ya Ndera na Kigali, hagati ya saa tanu na saa sita z'amanywa, ku itariki ya 16 Mata 1994, akahamara iminota itanu. Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 34 na 35. KG24 avuga ko Kanyarukiga yari muri santere ya Ruhuha ku itariki ya 16 Mata 1994 umunsi uciye ikibu, akava « aho hantu » izuba rirenga amaze guhindura umupira w'imodoka wari watobotse. Inyandikomvugo y'iburanisha, 2 Gashyantare 2010, imp. 8 na 10 (iburanisha mu muhezo). Ndaberetse yanavuze ko abari mu modoka bahagaze ku Ruhuha bakahamara nk'isaha. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 18. Nshogozabahizi na KG18 bavuze ko babonye Kanyarukiga ku nzu bari barimo y'i Gitarama mu gihe kiri hagati y'iminota nka 30 n'amasaha abiri, nyuma ya saa mbiri z'ijoro, mu ijoro ryo ku itariki ya 16 Mata 1994. Nshogozabahizi, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 30, 31 na 41; KG18, Inyandikomvugo y'iburanisha, 10 Gashyantare 2010, imp. 16 na 18 (iburanisha mu muhezo). KG59 yavuze ko Kanyarukiga yari i Gaseke bitinze mu ijoro ryo ku itariki ya 16 Mata 1994, aho yemeza ko Kanyarukiga yaje iwe gufata imfunguzo z'urugo rwe

y'urugendo abagize Urugereko bagiriye aho ibyaha bivugwa byakorewe yerekana ko igihe cyakoreshejwe kuva i Ndera kugera i Gaseke kirenga amasaha atandatu umuntu atagize aho ahagaraga[302]. Iyo Urugereko rwongeyeho amasaha abiri kubera ibibazo byabaye kuri bariyeri yo kuri « *19* », isaha imwe n'igice Uregwa n'abo bari kumwe bamaze kuri santere ya Ruhuha, n'isaha imwe n'igice bamaze i Gitarama, igihe cyose cyakoreshejwe cyaba amasaha 11. Urugereko rusanga ikigereranyo hagati y'ibyo abacamanza babonye ubwo bajyaga aho ibyaha bivugwa byakorewe n'ibikubiye mu buhamya bushinjura kigaragaza ko ubwo buhamya ari inkuru mpimbano.

1.4. Umwanzuro w'Urugereko

136. Rumaze gusuzumana ubushishozi ubuhamya uko bwakabaye, Urugereko rusanga ingingo zikurikira zishyizwe hamwe zituma imyiregurire ya sinari mpari umuntu ashyize mu gaciro ishobora kuba atari ukuri: ikibazo cyo gukererwa gutanga inyandiko imenyekanisha imyiregurire ya sinari mpari n'imyirondoro y'abatangabuhamya bashinjura bo gushyigikira iyo myiregurire by'umwihariko; imiterere y'ubuhamya bwatanzwe bukabije kuba « indakemwa» kandi bwaratanzwe hashize imyaka 16 ibikorwa bivugwa bibaye; ikibazo cy'ukwizerwa kw'abatangabuhamya bashinjura, by'umwihariko kuba 10 muri 13 bafite aho bahurira hafi n'Uregwa, no kuba Urugereko rwarasanze abatangabuhamya batatu basigaye batakwizerwa; n'umwanzuro w'Urugereko werekeye urugendo rwo kuva i Nyange ujya i Ndera unyuze i Gitarama no kugaruka, ushingiye ku ruzinduko abacamanza bagize Urugereko bagiriye aho ibyaha bivugwa byakorewe. Kubera izo mpamvu, Urugereko ntirwemeye imyiregurire ya sinari mpari yose uko yakabaye.

137. Urugereko rumaze gufata uwo mwanzuro, ruributsa ko Porokireri ari we ufite inshingano yo gutanga ibimenyetso bihamya ko ibivugwa mu Nyandiko y'ibirego yahinduwe byabayeho ku buryo budashidikanywaho.

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rwari i Gaseke, akaba yari yazisigiye uyu mutangabuhamya. Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

[302] Ikimenyetso gihamya cya Gerefiye cyahawe No R4 (Raporo y'ubutumwa mu rubanza rwa Kanyarukiga), urup. 2.

2. Ubwicanyi bwibasiye Abatutsi b'abasiviri muri Komini ya Kivumu nyuma y'itariki ya 6 Mata 1994

2.1. Intangiriro

138. Igika cya 9 n'icya 10 by'Inyandiko y'ibirego yahinduwe biteye bitya:

> 9. Nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, Abatutsi b'abasiviri bagabweho ibitero mu ngo zabo muri Komini ya Kivumu bihitana bamwe muri bo, barimo Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi.
>
> 10. Nyuma y'ibyo bitero, Abatutsi b'abasiviri bahungiye mu mazu ahurirwamo n'abantu benshi nk'ibiro bya komini na kiriziya y'i Nyange.

2.2. Ibimenyetso

Umutangabuhamya ushinja wiswe CDL

139. CDL ni Umuhutu, akaba yaragize uruhare mu bwicanyi bwakorewe ku kiriziya y'i Nyange muri Mata 1994[303]. Yafashwe mu mwaka wa 1997, aburanishwa n'inkiko za Gacaca, akatirwa igifungo cy'imyaka 20 kubera uruhare rwe mu byaha byakorewe i Nyange[304].

140. CDL yavuze ko ku itariki ya 7 Mata 1994 yahuye na Ndungutse, wari Visi-Perezida wa MRND muri Kivumu, abwira CDL ko hagombaga gukorwa ibishoboka mu rwego rwo guhorera Perezida, « wari warashwe n'Inyenzi Inkotanyi »[305]. CDL yavuze kandi ko Ndungutse yari yasabye urubyiruko rwo mu gace ke kugaba ibitero ku Batutsi, ariko ko rwanze bitewe n'uko rwatinyaga kuba rwabihanirwa[306]. Ndungutse yabwiye CDL ko yari avuye ku biro bya komini akaba yari yasabye uruhushya rwo kugaba ibitero ku Batutsi[307]. Uyu mutangabuhamya yavuze ko IPJ na Pererezida w'Urukiko rwa Kanto

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[303] Ikimenyetso gihamya cya Porokireri cyahawe No P52 (Ifishi y'umwirondoro wa CDL); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 54 na 55 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 23.

[304] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 55 (iburanisha mu muhezo).

[305] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 20, 21 na 22. CDL avuga ko Ndungutse yari umwarimu mu mashuri abanza, akaba yarakomokaga i Murambe.

[306] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21 na 22.

[307] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21 na 22.

ari bo bahaye Ndungutse uruhushya rwo kugaba ibyo bitero[308]. « [Ndungutse] yashakaga kumvisha abaturage bo muri ako gace ko baramutse bagabye ibitero ku baturanyi babo ntawabibahanira[309]».

141. Mu ijoro ryo ku itariki ya 7 Mata 1994, Ndungutse yayoboye ibitero byagabwe kwa Grégoire Ndakubana, bihitana bamwe mu bana bo muri uwo muryango[310]. Ku itariki ya 8 Mata 1994, IPJ, Perezida w'Urukiko rwa Kanto na Burigadiye wa komini bagiye mu rugo kwa Grégoire Ndakubana, wari wasabye ko yatabarwa[311]. Abo bategetsi nta raporo bakoze, ahubwo basabye abantu guhamba abishwe kandi bavuga ko nta kamaro byari bifite gukora iperereza « ngo kubera ko nta wari kumenya … uwarashe Perezida wa Repubulika» [312].

142. CDL yavuze ko mu ijoro ryo ku itariki ya 7 rishyira iya 8 Mata 1994, abagabye ibitero bayobowe n'uwitwa Callixte bagiye gusahura inka z'Umututsi muri Serire ya Ngobagoba[313].

143. Ku itariki ya 9 Mata 1994, abagabye ibitero bayobowe n'umuntu witwa Gasigwa bishe Umututsi witwaga Thomas[314]. Agoronome w'Umututsi wari ushinzwe amahugurwa witwaga Martin Karekezi na we yishwe mu gitero cyagabwe ku itariki ya 9 Mata

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[308] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21-23 (« Ndungutse yagiye ku biro bya Komini ya Kivumu, ahageze asanga Burugumesitiri adahari. [Ubwo] yavuganye n'abantu bafatanyaga na Burugumesitiri mu mirimo ye, barimo IPJ na perezida w'Urukiko rwa Kanto…Perezida w'Urukiko rwa Kanto yitwaga Joseph Habiyambere, bari barahimbye « Gaca Butelezi ». IPJ yitwaga Fulgence Kayishema »).

[309] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23.

[310] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 21. Abandi barakomerekejwe bajyanwa ku kigo nderabuzima cya Nyange ku munsi wakurikiyeho. CDL yavuze ko Ndakubana yari Umututsi, akaba yari umuturanyi wa Ndungutse, « kandi igihe cyose habagaho imvururu cyangwa akaduruvayo, Ndungutse yateraga umuryango wa Ndakubana» Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 28

[311] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

[312] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

[313] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23.

[314] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23. Umutangabuhamya ntiyari azi irindi izina rya Thomas. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

1994[315]. CDL yavuze ko abantu bamwe bafashwe kubera iyicwa rwa Martin Karekezi, ariko ko IPJ yarekuye abakekwagaho kumwica, kandi ategeka ko imirambo y'abishwe ihambwa nta perereza rikozwe[316].

144. Kuri uwo munsi, abagabye ibitero bishe Umututsi witwaga Muhigirwa, abaturanyi be bakaba bari bamuhamagaye ngo aze ku Ishusho ya Bikira Mariya[317]. CDL yavuze ko nyuma y'ibyo byabaye, IPJ yagiye ku Ishusho ya Bikira Mariya, agategeka ko abantu bahambwa nta perereza na rimwe rikozwe[318].

145. CDL yavuze ko Abatutsi ba mbere bahungiye kuri paruwasi ya Nyange bahageze ku cyumweru, ku itariki ya 10 Mata 1994[319].

Umutangabuhamya ushinja wiswe CBR

146. CBR ni Umuhutu, akaba yari afite imyaka 29 y'amavuko muri Mata 1994[320]. Yishyize mu maboko y'abasirikare muri Kanama 1994, arafungwa kugeza ubwo yarekurwaga mu wa 1995[321]. Yongeye gufatwa mu mwaka wa 1996, yemera ibyaha imbere y'ubushinjacyaha mu mwaka wa 1998[322]. CBR yakatiwe ibihano by'igifungo byinshi, igisumba ibindi kikaba ari icy'imyaka 20 [323].

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315 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 23 na 25. Martin yishwe mu ijoro ryo ku wa gatandatu rishyira ku cyumweru. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

316 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

317 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 23 na 24. CDL yavuze ko abaturanyi ba Muhigirwa na bo bari abacuruzi, bakaba baracururizaga ku Ishusho ya Bikira Mariya.

318 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

319 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 26.

320 Ikimenyetso gihamya cya Porokireri cyahawe No P51 (Ifishi y'umwirondoro w'umutangabuhamya wiswe CBR); Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 2 na 64.

321 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 33. Urugereko rwa Mbere rw'Iremezo rusanga abasirikare umutangabuhamya yishyiriye ari aba FPR.

322 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 33. Umutangabuhamya yaje kuvuga ko yemeye ibyaha mu mwaka wa 1999. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 49.

323 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 33.

147. CBR yavuze ko Télesphore Ndungutse, wari umwarimu akaba na Perezida wa MRND, yamumenyesheje ku itariki ya 7 Mata 1994 ko Perezida Habyarimana yapfuye[324]. Ndungutse yamubwiye ko «Perezida yishwe n'Inyenzi, ko kandi tugomba guhorera umubyeyi w'igihugu[325]». Uyu mutangabuhamya yavuze ko guhera ku itariki ya 7 Mata 1994, we n'abandi Bahutu « bahoraga bitwaje intwaro » bitewe n'uko bari babwiwe ko Abatutsi bari hafi aho[326].

148. Ku itariki ya 7 Mata 1994, Ndungutse yasabye CBR n'abandi bantu kugaba igitero mu rugo rw'Umututsi witwaga Grégoire Ndakubana[327]. Iryo joro, CBR n'abandi bantu bagiye mu rugo rwa Ndakubana bica abuzukuru be babiri, na bo b'Abatutsi[328]. Abandi bantu barakomerekejwe[329]. Uyu mutangabuhamya yavuze ko Grégoire Ndakubana n'umugore we bari barapfuye mbere y'intambara[330]. Yavuze kandi ko abahungu ba Ndakubana barokotse icyo gitero[331]. Nyuma y'icyo gitero, abakozi ba komini barimo IPJ Kayishema, baje muri urwo rugo bahamba imirambo y'abari bishwe[332].

Umutangabuhamya ushinja wiswe CNJ

149. CNJ ni Umuhutu, muri Mata 1994 akaba yari yararangije amashuri yisumbuye[333]. Uyu mutangabuhamya yagize uruhare mu bwicanyi bwakorewe muri Segiteri ya Gasave

324 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 3 na 4. (« Perezida yari yaraye apfuye, mu ijoro ryo ku itariki ya 6 rishyira iya 7 Mata 1994»). Umutangabuhamya yavuze ko Ndungutse yari na none umukuru wa Banki y'Abaturage muri Kivumu. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4.

325 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 3. CBR yaravuze ati : « ubusanzwe abantu batubwiraga ko Inyenzi ari abantu bateye igihugu, bikaba byarumvikanaga ko babaga badusaba kwica Abatutsi, ibyo bikaba byarakozwe. Bishwe kubera ko byavugwaga ko ari bo bishe Umukuru w'igihugu». Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4.

326 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 11.

327 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4.

328 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 4 na 6.

329 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4.

330 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 6.

331 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 6.

332 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4.

333 Ikimenyetso gihamya cya Porokireri cyahawe No P44 (Ifishi y'umwirondoro w'umutangabuhamya wiswe CNJ) (Iki kimeyetso cyerekana ko CNJ yari umunyeshuri mu mwaka wa 1994); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 57 (« Navuze ko narangije amashuri yisumbuye »).

n'iya Nyange zo muri Komini ya Kivumu[334]. CNJ yafatiwe mu Rwanda mu wa 1997, ashyirwa mu « cyiciro cya kabiri » cy'abakoze ibyaha[335]. Yakatiwe n'urukiko rwa Gacaca mu mwaka wa 2007[336]. CNJ yafungiwe muri gereza ya Kibuye n'iya Gitarama[337].

150. CNJ yamenye iby'urupfu rwa Perezida Habyarimana ku itariki ya 7 Mata 1994, ari muri Komini ya Kivumu[338]. Mu ijoro ryo ku itariki ya 7 Mata 1994, igitero cyagabwe mu gace ka Karuteyi « mu rugo rw'uwitwaga Ndakubana[339]». Umutangabuhamya yavuze ko Ndakubana yari Umututsi, ariko ko atari azi izina rye ry'ingereka[340].

> Mu gitondo cyakurikiyeho, abapolisi na IPJ Kayishema baje gukora raporo y'ibyari byabaye asanga hari abantu babiri bari bapfuye. Hari abantu bafashwe, ariko nta dosiye bakorewe. Bwari uburyo bwo kugira ngo batere ubwoba abantu bari bakoze ibyo bikorwa. Nyuma, Abatutsi bakomeje kwicwa, cyakora nkurikije amakuru nzi, nta muntu n'umwe wakurikiranywe ashinjwa ubwo bwicanyi[341].

151. Abahutu bahamagariwe kwica Abatutsi, « bafatwaga nk'abanzi b'igihugu[342]». CNJ yavuze ko babihamagarirwaga kuri Radiyo Rwanda n'andi maradiyo[343]. Mu rwego rw'ibanze, Burugumesitiri wa Komini ya Kivumu ari we Grégoire Ndahimana, IPJ

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[334] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9, 10 na 39.

[335] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9, 51 na 52.

[336] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9 na 39.

[337] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 44.

[338] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

[339] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

[340] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

[341] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9. Umutangabuhamya ntiyavuze ukuntu yamenye amakuru y'ubwicanyi bwakorewe kwa Ndakubana mu rugo. Mu ibaza rinyomoza, uyu mutangabuhamya yavuze ko yakoze ubwicanyi « nyuma y'ubwakozwe ku itariki ya 8 ». Yongeye kwemeza ko IPJ Kayishema yaje mu gitondo agafata abantu bari bakoze « ubwo bwicanyi », ariko ntiyavuze niba ubu bwicanyi ari ubwakorewe kwa Ndakubana. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 58.

[342] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10. « Icyo gihe abantu bishwe bazira ubwoko bwabo, iyo ikaba yari gahunda yo ku rwego rw'igihugu. Abategetsi basabye abaturage kwica Abatutsi, tukaba rero twaragombaga gushyira mu bikorwa amabwiriza yatanzwe n'abategetsi». Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 57.

[343] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10.

Kayishema n'abandi bategetsi basabye abantu kujya i Nyange « aho Abatutsi babarirwa mu bihumbi bari bahungiye»[344].

152. Uyu mutangabuhamya yavuze ko yatangiye kwica abantu ku itariki ya 9 Mata 1994[345]. Yavuze ko « nta muntu n'umwe mu bicanyi wigeze afungwa cyangwa ngo abihanirwe mu bundi buryo ubwo ari bwo bwose»[346]. Yagize ati: « Iyo abategetsi baza kuba batemera ibyo twakoze, baba baraduhannye. Nyamara ntacyo bigeze badutwara»[347].

153. CNJ yasobanuye ko « Abatutsi benshi bari bahungiye i Nyange, ko urebye nta Mututsi n'umwe wari wasigaye ku dusozi twa hafi aho, ko kandi buri wese yari azi ko abo Batutsi bakoraniye i Nyange kubera ko ari ho abategetsi berekezaga ikivunge cy'Abatutsi bahungaga[348]». CNJ yavuze ko sewabo, wari konseye wa segiteri, yitabiriye inama y'umutekano yabereye ku biro bya komini ku mugoroba wo ku itariki ya 11 Mata 1994[349]. Kuri uwo mugoroba, uwo sewabo yamubwiye ko byari byagaragaye ko abantu benshi bari bamaze guhungira ku biro bya komini[350]. CNJ yavuze ko «bimaze kugaragara ko kuri komini nta mwanya uhagije uhari, impunzi zoherejwe kuri paruwasi, kandi byari biteganyijwe ko haboneka abajandarume bo gucunga umutekano w'izo mpunzi zari zakoraniye kuri paruwasi[351]».

Umutangabuhamya ushinja wiswe CBN

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[344] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10. Mu ibaza rinyomoza, umutangabuhamya yaravuze ati : « Kuri njye byari ingirakamaro kumvira abategetsi no gufatanya na bo mu bikorwa by'ubwicanyi, kubera ko nyuma byatumye mbona akazi mu buryo bworoshye». Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 57.

[345] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 57.

[346] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 58.

[347] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 58.

[348] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.

[349] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.

[350] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.

[351] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11. CNJ yavuze ko nyirarume (cyangwa sewabo) yamubwiye ko iyo nama yitabiriwe n'abakuru b'imirimo muri komini, abaveterineri, umugoronome na ba konseye ba segiteri zose zigize Komini ya Kivumu. Vedasiti Murangwabugabo wari wungirije Burugumesitiri, na perezida w'Urukiko rwa Kanto ari we Habiyambere, na bo bari bayirimo.

154. Muri Mata 1994, CBN yari Umututsi w'umuhinzi[352]. Yahungiye ku kiriziya y'i Nyange nyuma y'urupfu rwa Perezida Habyarimana rwabaye ku itariki ya 6 Mata 1994[353].

155. CBN yavuze ko nyuma y'urupfu rwa Perezida Habyarimana, Abatutsi bo mu gace yari atuyemo bahizwe, ko kandi we n'abandi Batutsi bagabweho ibitero n'Abahutu bitwaje intwaro za gakondo, zirimo imipanga, impiri, imiheto, amacumu n'amabuye[354]. Ku itariki ya 12 Mata 1994, CBN yahungiye kuri paruwasi ya Nyange ari kumwe na muka se, bashiki be, n'abagize umuryango wa mukuru we, bose bakaba bari Abatutsi[355].

156. CBN yavuze ko ubwo yari mu nzira yerekeza ku kiriziya y'i Nyange ku wa kabiri (ku itariki ya 12 Mata 1994), yabonye umurambo w'umucuruzi witwaga Muhigirwa, uri hafi y'umuhanda ugana kuri paruwasi[356]. Uyu mutangabuhamya yari azi ko Muhigirwa ari Umututsi[357].

157. CBN yageze ku kiriziya y'i Nyange mu gicuku, hagati ya saa sita saa saba[358]. CBN yasanze mu kiriziya imbere harimo abagore, urubyiruko n'abana bato, kandi bose b'Abatutsi[359]. Uyu mutangabuhamya yavuze ko abandi Batutsi bageze ku kiriziya ku itariki ya 13 Mata 1994[360].

Umutangabuhamya ushinja wiswe CBS

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352 Ikimenyetso gihamya cya Porokireri cyahawe No P34 (Ifishi y'umwirondoro w'umutangabuhamya wiswe CBN); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49 na 50; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 7 (iburanisha mu muhezo).

353 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49 na 50.

354 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49 na 50; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 13.

355 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50. Abagize umuryango wa CBN bahamye mu giturage.

356 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 55.

357 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 55 na 56.

358 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 13.

359 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50.

360 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60. Umugore wa CBN yageze ku kiriziya ku itariki ya 15 Mata 1994. Uyu mutangabuhamya yavuze ko yari afite igikomere cy'umuhoro kandi ahetse umwana mu mugongo. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 62.

158. CBS ni Umututsi, akaba yararokotse ubwicanyi bwo ku kiriziya y'i Nyange[361]. Muri Mata 1994, yakoraga imirimo y'amaboko muri Minisiteri y'Imirimo ya Leta[362].

159. CBS yavuze ko muri serire ye umwuka wahindutse nyuma y'urupfu rwa Perezida rwabaye ku itariki ya 6 Mata 1994[363]. CBS yavuze ko abantu bo mu muryango we bishwe ku itariki ya 11 Mata 1994, ko ariko se yishwe ku itariki ya 12 Mata 1994[364]. Umutangabuhamya yahungiye ku kiriziya y'i Nyange ari kumwe na nyina, mubyara we n'abandi Batutsi, kubera ko bari bibasiwe n'« Abahutu[365]».

160. CBS yageze ku kiriziya y'i Nyange ahagana saa kumi n'ebyiri za mu gitondo ari ku wa kabiri, ku itariki ya 12 Mata 1994[366]. Yavuze ko mu kiriziya harimo abantu barenga gato 1.000 ko kandi abantu bose bari mu kiriziya « basaga n'abagerekeranye[367]». «Mu minsi yakurikiyeho, impunzi zakomeje kuza ari nyinshi[368]». Abajijwe impamvu Abatutsi bahahungiye, CBS yarasubije ati: « byarumvikanaga …impamvu nta yindi ni uko abantu bari bagabweho ibitero cyangwa turimo kugabwaho ibitero mu ngo zacu, bityo duhungira aho hantu. Bicaga abantu, kandi basahura inka n'andi matungo maze bakabirya[369]».

Umutangabuhamya ushinja wiswe YAU

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[361] Ikimenyetso gihamya cya Porokireri cyahawe No P61 (Ifishi y'umwirondoro w'umutangabuhamya wiswe CBS); Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 44; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 9.

[362] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 9.

[363] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 43. (« Abahutu bari barakaye, ndibuka ko hari itangazo ryasabaga abaturage guhama mu ngo zabo. Icyo gihe Abahutu bishishaga Abatutsi. Umwuka wari mubi…Abahutu bari barakaye, naho Abatutsi bafite ubwoba. »). Umutangabuhamya avuga ko ubwicanyi bwatangiye ahagana ku itariki ya 10 cyangwa iya 11 Mata 1994.

[364] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 44.

[365] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 44 na 45.

[366] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 45; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 9.

[367] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 45.

[368] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 45.

[369] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 44.

161. YAU ni Umututsikazi, akaba yari afite imyaka 22 y'amavuko muri Mata 1994[370]. Yahungiye ku kiriziya y'i Nyange nyuma y'urupfu rwa Perezida Habyarimana[371].

162. YAU ntiyashoboye kwibuka itariki Perezida Habyarimana yapfiriyeho[372]. Cyakora yavuze ko nyuma y'urupfu rwa Perezida, yavuye iwe mu rugo kubera ibitero Abahutu babagabagaho, ahungira kuri paruwasi ya Nyange[373].

163. YAU yavuze ko hari abandi Batutsi b'abasiviri bamusanze kuri paruwasi ya Nyange[374]. Yavuze ko Fulgence Kayishema na Gaspard Kanyarukiga bazanye Abatutsi ku kiriziya mu modoka[375]. «Bazanaga impunzi hakaba ubwo basubirayo bakazana izindi[376]». Umutangabuhamya ntiyashoboye kuvuga inshuro abo bagabo bombi bazanye abantu kuri ubwo buryo, ariko yavuze ko batwaraga imodoka itukura, akaba yarashoboye kumenya ko yari iya Kanyarukiga[377]. YAU yavuze ko icyo « gikorwa cyo kuzana abantu » cyakozwe umunsi agera ku kiriziya, ko kandi cyatangiye mbere ya saa sita z'amanywa[378].

Umutangabuhamya ushinja wiswe CBY

164. CBY ni Umuhutu, akaba yari kuri paruwasi ya Nyange muri Mata 1994[379]. CBY yibuka ko « nyuma y'urupfu rwa Perezida Habyarimana, habayeho umwuka mubi hagati y'abaturage. Abahutu bagerageje kwica Abatutsi, Abatutsi na bo bagerageza

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[370] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 55; Ikimenyetso gihamya cya Porokireri cyahawe No P58 (Ifishi y'umwirondoro w'umutangabuhamya wiswe YAU).

[371] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10.

[372] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10.

[373] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10. Umutangabuhamya yavuze ko yahunze agenda ku maguru ari kumwe na se, nyina na basaza be. Mu ibaza rinyomoza, yavuze ko yari afite abavandimwe babiri b'abakobwa, ariko ko bo batajyanye n'abagize umuryango wabo kuri paruwasi ya Nyange. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 29 (iburanisha mu muhezo).

[374] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11, 36 na 37.

[375] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11, 36-38.

[376] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 36.

[377] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 37.

[378] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11 na 37.

[379] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 32 (iburanisha mu muhezo).

gushaka ubuhungiro kuri paruwasi[380]». Abatutsi ba mbere bahungiye kuri paruwasi ku itariki ya 7 Mata 1994[381]. CBY yavuze ko Padiri Seromba yasabye Abatutsi kurara mu nzu yari iy'amasengesho, ikaba yari iherereye nko muri metero umunani uvuye ku kiriziya[382]. Yavuze ko Abatutsi bakomeje kugera ku kiriziya ku itariki ya 8 Mata 1994 ; « bavuze ko bari bugarijwe mu ngo zabo aho batuye[383]». Abandi Batutsi bahageze ku itariki ya 9 n'iya 10 Mata 1994[384]. Abatutsi bahungiye kuri paruwasi muri icyo gihe bacumbikirwaga mu nzu y'amasengesho, yari ifite ibyumba bine[385].

165. Abatutsi bakomeje kugera kuri paruwasi ari benshi ku itariki ya 11 n'iya 12 Mata 1994, ariko ibyumba by'amasengesho byari byamaze kuzura[386]. CBY yavuze ko Abatutsi bemerewe kujya mu kiriziya[387]. Uyu mutangabuhamya agereranyije yavuze ko mu kiriziya hari hahungiye abantu bari hagati ya 2.500 na 3.000[388]. Yavuze ko atazi niba Abatutsi barahungiye mu kiriziya nyuma y'itariki ya 13 Mata 1994, cyakora avuga ko kuri paruwasi hari hamaze kugera Abatutsi benshi kuri yo tariki[389].

166. CBY yavuze ko « uwitwaga Muhigirwa … yiciwe kuri bariyeri yari hafi y'ahaberaga imirwano. Yari aturutse ahantu yari yagiye gushaka ibiryo[390].

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[380] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 29.

[381] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 29 na 30.

[382] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 29.

[383] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 29.

[384] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 29 na 35.

[385] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 29.

[386] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 30 na 35.

[387] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 30 na 36. Abaje ku itariki ya 12 Mata 1994 na bo buzuye icyumba cyari mu gipadiri, kikaba cyarigishirizwagamo gatikisimu. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36. CBK yavuze ko abigishwa gatikisimu ari abayoboke bashya b'idini rya gikirisitu. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65.

[388] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 30.

[389] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 30.

[390] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 45. CBY yatanze ubu buhamya avuga ku gitero cyo ku itariki ya 14 Mata 1994. Cyakora, kubera ko ubu buhamya busa n'ubwa CBN na CDL, Urugereko rwasuzumye ubuhamya bwa CBY hamwe n'ubwabo batangabuhamya.

> « Ikibazo: Igitero cyo ku itariki ya 14 Mata cyamaze igihe kingana iki?
>
> Igisubizo: Hafi amasaha abiri.
>
> Ikibazo: Icyo gitero cyahitanye abantu benshi?

Umutangabuhamya ushinja wiswe CBK

167. CBK ni Umuhutu, akaba yari ingimbi muri Mata 1994[391]. Muri Mata 1994, yari kuri paruwasi ya Nyange mu gihe ibivugwa byahakorerwaga[392].

168. CBK yavuze ko ku itariki ya 7 Mata 1994, Abatutsi b'abasiviri batangiye kwisukiranya kuri paruwasi ya Nyange[393]. « Abo bantu baturukaga mu gace kamwe, bageze kuri paruwasi, batubwira ko Abahutu barimo kugerageza kubica, ko ari yo mpamvu bashakaga ubuhungiro kuri paruwasi[394]. Abatutsi bahungiye kuri paruwasi barimo abagore, abagabo, abantu bashaje, abana, abanyabwenge n'abantu batize[395]. Umutangabuhamya yavuze ko yiboneye abo Batutsi n'amaso ye[396].

169. Uyu mutangabuhamya yavuze ko Abatutsi « babanje…kuba mu cyumba, abandi bagasaba ubuhungiro mu gipadiri. Ntabwo bahise bajya mu kiriziya[397]». « Buri munsi hazaga abantu basaba ubuhungiro kuri paruwasi ya Nyange. Umubare umaze kwiyongera, bavanywe muri ya nzu no mu gipadiri…bajyanwa mu kiriziya[398] ». Uyu mutangabuhamya yavuze ko Abatutsi bimukiye mu kiriziya hagati y'itariki ya 11 n'iya

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Igisubizo: Oya. Cyahitanye umuntu umwe gusa, witwa Muhigirwa, wiciwe kuri bariyeri yari hafi y'ahaberaga imirwano. Yari avuye gushaka ibiryo».

[391] Ikimenyetso gihamya cya Porokirer cyahawe No P35 (Ifishi y'umwirondoro w'umutangabuhamya wiswe CBK; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 63 (iburanisha mu muhezo) ; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 66 (iburanisha mu muhezo).

[392] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 63 na 64 (iburanisha mu muhezo).

[393] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 64 (iburanisha mu muhezo) ; Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 65.

[394] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 64 (iburanisha mu muhezo). Reba na none Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 66 (iburanisha mu muhezo). Yavuze ko « byari bizwi na buri wese ko umuntu wahungiraga mu nzu y'Imana atashoboraga kugabwaho ibitero ». Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 64 (iburanisha mu muhezo).

[395] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65.

[396] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 64 (iburanisha mu muhezo).

[397] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65. Umutangabuhamya yasobanuye ko icyumba yavugaga « ari inzu abigishwa gatikisimu bigiragamo [abayoboke bashya biga ibirebana n'idini rya gikirisitu]».

[398] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65.

13 Mata 1994[399]. CBK yavuze ko ku itariki ya 13 Mata 1994, iyo kiriziya yari yuzuye, irimo abantu bagera ku 3.000[400].

Umutangabuhamya ushinjura wiswe KG15

170. KG15 ni Umuhutu ukomoka ku babyeyi badahuje ubwoko. Yari kuri paruwasi ya Nyange hagati y'itariki ya 10 n'iya 16 Mata 1994[401].

171. KG15 yavuze ko yageze kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994, ahagana saa tanu za mu gitondo, yakirwa na Padiri Seromba[402]. KG15 nta buhamya butaziguye yigeze atanga ku bijyanye n'uko Abatutsi bageze kuri paruwasi ya Nyange, cyangwa n'itariki abari bahungiye kuri paruwasi bemereweho kujya mu kiriziya. Cyakora, abajijwe umubare w'abantu bari mu kiriziya ubwo yasenywaga ku itariki ya 16 Mata 1994, KG15 yasubije atya: « Biragoye, kubera ko inshuro ya nyuma ninjiye mu kiriziya hari ku wa kabiri [ku itariki ya 12 Mata 1994]. Nyuma yaho, hari abandi bantu bahungiye mu kiriziya[403] ».

Umutangabuhamya ushinjura witwa Fulgence Tugirumukiza

172. Tugirumukiza akomoka muri Serire ya Gishiru, Segiteri ya Kibanda, Komini ya Kivumu[404]. Mu mwaka wa 1994, yari afite imyaka 21 y'amavuko, kandi yiga muri Kaminuza y'u Rwanda, i Butare[405]. Tugirumukiza yavuze ko yumvise misa ya Pasika kuri paruwasi ya Nyange ku itariki ya 3 Mata 1994, na misa yo ku itariki ya 10 Mata 1994[406]. Mu ibaza rinyomoza, yavuze ko hari Abatutsi b'impunzi bari mu kiriziya ku

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399 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 69.

400 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

401 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 7, 18 na 28 (iburanisha mu muhezo). KG15 yavuze ko ari Umuhutu kubera ko se yari Umuhutu, ariko nyina yari Umututsikazi.

402 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 7 na 8 (iburanisha mu muhezo).

403 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 27 (iburanisha mu muhezo). Reba na none Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 29, 33 na 41 (iburanisha mu muhezo).

404 Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 51.

405 Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 52.

406 Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 54.

itariki ya 10 Mata 1994[407]. Uyu mutangabuhamya ntiyigeze yumva Padiri Seromba mu misa agira icyo avuga kuri abo Batutsi b'impunzi bari mu misa kuri uwo munsi[408].

Umutangabuhamya ushinjura wiswe KG19

173. Mu mwaka wa 1994, KG19 yari afite imyaka 18 y'amavuko kandi yigaga mu mashuri yisumbuye[409]. KG19 yavuze ko, muri Mata 1994, Abatutsi b'abasiviri bari bibasiwe kandi bicwa, bahungira ku Kiriziya y'i Nyange[410]. KG19 yavuze ko yagiye mu misa ya pasika kuri paruwasi ya Nyange ku itariki ya 3 Mata 1994[411]. Yasubiye kuri paruwasi ya Nyange ubwa nyuma ku itariki ya 10 Mata 1994[412]. Mu ibaza rinyomoza, uyu mutangabuhamya yavuze ko nta muntu n'umwe yigeze abona wahungiye kuri paruwasi ku itariki ya 10 Mata 1994[413].

Umutangabuhamya ushinjura wiswe KG59

174. Muri Mata 1994, KG59 yari afite imyaka 33 y'amavuko[414]. Yavuze ko yibuka ko Kanyarukiga yavuye i Kivumu ku itariki ya 12 Mata 1994, iyo tariki akaba ayibuka kuko ari wo munsi wa mbere habayeho ubwicanyi muri Segiteri ya Ngobagoba[415]. KG59 yavuze ko ku itariki ya 12 Mata 1994 hari umugore w'Umututsikazi wamubwiye ko abantu bo muri Kibilira bari bagabye igitero mu gace uyu mutangabuhamya aturukamo[416]. Yavuze ko Umututsi witwa Jean-Bosco Nyandara yishwe kuri uwo munsi[417].

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407 Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 61.

408 Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 62.

409 Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 57; Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 58 na 60 (iburanisha mu muhezo).

410 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 8.

411 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9.

412 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9.

413 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9.

414 Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. i (igice cy'inyandiko).

415 Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 25.

416 Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 25.

417 Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 25.

2.3. Isesengura ry'Urugereko

175. Mu myanzuro nsozarubanza ye, Porokireri avuga ko « mu minsi yakurikiye ihanurwa ry'indege ya Perezida Habyarimana…Abatutsi bo hirya no hino muri Komini ya Kivumu bashyizweho iterabwoba kandi bahohoterwa n'ibitero byabagabweho bigamije guhora, ibyo bikaba byarakorwaga ndetse n'abategetsi ba komini[418]». Porokireri avuga ko ibyo bitero byahitanye Thomas, Martin Karekezi, Muhigirwa, n'abandi bantu babiri baguye mu rugo rwa Grégoire Ndakubana[419]. Porokireri avuga ko ibyo bitero byagabwe bitangiwe uruhushya kandi bitegetswe n'abantu bavugwa mu gika cya 4 cy'Inyandiko y'ibirego yahinduwe, ko kandi Uregwa yashyigikiye igitekerezo cy'abo bagabaga ibitero[420].

176. Ibyo bitero byatumye Abatutsi b'abasiviri bahungira ku kiriziya y'i Nyange[421]. Porokireri avuga ko ibimenyetso « byerekana ko abagize umugambi mubisha uhuriweho barundanyije Abatutsi ahantu hamwe kugira ngo kubica byorohe[422]».

177. Ubwunganizi ntibuhakana ko Abatutsi b'abasiviri bagabweho ibitero nyuma y'itariki ya 6 Mata 1994, cyangwa ko bahungiye ku kiriziya y'i Nyange, ariko buvuga ko nta kimenyetso na kimwe Porokireri yatanze gihamya ko Uregwa hari aho ahuriye n'ibyo bitero[423].

Ibitero byagabwe ku Batutsi b'abasiviri muri Komini ya Kivumu

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[418] Imyanzuro nsozarubanza ya Porokireri, igika 97.

[419] Imyanzuro nsozarubanza ya Porokireri, ibika 97 na 104.

[420] Imyanzuro nsozarubanza ya Porokireri, ibika 101, 104 na 105.

[421] Inyandiko y'ibirego yahinduwe, igika 10.

[422] Imyanzuro nsozarubanza ya Porokireri, igika 112. Mu myanzuro nsozarubanza ye, Porokireri avuga ko umugambi mubisha uhuriweho wacuzwe mu nama zabaye kuva ku itariki ya 7 Mata 1994. Imyanzuro nsozarubanza ya Porokireri, igika 54.

[423] Imyanzuro nsozarubanza y'Ubwunganizi, igika 489. (« Mu gihe hari ubuhamya bumwe na bumwe bwerekeye ibika bya 9 na 10 muri rusange, nta buhamya na bucye bwaba bwaragaragaje ko Uregwa afite aho ahuriye n'ibitero n'ubwicanyi bwakorewe abasiviri. Aho Urugereko rwagiye rwemera ko ubuhamya bwerekeye iyicwa ry'abantu batavugwa mu Nyandiko y'ibirego butangwa, rwavuze ko ubwo buhamya bwakwakirwa kubera ko ntaho buhuriye n'Uregwa. Muri urwo rwego, kuba Abatutsi barahungiye mu mazu ahurirwamo na rubanda n'ikintu kitagibwaho impaka, ariko ibyo nta cyaha kibishamikiyeho Uregwa aryozwa»).

178. Ntawe uhakana ko nyuma y'urupfu rwa Perezida Habyarimana rwabaye ku itariki ya 6 Mata 1994, Abahutu bagabye ibitero ku Batutsi b'abasiviri[424]. Bityo, Urugereko ibibazo rugomba gusuzuma ni ibyo kumenya niba abantu bavugwa mu Nyandiko y'ibirego bari mu bahitanywe n'ibyo bitero, no kumenya niba ibyo bitero bishobora kuryozwa Uregwa cyangwa abandi bagize umugambi mubisha uhuriweho uvugwa mu gika cya 4 cy'Inyandiko y'ibirego yahinduwe.

179. Mu Nyandiko y'ibirego yahinduwe, Porokireri avuga ko Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi bishwe mu bitero byagabwe nyuma y'urupfu rwa Perezida[425]. Abatangabuhamya bashinjura biswe CBR, CDL na CNJ bose bavuze ko urugo rwa Ndakubana rwatewe mu ijoro ryo ku itariki ya 7 Mata 1994[426]. CBR yavuze ko yari umwe mu bagabye igitero kwa Grégoire Ndakubana, ko muri icyo gitero babiri mu buzukuru ba Ndakubana bishwe, abandi bantu bagakomeretswa[427]. CNJ yashyigikiye ubuhamya bwa CBR wavuze ko muri icyo gitero abantu babiri bishwe[428]. CDL we yashyigikiye ubuhamya bwa CBR wavuze ko abishwe bari abantu bo mu muryango wa Grégoire Ndakubana, ko kandi hari abandi bantu bakomerekejwe[429]. Abo batangabuhamya batatu bose bavuze ko IPJ Kayishema yagiye kwa Ndakubana mu gitondo cyakurikiyeho[430]. CBR na CDL bavuze ko Kayishema ari mu bagize uruhare

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[424] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 49; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9, 10 na 57-59; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 4 na 6; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 20-26; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 43-45; KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, imp. 25 na 26; KG19, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 8.

[425] Inyandiko y'ibirego yahinduwe, igika 9.

[426] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21 na 23; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

[427] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 4 na 6.

[428] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

[429] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 21.

[430] CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

mu ihamba ry'imirambo y'abari bishwe[431]. Nta n'umwe muri abo batangabuhamya wavuze ko Grégoire Ndakubana yishwe muri icyo gitero.

180. Kuri iki kibazo, ubuhamya bw'abo batangabuhamya buranyuranya. CBR yavuze ko Grégoire Ndakubana yapfuye mbere y'intambara, mu gihe CDL yavuze ko Ndakubana yasabye IPJ na Perezida w'Urukiko rwa Kanto kumutabara, abagize umuryango we bamaze kwicwa[432]. Byongeye kandi, CDL yavuze ko IPJ na Perezida w'Urukiko rwa Kanto nta raporo bigeze bakora kuri icyo gitero, mu gihe CNJ we yavuze ko Kayishema yakoze raporo rwose, ko kandi hari abantu bamwe bafashwe[433]. CBR, wari mu bagabye icyo gitero, ntiyigeze avuga ko hakozwe iperereza iryo ari ryo ryose, cyangwa ko hari abantu bafashwe.

181. Nk'uko bivugwaho ku buryo burambuye mu bika kuva ku cya 452 kugeza ku cya 453, CBR, CDL na CNJ bose babaye "ibyitso" mu bitero byagabwe kuri paruwasi ya Nyange. Bityo Urugereko rwasuzumye ubuhamya bwabo rukenga cyane. Cyakora, Urugereko rusanga CBR, nk'umuntu uzwiho kuba mu gitero cyagabwe kwa Ndakubana, yaratanze ubuhamya bw'ibintu yiboneye ubwe kandi yagizemo uruhare. Nk'uko bivugwa ku buryo burambuye mu bika kuva ku cya 591 kugeza ku cya 595, Urugereko rwasanze CBR, n'ubwo yabaye "icyitso", muri rusange yakwemerwa. Ikindi kandi, mu kwemera ubuhamya bwa CBR kuri iki gitero, Urugereko rusanga ubuhamya bwe ari we bushinja aho gushinja Uregwa, bigasa n'ibyerekana ko nta mpamvu yatuma abuhimba cyangwa akabya.

182. Ku rundi ruhande ariko, ari CNJ ari na CDL nta n'umwe muri aba bombi wavuze uko yamenye iby'icyo gitero. Bityo, Urugereko rusanga mu gihe nta makuru arenzeho ajyanye n'uko CDL na CNJ bamenye ibyabaye rudashobora gushingira ku buhamya bwabo ngo rwemeze ibyabereye kwa Grégoire Ndakubana. Mu by'ukuri, kubera ko

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431 CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

432 CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 6; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2001, urup. 25.

433 CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

CDL na CNJ bari bafunzwe kandi bakaba baragiye muri za Gacaca hamwe na CBR[434], Urugereko rusanga bashobora kuba baramenye ayo makuru igihe bari muri gereza, aho kuba barayamenye igihe ibivugwa byabaga[435]. Urugereko rero ntirwitaye ku buhamya bwabo kuri iki kibazo.

183. Urugereko rusanga ubuhamya bwa CBR wiboneye ibyabaye n'amaso ye buhagije kwerekana ko mu ijoro ryo ku itariki ya 7 Mata 1994, abantu bagabye igitero ku muryango wa Grégoire Ndakubana, babihamagariwe n'umuturanyi wa Ndakubana witwa Télesphore Ndungutse. Muri icyo gitero, babiri mu buzukuru ba Ndakubana barishwe n'abandi bantu barakomeretswa. Grégoire Ndakubana ntiyishwe muri iki gitero, ibi bikaba binyuranye n'ibivugwa mu gika cya 9 cy'Inyandiko y'ibirego yahinduwe. Ikindi kandi, Urugereko rushingiye ku buhamya bwa CBR wavuze ko Ndakubana yapfuye mbere y'itariki ya 7 Mata 1994, ntirwemera ubuhamya bwa CDL buvuga ko Ndakubana yasabye IPJ Kayishema gukora iperereza kuri icyo gitero. Cyakora, Urugereko rwemera ko mu gitondo cyo ku itariki ya 8 Mata 1994, IPJ Kayishema yaje kwa Ndakubana agahamba imirambo y'abantu bari bishwe. Nta kimenyetso cyerekana ko haba hari umuntu wigeze akurikiranwa muri Mata 1994 kubera ubwo bwicanyi.

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[434] CNJ, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 10 na 11; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D18 (Urutonde rw'amazina y'abantu barindiwe umutekano, yeretswe CNJ); CBR, 9 Nzeri 2009, imp. 49-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D25 (Urutonde rw'amazina y'abantu barindiwe umutekano yeretswe CBR); CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 72-75; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D28 (Urutonde rw'amazina y'abantu barindiwe umutekano yeretswe CDL). Reba na none Ikimenyetso gihamya cya Porokireri cyahawe No P44 (Ifishi y'umwirondoro wa CNJ); Ikimenyetso gihamya cya Porokireri cyahawe No P51 (Ifishi y'umwirondoro wa CBR); Ikimenyetso gihamya cya Porokireri cyahawe No P52 (Ifishi y'umwirondoro wa CDL).

[435] Urugereko rusanga abatangabuhamya bamwe baravuze ko intego y'inama za Gacaca ari ukwibukiranya ibyabaye mu mwaka wa 1994. CDL yavuze ko « inama za Gacaca zitegurwa kugira ngo abaturage bibukiranye ibyabaye mu mwaka wa 1994. Iyo ni yo yari intego nyamukuru y'icyiciro cy'ikusanyamakuru». Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 73. CNJ na we yaravuze ati : « Nk'uko byagenze mu yandi masegiteri, byabaye ngombwa ko twibukiranya ibyabaye». Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 10.

184. Mu gika cya 9 cy'Inyandiko y'ibirego yahinduwe, Porokireri avuga na none ko Martin Karekezi na Thomas Mwendezi bishwe nyuma y'urupfu rwa Perezida Habyarimana[436]. Porokireri ashingira ku buhamya bwa CDL mu gushyigikira ibyo avuga. CDL yavuze ko agaco k'abagabye ibitero, bayobowe na Gasigwa, bateye umuryango w'Umututsi witwaga « Thomas » ku itariki ya 9 Mata 1994, bakica uwo Thomas[437]. Uyu mutangabuhamya yavuze ariko ko atari azi irindi zina rya Thomas[438]. Ako gaco kishe kandi Martin Karekezi mu ijoro ryo ku itariki ya 9 Mata 1994[439].

185. Urugereko ruributsa ko umwanzuro ku byabaye ushobora gushingira ku buhamya bw'"icyitso" kimwe rukumbi iyo Urugereko rusanga ubwo buhamya bufite akamaro kandi bwakwizerwa[440]. Cyakora hano Urugereko rusanga rudashobora gushingira ku buhamya bwa CDL mu kwerekana ko Martin Karekezi na Thomas Mwendezi bishwe ku itariki ya 9 Mata 1994. Urugereko rusanga CDL ataravuze ukuntu yamenye ko Martin Karekezi na Thomas bishwe ku itariki ya 9 Mata 1994. Ikindi kandi, Urugereko rusanga mu gihe nta makuru yandi yatanze yerekeye umwirondoro wa Thomas, Porokireri yarananiwe kwerekana ko « Thomas » uvugwa na CDL ari mu by'ukuri Thomas Mwendezi. Bityo, Urugereko rusanga Porokireri atarerekanye ku buryo budashidikanywaho ko Martin Karekezi na Thomas Mwendezi bishwe nyuma y'urupfu rwa Perezida Habyarimana.

186. Uretse abishwe bavugwa mu Nyandiko y'ibirego, Porokireri mu myanzuro nsozarubanza ye avuga na none ko Muhigirwa yagabweho igitero ku itariki ya 9 Mata 1994 akicwa[441]. Urugereko ruributsa ko ku itariki ya 15 Mutarama 2010, rutemeye

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[436] Inyandiko y'ibirego yahinduwe, urup. 9.

[437] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23.

[438] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25.

[439] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 23 na 25.

[440] *Urubanza rwa Ncamihigo,* Inyandiko y'urubanza mu bujurire, igika 48. Reba na none *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 45; *Urubanza rwa Musema*, Inyandiko y'urubanza mu bujurire, ibika 37 na 38.

[441] Imyanzuro nsozarubanza ya Porokireri, igika 104.

icyifuzo cy'Ubwunganizi cyasabaga kuvanaho ubuhamya bwa CDL wavuze ko Muhigirwa yishwe n'abagabye igitero ku itariki ya 9 Mata 1994[442].

187. Abatangabuhamya batatu bashinja biswe CBN, CDL na CBY, bavuze ku birebana n'urupfu rw'uwitwa Muhigirwa. CBN yavuze ko yabonye umurambo wa Muhigirwa ubwo yahungiraga kuri paruwasi ya Nyange ku itariki ya 12 Mata 1994[443]. CDL yashyigikiye ibivugwa na CBN ku byerekeye iyicwa rya Muhigirwa, ariko yavuze ko Muhigirwa yishwe ku itariki ya 9 Mata 1994, nyuma yo guhamagarwa n'abaturanyi be bamusabye kuza Ku ishusho ya Bikira Mariya[444]. Abo batangabuhamya bombi bavuze ko Muhigirwa yari Umututsi[445]. Hanyuma, CBY yavuze ko Muhigirwa yiciwe kuri bariyeri asubira ku kiriziya y'i Nyange, avuye gushaka ibiryo ku itariki ya 14 Mata 1994[446].

188. CDL ntiyavuze uko yamenye ko Muhigirwa yishwe ku itariki ya 9 Mata 1994, na CBY ntiyasobanuye ukuntu yamenye ko Muhigirwa yiciwe kuri bariyeri ku itariki ya 14 Mata 1994. Mu by'ukuri, ubuhamya bwabo ntibusobanura niba Muhigirwa uvugwa na CBY ari umwe n'uvugwa na CBN na CDL. Cyakora, kubera ko Urugereko rwasanze CBN wavuze ko yabonye umurambo wa Muhigirwa yakwemerwa muri rusange, rwemera ko Umututsi w'umusiviri witwa gutyo yiciwe hafi ya santere y'i Nyange nyuma y'urupfu rwa Perezida Habyarimana. Urugereko kandi rusanga, mu gihe nta buhamya butaziguye bwerekeye abantu nyirizina bagabye icyo gitero, umuntu agendeye ku kuntu ibintu byari byifashe yavuga ko Muhigirwa yishwe n'abagabye ibitero b'Abahutu. Cyakora Urugereko rusanga ubuhamya bwabo butagenderwaho mu kwemeza itariki nyirizina Muhigirwa yiciweho.

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[442] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010. Urugereko rwasanze iyicwa rya Muhigirwa, nk'Umututsi w'umusiviri wishwe nyuma y'urupfu rwa Perezida Habyarimana, mu by'ukuri rijyana n'igika cya 9 cy'Inyandiko y'ibirego yahinduwe. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 19.

[443] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 55.

[444] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 23 na 24.

[445] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 55 na 56; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 23.

[446] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 45.

189. Icya nyuma, Urugereko rushingiye ku buhamya bwa CBS butavugurujwe, rusanga abagize umuryango w'uyu mutangabuhamya, barimo na se, barishwe ku itariki ya 11 Mata 1994, ko kandi uyu mutangabuhamya yahungiye kuri paruwasi ku itariki ya 12 Mata 1994. Urugereko nta bimenyetso rufite byerekana abagabye ibyo bitero, ariko rwemera na none ko ababiguyemo bishwe n'Abahutu babigabaga.

190. Porokireri avuga ko «kuva mu ntangiriro, ubwicanyi bwakorewe Abatutsi muri Komini ya Kivumu butakozwe n'abantu byagwiririye, ahubwo bwemewe kandi butegekwa n'abantu bafite imbaraga, ijambo cyangwa ubuyobozi muri Komini ya Kivumu[447]». Porokireri ashingira ku buhamya bwa CNJ, CBR na CDL mu gushyigikira ibi avuga.

191. CNJ yavuze ko Abahutu bahamagariwe mu ruhame kwica Abatutsi[448]. Ibyo byakozwe hifashishijwe Radiyo Rwanda n'andi maradiyo[449]. CNJ yavuze ko ku rwego rw'ibanze, Grégoire Ndahimana, IPJ Kayishema n'abandi bategetsi basabye Abahutu kugaba ibitero ku Batutsi bari bahungiye i Nyange[450]. CBR na CDL bombi bavuze ko Télesphore Ndungutse, wari umwarimu akaba na Visi-Perezida wa MRND, yahamagariye Abahutu bo mu gace ke kugaba ibitero ku Batutsi b'abasiviri[451]. CDL yavuze ko IPJ Fulgence Kayishema na Perezida w'Urukiko rwa Kanto ari we Joseph Habiyambere bahaye Ndungutse uruhushya rwo kugaba ibi bitero[452]. Hanyuma, CDL, CBR na CNJ bose bemeza ko nyuma y'ibitero byagabwe ku Batutsi, IPJ Kayishema yategetse ko abantu bishwe bahambwa nta perereza rikozwe[453].

192. Urugereko rushingiye kuri ubu buhamya, rusanga Télesphore Ndungutse yarahamagariye abantu bo mu gace yari atuyemo kugaba ibitero ku Batutsi,

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[447] Imyanzuro nsozarubanza ya Porokireri, igika 101.

[448] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 10 na 58.

[449] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 10 na 58.

[450] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10.

[451] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 3, 4 na 23; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21-23 na 33. N'ubwo nta mutangabuhamya uvuga ku buryo bweruye ko abantu Ndungutse yahamagariye kugaba ibitero bari Abahutu, Urugereko rusanga ukurikije uko ibintu byari bimeze abo bantu bari Abahutu.

[452] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 21-23.

[453] CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 4; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

by'umwihariko igitero cyagabwe mu rugo rw'umuturanyi we Grégoire Ndakubana. Mu by'ukuri, Urugereko ruributsa ko CBR ari umwe mu bo Ndungutse yahamagariye kugaba ibitero ku Batutsi b'abasiviri, barimo abagize umuryango wa Ndakubana. Urugereko na none rusanga IPJ Kayishema yaremeye ko ibitero bigabwa kandi agashyigikira ko bikomeza, kubera ko yanze gukora iperereza ku byaha byakorewe kwa Ndakubana n'ahandi.

193. Ku rundi ruhande, Urugereko ruha agaciro gato ubuhamya bwa CDL buvuga ko Ndungutse yahawe uruhushya rwo kugaba ibyo bitero na IPJ na Perezida w'Urukiko rwa Kanto, kubera ko nta bundi bubushyigikira kandi bukaba ari inkuru mbarirano CDL na we yumvanye abandi. Urugereko rusanga na none mu gihe CNJ yavuze ko Ndahimana, Kayishema n'abandi bategetsi « babasabye kujya i Nyange hari hahungiye Abatutsi babarirwa mu bihumbi[454] », nta makuru na make yigeze atanga yerekeye ukuntu yabimenye. Ikindi kandi, ubuhamya bwe iyo urebye uko ibintu byari byifashe, usanga busa n'ubuganisha ku bitero byagabwe ku kiriziya y'i Nyange hagati y'itariki ya 13 n'iya 16 Mata 1994, aho kuganisha ku bitero byagabwe mu ngo z'Abatutsi nyuma gato y'urupfu rwa Perezida[455]. Kubera izo mpamvu, Urugereko ntirwemera ko Ndahimana na Kayishema bategetse abantu kugaba ibitero ku Batutsi b'abasiviri mbere y'uko Abatutsi bagera kuri paruwasi ya Nyange.

Ibivugwa ko Abatutsi b'abasiviri bahungiye kuri paruwasi ya Nyange no ku biro bya Komini ya Kivumu

194. Ntawe uhakana ko Abatutsi b'abasiviri bahungiye ku kiriziya y'i Nyange, bahunga ibitero byagabwaga mu duce bari batuyemo[456]. Cyakora, mu myanzuro nsozarubanza

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[454] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10.

[455] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10.

[456] Reba CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49 na 50; CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 64 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65; CNJ, 7 Nzeri 2009, imp. 10 na 11; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 29 na 30; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 26; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 10 na 11; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 44; KG19, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 8; Tugirumukiza, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 61 na 62.

ye, Porokireri yongeraho ko abari bagize umugambi mubisha uhuriweho n'Uregwa bohereje Abatutsi kuri paruwasi ya Nyange, maze « bagashuka» abari bahahungiye ngo binjire imbere mu kiriziya[457].

195. Urugereko ruributsa ko ku itariki ya 2 Nzeri 2009, rwashyigikiye icyifuzo cy'Ubwunganizi cyarwanyaga ubuhamya bwa CBK buvuga ko « abategetsi » barimo Kanyarukiga, Ndahimana, Mbakirirehe na Rushema, bafashe icyemezo cyo kwimura impunzi zari zahungiye kuri paruwasi ya Nyange, bazivana mu mazu yo mu gipadiri bazijyana mu kiriziya[458]. Mu isesengura rwakoze, Urugereko ntirwitaye rero kuri iki kimenyetso.

196. Abatangabuhamya bashinja biswe CNJ na YAU na bo bavuze ko « abategetsi » bo mu gace bari batuyemo bagize uruhare mu kohereza Abatutsi kuri paruwasi[459]. CNJ yavuze ko sewabo yamubwiye ko ku itariki ya 11 Mata 1994, abategetsi bo muri ako gace hamwe n'abandi bayoboraga abaturage bafashe icyemezo cyo kwimurira kuri paruwasi ya Nyange Abatutsi bari bahungiye ku biro bya komini, no kuzana abajandarume bo «gucunga umutekano w'izo mpunzi»[460].

197. N'ubwo Ubwunganizi butahakanye ubuhamya bwa CNJ bwerekeye iyi nama, Urugereko rwasuzumanye ubushishozi ikibazo cyo kumenya niba Uregwa yaramenyeshejwe mu buryo bukwiye ibirebana n'inama yarabereye ku biro bya komini. Urugereko ruributsa ko ari ibiro bya komini ari n'itariki ya 11 Mata 1994, nta na kimwe kivugwa mu Nyandiko y'ibirego yahinduwe. Ariko rero, kubera ko CNJ atigeze avuga ko Kanyarukiga yari muri iyi nama cyangwa ko ibyemezo ibyo ari byo byose byayifatiwemo byamwitirirwa, Urugereko rusanga ubu buhamya buterekeye igikorwa gifatika cyagombaga kuvugwa mu Nyandiko y'ibirego yahinduwe. Bityo rero, Urugereko rurasuzuma ubuhamya bwa CNJ kuri iki kibazo.

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457 Imyanzuro nsozarubanza ya Porokireri, ibika 55, 112, 114 na 115.

458 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 66 na 69. Mu gufata icyemezo gishyigikira iyo ngoboka, Urugereko (Umucamanza Park), rwavuze ko « kuri ibyo bivugwa nta makuru yashyizwe ahagaragara », ruvuga rero ko ingoboka y'Ubwunganizi ishyize mu gaciro, hakurikijwe ibivugwa na Porokireri birebana n'umugambi mubisha uhuriweho.

459 CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11, 36 na 37.

198. Urugereko ruributsa ko CNJ yari "icyitso" mu bwicanyi bwakorewe kuri paruwasi ya Nyange, ko kandi ubuhamya bwe kuri ibi byabaye by'umwihariko bushingiye ku nkuru mbarirano[461]. Urugereko rero rwasuzumanye ubuhamya bwe ubushishozi bwinshi. Kubera izo mpamvu, Urugereko rusanga ubuhamya bwa CNJ budahagije kurwemeza ko Abatutsi b'abasiviri bahungiye ku biro bya Komini ya Kivumu, cyangwa ko bavanywe kuri ibyo biro bakimurirwa kuri paruwasi ya Nyange nyuma y'inama y'abategetsi n'abandi bayoboraga abaturage yabaye ku itariki ya 11 Mata 1994. Na none, igice cy'ubuhamya bw'uyu mutangabuhamya cyashyigikiwe n'ubwa CBN, CBS na YAU, bavuze ko ubwo bageraga kuri paruwasi bahasanze abajandarume[462]. YAU, CBN, CBR na CBS na bo bavuze ko abajandarume bari abo gucunga umutekano w'Abatutsi bari kuri paruwasi[463]. Urugereko rushingiye kuri ubu buhamya, rusanga abajandarume baroherejwe kuri paruwasi ya Nyange « gucunga umutekano » w'Abatutsi bari bahari.

199. YAU yavuze ko umunsi agera kuri paruwasi, yabonye Fulgence Kayishema na Gaspard Kanyarukiga bajyanye Abatutsi b'abasiviri kuri paruwasi mu modoka itukura ya Kanyarukiga[464]. Nk'uko biri busesengurwe mu gika cya 317, Urugereko rusanga, bitewe no guhuzagurika n'amakosa agaragara mu buhamya bwa YAU, rudashobora kubugenderaho, cyeretse buramutse bushyigikiwe n'ubundi bwakwizerwa. Kubera ko nta wundi mutangabuhamya wavuze ko Kanyarukiga na Kayishema bazanye Abatutsi kuri paruwasi ya Nyange mu modoka ya Kanyarukiga, Urugereko ntirwita ku buhamya bwa YAU kuri icyo kibazo.

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[460] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.

[461] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9-11 na 39.

[462] CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 18 na 19; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14 na 39; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp.46-48; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[463] CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 18-19; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 11 na 12; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup.48.

[464] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11, 36 na 37.

2.4. Umwanzuro w'Urugereko

200. Kubera impamvu zimaze kuvugwa, Urugereko rusanga Porokireri yarerekanye ku buryo budashidikanywaho ko muri Komini ya Kivumu, Abatutsi b'abasiviri bagabweho ibitero mu ngo zabo nyuma y'urupfu rwa Perezida Habyarimana, ko kandi nibura bimwe muri ibyo bitero ababigabye babihamagariwe na Télesphore Ndungutse, IPJ Kayishema akanga kubikoraho iperereza cyangwa ngo akurikirane ababigabye. Cyakora, Porokireri ntiyashoboye kwerekana ko Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi bari mu bahitanywe n'ibyo bitero, nk'uko bivugwa mu gika cya 9 cy'Inyandiko y'ibirego yahinduwe.

201. Icya kabiri, Urugereko rusanga Porokireri yaratanze ibimenyetso bihamya ku buryo budashidikanywaho ko Abatutsi b'abasiviri bahungiye kuri paruwasi ya Nyange, bahunga ibitero byagabwaga muri Komini ya Kivumu, ko kandi abajandarume boherejwe kuri iyo paruwasi, byitwa ko baje gucunga umutekano w'abo Batutsi[465]. Cyakora, nta bimenyetso byatanzwe bihamya ko Abatutsi b'abasiviri bahungiye ku biro bya Komini ya Kivumu, ko bimuriwe kuri paruwasi nyuma y'inama yabereye ku biro bya komini, ko Kanyarukiga na Kayishema bajyanye Abatutsi kuri paruwasi cyangwa ko Abatutsi « bajyanywe » kuri paruwasi n'abategetsi bo mu rwego rwa komini.

3. <u>Inama zabereye kuri paruwasi ya Nyange « ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki » no « ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki »</u>

3.1. Intangiriro

202. Igika cya 11 n'icya 12 by'Inyandiko y'ibirego yahinduwe biteye bitya:

> 11. Ku itariki ya 10 Mata 1994, cyangwa ahagana kuri iyo tariki, Gaspard Kanyarukiga, Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana n'abandi bantu, bakoreye inama mu gipadiri kuri paruwasi ya Nyange ahavugiwe ibyerekeranye n'ikibazo cy'umutekano muke n'ubwicanyi. Muri iyo nama, Padiri Seromba yashinje Inkotanyi ko zishe Perezida Habyarimana.

[465] Urugereko rusanga uyu mwanzuro uhura n'imyanzuro yafashwe ku birebana n'igika cya 13 cy'Inyandiko y'ibirego yahinduwe, bityo ukaba ujyanye n'ibivugwa muri icyo gika.

> 12. Ku itariki ya 12 Mata 1994, cyangwa ahagana kuri iyo tariki, Gaspard Kanyarukiga, Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse n'abandi bantu, bakoreye indi nama ku rubaraza rw'inzu ya Padiri Seromba, kuri paruwasi ya Nyange.

203. Abatangabuhamya bashinja biswe CBY, CDL, CBK, CBR, YAU, CBS na CBN bose bavuze ko Kanyarukiga yakoranye amanama na Kayishema, Ndahimana, Seromba n'abandi bantu, mbere y'itariki ya 15 Mata 1994. Ubwunganizi buvuga ko aba batangabuhamya bashinja atari abo kwizerwa, bukerekana ubuhamya bw'umutangabuhamya ushinjura wiswe KG15 n'ubw'undi na we ushinjura witwa Damien Nayituriki, bavuze ko nta nama bigeze babona zibera ku matariki n'ahantu byavuzwe[466].

3.2. Ibimenyetso

Umutangabuhamya ushinja wiswe CBY

204. CBY yavuze ko ku itariki ya 8 Mata 1994 nyuma ya saa sita, « abategetsi » bageze kuri paruwasi ya Nyange[467]. Muri abo « bategetsi » harimo IPJ Kayishema, Ndungutse, Grégoire Ndahimana na Gaspard Kanyarukiga[468]. « Uwo munsi bageze kuri paruwasi, Padiri Seromba na we yaje mu mbuga iri hagati y'amazu y'abapadiri arabavugisha[469]. Uyu mutangabuhamya yavuze ko aba bantu bamaze mu gipadiri igihe kigera nko ku minota 30 cyangwa ku isaha[470].

205. Aba «bategetsi » bagarutse ku itariki ya 9 Mata 1994, mbere ya saa kumi n'imwe z'umugoroba, bavugana na Padiri Seromba mu mbuga yo hagati y'amazu y'abapadiri,

[466] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 125-134 na 197-202..

[467] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 34.

[468] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. Urup. 34, Inyandikomvugo y'iburanisha 14 Nzeri 2009, urup. 9 (iburanisha mu muhezo). Umutangabuhamya yabanje kuvuga gusa batatu babanza, yongeye kubazwa avuga ko Kanyarukiga yari kumwe n'abo bagabo bandi.

[469] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 34.

[470] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 34.

mu gihe kitagera ku isaha[471]. CBY yari hafi y'iyo mbuga ubwo yabonaga aba bagabo bahagera[472].

206. Ku itariki ya 10 Mata 1994, umusore witwa Félicien wakoranaga na CBY, yageze kuri paruwasi ari kumwe n'abantu bari bahahungiye[473]. Félicien yabwiye umutangabuhamya ko Padiri Seromba yari yagiye ku biro bya komini mu nama irebana n'ubwicanyi bwashoboraga gukorerwa Abatutsi[474]. CBY ntiyavuze uko Félicien yamenye ayo makuru.

207. CBY yavuze ko Kayishema, Ndungutse, Grégoire Ndahimana na Kanyarukiga bongeye kuza kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994[475]. Basanze Padiri Seromba mu mbuga yo hagati y'amazu yo mu gipadiri bamarana iminota nka 40[476].

208. Ku itariki ya 11 Mata 1994, Kayishema, Ndungutse, Grégoire Ndahimana na Kanyarukiga bagarutse mu gipadiri babonana na Padiri Seromba mu gihe kigera nko ku minota 30 cyangwa isaha[477]. Nta wundi mushyitsi waje kuri paruwasi uwo munsi[478].

209. CBY yavuze ko Kayishema, Ndungutse, Grégoire Ndahimana na Kanyarukiga bagarutse mu gipadiri ku itariki ya 12 Mata 1994 bakabonana na Padiri Seromba[479]. Bamaze kubonana, Padiri Seromba yasohotse mu gipadiri amara amasaha abiri ataragaruka[480]. Uyu mutangabuhamya yavuze ko Padiri Seromba amaze kugaruka, umuryango wa kiriziya wakinguwe kugira ngo Abatutsi binjiremo[481]. CBY yavuze ko yari mu mbuga yo mu gipadiri igihe izo nama zose zabaga[482].

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471 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35; Inyandikomvugo, 14 Nzeri 2009, urup. 11 (iburanisha mu muhezo).

472 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 11 (iburanisha mu muhezo).

473 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 35.

474 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

475 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

476 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

477 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 35 na 36.

478 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

479 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36.

480 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36.

481 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36.

482 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 11 (iburanisha mu muhezo).

210. Ku itariki ya 13 Mata 1994, hari agatsiko k'Abahutu kagabye igitero ku Batutsi kuri paruwasi[483]. Abateye bamaze kugenda, Kayishema, Ndungutse, Grégoire Ndahimana, Kanyarukiga n'undi mucuruzi witwa Théodomir bahimbaga Kiragi, baje kuri paruwasi[484]. Bahageze hagati ya saa cyenda na saa kumi z'amanywa[485]. Aba bagabo bahageze, binjiye mu gipadiri, bajya mu nzu yo hejuru kubonana na Padiri Seromba[486]. «Hashize akanya gato, bavuye mu cyumba cya Seromba bajya mu kindi cyari icya musenyeri[487]. Uyu mutangabuhamya yavuze ko iyo nama yamaze nk'isaha[488]. Nyuma yaho, Padiri Seromba yarasohotse aherekeza abashyitsi aguma hanze nk'igihe cy'amasaha abiri[489]». Padiri Seromba agarutse, yasabye umutangabuhamya kumuherekeza bakajya ku kiriziya kuvanayo ibikoresho byari byakoreshejwe mu misa[490].

Umutangabuhamya ushinja wiswe CDL

211. CDL yavuze ko ku itariki ya 13 Mata 1994, ku biro bya komini hakorewe inama yo kwiga uburyo bwo gutegura « abagabye ibitero » kugira ngo batere kiriziya, ndetse banamenye ubwoko bw'intwaro zari zifitwe n'Abatutsi bari bahungiye mu kiriziya[491]. Inama yitabiriwe na Burugumesitiri Grégoire Ndahimana, Padiri Seromba, Gilbert Kanani Rugwizangoga wari wungirije Burugumesitiri, Fulgence Kayishema, Gaspard Kanyarukiga, Télesphore Ndungutse na Joseph Habiyambere[492]. Inama irangiye, Seromba na Gilbert Kanani Rugwizangoga wari wungirije Burugumesitiri bagiye ku

[483] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36.

[484] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 36, 39 na 40.

[485] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40.

[486] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40.

[487] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40.

[488] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40.

[489] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40.

[490] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 40. Padiri Seromba yabwiye umutangabuhamya ko impamvu ibyo bintu byari bigiye gukurwa mu kiriziya ari uko harimo abantu benshi ku buryo « bashoboraga kubyangiza».

[491] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 46. Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 7 na 8.

[492] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 46 na 47.

kiriziya kureba niba Abatutsi bari bafite intwaro[493]. CDL ntiyari muri iyo nama, ahubwo ayo makuru yayabwiwe na Kanani[494].

212. CDL kandi yavuze ko yagiye mu nama yabereye kuri santere ya Mutanoga ku itariki ya 14 Mata 1994[495]. Yavuze ko yageze kuri santere ya Mutanoga ku manywa ahagana saa munani n'igice[496]. Yavuze ko abantu bari bahari basaga n'abari « mu nama rusange y'abaturage[497]». CDL yavuze ko ugereranyije hari abantu babarirwa mu magana, ariko ntiyavuze umubare nyawo[498]. Yavuze ko iyo nama yitabiriwe na Burugumesitiri Ndahimana, IPJ Fulgence Kayishema, Perezida w'Urukiko rwa Kanto ari we Joseph Habiyambere, Burigadiye Bakiwiri[499], Jean Baptiste Kagenza wari Perezida wa MRND, Gilbert Rugwizangona Kanani wari wungirije Burugumesitiri, Télesphore Ndungutse wari visi Perezida wa MRND na Gaspard Kanyarukiga wari umucuruzi[500].

213. CDL yavuze ko yabonye Kanyarukiga agera kuri santere ya Mutanoga mu modoka yo mu bwoko bwa Toyota Corolla ayiparika imbere y'inzu ya mbere aho isoko ryaberaga[501]. Umutangabuhamya yavuze ko Kanyarukiga yari yambaye masotera ku mukandara, kandi ko yabajije abari aho niba Abatutsi bari muri kiriziya y'i Nyange bishwe bose[502]. Kanyarukiga yamenyeshejwe ko Abatutsi bari mu kiriziya bari bakumiriye ibitero[503]. Uyu mutangabuhamya avuga ko Kanyarukiga «yagiriye abagabaga ibitero inama ababwira ko bagombaga kugira bwangu bakica impunzi zari kuri paruwasi, kubera ko bene wazo bari bamaze kugera i Mushubati » baje

[493] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 46.

[494] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 46 na 47; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 7-9.

[495] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 26; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 3.

[496] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 1.

[497] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 26.

[498] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 2.

[499] Mu nyandikomvugo y'iburanisha, iryo zina ryanditswe hakurikijwe uko abanditsi baryumvise.

[500] Inyandikomvugo, 10 Nzeri 2009, urup. 27.

[501] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 31; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 3.

[502] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 30 na 31; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 3.

« kubohora » Abatutsi bari i Nyange[504]. CDL yavuze ko Kanyarukiga ubwo yavugaga ayo magambo, «yashakaga kuvuga ko Inkotanyi zari zifitanye isano n'Abatutsi, ko rero zari bene wabo[505]».

Umutangabuhamya ushinja wiswe CBK

214. CBK yavuze ko, ku itariki ya 13 Mata 1994, uwari Burugumesitiri wa Komini ya Kivumu, IPJ Kayishema, Mbakirirehe, Rushema na Kanyarukiga bakoreye inama kuri paruwasi ya Nyange, kugira ngo bige ibirebana no « kwambura intwaro impunzi[506]». CBK yavuze ko Kanyarukiga na Padiri Seromba bari mu bafashe icyemezo cyo kwambura Abatutsi intwaro[507]. Uyu mutangabuhamya yavuze ko inama zose zakorewe mu cyumba cyari kizwi nk' « icyumba cya musenyeri », kikaba ari kimwe mu byumba bya paruwasi[508]. CBK yavuze ko igihe cyose aba bagabo bahuriraga kuri paruwasi, yabonaga binjira mu cyumba cya musenyeri, akongera kubabona basohokamo[509]. Yemeye cyakora ko nta nama n'imwe muri izo yagiyemo[510].

215. Mu ibaza rinyomoza, CBK yavuze ko « inama yafatiwemo icyemezo cyo kwambura impunzi intwaro yabereye kuri paruwasi[511]». Yongeyeho ko, «ku itariki ya 13 Mata 1994, Padiri Seromba yagiye ku biro bya komini, ahari habereye inama, ariko ko bagarutse bava ku biro bya komini, bakoze indi nama kuri paruwasi[512]».

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[503] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 3.

[504] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 4. Reba na none Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 30. CDL avuga ko Kanyarukiga kandi yagiriye abagabye ibitero inama yo kwiyambaza abakomoka mu yandi masegiteri ya komini kugira ngo baze kubatiza umurindi.

[505] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 5. Reba na none inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 30.

[506] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 4.

[507] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 16 (iburanisha mu muhezo).

[508] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 65 (iburanisha mu muhezo).

[509] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 66 (iburanisha mu muhezo).

[510] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 68 (iburanisha mu muhezo).

[511] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 4-5. Abitabiriye inama bashobora kuba bari bavuye ku biro bya komini, ariko inama yabereye mu gipadiri. Reba na none inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 6.

[512] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 6.

216. CBK yemeje ko umutangabuhamya ushinjura wiswe KG15 yari kuri paruwasi ya Nyange muri Mata 1994[513].

Umutangabuhamya ushinja wiswe CBR

217. CBR yavuze ko ku itariki ya 13 Mata 1994, Ndungutse yitabiriye inama yabereye ku biro bya komini, ari kumwe na Gilbert Kanani wari wungirije Burugumesitiri na Perezida [w'Urukiko rwa Kanto] Joseph Habiyambere[514]. Nyuma, Ndungutse yabwiye umutangabuhamya n'abandi bantu ko abari mu nama bavuze ku birebana no kugaba igitero kuri paruwasi ya Nyange[515]. Nyuma y'inama, Kanani na Habiyambere bagiye kuri paruwasi bari kumwe na Padiri Seromba kugenzura niba abari bahungiye kuri paruwasi bari bafite intwaro kandi bashobora kwirwanaho[516].

Umutangabuhamya ushinja wiswe YAU

218. YAU yavuze ko Padiri Seromba, Gaspard Kanyarukiga, Fulgence Kayishema, Grégoire Ndahimana, Habarugira wari Konseye wa [Segiteri ya] Nyange na Jean-Marie Vianney bari kuri paruwasi ya Nyange ubwo yahageraga[517]. YAU yavuze ko aba bantu bari bahagaze imbere y'ibiro by'ubunyamabanga, mu kigo cya paruwasi[518]. « Basaga n'abaganira, mbese bameze nk'abajya impaka[519]». Uyu mutangabuhamya ntiyari hafi yabo ku buryo yakumva ibyo baganiraga, ariko yavuze ko intera yari hagati ye na bo « itari nini»[520].

Umutangabuhamya ushinja wiswe CBS

[513] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 23 (iburanisha mu muhezo).
[514] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 7 na 10.
[515] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 10.
[516] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 10 na 11.
[517] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10.
[518] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 11.
[519] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 11.
[520] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 11.

219. CBS yavuze ko ku wa kane ku itariki ya 14 Mata 1994 ahagana saa saba z'amanywa, « Abahutu bayoboraga komini » baje kureba Seromba kuri paruwasi ya Nyange[521]. Yavuze ko abo bantu bari Burugumesitiri Grégoire Ndahimana, IPJ Kayishema, buridagiye Mbakirirehe, Rushema wari wungirije Burugumesitiri, n'abapolisi ba komini[522]. Umutangabuhamya kandi yabonye Gaspard Kanyarukiga na Télesphore Ndungutse « mu gipadiri[523]».

220. CBS yari ku kibuga hanze ya kiriziya[524], abona aba bagabo ku ibaraza « ry'icyumba Padiri Seromba yabagamo mu nzu yo hejuru»[525]. CBS ntiyabonye abo bantu ubwo bageraga kuri paruwasi[526]. Yavuze ko abo bashyitsi « bamaranye umwanya munini na padiri nk'aho barimo gukorana inama»[527]. Abo bagabo bagumye ku ibaraza mu gihe kigera nko ku isaha[528]. CBS yemeje ko « baganiraga hagati yabo, nyuma bakagenda[529] berekeza Ku ishusho ya Bikira Mariya, bari kumwe na Seromba gusa, « naho abandi bapadiri bari inshuti za Seromba» basigara inyuma[530]. Uyu mutangabuhamya yavuze ko ari yo nama ya mbere yakorewe kuri paruwasi[531].

Umutangabuhamya ushinja wiswe CBN

221. CBN yavuze ko ku wa kane ku itariki ya 14 Mata 1994, ahagana saa saba z'amanywa, Burugumesitiri Grégoire Ndahimana yaje kuri paruwasi ya Nyange ari kumwe na

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[521] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 48, 49, 50 na 51; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 9 na 10.

[522] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48.

[523] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 50. Umutangabuhamya yavuze ko Kanyarukiga yari yambaye ikote ritari umukara, ipantaro n'ishati. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

[524] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 51, 53 na 61; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

[525] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 51, 60 na 61; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

[526] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 60 na 61. Cyakora yavuze ko hari umuryango umwe gusa winjira mu gipadiri.

[527] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48.

[528] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 53.

[529] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 51.

[530] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 53.

[531] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

Burigadiye Christophe Mbakirirehe, IPJ Kayishema, Perezida w'urukiko witwaga Gaca Butelezi, na Kanyarukiga[532]. Uyu mutangabuhamya yavuze ko yabonye aba bagabo baza ku kiriziya[533]. « Barakomeje bahita bazamuka bajya ku cyumba cya Seromba cyari mu nzu yo hejuru[534] » CBN yari ku kibuga imbere ya kiriziya kandi aho yari ahagaze yashoboraga kubona Ku Ishusho ya Bikira Mariya[535]. Ndahimana, Mbakirirehe, Kayishema, Kanyarukiga na Gaca Butelezi « banyuze imbere yacu binjirira mu marembo mato umuntu yanyuragamo ajya mu gikari»[536]. Uyu mutangabuhamya yabonye abo bagabo bahagaze ku ibaraza ryo mu gipadiri ku nzu yo hejuru[537].

222. CBN yavuze ko atashoboye kumva ibiganiro by'abo bagabo, ariko ko yaketse ko bari barimo gukora inama « kubera ko bavugaga badutunga intoki, akaba ari yo mpamvu nibwiye ko bakoraga inama biga ikibazo cy'abantu bari mu kiriziya »[538]. Umutangabuhamya yavuze ko agereranyije iyo nama itarengeje isaha[539].

223. Ubwo abo « bategetsi » bavaga mu gipadiri, Abatutsi barabegereye babwira Burugumesitiri ko bari batewe[540]. Bamubajije icyo yari yakoze ngo afate ababagabyeho ibitero[541].

> Burugumesitiri yavuze ko ntacyo yashoboraga gukora ngo afashe impunzi, kubera ko Inyenzi zari zateye igihugu zikanahanura indege ya Perezida Habyarimana. Yavuze ko Abatutsi bari mu gihugu bagombaga kwicwa bose[542].

532 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 56, 57 na 58. CBN yavuze ko Gaca Butelezi ryari izina ry'irihimbano rya « Perezida w'urukiko». Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 56 na 57.

533 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 56.

534 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 56.

535 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57.

536 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57.

537 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57.

538 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57.

539 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 58 na 59.

540 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

541 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

542 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

CBN yavuze ko Burugumesitiri yari kumwe na Kanyarukiga ubwo yavugaga ayo magambo[543].

224. « Abo bategetsi » barajyanye berekeza Ku ishusho ya Bikira Mariya[544]. « Abategetsi bamaze kugenda, abagabye ibitero bari bategerereje imbere ya farumasi ya Kanyarukiga, bigiye imbere batera amabuye ku bantu bari bahungiye kuri paruwasi[545].

Umutangabuhamya ushinjura wiswe KG15

225. KG15 yageze kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994, ahagana saa tanu za mu gitondo, yakirwa na Padiri Seromba[546]. Yavuze ko yaraye kuri paruwasi ya Nyange mu ijoro ryo kuri iyo tariki ya 10 Mata 1994[547].

226. KG15 yavuze ko ku wa mbere, ku itariki ya 11 Mata 1994, yamaze iminota itarenze icumi hanze y'igipadiri[548]. KIG15 yavuze ko yagumye mu gipadiri igice cy'umunsi gisigaye cyose, ari mu cyumba cye cyangwa se ari mu mbuga yari hagati y'igipadiri n'ibiro by'ubunyamabanga[549]. Nyuma yemeje ko yajyanye na Padiri Seromba ku kiriziya uwo munsi[550].

227. Uyu mutangabuhamya yavuze ko yabonye abantu babiri gusa baza mu gipadiri ku itariki ya 11 Mata 1994, ari bo Burugumesitiri na IPJ[551]. KG15 yavuze ko Burugumesitiri na IPJ babonanye na Seromba umwanya muto ku kibuga cy'imbere mu gipadiri, imbere y'aho abapadiri babaga[552]. KG15 yavuze ko icyo gihe, we na Padiri

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[543] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[544] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[545] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[546] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 7 na 8 (iburanisha mu muhezo).

[547] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 8 (iburanisha mu muhezo).

[548] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 11 (iburanisha mu muhezo).

[549] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 11 (iburanisha mu muhezo).

[550] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 41 (iburanisha mu muhezo).

[551] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 11 na 26 (iburanisha mu muhezo).

[552] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 11 na 12 (iburanisha mu muhezo). Umutangabuhamya yaje kuvuga nyuma ko bahamaze iminota icumi. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 13 (iburanisha mu muhezo).

Seromba bari kumwe kuri iyo mbuga[553]. Padiri Seromba yamweretse Burugumesitiri na IPJ, nyuma abo bagabo babiri babaza KG15 na Padiri Seromba ibibazo birebana n'umutekano[554]. KG15 yavuze ko Burugumesitiri na IPJ bagumye mu mbuga nk'iminota icumi, ariko ko nta cyumba na kimwe cyo mu gipadiri binjiyemo[555].

228. KG15 yamaze umunsi wo ku wa kabiri ku itariki ya 12 Mata 1994 mu gipadiri[556]. KG15 ntiyabonye Burugumesitiri, IPJ n'abategetsi bo muri ako gace cyangwa abandi bantu binjira mu gipadiri uwo munsi, nta n'ubwo yigeze yumva hari umuntu uvuga ko hari inama yabereye mu gipadiri kuri uwo munsi[557].

229. KG15 yavuze ko atigeze ava mu gipadiri ku wa gatatu ku itariki ya 13 Mata 1994, kubera ko hari umwuka « mubi»[558]. Yavuze ko nta nama yabereye mu gipadiri uwo munsi wose[559].

230. KG15 yavuze ko atigeze ava mu gipadiri ku wa kane ku itariki ya 14 Mata 1994[560]. Abajijwe niba hari ikintu yabonye ahagana saa saba z'amanywa, cyangwa ko yumvise ko hari inama yari yabereye mu gipadiri, KG15 yavuze ko saa saba z'amanywa yari isaha yo gufungura, akaba rero nta muntu yabonye kuri iyo saha[561].

Umutangabuhamya ushinjura witwa Damien Nayituriki

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[553] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 11 (iburanisha mu muhezo).

[554] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 12 na 13 (iburanisha mu muhezo).

[555] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 13 (iburanisha mu muhezo).

[556] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 14 (iburanisha mu muhezo). KG15 yaje kuvuga ko yagiye ku kiriziya ku wa kabiri ari kumwe na Padiri Seromba. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 27, 29, 33 na 41 (iburanisha mu muhezo).

[557] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 14 na 26 (iburanisha mu muhezo).

[558] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 14 (iburanisha mu muhezo).

[559] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 14 na 26 (iburanisha mu muhezo).

[560] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 15 (iburanisha mu muhezo).

[561] Inyandikomvugo, 11 Gashyantare 2010, imp. 15 na 16 (iburanisha mu muhezo).

231. Damien Nayituriki ni Umuhutu, akaba mu wa 1994 yarigaga mu mwaka wa kane mu Rwunge rw'Amashuri i Butare (*Groupe scolaire*) [562].

232. Nayituriki yavuze ko ku itariki ya 14 Mata 1994, yagiye kugura ibinyobwa hafi yo Ku Ishusho ya Bikira Mariya ari kumwe n'umuvandimwe we n'umugabo wari wavuye i Kigali yahungiye iwabo w'uyu mutangabuhamya[563]. Ntibabashije kugura ibinyobwa ku Ishusho, bityo barahavuye mu masaa cyenda n'igice cyangwa saa kumi z'igicamunsi berekeza i Mutanoga aho bamaze amasaha abiri banywa[564]. Nayituriki yavuze ko mu gihe yari kuri santere ya Mutanoga atigeze abona Kanyarukiga cyangwa imodoka ye[565]. Yanavuze ko atabonye Burugumesitiri wa Komini ya Kivumu cyangwa IPJ Kayishema kuri santere ya Mutanoga[566]. Mu gihe cyose yamaze kuri iyo santere, Nayituriki nta nama cyangwa ikoraniro yabonye bihabera, kandi ntiyigeze yumva hari umuntu uvuga ko Kanyarukiga cyangwa Grégoire baba hari inama bagiyemo aho hantu ku itariki ya 14 Mata 1994[567].

3.3. Isesengura ry'Urugereko

233. Mu gika cya 11 n'icya 12 by'Inyandiko y'ibirego yahinduwe havugwamo ko Uregwa yagiye mu nama kuri paruwasi ya Nyange «ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki », akaba yaragiye « mu yindi nama » « ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki ». Mu myanzuro nsozarubanza ye, Porokireri avuga ko Kanyarukiga yagiye mu nama nyinshi zabereye ahantu hanyuranye muri Komini ya Kivumu, harimo ku biro bya komini, mu gipadiri, ku kibuga cya paruwasi

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[562] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 5, 17. Umutangabuhamya Nayituriki yavuze ko ari imvange y'Umuhutu n'Umututsi, ariko akaba mu wa 1994 yari Umuhutu kubera ko se yari Umuhutu. Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 14-15.

« Ikibazo: Ubwo mu wa 1994 wafatwaga nk'Umuhutu kubera ko mu muco wanyu umwana afata ubwoko bwa se, si byo se?

Igisubizo: Ni byo ».

[563] Inyandikomvungo y'iburanisha, 8 Gashyantare 2010, imp. 7-9, 19.

[564] Inyandikomvungo y'iburanisha, 8 Gashyantare 2010, imp. 9, 10, 11, 19.

[565] Inyandikomvungo y'iburanisha, 8 Gashyantare 2010, urup. 11. Umutangabuhamya yavuze ko yari azi neza imodoka ya Kanyarukiga.

[566] Inyandikomvungo y'iburanisha, 8 Gashyantare 2010, imp. 13, 14.

[567] Inyandikomvungo y'iburanisha, 8 Gashyantare 2010, imp. 13-14.

ya Nyange, kuri CODEKOKI, no hafi ya farumasi ye[568]. Porokireri avuga ko ubuhamya bwatanzwe bugaragaza ko izo nama zabaye mbere y'ubwicanyi icyo zari zigamije kwari ukubutegura[569].

234. Ubwunganizi bwo buvuga ko igihe inama nyinshi zavuzweho n'abatangabuhamya bashinja zabereyeho kitari mu bikubiye mu Nyandiko y'ibirego yahinduwe. Ubwunganizi bwemeza ko Porokireri yafashe «ikintu runaka cyabaye rimwe [kivugwa mu Nyandiko y'ibirego yahinduwe] akagihinduramo ikintu cyabaye inshuro nyinshi ku buryo busa»[570]. Ubwunganizi bwongeraho ko bigaragara ko ubuhamya bwatanzwe n'abatangabuhamya bashinja atari ubwo kwizerwa cyangwa se ko butagaragaza ibikorwa bihanirwa Uregwa yaba yaragizemo uruhare[571].

235. Urugereko rusanga guhera ku gika cya 121 kugeza ku cya 137, rwamaze kubona ko ku muntu ushyira mu gaciro, *alibi* ijyana n'igihe kiri hagati y'itariki ya 12 n'iya 14 Mata 1994 ishobora kuba atari ukuri kubera impamvu zisobanurwa muri icyo cyiciro. Urugereko ruributsa ariko ko kuba rusanga ku muntu ushyira mu gaciro iyo *alibi* itafatwaho ukuri bitavaniraho Porokireri inshingano ye yo kugaragaza ku buryo budashidikanywaho ibirego bijyana n'ayo matariki.

Kumenyeshwa amakuru

236. Urugereko ruributsa ko mu Cyemezo cyarwo cyo ku itariki ya 15 Mutarama 2010 kijyana n'icyifuzo cy'Ubwunganizi gisaba gukuraho ibimenyetso bimwe na bimwe, Urugereko rwa Mbere rw'Iremezo rwiyemeje gutegereza kugeza ku ica ry'urubanza kugira ngo rutangaze niba rwavanaho ubuhamya bwatanzwe n'abatangabuhamya bashinja ku nama Uregwa yaba yaragiyemo[572]. Mbere yo gusuzuma ireme ry'ibyo bimenyetso, Urugereko rurabanza rero rusuzume icyifuzo cy'Ubwunganizi nk'uko cyongeye gutangwa mu myanzuro nsozarubanza yabwo aho bwasabye Urugereko rwa

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[568] Imyanzuro nsozarubanza ya Porokireri, igika 109.

[569] Imyanzuro nsozarubanza ya Porokireri, igika 109.

[570] Imyanzuro nsozarubanza y'Ubwunganizi, igika 455.

[571] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 121, 135, 153, 179.

[572] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 17.

Mbere rw'Iremezo kuvanaho ubuhamya bukurikira bwatanzwe n'abatangabuhamya bashinja kubera ko Ubwunganizi butabumenyeshejwe mu buryo bukwiye:

1) Ubuhamya bwa CBK buvuga ko Kanyarukiga yagiye mu nama « mu cyumba cya musenyeri » ku itariki ya 13 Mata 1994;

2) Ubuhamya bwa CBR buvuga ko Kanyarukiga yagiye mu nama ku biro bya komini ku itariki ya 13 Mata 1994;

3) Ubuhamya bwa CDL buvuga ko Kanyarukiga yagiye mu nama ku biro bya komini ku itariki ya 13 Mata 1994 kugira ngo agenzure intwaro z'impunzi[573] ;

4) Ubuhamya bwa CBN buvuga ko Kanyarukiga yagiye mu nama ku itariki ya 14 Mata 1994;

5) Ubuhamya bwa CDL buvuga ko Kanyarukiga yagiye mu nama kuri santere ya Mutanoga ku itariki ya 14 Mata 1994; hamwe na

6) Ubuhamya bwa CBS buvuga ko Kanyarukiga yagiye mu nama ku itariki ya 4 Mata 1994[574].

237. Ubwunganizi buvuga ko Porokireri yatanze ibimenyetso ku bintu byabaye by'ingenzi byari mu Nyandiko y'ibirego ya mbere ariko bikaza kuvanwa mu Nyandiko y'ibirego yahinduwe mu wa 2007[575]. Mu myanzuro nsozarubanza ye, Porokireri ntacyo avuga kuri iyi ngingo, ariko akemeza mu myanzuro nsozarubanza yo mu magambo ko « ntacyo byabangamiyeho Ubwunganizi kubera ko bwamenyeshejwe amakuru ku gihe, asobanutse neza kandi atajegajega »[576]. Porokireri avuga ko ubusembwa bwo mu Nyandiko y'ibirego yahinduwe bwakosowe binyuze mu buhamya bwanditse, mu buhamya bwatanzwe mu Rukiko mu rubanza rwa Seromba, mu nyandiko z'ubwirege z'abatangabuhamya, hamwe no mu gika cya 36 cy'Imyanzuro mbanzirizarubanza ya

[573] Imyanzuro nsozarubanza y'Ubwunganizi, igika 152.

[574] Imyanzuro nsozarubanza y'Ubwunganizi, igika 175.

[575] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 434-447.

[576] Inyandikomvugo y'iburanisha, 24 Gicurasi 2010, urup. 23.

Porokireri, kivuga ko Uregwa yagiye mu nama zabereye « aho Seromba yabaga » n'ahandi guhera ku itariki ya 10 Mata kugeza ku ya 16 Mata 1994[577].

238. Urugereko ruributsa ko igihe hari impamvu zidasanzwe, ingingo itumvikana cyangwa idasobanutse mu nyandiko y'ibirego ishobora gukosorwa n'amakuru atangiwe igihe, asobanutse neza kandi atajegajega, asobanura ku buryo burambuye ibyabaye ikirego gishingiyeho[578]. Urugereko rw'Ubujurire rwasanze ubusembwa bwo mu nyandiko y'ibirego bushobora gukosorwa binyuze mu zindi nyandiko cyangwa amakuru bitangwa nyuma y'inyandiko y'ibirego, nk'imyanzuro mbanzirizarubanza ya Porokireri, incamake z'ubuhamya ziherekeza iyo myanzuro, cyangwa impinamyanzuro[579]. Ariko kandi, ni ngombwa gutandukanya inyandiko y'ibirego ikubiyemo ibintu bidasobanuye neza n'inyandiko y'ibirego itavuga ibirego bimwe na bimwe[580].

239. Urugereko rusanga mu gika cya 11 n'icya 12 by'Inyandiko y'ibirego yahinduwe, Uregwa ashinjwa kuba yaragiye by'umwihariko mu nama ebyiri kuri paruwasi ya

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[577] Inyandikomvugo y'iburanisha, 24 Gicurasi 2010, imp. 23-25.

[578] *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, ibika 28, 114. Reba na none *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 293; *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 20.

[579] *Urubanza rwa Bagosora na bagenzi be*, Icyemezo ku bujurire bwatanzwe na Aloys Ntabakuze ajuririra Icyemezo ku ngoboka yabyukijwe mu rwego rw'amategeko cyafashwe n'Urugereko rwa Mbere rw'Iremezo I ku cyifuzo cyasabaga kuvanaho ibimenyetso bimwe na bimwe, 29 Kamena 2006 (mu bujurire), igika 35; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 197. Reba na none *Urubanza rwa Muhimana*, Inyandiko y'urubanza mu bujurire, igika 82. *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 297; *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 97. Urugereko rusanga amenshi mu « makuru Porokireri yamenyesheje Ubwunganizi » kandi ashingiraho kugira ngo « akosore inenge » zikubiye mu Nyandiko y'ibirego, hakubiyemo ubuhamya bwanditse bw'abatangabuhamya, inyandiko z'ubwirege, n'ubuhamya bwatanzwe mu rubanza rwa Seromba, yarabanjirije Inyandiko y'ibirego yahinduwe.

[580] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 293. Mu rubanza rwa Karera, Urugereko rw'Ubujurire rwasanze aho Inyandiko y'ibirego yahinduwe yagaragaragamo ibikorwa bibiri byihariye byo gutanga intwaro ahandi hantu hatari ku Rushashi, kongera ikindi gikorwa cya gatatu cyabereye ku Rushashi mu Myanzuro mbanzirizarubanza ya Porokireri, mu ncamake z'ubuhamya ziyiherekeje no mu mpinamyanzuro bitarakosoye igika kitari gisobanutse neza mu Nyandiko y'ibirego. Ahubwo, byaguye ibirego bivugwa mu Nyandiko y'ibirego hongerwamo ikindi gikorwa cyo gutanga intwaro ku Rushashi. Urugereko rw'Ubujurire

Nyange mbere y'itariki ya 15 Mata 1994. Kubera ko mu Nyandiko y'ibirego yahinduwe nta shidikanya ririho ku byerekeye umubare w'inama Uregwa ashinjwa kuba yaragiyemo, Porokireri ntashobora «gukosora ubwo busembwa » mu Nyandiko y'ibirego yongeramo izindi nama abinyujije mu nyandiko cyangwa ingingo zitangwa nyuma y'Inyandiko y'ibirego. Kubera ibyo, Urugereko ntirwita ku bimenyetso bishinja ibyo ari byo byose bitarebana n'imwe muri izo nama ebyiri zivugwa by'umwihariko mu Nyandiko y'ibirego yahinduwe. Urugereko rwemera ariko ko bimwe mu bimenyetso bishinja n'ubwo byaba bidahuje n'ibivugwa mu Nyandiko y'ibirego yahinduwe, bishobora kuba bijyana n'imwe mu nama zivugwa mu gika cya 11 n'icya 12 by'Inyandiko y'ibirego yahinduwe. Kubera ibyo, Urugereko rurasuzuma ibimenyetso bya Porokireri kimwe ukwacyo ikindi ukwacyo kugira ngo rwemeze niba cyaba gifitanye isano n'imwe muri izo nama ebyiri zivugwa.

(a) Inama yabereye mu gipadiri ku itariki ya 10 Mata 1994

240. Umutangabuhamya ushinja wiswe CBY yavuze ko ku itariki ya 10 Mata 1994 Kayishema, Ndungutse, Ndahimana na Kanyarukiga babonaniye na Padiri Seromba mu mbuga yo mu gipadiri kuri paruwasi ya Nyange.[581] Urugereko rusanga iyo tariki, aho inama yabereye n'abayijemo uko byavuzwe n'umuntangabuhamya bijyana n'ibivugwa mu gika cya 11 cy'Inyandiko y'ibirego yahinduwe. Bityo rero, Urugereko rukaba rwemera ko iki kimenyetso kijyanye n'inama ivugwa mu gika cya 11 cy'Inyandiko y'ibirego yahinduwe, rukaba rero ruri bukiteho mu isesengura rugiye gukora.

(b) Inama zo ku itariki ya 8, iya 9 n'iya 11 Mata 1994

241. CBY yanavuze ko Uregwa yagiye mu nama zabereye mu mbuga yo mu gipadiri kuri paruwasi ya Nyange ku itariki ya 8, iya 9 n'iya 11 Mata 1994.[582] Mu Nyandiko y'ibirego yahinduwe, ntaho inama zo ku itariki ya 8, iya 9 cyangwa iya 11 zivugwa. N'ubwo Urugereko rwemera ko buri yose muri izo nama ishobora kuba yarabaye mu gihe kivugwa mu gika cya 11 cy'Inyandiko y'ibirego yahinduwe, Uregwa ashinjwa

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rwasanze ibyo ari « uguhindura ku buryo butemewe Inyandiko y'ibirego yahinduwe». *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, ibika 295-296.

[581] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

[582] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 34-36 (herekanwa ko Ubwunganizi butarwanyije ubuhamya bwa CBY kuri izo nama ubwo yabutangaga).

gusa kuba yaragiye mu nama imwe « ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki ». Rumaze kubona ko ubuhamya bwa CBY yatanze ku nama yo ku itariki ya 10 Mata 1994 ari bwo bujyanye kurushaho n'ibivugwa mu Nyandiko y'ibirego yahinduwe, Urugereko ntirwita ku buhamya bwerekeranye n'Inama zo ku itariki ya 8, iya 9, n'iya 11 Mata 1994.

(c) Inama yabereye ku biro bya komini ku itariki ya 10 Mata 1994

242. CBY yavuze ko ku itariki ya 10 Mata 1994, umusore bakoranaga yamumenyesheje ko Padiri Seromba yari yagiye ku biro bya komini mu nama yasuzumaga itsembatsemba ry'Abatutsi ryashoboraga kuba.[583] Urugereko ruributsa ko mu gika cya 8 cy'Inyandiko y'ibirego ya mbere havugwagamo ko kuri paruwasi ya Nyange no ku biro bya komini habereye inama nyinshi zikomeye ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki.[584] Ubwo yahinduraga Inyandiko y'ibirego mu wa 2007, Porokireri yavanyemo igice cyavugwagamo inama zabereye ku biro bya komini. Urugereko rusanga avanamo icyo gice, Porokireri yaragaragaje ku buryo bweruye ko atazashingira kuri ubwo buhamya mu iburanisha.[585] Kubera ibyo rero, Urugereko ntirwita ku buhamya bwatanzwe na CBY kuri iki kibazo.

(e) [sic] Inama yabereye ku rubaraza rw'icyumba cya Padiri Seromba mu nzu yo hejuru, ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki

243. Mu gika cya 12 mu Nyandiko y'ibirego yahinduwe havugwamo ko ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki, Kanyarukiga yagiye mu « yindi » nama ku rubaraza rw'icyumba cya Padiri Seromba mu nzu yo hejuru.[586] Porokireri nta bimenyetso yatanze ku nama ivugwa yo ku itariki ya 12 Mata 1994, yaba yarabereye ku rubaraza rw'icyumba cya Seromba. Nyamara ariko, CBY yavuze ko Kanyarukiga, Kayishema, Ndungutse na Ndahimana bagiranye inama na Padiri Seromba mu gipadiri

[583] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35. Ubwunganizi ntibwarwanyije ubu buhamya.

[584] Inyandiko y'ibirego [ya mbere] yatanzwe ku itariki ya 21 Gashyantare 2002, igika 8.

[585] Reba *Urubanza rwa Setako*, Urubanza No. ICTR-04-81-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2010, ibika 44, 46.

[586] Inyandiko y'ibirego yahinduwe, igika 12.

ku itariki ya 12 Mata 1994,[587] naho CBN na CBS bavuga ko Kanyarukiga, Ndahimana, Kayishema, Mbakirirehe n'abandi bagiye mu nama yabereye ku rubaraza rw'icyumba cya Seromba ku itariki ya 14 Mata 1994.[588]

244. Urugereko rwasuzumye niba CBY, CBN na CBS baratanze ubuhamya ku nama imwe ariko wenda amatariki bavuga ko yabereyeho akaba atandukanye. Nyamara ariko, rurebye uburyo buri nama ivugwa yabayemo, Urugereko rusanga iki gitekerezo kidashoboka. Urugereko ruributsa ko mu gihe CBY avuga ko nta Batutsi bemerewe kujya mu kiriziya mbere y'inama ivugwa yo ku itariki ya 12 Mata 1994, CBN na CBS bo bavuga ko ubwo Uregwa yakoranaga inama na bagenzi be mu gipadiri ku itariki ya 14 Mata 1994, Abatutsi bari bamaze kugera mu kiriziya.[589] Byongeye kandi, mu gihe CBN avuga ko igitero cyagabwe ku Batutsi hashize umwanya muto inama yabereye ku rubaraza [rwo ku cyumba cya Seromba] ku itariki ya 14 Mata 1994 irangiye, CBY we avuga ko igitero cya mbere cyabaye ku itariki ya 13 Mata 1994, ni ukuvuga bukeye bw'umunsi habereyeho ya nama ivugwa yo ku itariki ya 12 Mata 1994.[590] Kubera ibyo, Urugereko rusanga mu by'ukuri abatangabuhamya baravugaga inama ebyiri zitandukanye.

245. Urugereko ruributsa ko itariki ibanzirizwa n'amagambo « kuri, cyangwa ahagana kuri » ishobora kuba isobanutse bihagije ku buryo ituma Uregwa amenya neza ibyaha ashinjwa.[591] Urugereko rusanga muri uru rubanza, « ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki » ari igihe cyatanzwe mu buryo bwo gucishiriza, ku buryo itariki ibanziriza ndetse n'ikurikira iya 12 Mata 1994 na zo ziri muri icyo gihe. Bityo rero, Urugereko rusanga inama ivugwa mu gika cya 12 cy'Inyandiko y'ibirego

[587] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 35-36; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 11-12 (iburanisha mu muhezo).

[588] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 56-59; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 48-51.

[589] CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36; CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 50, 55-57; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 53.

[590] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 58-59; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 34-36. CBN yavuze kandi ko abagabye ibitero bateye Abatutsi ku itariki ya 13 Mata 1994, umunsi wabanjirije inama ivugwa. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 50-52, 54-55, 58.

[591] Nk'urugero reba *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 13.

yahinduwe ishobora kuba ari iyo ivugwa ku itariki ya 12 Mata 1994, cyangwa iyo ku itariki ya 14 Mata 1994.

246. Rumaze gusuzuma aho izo nama zivugwa zabereye, umubare w'abatangabuhamya bavuze kuri buri nama, n'amakuru Porokireri yari afite igihe Inyandiko y'ibirego yahindurwaga,[592] Urugereko rusanga iriya nama ivugwa yabereye ku rubaraza rw 'inzu yo hejuru yo mu gipadiri ku itariki ya 14 Mata 1994 ari yo ivugwa mu gika cya 12 mu Nyandiko y'ibirego yahinduwe. Bityo rero, kubera ko Inyandiko y'ibirego yahinduwe isobanutse ku birebana n'umubare w'inama Uregwa ashinjwa kuba yaragiyemo, Urugereko ntirwita ku buhamya bwa CBY bwerekeranye n'inama yo ku itariki ya 12 Mata 1994, ahubwo rurasuzuma gusa ubuhamya buvuga inama yo ku itariki ya 14 Mata 1994.

247. Urugereko rwanasuzumye ingingo y'Ubwunganizi ivuga ko ubwo yahinduraga inyandiko y'ibirego mu wa 2007, Porokireri yavanyememo ibice bivugwamo itariki ya 14 Mata 1994. N'ubwo rwemera ko mu gika cya 12 cy'Inyandiko y'ibirego ya mbere, Kanyarukiga yashinjwaga kuba yaragiye mu nama kuri paruwasi « ku itariki ya 14 Mata 1994 cyangwa ahagana kuri iyo tariki », Urugereko rusanga inama ivugwa mu gika cya 12 cy'Inyandiko y'ibirego ya mbere ari imwe n'ivugwa mu gika cya 12 cy'Inyandiko y'ibirego yahinduwe. Mu gufata uyu mwanzuro, Urugereko rwitaye kuri ibi bikurikira: inama zivugwa uko ari ebyiri zabereye kuri paruwasi ya Nyange kandi abazigiyemo ugasanga ari abantu bamwe.[593] Byongeye kandi, mu nyandiko z'ibirego

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[592] Gereranya ubuhamya bwanditse bwa CBN bwo ku itariki ya 17 Kanama 2000, urup. 4 (Inyandiko yo mu cyongereza) n'ubuhamya bwanditse bwa CBS bwo ku itariki ya 17 Kanama 2000, urup. 3 (Inyandiko yo mu cyongereza) (buvuga inama yabereye ku rubaraza rw'icyumba cya Seromba/mu nzu yo hejuru ku wa kane ku itariki ya 14 Mata 1994 yari irimo Uregwa), hamwe n'ikimenyetso gihamya cy'Ubwunganizi cyahawe No D34(B) (Ubuhamya bwanditse bwa CBY bwo ku itariki ya 4 Ukwakira 2000), urup. 4 (buvuga inama zabaye ku itariki ya 11 n'iya 12 Mata 1994 zakurikiwe n'igikorwa cyo gufungura imiryango ya kiriziya ariko butavuga ko Uregwa yari ahari ntibunavuge urubaraza rw'icyumba cya Seromba).

[593] Gereranya Inyandiko y'ibirego yahinduwe, igika cya 12 (ahavugwa Kanyarukiga, Seromba, Kayishema, Ndahimana, Ndungutse n'abandi) n'Inyandiko y'ibirego [ya mbere], yatanzwe ku itariki ya 21 Gashyantare 2002, igika cya 12 (ahavugwa Seromba, Kanyarukiga, Kayishema, Ndahimana n'abandi). Urugereko rusanga kandi n'ubwo Inyandiko y'ibirego ya mbere itasobanuraga ko inama yo ku itariki ya 14 Mata 1994 cyangwa ahagana kuri iyo tariki yabereye ku rubaraza rw'inzu yo mu gipadiri, ubuhamya bwanditse bwa CBN na CBS bwatanzwe mbere y'iburanisha kandi Inyandiko z'ibirego zombi zishingiyeho buvuga ko inama yabereye ku

zombi, inama ivugwa ni yo ya mbere yakurikiye inama imwe cyangwa nyinshi zaba zarabaye «ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki ». Kubera ibyo, rutirengagije ihindurwa ry'itariki, Urugereko rusanga Uregwa yaramenyeshejwe bihagije ko ashinjwa kuba yaragiye mu nama ku rubaraza rw'icyumba cya Padiri Seromba mbere y'uko ibyabaye ku itariki ya 15 n'iya 16 Mata 1994 biba, rukaba rero mu isesengura rugiye gukora rwita ku buhamya bwa CBN n'ubwa CBS.

248. Urugereko rusanga na none incamake y'ubuhamya CBN yateganyaga gutanga mu Rukiko nk'uko igaragazwa n'imyanzuro mbanzirizarubanza ya Porokireri, yerekana ko CBN azavuga ku nama yabereye ku rubaraza rw'icyumba cya Padiri Seromba ku itariki ya 14 Mata 1994.[594] Bityo rero, Urugereko rwemera ko igika cya 12 cy'Inyandiko y'ibirego yahinduwe hamwe n'imyanzuro mbanzirizarubanza ya Porokireri byamenyesheje Uregwa iby'iyo nama ivugwa yabereye ku rubaraza rw'inzu yo hejuru mu gipadiri ku itariki ya 14 Mata 1994.

249. Mu kurangiza, Urugereko ruributsa ko mu gika cya 12 cy'inyandiko y'ibirego ya mbere Porokireri avuga ko nyuma y'inama yo kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994, Burugumesitiri Ndahimana yasubije impunzi z'Abatutsi zatabazaga agira ati: «intambara yatejwe n'Inyenzi zishe Perezida »[595]. Urugereko rusanga mu kuvana iki gika mu Nyandiko y'ibirego yahinduwe, Porokireri yaragaragaje mu buryo budasubirwaho ko mu iburanisha atazashingira kuri ubwo buhamya. Bityo rero, Urugereko ntirwita ku buhamya bwa CBN buvuga ko nyuma y'inama yabereye ku rubaraza rw'icyumba cya Padiri Seromba ku itariki ya 14 Mata 1994, Burugumesitiri Ndahimana yabwiye abari bahungiye kuri paruwasi ko adashobora kubafasha kubera ko Inyenzi zari zateye igihugu kandi ko Abatutsi bagombaga gutsembwa.

(f) Inama yabereye kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994

rubaraza cyangwa « muri etaje ». Ubuhamya bwanditse bwa CBN bwo ku itariki ya 17 Kanama 2000, urup. 4 (Inyandiko yo mu cyongereza); Ubuhamya bwanditse bwa CBS bwo ku itariki ya 17 Kanama 2000, urup. 3 (Inyandiko yo mu cyongereza).

594 Imyanzuro mbanzirizarubanza ya Porokireri, urup. 30.

595 Inyandiko y'ibirego [ya mbere], igika cya 12.

250. Abatangabuhamya biswe CBK, CBY na YAU bavuze bose ku nama zabereye kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994.[596] N'ubwo bishoboka ko bumwe muri ubu buhamya bwaba bujyana n'inama ivugwa mu gika cya 12 cy'Inyandiko y'ibirego yahinduwe, nta n'umwe muri abo batangabuhamya wigeze avuga mu buryo bweruye ko inama yabereye ku rubaraza rw'icyumba cya Seromba. Rurebye ubuhamya buvuga inama yo ku itariki ya 12 Mata 1994 n'iyo ku rubaraza rw'icyumba cya Seromba ku itariki ya 14 Mata 1994, Urugereko ntirwemera ko CBY, CBK na YAU bavugaga ku nama ivugwa mu gika cya 12 cy'Inyandiko y'ibirego yahinduwe ahubwo, aba batangabuhamya basa n'abavuga indi nama imwe cyangwa nyinshi z'inyongera zitari mu Nyandiko y'ibirego. Kubera ko nta kintu kidasobanutse cyangwa giteye urujijo kiri mu Nyandiko y'ibirego yahinduwe ku birebana n'umubare w'inama Uregwa ashinjwa kuba yaragiyemo, Urugereko ntirwita ku buhamya bwa CBY, CBK na YAU buvuga ku nama imwe, cyangwa nyinshi, yabereye kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994.

(g) Inama yabereye ku biro bya komini ku itariki ya 13 Mata 1994

251. Umutangabuhamya ushinja wiswe CDL n'uwiswe CBR bombi bavuze ku nama yabereye ku biro bya Komini ya Kivumu ku itariki ya 13 Mata 1994.[597] CDL yavuze ko Kanyarukiga yari muri iyo nama, naho CBR ntayimuvugamo. Urugereko rusanga mu Nyandiko y'ibirego yahinduwe ntahagaragara ibiro bya komini cyangwa itariki ya 13 Mata 1994. Kubera izo mpamvu, Urugereko rusanga inama yo ku biro bya komini ari ikirego gishya kitavuzwe mu Nyandiko y'ibirego yahinduwe. Urugereko rusanga kandi igihe yahinduraga inyandiko y'ibirego mu wa 2007,[598] Porokireri yaravanyemo igice cyavugagwamo inama zo ku biro bya komini, akaba bityo yaragaragaje ko atazakomeza

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[596] CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 65-66 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 4-7, 9; Umutangabuhamya CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 39-40; Umutangabuhamya YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 10-11 (Urugereko ruributsa ko Umutangabuhamya YAU atavuze itariki inama yabereyeho ariko yavuze ko ari ku munsi yagereyeho ku kiriziya, Urugereko rukaba rwumva byaba ari ku itariki ya 13 Mata 1994).

[597] CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 46-47; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 7-9; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 7-10.

[598] Inyandiko y'ibirego [ya mbere], igika cya 8.

gukurikirana icyo kirego mu rubanza.[599] Urugereko rero ntirwitaye ku buhamya bwa CBR n'ubwa CDL ku birebana n'inama yabereye ku biro bya komini ku itariki ya 13 Mata 1994.

(h) Inama yabereye kuri santere ya Mutanoga ku itariki ya 14 Mata 1994

252. Umutangabuhamya ushinja wiswe CDL yavuze ko ku itariki ya 14 Mata 1994, Kanyarukiga yagiye mu nama yabereye kuri santere ya Mutanoga aho yahamagariye abaturage kugaba ibitero ku Batutsi bari ku kiriziya.[600] Inyandiko y'ibirego yahinduwe ntaho ivuga itariki ya 14 Mata 1994 cyangwa santere ya Mutanoga. Kubera ko nta kintu kidasobanutse cyangwa giteye urujijo kiri mu Nyandiko y'ibirego ku birebana n'inama Uregwa ashinjwa kuba yaragiyemo, kuba Porokireri ataravuze iyi nama mu Nyandiko y'ibirego ni inenge idashobora gukosorwa n'izindi nyandiko cyangwa ibimenyetso byatangwa nyuma. Ahubwo, iyi nama yagombye kuba yarongewemo binyujijwe mu Nyandiko y'ibirego yahinduwe[601]. Kubera ko Porokireri yari afite aya makuru mbere cyane y'uko Inyandiko y'ibirego ihindurwa mu wa 2007[602], yashoboraga kuba yarongeye inama yo kuri santere ya Mutanoga mu Nyandiko y'ibirego yahinduwe[603]. Kubera ko atabikoze, Urugereko ntirwitaye ku buhamya bwatanzwe na CDL kuri iki kibazo.

(i) Umwanzuro w'Urugereko

253. Kubera impamvu zimaze kuvugwa, Urugereko rusanga ibimenyetso byonyine Uregwa yamenyeshejwe ku buryo buboneye ari ubuhamya bwa CBY buvuga inama yabereye kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994, n'ubuhamya bwa CBN n'ubwa CBS buvuga ku nama yabereye muri «etaje » cyangwa ku rubaraza rw'inzu yo hejuru

[599] Reba *Urubanza rwa Setako*, Inyandiko y'urubanza mu rw'iremezo, ibika 44, 46.

[600] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 26-31; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 1-3.

[601] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika cya 293.

[602] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D29(A) (Ubuhamya bwanditse bwa CDL bwo ku itariki ya 10 Ukwakira 2001), urup. 3.

[603] Reba *Urubanza rwa Setako*, Inyandiko y'urubanza mu rw'iremezo, ibika 60, 63; *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, ibika 99-100.

yo mu gipadiri ku itariki ya 14 Mata 1994. Urugereko rero ntirwitaye ku bundi buhamya bwose bujyana n'inama zabaye mbere y'itariki ya 15 Mata 1994.

Agaciro k'ibimenyetso birebana n'izi nama

254. Urugereko rwa Mbere rw'Iremezo noneho rugiye gusuzuma agaciro kahabwa ubuhamya bwatanzwe n'abatangabuhamya bashinja ku birebana n'inama yaba yarabereye mu gipadiri kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994 n'iyabereye ku rubaraza rw'inzu yo hejuru yo mu gipadiri ku itariki ya 14 Mata 1994.

(a) Inama yabereye mu gipadiri kuri paruwasi ya Nyange « ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki »

255. Mu gika cya 11 cy'Inyandiko y'ibirego yahinduwe havugwamo ko, ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki, Uregwa yagiye mu nama yabereye mu gipadiri kuri paruwasi ya Nyange, ahasuzumiwe ikibazo cy'umutekano muke n'ikibazo cy'ubwicanyi. Porokireri ashingira ku buhamya bwa CBY mu gushyigikira iki kirego.[604] Ubwunganizi busubiza ko mu buhamya bwatanzwe n'abatangabuhamya bashinja ku nama zabaye hagati y'itariki ya 6 n'iya 11 Mata 1994, nta kintu na kimwe kigaragaza cyangwa cyemeza ko Uregwa hari ibikorwa by'urugomo yishoyemo.[605]

256. CBY yavuze ko ku itariki ya 10 Mata 1994, Kayishema, Ndungutse, Ndahimana na Kanyarukiga baje kuri paruwasi ya Nyange bakabonana na Padiri Seromba mu mbuga iri imbere mu gipadiri, mu gihe cy'iminota igera nko kuri 40.[606] Umutangabuhamya ntiyavuze isaha inama yabereyeho cyangwa ngo avuge ibyayivugiwemo. Nta n'ikimenyetso kandi kiriho gihamya ko muri iyo nama Padiri Seromba yashinje « Inkotanyi » urupfu rwa Perezida nk'uko bivugwa mu Nyandiko y'ibirego yahinduwe. Umutangabuhamya ushinjura wiswe KG15 wavuze ko yageze kuri paruwasi saa yine

[604]Urugereko ruributsa ko umwanzuro ku byabaye ushobora gushingira ku buhamya bw'umutangabuhamya umwe rukumbi igihe Urugereko rusanze ubwo buhamya bufite aho buhuriye n'ibivugwa kandi ari ubwo kwizerwa. *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika cya 45; *Urubanza rwa Musema,* Inyandiko y'urubanza mu bujurire, ibika 37-38.

[605]Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 121.

[606]Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 35.

za mu gitondo ku itariki ya 10 Mata 1994, ntiyavuze inama yaba yarabereye mu gipadiri kuri uwo munsi.[607]

257. Nk'uko biri busesengurwe hano hasi, Urugereko rusanga muri rusange umutangabuhamya CBY ari uwo kwizerwa uretse ko afite ingorane zo kwibuka amatariki.[608] Ariko ku byerekeye icyo kintu cyabaye cyihariye, hatabonetse ubundi buhamya bushyigikira ubwo yatanze, Urugereko rusanga rudashobora gushingira ku buhamya bwa CBY gusa kugira ngo rwemeze ko Kanyarukiga yari mu nama yabereye mu gipadiri kuri paruwasi ya Nyange ku itariki ya 10 Mata 1994. Urugereko rusanga mu buhamya bwanditse CBY yahaye abapererezi ba TPIR ku itariki ya 2 Gashyantare 1996, ntaho avuga inama iyo ari yo yose yabereye kuri paruwasi ya Nyange[609]. Ahubwo, yabwiye abo bapererezi ko «umutegetsi» rukumbi yabonye kuri paruwasi mbere y'ibitero ari Burugumesitiri Ndahimana[610]. Bamubajije mu Rukiko impamvu atari yahaye abapererezi ayo makuru, umutanganbuhamya yashimangiye ko izo nama yazibwiye abakoraga iperereza ba TPIR[611]. Urugereko ntirunyuzwe n'icyo gisobanuro. Byongeye kandi, mu buhamya bwe bwanditse bwo ku itariki ya 4 Ukwakira 2000, n'ubwo CBY avuga kuri zimwe mu nama zabaye, nta cyo yigeze avuga ku nama yaba yarabereye kuri paruwasi ku itariki ya 10 Mata 1994[612] .

258. Bityo rero, Urugereko rusanga Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki,

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[607] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 7-8 (iburanisha mu muhezo). Gereranya n'Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 11-20 (iburanisha mu muhezo).

[608] Reba igika cya 498.

[609] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D33(B) (Ubuhamya bwanditse bwa CBY, 2 Gashyantare 1996). Reba kandi Ikimenyetso gihamya cya Porokireri cyahawe No D33(A) (Ubuhamya bwanditse bwa CBY mu kinyarwanda).

[610] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D33(B) (Inyandiko y'ubuhamya bwanditse bwa CBY, 2 Gashyantare 1996), urup. 3; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 13.

[611] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 13.

[612] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D34(B) (Inyandiko y'ubuhamya bwanditse bwa CBY, 4 Ukwakira 2000). Urugereko rusanga CBY yaravuze mu buhamya bwe bwanditse ko yumvise bavuga ko Padiri Seromba yari mu nama yabereye ku biro bya komini ku itariki ya 10 Mata 1994. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D34(B) (Inyandiko y'ubuhamya bwanditse bwa CBY, 4 Ukwakira 2000), urup. 4.

Kanyarukiga yagiye mu nama yavugiwemo ikibazo cy'umutekano muke n'ubwicanyi yabereye mu gipadiri kuri paruwasi ya Nyange.

(b) Inama yabereye ku rubaraza ry'icyumba cya Seromba cyo mu nzu yo hejuru « ku itariki ya 12 Mata 1994 cyangwa ahangana kuri iyo tariki »

259. Mu gika cya 12 cy'Inyandiko y'ibirego yahinduwe, havugwamo ko Gaspard Kanyarukiga, Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse, Padiri Athanase Seromba n'abandi bakoreye « indi » nama ku rubaraza rw'icyumba cya Padiri Seromba ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki[613]. Porokireri ashingira ku buhamya bwa CBN na CBS mu gushyigikira ibyo bivugwa.

260. CBN na CBS bombi bavuze ko Kanyarukiga yabonanye na Padiri Seromba kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994. CBN yavuze ko Ndahimana, Burigadiye Mbakirirehe, Kayishema, na Perezida w'Urukiko rwa Kanto witwa Gaca Butelezi bose baje kuri paruwasi mu masaa saba z'amanywa maze bakerekeza ku cyumba cya Seromba cyari mu nzu yo hejuru mu gipadiri[614]. Uwo mutangabuhamya avuga ko yabonye abo bagabo bagera kuri paruwasi hanyuma akababona ku rubaraza rw'icyumba cya Seromba batunga urutoki ku mpunzi zari imbere ya Paruwasi[615]. CBS na we yavuze ko Kanyarukiga, Ndahimana, Kayishema, Mbakirirehe, Ndungutse, Rushema n'abapolisi ba komini bakoze inama hamwe na Padiri Seromba ku rubaraza rw'inzu yo hejuru mu masaa saba z'amanywa.[616] CBS we ntiyabonye abo bagabo

[613] Inyandiko y'ibirego yahinduwe, igika 12.

[614] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 56-58.

[615] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57. Urugereko ruributsa ko uyu mutangabuhamya yavuze ko «babatungaga urutoki barimo baganira », aho kuvuga ko batungaga urutoki Abatutsi bari imbere ya kiriziya. Ariko kandi, hashingiwe ku buhamya bwe buvuga ko we, nk'Umututsi, yari mu mbuga iri imbere ya kiriziya ubwo abo bagabo baje maze « bakanyura imbere yacu » hanyuma « akumva ko inama bakoze yari yerekeye ku bantu bari aho ku kiririziya », Urugereko rucukumbuye rusanga umutangabuhamya yarashakaga kuvuga Abatutsi bari imbere ya kiriziya aho akoresha imvugo « twebwe ».

[616] Indikomvugo y'iburanisha. 16 Nzeri 2009, imp. 48-51.

bahagera, ariko yavuze ko yababonye bari ku rubaraza kandi anababona bahava[617]. Abo batangabuhamya bombi bavuze ko iyo nama yamaze nk'isaha imwe[618].

261. Ubwunganizi buvuga ko abatangabuhamya ba Porokireri atari abo kwizerwa kandi ko ibimenyetso byatanzwe n'Ubwunganizi bitera gukemanga ko izo nama zivugwa zabayeho no kuba Uregwa yarazigiyemo[619]. Ubwunganizi bushingira ku buhamya bwa KG15 wavuze ko yari kuri paruwasi ku itariki ya 14 Mata 1994, ariko akaba nta nama yigeze abona ibera mu gipadiri, cyane cyane mu masaa saba z'amanywa[620].

262. Urugereko rwemera ko KG15 yari kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994[621]. Ariko kandi, rukenga ku buryo bukomeye ibirebana n'ukwizerwa k'uwo mutangubuhamya muri rusange[622]. Mu buhamya bwe, KG15 arahuzagurika, akivuguruza kandi akanyuranya n'ibyo yavuze mu rubanza rwa Seromba[623]. Nk'urugero, Urugereko rwibutsa ko, muri uru rubanza, KG15 yavuze ko bitashobokaga ko abantu bari kwinjira mu gipadiri ngo ye kubimenya,[624] nyamara kandi, mu rubanza

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[617] Inyandikomvugo. 16 Nzeri 2009, imp. 53, 60-61.

[618] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 58-59; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 53.

[619] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 124, 179.

[620] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 125-134, 183, 202; Inyandikomvugo z'iburanisha, 11 Gashyantare 2010, imp. 15-16 (iburanisha mu muhezo).

[621] Urugereko ruributsa ko CBK yemeje ko KG15 yari kuri paruwasi ya Nyange muri Mata 1994. Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 23 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D63 (Ifishi y'umwirondoro wa KG15).

[622] Urugereko rusanga na none, n'ubwo Seromba yahamijwe icyaha cya jenoside, KG15 akomeza kwemeza muri uru rubanza ko Seromba atari we wasenyesheje kiriziya y'i Nyange cyangwa wicishe Abatutsi bari kuri paruwasi. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 23-24 (iburanisha mu muhezo). Hashingiwe ku bimenyetso bishinja Padiri Seromba muri uru rubanza rwonyine, Urugereko rusanga ibyo uyu mutangabuhamya avuga bidafite ishingiro, bityo rukaba rukemanga ukwemerwa kwe muri rusange.

[623] Uretse uguhuzagurika kugaragara mu buhamya kuvugwa hano hasi, Urugereko rusanga kandi KG15 avuga muri uru rubanza ko yahagaritswe kuri bariyeri yari hafi ya paruwasi ya Nyange ku itariki ya 10 Mata 1994 hanyuma indangamuntu ye ikagenzurwa. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 7-8, 38-40 (iburanisha mu muhezo). Nyamara kandi, mu rubanza rwa Seromba, KG15 yahakanye ko indangamuntu ye yagenzuwe kuri bariyeri. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 40, 42 (iburanisha mu muhezo), nk'uko byanditse mu *Rubanza rwa Seromba*, Urubanza No. ICTR-01-66-I, Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 68 (iburanisha mu muhezo).

[624] Inyandikomvugo y'iburanisha, 11 Gashyantare2010, imp. 33, 34 (iburanisha mu muhezo).

rwa Seromba, ibyo yemeje bitandukanye cyane n'ibyo ngibyo nk'uko na we abyiyemerera[625]. Byongeye kandi, muri uru rubanza, KG15 yashushe n'uvuga ko yakurikiranye buri kiganiro Padiri Seromba yagiranye n'abashyitsi bazaga mu gipadiri, nyamara kandi, mu rubanza rwa Seromba yaravuze ko « atashoboraga kuba ari kumwe na Seromba igihe cyose kuko atari amuziritseho »[626]. Hashingiye kuri izo nenge ziboneka mu buhamya bwa KG15, Urugereko rusanga ubwo buhamya budatera gushidikanya ku bimenyetso byatanzwe na Porokireri.

263. Urugereko rwasuzumye kandi n'ibivugwa n'Ubwunganizi ko CBN na CBS batashoboraga kubona inama ibera ku rubaraza rw'inzu yo hejuru yo mu gipadiri bari mu mbuga iri imbere ya kiriziya aho bombi bavuga ko bari bahagaze[627]. Urugereko ruzi neza ko, uvuye mu mbuga aho CBN na CBS bari bahagaze, urubaraza rw'iyo nzu yo mu gipadiri rukingirijwe ahanini n'ibiro by'ubunyamabanga bwa Paruwasi[628]. Nta bindi bimenyetso byashyikirijwe Urugereko bigaragaza ko abo batangabuhamya bashoboraga

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[625] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup.34 (iburanisha mu muhezo), nk'uko byanditse mu *Rubanza rwa Seromba*, Urubanza No.ICTR-2001-66-I, Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 24 (iburanisha mu muhezo). Ubwo mu iburanisha yabazwaga gusobanura impamvu y'uko kuvuguruzanya, uyu mutangabuhamya yavuze ko atari kumenya niba umuntu yaraje mu gipadiri nyuma ya saa sita z'ijoro cyangwa yaraje akagarukira ku muryango ujya mu gipadiri ariko ntiyinjiremo. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 34 (iburanisha mu muhezo).

[626] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 31 (iburanisha mu muhezo).

[627] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 183, 186-187. CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 57; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 51, 53, 61 ; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

[628] Ikimenyetso gihamya cya Gerefiye cyahawe No R1 (DVD yerekana ahantu abacamanza basuye mu havugwa mu rubanza, 1, 2, & 3), ku munsi wa 2, 30:45-32:00, 54:00-54:19; ikimenyetso gihamya cya Gerefiye cyahawe No R3(II) (Inyandikomvugo y'iburanisha, 20 Mata 2010, imp. 19-21, 33-34 (iburanisha mu muhezo)); Ikimenyetso gihamya cya Porokireri cyahawe No P19 (ifoto K027-1665 y'ibiro by'ubunyamabanga); ikimenyetso gihamya cya Porokireri cyahawe No P20 (Ifoto K027-1715 y'ibiro by'ubunyamabanga no.2); Ikimenyetso gihamya cya Porokireri cyahawe No P62 (fotokopi y'amabara y'ifoto K027-1715 y'ibiro by'ubunyamabanga nk'uko yerekanywe na CBS); Ikimenyetso gihamya cya Porokireri cyahawe No P36 (fotokopi y'amabara y'ifoto K027-1715 nk'uko yerekanywe na CBK). Urugereko rusanga ubwo yabazwaga kwerekana mu gipadiri kuri iyi foto, CBK yaravuze ko « mu gipadiri hatagaragara neza kuri iyi foto ». Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 15. Reba na none Ikimenyetso gihamya cya Gerefiye cyahawe No R3(II) (Inyandikomvugo y'iburanisha, 20 Mata 2010, imp. 25-30 (iburanisha mu muhezo)) (hasesengurwa niba umuntu uri ku rubaraza rw'inzu yo mu gipadiri yarashoboraga kubona imbere ya kiriziya).

kureba kuri urwo rubaraza bari aho bari bahagaze. Kubera izo mpamvu, n'ubwo Urugereko rwemera ko CBN na CBS bavuze ibyabaye uko babyibuka, rusanga rudashobora gufata ku buryo budashidikanywaho umwanzuro uvuga ko abagabo bavugwa by'umwihariko babonaniye na Padiri Seromba ku rubaraza rw'inzu yo hejuru yo mu gipadiri[629].

264. Nk'uko biri busesengurwe mu gika cya 456 n'icya 458, Urugereko rusanga muri rusange, CBN na CBS bakwiye kwemerwa no kwizerwa. Aba batangabuhamya bamenye Kanyarukiga mu Rukiko, kandi CBS yavuze ko yari afite isambu iri hafi y'iya Kanyarukiga, ndetse anaturanye n'umwe mu bantu bo mu muryango wa Kanyarukiga muri Komini ya Kivumu.[630] Kubera iyo mpamvu, Urugereko rusanga CBN na CBS barashoboraga kumenya Kanyarukiga ku itariki ya 14 Mata 1994, kandi ko bamubonye ari kumwe n'abandi ubwo yageraga mu gipadiri mu masaa saba z'amanywa bakongera no kumubona ahava. Byongeye kandi, n'ubwo hari utuntu duto tudahuza ku byerekeye abantu baje kuri paruwasi ku itariki ya 14 Mata 1994, Urugereko rwemera ko nibura Kanyarukiga, Kayishema, Ndahimana na Mbakirirehe baje kwa padiri kuri uwo munsi bakahamara nk'isaha imwe ugereranyije.[631] Hashingiwe ku gihe bahamaze, Urugereko rusanga nta wundi mwanzuro ucukumbuye rwafata uretse kwemeza ko abo bagabo bakoraga inama.

265. Kubera izo mpamvu, Urugereko rusanga Porokireri yaragaragaje ku buryo budashidikanywaho ko nibura Kanyarukiga, Kayishema, Ndahimana na Mbakirirehe baje mu gipadiri kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994 mu masaa saba z'amanywa. Nyamara ariko, Porokireri ntiyagaraje ku buryo budashidikanywaho ko abo bagabo babonanye na Padiri Seromba ku rubaraza rw'inzu yo hejuru yo mu gipadiri.

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[629] Bitewe n'uko ibyabaye byahahamuye abantu cyane kandi abatangabuhamya bakaba baratanze ubuhamya hashize imyaka 16 bibaye, Urugereko rwemera ko bishoboka rwose ko CBN na CBS batakwibuka ibyabaye uko byagenze neza neza. Ariko kandi, Urugereko rusanga inenge ziboneka mu buhamya bwabo atari ibintu bahimbye nkana.

[630] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 65-66 ; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 58 ; Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 65, 66 (iburanisha mu muhezo). CBN asanga agereranyije yarabonye Kanyarukiga inshuro eshatu mbere ya Mata 1994. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 65.

3.4. Umwanzuro w'Urugereko

266. Urugereko rusanze Porokireri ataragaragaje ku buryo budashidikanywaho ko, ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki, Gaspard Kanyarukiga, Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana n'abandi bakoreye inama mu gipadiri kuri paruwasi ya Nyange aho baganiriye ku kibazo cy'umutekano muke no ku bwicanyi.

267. Ku rundi ruhande, Urugereko rusanze Porokireri yaragaragaje ku buryo budashidikanywaho ko nibura Gaspard Kanyarukiga, Fulgence Kayishema, Grégoire Ndahimana na Burigadiye Mbakirirehe bakoreye inama mu gipadiri kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994, iyo nama ikaba yaramaze nk'isaha imwe. Nyamara ariko, Porokireri ntiyagaragaje ko abo bagabo bakoreye inama ku rubaraza rw'icyumba cya Seromba cyo mu nzu yo hejuru, nk'uko bivugwa mu gika cya 12 cy'Inyandiko y'ibirego, cyangwa ko Ndungutse, Seromba n'abandi bari muri iyo nama.

4. <u>Kuba abagabye ibitero bitwaje intwaro baragose kiriziya y'i Nyange kuva ku itariki ya 2 Mata 1994</u>

4.1. Intangiriro

268. Mu gika cya 13 cy'Inyandiko y'ibirego havugwa ibikurikira:

> 12. Kuva ku itariki ya 12 Mata 1994, abantu bitwaje intwaro barimo n'Interahamwe n'abajandarume bagose kiriziya y'i Nyange Abatutsi b'abasiviri bari bahungiyemo.

269. Mu myanzuro nsozarubanza ye, Porokireri avuga ko Abatutsi bahungiye kuri paruwasi ya Nyange bagoswe n'interahamwe n'abandi bari mu bitero maze bakababuza guhunga.[632] Uretse ibyo, Porokireri asa nk'aho ntacyo avuga mu buryo butaziguye ku bivugwa mu gika cya 13. Ahubwo, yatanze ibimenyetso ku bintu binyuranye byabaye hagati y'itariki ya 12 n'iya 13 Mata 1994 bishyigikira mu buryo buziguye ibirego rusange biri mu gika cya 13. Urugereko rurasuzuma ibyo bimenyetso mu rwego rw'ibivugwa muri icyo gika cy'Inyandiko y'ibirego.

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[631] Ibimenyetso ntibigaragaza ko abandi bantu bavugwa bari muri iyo nama cyangwa ko batari bayirimo.

[632] Imyanzuro nsozarubanza ya Porokireri, ibika 55, 122.

4.2. Ibimenyetso

Umutangabuhamwa ushinja wiswe CBN

270. CBN yavuze ko ku itariki ya 13 Mata 1994, abari mu bitero bagabye igitero ku Batutsi bari kuri paruwasi ya Nyange.[633] « Abo bari mu bitero bakoraniye ahantu hari ishusho nyuma bagaba igitero hagati ya saa tatu na saa yine za mu gitondo »[634]. Abari mu bitero bateye amabuye Abatutsi, ariko Abatutsi na bo birwanaho babatera andi[635]. Abatutsi bashoboye gutsinsura icyo gitero kuko «abari bakigize batari…benshi »[636]. Abari bateye bihinze berekeza Ku Ishusho ya Bikira Mariya aho « bafatanye n'irindi tsinda ry'abantu »[637]. Umutangabuhamya avuga ko « mu by'ukuri, igitero cyahagaze mu masaa kumi z'igicamunsi…ariko abagabye igitero bashoboraga kugenda bagaruka »[638]. Nta muntu wishwe ku itariki ya 13 Mata 1994[639].

271. CBN yavuze ko bamwe mu Batutsi bari baje kuri paruwasi bafite imipanga[640]. « Ku itariki ya 13, abapolisi ba Komini… batwambuye intwaro maze batwizeza ko umutekano wacu uzarindwa»[641]. Abapolisi baje n'amaguru baherekejwe

[633] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 50, 54.

[634] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50.

[635] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup.54. CBN yagize ati: « Ubwo [abari mu bitero] baduteraga kuri iyo tariki, ubwo nababonaga, bari bitwaje ibibando n'amahiri, ariko nyuma baje kwitwaza na za gerenade ari na zo baduteyeho». Ntibisobanutse neza mu buhamya bwe niba izo gerenade zarakoreshejwe mu gitero cyo ku itariki ya 13 Mata 1994 cyangwa niba avuga ko ari mu bitero byagabwe mu minsi yakurikiyeho. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 54. CBN yavuze kandi ko, muri ibyo bitero, hari gihe abajandarume barindaga kiriziya barashe mu kirere kugira ngo bace intege abagabye ibitero. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 19. Ariko kandi, bamubajije ikibazo kuri ayo magambo, umutangabuhamya yarasubije ati: « ubwo abajandarume barasaga mu kirere, mu by'ukuri, bashakaga kubwira abari mu bitero gusubira aho bahoze kugira ngo baruhuke maze baze kugaruka nyuma ». Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 51.

[636] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 54.

[637] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 54.

[638] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 55.

[639] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 55.

[640] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 17-18.

[641] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 18.

n'umujandarume umwe warindaga Abatutsi[642]. CBN avuga ko abapolisi bambuye intwaro Abatutsi kuri paruwasi ari aba bakurikira: Burigadiye Christophe Mbakirirehe, Abayisenga, Rangira Maharamu, uwo bahimbaga Biteme n'Uzabakiriho[643]. CBN avuga ko yambuwe umupanga yari afite[644]. Avuga ko igikorwa cyo kubambura intwaro cyabaye mu masaa kumi z'igicamunsi[645]. Uyu mutangabuhamya ahakana ko Abatutsi bambuwe intwaro ku itariki ya 14 Mata 1994[646], aho agira ati : « ku itariki ya 14 nta ntwaro twari dufite kubera ko twari twazambuwe ku itariki ya 13 »[647].

272. CBN yavuze ko kuri paruwasi ya Nyange hari Abatutsi barenze 2000 ku itariki ya 14 Mata 1994[648]. Kuri uwo munsi, «Abatutsi bashakaga kujya gushaka ibitoki mu rutoki »[649], ariko « Padiri Seromba yabwiye abajandarume kurasa impunzi nizigaruka gushaka ibitoki mu rutoki rwe »[650]. Uyu mutangabuhamya avuga ko ku wa kane, ku tariki ya 14 Mata 1994, Padiri Kayiranga n'undi mupadiri batse amafaranga Abatutsi bari kuri paruwasi kugira ngo babagurire ibyo kurya[651].

273. CBN yavuze ko abari mu bitero bongeye kugaba igitero ku Batutsi ku kiriziya hagati ya saa tatu na saa yine za mu gitondo ku itariki ya 14 Mata 1994[652]. Abari mu bitero « bateye amabuye impunzi», ariko Abatutsi bashoboye gutsinsura ibyo bitero kubera ko abari mu bitero «batari benshi cyane », Abatutsi bari kuri paruwasi bakaba

[642] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 18. Nyuma, umutangabuhamya yavuze ko hatari umujandarume umwe gusa. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 19.

[643] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 18.

[644] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 19, 52.

[645] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 52.

[646] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 22.

[647] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 22.

[648] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[649] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[650] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[651] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 14. Reba na none Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 15. Ubwo yasubizaga ikibazo yabajijwe n'Ubwunganizi ku birebana n'ubuhamya yatanze mu rubanza rwa Seromba, CBN yabisobanuye atya : ku itariki ya 13 Mata 1994, «undi mupadiri [utari Padiri Kayiranga] yatwatse amafaranga yo kutugurira ibyo kurya. Ayo mafaranga twayahaye uwo mupadiri mu gitondo cyo ku itariki ya 14 hari na Padiri Kayiranga». Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 16.

[652] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 58.

barabarutaga ubwinshi[653]. Abari mu bitero bavugije amafirimbi kugira ngo bahamagare abaza kubatera ingabo mu bitugu[654]. Uyu mutangabuhamya yaravuze ati : « Hari Abahutu bari ku mirenge iwabo. Mu gihe cya nimugoroba, amafirimbi yaravuze maze abaturage bahamagarirwa kuza kugaba ibitero ku Nyenzi zari ku kiriziya »[655]. Igitero cyarakomeje kugera mu masaa kumi z'igicamunsi ari bwo « abari mu bitero baruhutse»[656].

Umutangabuhamya ushinja wiswe CBK

274. CBK yavuze ko ku itariki ya 13 Mata 1994, ku kiriziya y'i Nyange hari huzuye abantu[657]. Uwo munsi Abahutu bari mu bitero bateye amabuye Abatutsi bari ku kiriziya maze abo Batutsi b'ababasiviri na bo birwanaho babatera andi[658]. Umutangabuhamya yashushe n'uvuga ko abari mu bitero barushijwe intege n'Abatutsi kuko babarutaga ubwinshi [659].

275. CBK yavuze ko Padiri Seromba yagiye ku biro bya Komini ku itariki ya 13 Mata 1994[660]. Nyuma ya saa sita, « bagamije gushyira umugambi wabo mu bikorwa, abategetsi ba Komini ya Kivumu … bambuye intwaro Abatutsi bari mu kiriziya»[661]. Uyu mutangabuhamya avuga ko abo bategetsi barimo Burugumesitiri wa Komini ya Kivumu, IPJ Kayishema, Mbakirirehe, Kanyarukiga na Rushema[662]. Uyu mutangabuhamya yavuze ko we ubwe yiboneye Kanyarukiga n'abandi bantu binjira banasohoka mu kiriziya[663]. Bavuye mu kiriziya, « bari batwaye imipanga, amafuni,

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[653] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[654] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[655] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[656]Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 20. Reba na none Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 59.

[657] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

[658] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

[659] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70 (« Icyo gihe Abahutu ntibari benshi, kubera ko abaturage bo muri ako karere batari bakanguriwe kujya mu gitero. Bityo, Abahutu bateye amabuye Abatutsi, ariko babona ko nta bushobozi bafite kandi ko nta cyo bari bukore ku Batutsi, ni ko gusubira inyuma »).

[660] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 6.

[661] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

[662] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

[663] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3.

amacumu, n'imigano »[664]. CBK yahakanye ibivugwa ko yagize uruhare mu kwambura intwaro Abatutsi bari ku kiriziya[665].

276. CBK yavuze ko Abahutu bari mu bitero bakomeje gutera amabuye Abatutsi ku itariki ya 14 Mata 1994[666]. Abatutsi bagerageje kwirwanaho na bo batera amabuye abari mu bitero[667]. Uyu mutangabuhamya avuga ko « abagabye igitero ku kiriziya ku itariki ya 14 barutaga ubwinshi abari bahagabye igitero … ku itariki ya 13 »[668].

Umutangabuhamya ushinja wiswe CBR

277. CBR yavuze ko ku itariki ya 13 Mata 1994, Gilbert Kanani wari wungirije burugumesitiriri hamwe na Joseph Habiyambere wari Perezida w'Urukiko rwa Kanto bagiye kuri paruwasi ya Nyange bari kumwe na Padiri Seromba kugira ngo « bagenzure niba Abatutsi bari bahungiye mu kiriziya bari bitwaje intwaro kandi niba… barashoboraga kwirwanaho bakoresheje intwaro baba bafite izo ari zo zose»[669]. Ayo makuru CBR yayabwiwe na Télesphore Ndungutse[670].

278. CBR yavuze ko yagiye kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994[671]. IPJ Kayishema yaje muri serire CBR yari atuyemo ari mu modoka ya Toyota y'umweru[672] maze asaba abaturage « kujya gutabara i Nyange kuko ngo Inyenzi zari zagabye igitero kuri paruwasi ya Nyange»[673]. Umutangabuhamya ageze kuri paruwasi ya Nyange,

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[664] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3. Reba na none Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 9. Umutanguhamya yashimangiye ko Kanyarukiga yari ari mu bintu byose byabereye kuri paruwasi. Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 6.

[665] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 69 (iburanisha mu muhezo) (« Nta ntwaro n'imwe yambuwe impunzi nigeze nkozaho imitwe y'intoki»).

[666] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 6.

[667] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7.

[668] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7.

[669] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 10-11.

[670] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 10.

[671] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 6-7.

[672] Umutangabuhamya yavuze ko iyi modoka yari yarambuwe Umututsi witwaga Rwamasirabo, maze bayifungaho indangururamajwi kugira ngo Kayishema abashe gutanga ubutumwa bugenewe rubanda. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 6, 11.

[673] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 11.

yasanze Abatutsi bari ku kibuga kandi barinzwe n'abajandarume[674]. Abajandarume babwiye Kayishema na Ndungutse ko abari mu bitero badahagije kandi batari bushobore kurusha ingufu Abatutsi kuko bari benshi[675]. « Ariko abayobozi bumvishije abajandarume ko bagomba kutureka tukagerageza kugaba igitero ku mpunzi »[676]. Abajandarume barabyemeye hanyuma abari mu bitero baduka mu Batutsi babatera amabuye[677]. Umutangabuhamya yavuze ko Abatutsi bashoboye gukumira abari mu bitero kuko babarutaga ubwinshi[678]. CBR yavuze ko abari mu bitero bavuye ku kiriziya hagati ya saa cyenda na saa kumi z'igicamunsi[679].

279. Uyu mutangabuhamya yavuze ko abari mu bitero, babarirwa hagati ya 800 na 1000, bose bavuye kuri paruwasi ya Nyange maze bafata umuhanda mukuru werekeza i Gitarama[680]. Abari mu bitero bahuye n'imodoka muri Serire ya Cyambogo[681]. Iyo modoka yavaga i Gitarama yerekeze i Nyange[682]. CBR yavuze ko yari imodoka y'umutuku itarashoboraga gutwara abantu barenze batanu[683]. Imodoka yahagaze ku ruhande rw'umuhanda maze umuntu wari uyirimo avugana na Ndungutse[684]. Benshi muri abo bari mu bitero bazungurutse iyo modoka, ariko CBR yari nko muri metero cumi ugereranije uvuye aho yari ihagaze[685]. Uyu mutangabuhamya ntiyashoboraga gukurikira ibyo Ndungutse yavugananga n'abari mu mudoka kimwe n'uko

[674] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 11.

[675] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 11-12.

[676] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 12.

[677] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 12.

[678] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 52, 54.

[679] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 15, 52.

[680] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 53. Kayishema ntiyazanye na bo kuko yari atuye mu Serire ya Nyange. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 2.

[681] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 54. Umutangabuhamya avuga ko bahuriye n'iyo modoka « ku muhanda munini hagati y'ahantu umuhanda werekeza i Kibirira ushamikirana n'undi muhanda ». Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 2.

[682] Inyandikomvugo y'iburanisha, 9 Nzeri 2009 urup. 54.

[683] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 54. Umutangabuhamya ntiyashoboye kumenya ubwoko bw'iyo modoka, ariko yavuze ko itari ikamyoneti ya Toyota.

[684] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 12.

[685] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 54; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 2.

atashoboraga kumenya umubare w'abari bayirimo[686]. Nyuma Ndungutse yabwiye CBR n'abandi bari mu bitero ko yavuganaga na Gaspard Kanyarukiga wamubwiye ko Inyenzi ziri i Mushubati kandi zishaka kwambuka uruzi[687]. « Kanyarukiga yasabaga Ndungutse gushakira abari mu bitero abantu bo kubatera ingabo mu bitugu kuko Inyenzi zari i Mushubati kandi zishaka kuza kudukorera ibyo twari twagerageje gukorera Abatutsi i Nyange»[688]. Kanyarukiga yabwiye Ndungutse ko na we agerageza gushakisha abaza kubatiza umurindi[689].

Umutangabuhamya ushinja wiswe CBY

280. CBY yavuze ko ku itariki ya 13 Mata 1994, «abantu bamwe biremye agatsiko kugira ngo bagabe igitero ku Batutsi bari mu kiriziya. Abatutsi bashoboye kwihagararaho maze abo Bahutu bari bagabye icyo gitero basubira mu ngo zabo»[690]. Igitero nticyamaze umwanya muremure kuko Abatutsi barutaga Abahutu ubwinshi[691].

281. Ku itariki ya 14 Mata 1994, abari mu bitero « baje [kuri paruwasi ya Nyange] ari benshi cyane», hanyuma Abahutu n'Abatutsi baterana amabuye[692]. CBY yavuze ko igitero cyamaze nk'amasaha abiri; agereranyije avuga ko imirwano yarangiye hagati ya saa sita na saa munani z'amanywa[693]. Uyu mutangabuhamya yavuze ko ku itariki ya 14 Mata 1994, hishwe umuntu umwe rukumbi witwa Muhigirwa, akaba yariciwe kuri bariyeri yari hafi « y'aho imirwano yaberaga »[694].

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[686] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 54.

[687] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 15.

[688] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 12.

[689] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 15.

[690] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36. Reba na none Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 39.

[691] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36.

[692] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 43.

[693] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 44, 45 ; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 15. «Numvise urusaku nsohoka njya kureba ibyabaga ». Umutangabuhamya yari « mu mbuga iri imbere y'aho binjirira » ubwo imirwano yarangiraga. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 15.

[694] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 45.

282. CBY yavuze ko « abategetsi » bari bahari ubwo icyo gitero cyo ku itariki ya 14 Mata 1994 cyagabwaga[695]. Muri abo «bategetsi », avugamo Kayishema, Ndahimana, Ndungutse, Kanyarukiga na Kiragi kandi akavuga ko bari baherekejwe n'abapolisi ba Komini[696]. CBY yavuze ko «abategetsi » bari imbere ya kiriziya bariho «bareba imirwano yari hagati y'Abahutu n'Abatutsi»[697].

Umutangabuhamya ushinja wiswe YAU

283. YAU yavuze ko ubwo yari kuri paruwasi yabonaga Kanyarukiga buri munsi[698]. Yavuze ko ari « itsinda ryari riyobowe na Kanyarukiga ryagabye ibitero ku kiriziya»[699].

284. YAU yavuze ko, ubwo yari yaraye ageze kuri paruwasi ya Nyange[700], Fulgence Kayishema na Gaspard Kanyarukiga babwiye Abatutsi bari bahahungiye gutanga amafaranga kugira ngo bashobore kujya kugurira ibyo kurya Abatutsi bari bihishe ku kiriziya.[701] Bombi bazengurutse igipangu bakira amafaranga y'Abatutsi[702]. YAU ubwe yiyumviye Kayishema na Kanyarukiga baka abantu amafaranga[703]. Yavuze ko yahaye Kayishema amafaranga 100 kandi ko na se hari amafaranga yahaye abo bagabo[704]. « Byari mu nyungu zacu [kubaha amafaranga] kuko twari dushonje »[705]. Uyu mutangabuhamya avuga ko Kayishema na Kanyarukiga ari bo bonyine bahawe

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695 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 41.

696 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 43, 45.

697 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 43.

698 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 44.

699 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 44.

700 Ruhereye ku gihe yavuze yamaze kuri paruwasi ya Nyange, Urugereko rusanga ibyo YAU yavugaga ari ibirebana n'itariki ya 14 Mata 1994.

701 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 12, 40. YAU yavuze ko, uwo munsi, we n'abandi bari bahungiye kuri paruwasi basabye Padiri Seromba kubaha amazi yo kunywa. Umutangabuhamya avuga ko Padiri Seromba yababwiye ko nta cyo bimaze gushakisha amazi kuko « bagombaga gupfa uko biri kose ». Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 12.

702 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 13.

703 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 13.

704 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 13, 40.

705 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 13. Yasobanuye neza ko nta muntu wabatse amafaranga ku ngufu. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 40.

amafaranga n'impunzi z'Abatutsi zari ku kiriziya[706]. Padiri Seromba yari ahari ariko nta mafaranga yigeze yakira[707]. YAU hamwe n'izindi mpunzi nta biribwa Kayishema cyangwa Kanyarukiga bigeze babazanira[708]. Uyu mutangabuhamya yahakanye ko Abatutsi batswe amafaranga inshuro irenze imwe[709].

285. Ikindi gihe, umubikira witwa Mama Yohani yagerageje guha umuceri n'ibishyimbo abari bahungiye ku kiriziya[710]. Mama Yohani yazaniye Abatutsi ibiryo, ariko Kayishema na Kanyarukiga babimena hasi[711]. Umutangabuhamya ntiyashoboye kwibuka umunsi ibyo byabereyeho[712].

286. YAU yavuze ko paruwasi ya Nyange yagabweho igitero yaraye ahageze[713]. Abari mu bitero bari bambaye ibirere, bitwaje intwaro za gakondo[714]. Yavuze ko Abahutu bari mu bitero bari bagamije kwica Abatutsi bari bihishe ku kiriziya[715]. Uyu mutangabuhamya yavuze ko Abatutsi bateye amabuye abari mu bitero kugira ngo babasubize inyuma[716]. Abari mu bitero baje basatira kiriziya, ariko Padiri Seromba yaraje arabahagarika ababuza kugaba igitero ku Batutsi[717]. Uyu mutangabuhamya avuga ko Seromba yabwiye abari mu bitero ko bari bake cyane, cyangwa ko umubare wabo utari uhagije[718].

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[706] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 40-41.

[707] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 40. Padiri Seromba ntiyabujije Kayishema na Kanyarukiga kwakira amafaranga.

[708] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 12, 40.

[709] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 42.

[710] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 42.

[711] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14.

[712] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 42.

[713] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14-15. Bwa mbere umutangabuhamya yavuze ko habaye udutero shuma umunsi yagezeho kuri paruwasi, ariko nyuma yaje kuvuga ko ibyo byabaye araye rimwe mu kiriziya. Reba na none Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 16.

[714] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14-16. Umutanguhamya yavuze ko abari mu bitero basaga n'intore zihamiriza. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 16, 44.

[715] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 16.

[716] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 15, 16.

[717] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 16.

[718] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 15.

287. YAU yavuze ko abenshi mu bahungiye kuri paruwasi ya Nyange bari baje bafite inkoni[719]. «Nyuma y'iminsi mike » ageze kuri paruwasi, YAU yabonye « Padiri Seromba, aje aherekejwe n'abajandarume maze … batwara za nkoni kugira ngo abajandurume baturindire umutekano»[720]. Umutangabahamya yabonye abajandarume batwara izo nkoni ariko ntiyashoboye kwibuka umunsi ibyo byabereyeho[721].

Umutangabuhabumya ushinja wiswe CBS

288. CBS yaravuze ati :

> Impunzi zose zageraga kuri paruwasi nta ntwaro iyo ari yo yose zabaga zifite. Nta ntwaro gakondo bari bafite. Nta mbunda bari bafite. Kuri paruwasi hari abajandarume. Bityo, iyo impunzi yahageraga yitwaje intwaro gakondo, abajandarume bayibwiraga kurambika iyo ntwaro hasi … mbere y'uko yinjira mu mbuga ya kiriziya cyangwa ajya mu gipadiri[722].

289. CBS yahakanye ko Abatutsi bari bahungiye mu kiriziya bambuwe intwaro[723].

290. CBS yavuze ko Abatutsi bamaze guhungira ku kiriziya y'i Nyange, batashoboraga kuhava[724]. Umutangabuhamya agira ati: « abajandarume baturindaga ntibatumaga tujya kugura umugati cyangwa ibindi biribwa ku iduka hafi aho »[725]. Umutangabuhamya yasanze abajandarume barageze aho kuri paruwasi[726].

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[719] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14 (« Bamwe bari bafite inkoni zo kwitwaza abandi bafite ibibando »). Yavuze ko abari bahungiye ku kiriziya nta mipanga bari bafite. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 39.

[720] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 39. Umutangabuhamya yasobanuye ko abajandarume bahoraga ku kiriziya kandi ko yahabasanze ubwo yahagerega. YAU yavuze ko nta bapolisi yabonye kuri paruwasi. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 39-40.

[721] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14.

[722] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[723] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11-12 («Icyo gikorwa ntikigeze kiba. Nababwiye ko nta mpunzi yari ifite intwaro gakondo mu kiriziya. Bityo rero, icyo gikorwa ntikigeze kibaho»).

[724] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48.

[725] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48.

[726] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48.

291. CBS yavuze ko hari udutero shuma twagabwe kuri paruwasi ya Nyange ku matariki ya 12, 13 na 14 Mata 1994, ariko ko Abatutsi bashoboye kudukumira[727].

292. CBS yavuze ko abari bahungiye mu kiriziya basabye Padiri Seromba ibyo kurya kuko bari bashonje[728]. Padiri Seromba amaze kubahakanira, Abatutsi bamwe bagerageje gushakisha ibitoki mu rutoki rwa paruwasi[729]. Umutangabuhamya avuga ko Padiri Seromba yabwiye abajandarume bari kuri paruwasi ko « barasa Umututsi uwe ari we wese ugerageza cyangwa utinyuka kumugira mu rutoki»[730]. CBS yavuze ko yari mu ntera ya metero eshanu cyangwa esheshatu uvuye aho Padiri Seromba yavugiye ayo magambo[731].

293. Abajijwe niba hari ababikira bigeze bazanira umuceri n'ibishyimbo Abatutsi bari ku kiriziya cyangwa niba ibyo kurya nk'ibyo byaramenwe hasi, CBS yaravuze ati: « ibyo ntabyigeze biba. Uko biri kose, nta byo nabonye. … Nta muntu wambwiye ko ikintu nk'icyo cyabaye»[732].

294. CBS yavuze ko mu mugoroba wo ku itariki ya 14 Mata 1994, IPJ Kayishema na Mbakirirehe baje ku kiriziya basohora abagore b'Abahutukazi bafite abagabo b'Abatutsi « kugira ngo abo bagore badapfana n'Abatutsi»[733]. CBS yavuze ko yari mu mbuga ya kiriziya hafi y'umuryango ubwo abo bagore bajyanwaga[734]. Kayishema yahamagaraga amazina, abo bagore baboneka bakajyanwa[735]. CBS yumvise Kayishema ahamagara amazina y'abagore mu ijwi riranguruye[736]. CBS yavuze ko yamenye umwe

[727] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

[728] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 45, 46.

[729] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 45, 46.

[730] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 45. CBS avuga ko agereranyije hari abajandarume bane ku kiriziya ku itariki ya 13 Mata 1994. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 47.

[731] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 46. Mu bari bahungiye mu kiriziya nta wongeye gusunukira mu rutoki Seromba amaze guha amabwiriza abajandarume. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 47.

[732] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[733] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 53-54.

[734] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54.

[735] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54.

[736] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54.

muri abo bagore witwa Nyirantama, wari umuturanyi wa Mbakirirehe[737]. Abagabo b'abo bagore bakuwe aho baje kwicwa nyuma[738].

Umutangabuhamya ushinja wiswe CDL

295. CDL yavuze ko ku itariki ya 13 Mata 1994, « habayeho ikintu kimeze nka komisiyo … yagombaga kumenya intwaro impunzi zari zifite. Iyo komisiyo yasanze nta ntwaro zikanganye zihari kuko impunzi zari zitwaje inkoni gusa»[739]. Uyu mutangabuhamya yavuze ko iyo « komisiyo » yari igizwe na Padiri Seromba na Gilbert Kanani Rugwizangoga, bakundaga kwita Kanani, wari wungirije Burugumesitiri[740]. CDL ntiyari ahibereye ubwo ibyo byababaga ariko yemeje ko ayo makuru yayabwiwe na Kanani wari wungirije Burugumesitiri[741].

296. CDL yavuze ko yagiye kuri santere ya Mutanoga ku itariki ya 14 Mata 1994 mu masaa munani n'igice z'amanywa[742]. Mu baje kuri iyo santere uwo munsi harimo « abantu bavuye ku kiriziya hari hamaze kugabwa igitero»[743]. CDL yavuze ko abari bavuye kuri paruwasi bavuze ko « Abatutsi bo ku kiriziya bari bakumiriye ibitero byababagabweho »[744].

Umutangabuhamya ushinjura wiswes KG19

297. KG19 yavuze ko ku itariki ya 13 Mata 1994 yari hafi yo Ku Ishusho ya Bikira Mariya kuva saa tatu z'amanywa kugera saa kumi n'imwe za nimugoroba[745]. Yabonye Abatutsi

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737 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54. CBS yavuze ko Nyirantama yari akiriho ubwo umutangabuhamya yazaga gutanga ubuhamya muri uru rubanza.

738 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54.

739 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 45.

740 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 45-47.

741 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 46-46; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 8-10.

742 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 30 ; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 1, 4.

743 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 1, 3.

744 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 30.

745 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9. Yavuze ko ku itariki ya 13 Mata 1994 atagiye ku kiriziya, ariko ko yagiye Ku Ishusho ya Bikira Mariya.

bajya ku kiriziya ku itariki ya 13 Mata 1994, ariko nta bantu bari mu bitero yabonye[746]. Yavuze ko abantu bari « mu mirimo yabo isanzwe. Ntibari bari aho hantu kugira ngo bagabe igitero» [747]. Nyuma y'ibaza rinyomoza, yongeye kubazwa n'uruhande rwamuhamagaje, uyu mutangabuhamya yavuze ko ku itariki ya 13 Mata 1994 yari mu iduka kuri santere y'i Nyange[748]. Ari imbere mu iduka, umutangabuhamya yashoboraga kubona ibibera mu nkengero zo Ku Ishusho ya Bikira Mariya[749].

298. KG19 yavuze ko yari kuri iyo santere ku itariki ya 14 Mata 1994 mu masaa munani z'amanywa, ubwo bamwe mu bagabye ibitero bahageraga bitwaje intwaro za gakondo[750]. Abari mu bitero bazamukiye « Ku Ishusho maze bajya ku kiriziya aho impunzi zimwe zari zahungiye»[751]. KG19 yavuze ko abari mu bitero basakuzaga bavuza amafirimbi kandi ko bagendaga basahura amaduka aho banyuze[752]. Kubera iyo mpamvu, amaduka yose yo kuri iyo santere yarafunze, hakubiyemo na farumasi ya Kanyarukiga n'utubari[753]. Uyu mutangabuhamya yavuye kuri santere asubira mu rugo nko mu masaa kumi y'igicamunsi kuri iyo tariki ya 14 Mata 1994[754]. Uyu mutangabuhamya yahavuye abantu bakirwana[755].

Umutangabuhamya ushinjura wiswe KG45

[746] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9.

[747] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 10.

[748] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 21 (iburanisha mu muhezo).

[749] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 21 (iburanisha mu muhezo).

[750] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 65 (iburanisha mu muhezo) ("Ku itariki ya 14, nabonye abari mu bitero bagaba igitero ku kiriziya bitwaje amahiri, amacumu, n'izindi ntwaro za gakondo").

[751] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 66 (iburanisha mu muhezo).

[752] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 66 (iburanisha mu muhezo).

[753] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 66 (iburanisha mu muhezo).

[754] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 2.

[755] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 65 (iburanisha mu muhezo). Mu ibaza rinyomoza, KG19 yavuze ko yavuye aho hantu nka saa kumi n'igice z'igicamunsi kandi atazi niba hari ikindi kintu cyahabaye amaze kugenda. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 12 (iburanisha mu muhezo).

299. KG45 yavuze ko ku itariki ya 14 Mata 1994, bitewe n'umutekano muke, farumasi ya Kanyarukiga yafunze nko mu masaa sita cyangwa saa saba z'amanywa[756]. KG45 yavuze ko abari mu bitero bagabye igitero ku Batutsi bari ku kiriziya, bityo kubera ko farumasi ya Kanyarukiga yari kuri santere hafi ya kiriziya, « abari mu bitero bashoboraga kumena inzugi zayo bakiba imiti»[757].

Umutangabuhamya ushinjura witwa Damien Nayituriki

300. Damien Nayituriki yavuze ko yagiye Ku Ishusho ku itariki ya 14 Mata 1994 kugura icyo kunywa ari kumwe na mukuru we hamwe n'undi mugabo wari uturutse i Kigali yahungiye iwabo[758]. Nayituriki yageze Ku Ishusho mu masaa cyenda y'amanywa, asanga amaduka yose afunze, harimo na farumasi ya Kanyarukiga[759].

301. Nayituriki ntiyashoboye kugura icyo kunywa Ku Ishusho, bityo agenda yerekeza iya Mutanoga[760]. Mu nzira yahuye n'agatsiko k'abantu basakuza bavugaga amakuru y'ibitero kandi bagenda buhoro[761]. Nayituriki yavuze ko yahuye n'ako gatsiko k'abantu hagati ya saa cyenda n'igice na saa kumi z'igicamunsi[762]. Uyu mutangabuhamya yashoboye kumenya bamwe mu bari muri ako gatsiko barimo Ndungutse wari umwarimu anakorana na mukuru we [umutangabuhamya][763]. Nayituriki yavuze ko Ndungutse yabaherekeje we n'abo bari kumwe hanyuma bajyana kuri santere ya Mutanoga[764]. Ubwo barimo banywa inzoga aho kuri santere ya Mutanoga, Ndungutse yabwiye uyu mutangabuhamya na bagenzi be ko bagabye ibitero ku mpunzi zari mu kiriziya ariko ko izo mpunzi zari zabakumiriye zibatera amabuye[765]. Nayituriki yavuze

[756] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 59, 60 (iburanisha mu muhezo). Umutangabuhamya yavuze ko igituma yibuka «neza» iyo tariki ar'uko kiriziya yashenywe hashize iminsi ibiri, ku itariki ya 16 Mata 1994.

[757] Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 60 (iburanisha mu muhezo).

[758] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 7, 8.

[759] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 9.

[760] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 9, 19.

[761] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 9.

[762] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 10.

[763] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 9, 10.

[764] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 22, 23.

[765] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 10-11, 23.

ko atabonye Kanyarukiga yewe ko atabonye n'imodoka ye mu gihe cy'amasaha abiri yamaze anywa inzoga kuri santere ya Mutanoga[766].

Umutangabuhamya ushinjura wiswe KG15

302. KG15 yavuze ko atavuye mu gipadiri muri iyo minsi, kubera umutekano muke[767]. Umutangabuhamya avuga ko yagiye ku kiriziya bwa nyuma kuwa kabiri ku itariki ya 12 Mata 1994[768]. Yavuze ko nta bwicanyi bwabereye kuri paruwasi ku itariki ya 14 Mata 1994[769].

4.3. Isesengura ry'Urugereko

303. Porokireri avuga ko mu minsi yabanjirije igitero cyo ku itariki ya 15 Mata 1994, Abahutu bari bagize ibitero barimo abavugwa mu Nyandiko y'ibirego yahinduwe, bafashe ingamba zo guca intege Abatutsi bari bahungiye kuri paruwasi no kugabanya ingufu zabo zo kwirwanaho[770]. Porokireri ashaka kuvuga ko ibikorwa byakorewe kuri paruwasi mbere y'itariki ya 15 Mata 1994 byari bikubiye muri gahunda ngari yo gutsemba Abatutsi bari kuri paruwasi ya Nyange[771]. Porokireri yatanze ibimenyetso bigaragaza ko abari mu bitero barimo n'Uregwa, bahamagariye abantu gukora ibikorwa by'urugomo, baka Abatutsi intwaro zabo kandi bababuza kubona ibyo kurya, babagabaho udutero shuma kandi batandukanya abagore b'Abahutukazi bari bahungiye kuri paruwasi ya Nyange n'abagabo babo b'Abatutsi. Hagendewe ku gihe kivugwa ibi bintu byakorewe n'imiterere y'ibyabaye, Urugereko rwabisuzumye rushingiye ku bivugwa mu gika cya 13 cy'Inyandiko y'ibirego yahinduwe. Ubwunganizi ntibwireguye mu buryo butaziguye ku bivugwa mu gika cya 13 cy'Inyandiko y'ibirego yahinduwe, ariko nk'uko biri busesengurwe kurushaho hano hasi, Ubwunganizi buvuga ko ibimenyetso Porokireri yatanze ku birebana n'igihe ibivugwa byabereye atari ibyo kwizerwa, kandi ko ibimenyetso byose byerekeranye

[766] Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 10-11. Umutangabuhamya yavuze ko azi neza imodoka ya Kanyarukiga.

[767] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 14-16 (iburanisha mu muhezo)

[768] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 27, 29, 33 (iburanisha mu muhezo).

[769] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 26 (iburanisha mu muhezo).

[770] Imyanzuro nsozarubanza ya Porokireri, ibika 116-122.

[771] Imyanzuro nsozarubanza ya Porokireri, ibika 55, 101, 121, 122, 130.

n'ibikorwa by'urugomo byaba byarakozwe hagati y'itariki ya 13 n'iya 14 Mata 1994 bidakwiye kwakirwa kubera ko butabimenyeshejwe mu buryo bukwiye[772].

Kwaka intwaro Abatutsi kuri paruwasi ya Nyange

304. Porokireri avuga ko ku ya 13 Mata 1994, Kanyarukiga yagize uruhare muri gahunda yo kwaka intwaro Abatutsi bari kuri paruwasi ya Nyange[773]. Mu gushyigikira ibyo avuga, Porokireri agendera ku buhamya bw'abatangabuhamya biswe CBK, CDL, CBN, CBR na YAU[774]. Ubwunganizi buvuga ko ibimenyetso birebana n'iyamburwa ry'intwaro rivugwa bihuzagurika ku buryo usanga bidafite epfo na ruguru »[775].

305. Abatangabuhamya bashinja biswe CBK, CBN, CDL, YAU na CBS bose bavuze ko Abatutsi b'abasiviri bageze kuri paruwasi ya Nyange bitwaje intwaro za gakondo[776]. N'ubwo aba batangabuhamya badahuza ku bwoko bw'intwaro zazanywe kuri paruwasi[777], Urugereko rusanga abahungiye kuri paruwasi bari bafite nibura inkoni n'imipanga.

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[772] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 135, 151-153, 172, 174, 178-179.

[773] Imyanzuro nsozarubanza ya Porokireri, ibika 116-118, 120-121. Porokireri avuga ko « abategetsi, harimo na Gaspard Kanyarukiga, bemeje [mu nama ku itariki ya 13 Mata 1994] ko ari ngombwa kumenya neza niba impunzi zari mu kiriziya zari zifite intwaro ». Imyanzuro nsozarubanza ya Porokireri, igika 116. Nk'uko byasesenguwe mu gika cya 250 n'icya 251, Urugereko ntirwitaye kuri iki kimenyetso kuko kitarebana n'ibikubiye mu Nyandiko y'ibirego yahinduwe.

[774] Imyanzuro nsozarubanza ya Porokireri, ibika 116-118, 120. Reba na none Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 10-11.

[775] Imyanzuro nsozarubanza y'Ubwunganizi, igika 164.

[776] CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 9; CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 16-19, 22; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 45; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 39; CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[777] CBK yavuze ko Abatutsi bari bafite intwaro nyinshi zitandukanye za gakondo, zirimo imipanga, inkoni, amacumu, imyambi, udufuni n'imigano. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 9. CBN yavuze ko Abatutsi nta macumu bari bafite ariko avuga ko abenshi muri bo bari bitwaje imipanga n'inkoni kandi ko we ku giti cye yagiye kuri Paruwasi yitwaje umupanga. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 16-19, 52. CDL na YAU bavuze ko Abatutsi bari bitwaje inkoni gusa. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 45; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 39. YAU by'umwihariko yavuze ko Abatutsi batari bafite imipanga, amacumu, imiheto n'imyambi. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 39. Icyakora avuga ku byo kwamburwa

306. Abatangabuhamya bashinja biswe CDL na CBR bombi bavuze ko ku itariki ya 13 Mata 1994, Padiri Seromba na Gilbert Kanani Rugwizangoga wari wungirije Burugumesitiri[778] bagiye kuri kiriziya y'i Nyange kureba ubwoko bw'intwaro Abatutsi bari bitwaje[779]. Umutangabuhamya CBR yavuze ko umucamanza witwa Joseph Habiyambere na we ari mu bagiye kureba izo ntwaro[780]. CDL na CBR bitabiriye ibitero byagabwe kuri paruwasi ya Nyange kandi bombi baje gufunganwa muri gereza ya Kibuye[781]. Kubera izo mpamvu, rwasuzumye ubuhamya bwabo rukenga[782]. Urugereko

intwaro, YAU yavuze ko Abatutsi bahaye Abajandarume inkoni zabo « n'izindi ntwaro », asa nk'aho avuga ko Abatutsi bashobora kuba bari bafite ibindi bikoresho bitari inkoni. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14. Mu kurangiza, CBS yemeye ko bamwe mu Batutsi baje bitwaje « intwaro za gakondo » ariko avuga ko batari bemerewe kuzinjirana mu mbuga ya kiriziya cyangwa mu gipadiri. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[778] Urugereko rusanga hari abungirije Burugumesitiri benshi bavuzwe n'abatangabuhamya bashinjura muri uru rubanza. CNJ na CBS bavuze ko Anastase Rushema yari yungirije Burugumesitiri. CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12. CBK na we yavuze ko Rushema yari umukozi wa Komini. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 66; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9. CBT na CBY bombi bavuze ko Anastase Rushema yari yungirije Burugumesitiri. CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 27 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 41, 66. CBR na CDL bombi bavuze ko Gilbert Kanani yari yungirije Burugumesitiri. CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 10; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 27, 43, 46-47. Hanyuma, CNJ, CBR na CDL bose bavuze ko Védaste Murangwabugabo yari yungirije Burugumesitiri. CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 16, 18, 23, 30, 32; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.

[779] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 10-11 (Inyandikomvugo y'iburanisha mu gifaransa, 9 Nzeri 2009, urup. 12); CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 45-47.

[780] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 10-11.

[781] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 48-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D25 (Urutonde rw'amazina y'abantu barindiwe umutekano rweretswe CBR); CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 72-75; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D28 (Urutonde rw'amazina y'abantu barindiwe umutekano rweretswe CDL); Ikimenyetso gihamya cya Porokireri cyahawe No P51 (Ifishyi y'umwirondoro wa CBR); Ikimenyetso gihamya cya Porokireri cyahawe No P52 (Ifishi y'umwirondoro wa CDL).

[782] *Urubanza rwa Nchamihigo*, Inyandiko y'urubanza mu bujurire, ibika 42, 48; *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 128; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, ibika 203-206; *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 98.

ruributsa kandi ko CDL na CBR batiboneye n'amaso yabo ibyabaye bivugwa aha kandi ko ubuhamya bwabo bushingiye ku nkuru mbarirano[783]. N'ubwo kuba ubu buhamya bushingiye ku nkuru mbarirano bidahagije kugira ngo bube butakwemerwa cyangwa ngo bwizerwe[784], Urugereko ntirwifuza gufata umwanzuro ushingiye gusa ku buhamya bukomoka ku nkuru mbarirano bwatanzwe n'abatangabuhamya b'"ibyitso". Bityo rero, Urugereko rwagendeye kuri ubu buhamya gusa aho bushimangirwa n'ubundi buhamya bukwiye kwizerwa.

307. CBK hari ibyo yavuze bishimangira ubuhamya bumaze kuvugwa, aho yemeza ko Padiri Seromba yagiye ku biro bya komini ku itariki ya 13 Mata 1994 kandi ko uwo munsi ari bwo Abatutsi bambuwe intwaro[785]. Icyakora, nk'uko biri busesengurwe hano hasi, Urugereko rufite amakenga menshi ku kwizerwa k'ubuhamya bwa CBK muri rusange. Bityo rero, n'iyo ubuhamya bw'aba batangabuhamya uko ari batatu bwafatirwa hamwe, rusanze budahagije mu kugaragaza nta gushidikanya ko Padiri Seromba, Gilbert Kanani, n'umucamanza Habiyambere bagiye ku kiriziya y'i Nyange ku itariki ya 13 Mata 1994 bagamije kureba niba Abatutsi bari bafite intwaro.

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[783] Urugereko ruributsa ko CDL yavuze ko Kanani ari we wamubwiye ibirebana n'iyo nama no kugenzura [intwaro], naho CBR yavuze ko ayo makuru yayahawe na Ndungutse. CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 8-10; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 10.

[784] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 39. Reba na none *Urubanza rwa Aleksovski,* Icyemezo cyafashwe ku bujurire bwa Porokireri ku birebana n'iyakirwa ry'ibimenyetso (mu bujurire), igika 15 (« Kuba ubuhamya bushingiye ku nkuru mbarirano ubwabyo ntibivuga ko nta gaciro bugomba guhabwa, ariko birazwi ko agaciro gahabwa bene ubwo buhamya kaba ari gatoya ugereranyije n'agahabwa ubwatanzwe n'umutangabuhamya warahiriye kuvugisha ukuri kandi akabazwa ibibazo binyomoza, n'ubwo ibi biterwa ahanini n'impamvu nyinshi zinyuranye zirebana n'ubwo buhamya bushingiye ku nkuru mbarirano »).

[785] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 4-6. Urugereko rusanga CBK hari aho asa nk'aho ahuzagurika mu buhamya ku birebana n'itariki Abatutsi bamburiweho intwaro. Ubwo yabazwaga ku birebana n'ubuhamya bwanditse yari yaratanze mbere aho yavuze ko inama irebana n'iyamburwa ry'intwaro yabaye ku itariki ya 13 Mata 1994, ariko ko igikorwa ubwacyo cyo kwambura intwaro cyabaye ku munsi wakurikiyeho, CBK yasubije agira ati : «Abatutsi bambuwe intwaro ku itariki ya 14 kandi ko kuri iyo tariki Padiri Seromba yari ahari, kandi abagabye ibitero bari bitwaje imipanga n'amacumu, ariko inama yo kwambura impunzi intwaro yabaye ku itariki ya 13 ». Abajijwe ku kunyuranya kuri hagati y'ubu buhamya n'ubwanditse yatanze mbere, uyu mutangabuhamya yasubije ko Abatutsi bambuwe intwaro ku itariki ya 13 Mata 1994. Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 8, 9.

308. Icyakora, CBN na CBK, bombi bavuga ko Abatutsi bambuwe intwaro ku itariki ya 13 Mata 1994[786]. Nk'uko biri busesengurwe hano hasi mu bika bya 456 na 457, Urugereko rwasanze CBN yaratanze ubuhamya bwo kwizerwa kandi bwakwemerwa ku byabereye kuri paruwasi ya Nyange. Ku birebana by'umwihariko n'ibi bivugwa, Urugereko ruributsa kandi ko CBN yavuze ko umuhoro we wafatiriwe[787]. Bityo rero, rugendeye ku buhamya bwa CBN na CBK, Urugereko rusanga Abatutsi bari kuri paruwasi barambuwe intwaro ku itariki ya 13 Mata 1994.

309. Mu gufata uyu mwanzuro, Urugereko rwanitaye ku buhamya bwa YAU na CBS. Urugereko ruributsa ko YAU yavuze ko Abatutsi bambuwe intwaro hashize « iminsi mike» ahageze[788]. Icyakora, bitewe n'uko YAU atashoboye kwibuka itariki iyo ari yo yose mu z'ingenzi zo muri Mata 1994, hakubiyemo n'iyo Perezida Habyarimana yiciweho[789], Urugereko nta gaciro kanini rwahaye igihe avuga ibyabaye byabereyeho. Ikindi kandi, n'ubwo Urugereko rwemera ubuhamya bwa CBS aho avuga ko Abatutsi bahungiye kuri paruwasi basabwe gusiga intwaro zabo hanze ku kibuga cya paruwasi, ntabwo rubona ko ubuhamya bwe butesha agaciro ubwa CBN, CDL, YAU na CBK, bose bavuze ko Abatutsi bari bafite intwaro mu kiriziya.

310. Icya nyuma, Urugereko ruributsa ko CBK yavuze ko Uregwa yari mu bantu bambuye intwaro Abatutsi kuri paruwasi[790]. Ubwunganizi busaba ko ibyo bivugwa bigomba kuvanwa mu mubare w'ibimenyetso ngo kubera ko butabimenyeshejwe ku buryo bukwiye[791]. Icyakora, Urugereko rwa Mbere rw'Iremezo ntirwemeye icyifuzo

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[786] CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 19; CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3. Urugereko ruributsa ko CBN yahakanye ibivugwa ko impunzi zambuwe intwaro ku itariki ya 14 Mata 1994, agira ati : « ku itariki ya 14 nta ntwaro twari dufite kuko twari twazambuwe ku itariki ya 13 ». Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 22.

[787] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 19, 52.

[788] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 39.

[789] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 10, 36. Reba na none Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11, 14, 32, 41, 44.

[790] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 3. Umutangabuhamya CBK yanavuze kandi Kayishema, Mbakirirehe na Rushema.

[791] Imyanzuro nsozarubanza y'Ubwunganizi, igika 152. Ubwunganizi buvuga ko ibivugwa ko Kanyarukiga yagize uruhare mu gikorwa cyo kwambura [impunzi] intwaro ari ikirego kigamije kwerekana ko Uregwa yabikoze ubwe nka gatozi, kikaba rero cyagombye kuba mu Nyandiko y'ibirego. Imyanzuro nsozarubanza

cy'Ubwunganizi cyo kuvanaho ubuhamya bwa CBK[792], rukaba rutari bugaruke ku cyemezo cyarwo.

311. Icyakora, rumaze gusuzuma ubuhamya bwa CBK mu mizi yabwo, Urugereko rusanga hatabonetse ibindi bimenyetso bibushimangira, rutabugenderaho ngo rwemeze ko Kanyarukiga yafashije abandi bantu kwambura intwaro Abatutsi bari kuri paruwasi. Nk'uko biri busesengurwe hano hasi mu gika cya 491, Urugereko rukenga ukwizerwa muri rusange kwa CBK. Ikindi kandi, kuri ibi byabaye by'umwihariko, Urugereko ruributsa ko habayeho ukunyuranya, ku bintu runaka, hagati y'ubuhamya CBK yatanze mu iburanisha n'ubwanditse yatanze mbere. Uyu mutangabuhamya ntiyigeze avuga ibirebana n'iyamburwa ry'intwaro haba mu buhamya bwe bwanditse bwo mu wa 2000 cyangwa bwo mu wa 2001, nyamara ubu buhamya bwo mu wa 2001 bwarebanaga by'umwihariko n'Uregwa[793]. Ikindi kandi, CBK ntabwo yavuze izina ry'Uregwa igihe yabazwaga ibirebana no kwambura Abututsi intwaro mu buhamya bwakiriwe n'abakora iperereza ba TPIR ku itariki ya 24 Ukwakira, iya 19 n'iya 20 Ugushyingo 2002[794]. Abajijwe gusobanura impamvu atamuvuze, CBK yarasubije ati: «Nabwiye abakora iperereza amazina y'abantu bose bari muri iyo nama. Bityo rero niba abakora iperereza hari amazina batashyize mu nyandiko y'ubuhamya, ni ikosa ryabo »[795]. Urugereko ntirwemera iki gisobanuro.

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y'Ubwunganizi yatanzwe ku itariki ya 11 Gicurasi 2010, igika cya 166. Ku birebana n'iki kibazo, uretse ko Urugereko rwagifasheho umwanzuro mu cyemezo ku cyifuzo cyatanzwe n'Ubwunganizi busaba kuvanaho ubuhamya bumwe na bumwe, ntabwo runemera ko igikorwa kivugwa cyo kwambura [impunzi] intwaro ari « icyaha Uregwa yakoze nka gatozi » kigomba kugaragara mu Nyandiko y'ibirego.

[792] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, 15 Mutarama 2010 (mu rw'iremezo), igika 24.

[793] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D15 (A) (Inyandiko y'ubuhamya bwa CBK bwo ku itariki ya 26 Mata 2001); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D15 D16(A) (Inyandiko y'ubuhamya bwa CBK bwo ku itariki ya 15 Kanama 2000).

[794] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D14(A) (Inyandiko y'ubuhamya bwa CBK bwo ku itariki ya 24 Ukwakira, 19 na 20 Ugushyingo 2002). Urugereko rusanga ariko CBK yaravuze muri iyi nyandiko ko Kanyarukiga na we yari muri ba gatozi b'igikorwa cyo kwambura Abatutsi intwaro ku itariki ya 14 Mata 1994.

[795] Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 6-7.

312. Ikindi kandi, Urugereko ruributsa ko ubwo CBK yabazwaga niba hari aho yigeze ajyana intwaro zari zafatiriwe[796], yasubije agira ati : «nta ntwaro n'imwe mu zari zafatiriwe nigeze nkozaho imitwe y'intoki »[797]. Yeretswe ikiganiro yavuzemo ko ari umwe mu bikoreye intwaro bazivana ku kiriziya bazijyana mu gipadiri, CBK yavuze ko umuryango urengera uburenganzira bwa muntu bagiranye icyo kiganiro ngo « wakusanyije amakuru hanyuma … ukagenda uyagoragoza kugira ngo urebe uko wabona inkunga y'abo ugezaho ayo makuru »[798]. Urugereko rusanga, n'iyo uwo muryango urengera uburenganzira bwa muntu waba wari ufite akamenyero ko guhindura ibisubizo uhabwa mu biganiro ugirana n'abantu, uretse ko nta n'ikimenyetso kigaragaza ko ibyo byabayeho, guhindura ibyavuzwe ahangaha ntacyo byari gufashaho uwo muryango mu « kubona inkunga y'abo ugezaho amakuru ». Bityo rero, Urugereko ntirwemera ibyo umutangabuhamya avuga ko ibyo yabwiye uriya muryango byaje guhindurwa nyuma amaze kugirana ikiganiro na wo.

313. Icya nyuma, Urugereko ruributsa ko ubuhamya bwa CBK bunyuranye n'ubwa CBN, YAU na CBS, bemeza ko igikorwa cyo kwambura intwaro cyakozwe n'abandi bantu[799].

314. Bityo rero, n'ubwo Urugereko rusanga byaragaragajwe ko Abatutsi bahungiye kuri paruwasi ya Nyange bambuwe intwaro ku itariki ya 13 Mata 1994, rusanga ariko Porokireri atarashoboye kugaragaza ku buryo budashikanywaho ko Kanyarukiga yagize uruhare muri uko kwambura Abatutsi intwaro.[800]

Kwima Abatutsi ibiribwa

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[796] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 69 (iburanisha mu muhezo).

[797] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 69 (iburanisha mu muhezo).

[798] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 71 (iburanisha mu muhezo).

[799] CBN yavuze ko Abatutsi bambuwe intwaro n'abaporisi ba komini bafatanyije n'umujandarume umwe nibura. Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 18, 19. YAU yavuze ko Abatutsi bambuwe intwaro na Padiri Seromba afatanyije n'abajandarume babiri. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 39. CBS yavuze ko abajandarume bambuye Abatutsi intwaro mbere y'uko Abatutsi bajya mu mbuga ya kiriziya. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[800] Urugereko rusanga atari ngombwa kumenya nyakuri uwambuye intwaro Abatutsi kuri paruwasi ku itariki ya 13 Mata 1994.

315. Porokireri avuga ko Abatutsi bahungiye kuri paruwasi ya Nyange bimwe ibiryo n'amazi mbere y'uko kiriziya isenywa[801]. Porokireri ashingira ku buhamya bwa YAU na CBS mu gushyigikira ibyo avuga[802].

316. YAU ni we mutangabuhamya wenyine ushinja uvuga ko Uregwa yagize uruhare ku birebana no kwimana ibyo kurya kuri paruwasi ya Nyange. YAU yavuze ko bukeye yaraye ageze kuri paruwasi ya Nyange, Gaspard Kanyarukiga na Fulgence Kayishema basabye Abatutsi kubaha amafaranga yo kugurira ibyo kurya abari bahungiye kuri paruwasi[803]. Uyu mutangabuhamya avuga ko Abatutsi nta biryo bigeze bahabwa na Kayishema cyangwa Kanyarukiga[804].

317. Urugereko ruzirikana ko YAU yarokotse ubwicanyi bwakorewe kuri paruwasi ya Nyange kandi ko ashobora kuba yariboneye n'amaso ye ibyahabereye. Icyakora na none, ubuhamya bw'uyu mutangabuhamya ntabwo butanga amakuru y'ibyabaye ku buryo burambuye, kandi ntawabushira amakenga bitewe n'uko atibuka amatariki n'uko ibyabaye runaka byagiye bikurikirana[805]. Urugereko rusanga uyu mutangabuhamya yari yacanganyikiwe mu buhamya bwe bwose kandi yarananiwe kwibuka bimwe bikubiye

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801 Imyanzuro nsozarubanza ya Porokireri, ibika 122-124.

802 Imyanzuro nsozarubanza ya Porokireri, ibika 123-124.

803 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 12-13, 40-42.

804 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 12, 40.

805 Reba urugero, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10 (YAU ntiyashoboye kwibuka itariki Perezida Habyarimana yapfiriyeho); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 11 (YAU ntiyashoboye kwibuka itariki Kayishema na Kanyarukiga bajyaniyeho Abatutsi kuri paruwasi kandi nta n'ubwo yibuka iminsi yamaze ku kiriziya y'i Nyange); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 14 (YAU ntiyashoboye kwibuka umunsi Abatutsi bamburiweho intwaro ahereye k'uwo yagereyeho kuri paruwasi, no kwibuka itariki Kanyarukiga na Kayishema bamennye ibiryo hasi); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 15-16 (YAU avanga amakuru ku birebana n'ibitero bitandukanye byagabwe ku Batutsi); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 32 (« Aho nabereye ntabwo nigeze nita ku matariki, ndanibuka ko ntangira gutanga ubuhamya nabajije itariki ya none iyo ari yo »); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 36 (aho avuga ko atibuka umunsi Perezida Habyarimana yapfiriyeho), 41 (« Ntabwo njya nibuka amatariki »); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 43 (Ku birebana n'ubuhamya bwe mu rubanza rwa Seromba mu wa 2004, YAU yagize ati : «Avoka, ndagusabye ntumbaze ibibazo ku buhamya natanze mu rubanza rwa Seromba rwabaye umwaka ushize »); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 44 («Nzi ko icyo gitero kivugwa cyabayeho ariko sinshobora kukubwira niba cyarabaye hashize umunsi umwe, ibiri cyangwa se itatu ngeze kuri paruwasi »).

mu buhamya yari yaratanze mbere[806]. Nk'urugero, mu nyandiko ye y'ubuhamya yatanze muri Nzeri 1996, YAU yabwiye IPJ Siméon Muragizi ko ku itariki ya 14 Mata 1994, Padiri Kayiranga yasabye Abatutsi amafaranga kugira ngo ashobore kubagurira ibyo kurya n'ifu y'igikoma[807]. Mu ibaza rinyomoza, YAU yasubije ko ibikubiye muri ubwo buhamya atigeze abivuga[808], yeretswe kopi y'iyo nyandiko asubiza agira ati : «Ku bwanjye ibi ni nk'inzozi … Ndababwira ibyo nzi ku byabaye, ariko ibyo muvuga ahangaha rwose ntabwo mbizi »[809]. Rumaze gusuzumira hamwe ubuhamya bwe, Urugereko rufite impungenge ko YAU ashobora kuba agifite ihungabana yatewe n'ibyabaye yanyuzemo muri Mata 1994, bityo ubuhamya bwe bukaba butakwizerwa bihagije kugira ngo bushingirweho mu gufata umwanzuro ku byabaye hatabonetse ubundi bubushyigikira.

318. Kuri iki kibazo, uretse ko ubuhamya bwa YAU nta bundi bubushyigikira, bunanyuranye n'ubwa CBN wemeje ko ari Padiri Kayiranga n'undi mupadiri bakusanyije amafaranga y'Abatutsi kuri paruwasi[810]. Kubera ubu busembwa, Urugereko rusanze rudashobora kugendera ku buhamya bwa YAU budafite ubundi bubushyigikira, ngo rwemeze ko Kanyarukiga yagize uruhare mu gukusanya amafaranga y'Abatutsi kuri paruwasi[811].

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806 Reba nk'urugero, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 35, 41, 43, 47-49, 52, 54.

807 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 51-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D45 (Inyandikomvugo y'ibazwa rya YAU yo ku itariki ya 1 Ukwakira 2004).

808 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 48-49.

809 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 52.

810 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 14-16.

811 N'ubwo Urugereko rwemera ko amafaranga y'Abatutsi ashobora kuba yarakusanijwe hagamijwe kubagurira ibiribwa nk'uko bivugwa, rusanga ibimenyetso bitagaragaza neza itariki ibyo byakoreweho n'abantu babigizemo uruhare. Urugereko rusanga n'ubwo CBN yavuze ko Padiri Kayiranga yagize uruhare mu ikusanya ry'amafaranga y'Abatutsi ku itariki ya 14 Mata 1994, hari ibindi bimenyetso bivuga ko Padiri Kayiranga atari ari kuri paruwasi mbere y'itariki ya 15 Mata 1994. Reba nk'urugero, YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 18; KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 16, 28, 37 (iburanisha mu muhezo). Reba na none CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 37.

319. YAU yavuze kandi ko hari ubwo umubikira witwa Mama Yohani yagerageje guha Abatutsi b'abasiviri bari bateraniye kuri paruwasi umuceri n'ibishyimbo[812]. Akomeza avuga ko Mama Yohani yazanye ibiryo ariko Kayishema na Kanyarukiga bakabimena hasi[813]. YAU ni we mutangabuhamya wenyine wavuze kuri ibi bintu. Umutangabuhamya wiswe CBS, na we w'Umututsi warokotse ibyabereye kuri paruwasi ya Nyange yahakanye akomeje ko ibi bintu bitigeze bibaho[814]. Bitewe n'uko nta bundi buhamya bushyigikira ubwa YAU, Urugereko rusanga Porokireri ataratanze ibimenyetso bihamya ko Kanyarukiga na Kayishema bamennye hasi ibiryo byari bigenewe Abatutsi.

320. Hanyuma kandi, CBS avuga ko Padiri Seromba yahaye abajandarume bari kuri paruwasi amabwiriza yo kurasa umuntu uwo ari we wese uzatinyuka kujya mu rutoke rwa paruwasi[815]. CBN yashyigikiye ubu buhamya bwa CBS, avuga ko ku itariki ya 14 Mata 1994, Padiri Seromba yahaye abajandarume amabwiriza yo kurasa Umututsi wese wagerageza guca igitoki mu rutoke rwa paruwasi[816]. CBS na CBN bose ni Abatutsi barokotse ibyabereye kuri paruwasi ya Nyange. Urugereko rusanga aba batangabuhamya baratanze ubuhamya burambuye, butajegajega kandi bwuzuzanya ku birebana n'uko Abatutsi b'abasiviri bagerageje gushaka ibyo kurya mbere y'ubwicanyi bwo ku itariki ya 15 n'iya 16 Mata 1994. Nk'uko biri busesengurwe mu bika kuva ku

[812] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 42. Urugereko ruributsa ko ku itariki ya 15 Mutarama 2010, rutemeye icyifuzo cy'Ubwunganizi cyasabaga kuvanaho ubuhamya bwa YAU aho avuga ko Kanyarukiga yamennye ibiryo hasi byari bigenewe Abatutsi bari kuri paruwasi. Icyemezo cy'Urugereko rwa Mbere rw'Iremezo cyafashwe ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, 15 Mutarama 2010, igika 40. Ku itariki ya 23 Werurwe 2010, Urugereko rw'Ubujurire rwa TPIR rwahamishijeho Icyemezo cyafashwe n'Urugereko rwa Mbere rw'Iremezo. *Urubanza rwa Kanyarukiga*, Icyemezo ku bujurire Gaspard Kanyarukiga yatanze ajuririra Icyemezo cy'agateganyo ku birebana no kuvanaho ubuhamya, 23 Werurwe 2010, igika 11.

[813] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 14, 42-43. YAU ntiyashoboye kwibuka itariki ibi byabereyeho kandi ntiyashoboye no kumenya aho yabishyira akurikije uko ibindi byabaye byagiye bikurikirana. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 42. Urugereko ruributsa ko YAU yavuze mu rubanza rwa Seromba ko Mama Yohani yazanye ibiribwa ariko ntiyavuze ko Kayishema na Kanyarukiga babimennye. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 42-43.

[814] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.

[815] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 45-46.

[816] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

cya 456 kugeza ku cya 458, Urugereko rwasanze aba batangabuhamya bombi ari abo kwizerwa. Rushingiye ku buhamya bwabo, Urugereko rwemera ko kuri paruwasi ya Nyange hari abajandarume nyuma y'itariki ya 12 Mata 1994, ko kandi Padiri Seromba yabahaye amabwiriza yo kurasa Umututsi wese wagerageza guca igitoki mu rutoke rwa paruwasi.

Ibitero byo ku itariki ya 13 n'iya 14 Mata 1994

321. Porokireri avuga ko Abahutu bagabye ibitero ku Batutsi bari kuri paruwasi ya Nyange ku itariki ya 13 n'iya 14 Mata 1994[817]. Ubwunganizi buvuga ko ubwo Porokireri yavanaga mu Nyandiko y'ibirego yahinduwe ibivugwa ko byabaye kuri aya matariki, yagaragaje ku buryo busobanutse neza ko ibyabaye ku itariki ya 13 n'iya 14 Mata bitari mu byo ashingiraho mu rubanza[818].

322. Urugereko rwa Mbere rw'Iremezo rwemera ko itariki ya 13 n'iya 14 Mata 1994 zitagaragara mu Nyandiko y'ibirego yahinduwe kandi ko ibivugwa kuri aya matariki byavanywe mu Nyandiko y'ibirego ya mbere ubwo yahindurwaga[819]. Urugereko ariko rusanga nta na kimwe mu bika byavanywe mu nyandiko y'ibirego cyavugaga ku bitero byo ku itariki ya 13 n'iya 14 Mata 1994 mu buryo bivugwamo n'abatangabuhamya bashinjura. Bityo rero, Urugereko ntirwemera ko kuba ibyo bika byaravanywe mu Nyandiko y'ibirego hari aho byabangamiye Uregwa. Ikindi kandi, Urugereko rusanga itariki ya 13 n'iya 14 Mata 1994 ziri mu ntera y'igihe ivugwa mu gika cya 13 cy'Inyandiko y'ibirego yahinduwe, ahavugwa ko abagize ibitero bitwaje intwaro bagoteye Abatutsi kuri paruwasi kuva ku « itariki ya 12 Mata 1994 ».

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[817] Inyandikomvugo y'iburanisha, 24 May 2010, urup. 20. Reba na none CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 54-55, 59; CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 6-7; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 36; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 11; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 15-16 (YAU nta tariki yigeze avuga mu buhamya bwe. Icyakora, hashingiwe ku buryo avuga ibintu byabaye, Urugereko rusanga ashobora kuba yarageze kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994 akahava ku ya 15 Mata 1994).

[818] Imyanzuro nsozarubanza y'Ubwunganizi, igika 446.

[819] Inyandiko ya mbere y'ibirego, ibika 11-13. Gereranya n'Inyandiko y'ibirego yahinduwe.

323. N'ubwo itariki ya 13 n'iya 14 Mata 1994 ziri mu ntera y'igihe ivugwa mu gika cya 13 cy'Inyandiko y'ibirego yahinduwe, Urugereko ntirwemera ariko ko iki gika kimenyesha Uregwa ku buryo bukwiye ko ashinjwa ibitero byabaye kuri ayo matariki. Bitewe rero n'uko uregwa ashobora guhamywa gusa ibyaha biri mu nyandiko y'ibirego[820], Urugereko ntirwitaye ku buhamya bwa CBY na YAU aho bavuga ko Kanyarukiga yari aho igitero cyagabwe ku itariki ya 14 Mata 1994. Ikindi kandi, Urugereko rwafashe gusa ubwo buhamya burebana n'ibitero aho bushyigikira ibivugwa mu rwego rwa rusange ko abagize ibitero bagose Abatutsi kuri paruwasi kuva ku itariki ya 12 Mata 1994.

324. Urugereko ruributsa ko abatangabuhamya bashinja biswe CBS, CBN, CBY and CBK bose bahurije ku mvugo y'uko Abahutu bagabye ibitero ku Batutsi kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994 kandi ko Abatutsi birwanyeho batera amabuye abari mu bitero[821]. Ubu buhamya buhuje n'ubwatanzwe n'umutangabuhamya ushinjura wiswe KG15, wavuze ko atigeze ava mu gipadiri ku itariki ya 13 Mata 1994 « bitewe n'uko ibintu byari bimeze nabi »[822].

325. Urugereko rwasuzumye ubuhamya bwatanzwe n'umutangabuhamya ushinjura wiswe KG19, wavuze ko nta bitero byagabwe kuri paruwasi ku itariki ya 13 Mata 1994[823]. KG19 yavuze ko aho yari ahagaze kuri santere ya Nyange, yashoboraga kubona ibibera Ku Ishusho byose, kandi nta bagabye ibitero yabonye hafi yo Ku Ishusho kuri uwo munsi[824]. Urugereko ruributsa ko KG19 atageze ku kiriziya ku itariki ya 13 Mata 1994[825]. N'ubwo yavuze ko yashoboraga kubona ibintu byose byaberaga hafi yo Ku Ishusho, ntiyavuze ko yashoboraga kureba kuri paruwasi. Urugereko ruributsa ko ruhereye ku byo rwabonye ubwo rwajyaga aho ibyaha byakorewe, umuntu uri mu

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[820] Reba nk'urugero, *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 18.

[821] CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10; CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 54-55, 58; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 36, 39-40; CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70.

[822] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 14 (iburanisha mu muhezo).

[823] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9. Reba na none Imyanzuro nsozarubanza y'Ubwunganizi, igika 169.

[824] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 9-10; Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 21 (iburanisha mu muhezo).

[825] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 9.

iduka imbere cyangwa hanze hafi yaryo nk'aho umutangabuhamya avuga yari ari, adashobora kureba kuri paruwasi ya Nyange[826]. Urugereko rero rusanga ubuhamya bwa KG19 butatuma rushidikanya ku buhamya bwatanzwe na CBN, CBY, CBK na CBS biboneye ibyabaye n'amaso yabo.

326. Kubera izo mpamvu, Urugereko rusanze haratanzwe ibimenyetso bidashidikanywaho bihamya ko Abahutu bagose Abatutsi kuri paruwasi ya Nyange ku itariki ya 13 Mata 1994 maze bakabagabaho ibitero.

327. Urugereko ruributsa kandi ko ntawe uhakana ko Abahutu bagabye ibitero ku Batutsi kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994 kandi ko Abatutsi bakumiriye ibyo bitero batera amabuye ababibagabyeho[827]. Bityo rero, rugendeye ku buhamya bukomatanyije bw'abagabo bashinja n'ubw'abashinjura, rusanze byaragaragajwe ku buryo budashidikanyaho ko Abahutu bagose Abatutsi bari kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994 maze bakabagabaho ibitero.

Kuburira abari mu bitero ko «Inyenzi » zigeze i Mushubati

[826] Reba Ikimenyetso gihamya cya Gerefiye cyahawe No R1 (DVD Isurwa ry'aho icyaha cyakorewe umunsi wa 1, uwa 2, n'uwa 3), ku munsi wa 2, 1:07:36-1:09:15; Ikimenyetso gihamya cya Gerefiye cyahawe No R3(II) (Inyandikomvugo y'iburanisha, 20 Mata 2010, imp. 43-45 (iburanisha mu muhezo). Urugereko rusanga ibi bivugwa bishingiye ku byo umuntu uri imbere ya farumasi ya Kanyarukiga yashoboraga kubona. Icyakora Urugereko rusanga ibyo rwabonye binarebana n'iduka aho umutangabuhamya avuga ko yari ari. Bigaragara mu Kimenyetso gihamya cya Porokireri cyahawe No P46 (Kopi y'ifoto y'amabara (K027-1743) nk'uko yagaragajwe na CNJ). Gereranya n'Ikimenyetso gihamya cya Gerefiye cyahawe No R1 (DVD y'isurwa ry'aho icyaha cyakorewe umunsi wa 1, uwa 2, n'uwa 3), ku munsi wa 2, 1:00:10-1:01:23 (ahagaragaza ko umuntu ashobora kubona kuri paruwasi ya Nyange ahagaze mu muhanda imbere ya santere ya Nyange no Ku Ishusho).

[827] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 11-12, 16, 54; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 41, 43-45; CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 58-59; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 15-17 (Urugereko ruributsa ko YAU nta matariki yavuze, ariko hashingiwe ku makuru atanga yerekeranye n'uko ibyabaye byakurikiranye, rusanga avuga igitero cyo ku itariki ya 14 Mata 1994.); CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 6-7; KG45, Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 60 (iburanisha mu muhezo); KG19, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 65 (iburanisha mu muhezo); Nayituriki, Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 11, 15-17. Urugereko rusanga n'ubwo KG15 avuga ko nta bwicanyi bwabaye ku itariki ya 14 Mata 1994, ntiyahakanye ariko ko paruwasi yagabweho igitero. KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup.26 (iburanisha mu muhezo).

328. Umutangabuhamya ushinja wiswe CBR yavuze ko nyuma y'igitero cyabaye ku itariki ya14 Mata 1994, abari mu bitero bahuye n'imodoka itukura muri Serire ya Cyambogo ikomotse mu cyerekezo cya Gitarama[828]. Iyo modoka yahagaze iruhande rw'umuhanda maze umuntu wari uyirimo avugana na Ndugutse[829]. Nyuma yaho, uyu mutangabuhamya yaje kubwirwa ko wa muntu wari mu modoka ari Kanyarukiga kandi ko yavuze ko Inyenzi ziri i Mushubati ko zije kugaba ibitero ku Bahutu, akanabwira Ndungutse ko agomba gushaka abantu bo kubatiza umurindi[830].

329. Urugereko rusanga CBR ari we mutangabuhamya wenyine wavuze ko Kanyarukiga yavuganye n'abari mu bitero ahagaze iruhande rw'umuhanda ku itariki ya 14 Mata 1994. N'ubwo CBR ari umutangabuhamya w'icyitso mu bwicanyi bwakorewe kuri paruwasi ya Nyange [831], Urugereko muri rusange rwahaye agaciro gakomeye ubuhamya bwe kurusha ubw'abandi batangabuhamya b'ibyitso. Icyakora, Urugereko ruributsa ko ubuhamya bwa CBR kuri ibi byabaye byihariye bushingiye ahanini ku nkuru mbarirano idafite ubundi buhamya buyishyigikira. Bityo rero, Urugereko rusanze by'umwihariko ku bivugwa ahangaha, ubuhamya bwa CBR budahagije kugaragaza ku buryo budashidikanywaho ko Uregwa yabonaniye n'abari mu bitero iruhande rw'umuhanda ku itariki ya 14 Mata 1994, ko kandi yasabye Ndungutse gushaka abandi bantu bo kumutiza umurindi ngo kubera ko Inyenzi zari i Mushubati.

Ibyo kuvana abagore b'Abahutukazi ku kiriziya y'i Nyange

330. Icya nyuma, Porokireri avuga ko abari mu mugambi mubisha uhuriweho, bavanye abagore b'Abahutukazi mu kiriziya ku itariki ya 14 Mata 1994, bityo bagaragaza ko « bari bafite igitekerezo cy'uko Abatutsi bonyine ari bo bagomba kwicwa »[832].

[828] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 52-54.

[829] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 12.

[830] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 12, 15. Urugereko ruributsa ko mu cyemezo rwafashe ku itariki ya 15 Mutarama 2010, rwasanze ubuhamya bwa CBR buvuga ko Kanyarukiga yahagaze iruhande rw'umuhanda akabwira abari bahari aho Inyenzi ziherereye atari ikirego gishya cyangwa igikorwa gifatika cyagombaga kuba cyaramenyeshejwe Uregwa. Icyemezo cyafashwe ku cyifuzo cy'Ubwunganizi cyasabaga guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 26.

[831] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 11-12, 16, 25-28, 29-30, 33, 48-50.

[832] Imyanzuro nsozarubanza ya Porokireri, ibika 129-130.

Umutangabuhamya ushinja wiswe CBS yavuze ko mu ijoro ryo ku itariki ya 14 Mata 1994, IPJ Kayishema na Burigadiye Mbakirirehe baje kuri paruwasi maze bagatwara abagore b'Abahutukazi bari bahunganye n'abagabo babo b'Abatutsi[833].

331. Urugereko ruributsa ko rufite ububasha busesuye, bitewe n'uko ikibazo kimeze, bwo kwemeza niba ari ngombwa ko ubuhamya bubona ubundi bubushyigikira cyangwa niba rwashingira ku buhamya bw'umugabo umwe wakwizerwa mu kugaragaza ko igikorwa runaka gifatika cyabayeho[834]. Urugereko rwasanze muri rusange CBS ari umutangabuhamya ukwiye kwizerwa. Icyakora kuri ibi byabaye by'umwihariko, Urugereko rurakenga ubuhamya bwe kubera ko bushobora kuba bwarisunze amakuru yakomoye ahandi aho kugendera kubyo yibuka we ubwe. Mu nyandiko ye y'ubuhamya yo ku itariki ya 2 Gashyantare 1996, CBS yavuze ko Burugumesitiri Ndahimana na Aloys Nishyirimbere bari kumwe na Kayishema na Mbakirirehe, ubwo uyu Mbakirirehe na Kayishema bazaga kuvana abagore b'Abahutukazi mu kiriziya[835]. Mu bundi buhamya yatanze muri Werurwe 2003, uyu mutangabuhamya yarisubiye avuga ko Nishyirimbere atigeze agera ku kiriziya[836]. Mu iburanisha ubwo yabazwaga ibirebana n'inyandiko y'ubuhamya yatanze mu wa 1996, CBS yasubije ko atigeze avuga izina rya Nishyirimbere imbere y'abakoraga iperereza[837]. Na none, ubwo yabazwaga impamvu kugeza mu wa 2003 atari yarigeze avanaho ibyo yari yavuze mbere kuri Nishyirimbere, CBS yasubije ko Nishyirimbere yiyemereye ko yakoze

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[833] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 53-54.

[834] *Urubanza rwa Karera*, Inyandiko y'urubanza mu bujurire, igika 45; *Urubanza rwa Musema,* Inyandiko y'urubanza mu bujurire, ibika 37-38.

[835] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D48(B) (Inyandiko y'ubuhamya bwa CBS yo ku itariki ya 2 Gashyantare 1996). Urugereko rusanga inyandiko y'icyongereza y'ubwo buhamya irimo ibintu byakosojwe ikaramu, harimo n'ibivuga ko Nishyirimbere atigeze agera ku kiriziya. Mu gihe cy'ibaza rinyomoza, Umutangabuhamya yemeje ko iryo kosorwa ryabaye mu wa 2003. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 22-23. Reba na none ikimenyetso gihamya cy'Uregwa cyahawe No D48(C) (Inyandiko y'ubuhamya bwa CBS yo ku itariki ya 2 Gashyantare 1996 - mu gifaransa) (havuyemo ibyanditse by'inyongera bigaragara mu nyandiko yo mu cyongereza).

[836] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D49(B) (Inyandiko y'ubuhamya bwa CBS yo ku itariki ya 12 Werurwe 2003); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 22-24.

[837] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 22 (« navuze Kayishema na Mbakirirehe. Aba babiri ni bo baje ku kiriziya bacagura abagore b'Abahutukazi barababjyana. Sinigeze mvuga Nishyirimbere »).

ibyaha ku biro bya komine, ko rero ubuhamya bwe bwa mbere yabukosoye ashingiye ku byo yamenyeye mu bwirege bwa Nishyirimbere[838].

332. N'ubwo Urugereko rusanga ubu busembwa ntacyo bupfobyaho muri rusange ukwizerwa kwagirirwa uyu mutangabuhamya, rusanga ariko ubuhamya bwe, mu gihe hatabonetse ubundi bubushyigikira, budahagije kugaragaza nta gushidikanya ko Kayishema na Mbakirirehe bajonjoye abagore b'Abahutukazi bakabatandukanya n'Abatutsi bari kuri paruwasi mu ijoro ryo ku itariki ya 14 Mata 1994.

4.4. Umwanzuro w'Urugereko

333. Kubera impamvu zimaze kuvugwa, Urugereko rusanze Porokireri yaragaragaje ku buryo budashidikanywaho ko ku itariki ya 12 Mata 1994, abantu bitwaje intwaro barimo Interahamwe*,* insoresore zitwara gisirikare n'abajandarume, bagose Paruwasi ya Nyange aho Abatutsi bari kandi badashobora kuhava[839].

334. Urugereko rusanze byaragaragajwe ku buryo budashidikanywaho ko ku itariki ya 13 Mata 1994, Abahutu bagabye ibitero ku Batutsi bari bahungiye ku kiriziya y'i Nyange kandi ko uwo munsi Abatutsi bambuwe inkoni n'imipanga bari bitwaje. Urugereko rusanze byaragaragajwe ku buryo budashidikanywaho ko ku itariki ya 14 Mata 1994 Abahutu bagose paruwasi ya Nyange bakagaba igitero ku Batutsi bari bahari, ariko Abatutsi bagashobora gukumira icyo gitero. Icya nyuma, byaragaragajwe ku buryo budashidikanywaho ko ku itariki ya 12 Mata 1994 kuri Paruwasi ya Nyage hari abajandarume, kandi Seromba yabahaye amabwiriza yo kurasa Umututsi wese wari kugerageza guca igitoki mu rutoki rwa paruwasi.

335. Nyamara ariko, Porokireri ntiyashoboye kugaragaza ku buryo budashidikanywaho ko Kanyarukiga yagize uruhare mu kwaka intwaro Abatutsi kuri paruwasi ya Nyange; ko Kanyarukiga na Kayishema batse Abatutsi amafaranga bitwaje ko ari ayo kubagurira ibiryo; ko Kayishema na Kanyarukiga bamennye hasi ibiribwa byari bigenewe Abatutsi cyangwa ko yahuriye n'abari mu bitero iruhande rw'umuhanda ku itariki ya 14 Mata

[838] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 23-24.

[839] Urugereko rusanga n'ubwo byagaragajwe nta gushidikanya ko kuri paruwasi hari abajandarume, kandi babujije Abatutsi guca ibitoki mu rutoke rwa paruwasi, ntabwo ariko muri uru rubanza hatanzwe ibimeneytso bihamya ko abajandarume bagiye mu bitero byagabwe ku Batutsi ku itariki ya 13 n'iya 14 Mata 1994.

1994 akanasaba Ndungutse gushaka abandi bantu bo kubatiza umurindi ngo kubera ko Inyenzi zari i Mushubati. Porokireri ntiyashoboye kandi gutanga ibimenyetso bihamya ko IPJ Kayishema na Burigadiye Mbakirirehe bavanye abagore b'Abahutukazi muri kiriziya y'i Nyange mu ijoro ryo ku itariki ya 14 Mata 1994.

5. Ibitero byagabwe kuri paruwasi y'i Nyange ku itariki ya 15 Mata 1994

5.1. Intangiriro

336. Igika cya 14 n'icya 15 by'Inyandiko y'ibirego yahinduwe bigira biti:

> 14. Mu gitondo cyo ku itariki ya 14 Mata 1994, bari kuri kiriziya y'i Nyange, **Gaspard Kanyarukiga,** Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bategetse kandi bahamagarira abantu bari mu bitero kwirara mu mpunzi z'Abatutsi b'abasiviri. Abari mu bitero bakoresheje amabuye n'intwaro za gakondo mu kurwanya izo mpunzi ariko zisubiza inyuma ibyo bitero. Uwitwa Théophile Rukara, wahoze ari umusirikare, ubwo yateye za gerenade ku mpunzi z'Abatutsi, maze benshi muri bo barapfa abandi barakomereka.
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> 15. Abari mu bitero baje gutizwa umurindi n'abajandarume n'abapolisi ba Komini, bakomeza kugaba ibitero ku mpunzi z'Abatutsi bakoresheje imbunda n'intambi, maze benshi cyane muri izo mpunzi barapfa abandi barakomereka. Muri icyo gihe cy'ibitero, **Gaspard Kanyarukiga,** Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bari bahibereye, batanga amategeko, bahamagarira abantu gukora ibyo bikorwa kandi babigenzura. Bafashije kandi batera inkunga abari mu bitero, babaha intwaro na lisansi bakoresheje bashaka gutwikira impunzi z'Abatutsi mu kiriziya[840].

337. Mu gushyigikira ibyo birego, Porokireri ashingira ku buhamya bwatanzwe n'abatangabuhamya biswe CBN, CBK, CNJ, CBY, CBR, CDL, CBT, YAU, CDK na CBS.[841]

338. Ubwunganizi buvuga ko abo batangabuhamya bashinja atari abo kwizerwa maze rukiyambaza imyiregurire ya sinari mpari (*alibi*) ku bivugwa byabaye ku itariki ya 15

[840] Inyandiko y'ibirego yahinduwe, ibika 14 na 15. Reba na none Imyanzuro mbanzirizarubanza ya Porokireri, ibika 40-43; Imyanzuro nsozarubanza ya Porokireri, ibika 131-160.
[841] Imyanzuro nsozarubanza ya Porokireri, ibika 131-160.

Mata 1994, bukanashingira ku buhamya bwatanzwe n'abatangabuhamya bashinjura ari bo KG45, KG19, Mutume, Sibomana, Tugirumukiza na KG15[842].

5.2. Ibimenyetso

Umutangabuhamya ushinja wiswe CBN

339. CBN yabonye Kayishema, Christophe Mbakirirehe n'Uregwa bari imbere ya farumasi y'Uregwa, ku itariki ya 15 Mata 1994[843]. Uyu mutangabuhamya yibwiye ko "abo bantu bari hamwe mu nama », kandi ko « bageze aho » bakohereza abaturage gutera abantu bari bahungiye mu kiriziya[844].

340. CBN avuga ko Abahutu bagabye ibitero byinshi ku bantu bari bahungiye muri kiriziya y'i Nyange ku itariki ya 15 Mata 1994[845]. Uyu mutangabuhamya yaketse ko Abahutu bose bari bavuye ku mirenge yabo bakajya kugaba ibitero ku bantu bari bahungiye ku kiriziya[846]. Bigitangira, hagati ya saa tatu na saa yine z'amanywa, Abahutu benshi bagabye ibitero bagose kiriziya y'i Nyange noneho batangira gutera amabuye ku bantu bari bahungiye mu kiriziya[847]. Abatutsi bari imbere mu kiriziya n'abandi bari bakikije aho hantu na bo birwanyeho batera amabuye abagabye ibitero[848], maze bashobora gukumira icyo gitero. CBN yibuka ko abagabye ibitero babateraga amabuye bavuga ngo « reka tubatsembatsembe » ari nako « bavugira icya rimwe amagambo anyuranye basa nk'abaririmba»[849]. CBN yibuka ko abagabye ibitero bari bitwaje amabuye, ibibando, imipanga, amacumu n'imyambi[850]. Iyo abagize itsinda runaka ry'abagabye ibitero bananirwaga, basimburwaga n'abandi[851]. Byageze aho abagabye

[842] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 204-253.

[843] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61

[844] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61

[845] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60-61; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 24.

[846] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[847] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60-61; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 23.

[848] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60, 61.

[849] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[850] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60-61

[851] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60, 61

ibitero barusha imbaraga Abatutsi kubera ko babateye za gerenade[852]. CBN yavuze ko « abategetsi » bari bahagaze imbere y'Ishusho ya Bikira Mariya icyo gihe ari Burigadiye Mbakirirehe, Kayishema, uwitwa Abayisenga, na Kanyarukiga[853].

341. CBN yavuye ku kiriziya ku itariki ya 15 Mata 1994 hagati ya saa saba na saa munani z'amanywa[854]. Yashoboye kuva ku kiriziya igihe gerenade zaterwaga[855]. CBN yavuze ko imwe muri gerenade abagabye ibitero bateye itaturitse noneho we n'abandi bari kumwe barayitoragura[856]. Gerenade ya kabiri yo yaraturitse maze ihitana impunzi nyinshi[857]. « Bagenzi » b'uyu mutangabuhamya bajyanye ku kiriziya imirambo y'abahitanywe na gerenade[858]. CBN yabonye imirambo y'abagabo, abagore, abasaza n'abana iri hasi mu mbuga ya kiriziya no mu kiriziya. Cyakora ntiyashoboye kumenya umubare nyawo w'iyo mirambo[859]. Icyo gihe Abatutsi barimo guhunga bagana mu rutoki, kandi ni bwo uyu mutangabuhamya yashoboye kuva ku kiriziya[860]. CBN yavuze ko yitwikiriye ibirere kugira ngo ase n'abagabye ibitero na bo ubwabo bari bambaye ibirere[861]. CBN yasize umuryango we kuri paruwasi y'i Nyange. Kuva icyo gihe ntiyongeye kubona umugore we n'abana be ndetse n'abandi bantu bo mu muryango we[862].

342. Ubwo yahungaga[863], CBN yabonye imodoka ya Kanyarukiga hafi y'ibiro bya komini ku itariki ya 15 Mata 1994. CBN yavuze ko iyo modoka yari itwaye abaturage bahamagariraga abandi baturage gufata Inyenzi[864].

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[852] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61
[853] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.
[854] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61.
[855] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.
[856] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.
[857] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.
[858] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.
[859] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 64.
[860] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 62-63.
[861] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 63.
[862] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 66.
[863] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 67. CBN yavuze ko yari azi ko imwe mu modoka za Kanyarukiga yari Toyota itukura kandi yasobanuye ko abaturage bitaga imodoka zisa gutyo Toyota. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 66.

Umutangabuhamya ushinja wiswe CBK

343. CBK yavuze ko ku itariki ya 15 Mata 1994, Abahutu baturutse mu duce twose na segiteri bya komini bagabye igitero ku Batutsi bari mu kiriziya y'i Nyange[865]. CBK avuga ko Abahutu bagabye ibitero batangiye barasa ku Batutsi bari mu kiriziya, nyuma bagerageza gutwika iyo kiriziya[866].

344. CBK avuga ko abagabye ibitero uwo munsi bari bayobowe na Burugumesitiri Ndahimana, Padiri Seromba, Kayishema, Burigadiye Christophe Mbakirirehe, Gaspard Kanyarukiga hamwe n'abandi bategetsi n'abacuruzi bo muri ako karere[867]. CBK yavuze ko Kanyarukiga n'abo bategetsi bagenzuraga ibikorwa by'abagabye ibitero[868].

345. CBK yibuka ko ku itariki ya 15 Mata 1994, abari bayoboye ibitero barimo Gaspard Kanyarukiga, Christophe Mbakirire, Grégoire Ndahimana, IPJ Kayishema, Anastase Rushema n'abandi bageze kuri paruwasi mbere ya saa sita z'amanywa bagakora inama[869]. CBK avuga ko iyo nama yakorewe mu cyumba cyo mu gipadiri, ikaba yaramaze igihe kiri hagati y'isaha n'igice n'amasaha abiri[870.] CBK yavuze ko nyuma y'iyo nama, abo bategetsi bavuye mu gipadiri berekeza ahantu hateganye n'ibiro by'ubunyamabanga bwa paruwasi n'uko bageza ijambo ku Bahutu bagabye ibitero[871]. Abagabye ibitero bamaze kuvugana n'abo « bategetsi » bahise batera za gerenade ku Batutsi bari mu kiriziya ari nako barasa kuri iyo kiriziya[872]. CBK yabonye Théophile Rukara ari hejuru y'inzu ya Caritas atera gerenade ku Batutsi[873]. CBK avuga ko Abatutsi bamwe bahitanwe n'icyo gitero[874]. Mu bagabye ibitero barashe kuri kiriziya

[864] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 67.
[865] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7.
[866] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7.
[867] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7.
[868] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 7, 8.
[869] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 8-9.
[870] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9.
[871] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9.
[872] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 9, 18.
[873] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.
[874] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.

harimo n'abapolisi ba Komini ya Kivumu[875]. Uyu mutangabuhamya yongeyeho ko icyo gihe Kanyarukiga yari yitwaje imbunda[876].

346. CBK yavuze ko abagabye ibitero bagerageje gutwika kiriziya y'i Nyange bakoresheje lisansi[877]. CBK yavuze ko abagabye ibitero basutse lisansi ku madirishya n'inzugi bya kiriziya[878]. Yavuze ko abategetsi bari bahari ubwo abagabye ibitero bakoraga ibyo[879].Yavuze ko yabonye icyo gikorwa ahagaze aho yari ari ku marembo yo mu gipadiri[880]. CBK yavuze ko kiriziya yatwitswe ariko ntihirime, akaba ari yo mpamvu « abategetsi » bashatse imashini cyangwa ibikoresho byo kuyisenya[881].

347. CBK yavuze ko mbere y'uko bagerageza gutwika kiriziya y'i Nyange, Kanyarukiga yari yagiye gushaka lisansi kuri farumasi ye, kandi Kayishema na we yari yagiye i Kivumu ku mpamvu nk'izo[882] . CBK yavuze ko Kanyarukiga yajyanye n'abagabye ibitero, ko yabahaye lisansi maze akabereka aho bagomba kuyisuka kugira ngo batwike kiriziya[883].

348. Mu masaha yakurikiyeho ku itariki ya 15 Mata 1994, nyuma yo kugerageza gutwika kiriziya y'i Nyange, abategetsi basubiye mu cyumba cy'inama mu gipadiri hagati ya saa munani n'igice na saa cyenda z'amanywa[884]. Iyo nama irangiye, saa kumi z'amanywa, « imashini ikora imihanda » yagejejwe ku kiriziya y'i Nyange[885].

Umutangabuhamya ushinja wiswe CNJ

349. CNJ yavuze ko ku itariki ya 15 Mata 1994, yagiye kuri paruwasi y'i Nyange ari kumwe n'abantu barindwi bakomoka ku murenge we. Mu nzira bagenda, bahuye n'abandi

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[875] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.
[876] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.
[877] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.
[878] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18.
[879] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 19.
[880] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 19.
[881] Inyandikomvugo y'iburanisha, 3 Nzeri 2009. urup. 23.
[882] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 19, 21.
[883] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21.
[884] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 20, 21.
[885] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21.

bantu berekezaga na bo kuri paruwasi y'i Nyange[886]. Abo bantu bari mu ikamyo ya komini yabururukirije kuri santere ya Nyange, imbere ya farumasi ya Kanyarukiga[887]. CNJ yavuze ko yari yitwaje impiri n'inkota kandi ko n'abandi bose bari bagabye igitero bari bitwaje intwaro[888]. CNJ yavuze ko agereranyije abagabye igitero ku itariki ya 15 Mata 1994 bageraga hafi ku 4.000[889].

350. CNJ yavuze ko bahageze hagati ya saa tanu za mu gitondo na saa saba z'amanywa, bakakirwa na Ndahimana, Kayishema, Ndungutse, Kiragi na Habiyambere. Aba bagabo babashimiye ko baje gutera inkunga[890]. Ndahimana yahaye ikaze abagabye igitero, abasaba kwambara ibirere kugira ngo babashe gutandukanywa n'Abatutsi bari barahungiye mu kiriziya[891]. CNJ yakomeje avuga ko Ndahimana yamubwiye, hamwe n'abandi bari mu gitero, ko Kanyarukiga yari yemeye ko bazavurirwa kuri farumasi ye ku buntu nibaramuka bakomeretse[892]. Ibi Ndahimana yabivuze Kanyarukiga ahibereye, kandi ntiyabivuguruje[893]. Kuba ntacyo Kanyarukiga yavuze, uyu mutangabuhamya yabifashe nko gushyigikira ibyo Ndahimana yari amaze kuvuga[894]. CNJ yavuze ko uwitwa Gatake n'undi witwa Sebera bavuriwe kuri farumasi ya Kanyarukiga[895].

351. Nyuma y'ibyo, CNJ yibuka ko Kayishema yajyanye abari mu bitero aho bagombaga kurwanya Abatutsi kuri paruwasi y'i Nyange, bagatiza umurindi abandi bagabye igitero bari bahari[896]. Uyu mutangabuhamya yavuze ko Abatutsi birwanagaho bakoresheje amabuye[897]. Abagabye ibitero na bo bahawe amabuye[898]. CNJ yavuze ko Kanyarukiga

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886 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.

887 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 11-12, 56.

888 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.

889 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.

890 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 12, 13 na 56.

891 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 13.

892 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 13.

893 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 13.

894 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 13, 63 na 64.

895 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 13.

896 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.

897 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 12.

898 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 56.

yari mu bagabye ibitero[899]. CNJ yavuze ko muri ibyo bitero, ababigabye birukankanaga Abatutsi bakabageza kuri paruwasi y'i Nyange, naho Abatutsi bari bahungiye mu kiriziya y'i Nyange bakumiraga ibyo bitero bakabisubiza inyuma ku muhanda munini wa Gitarama-Kigali[900]. Uyu mutangabuhamya yibuka ko we n'abandi bagerageje gutera inkunga abagabye ibitero bari bahanganye n'Abatutsi, ariko ntibagire icyo bageraho kubera ko Abatutsi ari bo bari bahagaze ahantu heza kandi icyo gihe bakaba bararushaga imbaraga Abahutu[901]. Nyuma, Kayishema yafashe ingamba zo kohereza abantu gutera gerenade ku Batutsi[902]. Ahagana saa munani z'amanywa, Théophile Rukara yateye amagerenade ari ku gisenge cy'inzu yarebanaga na resitora ya Caritas, ikaba yari yegeranye na farumasi[903].

352. CNJ yibuka ko Abatutsi bamwe bahitanywe n'ibyo bitero. Abasigaye bagiye kuri paruwasi y'i Nyange, bahungira mu kiriziya no mu gipadiri, ariko Abahutu bari mu bitero barabakurikirana[904]. CNJ yavuze ko Abatutsi batashoboye kwinjira mu kiriziya cyangwa mu gipadiri biciwe ku kibuga cyari imbere ya kiriziya[905]. CNJ yavuze ko Padiri Seromba yabujije abagabye ibitero kwinjira mu gipadiri ku ngufu[906]. Nyuma y'icyo gitero, Habiyambere, Kayishema, Ndungutse na Kanyarukiga bari kuri paruwasi, ariko Burugumesitiri yari yagiye kubera ko hari umuntu wo mu muryango we wari wapfuye[907]. CNJ yavuze ko Abatutsi bamaze kwifungirana mu kiriziya, abapolisi barashe ku kiriziya, abagabye ibitero bagerageza kumena inzugi zayo bakoresheje tingatinga n'ibindi bikoresho[908]. CNJ yavuze ko abagabye ibitero bashoboye kwica abantu bamwe bari mu gipadiri, ariko ko byari bikomeye kugera ku

[899] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.
[900] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 56.
[901] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.
[902] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 15, 16, 74 na 75.
[903] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 16, 56 na 75.
[904] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 16 na 17.
[905] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 16 na 17.
[906] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19.
[907] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 17.
[908] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. Urup. 18.

bari mu kiriziya[909]. Uyu mutangabuhamya yavuze ko abantu babarirwa hagati ya 250 na 300 bishwe kuri iyo tariki ya 15 Mata 1994[910].

353. CNJ yavuze ko we n'abandi bantu basabwe kuvana imirambo mu biro by'ubunyamabanga[911]. Yavuze ko Kanyarukiga na Kayishema bavuye ku kiriziya bakajya gushaka Rushema kuri santere y'ubucuruzi[912]. CNJ yari azi Rushema nk'uwari wungirije Burugumesitiri[913]. Kateripirari yabanje kwifashishwa mu guhamba imirambo, nyuma yifashishwa mu kugerageza kumena imiryango ya kiriziya y'i Nyange[914]. Uyu mutangabuhamya yakomeje avuga ko imirambo yahambwe mu ishyamba ryari inyuma ya resitora ya Caritas, aho tingatinga yifashishijwe mu kwagura umwobo w'umusarani[915].

354. CNJ yavuze ko gerenade zimaze guterwa, hifashishijwe ishoka yari yavanywe kwa Kimaranzara mu kugerageza kumena imiryango ya kiriziya[916]. Abagabye ibitero na none bagerageje kwifashisha intambi eshatu mu kumena umuryango munini wa kiriziya, ariko biba iby'ubusa[917].

355. CNJ yavuze ko nyuma y'ibyo, Kiragi, Théodomir, Kayishema na Arnold Nibarere bazanye lisansi, abagabye ibitero bakayimena kuri kiriziya[918]. CNJ yakomeje avuga ko abagabye ibitero bamennye idirishya rya kiriziya, basukamo lisansi[919]. Uyu mutangabuhamya yavuze ko indimi z'umuriro zafashe igisenge cy'umunara wa kiriziya, Abatutsi bari mu kiriziya bakagerageza kwirwanaho bazimya uwo muriro[920].

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[909] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 18.

[910] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 28.

[911] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19.

[912] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19.

[913] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22.

[914] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19.

[915] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 21.

[916] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 19, 20 na 31.

[917] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 20 na 31.

[918] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 20; Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 2 na 3.

[919] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 30 na 31.

[920] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 31.

356. Umuriro umaze kuzima, hemejwe ko « ibyo bikorwa » bizasubukurwa ku munsi ukurikiyeho[921]. CNJ yavuze ko Kanyarukiga, Kayishema, Ndungutse, Habiyambere n'umuveterineri wari uzwi ku izina rya Mudondore bagiye gushaka Seromba[922]. CNJ yavuze ko icyo gihe hemejwe ko abantu bamwe bagomba kurinda aho hantu kugira ngo babuze Abatutsi bari bataricwa guhunga[923]. Uyu mutangabuhamya yavuze ko abagabye ibitero bari bagamije gutsembatsemba abo Batutsi, bikaba rero byari ngombwa kurinda aho hantu kugira ngo hatagira Umututsi n'umwe ucika[924]. CNJ yavuze ko Kayishema na Habiyambere bumvishije bamwe mu bagabye ibitero ko bagomba kuguma aho hantu mu gihe abandi barimo bahava[925]. CNJ yavuze ko ubwo yari ahavuye, Kanyarukiga wari ufite imbunda yo mu bwoko bwa masotera, Nishyirimbere na Rukara bamuhagaritse hamwe n'abandi bantu, bakabasaba gusubira ku kiriziya[926].

357. Icya nyuma, CNJ yaravuze ati : « umuntu wari gushobora kuburizamo icyo gikorwa ni IPJ Kayishema, nyamara abashoboraga kukiburizamo ni na bo bari bayoboye ibyo bikorwa»[927]. Abandi bantu bakomeye nka Kanyarukiga ntacyo bakoze kugira ngo babuze abagabye ibitero gukora ibikorwa by'urugomo[928].

Umutangabuhamya ushinja wiswe CBY

358. CBY yavuze ko mu gitondo cyo ku itariki ya 15 Mata 1994, « abategetsi » baje bakabonana n' «umupadiri » igihe cy'iminota 60 mu « mu nzu yo hejuru»[929] . Abo bategetsi ni Kayishema, Ndungutse, Grégoire Ndahimana, Théodomir na

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[921] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22. Umutangabuhamya ntiyasobanuye uwafashe iki cyemezo.

[922] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22.

[923] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 22 na 23.

[924] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23.

[925] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23.

[926] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23.

[927] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22.

[928] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22.

[929] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 45. Mu nyandikomvugo y'iburanisha iri mu cyongereza handitse itariki ya 14 Mata, ariko biragaragara ko umutangabuhamya yavugaga umunsi ukurikiraho. Ikindi kandi, mu nyandikomvugo y'iburanisha iri mu gifaransa handitse itariki ya 15 Mata. Inyandikomvugo y'iburanisha iri mu gifaransa, 8 Nzeri 2008, urup. 52.

Kanyarukiga[930]. Uyu mutangabuhamya yavuze ko nyuma y'amasaha nk'abiri bagiye, abagabye ibitero benshi baje bagahangana bikomeye n'Abatutsi kuri paruwasi[931].

359. CBY yibutse ko igitero cyagabwe ku Batutsi ku itariki ya 15 Mata 1994 cyatangiye ahagana saa tanu za mu gitondo kikarangira saa munani z'amanywa[932]. Abahutu bateye Abatutsi amabuye, ariko Abatutsi bifashishije amabuye birwanaho bashobora gukumira icyo gitero, cyihinda kigana mu cyerekezo cyo ku isoko ry'i Nyange[933]. Uyu mutangabuhamya yavuze ko mbere ya saa sita z'amanywa, umuntu wari waravuye mu gisirikare witwaga Théophile (bahimbaga Rukara), yuriye inzu hanyuma ajugunya gerenade ku Batutsi[934]. Uyu mutangabuhamya yavuze ko Rukara yajugunye gerenade ari hejuru y'iyo nzu iherereye hepfo ya paruwasi, ikaba yari hafi y'inzu ya Caritas, hafi y'inzu y'uwitwa Vincent[935]. CBY yari hanze yo mu gipadiri, ku kibuga cya kiriziya y'i Nyange, ubwo gerenade yaterwaga[936]. Yibutse ko bamwe mu Batutsi bahise bahagwa, abandi bagacika amaguru cyangwa amaboko. Abari bakiri bazima baje kwicwa n'Abahutu bari mu bitero bakoresheje impiri n'imihoro[937]. Abatutsi basubiye inyuma bahungira mu kiriziya[938]. Abatutsi batashoboye kwinjira mu kiriziya bishwe n'Abahutu bari babageretse[939].

360. Abatutsi bamaze kwinjira mu kiriziya, Abahutu bari mu bitero bagerageje kuyitwika ariko biba iby'ubusa[940]. Ubwo bashyize urwego hafi y'idirishya rya kiriziya,

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930 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 45 na 46.

931 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 45.

932 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46.

933 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46.

934 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 17 na 19.

935 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 17. Mu nyandikomvugo y'iburanisha iri mu cyongereza handitse «Caratis», naho mu nyandikomvugo iri mu gifaransa handitse «Caritas». Inyandikomvugo y'iburanisha iri mu gifaransa, 8 Nzeri 2009, urup. 19.

936 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 19. Umutangabuhamya yavuze ko yari muri metero ziri hagati ya 100 na 200 uvuye aho hantu.

937 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46.

938 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46.

939 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46.

940 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

bayisukaho lisansi ariko ntibashobora kuyitwika[941]. Nyuma yo kugerageza gutwika kiriziya, Kayishema na Kimaranza bagiye gushaka tingatinga yo kuyisenya[942]. Uyu mutangabuhamya yavuze ko Kanyarukiga yagumye « aho », ko atajyanye na bo[943]. Tingatinga imaze kuhagera, yagerageje gusenya kiriziya ariko ntiyabishobora umugoroba umwe[944]. Uyu mutangabuhamya ntiyamenye uwategetse ko kiriziya isenywa[945]. Cyakora, yavuze ko yahuye na « Kayishema na Kanyarukiga bavuga ko abagabye igitero bagombaga gusenya kiriziya»[946]. Uyu mutangabuhamya yari nko muri metero ebyiri cyangwa eshatu uvuye aho abo bagabo bari bari icyo gihe[947].

Umutangabuhamya ushinja wiswe CBR

361. CBR yavuze ko IPJ Kayishema yagarutse muri serire y'uyu mutangabuhamya ku wa gatanu ku itariki ya 15 Mata 1994[948]. Na none, Kayishema yanyuze mu mihanda ari mu modoka iriho indangururamajwi ahamagarira abaturage kurinda Nyange Inyenzi[949]. Uyu mutangabuhamya yibuka ko Ndungutse yabakoranyije nk'uko yari yabigenje mu minsi yabanjirije itariki ya 15 Mata 1994[950]. CBR n'abandi bagabye ibitero bajyanywe kuri paruwasi y'i Nyange mu modoka eshatu z'amakamyoneti, ebyiri muri zo zikaba zari iza Astaldi[951]. CBR agereranyije yavuze ko bageze kuri paruwasi y'i Nyange hagati ya saa tatu na saa yine za mu gitondo[952]. Uyu mutangabuhamya yari yitwaje

[941] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[942] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 20.

[943] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 20.

[944] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[945] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[946] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[947] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[948] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16.

[949] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16.

[950] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16.

[951] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16.

[952] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 16 na 18.

impiri, akaba yaravuze ko abandi bari mu bitero bari bitwaje intwaro za gakondo, kandi bambaye ibirere[953].

362. CBR agereranyije yavuze ko ku itariki ya 15 Mata 1994, i Nyange Abahutu bari mu gitero bari bakubye hafi inshuro icumi abari bagabye igitero ku munsi ubanziriza iyo tariki[954]. Uyu mutangabuhamya yavuze ko abagabye ibitero bavaga ku gipangu cya paruwasi bakagera ku isoko no ku muhanda ugana ku Kibuye[955]. Yavuze ko abagabye ibitero bari baturutse muri segiteri zose za Komini ya Kivumu no mu makomini bihana imbibi[956].

363. CBR yibutse ko « abategetsi » barimo Burugumesitiri Ndahimana, IPJ Kayishema, Gaspard Kanyarukiga, Védaste Murangwabugabo wari wungirije Burugumesitiri, Perezida w'urukiko Habiyambere, umwarimu Ndungutse na Poromiye Serija Habarugira, bari bakoraniye Ku Ishusho ya Bikira Mariya ku itariki ya 15 Mata 1994[957]. Nyuma y'akanya gato uyu mutangabuhamya ahageze, abo bagabo berekeje mu gipadiri kureba Padiri Seromba[958]. Uyu mutangabuhamya ntiyamenye ibyo abo bagabo bavugiye mu gipadiri[959]. Abo « bategetsi » bamaze iminota nka 45 mu gipadiri[960]. Bahavuye berekeza ku nzu ya koperative yo muri ako gace yitwaga CODEKOKI[961]. Padiri Seromba ntiyari mu nama yabereye kuri iyo koperative[962].

364. CBR yavuze ko abo « bategetsi » bamaze iminota nka 30 kuri iyo koperative mbere yo gusubira Ku Ishusho ya Bikira Mariya, ahagana saa sita z'amanywa[963].

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[953] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 57.

[954] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 28.

[955] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 28.

[956] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 28.

[957] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16. Umutangabuhamya hari ahandi yavuze ko Habarugira yari ajida shefu aho kuba poromiye serija. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 23.

[958] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 17.

[959] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 57.

[960] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 57.

[961] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 18, 19, 25 na 64.

[962] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 64.

[963] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 18 na 59.

365. CBR yavuze ko nta bitero byagabwe mbere ya saa sita[964]. Abahutu bagabye ibitero ku Batutsi kuri paruwasi ahagana saa sita z'amanywa, ubwo Ndahimana yabahaga amabwiriza yo « gutangira gukora[965]». Abagababaga ibitero bateye amabuye ku Batutsi bari kuri paruwasi ya Nyange, Abatutsi na bo babatera andi[966]. Uyu mutangabuhamya yibutse ko byabaye ngombwa ko basubira inyuma kubera ko Abatutsi bari bafite ingufu nyinshi[967].

366. Abagabye ibitero basubiye inyuma berekeza Ku Ishusho ya Bikira Mariya. Uwitwa Rukara wari waravuye mu gisirikare yuriye igisenge cy'iduka ryo muri santere ya Nyange ahagana saa saba z'amanywa, noneho atera amagerenade[968]. Ayo magerenade yahitanye Abatutsi benshi, abasigaye basubira inyuma[969]. Rukara yakomeje gutera gerenade ku Batutsi kugera bageze ku kiriziya[970]. Abatutsi bamaze kugera ku kiriziya, bamwe muri bo binjiye mu kiriziya bikingiranamo[971]. Abandi bahungiye mu gipadiri, abandi bahungira mu ishyamba ryari hafi aho[972]. CBR yavuze ko yagiye mu gipadiri ari kumwe n'agatsiko k'abagabye ibitero bayobowe na Ndungutse na Kayishema[973]. Padiri Seromba yababujije kwinjira mu gipadiri, abasaba gukuraho imirambo yari aho hantu[974].

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964 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 59.

965 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 22, 23, 25 na 59. Umutangabuhamya ntiyigeze ava Ku Ishusho ya Bikira Mariya kuva igihe yahagereye kugeza igitero cya mbere kigabwa. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 59.

966 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

967 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25 na 66.

968 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25 na 66. Umutangabuhamya yibuka ko Rukara yari yarabaye umusirikare mu ngabo za Habyarimana, ariko icyo gihe akaba yari yaravuye mu gisirikare.

969 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25 na 66.

970 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

971 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

972 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

973 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

974 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25.

367. CBR yavuze ko umuhanda uva Ku Ishusho ya Bikira Mariya ukagera ku kiriziya wari unyanyagiyemo imirambo[975]. Uyu mutangabuhamya yavuze kandi ko Ndungutse na Kayishema bagiye gushaka ibikoresho byo gukura imirambo ku kibuga cya kiriziya bavuga ko ari umwanda[976]. CBR yavuze ko saa munani cyangwa saa cyenda z'amanywa, tingatinga ebyiri n'amakamyo abiri bivuye muri Astaldi byazanywe kuri paruwasi[977]. Tingatinga imwe yakoreshejwe mu gucukura icyobo cyo guhambamo imirambo, indi ikoreshwa mu kuyipakira mu makamyo[978].

368. Nyuma yaho uwo munsi, tingatinga zimaze kuvana imirambo mu muhanda ugana ku kiriziya, CBR n'abandi bari baje mu bitero berekeje ku kiriziya[979]. Icyo gihe abapolisi ba komine bitwaje imbunda bari bahageze batangiye kurasa ku mpunzi z'Abatutsi banyujije amasasu mu madirishya no mu miryango ya kiriziya[980]. Amasasu amaze kubashirana, IPJ Kayishema yaje mu modoka itwawe n'uwitwa Kiragi azanye ijerekani ya lisansi[981].

369. CBR yibuka ko abari mu bitero bamishagiye lisansi ku madirishya no ku nzugi za kiriziya bagerageza kuyitwika ariko Abatutsi bari imbere mu kiriziya bakazimisha uwo muriro ibiringiti n'umusenyi[982]. Bamwe mu bari mu bitero bakoresheje urwego kugira ngo babashe kugera ku madirishya ya kiriziya yo hejuru[983]. Abari mu bitero bagerageje gusenya kiriziya bakoresheje n'urutambi[984]ariko byose biba imfabusa[985]. CBR yavuze

[975] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.25, 26. « Ubwo twirukankanaga impunzi, twagendaga dukandagira imirambo. Hari imirambo hose, kugera mu mbuga ya kiriziya». Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.26.

[976] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.26.

[977] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.26, 66.

[978] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.27, 77.

[979] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

[980] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

[981] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27, 65. Umutangabuhamya yavuze ko iyo modoka yari iya Kiragi.

[982] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.27, 65.

[983] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.65.

[984] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

[985] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

ko abagabye ibitero bagerageje ibyo bikorwa byose bagamije kwica Abatutsi bose bari aho hantu[986].

370. Hagati aho, ibindi bitero biturutse muri Komini ya Kibirira byageze aho[987]. Abaje mu bitero basabwe kurinda kiriziya, naho uyu mutangabuhamya na bagenzi be bo baritahira[988]. CBR yavuze ko kuri uwo mugoroba yatashye iwe[989]. Igihe yavaga kuri paruwasi hagati ya saa kumi n'imwe na saa kumi n'ebyiri z'igicamunsi, tingatinga zari zazanwe guhamba imirambo zari zagiye[990]. Uyu mutangabuhamya yavuze ko tingatinga zasubiye kuri Astaldi zidakoreshejwe mu gusenya kiriziya[991].

Umutangabuhamya ushinja wiswe CDL

371. CDL yageze Ku Ishusho ya Bikira Mariya ku itariki ya 14 Mata 1994 mu masaa yine za mu gitondo[992]. Byari bikomeye kuri we kugira ngo abe yagera ku kiriziya kuko icyo gihe Abatutsi bari hanze ya kiriziya batera amabuye n'ibice by'amatafari ku bari babagabyeho ibitero[993]. Abari mu bitero na bo ni ko bateraga amabuye n'ibice by'amatafari ku Batutsi[994]. Abagabye ibitero bari ku muhanda ugana ku Kibuye, mu mashyamba no mu rutoki[995]. Abatutsi bashoboye gutsimbura ababateye babageza Ku Ishusho ya Bikira Mariya[996]. CDL yavuze ko agereranyije, hagati yo Ku Ishusho ya Bikira Mariya na kiriziya hari nka metero 200[997].

372. Nyuma yaho, abagabye ibitero bateye gerenade ku Batutsi hapfamo Abatutsi batari bake[998]. Abatutsi bamwe bihindiye mu kiriziya, abandi bahungira mu gipadiri[999].

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986 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

987 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.27.

988 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.27-28.

989 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup.28.

990 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.29, 67.

991 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp.66, 67.

992 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp.13, 17.

993 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

994 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

995 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

996 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

997 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.45.

998 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

Gerenade zatewe n'abapolisi ba komine, abajandarume, nyuma y'aho izindi ziterwa n'uwitwa Théophile Mboneza bahimbaga Rukara wari waravuye mu gisirikare[1000]. Izo gerenade « zaciye intege» Abatutsi cyangwa « zirabashegesha»[1001]. Rukara yaziteye ari hejuru y'igisenge cy'iduka ryo muri santere y'ubucuruzi[1002]. CDL yavuze ko agereranyije yabonye imirambo 30 aho Rukara yateye gerenade[1003]. Abari mu gitero bakoresheje n'« intwaro zifite ubugi » mu kwibasira Abatutsi[1004]. CDL yavuze ko haguye abantu bagera kuri 200[1005].

373. Imirambo y'Abatutsi yahambwe mu cyobo rusange[1006]. Hari tingatinga ebyiri. Imwe « yapakiraga imirambo ikajya kuyimena», indi « ikayikusanya [mbere y'uko] ijugunywa mu cyobo rusange»[1007]. Tingatinga zatwarwaga na Mitima na Maurice, bombi bakaba bari Abazayiruwa[1008]. Umuzayiruwa witwa Albert we yari atwaye ikamyo yakoreshejwe mu gukuraho imirambo[1009]. Tingatinga ntizaraye kuri paruwasi. Imwe yasubiye aho yari yaturutse, indi isigara ku biro bya komine[1010]. Ntabwo zari zakoreshejwe mu gutera cyangwa gusenya kiriziya[1011].

374. Nyuma ya saa sita ku itariki ya 15 Mata 1994, CDL yabonye Kanyarukiga kuri kiriziya y'i Nyange avugana n'abandi «bategetsi» « barimo n'abapadiri bo kuri paruwasi »[1012]. Abo «Bategetsi » bakaba bari « padiri mukuru », Kayishema, Ndungutse,

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999 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.32.

1000 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

1001 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

1002 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

1003 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

1004 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33, 34.

1005 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33, 34.

1006 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

1007 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33. Umutangabuhamya nyuma yavuze ko tingatinga imwe yacukuye imva cyangwa icyobo, indi igapakira imirambo mu ikamyo. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.41.

1008 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.41.

1009 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp.41, 42.

1010 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup.15.

1011 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup.15.

1012 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.31. CDL nyuma yavuze ko abapadiri ba paruwasi bari Padiri Seromba na Padiri Gasake. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.33.

« abajandarume bamwe na bamwe », Habiyambere na Kanani wari wungirije Burugumesitiri[1013]. Bavuganaga iby'ubwicanyi bwarimo kubera muri komine[1014]. Uyu mutangabuhamya yavuze ko ku wa gatanu ku itariki ya 15 Mata 1994, Burugumesitiri yarashe ku mpunzi z'Abatutsi[1015].

Umutangabuhamya ushinja wiswe CBT

375. CBT ni Umuhutu, akaba mu wa 1994 yari afite imyaka 29[1016]. Yitabiriye ibitero byagabwe kuri paruwasi y'i Nyange ku itariki ya 15 Mata 1994, ariko yavuze ko kuri uwo munsi nta muntu yishe[1017]. CBT yafungiwe muri gereza ya Kibuye mu rwego rwo kurangiza igihano cy'igifungo yakatiwe kubera ibyaha yakoze mu gihe cya jenoside[1018].

376. CBT yitabiriye ibyavuzwe na IPJ Kayishema wakoresheje « uburyo bw'indangurura-majwi ahamagara rubanda », asaba abaturage bose kujya kuri paruwasi[1019]. CBT yavuze ko yanyuze Ku Ishusho ya Bikira Mariya mu masaa sita z'amanywa, kandi ko hari hateraniye abagabye ibitero babarirwa mu bihumbi[1020]. CBT yavuze ko iyo umutegetsi yashakaga gufata ijambo, abari aho batuzaga kuko bubahaga abategetsi[1021]. CBT yabonye imodoka itukura ihagaze imbere ya farumasi, nyuma aza kumva bavuga ko ari iya Kanyarukiga[1022]. Ntiyigeze abona Ku Ishusho ya Bikira Mariya cyangwa kuri CODECOKI habera inama[1023].

[1013] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.31.

[1014] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.31.

[1015] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup.36.

[1016] Ikimenyetsogihamya cya Porokireri P57 (Ifishi y'umwirondoro wa CBT).

[1017] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.69.

[1018] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.49, 58.

[1019] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.38, 48. Kayishema yari mu modoka y'ikamyoneti. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.38. Nyuma mu buhamya bwe, CBT yavuze ko yahawe amabwiriza n'abategetsi barimo abakonseye ba komini, abagenzacyaha, uwungirije Burugumesitiri, n'abaporisi ba komini. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.48

[1020] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.71, 74.

[1021] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.74.

[1022] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.71. CBT yabajijwe niba yarabonye kamyoneti itukura asubiza ko ntayo yabonye.

[1023] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.72.

377. Ubwo CBT yageraga kuri paruwasi y'i Nyange mu masaa sita z'amanywa « ari kumwe n'abandi bantu », yabonye imirambo y'abishwe inyanyagiye ku kibuga cya kiriziya y'i Nyange[1024]. CBT asobanura ko iyo mirambo yari iy'Abatutsi bari bahungiye mu kiriziya, bitwaga ko ari Inyenzi[1025]. CBT yumvise bavuga ko abo Batutsi bishwe n'Interahamwe zari zahamagawe na Kayishema uwo munsi[1026]. Hashize umwanya CBT ageze aho, yabonye Kanyarukiga ku kibuga cya kiriziya, aho ubwicanyi bwabereye.[1027]

378. CBT yabonye hakoreshwa intwaro za gakondo nk'imihoro, ubuhiri n'amacumu ndetse n'izindi ntwaro nk'imbunda n'intambi[1028]. Amagerenade yatewe n'uwitwa Théophile Rukara wari waravuye mu gisirikare[1029]. Nyuma gato ya saa sita z'amanywa, CBT yabonye Rukara atera gerenade ari hejuru y'igisenge cy'inzu y'Iyamuremyi yari Ku Ishusho ya Bikira Mariya[1030]. Iyo gerenade yatewe igihe Abahutu bihindaga basubira inyuma, ihitana bamwe mu Batutsi[1031]. Ubwo Abatutsi barimo bihinda bahungira mu kiriziya, Rukara yakomeje gutera amagerenade[1032]. Icyo gihe CBT ntiyigeze abona Kanyarukiga hafi y'aho amagerenade yatererwaga[1033]. Yamubonye nyuma y'aho ubwo Abatutsi basubiraga mu kiriziya[1034].

379. Mbere y'uko [abagabye ibitero] bagerageza gutwika kiriziya ku itariki 15 Mata 1994, CBT yari yabonye « abategetsi » bamwe barimo Kanyarukiga ku kiriziya[1035]. Ku itariki

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[1024] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.39, 71.

[1025] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.39.

[1026] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.39.

[1027] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.49.

[1028] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.48.

[1029] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.48. N'ubwo mu nyandikomvugo iri mu cyongereza babanje kwandika izina « Rukaka », nyuma handitswe irya « Rukara ». Mu nyandikomvugo y'igifaransa hose handitse ko ari « Rukara ». Inyandikomvuyo y'iburanisha iri mu gifaransa, 14 Nzeri 2009, urup.51.

[1030] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.48,72.

[1031] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.48.

[1032] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.48

[1033] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.73

[1034] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.73

[1035] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.40-41. CBT yavuze kandi abantu bakurikira : Habiyambere (wari Perezida w'urukiko), IPJ Kayishema, Télesphore Ndungutse, abakonseye b'amasegiteri anyuranye, abaveterineri, abaporisi ba komini, Adrien Niyitegeka wari umuporisi wa komini, Appolinaire Rangira na we wari umuporisi wa komini, umusirikare witwa Kabaliza, umunyamabanga wa komini witwaga

ya 15 Mata 1994, CBT yabonye Kanyarukiga ari mu itsinda ry'«abategetsi» ndetse amwumva avuga ko Inyenzi zahungiye muri kiriziya y'i Nyange zigomba kwicwa[1036]. CBT yumvise Kanyarukiga avuga « ko batagomba guhangayikishwa n'uko kiriziya [igiye] gusenywa kuko ngo hazubakwa indi, urubyiruko rukabona imirimo yo kubumba amatafari yo kubaka iyo nshya»[1037]. Ubwo Kanyarukiga yavugaga ayo magambo, hagati ye na CBT hari intera nk'iya metero ebyiri[1038].

380. Urubyiruko rw'Abahutu rumaze kumva ko hariho igitekerezo cyo kuruha imirimo, rwatangiye kugota kiriziya, hanyuma abapolisi batangira kurasa[1039]. CBT yavuze ko hafi ya kiriziya hari abantu bafite lisansi, ubwo batangiye « kuyimishagira » ku kiriziya. CBT yari ari hafi y'abo bantu bamishagiraga lisansi ku kiriziya[1040]. Icyo gihe, bamwe mu Batutsi bari bamaze kwicwa, ariko abenshi muri bo bari bakiriho, bakiri mu kiriziya[1041]. CBT yavuze ko yibuka ko muri uko kugerageza gutwika kiriziya, umunyamabanga wa komine witwaga Arnold Nibarere ari we wayimennyeho lisansi[1042], abifashijwemo na Faustin Uworinaniye[1043]. CBT yabonye indobo ya lisansi

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Arnold Nibarere, Anastase Rushema wari wungirije Burugumesitiri, Kubwumukiza wari veterineri, Habarugira wari konseye wa segiteri Nyange, Gaspard Gatwaza wari konseye wa Segiteri ya Kivumu, Nzabirinda wari umwarimu ku Rukoko, Alphonse Simpunga na we wari umwarimu ku Rukoko, Callixte Nkaka wari umwarimu i Kivumu na Mathias Kazungu wari konseye wa segiteri. Ubwunganizi bwabajijje uyu mutangabuhamya ibirebana n'uru rutonde rw'amazina yari amaze gutanga, hanyuma umutangabuhamya yongeraho andi mazina kandi ashimangira ko yabonye Uregwa ku kiriziya. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.51-54.

[1036] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.46,49.

[1037] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.46 ; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup.1.

[1038] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.46, 47. Abantu bari hafi ya Kanyarukiga bashoboraga kumva ibyo avuga. Ariko kandi, CBT yavuze ko Kanyarukiga atakoresheje indangururamajwi, bityo abantu bari kure ye ntibashoboraga kumwumva. CBT yemeye ko igihe Uregwa yavugaga, ku kiriziya hari urusaku kandi n'amasasu avuga. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup.1.

[1039] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.47.

[1040] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup, 47; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup.1

[1041] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.47.

[1042] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.46, 73 (Mu nyandikomvugo iri mu cyongereza, Umutangabuhamya yavuze ko irindi zina rya Nibarere ari ari Arnold, ubundi avuga ko ari Léonard). Mu nyandikomvugo iri mu gifaransa hose handitse ko irindi zina rya Nibarere ari Arnold. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.47.

imwe gusa. Iyo ndobo yari iri iruhande rwe, ariko yavuze ko atamenye aho iyo lisansi yaturutse[1044]. Ibyo ari byo byose, icyo gikorwa cyabaye imfabusa kuko abantu bari mu kiriziya bahitaga bamena umusenyi ku ndimi z'umuriro[1045]. Kayishema yasabye abantu gukata ibyatsi* no gukora urwego rwo gufasha abantu kugera ku madirishya ya kiriziya kugira ngo babone uko bamena lisansi imbere mu kiriziya bayinyujije mu madirishya[1046]. *[NDT : Mu nyandikomvugo y'iburanisha iri mu gifaransa – urupapuro rwa 51-handitse ibi bikurikira : « … Kayishema a demandé à des gens d'aller couper des arbres pour fabriquer une échelle qui devait permettre aux personnes de … » [… Kayishema yasabye abantu gutema ibiti byo gukora urwego rwo gufasha abantu …]].

381. Abatutsi bamwe bari mu kiriziya bagerageje guhunga muri icyo gihe, ariko baratangiriwe bicishwa imipanga, impiri cyangwa amacumu[1047]. CBT avuga ko Abahutu bari mu bitero barutaga ubwinshi Abatutsi bari mu kiriziya[1048]. CBT ntashobora kwibuka neza igihe bageragereje gutwika kiriziya, ariko avuga ko babigerageje kenshi kandi ko rimwe babikoze ahagana saa cyenda z'amanywa[1049].

382. Imirambo y'abantu bishwe yahambwe mu cyobo rusange inyuma y'inzu yarimo ibiro bya Caritas[1050]. Tingatinga ya Astaldi ni yo yakoreshejwe mu guterura iyo mirambo[1051]. Nyuma yaho, imirwano yarakomeje kandi umuntu wese wageragezaga kuva mu kiriziya yaricwaga[1052].

383. CBT yavuye ku kiriziya hagati ya saa kumi na saa kumi n'imwe za nimugoroba ku itariki ya 15 Mata 1994[1053]. Avuga ko Kayishema na Ndungutse basabye bamwe mu bagabye igitero kurara kuri paruwasi kugira ngo hatagira Umututsi n'umwe usohoka

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[1043] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.44, 51.

[1044] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp.73-74.

[1045] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.47, 73

[1046] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup.47.

[1047] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 47-48.

[1048] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48.

[1049] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 73.

[1050] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 48, 49.

[1051] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.

[1052] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.

[1053] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 2.

mu kiriziya, ariko uyu mutangabuhamya yakoze uko ashoboye kose arahava[1054]. Ubwo CBT yavaga ku kibuga cya kiriziya, yahuye na Kanyarukiga « atambagira hirya no hino ku kiriziya, agenzura ko abantu bakora umurimo wabo neza »[1055].

Umutangabuhamya ushinja wiswe YAU

384. YAU avuga ko igitero cyagabwe ku kiriziya ahamaze iminsi itatu[1056]. Impunzi zari ku kiriziya zirwanyeho zitera amabuye abari bazigabyeho igitero kandi zashoboye kubasubiza inyuma[1057].

385. Uyu mutangabuhamya avuga ko umubare w'Abahutu bagabye igitero warutaga uw'Abatutsi b'abasiviri bari kuri paruwasi[1058]. «Padiri Seromba yabategetse gutangirira ku banyabwenge, akaba ari muri urwo rwego abicanyi bahamagaye Gatare wari umwarimu i Nyange baramwica. Ni uko ubwicanyi bwatangiye. Banateye ibyuka bihuma amaso na za gerenade ku mpunzi »[1059]. Ibitero byatangiye uyu mutangabuhamya ari hanze ya kiriziya[1060].

386. YAU avuga ko hari bisi yaje iturutse mu cyerekezo cya Kibuye irimo abasirikare, Interahamwe na Padiri Kayiranga wavugishije Kanyarukiga, Kayishema na Seromba akihagera[1061]. Uyu mutangabuhamya ntiyibutse igihe bisi yagereye kuri paruwasi, ariko agereranyije yavuze ko hari hagati ya saa tanu na saa sita z'amanywa[1062]. YAU avuga ko Padiri Kayiranga yabonanye na Padiri Seromba, Fulgence Kayishema, Kanyarukiga,

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[1054] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.

[1055] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.

[1056] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 18, 19, 44.

[1057] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 44.

[1058] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 20.

[1059] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 19. Uyu mutangabuhamya avuga ko Gatare yari Umututsi. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 30.

[1060] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 17, 20.

[1061] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 18. Uyu mutangabuhamya yabanje kuvuga ko atibuka itariki ibyo bintu byabereyeho. Nyuma yaho avuga ko ibitero byagabwe umunsi bisi yaziyeho. Ubundi avuga ko bisi yaje ku munsi wa gatatu. Ubundi avuga ko bisi yari itwaye Padiri Kayiranga yaje amaze iminsi ibiri kuri paruwasi. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 16.

[1062] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 43.

Grégoire Ndahimana na Konseye wa segiteri witwaga Vianney[1063]. Yasobanuye ko Kanyarukiga, Kayishema, Seromba, Ndahimana n'abandi babaga bari kumwe igihe cyose, kandi ko ari bo bayoboraga ibitero[1064].

387. Ubwo abagabye igitero batangiraga gutera amagerenade, uyu mutangabuhamya yahise ahungira mu gipadiri aho Padiri Seromba yabaga[1065]. Uyu mutangabuhamya yihishe mu cyumba cyo mu nzu yo hasi y'igorofa cyabikwagamo ibintu[1066]. Avuga ko icyo cyumba kitari gifunze kandi ko ari we wikinguriye umuryango[1067]. Uyu mutangabuhamya ntiyari wenyine muri icyo cyumba[1068].

388. YAU avuga ko akimara kwinjira muri icyo cyumba, hari umuseminari wagifungishije urufunguzo[1069]. Uyu mutangabuhamya avuga ko yumvise Padiri Seromba abwira uwo museminari ngo nakingure maze uwo museminari aranga, ahubwo abwira uwo Seromba ngo nagerageza gukingura urwo rugi aramwica[1070]. Uyu mutangabuhamya yasobanuye ko « umuntu wari kugerageza gukingura uwo muryango yari kwicwa

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[1063] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 19. YAU yasobanuye ko Padiri Kayiranga yari umupadiri ubundi wakoreraga kuri paruwasi y'i Nyange. Padiri Kayiranga amanutse muri bisi Abatutsi bamukomeye mu mashyi kuko bibwiraga ko yari aje kubatabara. Nyamara uyu mutangabuhamya yaravuze ati, « Ubwo yasubiraga muri bisi, twabonye Interahamwe n'abasirikare bava muri bisi kandi bitwaje intwaro, ni bwo twahise dusobanukirwa ko atari aje kudutabara ».

[1064] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 44.

[1065] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 20, 21.

[1066] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 20.

[1067] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 22.

[1068] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23. Hari abandi Batutsi bari bahihishe. YAU yasobanuye ko abantu bakurikira bari kumwe na we muri icyo cyumba : Blandene, Uzabakereho, umudamu witwa Marcianne n'umukobwa witwa Ntawudakeba. Uyu mutangabuhamya ntiyashoboye kwibuka amazina y'abandi bari kumwe na we aho hantu. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 24. Ubwo mu ibaza rinyomoza yabazwaga ibintu byari muri icyo cyumba, yasubije ko atitayeho kubimenya. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 45.

[1069] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23.

[1070] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23.

n'uwo museminari »[1071]. Yasobanuye ko atashoboraga kubona Padiri Seromba n'uwo museminari, ariko ko yabashaga kubumva neza no gutandukanya amajwi yabo[1072].

389. YAU yagumye muri icyo cyumba umunsi umwe, aza kuhava muri iryo joro.[1073] Uyu mutangabuhamya avuga ko Padiri Kayiranga yaje kuri icyo cyumba yari yihishemo noneho akabwira abari bihishemo ko agiye kubaha umugisha mbere y'uko abasohora[1074]. Padiri Kayiranga yagiriye inama uyu mutangabuhamya n'abandi kugenda bagana ahantu bashoboraga kubona urumuri rw'isitimu[1075]. YAU yasobanuye ariko ko we na bagenzi be bumvise ko barimo berekezwa ahantu hari abagabye ibitero, noneho ntibahajya, ahubwo bafata indi nzira[1076].

390. Abantu barenga 27 bo mu muryango wa YAU bahungiye kuri paruwasi y'i Nyange muri Mata 1994[1077]. Uyu mutangabuhamya avuga ko « abo bantu bose batikiriye kuri paruwasi y'i Nyange »[1078]. Muri abo bapfuye harimo nyina na se b'uyu mutangabuhamya, hamwe na basaza be batatu[1079].

Umutangabuhamya ushinja wiswe CDK

391. CDK ni Umuhutu, akaba yari afite imyaka 31 mu wa 1994[1080]. Uyu mutangabuhamya yafungiwe ku Kibuye n'i Gitarama kubera ibyaha yakoze mu gihe cya jenoside[1081]. Yishoye mu bwicanyi bwabereye kuri paruwasi y'i Nyange muri Mata 1994[1082].

[1071] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23.

[1072] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23 (« Nashoboraga kumenya amajwi kubera ko nakundaga gusengera kuri paruwasi »).

[1073] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 46.

[1074] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 25.

[1075] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 25.

[1076] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 25.

[1077] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 26.

[1078] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 26.

[1079] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 28 (iburanisha mu muhezo).

[1080] Ikimenyetso gihamya cya Porokireri cyahawe No P60 (Ifishi y'umwirondoro wa CDK).

[1081] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 19-21.

[1082] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 37.

392. CDK yagiye kuri paruwasi y'i Nyange umunsi umwe gusa, ku itariki ya 15 Mata 1994, kubera ko yari yabisabwe na Fulgence Kayishema, wari IPJ[1083]. Kayishema yari yashyize icyuma gisakaza amajwi hejuru y'imodoka noneho akazenguruka hose abwira abaturage ngo nibaze kurwana kuri Nyange ngo kuko yari yatewe n'Inyenzi[1084]. CDK yageze kuri paruwasi y'i Nyange yitwaje umupanga n'agakoni, hagati ya saa tanu na saa tanu n'igice za mu gitondo[1085]. Ageze ku kiriziya yahabonye abantu bambaye imyambaro isanzwe n'abandi bambaye ibirere, kandi buri wese yari yitwaje intwaro ya gakondo[1086].

393. Ubwo CDK yageraga kuri paruwasi y'i Nyange Abahutu n'Abatutsi bari bahanganye[1087]. Yabonye hari Abahutu benshi kurusha Abatutsi[1088]. Ubwo CDK yari ku kiriziya, yongeye kubona Kayishema ari mu modoka yari yamubonyemo mbere[1089]. Uwo munsi Kayishema yaje ku kiriziya inshuro nyinshi[1090]. CDK yabonye Grégoire Ndahimana, Kayishema, Télesphore Ndungutse na Kanyarukiga bagenda bagana ku biro bya CODEKOKI « aho bakoreye inama mbere y'uko ubwicanyi bwibasiye Abatutsi butangira ku kiriziya »[1091].

394. Kuri iyo tariki ya 15 Mata 1994, CDK yongeye kubona abo bantu basohoka muri CODEKOKI nyuma y'inama[1092]. Inama irangiye, Kanyarukiga yahuye n'abantu bari bakoraniye ku kibuga cyo Ku Ishusho ya Bikira Mariya hanyuma avugana na bo[1093]. Ubwo Kanyarukiga yegereye CDK n'abo bari kumwe noneho arababwira ngo bitegure,

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1083 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 2.

1084 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 2. Uyu mutangabuhamya avuga ko ijambo Inyenzi ryasobanuraga Umututsi.

1085 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

1086 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

1087 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3. Nyuma yaho, uyu mutangabuhamya yavuze ko ubwo yageraga Ku Ishusho ya Bikira Mariya, yasanze abari bagabye igitero bategereje abategetsi bari mu nama ngo babahe amabwiriza yo kugaba ibitero. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 25.

1088 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

1089 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 2, 3. Uyu mutangabuhamya avuga ko iyo modoka yari iy'umuntu witwaga Rwamasirabo.

1090 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

1091 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

1092 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

1093 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

ngo bakusanye amabuye kugira ngo bashobore guhangana n'Abatutsi na bo bari bayafite[1094]. Hagati aho, Seromba, Ndahimana n'abajandarume bagiye mu gipadiri[1095].

395. CDK avuga ko ubwo amabuye yaterwaga, yabonye Kanyarukiga avugana na Théophile Rukara[1096]. Nyuma y'uwo « mushyikirano », hari umuntu woherejwe kujya kuzana urwego kuri farumasi ya Kanyarukiga[1097]. Bamaze kuzana urwo rwego, Rukara yuriye ku gisenge cy'inzu noneho atera amagerenade[1098]. CDK avuga ko amagerenade yatewe ku itsinda ry'Abatutsi, kandi ko ari bwo ubwicanyi bwibasiye Abatutsi bwatangiye[1099].

396. CDK agereranyije avuga ko ahagana saa munani z'amanywa, ku mbuga ya kiriziya hari abantu barenga 800 bari bagabye igitero[1100]. Uyu mutangabuhamya yabonye Kanyarukiga azenguruka mu baturage « abaha amabwiriza » kandi ari kumwe na Kayishema na Ndahimana[1101]. Kanyarukiga yavugaga ko uyu mutangabuhamya n'abo bari kumwe bagombaga kurwanya Inyenzi no kuzereka ko bari abasore b'intwari[1102]. CDK avuga ko Abahutu bari mu bitero bakomeretse bavuriwe muri farumasi ya Kanyarukiga[1103].

397. CDK avuga ko mbere y'uko bagerageza gutwika kiriziya y'i Nyange, yongeye kubona Kanyarukiga imbere y'ibiro by'ubunyamabanga bwa paruwasi y'i Nyange, Kanyarukiga avugana na Padiri Seromba[1104]. CDK yasobanuye ko icyo gihe yari mu ntera ya metero ebyiri uvuye aho Kanyarukiga yari ari, noneho yumva abwira Padiri

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[1094] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1095] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6, 26-27, 28. Uyu mutangabuhamya ntiyabashije kuvuga igihe ibi byabereye kuko byari bimugoye kwibuka, kandi icyo gihe nta saha yari yambaye.

[1096] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1097] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1098] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1099] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6, 28-29.

[1100] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 32.

[1101] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6-7.

[1102] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 7. Ubwo Kanyarukiga yarimo avuga CDK yari « iruhande rwe neza neza », kandi si we wenyine wumvise Kanyarukiga avuga ayo magambo.

[1103] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 7. Mu ibaza rinyomoza, Avoka wunganira Uregwa yavuze ko iyo farumasi yafunzwe kuva ku itariki ya 14 Mata 1994, kandi ko ubuhamya bwa CDK atari ukuri. CDK yasubije ko ibyo bimaze kuvugwa atabyemera. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 40.

[1104] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

Seromba ko kugira ngo bice Inyenzi kiriziya yagombaga gusenywa[1105]. Nyuma yaho gato, Kayishema yaraje noneho yemera igitekerezo cya Kanyarukiga cyo gusenya kiriziya[1106]. Nyuma y'icyo kiganiro, ibitero byarakomeje noneho abapolisi ba komine barasa abahungiraga muri kiriziya y'i Nyange[1107]. Bamwe mu bari bagabye igitero basutse lisansi kuri kiriziya mu gihe abandi bateraga amabuye abari mu kiriziya[1108]. Uyu mutangabuhamya yibuka ko uwitwa « Arnold » yakoresheje « ipompo » kugira ngo amishire lisansi ku kiriziya[1109]. CDK avuga ko Arnold n'undi muntu wari ufite ikibiriti bagerageje gusenya kiriziya bayitwitse[1110]. CDK yabonye ibyo byo kugerageza gutwika kiriziya ari nko muri metero icumi z'aho byaberaga[1111].

398. CDK avuga ko yabonye Kanyarukiga yinjira mu modoka ari kumwe na Kayishema hanyuma bakerekeza iya Myungu[1112]. Bagarutse nyuma y'iminota 45 cyangwa 50, bazanye tingatinga, yakoreshejwe mu gukuraho imirambo yAbatutsi bari bishwe[1113]. Iyo mirambo yahambwe hepfo y'inzu yarimo ibiro bya Caritas[1114].

399. CDK avuga ko hari abagaba ibitero barenga 200 baturutse muri Kibilira baje ku kiriziya ahagana saa kumi za ni mugoroba[1115]. Uyu mutangabuhamya yahise ava aho hantu aba bantu bakihagera[1116].

Umutangabuhamya ushinja wiswe CBS

400. CBS yibuka ko ku itariki ya 15 Mata 1994 mu gitondo, Abahutu bagabye igitero simusiga kuri kiriziya y'i Nyange[1117]. Mbere ya saa tatu za mu gitondo, Abatutsi bari

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[1105] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1106] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1107] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1108] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1109] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1110] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8. CDK yari yibagiwe izina rye ariko yibutse ko yarivuze mu buhamya yatanze mu rubanza rwa Seromba.

[1111] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 35.

[1112] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8, 36.

[1113] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8, 36.

[1114] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8-9.

[1115] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 36.

[1116] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 36.

ku kiriziya bagize ubwoba bwinshi kubera ko babonye abantu benshi baza baturuka « ahantu hose », harimo n'abo mu misozi ihegereye, kandi abo bantu bari bitwaje imipanga, impiri n'izindi ntwaro[1118]. Agatsiko k'abagabye igitero gaturutse i Kivumu kaje kayobowe na Gaspard Gatwaza[1119]. Abandi baturutse ku Rukuko n'ahandi hantu; abandi baje ku kiriziya mu modoka za Astaldi[1120]. Uyu mutangabuhamya yemeje ko « abategetsi » bategetse imodoka kuzana ku kiriziya abaje kuhagaba igitero[1121]. Icyo gitero cyatangiye ahagana saa tatu za mu gitondo, kandi abakigabye bari bambaye ibirere[1122]. Abapolisi ba komine n'abajandarume bari bambaye iniforume zabo zisanzwe[1123]. CBS avuga ko abajandarume bavuze ko Abatutsi bagomba kwirwanaho[1124]. Yasobanuye ko abagabye igitero bari bitwaje imipanga n'impiri[1125]. Abatutsi nta ntwaro za gakondo bari bafite, bityo rero birwanagaho batera Abahutu amabuye[1126]. Abagabye igitero barasakuzaga bavuga ngo « Mubatsembatsembe. Ntihagire n'umwe ubacika»[1127] .

401. Uyu mutangabuhamya yibuka ko Grégoire Ndahimana, Kanyarukiga na IPJ Kayishema ari bo bayoboye icyo gitero[1128]. By'umwihariko, CBS yabonye IPJ Kayishema, Burugumesitiri Ndahimana, Rushema na Kanyarukiga bakorera inama hafi

[1117] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 54-55; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 10-11.

[1118] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 13.

[1119] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 54.

[1120] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 54-55, 56, 58. Uyu mutangabuhamya avuga ko yari isosiyete y'Abadage yitwaga Astaldi. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 58.

[1121] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 56.

[1122] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 55, 57; Inyandikomvugo y'iburanisha, 17. Nzeri 2009, imp. 13, 15.

[1123] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1124] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 13.

[1125] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 56.

[1126] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1127] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1128] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 56.

yo Ku Ishuso ya Bikira Mariya mu gitondo[1129]. CBS yasobanuye ko yibwira ko ari Kanyarukiga wayoboraga ibitero kuko uwo Kanyarukiga yari ku kiriziya hamwe n' « abandi bategetsi », arebera gusa ibyarimo kuba ntagire icyo akora kugira ngo ahagarike ubwicanyi[1130]. Uyu mutangabuhamya yavuze ko « Burugumesitiri yari afite ububasha busesuye bwo guhagarika igikorwa kibi icyo ari cyo cyose muri komine ye »[1131].

402. CBS yavuze ko kuba kiriziya yari ahantu hirengeye byatumye abari bayihungiyemo bashobora kwihagararaho batera amabuye abari babagabyeho igitero[1132]. Abagabye igitero bashoboye kunesha impunzi zari mu kiriziya bakoresheje amagerenade[1133]. CBS yasobanuye ko abantu benshi baguye muri icyo gitero ku buryo « atashoboraga no kubabara »[1134]. Abatutsi bamaze kuneshwa basubiye mu kiriziya[1135]. Uyu mutangabuhamya we ariko yuriye urukuta ahagana saa sita n'igice z'amanywa noneho ajya mu gipadiri, ahageze ajya ku gisenge cy'«inzu y'inkoko » kugira ngo abashe gukurikirana ibyabaga[1136]. CBS yagumye hejuru y'iyo nzu kugeza nka saa tatu za ninjoro, nyuma yaho yafashe inzira inyura ku ruzi, arakomeza ajya i Gitarama n'i Kabgayi[1137] .

[1129] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 12, 14. CBS avuga ko uwo munsi ari ku kibuga cya kiriziya yashoboraga kureba Ku Ishusho ya Bikira Mariya. Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 15.

[1130] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 56, 58.

[1131] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 56.

[1132] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 13, 16.

[1133] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 56, 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 16.

[1134] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1135] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57; Inyandikomvugo y'iburanisha, Nzeri 2009, urup. 16.

[1136] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 16, 18-19.

[1137] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 38.

403. CBS avuga ko ku mugoroba wo ku itariki ya 15 Mata 1994, Kanyarukiga yari akiri ku maduka y'i Nyange kimwe n'abandi «bategetsi »[1138].

404. Uretse imodoka zazanaga abari bagabye ibitero i Nyange, CBS yabonye imodoka ebyiri ku itariki ya 15 Mata 1994; imwe yari iy'Umututsi Kayishema yari yarabohoje naho indi itukura yari iya Kanyarukiga[1139].

Umutangabuhamya ushinjura wiswe KG19

405. KG19 yageze kuri santere y'ubucuruzi y'i Nyange ku itariki ya 15 Mata 1994 mu masaa tatu za mu gitondo. Yahamaze nk'amasaha ane cyangwa atanu[1140].

406. Mu gihe cyose uyu mutangabuhamya yahagaze Ku Ishusho ya Bikira Mariya, ntiyabonye Kanyarukiga, kandi ntiyanabonye imodoka itukura yibwiraga ko yari iya Kanyarukiga[1141]. KG19 avuga ko nta modoka zari zihagaze imbere ya farumasi ya Kanyarukiga cyangwa hafi yayo[1142] .

407. KG19 yasobanuye ko ku itariki ya 15 Mata 1994 nyuma ya saa sita, habaye igitero cyarangiye ahagana saa kumi z'igicamunsi[1143]. Avuga ko abakigabye baje ari benshi, bagana kuri kiriziya y'i Nyange kandi ko bari bitwaje intwaro za gakondo nk'imipanga, impiri n'amacumu[1144]. Uyu mutangabuhamya yavuze ko kuri santere hari urusaku

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[1138] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1139] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 15-16.

[1140] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 2; Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 5 (iburanisha mu muhezo). Uyu mutangabuhamya yihishe mu iduka kuri santere y'ubucuruzi ahagana saa munani z'amanywa, ahamara amasaha abiri. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 6, 15 (iburanisha mu muhezo).

[1141] Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 61 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 7; Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 18 (iburanisha mu muhezo).

[1142] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 7.

[1143] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23; Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 5-6 (iburanisha mu muhezo).

[1144] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 5, 12 (iburanisha mu muhezo).

rwinshi kandi ko ku muhanda hari abantu bateraga amabuye[1145]. KG19 avuga ko ku itariki ya 15 Mata 1994 nta muntu yigeze abona atera gerenade.[1146]

408. KG19 yavuze ko ku itariki ya 15 Mata 1994 ubwo yari ahagaze Ku Ishusho ya Bikira Mariya cyangwa hafi yayo nta mutegetsi yabonye[1147]. Yongeyeho ko atekereza ko ku itariki ya 15 Mata 1994 yaba yarabonye amabisi ajyanye abantu ku kiriziya y'i Nyange.[1148]

Umutangabuhamya ushinjura witwa Roger Mutume

409. Umutangabuhamya ushinjura witwa Roger Mutume ni Umuhutu. Muri Mata 1994, yari afite imyaka 20 kandi yigaga mu mwaka wa kane w'amashuri yisumbuye mu rwunge rw'Amashuri rw'i Save[1149]. Yasobanuye ko Kanyarukiga yari umuturanyi we muri serire avukamo[1150].

410. Ku itariki ya 15 Mata 1994, Mutume yari Ku Ishusho ya Bikira Mariya kuva mu masaa tatu za mu gitondo kugeza saa munani n'igice z'amanywa.[1151] Mu gihe yari Ku Ishusho ya Bikira Mariya, uyu mutangabuhamya ntiyabonye Kanyarukiga cyangwa imodoka ye.[1152] Mutume yibwira ko ku itariki ya 15 Mata 1994 Kanyarukiga yari iwe kuko atigeze amubona hanze[1153]. Aribuka ko uwo munsi farumasi ya Kanyarukiga yari ifunze[1154]. Mutume avuga kandi ko imiryango y'inzu ya CODEKOKI na yo yari

[1145] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 5, 15-16 (iburanisha mu muhezo).

[1146] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23.

[1147] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23.

[1148] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23.

[1149] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 26, 34, 37. Mutume avuga ko yabeshye ku birebana n'imyaka ye y'amavuko ubwo yari mu buhungiro, agira ngo ashobore gukomeza kwiga. Kuva icyo gihe, uyu mutangabuhamya yakomeje kujya atanga imyaka ye ariko ibuzeho iriya ibiri yakuyeho. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 37. Igihe Perezida w'u Rwanda yicwaga ku itariki ya 6 Mata 1994, umutangabuhamya Mutume yari mu biruhuko iwabo mu rugo muri Serire ya Gaseke, Segiteri ya Ngobagoba, Komini ya Kivumu. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 26-27.

[1150] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 27.

[1151] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 31.

[1152] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 31, 32.

[1153] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 33.

[1154] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 31.

ikinze[1155]. Yongeyeho ko abantu bonyine yabonye ku itariki ya 15 n'iya 16 Mata 1994 yavuga ko ari abategetsi ari IPJ wa komine n'umwarimu umwe[1156].

411. Mutume avuga ko yabonye umugabo bahimbaga Rukara atera gerenade ku Batutsi kandi ko yayumvise iturika[1157]. Rukara yuriye urukuta rw'inzu imwe maze atera gerenade ku bantu b'ikivunge bamanukaga bava ku kililiziya[1158]. Abo Batutsi bari bagize icyo kivunge barirutse bahunga basubira mu kiriziya, noneho Interahamwe n'abandi bari bagabye igitero babirukaho, babatemagura n'imipanga[1159].

Umutangabuhamya ushinjura witwa François Sibomana

412. Muri Mata 1994, Sibomana yabaga muri Serire ya Giko, Segiteri ya Ngobagoba, muri Komini ya Kivumu. Yigaga muri Kaminuza y'u Rwanda kandi icyo gihe yari mu biruhuko bya Pasika iwabo mu rugo[1160].

413. Sibomana yari Ku Ishusho ya Bikira Mariya ku itariki ya 15 Mata 1994[1161]. Avuga ko yageze kuri santere y'i Nyange ahagana saa munani z'amanywa cyangwa saa munani n'igice[1162], akahamara nk'isaha[1163].

414. Uyu mutangabuhamya avuga ko ubwo yageraga Ku Ishusho ya Bikira Mariya yahabonye abantu benshi kandi hari abandi bantu ku muhanda ugana ku kiriziya[1164]. Avuga ko bamwe muri abo bantu bari bitwaje intwaro za gakondo maze akongera ati :

[1155] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 34.

[1156] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 47.

[1157] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 47-48.

[1158] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 47-48.

[1159] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 48.

[1160] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 25.

[1161] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 28.

[1162] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29. Yageze kuri santere avuye mu muhango wo gushyingura Dr. Juvénal Ntawuruhunga. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 28.

[1163] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31.

[1164] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29.

« bamwe muri twe b'abaturage twari dufite ubwoba »[1165]. Bamwe muri abo baturage bari bambaye ibirere « kugira ngo biyoberanye cyangwa bahishe mu maso habo »[1166].

415. Uyu mutangabuhamya avuga ko aho yari ahagaze yabonye abagore n'abana bareba ibyabaga[1167]. Amaze kugera kuri santere, yumvise urusaku, noneho bamwe mu bagabo bazamuka bagana ku kiriziya bitwaje amacumu n'izindi ntwaro za gakondo[1168]. Sibomana avuga ko yabonye abantu babarirwa mu magana bari bagabye icyo gitero bari ku muhanda[1169]. « Byagaragaraga ko bari bagabye igitero ku kiriziya »[1170]. Abantu bari mu migano yari imbere ya kiriziya bateraga amabuye akagwa mu muhanda[1171]. Uyu mutangabuhamya ntiyigeze abona hari amagerenade aterwa, ariko yasobanuye ko « hari akavuyo gakabije »[1172].

416. Uyu mutangabuhamya avuga ko abantu bari baturutse muri Kibilira, cyane cyane abanyabwenge nka we, babonye ko hagiye kuba akaga maze bahitamo kwisubirira iwabo[1173].

417. Sibomana agereranyije avuga ko 90 ku 100 by'abantu bari bahungiye ku kiriziya bari Abatutsi[1174].

418. Uyu mutangabuhamya avuga ko hari abantu benshi cyane kuri santere aho Ku Ishusho, ariko ko nta kintu cyari imbere ya farumasi ya Kanyarukiga[1175]. Avuga ko nta modoka yabonye imbere ya farumasi ya Kanyarukiga cyangwa imbere y'amaduka yo kuri

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[1165] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31.

[1166] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29. Nyuma, uyu mutangabuhamya yavuze ko atari azi impamvu abantu bari bambaye ibirere kubera ko ntawe yabibajije. Uyu mutangabuhamya yongeyeho ko abantu benshi bo mu makomini yahanaga imbibi n'iya Kivumu bazengurukaga hose, noneho yibwira ko bashakaga kumenyana. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 47.

[1167] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29.

[1168] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 29, 41.

[1169] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

[1170] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29.

[1171] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

[1172] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

[1173] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31.

[1174] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

[1175] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 30.

santere kubera ko abantu benshi cyane bari bagabye igitero bitwaje intwaro za gakondo bari bakoraniye imbere y'ayo maduka[1176]. Ubwo uyu mutangabuhamya yari imbere yo Ku Ishusho ya Bikira Mariya, ntiyabonye Kanyarukiga. Yongeyeho ko Kanyarukiga atari ahari[1177]. Sibomana avuga ko farumasi ya Kanyarukiga yari ifunze, nk'uko andi maduka menshi yari afunze uwo munsi[1178].

419. Uyu mutangabuhamya yavuze ko nta muntu n'umwe yumvise avuga ko Kanyarukiga yari ahari uwo munsi cyangwa iminsi yakurikiyeho[1179].

420. Sibomana avuga ko kubera ibibazo by'umutekano byariho icyo gihe, buri wese yitaga ku bimureba gusa. Anavuga ko ntaho yari ahuriye na Kanyarukiga cyangwa Burugumesitiri, kandi ko Burugumesitiri atari umuturanyi we[1180]. Uyu mutangabuhamya avuga ko nta n'umwe mu bategetsi yari azi bo muri ako karere yabonye Ku Ishusho ya Bikira Mariya[1181].

Umutangabuhamya ushinjura witwa Fulgence Tugirumukiza

[1176] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 30, 31, 42.

[1177] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31. Uyu mutangabuhamya avuga ko atabonye Kayishema ku itariki ya 15 Mata 1994. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 50.

[1178] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 30.

[1179] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31.

[1180] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 44.

[1181] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 50.

421. Tugirumukiza yagiye kuri farumasi ya Kanyarukiga ku itariki ya 15 Mata 1994 kugura umuti[1182]. Yageze kuri iyo farumasi ahagana saa yine za mu gitondo[1183]. Ubwo yahageraga, yabonye « abantu b'uruvunganzoka » Ku Ishusho ya Bikira Mariya[1184]. Tugirumukiza yibuka ko abantu bamwe bagendaga bagana ku kiriziya, ariko we yagiye agana kuri farumasi, ariko yari ifunze icyo gihe[1185]. Nta kintu cyari imbere ya farumasi « uretse abahisi n'abagenzi gusa »[1186]. Nta modoka yabonye imbere ya farumasi[1187].

422. Tugirumukiza yamaze nk'isaha imwe Ku Ishusho ya Bikira Mariya, hanyuma asubira mu rugo[1188]. Ntiyigeze abona Kanyarukiga igihe cyose yari aho hantu ku itariki ya 15 Mata 1994[1189]. Yaravuze ati : «Nta muntu n'umwe wambwiye ko yamubonye, kandi nta muntu nigeze numva avuga ko yamubonye »[1190]. Uyu mutangabuhamya yongeyeho ko iyo Kanyarukiga yabaga ari muri komine abantu bose barabimenyaga[1191].

423. Tugirumukiza yabonye umuntu w'inshuti ye imbere ya farumasi, hafi yo Ku Ishusho ya Bikira Mariya.[1192] Yabajije iyo nshuti ye, yitwaga Habarurema, niba umukozi wo muri farumasi yaba ari hafi kugira ngo afungure amuhe umuti[1193]. Habarurema yamushubije ko kuva yagera aho hantu atigeze abona farumasi ifunguye cyangwa ngo abone uwo mukozi[1194].

424. Tugirumukiza yibuka ko bamwe mu bantu bari bagabye igitero bari bambaye ibirere[1195]. Ku kiriziya habereye imirwano, ariko uyu mutangabuhamya ntiyagiyeyo ku

[1182] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 54, 55.
[1183] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 55.
[1184] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 57.
[1185] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 57.
[1186] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 57.
[1187] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 57.
[1188] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 58, 59.
[1189] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 58, 64.
[1190] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 58.
[1191] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 65.
[1192] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 57-58.
[1193] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 58.
[1194] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 58.
[1195] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 63.

itariki ya 15 Mata 1994[1196]. Tugirumikiza yashoboraga kumva imiborogo n'urusaku byavugiraga ku kiriziya[1197].

Umutangabuhamya ushinjura wiswe KG15

425. KG15 ntiyigeze ava mu gipadiri ku wa gatanu ku itariki ya 15 Mata 1994 kubera umutekano muke wari hirya no hino ya kiriziya[1198]. Avuga ko ubwicanyi bwatangiye kuri iyo tariki[1199].

426. Muri Mata 1994, KG15 ntiyari azi Kanyarukiga kandi nta muntu yigeze yumva avuga izina rya Kanyarukiga hagati y'itariki ya 10 n'iya 16 Mata 1994[1200].

427. KG15 avuga ko muri uwo mugoroba, mu gihe we na Padiri Seromba n'abandi bari ku kibuga cyo mu gipadiri, Burugumesitiri na IPJ bahabasanze[1201]. Abo bagabo bakoresheje inama munsi y'igiti cyari ku kibuga aho mu gipadiri, iyo nama ikaba yaramaze nk'iminota 10 cyangwa 15. Muri iyo nama havuzwemo ibirebana no guhamba abantu bari bishwe[1202]. Uyu mutangabuhamya avuga ko nta cyavuzwe ku bantu bari bakoze ubwo bwicanyi[1203]. Icyo gihe, KG15 ntiyabonye Burugumesitiri cyangwa IPJ bajya ku cyumba cya musenyeri, kandi nta wundi muntu wari uhari[1204]. KG15 avuga ko nyuma y'icyo « kiganiro kigufi », Burugumesitiri na IPJ bahise bagenda bari kumwe[1205].

428. KG15 nta nama yindi y'abategetsi yabonye ku itariki ya 15 Mata 1994[1206], kandi nta wundi muntu azi wakoresheje inama.

Umutangabuhamya ushinjura wiswe KG45

[1196] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 64.
[1197] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 64.
[1198] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 16 (iburanisha mu muhezo).
[1199] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 26 (iburanisha mu muhezo).
[1200] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 20, 21 (iburanisha mu muhezo).
[1201] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 16 (iburanisha mu muhezo).
[1202] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 17, 26 (iburanisha mu muhezo).
[1203] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 26 (iburanisha mu muhezo).
[1204] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 17 (iburanisha mu muhezo).
[1205] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 17, 26 (iburanisha mu muhezo).

429. KG45 avuga ko kiriziya y'i Nyange yashenywe ku itariki ya 16 Mata 1994[1207]. Ahereye kuri ibyo, yashoboye kwiyumvisha ko farumasi yari ifunze ku itariki ya 14 Mata 1994 hagati ya saa sita na saa saba z'amanywa[1208]. Uyu mutangabuhamya ntiyagiye kuri farumasi ku itariki ya 15 Mata 1994 cyangwa ku ya 16 Mata 1994 kubera ko umutekano wari wabaye muke cyane[1209]. KG45 yibuka ko farumasi yongeye gufungurwa ahagana ku itariki ya 21 cyangwa ya 22 Mata 1994, nyuma y'iminsi ine cyangwa itanu kiriziya y'i Nyange isenywe[1210].

5.3. Isesengura ry'Urugereko

430. Igika cya 14 n'icya 15 by'Inyandiko y'ibirego yahinduwe bivuga ko Kanyarukiga yari hafi ya paruwasi y'i Nyange mu gihe cyose ibitero byagabwe ku kiriziya y'i Nyange ku itariki ya 15 Mata 1994 byamaze. Ubwunganizi « buhakana butsemba », bukavuga ko Uregwa atari ari kuri paruwasi y'i Nyange ku itariki ya 15 Mata 1994[1211].

431. Urugereko rusanze mu bika kuva ku cya 121 kugeza ku cya 137, rwarangije kwemeza ko imyiregurire ya sinari mpari y'Uregwa ku bijyanye n'itariki ya 15 Mata 1994, umuntu ashyize mu gaciro yafatwa nk'aho atari ukuri, kubera impamvu zitangwa muri icyo cyiciro.

432. N'ubwo imyiregurire ya sinari mpari ku bijyanye n'itariki ya 15 Mata 1994, ishobora kuba atari ukuri umuntu ashyize mu gaciro, Porokireri afite inshingano yo kugaragaza ku buryo budashidikanywaho ko Uregwa yari i Nyange ku itariki ya 15 Mata 1994, kandi ko agomba kuryozwa ibitero byagabwe nk'uko bivugwa mu gika cya 14 n'icya 15 by'Inyandiko y'ibirego.

Ibitero byagabwe ku Batutsi kuri paruwasi y'i Nyange ku itariki ya 15 Mata 1994 mu gitondo

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1206 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 16 (iburanisha mu muhezo).
1207 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 60, 61, 62 (iburanisha mu muhezo).
1208 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 60, 70, 71 (iburanisha mu muhezo).
1209 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 61 (iburanisha mu muhezo).
1210 Inyandikomvugo y'iburanisha, 21 Mutarama 2010, urup. 62 (iburanisha mu muhezo).
1211 Imyanzuro nsozarubanza y'Ubwunganizi, igika 8.

433. Igika cya 14 cy'Inyandiko y'ibirego kivuga ko ku itariki ya 15 Mata 1994 mu gitondo, hari igitero cyagabwe ku Batutsi b'abasiviri kuri paruwasi y'i Nyange, abakigabye bakaba barabitegetswe kandi bakabihamagarirwa na Kanyarukiga, Kayishema, Ndungutse na Ndahimana.

434. Ntawe uhakana ko ku itariki ya 15 Mata 1994 mu gitondo hagabwe igitero. Abatangabuhamya bashinja biswe CBY, CBN, CBR, CNJ, CBT, CBK, CDK, CDL, YAU na CBS bose bavuga ko babonye igitero cyagabwe ku kiriziya y'i Nyange ku itariki ya 15 Mata 1994 mu gitondo[1212]. Umutangabuhamya ushinjura witwa Tugirumukiza yatanze ubuhamya ku gitero cyagabwe ku itariki ya 15 Mata 1994 mu gitondo[1213]. Na none, hari abatangabuhamya bashinjura bavuze ko babonye igice kimwe cy'igitero cyagabwe kuri paruwasi y'i Nyange cyangwa hafi yayo ku itariki ya 15 Mata 1994[1214]. Kubera ko ahanini ibyo bavuga ku gitero ubwacyo no ku gihe cyabereye byuzuzanya, kandi kubera ko benshi muri abo batangabuhamya ubwabo bari mu bakigabye cyangwa se bakiboneye ubwabo, Urugereko rusanze koko ku itariki ya 15 Mata 1994 mu gitondo kuri paruwasi y'i Nyange haragabwe igitero.

[1212] CBN yavuze ko gutera amabuye byatangiye ahagana saa tatu cyangwa saa yine za mu gitondo. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 23. CBK yavuze ko gerenade zatewe ku Batutsi nyuma y'inama y'abategetsi yabereye kuri paruwasi ku manywa mu masaa sita. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 8-9, 18. CNJ yageze ku kiriziya hagati ya saa tanu za mu gitondo na saa saba z'amanywa, kandi icyo gihe ibitero byari birimbanyije. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 11-13. CBY yavuze ko ibitero byatangiye ahagana saa tanu za mu gitondo. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46. CBR avuga ko yageze Ku Ishusho ya Bikira Mariya hagati ya saa tatu na saa yine za mu gitondo kandi yibuka ko ibitero byatangiye mu masaa sita. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25, 58, 59. CDL avuga ko yageze hafi ya kiriziya y'i Nyange saa tanu, kandi icyo gihe ibitero byari byatangiye. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 32. Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 13, 17. CBT yageze kuri kiriziya y'i Nyange nko mu masaa sita kandi icyo gihe abantu bari bamaze kwicwa. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 39. YAU yavuze ko hari bisi yaje ahagana saa tanu za mu gitondo cyangwa saa sita, yibwira ko yari izanye abicanyi ku kiriziya. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 18, 43. CDK yageze ku kiriziya hagati ya saa tanu za mu gitondo na saa tanu n'igice, kandi icyo gihe hari imirwano. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3. CBS avuga ko agereranyije ibitero byatangiye saa tatu za mu gitondo cyangwa saa tatu n'igice. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 54, 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 13.

[1213] Tugirumukiza yari Ku Ishusho ya Bikira Mariya saa yine za mu gitondo ahamara isaha imwe, kandi icyo gihe hari abantu b'uruvunganzoka. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 55, 57, 58.

435. Igika cya 14 cy'Inyandiko y'ibirego yahinduwe gikomeza kivuga ko abantu bagabye igitero ku Batutsi bakoresheje amabuye n'intwaro za gakondo, ko ariko Abatutsi bashoboye gukumira icyo gitero. Ntawe uhakana ko ku itariki ya 15 Mata 1994 ku manywa habayeho igitero cyakoreshejwemo amabuye n'intwaro za gakondo, cyibasiye Abatutsi bari bahungiye muri kiriziya y'i Nyange[1215]. Ikindi kandi, abatangabuhamya bashinja biswe CBY, CBN, CBR, CNJ na CDL buri wese yatanze ubuhamya bwerekana ko Abatutsi icyo gihe bashubije inyuma abari babateye[1216].

[1214] Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 31, 44, 47-48; Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 29 (« Byaragaragaraga ko bariho bagaba ibitero ku kiriziya). KG19 yibwira ko igitero cyagabwe nyuma ya saa sita. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 5 (iburanisha mu muhezo). Nyuma yavuze ko igitero cyatangiye nyuma ya saa sita kigahagarara nko mu masaa kumi z'igicamunsi. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23. Tugirumukiza avuga ku mirwano yabereye ku kiriziya, ariko ntiyageze ku kiriziya. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 64.

[1215] Mu myanzuro nsozarubanza yabwo, Ubwunganizi busanga « ibikorwa nyirabayazana urubanza rwa Porokireri rushingiyeho, bishobora kuba byarabaye cyangwa se bitarabaye muri rusange nk'uko umutangabuhamya ushinja uyu n'uyu yabivuze ». Imyanzuro nsozarubanza y'Ubwunganizi, igika 4. Ibyo abatangabuhamya bashinja bavuze kuri iki kibazo biboneka ahakurikira: CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60-61; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 23; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 56-57, 66; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 3, 6; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 54, 56-57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 13, 15-16. Umutangabuhamya ushinjura wiswe KG19 ashimangira ubuhamya buvuga ko hatewe amabuye, ariko ntavuga uwayateye. Ashimangira kandi ko intwaro za gakondo zakoreshejwe. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 5-6, 15 (iburanisha mu muhezo). Sibomana avuga ko abicanyi bari bitwaje intwaro za gakondo. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 29, 30, 31.

[1216] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 56; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 60, 61; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 32.

436. Igika cya 14 kivuga ko uwitwa Rukara wari waravuye mu gisirikare yateye amagerenade yahitanye kandi agakomeretsa abantu benshi. Urugereko rusanze abatangabuhamya bashinja bose bavuga ko hari nibura gerenade imwe yatewe ku Batutsi, kandi bamwe muri abo batangabuhamya batanga ubuhamya ku muntu bahimbaga Rukara[1217] wateye gerenade mu masaha make ya nyuma ya saa sita[1218]. Bamwe mu batangabuhamya bashinja bavuga ko hari Abatutsi baguye muri ibyo bitero[1219]. Urugereko rusanze kandi Abatutsi bari bahungiye muri kiriziya y'i Nyange

[1217] Abatangabuhamya bashinja biswe CBY, CBR, CNJ, CDL, CBT, CDK na CBK bibuka ko Rukara yateye gerenade. CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 16, 33, 74-75; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 17-19; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25, 66; CDL avuga ko abaporisi ba komini, abajandarume n'uwitwa Rukara wari waravuye mu gisirikare bose bateye amagerenade. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 32-33; CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48. Umutangabuhamya ushinjura witwa Mutume yabonye Rukara atera gerenade ku itariki ya 15 Mata 1994. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 47-48.

[1218] Abatangabuhamya bakurikira batanze amakuru yerekeranye n'igihe ayo magerenade yaterewe. CBN yavuze ko yavuye aho ibivugwa byabereye hagati ya saa saba na saa munani z'amanywa, amagerenade yatangiye guterwa. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61. CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 56. CBY yavuze ko Rukara yateye gerenade mbere ya saa sita. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 19. CBR yibuka ko gerenade yatewe ahagana saa saba z'amanywa. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25, 66. CBS yavuze ko gerenade yatewe mu gihe ibitero byariho bigabwa. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 56-57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 16. Umutangabuhamya ushinjura wiswe KG19 yavuze ko igitero cyahagaze mu masaa kumi z'igicamunsi. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 23. YAU yavuze ko amagerenade yatewe ariko ntiyavuze uwayateye cyangwa igihe yaterewe. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 19.

[1219] CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6, 28-29; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 33-34; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57. Abatangabuhamya bashinja biswe CBY, CBS, CBN, CBR, CNJ, CDL, CBT na CDK bose bavuze uko babonye Abatutsi bicwa ku kiriziya y'i Nyange cyangwa uko babonye imirambo ku kiriziya y'i Nyange nyuma ya saa sita ku itariki ya 15 Mata 1994. CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 39, 72; CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 61, 64; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25-26; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 33. CDK ntavuga ko yabonye imirambo n'amaso ye, ahubwo avuga ko za tingatinga zakoreshejwe ku itariki ya 15 Mata 1994 mu gukuraho imirambo y'Abatutsi. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8-9; CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

baragabweho ibitero n'Abahutu bari bitwaje amabuye n'intwaro za gakondo. Abatutsi bashubije inyuma Abahutu bari babateye, noneho bituma nyuma ya saa sita Rukara atera gerenade, kandi Abatutsi b'abasiviri benshi babigwamo.

437. Kimwe n'abandi batangabuhamya bashinja, CBS avuga ko abagabye igitero basakuzaga cyane bavuga ngo "tubatsembatsembe bose, ntihagire uducika"[1220]. Ibi bishyigikirwa kandi na CBN kuko avuga ko igitero gitangiye, ku itariki ya 15 Mata, abari bakigabye bavuze ngo "tubatsembatsembe"[1221]. Uyu mutangabuhamya asobanura ko icyo gihe abandi basakuzaga ndetse ko "baririmbaga indirimo zinyuranye"[1222]. Nk'uko bigiye gusesengurwa, Urugereko rusanga CBN na CBS bakwizerwa[1223]. Byongeye kandi, kubera ko CBS na CBN bari ku kiriziya kuri iyo tariki, ndetse bakaba bararokotse ibitero, ibi byongerera agaciro ubuhamya bwabo bwerekeranye n'amagambo abagabaga ibitero bavugiye ku kiriziya ku itariki ya 15 Mata 1994. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko abagabye ibitero basakuzaga cyane bavuga ngo "tubatsembatsembe bose, ntihagire uducika".

438. Mu buhamya bwabo, abagabo bashinja biswe CBY, CBS (uyu akaba yarahungiye mu gipadiri), CBR na CNJ bavuga ko Abatutsi barokotse icyo gitero bahungiye mu kiriziya

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[1220] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57. Byongeye kandi, abatangabuhamya bagiye mu bitero byagabwe kuri paruwasi ya Nyange batanga ubuhamya bukurikira: CNJ agira ati: "Ku itariki ya 15 Mata 1994, ntitwashoboye gutsemba Abatutsi bose" bari ku kiriziya y'i Nyange. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 20. CNJ yongeraho ati: "Intego yacu yari ukwica Abatutsi tukabamara." Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23. Ku byerekeye ibitero byagabwe ku itariki 16 Mata 1994, CBR agira ati, "Icyari kigamijwe muri Komini yose kwari ugutsemba Abatutsi bari bahatuye." Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32. CDK na we avuga ko, ku byerekeranye n'igikorwa cyo kugerageza gusenya kiriziya, "abo bantu barimo kugerageza gusenya kiriziya kugira ngo Inyenzi zarimo imbere zipfe". Inyandikomvugo y'iburanisha, 16 Nzeri 2009, p.8.

[1221] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[1222] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60. YAU avuga ko abagabye igitero bari bagamije kwica impunzi z'Abatutsi (cyakora ntavuga uko yabimenye). Inyandikomvugo y'iburanisha, 15. Nzeri 2009, urup. 16. CNJ avuga gusa aya magambo, "twashakaga gutsembatsemba Abatutsi". Inyandikomvugo y'iburanisha, 8. Nzeri 2009, urup. 4.

[1223] Reba ibika 456-460.

y'i Nyange maze bifungiranamo[1224]. Na none, kubera ko abatangabuhamya bashinja bavuga ibintu bimwe kuri iki kintu cyabaye, Urugereko rusanga haragaragajwe ko Abatutsi bari ku kiriziya y'i Nyange bahungiye imbere muri iyo kiriziya nyuma y'uko Abahutu bagabye ibitero babarushije ingufu.

439. Urugereko rugiye gusuzuma ubuhamya bwatanzwe kuri Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana.

440. Abatangabuhamya bashinja hafi ya bose bavuga ko mbere y'ibitero byagabwe mu gitondo cyo ku itariki ya 15 Mata cyangwa igihe ibyo bitero byabaga, babonye Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse cyangwa Athanase Seromba (cyangwa bose). CBS, CBR, CBT, CBK, CDL, YAU na CDK bavuga ko mu gitondo cyo ku itariki ya 15 Mata mbere y'uko ibitero bigabwa, babonye nibura umwe muri abo bagabo ari bo Kayishema, Ndungutse cyangwa Ndahimana ku kiriziya y'i Nyange[1225]. Urugereko rurasuzumana ubushishozi ubuhamya bwatanzwe na CBK, CBT, CDK na YAU, cyane cyane igihe budafite ubundi bubushyigikira. Kuri iyi ngingo, Urugereko rusanga CBY, CBS na CBR bavuga, badahuzagurika, ko mbere gato y'ibitero babonye batatu muri abo bagabo ku kiriziya y'i Nyange. Nk'uko bisobanurwa ahandi muri iri sesengura, Urugereko rusanga aba bagabo batatu bakwizerwa[1226].

[1224] CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 46; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009; urup. 25; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 16.

[1225] CBK avuga ko Ndahimana, Kayishema, Rushema, Mbakirirehe na Kanyarukiga bari mu nama yabereye mu gipadiri mu masaa sita z'amanywa ku itariki ya 15 Mata. Iyo nama irangiye, hatewe amagerenade. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 8-9 na 18. CBS avuga ko mu bitero Kayishema, Ndahimana na Kanyarukiga bari kuri paruwasi ya Nyange no kuri santeri y'ubucuruzi ya Nyange, cyangwa hamwe muri aho hantu hombi. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 56, 57. CBR avuga ko mu gitondo cyo ku itariki ya 15 Mata 1994, Ndahimana, Kayishema, Habiyambere, Ndungutse, Kanyarukiga n'abandi bantu bavuye Ku Ishusho ya Bikira Mariya bakajya mu gipadiri kuri paruwasi ya Nyange. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 17-18. CDL yabonye Seromba kuri paruwasi ya Nyange mu gitondo cyo ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 33. YAU yabonye Seromba, Kayishema, Ndahimana na Kanyarukiga ku kiriziya mbere y'igitero cyagabwe mu gitondo hakoreshejwe amagerenade. Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 18, 19. CBT avuga ko Kayishema, Ndungutse, Habiyambere na Kanyarukiga ari bo bategetsi bari aho hantu igihe ubwicanyi bwarimo kuba. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 39-40.

[1226] Reba ibika 455-458, 591-593.

Byongeye kandi, CNJ na CBR bavuga ko babonye nibura umwe muri aba bagabo batatu ari bo Rushema, Kayishema, Ndahimana cyangwa Ndungutse hafi y'Ishusho ya Bikira Mariya mbere y'uko ibitero bigabwa cyangwa igihe byagabwaga mu gitondo cyo ku itariki ya 15 Mata[1227]. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe ko, mbere y'ibitero byagabywe mu gitondo cyo ku itariki ya 15 Mata, Fulgence Kayishema, Grégoire Ndahimana na Télesphore Ndungutse bari ku kiriziya y'i Nyange no hafi yayo (harimo Ku Ishusho ya Bikira Mariya).

441. Urugereko rusanga CBT, CDK na CBR bavuga ko ku itariki ya 15 Mata 1994, IPJ Kayishema yabahamagaye ngo bajye ku kiriziya y'i Nyange kurwana ku kigo cya paruwasi ya Nyange kubera ko cyari cyatewe n'Inyenzi. Aba batangabuhamya basobanura ko Kayishema yakoresheje uburyo bwifashishwa mu kubwira abantu benshi cyangwa indangururamajwi[1228]. CBS atanga ubuhamya buziguye aho avuga ko hakoreshejwe imodoka mu gutwara abagabye igitero[1229]. Ubwunganizi ntacyo buvuga kuri ubu buhamya. Urugereko ruributsa ko CBT na CDK na bo barezwe ibitero byagabwe kuri paruwasi ya Nyange bityo rukaba rusuzumana ubushishozi bukwiye ubuhamya bwabo. Urugereko rusanga ubuhamya bwa CBR bwakwizerwa muri rusange. Urugereko rusanga kandi rwakwizera ubuhamya buziguye bubushyigikira bwatanzwe na CBS. Urugereko rusanga rero ubuhamya bwa CBR bushyigikira ubwa CBT na CDK, bwiyongera ku buhamya bwa CBS, bukaba buhagije mu kugaragaza ko,

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[1227] CNJ avuga ko ageze hanze ya farumasi ya Kanyarukiga (hagati ya saa tanu za mu gitondo na saa saba z'amanywa) yabonye Ndahimana, Kayishema, Ndungutse na Habiyambere hafi y'aho hantu. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 12, 13. Uyu mutangabuhamya anavuga ko Kanyarukiga yari ahagararanye na Ndahimana mbere y'ibitero byagabwe mu gitondo, kandi ko na Kayishema yari ahari kugeza ibitero birangiye. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 13, 16-17. CBR avuga ko ageze Ku Ishusho ya Bikira Mariya hagati ya saa tatu na saa yine za mu gitondo, yabonye Ndahimana, Kayishema, Habiyambere na Ndungutse hafi y'aho hantu. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16.

[1228] CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 38-39. Nyuma mu buhamya yatanze mu Rukiko, CBT yavuze ko yahawe amabwiriza n'abayobozi barimo abakonseye b'amasegiteri agize komini, abagenzacyaha, uwungirije Burugumesitiri n'abaporisi ba komini. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48. CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 2; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 16. Reba na none Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 6, 11.

[1229] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 13. Umutangabuhamya avuga ko abagabye ibitero bari "bayobowe n'abayobozi".

ku itariki ya 15 Mata 1994, Kayishema yahamagariye abaturage b'Abahutu kujya ku kiriziya y'i Nyange.

442. CNJ avuga ko ubwo yageraga kuri santeri y'ubucuruzi ya Nyange, yabonye Ndahimana, Kayishema, Ndungutse, Habiyambere na Kiragi bakira abagabye igitero, maze Ndahimana akabasaba kwambara ibirere kugira ngo abantu bashobore kubatandukanya n'Abatutsi bari bahungiye ku kiriziya [1230]. Urugereko rusanga CNJ ari we wenyine mu batangabuhamya bagize uruhare mu ikorwa ry'ibyaha uvuga iyi nkuru, rukaba rero rudashobora kwizera ubuhamya bwe budafite ubundi bubushyigikira. Kubera iyo mpamvu, rushingiye ku buhamya bwa CNJ, Urugereko rusanga hataragaragajwe ko Ndahimana, Kayishema, Ndungutse na Habiyambere bakiriye abagabye igitero kandi ko Ndahimana yasabye abagabye igitero kwambara ibirere. Na none, n'ubwo CNJ avuga ko Kayishema yategetse ko Abatutsi baterwa hakoreshejwe gerenade[1231], nta gaciro na gato Urugereko rushobora guha ubu buhamya, kubera impamvu zasobanuwe hejuru.

443. CBT na we avuga ko Kayishema yasabye "abantu gutema ibyatsi no gukora ingazi yo kuririraho ngo basuke lisansi mu kiriziya bayinyujije mu madirishya"[1232]. Urugereko rwasanze CBT atakwizerwa mu gihe ubuhamya bwe budafite ubundi bubushyigikira, bityo rukaba rudaha agaciro ubuhamya bwe. Kubera iyo mpamvu, Urugereko rusanga hataragaragajwe ko Kayishema yasabye abagabye igitero gutema ibyatsi no gukora ingazi yo kuririraho ngo basuke lisanse mu kiriziya bayinyujije mu madirishya.

Uruhare rwa Kanyarukiga

444. Urugereko rugiye noneho gusuzuma ikibazo cy'uruhare, niba ruhari, Kanyarukiga yaba yaragize mu gitero cyagabwe mu gitondo cyo ku itariki ya 15 Mata 1994.

445. Porokireri yatanze ibimenyetso bivuga ko Uregwa yari mu manama yabereye kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994. Urugereko rusanga Inyandiko y'ibirego yahinduwe itavuga mu buryo butaziguye ko Uregwa yagiye mu manama yabaye ku itariki ya 15 Mata 1994. Urugereko rusanga kandi mu Nyandiko y'ibirego ya

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1230 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 11,12, 13.

1231 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 15-16.

1232 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 47.

mbere harimo igika kivuga inama Kanyarukiga, Seromba, Kayiranga na Kayishema n'abandi bantu bakoreye kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994[1233]. Kubera ko Porokireri atashyize iki gika mu Nyandiko y'ibirego yahinduwe, ni ukuvuga ko atateganyaga kurega Ushinjwa ibyerekeranye n'inama yabaye ku itariki ya 15 Mata 1994. Ubusanzwe, Urugereko rwagombye kudasuzuma ibimenyetso nk'ibyo[1234]. Cyakora, rushingiye ku byabaye, Urugereko rusanga ubuhamya abagabo bashinja batanga ku nama zabaye ku itariki ya 15 Mata 1994 budahuye na gato n'ibyavugwaga mu Nyandiko y'ibirego ya mbere.

446. Umutangabuhamya ushinja wiswe CBK avuga iby'inama yabereye kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994, mbere ya saa sita n'indi nama yayikurikiye yabereye mu gipadiri hagati ya saa munani n'igice na saa cyenda n'igice z'amanywa[1235]. Ubuhamya bwa CBK ku nama ya mbere buvugwa mu ncamake y'ubuhamya bwe bwometse ku Myanzuro mbanzirizarubanza ya Porokireri. Cyakora, muri iyo ncamake ntihavugwa inama yabaye nyuma ya saa sita. Uwo mugabo avuga kuri izo nama zombi mu buhamya bwanditse yatanze mbere y'uko aza gutanga ubwo mu Rukiko[1236]. Ubwunganizi bwarwanyije ubwo buhamya buvuga ko butabumenyeshejwe mbere[1237].

[1233] Inyandiko y'ibirego [ya mbere], igika cya 13. Iki gika kigira kiti: "Ku itariki ya 15 Mata 1994, cyangwa ahagana kuri iyo tariki, kuri paruwasi ya Nyange hageze bisi iturutse kuri Perefegitura ya Kibuye, itwaye Interahamwe zifite intwaro n'umupadiri witwa Kayirangwa. Hashize akanya gato, habaye inama ihuje Gaspard Kanyarukiga, Padiri Seromba, Padiri Kayirangwa, Fulgence Kayishema, n'abandi bantu Porokireri atazi."

[1234] *Urubanza rwa Setako.* Inyandiko y'urubanza mu rw'iremezo, ibika 44, 46.

[1235] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 8-9, 21. CBK avuga kuri izo nama zombi zitabiriwe na Gaspard Kanyarukiga, Christophe Mbakirirehe, Grégoire Ndahimana, Fulgence Kayishema, Anastase Rushema n'abandi bantu.

[1236] Uyu mugambo avuga izo nama zombi (iyabaye mu gitondo n'iyabaye nyuma ya saa sita) mu buhamya bwanditse yatanze mu mwaka wa 2002 (Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D14(A) (Ubuhamya bwanditse CBK yatanze ku itariki ya 24 Ukwakira n'ubwo ku itariki ya 19 n'iya 20 Ugushyingo 2002)). Ubu buhamya bwanditse buvuguruzanya n'ubwo yatanze mu Rukiko ndetse n'ubwanditse bwatanzwe n'abandi bagabo ku isenywa rya kiriziya. Mu buhamya bwanditse yatanze mu wa 2000, CBK na we avuga inama yabaye nyuma ya saa sita. Ikimenyetso cy'Ubwunganizi cyahawe No D16(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 15 Kanama 2000).

[1237] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 207-208; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 10. Urugereko rusanga, mu itangwa ry'ubu buhamya, Ubwunganizi burwanya ikibazo cyabajijwe gisa n'ikibwira umugabo icyo agomba gusubiza. Cyakora uretse kuvuga ibyo, Ubwunganizi ntibwarwanyije itangwa ry'ubwo buhamya, haba mu iburanisha cyangwa mu cyifuzo bwatanze busaba ko ubuhamya butakwakirwa. Mu

Cyakora, Urugereko rusanga ahantu habereye izo nama n'abazigiyemo bihuye n'ibivugwa mu gika cya 14 n'icya 15 by'Inyandiko y'ibirego yahinduwe. Rusanga kandi ubuhamya kuri izo nama bujyanye n'ibintu byabereye kuri paruwasi ya Nyange. Kubera iyo mpamvu, inama n'ibitero byabereye kuri paruwasi ya Nyange bigize ikintu kimwe cyabaye nk'uko bisobanurwa mu bika bivuga kuri icyo kibazo mu Nyandiko y'ibirego yahinduwe. Iki gice cy'ibimenyetso cyerekeranye no kumenya niba Kanyarukiga yari kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994, kandi Urugereko rurabifata gutyo. Kubera iyo mpamvu, Urugereko rurasuzuma ibyo bimenyetso.

447. Muri urwo rwego kandi, umugabo wiswe CBY yatanze ubuhamya bwerekeranye n'inama yabereye mu gipadiri kuri kiriziya y'i Nyange ku itariki ya 15 Mata 1994. Iyo nama yitabiriwe na Kayishema, Ndungutse, Ndahimana, "Théodomir" n'Uregwa[1238]. Kubera impamvu zivugwa haruguru ku byerekeranye n'ubuhamya bwa CBK, Urugereko rurasuzuma ubu buhamya mu isesengura ruri bukore.

448. Urugereko rusanga umutangabuhamya wiswe CBN avuga ko, ubwo ibitero byagabwaga ku itariki ya 15 Mata 1994, yabonye Kanyarukiga imbere ya farumasi ye [Kanyarukiga] ari kumwe "n'abandi baturage benshi"[1239]. Uyu mutangabuhamya akomoza ku nama yabaye icyo gihe kandi Kanyarukiga yari arimo. N'ubwo Urugereko rusanga ubu buhamya bwerekeranye n'ibivugwa ko Kanyarukiga yari hafi yo Ku Ishusho ya Bikira Mariya, aho kuba kuri paruwasi ya Nyange, ahantu habereye ibitero n'ibyabaye bivugwa mu gika 14 n'icya 15, harimo hafi yo Ku Ishusho ya Bikira Mariya. Bityo rero, kubera impamvu zavuzwe haruguru, Urugereko rurasuzuma ubu buhamya mu isesengura ryarwo.

449. Urugereko ruributsa ko mu cyemezo rwafashe ku itariki ya 15 Mutarama 2010 ku cyifuzo cy'Ubwunganizi cyasabaga gukura ubuhamya mu bimenyetso, Urugereko rwa

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Myanzuro nsozarubanza yabwo, Ubwunganizi burwanya ubu buhamya kandi bukavuga aho buri mu nyandikomvugo y'iburanisha. Cyakora, rumaze gusuzuma iyo nyandikomvugo y'iburanisha, Urugereko rwasanze ibyo Ubwunganizi burwanya biterekeranye n'iyo nama.

[1238] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 45-46. Reba hejuru ku gisobanuro cyo hasi ku rupapuro cya 929.

[1239] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 61.

Mbere rw'Iremezo rwavuze ko mu icibwa ry'urubanza ari ho rwari kureba niba ubuhamya bushinja bwatanzwe kuri zimwe mu nama Uregwa yaba yaritabiriye bwakurwa mu bimenyetso. By'umwihariko, Urugereko rwabaye ruretse gufata icyemezo ku buhamya bwa CBR na CDK bwerekeranye n'uko Kanyarukiga yaba yaragiye mu nama yabereye kuri CODEKOKI ku itariki ya 15 Mata 1994[1240].

450. Ubuhamya bwa CBR[1241] na CDK[1242] bwerekeye inama zabaye ku itariki ya 15 Mata 1994 bushobora kuba buterekeranye n'inama zisuzumwa haruguru kubera ko butajyanye n'ibivugwa mu gika cya 14 n'icya 15 by'Inyandiko y'ibirego. Aba batangabuhamya bavuga ku nama yabereye mu nzu ya CODEKOKI, kandi iyo nzu iri ahantu hatandukanye n'ahavugwa mu bika by'Inyandiko y'ibirego byerekeranye n'iyo ngingo[1243]. Byongeye kandi, ubuhamya bw'aba bagabo buvuga inama yari yatumijwe ifite gahunda kandi yabereye mu nzu ya CODEKOKI. Ubu buhamya bushobora gutandukanywa n'ubwa CBN, CBK na CBY buvugwa haruguru kandi bwerekeranye n'abantu bateraniye hafi ya paruwasi ya Nyange, mu gipadiri no Ku Ishusho ya Bikira

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1240 Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (TC), 15 Mutarama 2010, igika cya 17.

1241 Iyi nama ntivugwa mu ncamake y'ubuhamya CBR yari kuza gutanga yometse ku Myanzuro mbanzirizarubanza ya Porokireri. Mu buhamya bwanditse yatanze ku itariki ya 9 Ukwakira 2001, CBR avuga inama yabereye mu nzu ku itariki ya 15 Mata 1994. Cyakora, inzu umutangabuhamya avuga ntisobanutse. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D27(B) (Ubuhamya bwanditse CBR yatanze ku itariki ya 9 Ukwakira 2001), urup. 3. Mu iburanisha, Ubwunganizi bwarwanyije itangwa ry'ubu buhamya (Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 19). Bwanaburwanyije kandi mu cyifuzo bwatanze gisaba kutakira ubuhamya (Icyifuzo gisaba gusubika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, cyatanzwe ku itariki ya 18 Ukuboza 2009, urup. 28) no mu Myanzuro yabwo nsozarubanza (Imyanzuro nsozarubanza y'Ubwunganizi, ibika 204-206). Mu Cyemezo rwatanze ku itariki ya 15 Mutarama 2010, Urugereko rwabaye ruretse gufata icyemezo ku cyifuzo cy'Ubwunganizi gisaba kutakira ubwo buhamya. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba gusubika iburanisha cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (TC), 15 Mutarama 2010, igika 17.

1242 Mu iburanisha, Ubwunganizi bwarwanyije itangwa ry'ubu buhamya (Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 4), no mu cyifuzo gisaba kutakira ubuhamya (Icyifuzo gisaba gusubika urubanza, cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, cyatanzwe ku itariki ya 18 Ukuboza 2009, urup. 28). Bwanaburwanyije kandi no mu Myanzuro yabwo nsozarubanza (Imyanzuro nsozarubanza y'Ubwunganizi, ibika 204-206).

1243 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 19; Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.

Mariya. Mu Myanzuro mbanzirizarubanza, Porokireri avuga mu magambo make inama yabereye mu nzu ya CODEKOKI[1244]. Cyakora, iyi nama ntivugwa mu ncamake y'ubuhamya bwa CBR cyangwa ubwa CDK bwometse kuri iyo Myanzuro mbanzirizarubanza. Urugereko rusanga Ubwunganizi bwararwanyije kenshi itangwa ry'ubu buhamya. Urugereko ruributsa ko uregwa ashobora gusa guhamwa n'icyaha cyasobanuwe neza mu nyandiko y'ibirego[1245]. Kubera iyo mpamvu, Urugereko ntirusuzuma ubu buhamya mu isesengura rukora kuko ari ikirego gishya Ushinjwa atamenyeshejwe mbere uko bikwiye.

451. Ku byerekeranye n'agaciro kahabwa ubuhamya, buri wese mu bagabo bashinja biswe CBR[1246] CNJ[1247], CBT[1248] na CDK[1249] avuga ko ku itariki ya 15 Mata 1994 Uregwa yari

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[1244] Imyanzuro mbanzirizarubanza ya Porokireri, igika cya 40.

[1245] *Urubanza rwa Muvunyi,* Inyandiko y'urubanza mu bujurire igika cya 18, nk'uko byanditse mu *Rubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika cya 326; *Urubanza rwa Ntagerura na bagenzi be* mu bujurire, igika cya 28; *Urubanza rwa Kvočka na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika cya 33.

[1246] CBR avuga ko yabonye "abategetsi" barimo Burugumesitiri Ndahimana, IPJ Kayishema, umucuruzi witwa Gaspard Kanyarukiga, Habiyambere wari Perezida w'urukiko n'umwarimu witwa Ndungutse. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 23. Anavuga ko yabonye Kanyarukiga Ku Ishusho ya Bikira Mariya mu gitondo cya kare ku itariki ya 15 Mata 1994 akongera kumubona aho hantu mu masaa sita z'amanywa. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 16, 58. Uyu mutangabuhamya yerekanye Uregwa mu cyumba cy'iburanisha. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 31.

[1247] CNJ avuga ko yageze kuri paruwasi ya Nyange hagati ya saa tanu za mu gitondo na saa saba z'amanywa, akakirwa na Ndahimana, Kayishema, Ndungutse, Kiragi na Habiyambere maze aba bagabo bakamushimira ko yaje kubafasha. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 13, 56. Anavuga ko nyuma y'uko gerenade iterwa, Habiyambere, Kayishema, Ndungutse n'Uregwa bari Ku Ishusho ya Bikira Mariya. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 16-17. Uyu mutangabuhamya yerekanye Uregwa mu cyumba cy'iburanisha. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 35.

[1248] CBT yabonye "abategetsi benshi" kuri paruwasi ya Nyange, barimo Kanyarukiga, Habiyambere, Gaca Butelezi (wari Perezida w'Urukiko), IPJ Kayishema na Télesphore Ndungutse. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 40. Ku itariki ya 15 Mata 1994, CBT yabonye Uregwa mu itsinda ry'"abayobozi" arimo kubwira abantu ko Inyenzi zose zari zahungiye ku kiriziya y'i Nyange zigomba kwicwa. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 46, 49. Uyu mutangabuhamya yerekanye Uregwa mu cyumba cy'iburanisha. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 49-50.

[1249] CDK yabonye Uregwa, Kayishema, na Ndahimana hamwe n'abo bantu bari bateraniye Ku Ishusho ya Bikira Mariya. Mu gitondo cyo ku itariki ya 15 Mata 1994, Kanyarukiga yabonanye n'abantu bari aho Ku Ishusho maze avugana na bo mbere y'ibitero. CDK yabonye kandi Kanyarukiga ahagana igihe gerenade

ku kiriziya y'i Nyange ari kumwe n'abategetsi bo muri ako karere. Buri wese avuga kandi ko yabonye nibura umwe muri aba bagabo ari bo Kanyarukiga, Kayishema, Ndungutse cyangwa Ndahimana kuri Paruwasi cyangwa Ku Ishusho ya Bikira Mariya ku itariki ya 15 Mata 1994.

452. Mu ibaza rinyomoza no mu Myanzuro nsozarubanza yabwo, Ubwunganizi bwavuze ko ubuhamya bw'abo bagabo uko ari bane bugomba gusuzumanwa ubushishozi bwinshi kubera ko bose (kimwe na CDL) bahamijwe n'Inkiko Gacaca ibyaha byakorewe kuri paruwasi ya Nyange ndetse bakaba barafungiwe hamwe muri Gereza ya Kibuye[1250]. Ubwunganizi bwavuze kandi ko CBR, CNJ, CBT, CDK na CDL bari mu nama za Gacaca zabereye muri gereza ya Kibuye ku byerekeranye n'isenywa rya kiriziya y'i Nyange, bakaba rero bashobora kuba barabyumvikanyeho, iyi ikaba ari indi mpamvu ituma ubuhamya bwabo bugomba gusuzumanwa ubushishozi[1251]. Urugereko rusanga bamwe muri aba batangabuhamya bemera ko bagiye mu nama za Gacaca zerekeranye n'ibintu byabereye kuri paruwasi ya Nyange[1252]. Byongeye kandi, ubwo bari muri gereza ya Kibuye, aba batangabuhamya batanu bagize uruhare mu gukangurira no

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yaterwaga. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6-7. Uyu mutangabuhamya yerekeranye Uregwa mu cyumba cy'iburanisha. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 13.

1250 Imyanzuro nsozarubanza y'Ubwunganizi, ibika 326-329.

1251 Ubwunganizi buvuga ko hari ibimenyetso bitaziguye bigaragaza ko habaye ubwumvikane hagati y'aba batangabuhamya na CDL. Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 328. Urugereko ntirwashyikirijwe ikimenyetso na kimwe kitaziguye cy'ubwo bwumvikane.

1252 Imyanzuro nsozarubanza y'Ubwunganizi, ibika 328-329; CDL, Inyandikomvugo y'iburanisha, l0 Nzeri 2009, imp. 73-74; CNJ, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. l0-12; CDK, Inyandikomvugo y'iburanisha, l6 Nzeri 2009, urup. 21; CNJ, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 10-11; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 49-52. Reba na none Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D28 (Lisiti y'amazina y'abantu barindiwe umutekano yeretswe CDL); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D46 (Lisiti y'amazina y'abantu barindiwe umutekano yeretswe CDK); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D18 (Lisiti y'amazina y'abantu barindiwe umutekano yeretswe CNJ); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D25 (Lisiti y'amazina y'abantu barindiwe umutekano yeretswe CBR); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D41 (Lisiti y'amazina y'abantu barindiwe umutekano yeretswe CBT). Reba na none Inyandiko z'imyirondoro bwite ya CDK, CNJ, CBR, CDL na CBT.

gushishikariza abandi bafungwa kwirega no gutanga amakuru ku bandi bantu bagize uruhare mu ikorwa ry'ibyo byaha, kugira ngo bazagabanyirizwe ibihano[1253].

453. Urugereko ruributsa isesengura rwakoze ku bukemuramanza bwerekeranye n'ubuhamya butanzwe n'umuntu wagize uruhare mu ikorwa ry'icyaha[1254]. Urugereko rufite impungenge ku ngaruka inama za Gacaca na gahunda yo gukangurira abantu kwirega bishobora kuba byaragize ku buhamya bw'aba bagabo. By'umwihariko, Urugereko rusuzumana ubushishozi bwinshi ubuhamya bwa CBT, CDL na CNJ kurusha ubwa CBR na CDK. Hari ibimenyetso bigaragaza ko CDL yagize uruhare runini mu bitero kuruta urwo avuga, akaba ari iyo mpamvu Urugereko rwemera ko ibyo bishobora kugira ingaruka ku byo ashinja Uregwa ku byerekeranye n'ibitero byagabwe ku itariki ya 15 Mata 1994[1255]. Mu gika cya 468 n'icya 496, Urugereko ruvuga impungenge rufite ku byerekeye CNJ na CBT, kandi rusanga izo mpungenge zikomeye. Kubera izo mpungenge, Urugereko rugomba kwitonda cyane ku byerekeranye n'aba batangabuhamya bombi. Cyakora, n'ubwo ruzirikana ko aba batangabuhamya bafunganywe ndetse rukaba rusuzumana ubushishozi ubuhamya bwabo, Urugereko rusanga icyo kintu cyonyine kitatesha agaciro ubuhamya bwabo.

454. Ubuhamya bw'uwiswe YAU bushyigikira ubundi buvuga ko Kanyarukiga yari ku kiriziya mu gitondo cyo ku itariki ya 15 Mata 1994[1256]. N'ubwo uyu mugabo yamenye Uregwa akamwerekana mu cyumba cy'iburanisha[1257], Urugereko rumushidikanyaho cyane kandi rwumva ko agamije gusa gushyigikira ubuhamya buvuga ko Kanyarukiga

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[1253] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 48, 49; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 55; CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 20. CDL yanagize uruhare mu ikorwa ry'ibyaha kandi arabyemera. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 71-72, 74.

[1254] Reba igika cya 49.

[1255] CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26; CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 27 (iburanisha mu muhezo); CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 48. CBR yanatanze ubuhamya kuri CDL. Cyakora, Urugereko ntirugira icyo rubuvugaho hano kubera impamvu z'umutekano w'abatangabuhamya.

[1256] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 18-19. Umutangabuhamya avuga ko Kanyarukiga yari ku kiriziya mu gitondo cy'"umunsi wa gatatu" kubera ko uyu mugabo atavuga amatariki mu buhamya yatanze mu Rukiko. Urugereko rwumva "umunsi wa gatatu" uvugwa na YAU uhuye n'itariki ya 15 Mata 1994.

[1257] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 30-31.

yari ku kiriziya y'i Nyange mu gitondo cyo ku itariki ya 15 Mata. Urugereko rurasuzuma ubuhamya bw'abagabo bakwizerwa kurushaho bushimangira ko Kanyarukiga yari aho hantu.

455. Urugereko rusanga CBK, CBN, CBS, na CBY, batagize uruhare mu bitero byagabwe i Nyange, na bo bavuga ko Kanyarukiga yari kuri paruwasi ya Nyange mu gitondo cyo ku itariki ya 15 Mata 1994. CBK avuga ko ku itariki ya 15 Mata 1994, Uregwa yari kuri paruwasi ya Nyange[1258] ari kumwe na Burugumesitiri Ndahimana, IPJ Kayishema, Burigadiye Christophe Mbakirirehe na Padiri Seromba, bose bakaba bari "bayoboye" abagabye ibitero[1259]. CBK yongeraho ko Kanyarukiga, ari kumwe na Grégoire Ndahimana, IPJ Kayishema, Burigadiye Christophe Mbakirirehe na Anastase Rushema, babonanye n'Abahutu bagabye ibitero mu mbuga ya paruwasi ya Nyange, mbere y'ibitero byagabwe ku itariki 15 Mata 1994 maze byarangira abagabye igitero bagatera amagerenade kandi bakarasa no kuri kiriziya [1260]. CBN avuga ko ku itariki ya 15 Mata 1994 hagati ya saa tatu na saa yine za mu gitondo, Kanyarukiga yari kumwe n'abagabye ibitero imbere ya farumasi ye[1261]. CBS na we yabonye Uregwa Ku Ishusho ya Bikira Mariya ari kumwe na Ndahimana na Rushema mu gitero cyagabwe mu gitondo cyo ku itariki ya 15 Mata 1994[1262]. CBY avuga ko mu gitondo cyo ku itariki ya 15 Mata 1994, Kanyarukiga yaje kuri Paruwasi ari kumwe na Kayishema, Ndungutse,

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[1258] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 7, 9. CBK yashoboye kwerekana Uregwa mu cyumba cy'iburanisha. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 37-38.

[1259] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7-8.

[1260] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9.

[1261] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 61, 64. Urugereko rusanga mu buhamya bwanditse yatanze ku itariki ya 2 Gashyantare 1996, CBN avuga ko yabonye Kanyarukiga buri munsi yari [uwo mutangabuhamya] ku kiriziya y'i Nyange. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D4 (Ubuhamya bwanditse CBN yatanze ku itariki ya 2 Gashyantare 1996), urup. 4. CBN na we avuga ko, mu gihe ibitero byari birimo kugabwa mu gitondo cyo ku itariki ya 15 Mata 1994, yabonye Uregwa ari kumwe na Kayishema na Mbakirirehe imbere ya farumasi ye [Kanyarukiga]. Cyakora, uyu muntangabuhamya yongeraho ko yabonye Kanyarukiga inshuro imwe gusa ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 61, 64. Urugereko rwazirikanye iki kintu.

[1262] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12. CBS avuga ko Kanyarukiga yari ayoboye ibitero hamwe n'abandi "bayobozi" kubera ko bari ku kiriziya bareba ibyabaga ariko ntibagire icyo bakora ngo bahagarike ubwicanyi. Yongeraho ko muri Komini ye, Burugumesitiri yari afite ububasha bwo guhagarika igikorwa cyose kibisha" Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 56, 58.

Grégoire Ndahimana na Théodomir (bahimbaga Kiragi), maze bamara isaha bakorana inama na " padiri"[1263].

456. Ubwunganizi buvuga ko CBK, CBN na CBS buri wese afite impamvu yo gushinja ibinyoma Kanyarukiga urebye ubucuti bafitanye n'abantu bo muri Komini ya Kivumu bafite cyangwa bigeze kugira inyungu mu mutungo Kanyarukiga yari atunze mu mwaka wa 1994[1264]. Ubwunganizi buvuga ko CBK, CBS na CBN bafitanye inyungu z'ubucuruzi n'abantu bo muri Komini ya Kivumu kandi ko bagize uruhare mu kwigabiza cyangwa gusenya imwe mu mitungo ya Kanyarukiga[1265]. N'ubwo CBS na CBN bemera ko bazi umwe mu bantu bashyirwa mu majwi n'Ubwunganizi[1266], aba batangabuhamya bahakana ibintu byose Ubwunganizi buvuga[1267]. Ubwunganizi ntibwatanze ikimenyetso na kimwe kinyomoza ibyo aba batangabuhamya bahakana. Kubera iyo mpamvu, Urugereko rusanga ibivugwa n'Ubwunganizi bidatuma rushidikanya ku buhamya bw'aba bagabo.

457. Umutangabuhamya wiswe CBN ni Umututsi warokotse ibitero byagabwe ku itariki 15 Mata 1994 kandi atanga ubuhamya budahuzagurika bwerekeranye no kuba Uregwa yari kuri paruwasi ya Nyange. Urugereko rwazirikanye ko CBN ari umwe mu bagize itsinda ry'abantu batanze ikirego cy'indishyi z'akababaro barega Athanase Seromba, Grégoire Ndahimana na Fulgence Kayishema (n'abandi), kubera ibyaha byakorewe Abatutsi bo

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[1263] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 45-46. Reba igisobanuro cyo hasi ku rupapuro cya 929.

[1264] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 331-333; CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 60 (iburanisha mu muhezo); CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 28-29 (iburanisha mu muhezo); CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 8-10 (iburanisha mu muhezo).

[1265] CBS, Inyandikomvugo y'iburanisha, 17. Nzeri 2009, imp. 28-29 (iburanisha mu muhezo); CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 6-9, 11-12 (iburanisha mu muhezo).

[1266] CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 28 (iburanisha mu muhezo); CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 6 (iburanisha mu muhezo).

[1267] CBK, Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 32-33 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 57; CBS, T 17. Nzeri 2009, imp. 29-30 (iburanisha mu muhezo); CBN, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 8-10, 12 (iburanisha mu muhezo). Urugereko rwabonye amazina ari mu buhamya bwanditse CBN na CBS batanze mbere y'urubanza, Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D5 (Ubuhamya bwanditse CBN yatanze ku itariki ya 17 Kanama 2000), urup. 2; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D49(B) (Ubuhamya bwanditse CBS yatanze ku itariki ya 12 Werurwe 2003), urup. 2.

mu miryango yabo[1268]. Ubwunganizi bwavuze ko Kanyarukiga atarezwe muri iki kirego cyerekeranye n'indishyi z'akababaro maze bubaza umutangabuhamya impamvu Uregwa atashyizwe mu majwi[1269]. Umutangabuhamya yasobanuye ko Uregwa atarezwe kubera ko abacuruzi batarezwe muri icyo kirego[1270]. Urugereko rwemera iki gisobanuro. Na none, Ubwunganizi ntibwatanze ibindi bimenyetso bishyigikira ibyo buvuga. Kubera iyo mpamvu, Urugereko rusanga ubuhamya bwa CBN bwakwizerwa.

458. CBS we ahakana ko ari mu baregeye indishyi z'akababaro[1271]. Ubwunganizi buvuga ko n'ubwo uyu mutangabuhamya abihakana, izina rye riri mu nyandiko y'ikirego cyerekeranye n'indishyi z'akababaro[1272]. Urugereko rwashyikirijwe iyo nyandiko igaragaramo ko CBS ari umwe mu baregeye izo ndishyi. Cyakora, iyo nyandiko ntiriho umukono w'uyu mutangabuhamya[1273]. Urugereko rusanga ibi bidahagije kugira ngo rushidikanye ku buhamya bwe. Byongeye kandi, Ubwunganizi buvuga ko CBS yahakanye ko yatanze ubuhamya mu magambo imbere y'Urugereko rwihariye rw'Urukiko rwa mbere rw'iremezo rwa Kibuye mu rubanza rwaregwagamo abantu benshi "bayoboye" ibitero byagabwe kuri paruwasi ya Nyange[1274]. Urugereko rusanga CBS avuga ko yatanze gusa ubuhamya bwanditse abuha Urukiko rwa Mbere rw'Iremezo rwa Kibuye[1275]. Ibyo avuga byemezwa n'ikimenyetso cy'Ubwunganizi kivuga ko bamwe mu batangabuhamya batatanze ubuhamya mu Rukiko cyangwa ko batarwitabye[1276]. Ubwunganizi ntibwatanze ikimenyetso kigaragaza ko CBS yatanze

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[1268] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 39-40.

[1269] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 430-431.

[1270] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 40. Umutangabuhamya asobanura ko rwari urubanza rw'abapadiri n'abantu bahoze ari abayobozi muri ako gace mu gihe cy'ibyabaye.

[1271] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. i (igice cy'inyandiko); Inyandikomvugo y'iburanisha, 17. Nzeri 2009, urup. 33 (iburanisha mu muhezo); Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 431.

[1272] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 33 (iburanisha mu muhezo); Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 431.

[1273] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D47 (Inyandiko yitwa Urupapuro Rwa Mbere Rw'iburanisha yo ku itariki ya 16 Gashyantare 1998).

[1274] Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 422.

[1275] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 31.

[1276] Mu cyemezo cy'Urukiko rwa Mbere rw'Iremezo havugwa ko "bamwe mu batangabuhamya bitabye Urukiko urubanza rusubukuwe" kandi ko "nta mutangabuhamya utararwitabye" Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D10(A) (Urubanza rwaciwe n'Urugereko rwihariye rw'Urukiko rwa Mbere

ubuhamya mu magambo muri urwo rubanza, uretse ko mu rubanza bwavuze ngo "yatanze ubuhamya", kandi ibyo si ikimenyetso simusiga[1277]. Urugereko rusanga ibivugwa n'Ubwunganizi ko CBS yatanze ubuhamya mu magambo bidahagije ngo rube rwashidikanya ku buhamya bwe.

459. Ubwunganizi buvuga kandi ko Kanyarukiga atashyizwe mu majwi muri urwo rubanza, kandi rwararebaga abantu bayoboye ibitero byagabwe kuri paruwasi ya Nyange[1278]. Cyakora, Urugereko rusanga na Grégoire Ndahimana cyangwa Télesphore Ndungutse na bo batararezwe muri urwo rubanza[1279]. Kubera ko bamwe mu batangabuhamya bashinjura bemeranya n'abagabo bashinja bavugwa haruguru ko Ndahimana na Ndungutse bari ku kiriziya y'i Nyange mu bitero byagabwe hagati y'itariki ya 14 n'iya

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rw'Iremezo rwa Kibuye, 17 Mata 1998), urup. 12; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D11(A) (Urubanza mu bujurire, Urukiko rw'ubujurire rwa Ruhengeri), urup. 4.

1277 Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 422.

1278 Imyanzuro nsozarubanza y'Ubwunganizi, ibika 417-419.

1279 Urugereko rusanga Urukiko rw'Ubujurire rwa Ruhengeri rwaravuze ko urubanza rwa Seromba n'urwa Kayishema zagombaga gutandukanywa n'urundi kubera ko bari hanze y'u Rwanda. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D11(A) (Urubanza mu bujurire, Urukiko rw'ubujurire rwa Ruhengeri), urup. 4. Ibi binyomoza ibivugwa n'Ubwunganizi. Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 418.

16 Mata 1994[1280], kuba Kanyarukiga ataravuzwe muri urwo rubanza, ntibivuga byanze bikunze ko atari ku kiriziya [1281].

460. Urugereko rusanga, mu buhamya bwanditse yatanze mu mwaka wa 1995 n'ubwo yatanze mu wa 1996, CBS avuga ko Uregwa yari ku kiriziya y'i Nyange ku itariki ya 15 Mata 1994. Cyakora, mu bundi buhamya bwanditse yatanze nyuma mu mwaka wa 2003, uyu mugabo ntavugamo Uregwa[1282]. Urugereko rusanga mu buhamya bwanditse yatanze mbere, CBS avuga ko Uregwa yari ku kiriziya y'i Nyange ubwo aho hantu hagabwaga ibitero. Ubu buhamya bwanditse yabutanze kiriziya y'i Nyange imaze umwaka umwe cyangwa ibiri isenywe. Kubera iyo mpamvu, Urugereko rusanga ubuhamya yatanze mbere bwakwizerwa kurusha ubundi kubera ko umugabo yari akibuka neza ibyo bitero. Byongeye kandi, Urugereko rusanga CBS ari Umututsi warokotse ndetse aziranye n'umuryango w'Uregwa kubera ko aturanye na bamwe mu

[1280] KG15 avuga ko ku itariki ya 15 Mata 1994, abapadiri basabye Burugumesitiri gutegura ihambwa ry'abantu bari biciwe kuri paruwasi. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 16-17, 18, 37 (iburanisha mu muhezo). KG15 avuga ko Burugumesitiri yari ahari ku itariki ya 16 Mata kandi ko yohereje tingatinga yakoreshejwe mu gusenya kiriziya kuri paruwasi. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 18-19, 37 (iburanisha mu muhezo). Sibomana avuga ko bizwi neza ko Télesphore Ndungutse yagize uruhare mu bwicanyi bwakorewe kuri paruwasi ya Nyange kubera ko Ndungutse yari umukuru w'Interahamwe muri Komini ya Kivumu. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 44. Ku byerekeye ibitero byagabwe ku itariki ya 14 Mata 1994, Nayituriki yamenye bamwe mu bantu bateye barimo Ndungutse wari umwarimu na mugenzi wa mukuru we. Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 10, 11. Nayituriki avuga ko yaherekejwe na Ndungutse bakajya kuri santeri y'ubucuruzi ya Mutanoga. Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 23. Mu gihe banyweraga kuri iyo santeri y'ubucuruzi ya Mutanoga, Ndungutse yabwiye uyu mutangabuhamya na mugenzi we ko "bari bateye abantu bahungiye ku kiriziya kandi ko abari imbere mu kiriziya birwanyeho batera amabuye abagabye igitero". Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 10-11, 23.

[1281] Urugereko rusanga Ubwunganizi bwaravuze ibi bintu ku byerekeranye na YAU, CBN, CBY, CBS na CDL. Imyanzuro nsozarubanza y'Ubwunganizi, ibika 416-429.

[1282] Mu buhamya bwanditse CBS yatanze ku itariki ya 2 Gashyantare 1996 havugwamo ko Kanyarukiga yari umwe mu bayobozi bagabye igitero ku itariki ya 15 Mata 1994. Muri ubwo buhamya, uyu mugabo avuga kandi ko Kanyarukiga yari ku kiriziya ku itariki ya 15 Mata 1994 maze akongeraho ko Uregwa yazanye amagerenade. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D48(B) (Ubuhamya bwanditse CBS yatanze ku itariki ya 2 Gashyantare 1996), imp. 3, 4. Mu buhamya yatanze mu wa 2003, uyu mutangabuhamya ntavugamo Kanyarukiga. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D49(B) (Ubuhamya bwanditse CBS yatanze ku itariki ya 12 Werurwe 2003).

bantu bo mu muryango wa Kanyarukiga. Rumaze kubisuzuma, Urugereko rusanga CBS yakwizerwa kandi n'ubuhamya yatanze avuga ko ku itariki ya 15 Mata 1994, Uregwa yari kuri paruwasi ya Nyange no hafi yayo, na bwo bwakwizerwa.

461. Kubera iyo mpamvu, Urugereko rwemera ubuhamya bwa CBK, bwavuzwe haruguru, kubera ko bushyigikirwa n'ubundi rwemeye bwa CBN na CBS.

462. Umutangabuhamya wiswe CBY avuga ko Uregwa yari kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994 mbere ya saa tanu za mu gitondo kubera ko uyu mutangabuhamya yabonye Kanyarukiga akorana inama na Kayishema, Ndungutse, Grégoire Ndahimana, "Padiri" na Théodomir[1283]. CBR na we avuga ko yabonye "abategetsi" banyuranye, barimo Kanyarukiga, bajya mu gipadiri mu gitondo cyo ku itariki ya 15 Mata[1284]. Ubuhamya bwa CBY na CBR bushyigikira by'umwihariko ubwa CBK ku nama yabaye mbere y'ibitero. Bunashyigikira kandi, muri rusange ubuhamya bw'abagabo bashinja biswe CNJ na CBK, buvuga ko Kanyarukiga yari kuri paruwasi mbere y'ibitero. Urugereko rusanga mu Nyandiko y'ibirego hatavugwa inama yihariye Uregwa yagiyemo mu gitondo cyo ku itariki ya 15 Mata 1994. Urugereko rusanga ubuhamya bwa CBK na CBY bugaragaza gusa ko Uregwa yari ku kiriziya y'i Nyange mu masaa tanu za mu gitondo ari kumwe na Kayishema na Ndahimana. Rumaze gusuzuma ibimenyetso byose rwashyikirijwe byerekeranye no kuba Kanyarukiga yari aho hantu, Urugereko rusanga ubuhamya buvugwa hano bw'abagabo bashinja bose bugaragaza ko mu gitondo cyo ku itariki ya 15 Mata, Kanyarukiga yari hafi ya paruwasi ya Nyange na santeri y'ubucuruzi ya Nyange (Ku Ishusho ya Bikira Mariya).

463. Urugereko ruributsa ubuhamya bw'umugabo ushinjura wiswe KG19, ubwa Mutume n'ubwa Tugirumukiza, bose bari Ku Ishusho ya Bikira Mariya mu gitondo cyo ku itariki ya 15 Mata 1994 ariko bakaba batarahabonye Uregwa[1285]. Mu gitondo cyo ku

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[1283] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 45-46. Reba igisobanuro cyo hasi ku rupapuro cya 929.

[1284] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 17-18.

[1285] KG19 yageze Ku Ishusho ya Bikira Mariya saa tatu za mu gitondo ku itariki ya 15 Mata 1994 maze ahamara amasaha ageze kuri ane cyangwa atanu. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 4, 5 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 7. Mutume yageze Ku Ishusho ya Bikira Mariya mu masaa tatu ku itariki ya 15 Mata 1994, ahava mu masaa munani z'amanywa. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 32, 33. Tugirumukiza yageze Ku Ishusho ya Bikira

itariki ya 15 Mata 1994, umutangabuhamya ushinjura wiswe KG15 yari mu gipadiri kuri paruwasi ya Nyange, ariko ntiyabonye Kanyarukiga icyo gihe[1286]. KG19 na KG15 bavuga ko mu gitondo cyo ku itariki ya 15 Mata 1994 Ku Ishusho ya Bikira Mariya no hafi yaho, hari akavuyo. Ibi byerekana ko mu bantu bari Ku Ishusho ya Bikira Mariya muri icyo gitondo, bamwe bashobora kuba batarabonye Uregwa[1287]. Byongeye kandi, nta n'umwe muri aba batangabuhamya uvuga ko atabonye Kanyarukiga ku kiriziya y'i Nyange. Kubera izo mpamvu, ubu buhamya bw'aba bagabo ntibutuma Urugereko rushidikanya ku bimenyetso Porokireri yatanze agaragaza ko mu gitondo cyo ku itariki ya 15 Mata, Kanyarukiga yari Ku Ishusho ya Bikira Mariya no kuri kiriziya y'i Nyange.

464. Urugereko rusanga rero haragaragajwe, ku buryo budashidikanywaho, ko mu gitondo ku itariki ya 15 Mata, mbere ya saa tanu, Kanyarukiga yari kuri paruwasi ya Nyange ari kumwe na Kayishema na Ndahimana. Hanagaragajwe kandi ko Kanyarukiga yari hafi yo Ku Ishusho ya Bikira Mariya na kiriziya y'i Nyange mu gitondo cyo ku itariki ya 15 Mata, mbere y'ibitero bivugwa mu gika cya 14 cy'Inyandiko y'ibirego n'igihe byagabwaga.

465. Urugereko rugiye noneho gusuzuma ibimenyetso byerekeranye, ku buryo bw'umwihariko, n'uruhare Kanyarukiga yagize mu bitero byagabwe mu gitondo cyo ku itariki ya 15 Mata.

466. Mu buhamya bwe, CBN avuga ko imodoka ya Kanyarukiga yakoreshejwe mu gutwara abantu bagabye ibitero ku kiriziya. N'ubwo uyu mutangabuhamya aterekana amatariki nyayo ibyo bintu byabereyeho, byavuzwe mu rwego rw'ibyabaye ku itariki ya 15 Mata

Mariya mu masaa yine za mu gitondo, ahamara nk'isaha imwe. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 55, 58, 59.

[1286] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 20, 21, 22 (iburanisha mu muhezo). Uyu mutangabuhamya avuga ko atari azi Kanyarukiga. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 21 (iburanisha mu muhezo).

[1287] KG19, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 4-6, 17 (iburanisha mu muhezo). KG15 avuga ko uwo munsi wose wo ku itariki ya 15 Mata 1994 atigeze ava mu gipadiri. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 16 (iburanisha mu muhezo).

1994[1288]. Ibyo avuga ntibivugwa haba mu gika cya 14 cyangwa icya 15 by'Inyandiko y'ibirego yahinduwe. Nk'uko ubukemuramanza bubiteganya, igika kidasobanutse cy'inyandiko y'ibirego gishobora gukurwamo iyo nenge hatanzwe ku gihe amakuru yumvikana kandi adahuzagurika. Ibyo kandi bishobora gukorwa nk'urugero, mu myanzuro mbanzirizarubanza ya Porokireri cyangwa mu mpinamyanzuro ye. Kubera ko icyo kimenyetso kivugwa mu ncamake y'ubuhamya CBN yari kuza gutanga mu Rukiko kandi yometse ku Myanzuro mbanzirizarubanza, Urugereko rusanga Ubwunganizi bwaramenyeshejwe ubwo buhamya, nta gukererwa[1289]. Kubera iyo mpamvu, Urugereko rurasuzuma agaciro kahabwa ubwo buhamya.

467. Urugereko rusuzumana ubushishozi ubu buhamya kubera ko ibyo CBN avuga ko imodoka y'Uregwa yari ikamyoneti y'umutuku, bivuguruza ubuhamya bw'abandi bagabo benshi bashinja (na bamwe mu bashinjura), buvuga ko Uregwa yari atwaye ivatiri y'umutuku[1290]. Byongeye kandi, ubuhamya bwa CBR na CNJ busa n'ubuvuguruza ubwa CBN kubera ko bavuga ko imodoka rukumbi babonye Ku Ishusho ya Bikira Mariya yari iya Rwamasirabo abantu bavugaga ko yari itwawe na Kayishema[1291]. Kubera ko bimwe mu bice by'ubuhamya bw'uyu mugabo bivuguruzanya n'ubw'abagabo bashinja, Urugereko rusanga hataragaragajwe, ku buryo

[1288] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 67. Mu buhamya bwe, umugabo agira ati "Kanyarukiga yaje mu modoka maze ayihagarika imbere ya farumasi. Nongeye kubona iyo modoka ubwo nahungaga ku itariki ya 15. Iyo modoka yari itwaye abaturage barimo gusakuza babwira abandi baturage gufata Inyenzi zari ahantu hose. Nabonye iyo modoka hafi y'ibiro bya komini, ubwo nahungaga".

[1289] Imyanzuro mbanzirizarubanza ya Porokireri, urup. 30. Mu ncamake y'ubuhamya bwanditse bwa CBN havugwa ko Kanyarukiga "ari we wohereje abagabye ibitero ku kiriziya mu modoka ye".

[1290] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 54; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 31; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 6-7; CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 71; YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 37; CBS, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 16; KG19, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52; Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 27; Tugirumukiza, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 53. Twagirashema atanga ubuhamya ku byabaye ku itariki ya 16 Mata 1994. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 4. Nayituriki na we atanga ubuhamya ku byabaye ku itariki ya 14 Mata 1994. Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 6, 11.

[1291] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 59; Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 56.

budashidikanywaho, ko imodoka ya Kanyarukiga yakoreshejwe mu gutwara abantu bagabye ibitero ku kiriziya.

468. CNJ avuga ko Ndahimana yamubwiye we n'itsinda ry'abantu bagabaga ibitero ko Kanyarukiga yabijeje ko abagabaga ibitero bari kuvurirwa ubuntu muri farumasi ye (Kanyarukiga)[1292]. CDK na we avuga ko inkomere z'Abahutu bagabaga ibitero zavurirwaga muri farumasi ya Kanyarukiga[1293]. Nta bindi bimenyetso Porokireri atanga byerekeranye n'uburyo abantu bageraga muri iyo farumasi cyangwa igihe abagabaga ibitero bavurirwagaho. Urugereko ruributsa isesengura rwakoze ku batangabuhamya bashinja bari bafungiwe hamwe muri gereza ya Kibuye. Urugereko ruributsa kandi ko hagomba kuzirikanwa indi mpamvu yose ishobora gutuma umuntangabuhamya wagize uruhare mu ikorwa ry'ibyaha ashinja umuntu uregwa[1294]. CNJ yemera ko umuntu bari bafunganywe yamuhaye amadolari y'Abanyamerika ibihumbi bitanu kugira ngo ahindure ubuhamya bwe mu rubanza rwa Seromba[1295]. N'ubwo uyu mutangabuhamya yemera ko yageze aho akisubiraho ku byerekeye ayo madolari y'Abanyamerika ibihumbi bitanu[1296], Urugereko rufite impungenge ku kuri k'ubuhamya bwa CNJ.

[1292] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 13.

[1293] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 7. Mu ibaza rinyomoza, Uwunganira Uregwa yavuze ko ku itariki ya 14 Mata 1994, farumasi yari ifunze kandi ko CDK abeshya mu buhamya bwe bwanditse. CDK yashubije atemera ibyo Uwunganira Uregwa yari amaze kuvuga. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 40.

[1294] *Urubanza rwa Nchamihigo,* Inyandiko y'urubanza mu bujurire, igika 42. Reba na none isesengura ryakozwe hejuru mu gika cya 453.

[1295] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 7-10.

[1296] Umutangabuhamya avuga ko yanze gufata ayo mafaranga mu Rubanza rwa Seromba maze atanga impamvu ikurikira: "Nasanze ntacyo yamarira. Niyo mpamvu nanze kwica amasezerano nari naragiranye na we". Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 8. Indi mpamvu yatumye adashinja Seromba ni uko uyu mutangabuhamya atari yagashyirwa muri kimwe mu byiciro by'abakoze ibyaha kubera ibyo yakoze muri jenoside. CNJ avuga ko mu rubanza rwe mu Rwanda, Porokireri yamubwiye ko natavugisha ukuri, ashobora gushyirwa mu rwego rwa mbere (rukomeye kurusha izindi) rw'abakoze ibyaha. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 7. Mu rubanza rwa Seromba, CNJ yemeye ko yari yarabeshye kubera ko yatinyaga ko bamwima amafaranga bari baramwemereye. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 9.

Byongeye kandi, kubera ko CDK agifungiye muri gereza ya Gitarama, ibyo bishobora gutuma ashinja Uregwa kugira ngo azagabanyirizwe igihano[1297].

469. Abatangabuhamya bashinjura bitwa Mutume, Sibomana, Tugirumukiza n'uwiswe KG45 bavuga ko ku itariki ya 15 Mata 1994, babonye farumasi ya Kanyarukiga ikinze[1298]. Buri wese muri aba batangabuhamya avuga ko yari azi Kanyarukiga[1299]. Urugereko rusanga babiri muri aba batangabuhamya bari bakiri bato kandi babaga hafi yo kwa Kanyarukiga muri Mata 1994, cyakora uretse icyo kintu, Urugereko ntirubona impamvu yo kutizera ubuhamya bwa Mutume, Sibomana, na Tugirumukiza ku byerekeranye no kuba farumasi ya Kanyarukiga yari ikinze. Cyakora, Urugereko ruributsa ko rwasanze KG45 atakwizerwa, mu isesengura rwakoze ku birebana n'imyiregurire ya sinari mpari [*alibi*][1300].

470. Bityo rero, bitewe n'uko ubuhamya bwa CDK na CNJ budafite ubundi bubushyigikira kandi bukavuguruzwa kuri bimwe n'ubuhamya bushinjura, Urugereko rusanga hatagaragajwe nta gushidikanya na gato, ko abagabaga ibitero babaga bakomeretse bavurirwaga muri farumasi ya Kanyarukiga.

471. Mu buhamya bwe, CDK avuga ko ku itariki ya 15 Mata 1994, yumvise Uregwa abwira abagabye igitero ku kiriziya y'i Nyange ko bagombaga kurwanya Inyenzi, kandi umutangabuhamya avuga ko Uregwa yashakaga kuvuga Abatutsi bari mu kiriziya [1301].

[1297] Ikimenyetso gihamya cya Porokireri cyahawe No P60 (Inyandiko y'umwirondoro bwite wa CDK); Inyandikomvugo y'iburanisha, 16. Nzeri 2009, imp. 10, 15 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 19-20.

[1298] Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 31; Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 30; Tugirumukiza, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 57. KG45 avuga ko farumasi ya Kanyarukiga yari ifunze kuva ku itariki ya 14 Mata kugeza ku ya 21 cyangwa iya 22 Mata 1994. Inyandikomvugo y'iburanisha, 21 Mutarama 2010, imp. 60-62, 70, 71 (iburanisha mu muhezo).

[1299] Mutume avuga ko yari aturanye na Kanyarukiga muri Serire ya Gaseke, Segiteri ya Ngobagoba kandi ko kuva akiri muto yari azi Kanyarukiga. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 27. Sibomana avuga ko kuva akiri muto yari azi Kanyarukiga. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 26. Tugirumukiza na we avuga ko kuva akiri muto yari azi Kanyarukiga. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 52.

[1300] Reba isesengura ryakozwe kuva ku gika cya kugeza ku cya

[1301] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 7.

CDK anavuga ko Kanyarukiga yamusanze aho ari n'abandi bantu maze akabasaba kwitegura no gutoragura amabuye kugira ngo bashobore kurwanya Abatutsi na bo bari barunze amabuye ngo batere[1302]. Urugereko rusanga CDK anavuga ko ku manywa yo ku itariki ya 15 Mata 1994, yabonye Uregwa azenguruka mu baturage "abaha amabwiriza" kandi ari kumwe na Kayishema na Ndahimana[1303]. Cyakora, nta wundi mutangabuhamya n'umwe uvuga ibi bintu. Urugereko ruributsa ko CDK ari umwe mu batangabuhamya bashinja bari bafungiwe hamwe, kandi Urugereko rwamaze gusuzuma ukwizerwa kwabo mu isesengura rwakoze. Kubera ko rwamaze gusanga rutashingira ku buhamya bw'uyu mugabo budafite ubundi bubushyigikira bwizewe, Urugereko rusanga hataragaragajwe, ku buryo budashidikanywaho, ko Kanyarukiga yabwiye abagabaga ibitero ko bagomba kurwanya Inyenzi cyangwa ko [Kanyarukiga] yahaga amabwiriza abagabaga ibitero.

472. CBR avuga ko Kanyarukiga yari kumwe na Ndahimana ubwo [Ndahimana] yavugaga ko abagabye ibitero bagomba "gutangira gukora" no "gutangira akazi", kandi ibyo abantu bakaba barumvise ko bishaka kuvuga "kwica Abatutsi"[1304]. Urugereko ruributsa isesengura rwakoze kuri uyu mutangabuhamya n'ukwizerwa kwe, mu bika kuva kuri 591 kugeza kuri 595. Kubera ko rusanga CBR yakwizerwa muri rusange, Urugereko rusanga haragaragajwe ko Kanyarukiga yari kumwe na Ndahimana ubwo uyu yabwiraga abagabye ibitero "gutangira gukora" cyangwa "gutangira akazi".

473. CDK avuga ko yabonye Kanyarukiga avugana na Rukara mbere y'uko gerenade iterwa. Bamaze kuvugana, bazanye ingazi n'uko Rukara ayuririraho ajya hejuru y'inzu ya farumasi ya Kanyarukiga maze atera gerenade, yahitanye Abatutsi[1305]. Urugereko ruributsa ko CDK na we yarezwe ibitero byagabwe ku itariki ya 15 Mata 1994, bityo rukaba rugomba gusuzumana ubushishozi ubuhamya bwe. Urugereko rusanga kandi nta buhamya butaziguye bushyigikira ubwa CDK. N'ubwo hari aho ubuhamya bwa CNJ busa n'ubushyigikira ubwa CDK aho avuga ko yabonye Kanyarukiga Ku Ishusho ya

[1302] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1303] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 6, 7-8.

[1304] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 18-19, 22-23.

[1305] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

Bikira Mariya igihe gerenade yaterwaga, Urugereko rugomba kwitondera cyane ubuhamya bwa CNJ[1306].

474. N'ubwo rwasanze CBN yakwizerwa, akaba avuga ko yabonye Kanyarukiga Ku Ishusho ya Bikira Mariya igihe gerenade yaterwaga[1307], Urugereko rurashidikanya ku byo uyu mutangabuhamya avuga kuri iyi ngingo. Icya mbere, ubwo rwasuraga ahakorewe ibyaha, Urugereko rwasanze intera iri hagati ya kiriziya y'i Nyange no Ku Ishusho ya Bikira Mariya atari nto[1308]. Icya kabiri, rushingiye ku buhamya bw'abagabo bashinja n'abashinjura buvuga ko hari akavuyo mu bitero byagabwe mu mu gitondo cyo ku itariki ya 15 Mata[1309]; rushingiye kandi ku buhamya buvuga ko gerenade yatewe hagati ya Paruwasi no Ku Ishusho[1310], Urugereko rurashidikanya ku byerekeranye no kuba CBN, urebye aho yari ari kuri paruwasi, yarashoboye kubona Kanyarukiga ahagaze Ku Ishusho. Byongeye kandi, CBT avuga ko atigeze abona Kanyarukiga igihe gerenade yaterwaga[1311]. N'ubwo Urugereko rudashira amakenga ubuhamya bwa CBT kubera ko uyu mugabo na we yagiye mu bitero byagabwe ku itariki ya 15 Mata, ubuhamya bwe butuma Urugereko rurushaho gushidikanya. Kubera iyo mpamvu, n'ubwo rwemera ko, hashingiwe ku buhamya bwa CBN, bishoboka ko Kanyarukiga yari aho hantu igihe gerenade yaterwaga, Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, ko Kanyarukiga yari ahari cyangwa ko yavuganye na Rukara mbere y'uko gerenade iterwa.

[1306] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 15-16.

[1307] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 62.

[1308] Inyandikomvugo y'iburanisha, 20 Mata 2010, imp. 35-38, Ikimenyetso gihamya cy'Ubwanditsi bw'Urukiko cyahawe No. R4 (Raporo ku butumwa bw'akazi mu rubanza rwa Kanyarukiga), urup. 2.

[1309] Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

[1310] CBK avuga ko umuntu wateye gerenade yari ku nzu yarimo resitora ya Caritas. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 18. Reba na none CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 16. CBY avuga ko umuntu wateye gerenade yari ku gisenge k'igice cyo hepfo cy'inyubako ya Paruwasi, hafi y'inzu ya Caritas. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 17. Urugereko rusanga mu nyandikomvugo y'iburanisha iri mu rurimi rw'icyongereza handitse "Caratis" naho iyo mu gifaransa hakandikwa "Caritas". Inyandikomvugo y'iburanisha iri mu gifaransa, 8 Nzeri 2009, urup. 19. Muri rusange, abantu bemera ko inzu ya Caritas yari imwe mu mazu ari muri santeri y'ubucuruzi ya Nyange. Inyandikomvugo y'iburanisha, 20 Mata 2010, urup. 38. Reba na none ubuhamya bwatanzwe n'abagabo bavugwa haruguru.

[1311] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 73.

Ibitero byagabwe ku kiriziya y'i Nyange n'igikorwa cyabaye nyuma cyo kugerageza gutwika iyo kiriziya ku itariki ya 15 Mata

475. Igika cya 15 cy'Inyandiko y'ibirego kivuga ko ku itariki ya 15 Mata kiriziya nyirizina yagabweho igitero, ndetse abakigabye bakagerageza gutwika Abatutsi bari bayihungiyemo. Muri iki gika havugwamo ko Kanyarukiga, Kayishema, Ndungutse na Ndahimana ari bo bategetse ko icyo gitero kiba, bahamagarira abantu ku kigaba, barakigenzura, batera inkunga kandi bafasha abakigabye. Mu buhamya bwabo, abagabo bashinja biswe CBY, CBK, CBR, CNJ, CDK na CBT bavuga ko ku itariki ya 15 Mata 1994 kiriziya y'i Nyange yongeye guterwa, ubwo abagabye igitero bageragezaga gusenya kiriziya batwikiramo Abatutsi bari bifungiranyemo, ariko bikabananira[1312]. Ubwunganizi busa n'aho budahakana ko ku itariki ya 15 Mata 1994 habaye ibindi bitero. Nyamara ariko, ntibwemera ukwizerwa kw'abatangabuhamya bashinja. Kubera iyo mpamvu, Urugereko rusanga abagabye igitero baragerageje gusenya kiriziya y'i Nyange bakoresheje kuyitwika.

476. CBR na CDK bavuga ko abapolisi ba komine barashe ku kiriziya nyuma y'uko Abatutsi bari bayirimo bafungiye imbere[1313]. Mu buhamya bwabo, CBT, CBR na CNJ bavuga ko kiriziya y'i Nyange yatewe hakoreshejwe urutambi, mu gihe Abatutsi bari bayihungiyemo[1314]. Ubwunganizi busa n'ubudahakana ko ibyo bintu byabayeho. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe ko abapolisi ba komine barashe ku kiriziya kandi ko hakoreshejwe urutambi mu gitero cyagabwe kuri kiriziya y'i Nyange.

[1312] CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47; CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 7, 18, 23; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 27, 65; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 19-20, 22, 31; Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 4-5; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8, 35; CBT, 14 Nzeri 2009, imp. 47-48, 73; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1.

[1313] CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 27; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8. CBK na CBT na bo bavuga ko kiriziya yarashweho. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 9, 18; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1.

[1314] CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 27; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 20, 31.

477. Ku byerekeranye n'abajandarume, hari abatangabuhamya bashinja bavuze ko babonye abajandarume ku kiriziya y'i Nyange, ariko nta n'umwe muri abo batangabuhamya uvuga ko abajandarume bateye Abatutsi bari bahungiye mu kiriziya, bakoresheje imbunda cyangwa urutambi[1315]. Kubera iyo mpamvu, Urugereko rusanga abajandarume bari ku kiriziya, ariko rusanga hataragaragajwe, ku buryo budashidikanywaho, ko abajandarume barashe kuri kiriziya cyangwa ko bakoresheje urutambi.

478. CBN avuga ko yabonye imirambo y'abantu bamwe kandi ko ku kiriziya harokotse Abatutsi "bake cyane". Cyakora, ntiyashoboye gutanga ikigereranyo cy'umubare w'abantu bishwe ku itariki ya 15 Mata[1316]. CBR avuga ko umuhanda wose ujya kuri paruwasi ya Nyange wari wuzuyeho imirambo[1317], naho CBS we akavuga ko "hapfuye abantu benshi" ku "buryo atashoboraga kubabara"[1318]. Byongeye kandi, ubuhamya bwa CNJ, CBR, CDL na CDK bwerekana ko imirambo y'abo bantu bishwe muri icyo gitero yakuweho bagombye gukoresha tingatinga[1319]. KG15 avuga ko ku itariki ya 15 Mata 1994 habaye ubwicanyi kandi ko abapadiri bavuganye na Burugumesitiri na IPJ ibyerekeranye no guhamba imirambo[1320]. Igice kinini cy'ubu buhamya gisa n'ikivuga ko hari nibura Abatutsi bishwe muri icyo gitero kandi ko bari benshi ku buryo hari hakenewe imashini nini nka tingatinga yo gukuraho imirambo. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko ku itariki ya 15

[1315] CBR avuga ko yabonye abajandarume hafi y'igipadiri. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 25. Mu gitondo cyo ku itariki ya 15 Mata 1994, CBS yabonye abajandarume ku kiriziya. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57. CDL avuga ko abajandarume bateye amagerenade ku Batutsi. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 33. CDK yibuka ko mu gitondo cyo ku itariki ya 15 Mata 1994, yabonye abajandarume bari kumwe na Ndahimana na Seromba mu gipadiri. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.

[1316] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 62-64.

[1317] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 25-26. Umutangabuhamya agira ati: "Icyo nababwira ni uko hari imirambo myinshi. Umuntu yashoboraga kubona imirambo kuva Ku Ishusho ya Bikira Mariya. Imirambo yari ku muhanda wose kugeza ku kiriziya. Tujya gutera impunzi aho zari ziri, twagiye dukandagira imirambo. Imirambo yari ahantu hose kugera ku kiriziya."

[1318] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57.

[1319] CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 19; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 26-27; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 33; CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8-9.

[1320] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 26 (iburanisha mu muhezo).

Mata 1994 abasiviri b'Abatutsi bari ku kiriziya y'i Nyange bagabweho igitero kigahitana benshi muri bo.

479. Ku byerekeranye n'Abahutu bagabaga ibitero, abatangabuhamya bashinja benshi bavuga ko ku kiriziya y'i Nyange no hafi ya paruwasi hari abantu benshi bagabye ibitero. CNJ avuga ko hari nk'abantu 4000 bagabye ibitero; CBR avuga ko ku itariki ya 15 Mata 1994 abagabye ibitero bari bakubye inshuro icumi abari bahari ku ya 14 Mata 1994; CDK avuga ko uwo munsi hageze abantu baje gufasha abandi bagabaga ibitero[1321]. CBN avuga ko hari abagabye ibitero benshi, kandi ko bagendaga barushaho kwiyongera[1322]. Umutangabuhamya ushinjura wiswe KG19 na we yemera ko hari abagabye ibitero benshi[1323]. Byongeye kandi, mu buhamya bwabo CBR, CNJ, CBK, CDK na CBS bavuga ko uwo munsi hageze abagabye ibitero benshi baturutse mu makomine akikije iya Kivumu, kandi ibyo bishyigikirwa n'abatangabuhamya benshi bashinjura[1324]. Ubu buhamya rero ntibugibwaho impaka. Na none, n'ubwo nta buhamya bushyigikira ibimaze kuvugwa ku mubare runaka w'abagabye igitero, Urugereko ntirushidikanya ko ku itariki ya 15 Mata 1994 ku kiriziya y'i Nyange no hafi yayo hari ibihumbi by'Abahutu bagabye ibitero kandi ko hari abantu benshi mu bagabye ibitero baturutse mu makomine ahana imbibi n'iya Kivumu.

480. Mu gusoza, ku byerekeranye n'abagabye ibitero, abatangabuhamya bashinja benshi bavuga ko ku itariki ya 15 Mata bari bambaye ibirere, kubera ko bari mu bagabye

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[1321] CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15; CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 28. CBR avuga ko ku itariki ya 14 Mata 1994, abagabye ibitero babarirwaga hagati ya 800 na 1000 kandi ko 15 Mata 1994 bose hamwe babarirwaga hagati ya 8.000 na 10.000. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 53. CDK avuga ko ku kiriziya hari abagabye ibitero barenga 800 kandi mu masaa kumi z'igicamunsi hari abandi baje kubafasha. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 32, 36.

[1322] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 23, 24.

[1323] KG19, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 12 (iburanisha mu muhezo).

[1324] CBS avuga ko bamwe mu bagabye igitero baje baturutse Rukoko, abandi bahagera baturutse ku Kivumu. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 54, 55. CDK avuga ko abagabye ibitero 200 baturutse i Kibilira bageze ku kiriziya mu masaa kumi z'igicamunsi. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 36. CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 27-28; CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22; CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 7. Mutume avuga ko ku itariki ya 15 na 16 Mata 1994 abagabye ibitero baturutse "mu makomini ya kure". Inyandikomvugo y'iburanisha, 27

igitero cyangwa ko bashakaga kubivangamo, abandi bakavuga ko babonye abagabye ibitero bambaye ibirere[1325]. Kubera ko hariho ubuhamya bwinshi buvuga kuri ibi bintu, no kubera ko CBY na CBN Urugereko rwasanze ahanini bakwizerwa bari mu batangabuhamya bashinja bavuga ibyo bintu, Urugereko rusanga haragaragajwe ko ku itariki ya 15 Mata 1994, abagabye ibitero bari bambaye ibirere.

481. Urugereko rugiye noneho gusuzuma ibivugwa kuri Kayishema, Ndungutse na Ndahimana.

482. CNJ avuga ko Kayishema yari kuri paruwasi ya Nyange mbere y'igikorwa cyo kugerageza gutwika kiriziya cyangwa mu gihe icyo gikorwa cyabaga[1326]. Uyu mutangabuhamya avuga kandi ko Kayishema yari aho hantu mbere y'uko abagabye igitero bagerageza gutwika kiriziya no mu gihe babikoraga, ndetse ko icyo gikorwa kimaze kunanirana kuri paruwasi ya Nyange hari abantu bakurikira: Kayishema, Ndungutse, Habiyambere na Seromba[1327]. CBK avuga ko "itsinda ryose" ry'abategetsi ryari ku kiriziya y'i Nyange mbere y'igikorwa cyo kugerageza gutwika [kiriziya] cyangwa mu gihe cyabaga[1328]. CBY asa n'ushaka kuvuga ko Kayishema yari kuri

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Mutarama 2010, urup. 43. Sibomana avuga ko abagabye igitero baturutse "mu makomini ahana imbibi" n'iya Kivumu. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 47.

[1325] CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 63; CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 67 (iburanisha mu muhezo); CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 13, 15, 55. CBY avuga ko yambaraga ibirere "buri gihe iyo yavaga iwe". Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 20. CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 57; CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 55 (iburanisha mu muhezo); CDK, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3; CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 55, 57; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 15, 18.

[1326] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 19, 22. Mu buhamya bwe, uyu mugabo asa n'uvuga ko Kayishema yagiye gushaka Rushema maze nyuma akagaruka kuri paruwasi.

[1327] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 22.

[1328] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 18-19. Mu ntangiriro z'ubuhamya bwe mu Rukiko, umugabo yari yavuze ko iryo tsinda ryarimo Ndahimana, Kayishema, Rushema na Mbakirirehe. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9. Uyu mutangabuhamya anavuga inama yabaye hagati ya saa munani n'igice na saa cyenda z'amanywa ku itariki ya 15 Mata 1994. Cyakora, umutangabuhamya ntavuga neza abantu bari bayirimo. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21.

paruwasi ya Nyange mbere y'igikorwa cyo kugerageza gutwika kiriziya [1329]. CBR yibuka ko mbere y'uko abagabye igitero bagerageza gutwika kiriziya, Kayishema na Ndungutse bavuye kuri paruwasi ariko nyuma y'umwanya muto bakagaruka[1330]. Cyakora, uyu mutangabuhamya avuga ko mbere y'ibyo bitero, Ndahimana yavuye kuri paruwasi, "akajya ahandi hantu"[1331], kandi ibyo avuga bishyigikirwa na CNJ[1332]. CBT na we avuga ko Kayishema na Ndungutse bari ku "kiriziya " ariko ko bari bahari nyuma y'ibitero byagabwe ku itariki ya 15 Mata[1333]. YAU avuga ko nyuma y'ibitero, Seromba yari mu gipadiri kuri paruwasi ya Nyange[1334].

483. Urugereko rusanga mu bagabo bashinja batanga ubuhamya bwerekeranye no kuba abantu bavugwa mu gika cya 15 cy'Inyandiko y'ibirego bari aho hantu, CBY na CBR bakwizerwa kurusha CNJ, CBK na YAU. CNJ na CBK bavuga ko Kayishema na Ndungutse bari kuri paruwasi mbere y'igikorwa cyo kugerageza gutwika kiriziya na nyuma yacyo. Ubu buhamya bwabo bushyigikirwa n'ubwa CBY na CBR bavuga ko Kayishema yari kuri paruwasi ya Nyange mbere y'igikorwa cyo kugerageza gutwika kiriziya. Byongeye kandi, CBR na we avuga ko Kayishema na Ndungutse bari kuri paruwasi mbere y'ibitero no mu gihe byababaga (uretse ko Kayishema yahavuye, akongera kugaruka hashize umwanya muto). Kubera iyo mpamvu, Urugereko rusanga haragaragajwe ko Kayishema na Ndungutse bari kuri paruwasi ya Nyange mbere no mu bitero bivugwa mu gika cya 15 cy'Inyandiko y'ibirego yahinduwe.

[1329] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47. CBY na we yabonye Kayishema na Kanyarukiga bari kumwe kuri paruwasi ya Nyange ku itariki ya 15 Mata, ariko ntasobanura igihe yababoneye. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[1330] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 26-27.

[1331] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 27.

[1332] CNJ avuga ko Ndahimana yavuye ku kiriziya mbere y'ibitero byagabwe nyuma uwo munsi ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 17.

[1333] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49. Umutangabuhamya avuga ko yabonye abo bantu ubwo yavaga ku kiriziya hagati ya saa kumi na saa kumi n'imwe z'umugoroba, ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 2. CBT na we yabonye Habiyambere, Kayishema, Ndungutse na Ndahimana ku kiriziya y'i Nyange ariko ntavuga igihe yababoneye ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 40-41.

[1334] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 23.

484. Urugereko rusanga ubuhamya bwa CNJ buvuga ko Kayishema yari imbere y'abagabye ibitero ku itariki ya 15 Mata 1994 kandi ko yeretse abo bantu aho bagombaga kugaba ibitero[1335]. Urugereko rwasanze ahanini uyu mugabo atakwizerwa kandi nta bundi buhamya bushyigikira ibyo avuga. Kubera iyo mpamvu, Urugereko rusanga ibivugwa ahangaha bitaragaragajwe ku buryo budashidikanywaho.

485. CBR avuga ko Ndungutse na Kayishema bagiye kuzana ibikoresho byo gukura imirambo mu mbuga ya kiriziya[1336]. Anavuga ko "ibikoresho bibiri" n'amakamyo abiri byazanywe kuri paruwasi[1337]. Kubera ko rwamaze kwemeza ko CBR yakwizerwa muri rusange, Urugereko ntirushidikanya ko Kayishema na Ndungutse bagiye gushaka ibikoresho, bakabizana noneho bigakoreshwa mu gukuraho imirambo[1338].

Uruhare rwa Kanyarukiga

486. Urugereko rugiye noneho gusuzuma uruhare rwa Kanyarukiga, niba ruhari, mu bitero byagabwe nyuma ku itariki ya 15 Mata no mu gikorwa cyo kugerageza gutwika kiriziya y'i Nyange.

487. Mu buhamya bwabo, abagabo bashinja biswe CBK, CBT, CDK na CDL bavuga ko babonye Kanyarukiga ku kiriziya y'i Nyange mbere cyangwa mu gihe ibitero byayigabwagaho no mu gikorwa cyo kugerageza kuyitwika[1339]. Urugereko rusuzumana

[1335] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.

[1336] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 26.

[1337] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 26, 66.

[1338] Urugereko ruvuga ko rwasuzumye ubundi buhamya bushinja kuri iyi ngingo ariko rukaba rutabusesengura hano kubera impamvu z'umutekano w'umutangabuhamya.

[1339] Umutangabuhamya ushinja wiswe CBK avuga ko ku itariki ya 15 Mata 1994 "abategetsi", barimo Kanyarukiga, bagiye mu gipadiri hagati ya saa munani n'igice na saa cyenda z'amanywa kandi ko bari bahari mu gihe cyose abagabye igitero bageragezaga gutwika kiriziya. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 19, 20, 21. CBT yabonye kandi Kanyarukiga ku kiriziya y'i Nyange mbere y'igikorwa cyo kugerageza gutwika kiriziya no mu gihe icyo gikorwa cyabaga. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 46-47. CBT yabonye Kanyarukiga ava ku kiriziya ku mugoroba wo ku itariki ya 15 Mata. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49. CDK yabonye Kanyarukiga imbere y'ubukarani bwa Paruwasi mbere y'uko abagabye igitero bagerageza gutwika kiriziya. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8. CDL avuga ko yabonye Kanyarukiga ku kiriziya ku itariki ya 15 Mata 1994 nyuma ya saa sita. Avuga kandi ko yabonye Kayishema na Ndungutse na Habiyambere. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 31.

ubushishozi ubu buhamya. By'umwihariko, Urugereko rusanga ubuhamya CBK yatanze ku Uregwa bwakwizerwa ari uko hari ubundi bwizewe bubushyigikira. Byongeye kandi, Urugereko ruributsa isesengura rwakoze ku buhamya bwa CDL na CBT bagize uruhare mu ikorwa ry'ibyaha kandi rusuzumana ubushishozi bukomeye ubuhamya bw'aba bagabo igihe nta bundi bw'umutangabuhamya wakwizerwa bubushyigikira. Kubera iyo mpamvu, Urugereko rusanga aba batangabuhamya batakwizerwa bihagije, rukaba rero rutashingira ku buhamya bwabo ngo rwemeze ibivugwa aha ku buryo budashidikanywaho. Urugereko rusanga rero hataragaragajwe, ku buryo budashidikanywaho, ko Kanyarukiga yari ku kiriziya y'i Nyange cyangwa kuri paruwasi mbere y'ibintu bivugwa mu gika cya 15 cy'Inyandiko y'ibirego yahinduwe cyangwa igihe byabaga.

488. CNJ na CBT bombi babonye Kanyarukiga kuri paruwasi ya Nyange nyuma y'ibitero ku mugoroba wo ku itariki ya 15 Mata 1994[1340]. Urugereko rusanga aba batangabuhamya na bo baregwa ibitero byagabwe ku itariki ya 15 Mata, kandi rubafiteho izindi mpungenge nyinshi[1341]. Cyakora, ubuhamya bwa CBY (Urugereko rusanga bwakwizerwa) bushyigikira ubwa CNJ. CBY avuga ko mu ijoro ryo ku itariki ya 15 Mata yabonye Kanyarukiga ari kumwe na Kayishema hafi yo mu gipadiri[1342]. Aba batangabuhamya bombi bavuga ko ku mugoroba wo ku itariki ya 15 Mata, Kanyarukiga yari ku kiriziya y'i Nyange no hafi yo mu gipadiri. Ubuhamya bwabo bushimangirwa n'ubwa CBS uvuga ko ku mugoroba wo ku itariki ya 15 Mata, Kanyarukiga yari akiri kuri paruwasi ya Nyange "kimwe n'abandi bayobozi"[1343]. Urugereko rusanga na CBS yakwizerwa[1344]. Kubera ko ubuhamya bwa CNJ bushyigikirwa n'ubwa CBY na CBS, Urugereko rusanga haragaragajwe ku buryo

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[1340] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.

[1341] Reba ibika 49, 452, 453.

[1342] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47. Ubu buhamya busesengurwa birambuye mu gika cya 498.

[1343] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 57. Ku mugoroba wo ku itariki ya 15 Mata 1994, CBS yari aryamye hejuru y'inzu y'inkoko hafi y'igipadiri, bityo bikaba bitumvikana ukuntu yashoboye kubona Uregwa.

[1344] Reba ibika 456, 458.

budashidikanywaho ko Kanyarukiga yari ku kiriziya y'i Nyange ari kumwe na Kayishema, nyuma y'ibitero bivugwa mu gika cya 15 cy'Inyandiko y'ibirego.

489. Urugereko ruributsa ko abatangabuhamya bashinjura ari bo Sibomana n'uwiswe KG15 bombi bavuga ko batabonye Uregwa Ku Ishusho ya Bikira Mariya cyangwa mu gipadiri kuri paruwasi ya Nyange, ku gicamunsi cyo ku itariki ya 15 Mata 1994[1345]. Kubera ko Sibomana avuga ko ku itariki ya 15 Mata 1994 Ku Ishusho ya Bikira Mariya hari akavuyo kandi aba batangabuhamya bombi bakaba bavuga gusa ko batabonye Kanyarukiga icyo gihe, Urugereko rwumva ko ibi bitatuma rushidikanya ku buhamya bushinja[1346]. Byongeye kandi, kubera ko ibimenyetso bishinja byerekana ko Kanyarukiga yari hafi ya kiriziya y'i Nyange ku gicamunsi cyo ku itariki ya 15 Mata 1994, ubuhamya bw'aba bagabo bashinjura ntibutuma Urugereko rushidikanya ku bimenyetso bishinja.

490. Urugereko ruributsa ko muri Mutarama 2010, rwanze kwakira ubuhamya bwa CNJ buvuga ko ku itariki ya 15 Mata 1994, Uregwa yajyanye n'Interahamwe [imwe] gushaka tingatinga[1347].

491. CBK avuga ko mbere y'igikorwa cyo kugerageza gutwika kiriziya y'i Nyange, Kanyarukiga yari yabanje kujya gushaka lisansi muri farumasi ye [Kanyarukiga] maze yereka abagabye igitero aho bagomba gusuka lisansi kuri kiriziya[1348]. Urugereko ntirushira amakenga ubuhamya bwa CBK. Urugereko rukeka ko CBK, w'Umuhutu kandi urebye wari mu kigero kimwe n'icya benshi mu bantu bagabye ibitero, ashobora

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1345 Sibomana yageze Ku Ishusho ya Bikira Mariya mu masaa munani cyangwa saa cyenda z'amanywa, ahamara nk'isaha imwe. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 29, 31. KG15 yari mu gipadiri ku itariki ya 15 Mata 1994. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 20, 21, 22 (iburanisha mu muhezo). Uyu mutangabuhamya avuga ko atari azi Kanyarukiga. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 20 (iburanisha mu muhezo).

1346 KG15 avuga ko atigeze ava mu gipadiri umunsi wose wo ku itariki ya 15 Mata 1994. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 16 (iburanisha mu muhezo). Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 41.

1347 Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, ibika 29-30 n'ingingo (b).

1348 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 19, 21.

kuba yaritabiriye ubwicanyi bwakorewe kuri paruwasi ya Nyange muri Mata 1994[1349]. Mu by'ukuri, Urugereko ruributsa ko CBK yemera ko ku itariki ya 15 n'iya 16 Mata 1994, yambaye ibirere kimwe n'Abahutu bari bagabye ibitero[1350]. Byongeye kandi, kubera ko yari muto muri Mata 1994 ndetse akaba yaratanze ubuhamya bwinshi mu ruhame ahantu hanyuranye bwerekeranye n'ibyabaye ku kiriziya y'i Nyange[1351], Urugereko rufite impungenge ko CBK ashobora gushaka gukabya inkuru[1352]. Kubera izo mpamvu, Urugereko rusuzumana ubushishozi bwinshi ubuhamya bwe.

492. Byongeye kandi, ubuhamya bw'uyu mugabo ntibuhuza n'ubwa CBR uvuga ko ari Kayishema watanze lisansi yakoreshejwe mu gikorwa cyo kugerageza gutwika kiriziya[1353]. Na none nta bundi buhamya bushyigikira ibyo CBK avuga ko Kanyarukiga yeretse abagabye igitero aho bagomba gukoresha lisansi. Ibi bituma Urugereko rurushaho kugira amakenga ku kuri k'ubuhamya bwa CBK, bityo rukaba rudashobora kubwemera. Kubera iyo mpamvu, Urugereko rusanga hataragaragajwe ku buryo

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1349 Urugereko rusanga CBK ahakana ko yagiye mu bitero ubwo yabazwaga mu iburanisha. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 66 (iburanisha mu muhezo).

1350 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 67 (iburanisha mu muhezo).

1351 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 49-50; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. i (igice cy'inyandiko); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 69-73 (iburanisha mu muhezo).

1352 Nk'urugero, reba ibikurikira byerekana ukuntu CBK yashatse gukabya inkuru mu buhamya yatanze mu Rukiko: Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 68 (iburanisha mu muhezo) (avuga ko yabonye ibintu byinshi byabaye uwo munsi ndetse akavuga ngo "nagiye hose bityo nshobora kubona ibyarimo kuba. Nabaga mpari buri gihe. Ndumva mudashobora kubona undi mutangabuhamya wavuga ibi bintu neza kundusha."); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 21-22; Inyandikomvugo y'iburanisha, 4 Nzeri 2009, imp. 23-24 (iburanisha mu muhezo) (atanga ibisobanuro ku ntwaro zakoreshejwe, uburyo bwakoreshejwe mu kwica, n'amagambo Kanyarukiga yavuze ahamagarira abantu kwica Abatutsi bakoresheje intwaro gakondo); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29 (avuga ko kiriziya imaze gusenywa Seromba, Kayishema, Ndahimana, Kanyarukiga n'abandi bantu bishimye bagakora umunsi mukuru banywa byeri na divayi); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 65-66, 68 (iburanisha mu muhezo) (avuga ko yabonye Kanyarukiga n'abandi bantu bakora inama inshuro ndwi mu cyumba cya musenyeri kuri paruwasi ya Nyange hagati y'itariki ya 11 n'iya 16 Mata 1994 kandi ko iyo bazaga mu nama buri gihe yababonaga); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 71 (iburanisha mu muhezo) (avuga ko umuryango umugabo yahaye ubuhamya bwanditse "ukusanya ubuhamya ukabuhindura bwose – ukabukoresha kugira ngo ushobore kubona inkunga y'abantu bakorana na wo").

1353 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 27.

budashidikanywaho ko Uregwa yagiye gushaka lisansi muri farumasi ye ngo abagabye ibitero bayikoreshe mu gusenya kiriziya ku itariki ya 15 Mata 1994.

493. Urugereko rusanga abatangabuhamya bashinja benshi bavuga ko ku kiriziya y'i Nyange hazanywe lisansi yakoreshejwe mu kugerageza gutwika iyo kiriziya [1354]. Kubera ko ababuranyi batajya impaka kuri ibi bintu, Urugereko rusanga haragaragajwe nta gushidikanya, ko ku kiriziya y'i Nyange hazanywe lisansi yakoreshejwe mu gikorwa cyo kugerageza gutwika iyo kiriziya. Mu buhamya bwabo CBR, CNJ na CBK bavuga ko Kayishema yazanye lisansi kuri kiriziya y'i Nyange. Kubera ko rubona CBR yakwizerwa muri rusange, Urugereko rusanga ubuhamya bw'uyu mugabo buhagije mu gushyigikira ibivugwa na CNJ na CBK. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe ku buryo budashidikanywaho ko Fulgence Kayishema yazanye lisansi ku kiriziya y'i Nyange. Cyakora, ntirusanga Kanyarukiga yarazanye lisansi.

494. CNJ avuga ko ubwo yari avuye ku kiriziya, Kanyarukiga, wari ufite masotera kandi ari kumwe na Nishyirimbere na Rukara, yamuhagaritse maze akamubwira gusubirayo[1355]. Ni ngombwa na none kwibutsa ko CNJ na we ashinjwa ibi byabaye. Urugereko ruzirikana rero iki kintu akaba ari yo mpamvu rusuzumana ubushishozi ubuhamya bwe. CBK na we avuga ko ku itariki ya 15 Mata 1994, yabonye Uregwa afite imbunda ariko Urugereko mbere rwasanze ubuhamya bwe bwonyine butakwizerwa. Kubera ko ubuhamya bw'aba bagabo budafite ubundi bubushyigikira bwizewe, Urugereko

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[1354] Nk'uko byavuzwe, CBR avuga ko Kayishema yageze kuri Paruwasi afite ijerikani irimo lisansi yakoreshejwe mu gikorwa cyo kugerageza gutwika kiriziya y'i Nyange kugira ngo abantu barimo imbere bahiremo. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 27. CNJ avuga ko Kiragi, Théodomir, Kayishema na Arnold Nibarere bazanye lisansi, maze abagabye igitero bakayisuka kuri kiriziya. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 20. CNJ anavuga ko abagabye ibitero bamennye utudirishya twa kiriziya kugira ngo basukemo lisansi. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 31. CBT yibuka ko uwari umunyamabanga wa komini witwa Arnold Nibarere yasutse lisansi kuri kiriziya arimo kugerageza kuyitwika. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 47. CBT yabonye indobo imwe gusa ya lisansi kandi yari iruhande rwayo. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 73-74. CDK avuga ko Arnold yari afite ikintu kinyanyagiza lisansi akaba yarimo kugikoresha mu gusuka lisansi ku kiriziya. Avuga kandi ko hari undi muntu ufite ikibiriti bakaba barimo kugerageza gusenya kiriziya kugira ngo bice abantu barimo imbere. Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1355] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23.

rusanga Porokireri atarashoboye kugaragaza ko Uregwa yari afite masotera kandi ko yayikoresheje mu gutera ubwoba abagabye ibitero ngo bagume ku kiriziya y'i Nyange.

495. CBT avuga ko ari mu itsinda ry'"abayobozi", Kanyarukiga yavuze ko Abatutsi bose bahungiye mu kiriziya bagombaga kwicwa kandi ko abagabaga ibitero batagombaga gutinya gusenya kiriziya kuko hari kuzubakwa indi nshya[1356]. Uyu mutangabuhamya yongeraho ko Kanyarukiga yavuze ko icyo gikorwa "cyari gutuma urubyiruko rw'i Nyange rubona akazi kuko rwari kubumba amatafari yo kubakisha kiriziya nshya"[1357]. Kubera ko CBT na we aregwa ibitero byagabwe kuri paruwasi ya Nyange, Urugereko rwasuzumanye ubushishozi ubuhamya bwe.

496. Urugereko rufite amakenga kuri uyu mutangabuhamya. By'umwihariko, Urugereko rusanga uyu mugabo atavuga Uregwa mu ibarwa yandikiye Porokireri wa Repubulika ku Kibuye mu mwaka wa 2000 yerekeranye n'abantu bagize uruhare mu bitero byagabwe ku kiriziya y'i Nyange. Nyamara muri iyo baruwa havugwa ko abandi bantu nka Kayishema, Ndungutse, Ndahimana na Seromba bari ku kiriziya y'i Nyange[1358]. Ubwunganizi buvuga ko ku itariki ya 18 Mutarama 2001, CBT yandikiye Porokireri wa Repubulika ku Kibuye indi baruwa yerekeranye n'ibyabaye ku kiriziya y'i Nyange nyamara ntiyavugamo Kanyarukiga. Uyu mutangabuhamya avuga ko yabitewe n'impamvu z'umutekano[1359]. Urugereko ntirwemera ko umutangabuhamya atavuze Kanyarukiga kubera impamvu z'umutekano, cyane cyane ko CBT yavuze Kanyarukiga mu buhamya bwanditse yahaye abapererezi b'uru Rukiko mu mwaka wa 2000 n'uwa 2001[1360]. Urugereko rusanga uyu mugabo yaratanze ubwo buhamya bwose mu gihe yari

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[1356] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1.

[1357] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1.

[1358] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 58, 60-62, 65; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D37(B) (Ibaruwa ya CBT yo ku itariki ya 30 Kanama 2000). Umutangabuhamya asobanura ko atavuze Kanyarukiga kubera impamvu z'umutekano.

[1359] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 65; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D38(A) (Ibaruwa ya CBT yo ku itariki ya 18 Mutarama 2001).

[1360] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D42(B) (Ubuhamya bwanditse CBT yatanze ku itariki ya 14 n'iya 16 Kanama 2000), urup. 4; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D43(B) (Ubuhamya bwanditse CBT yatanze ku itariki ya 10 Ukwakira 2001).

mu gikorwa cyo gukangurira abantu [kwirega]. Kubera izo mpamvu, Urugereko rusanga hataragaragajwe, ku buryo budashidikanywaho, ko ari kumwe n'abayobozi, Kanyarukiga yavuze ko Abatutsi bari mu kiriziya y'i Nyange bagombaga kwicwa kandi ko kiriziya yari kongera kubakwa kugira ngo abantu babone akazi.

497. CDK avuga ko yongeye kubona Kanyarukiga imbere y'ibiro bya paruwasi ya Nyange avugana na Padiri Seromba[1361]. CDK avuga ko icyo gihe hagati ye na Kanyarukiga hari intera ya metero ebyiri kandi ko yumvise Kanyarukiga abwira Padiri Seromba ko kugira ngo Inyenzi zose zicwe, kiriziya yagombaga gusenywa[1362]. Hashize umwanya muto, Kayishema yarahageze maze yemera igitekerezo cya Kanyarukiga cyo gusenya kiriziya [1363]. CDK avuga ko icyo kiganiro cyabaye mbere y'uko abagabye ibitero bagerageza gusenya kiriziya [1364]. Uyu mutangabuhamya ni umwe muri batanu Urugereko rwavuzeho, na bo bashinjwa ibi bitero. Urugereko ruributsa isesengura rwakoze kuri uyu mutangabuhamya no ku ruhare rwe muri gahunda yo gukangurira abantu [kwirega] no mu nama za Gacaca. Ibyo bituma Urugereko rusuzumana ubushishozi ubuhamya bwe[1365].

498. Mu buhamya bwe, CBY avuga ko ahagana ku gicamunsi cyo ku itariki ya 15 Mata 1994, yumvise Kayishema na Kanyarukiga bavuga ko abagabye ibitero bagombaga gusenya kiriziya y'i Nyange. Uyu mutangabuhamya avuga ko ubwo yumvaga iki kiganiro, hagati ye n'abo bagabo hari intera ya metero ebyiri cyangwa eshatu[1366].

[1361] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1362] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1363] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1364] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[1365] Reba igika cya 452.

[1366] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47. Mu buhamya bwe, CBY asa n'uvuga ko iki kiganiro cyabaye nyuma y'igikorwa cyo kugerageza gutwika kiriziya y'i Nyange. Ubuhamya bugira buti:

"Ikibazo: Watubwira niba igitero cyo ku itariki ya 15 Mata cyarakomeje ?

Igisubizo: Impunzi zimaze kwinjira mu kiriziya, abagabye igitero bagerageje kuyitwika ariko birananirana. Nyuma yaho, bazanye ingazi, bayishyira ku idirishya maze basuka lisansi ku kiriziya. Barangije, bagerageje gutwika kiriziya ariko birabananira. Ni yo mpamvu Kayishema yagiye kuzana tingatinga yo gusenya kiriziya.

Ikibazo: Watubwira icyo iyo tingatinga yakoze igeze aho hantu ?

Igisubizo: Iyo tingantiga yasenye kiriziya.

Urugereko rusanga nk'Umuhutu wari kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994, hari ibintu CBY yashoboraga kubona ariko abasiviri b'Abatutsi bari kuri paruwasi cyangwa abagabye ibitero bari hanze y'igipadiri batashoboraga kubona. Urugereko rusanga kandi CBY yaraciriwe urubanza mu Rwanda ku byerekeranye n'ibintu byabereye kuri paruwasi ya Nyange maze akagirwa umwere mu Ugushyingo 2007[1367]. Kubera ko uyu mutangabuhamya CBY yagizwe umwere ku byaha yaregwaga, Urugereko rusanga adafite impamvu bwite zo gushinja Uregwa, nko kuba yashaka kugabanyirizwa igihano, zatuma abandi batangabuhamya bo bamushinja. CBY yanerekanye Kanyarukiga mu cyumba cy'iburanisha kandi avuga ko "intambara" yabaye amaze imyaka umunani amuzi"[1368]. Mu gusoza, n'ubwo Urugereko ruzirikana ukwivuguruza kumwe na kumwe kudakomeye hagati y'ubuhamya CBY yatanze mu Rukiko n'ubwanditse yatanze mbere, by'umwihariko ku byerekeye amatariki, Urugereko rusanga uku kudahuza kutatuma ubuhamya bwose butizerwa[1369]. Byongeye kandi, mu buhamya bwanditse yatanze mu mwaka wa 1996, CBY avuga ko umunsi abagabye ibitero bananiwe gusenya kiriziya y'i Nyange, Kanyarukiga yabwiye abantu

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Ikibazo: Ninde watanze itegeko ryo gusenya kiriziya ?

Igisubizo: Sinzi izina ry'umuntu watanze itegeko ryo gusenya kiriziya. Cyakora nahuye na Kayishema na Kanyarukiga barimo kubwira abagabye ibitero ko bagomba gusenya Kiziriya.

Ikibazo: Wari urihe igihe bavugaga ayo magambo?

Igisubizo: Nari ndimo kuva mu gipadiri.

Ikibazo: Hagati yawe na bo hari intera ingana ite?

Igisubizo: Hari nka metero ebyiri cyangwa eshatu."

1367 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 50, 57-59, 61, 63, 67.

1368 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 49, 54. Umutangabuhamya ntasobanura niba "intambara" avuga ari iyubuye mu mwaka wa 1994 cyangwa iyabaye mu baturage.

1369 Nk'urugero, n'ubwo avuga ko ibitero rusange byatangiye ku itariki ya 15 Mata 1994 na kiriziya igasenywa ku itariki ya 16 Mata 1994, mu buhamya bwanditse yatanze mbere, CBY avuga amatariki atandukanye y'igihe ibitero rusange byagabiwe n'igihe kiriziya yasenyeho. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D33(B) (ubuhamya bwanditse CBY yatanze ku itariki ya 2 Gashyantare 1996) (avuga ko ibitero rusange byatangiye ku itariki ya 14 Mata 1994 kandi ko kiriziya yashenywe ku itariki ya 15 Mata 1994); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D34(B) (Ubuhamya bwanditse CBY yatanze ku itariki ya 4 Ukwakira 2000) (avuga ko ibitero bikomeye byakoreshejwemo amagerenade byatangiye ku itariki ya 13 Mata 1994 kandi ko kiriziya yashenywe ku itariki ya 14 Mata 1994). Urugereko ruvuga ko n'ubwo rusanga ivuguruzanya hagati y'ubuhamya umugabo yatanze mu Rukiko n'ubwanditse yatanze mbere ritatuma uyu mugabo atizerwa, rwagiye rusuzuma ukwivuguruza kuvuzwe kuri buri mutangabuhamya kugira ngo rurebe ko kwagira ingaruka ku kwizerwa k'ubuhamya runaka.

ko iyo kiriziya igomba gusenywa[1370]. Uyu mutangabuhamya yatanze rero ubuhamya muri rusange budahuzagurika. Kubera iyo mpamvu, Urugereko rusanga muri rusange CBY yaratanze ubuhamya bwakwizerwa ku bintu byabaye yihagarariyeho kuri paruwasi ya Nyange. Kubera ko ubuhamya bwa CDK bushyigikirwa n'ubwa CBY, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko Kanyarukiga yavuganye na Kayishema, bakemeza ko kiriziya y'i Nyange yagombaga gusenywa.

5.4. Umwanzuro w'Urugereko

499. Mu gusoza, Urugereko rusanga haragaragajwe ku buryo budashidikanywaho ko, mu gitondo cyo ku itariki ya 15 Mata 1994, ku kiriziya y'i Nyange hagabwe igitero. Urugereko rusanga kandi Abatutsi bari bahungiye mu kiriziya y'i Nyange baribasiwe n'Abahutu bari bagabye ibitero bakoresheje amabuye n'intwaro za gakondo. Abatutsi birwanyeho maze basubiza inyuma Abahutu bagabye ibitero, ibyo bituma Rukara atera gerenade nibura imwe. Urugereko ntirushidikanya ko Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bari kuri paruwasi ya Nyange mu gitondo cyo ku itariki ya 15 Mata 1994 mbere y'ibyo bitero. Byongeye kandi, Urugereko rusanga haragaragajwe ku buryo budashidikanywaho ko, ku itariki ya 15 Mata mbere ya saa tanu za mu gitondo, Kanyarukiga yari kuri paruwasi ya Nyange ari kumwe na Kayishema na Ndahimana. Byongeye kandi, Urugereko ntirushidikanya ko Kanyarukiga yari mu duce two Ku Ishusho ya Bikira Mariya no ku kiriziya y'i Nyange mu gitondo cyo ku itariki ya 15 Mata, mbere y'ibitero bivugwa mu gika cya 14 cy'Inyandiko y'ibirego, no mu gihe byabaga.

500. Ku byerekeye igika cya 15 cy'Inyandiko y'ibirego, Urugereko rusanga haragaragajwe ko Abatutsi bahungiye mu kiriziya y'i Nyange bamaze kuneshwa n'Abahutu bagabye ibitero kandi ko abapolisi ba komine bifatanyije n'abagabye ibitero maze bakarasa ku kiriziya. Porokireri ntiyashoboye kugaragaza ko icyo gihe hari uruhare abajandarume

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[1370] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D33(B) (Ubuhamya bwanditse CBY yatanze ku itariki ya Gashyantare 1996), urup. 2. Mu buhamya bwe bwanditse, umugabo avuga ko Kanyarukiga na Ndungutse bategetse ko kiriziya isenywa. Urugereko rusanga ko, n'ubwo mu buhamya yatanze mu Rukiko, avuga ikiganiro Uregwa yagiranye na Kayishema, uyu mutangabuhamya ntahuzagurika kuri Kanyarukiga. Byongeye kandi, mu buhamya bwanditse ni ho uyu mutangabuhamya ashinja cyane Kanyarukiga kurusha uko yabikoze mu bwo yatangiye mu Rukiko. Kubera iyo mpamvu, Urugereko rusanga rwakwizera ibyo avuga.

bagize mu bitero. Ntiyanashoboye kugaragaza ko abapolisi ba komine cyangwa abajandarume bakoresheje urutambi. Cyakora, hagaragajwe ko lisansi yazanywe na Kayishema kandi ko yakoreshejwe mu gikorwa cyo kugerageza gutwika kiriziya y'i Nyange cyabaye Kayishema na Ndungutse bahari. Porokireri ntiyashoboye kugaragaza ko Ndahimana yari ahari ubwo abagabye ibitero bageragezaga gutwika kiriziya y'i Nyange. Cyakora, Urugereko ntirushidikanya ko Kayishema na Ndungutse bagiye gushaka tingatinga yo gukuraho imirambo. Urugereko rusanga haragaragajwe ko ku itariki ya 15 Mata kuri paruwasi ya Nyange no hafi yayo hari Abahutu benshi bagabye ibitero, kandi ko uwo munsi, ibyo bitero byahitanye abasiviri b'Abatutsi benshi. Mu gusoza, Urugereko rusanga haragaragajwe, nta gushidikanya, ko ku itariki ya 15 Mata abagabye ibitero ku kiriziya y'i Nyange barimo gusakuza cyane bavuga ngo "tubatsembatsembe, ntihagire uducika".

501. Ku byereye Uregwa, Porokireri ntiyashoboye kugaragaza ko Kanyarukiga yari aho hantu ubwo ibitero bivugwa mu gika cya 15 byabaga. Cyakora, Urugereko rusanga haragaragajwe ku buryo budashidikanywaho ko, nyuma y'ibitero bivugwa mu gika cya 15 cy'Inyandiko y'ibirego, Kanyarukiga yari ku kiriziya y'i Nyange, ari kumwe na Kayishema. Byongeye kandi, Urugereko ntirushidikanya ko ku mugoroba wo ku itariki ya 15 Mata Kanyarukiga yaganiriye na Kayishema kandi ko muri icyo kiganiro bemeje ko kiriziya y'i Nyange igomba gusenywa.

502. Mu cyiciro cy'iyi nyandiko y'urubanza cyerekeranye n'imyanzuro yo mu rwego rw'amategeko, Urugereko rurasuzuma niba ku itariki ya 15 Mata 1994, Gaspard Kanyarukiga yarategetse ko ibitero bigabwa, agahamahagarira abantu kubigaba cyangwa agatera inkunga ndetse agafasha abandi muri ibyo bitero.

5. <u>Isenywa rya kiriziya y'i Nyange ku itariki ya 16 Mata 1994</u>

5.1. Intangiriro

503. Ibika bya 16, 17 na 18 by'Inyandiko y'ibirego yahinduwe bigira biti:

> 16. Mu gitondo cyo ku itariki ya 16 Mata 1994, Gaspard Kanyarukiga, Fulgence Kayishema, Télesphore Ndungutse, Juji Habiyambere, François Gashugu, Védaste Mupende, Grégoire Ndahimana n'abandi, bakoreye inama kuri CODEKOKI, maze bemeza kandi bategura umugambi wo kwica impunzi zose z'Abatutsi zari mu kiriziya bayizisenyeyeho.

> 17. Nyuma y'iyo nama, Gaspard Kanyarukiga ari kumwe n'abandi, babonanye na Padiri Anastase Seromba kuri paruwasi ya Nyange maze bamumenyesha icyemezo bafashe cyo gusenya kiriziya kugira ngo bahitane impunzi zose z'Abatutsi. Gaspard Kanyarukiga yahamagariye abantu gusenya kiriziya avuga ko hazubakwa indi.
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> 18. Ku itariki ya 16 Mata 1994, kiriziya yarashenywe hakoreshejwe tingatinga, maze hapfa Abatutsi b'impunzi bagera ku bihumbi bibiri bari birunze mu Kiriziya, abakoze ibyo bakaba barabihamagariwe na Gaspard Kanyarukiga, Fulgence Kayishema, Védaste Mupende, Grégoire Ndahimana na Anastasei Seromba. Mu gihe kiriziya yasenywaga, Gaspard Kanyarukiga yari ahibereye kandi ahamagarira abari mu bitero kwica impunzi z'Abatutsi zose. Kubera impamvu zivugwa mu bika kuva ku cya 14 kugeza ku cya 18, Gaspard Kanyarukiga aryozwa ku giti cye kuba yaracuze umugambi wo kwica Abatutsi b'abasiviri kuri paruwasi ya Nyange ku itariki ya 15 n'iya 16 Mata 1994 mu rwego rw'umugambi mubisha uhuriweho, akaba yarategetse kandi agahamagarira abantu gukora ubwo bwicanyi, ndetse akanabukora ubwe, cyangwa se ku bundi buryo ubwo ari bwo bwose akaba yarafashije cyangwa yarateye inkunga abakoze ibyo byaha.

504. Mu gushyigikira ibyo birego, Porokireri ashingira ku buhamya bwatanzwe n'abatangabuhamya biswe CBR, CDL, CNJ, CBY na CBK. Ubwunganizi buvuga ko abatangabuhamya bashinja atari abo kwizerwa maze bukiyambaza imyiregurire ya sinari mpari (*alibi*) y'Uregwa hamwe n'ubuhamya bwatanzwe n'abagabo bashinjura ari bo Mutume, Seminega, Twagirashema hamwe n'uwiswe KG15[1371]. Urugereko rusanga Umutangabuhamya witwa Sibomana kandi yaratanze ubuhamya ku byabaye ku itariki ya 16 Mata 1994.

5.2. Ibimenyetso

Umutangabuhamya ushinja wiswe CBR

505. Umutangabuhamya wiswe CBR yageze kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 ahagana saa kumi n'ebyiri cyangwa saa moya za mu gitondo[1372]. Ubwo uyu

[1371] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 261-282.

[1372] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 29; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8. Umutangabuhamya wiswe CBR yavuze ko Kayishema yasubiye mu gace uwo mutangabuhamya yari atuyemo ku itariki ya 16 Mata 1994 maze agasaba abantu kujya kubatiza umurindi i Nyange. Nyamara ariko, muri icyo gihe CBR we yari yageze i Nyange. Yavuze ko yagiye kuri paruwasi n'amaguru ariko ko abandi

mutangabuhamya yahageraga, yahasanze abagabye ibitero[1373], bari bitwaje intwaro za gakondo kandi bitamirije amababi y'ubwoko bunyuranye bitewe n'aho babaga baturutse[1374]. CBR yavuze ko ubwo yageraga kuri paruwasi ku itariki ya 16 Mata 1994, nta za tingatinga yahasanze[1375].

506. CBR yabonye Grégoire Ndahimana, IPJ Kayishema, Gaspard Kanyarukiga, Télesphore Ndungutse, Juji Joseph Habiyambere, Védaste Murangwabugabo wari wungirije Burugumesitiri, Ajida Habarugira na Padiri Athanase Seromba, bose bahagaze imbere y'ibiro bya Padiri Seromba[1376]. Icyo gihe, uyu mutangabuhamya yari nko muri metero 10 uvuye aho abo bagabo bari bari kandi ntabwo yumvise ibyo baganiraga[1377].

507. Bamaze kuganira na Padiri Seromba, abo bategetsi begereye kiriziya[1378]. "Uwo munsi abo bantu nta butumwa bigeze batugezaho. Ahubwo begereye kiriziya noneho natwe dutangira kurasa amasasu ku kiriziya"[1379]. Uwo mutangabuhamya avuga ko Burugumesitiri Ndahimana yarashe amasasu mu kiriziya mu masaa mbiri za mu gitondo, mu gihe Kayishema, Kanyarukiga, Ndungutse, Habiyambere, Védaste Murangwabugabo na Habarugira bo bari bahagaze hafi aho[1380]. CBR avuga ko

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bantu bo muri serire ye batwawe mu ikamyo ya Astaldi. Uyu mutangabuhamya avuga ko hagati ya serire ye na paruwasi ya Nyange hari intera igera nko kuri kilometero eshatu kandi ko umuntu yashoboraga kuhagenda n'amaguru mu gihe kigera nko ku minota 40 cyangwa 45. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 29.

[1373] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.

[1374] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8. Umutangabuhamya yavuze ko we yari yambaye amababi y'inturusu ariko ko abandi bari bambaye ibirere. "abategetsi" bo ntibambaraga amababi ayo ari yo yose kubera ko bari bazwi neza.

[1375] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.

[1376] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30. Mu gihe cy'ibaza rinyomoza, Umutangabuhamya wiswe CBR yatanze igisobanuro agira ati: "kuri uwo munsi, sinabonye abategetsi bajya mu gipadiri. Nababonye bari kumwe na padiri imbere y'ibiro bye. Sinigeze mbabona bajya hejuru ku biro bye ku itariki ya 16." Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.

[1377] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 31.

[1378] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

[1379] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.

[1380] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 9, 11.

"umugambi" wa Ndahimana wapfubye[1381]. Uyu mutangabuhamya avuga ko umugambi wa Ndahimana wari uzwi neza: kwari ugutsemba Abatutsi[1382].

508. "Bamaze kubona ko umugambi wabo wapfubye", abo bagabo basubiye aho Padiri Seromba yari ahagaze imbere y'ibiro bye[1383]. Na none, Ndahimana, Kayishema, Kanyarukiga, Ndungutse, Habiyambere, Védaste Murangwabugabo na Habarugira barongeye bavugana na Padiri Seromba.[1384] Uyu mutangabuhamya "ntabwo yamenye icyo bavuganaga muri icyo gihe", ariko bafashe icyemezo cyo gusenya kiriziya[1385].

509. "Nyuma yaho", hagati ya saa tatu na saa yine za mu gitondo umutangabuhamya yumvise Kanyarukiga abwira abategetsi bagenzi be ngo "kiriziya igomba gusenywa. Nshobora kubaka indi. Nshobora kwiyemeza kuyubaka mu minsi itatu"[1386]. Nyuma y'ayo magambo, Kayishema na Ndungutse bagiye gushaka tingatinga[1387].

510. CBR yavuze ko tingatinga hamwe n'ikamyo byazanywe kuri paruwasi ahagana saa yine cyangwa saa tanu za mu gitondo, noneho bidatinze bagatangira kuzisenyesha kiriziya[1388]. Umutangabuhamya yabonye ibyo bikoresho bihagera kandi anabona bisenya kiriziya, ariko avuga ko aho ibyo bikoresho byari biri atigeze abona abantu bahakoranira cyangwa se bahaganirira[1389]. "Ubwo ibikoresho byazanwaga, twari hafi gutangira gukora icyagombaga gukorwa. Yewe n'abari … abakoreshaga ibyo bikoresho bari bazi icyabazanye aho"[1390].

1381 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1382 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1383 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1384 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1385 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1386 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.

1387 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

1388 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.

1389 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11.

1390 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.

511. Za tingatinga zari zitwawe n'Abazayiruwa batatu bitwa Albert, Mitima na Maurice, hamwe n'Umunyarwanda witwa Anasthase Nkinamubanzi[1391]. Abandi bagabye ibitero bari bakikije kiriziya bakumira Abatutsi ngo badacika[1392]. CBR ntiyabonye Kanyarukiga aho hantu nyuma y'aho ibikoresho byo gusenya kiriziya bihagereye[1393]. Umutangabuhamya yavuye mu mbuga ya kiriziya mu masaa kumi n'ebyiri za nimugoroba, kiriziya imaze gusenywa[1394].

Umutangabuhamya ushinja wiswe CNJ

512. Umutangabuhamya wiswe CNJ yavuze ko abenshi mu bagabye igitero bari kuri Paruwasi ku itariki ya 15 Mata 1994 baharaye, "ariko bamwe, nanjye ndimo, twarahavuye tugaruka bukeye"[1395]. CNJ avuga ko agereranyije yageze ku kiriziya y'i Nyange hagati ya saa mbiri na saa tatu za mu gitondo ku itariki ya 16 Mata 1994[1396]. Amaze kuhagera, umutangabuhamya "yabonye ba bandi bagabye igitero ari bo bagihari kandi bangana uko banganaga ku munsi ubanziriza uwo"[1397].

513. CNJ yabonye kandi tingatinga ku ruhande rw'ibumoso rwa kiriziya ahegereye imiryango, hafi ya alitari[1398]. tingatinga yari ihagaze, ariko umushoferi ayirimo, yiteguye gusenya kiriziya[1399]. Kanyarukiga, Rushema, Théodomir Kiragi, IPJ Kayishema, Ndungutse na Habiyambere bari bakikije tingatinga barimo kuganira[1400].

[1391] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 34.

[1392] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 12.

[1393] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11.

[1394] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11.

[1395] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23.

[1396] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 23-24.

[1397] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 25; Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15 (Umutangabuhamya wiswe CNJ yavuze ko yabonye umubare w'abantu bagabye igitero kuri paruwasi ku itariki ya 16 Mata 1994 ungana n'uwo abo yari yabonye ku itariki ya 15 Mata 1994. Urugereko ruributsa ko yavuze ko igitero cyagabwe kuri paruwasi ku itariki ya 15 Mata 1994 cyari kigizwe n'Abahutu bagera ku 4.000 agereranyije).

[1398] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25, 27, 31.

[1399] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26.

[1400] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26.

CNJ yavuze ko atari kure y'aho abo bategetsi bari bahagaze[1401]. "Abenshi mu bagabye igitero bari bakikije kiriziya bahagaze, bigaragara ko bari bahawe amabwiriza yo kwitwara gutyo"[1402].

514. CNJ avuga ko Védaste Murangwabugabo yasabye ko baca icyuho mu rukuta rwa kiriziya kugira ngo abagabye igitero babone uko bagera ku Batutsi barimo imbere kandi binashobore kugabanya umubare w'abagabye igitero bashobora kugwa muri iyo mirwano[1403]. Burugumesitiri we yaravuze ati : "Hagize abantu bamwe bajya mu kiriziya imbere, bashobora kwicwa n'Abatutsi kandi umugambi wacu ntiwashobora kugerwaho"[1404].

515. CNJ avuga ko hari ubwo IPJ Kayishema yagiye kureba Padiri Seromba.[1405] Hashize iminota itanu, Kayishema yagarukanye na Seromba wahise aramutsa abategetsi bari aho[1406]. Nyuma yaho gato, Burugumesitiri yaravuze ati: "ubu noneho dushobora gutangira", maze Kayishema ategeka umushoferi gutangira gusenya[1407]. Uwo mushoferi bamuhimbaga *Deux mille* ariko amazina ye bwite yari Anastase Nkinamubanzi[1408].

516. CNJ avuga ko agereranyije, gusenya byatangiye hashize nk'iminota 30 ageze kuri paruwasi[1409]. CNJ yavuze ko gusenya byatangiye ahagana saa tatu cyangwa saa yine za mu gitondo, hatangiriwe ku rugi rwari ku ruhande rw'ibumoso rwa kiriziya, hafi ya alitari. Gusenya byarangiye ahagana saa kumi z'igicamunsi ubwo umunara wa kiriziya wari umaze guhirikwa[1410]. Abatutsi bari imbere mu kiriziya ubwo kiriziya yatangiraga

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[1401] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26 ("Numvaga ko mu gihe tuzaba tumaze gutsinda, nka njye w'umunyeshuri nagombaga kuba nabonywe n'abo bategetsi. Numvaga ko nyuma yaho nzakenera abo bategetsi").

[1402] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 25.

[1403] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26.

[1404] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26.

[1405] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26.

[1406] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26 ("Baganiriye akanya gato, ariko sinzi icyo bavugaga").

[1407] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 26-27.

[1408] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26.

[1409] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 69.

[1410] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

gusenywa, aba nyuma muri bo bishwe ubwo umunara wahirimaga[1411]. CNJ avuga ko "yari mu bagabye igitero barimo kwica Abatutsi. Nyuma yaho, twagombaga kureba neza niba nta Batutsi bacitse. Ni wo wari umugambi wacu"[1412]. Yavuze kandi ko mu gihe abagabye igitero barimo "bahorahoza" inkomere, hari indi tingatinga yari irimo gucukura imva munsi ya kiriziya[1413]. Kanyarukiga n'abandi bategetsi bari bahari ubwo kiriziya yasenywaga[1414].

517. Mu gusoza, CNJ yavuze ko gusenya birangiye, abategetsi bagumye aho naho abagabye igitero batwarwa mu makamyo ya Astaldi[1415]. CNJ avuga ko agereranyije hishwe Abatutsi bagera ku 2000 ku itariki ya 16 Mata 1994[1416].

Umutangabuhamya ushinja wiswe CDL

518. Umutangabuhamya wiswe CDL yavuze ko yageze ku kiriziya y'i Nyange ari kumwe na Burugumesitiri Ndahimana saa moya cyangwa saa mbiri za mu gitondo ku itariki ya 16 Mata 1994[1417]. Ubwo yahageraga, yahasanze abantu barimo n'abari baharaye bacunga Abatutsi ngo badacika[1418]. Burugumesitiri, Padiri Seromba, abapolisi, abajandarume, n'abahoze ari abasirikari, na bo bari bahari[1419]. CDL yavuze ko yaganiriye n'abo bantu banyuranye[1420]. Ubwo yageraga kuri paruwasi, nta za tingatinga yahasanze[1421].

519. Ibitero byatangijwe na Burugumesitiri Ndahimana, warashe amasasu ku "bantu bari haruguru ya kiriziya"[1422]. Nyuma y'ibyo, abapolisi n'abandi bantu bari bafite imbunda

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[1411] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 27, 31.
[1412] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.
[1413] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 27-28.
[1414] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.
[1415] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 28.
[1416] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 28.
[1417] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 35, 38.
[1418] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 16.
[1419] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.
[1420] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.
[1421] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 16.
[1422] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 35-36; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 18.

na bo batangiye kurasa mu kiriziya[1423]. CDL avuga ko abantu bakurikira ari bo bayoboye cyangwa bagenzuye igitero cyo ku itariki ya 16 Mata 1994: Kanyarukiga, Burugumesitiri, Padiri Seromba, Télesphore Ndungutse, Fulgence Kayishema, Habiyambere, abajandarume "n'abandi twese, b'Abahutu"[1424]. CDL ntiyashoboye " kwemeza cyangwa guhakana ko Kanyarukiga yari ahari" mu gihe cy'ikoraniro ryabaye mu gitondo cyangwa ubwo Ndahimana yarasaga amasasu ku kiriziya, ariko avuga ko saa yine za mu gitondo ari bwo yabonye bwa mbere Kanyarukiga ku kiriziya[1425].

520. CDL yavuze ko mbere y'uko za tingatinga zihagera, hari utunama twagiye tuba "two kumvikana ku byakoreshwa"[1426]. Umutangabuhamya yavuze ko: "abategetsi banyuranye navuze bahuriye imbere ya farumasi ya Kanyarukiga kandi bunguranye inama Kanyarukiga ahari"[1427]. Umutangabuhamya yari muri ako kanama imbere ya farumasi, ari kumwe na Kanyarukiga, Ndahimana, Kayishema, Habiyambere, abajandarume, Ndungutse, Kanani n'abandi bari baturiye aho[1428]. Kanyarukiga, Habiyambere, Kayishema, Kanani na Emmanuel Segayo, wari umukozi wa Astaldi, bari aho kuri farumasi ubwo CDL yahageraga ari kumwe na Burugumesitiri[1429]. Babajije Burugumesitiri niba afite amasasu ahagije, maze abasubiza abahakanira[1430]. Kanyarukiga na Habiyambere ni bwo babwiraga abari bateraniye aho ko nta kindi cyakorwa ngo Abatutsi bari muri kiriziya bicwe uretse kuyisenya[1431]. Emmanuel Segayo yiyemeje gutanga tingatinga za Astaldi zo gukoresha mu gusenya kiriziya ariko avuga ko nta mazutu afite[1432]. Kanyarukiga yavuze ko ashobora kugura mazutu y'izo tingatinga[1433]. CDL ahamya ko Kanyarukiga yavuze kandi ko gusenya kiriziya

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1423 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.

1424 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 36 ("…muri make abategetsi bo muri ako gace bo mu byiciro byose").

1425 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 18-19.

1426 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 36.

1427 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 36.

1428 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 38.

1429 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39. Ku rupapuro rwa 38 umutangabuhamya yavuze Kayishema, naho ku rupapuro rwa 39 izina rya Kayishema yarisimbuje irya Kanani.

1430 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39.

1431 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39.

1432 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39.

1433 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39.

bidashobora kuba ikibazo kubera ko "muri Kivumu hari abaturage bahagije bashobora kubaka indi kiriziya"[1434].

521. CDL yavuze kandi ko icyari cyumvikanyweho ari uko nta kindi cyashoboraga gukorwa ngo batsembe Abatutsi uretse gusenya kiriziya ubwayo[1435]. Umutangabuhamya avuga ko icyemezo cyo gusenya kiriziya bagifatiye hamwe, ariko ko abagicuze ari Kanyarukiga, Habiyambere n'umukozi wa Astaldi[1436].

522. Ndahimana, Kayishema, Habiyambere, Kanyarukiga, Ndungutse, Kanani n'abajandarume babonanye na Padiri Seromba iruhande rw'ibiro by'umunyamabanga mu masaa yine za mu gitondo[1437] hanyuma bamumenyesha ko hafashwe icyemezo cyo gusenya kiriziya[1438]. Uyu mutangabuhamya avuga ko Padiri Seromba yemeye ko basenya, ngo "kuva nta kindi cyakorwa ngo barimbure Abatutsi"[1439].

523. CDL agereranyije avuga ko tingatinga ebyiri zakoreshejwe mu gusenya kiriziya zageze ku kibuga cya paruwasi hagati ya saa yine na saa tanu za mu gitondo kandi ko zikihagera zatangiye gusenya iyo kiriziya[1440]. Izo tingatinga zari zitwawe n'abagabo babiri ari bo Mitima na Maurice[1441]. Bafashwaga na Anastase Nkinamubanzi, bahimbaga "*Deux mille*"[1442]. Babanje kugerageza gusenya bahereye ku munara wa kiriziya, hanyuma byanze Padiri Seromba abungura inama yo guhera ku ruhande rw'aho sakirisitiya yari iri[1443]. Tingatinga imwe yahereye ku ruhande rumwe rwa sakirisitiya, indi na yo ihera ku rundi, zirakomeza kugeza ubwo kiriziya yose uko

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1434 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 39.

1435 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 38.

1436 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 39.

1437 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38-39; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 18-19.

1438 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 51-52.

1439 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38, 39.

1440 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 16, 17.

1441 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 41.

1442 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 42.

1443 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 42.

yakabaye ishenywe[1444]. CDL yavuze ko Abatutsi bari mu kiriziya imbere ubwo yasenywaga[1445].

524. CDL yavuze ko, uretse Padiri Seromba, abandi bantu bari bahari ubwo kiriziya yasenywaga barimo Grégoire Ndahimana, Fulgence Kayishema, Joseph Habiyambere, Gaspard Kanyarukiga, Télesphore Ndungutse, Védaste Murangwabugabo wari wungirije Burugumesitiri, Gilbert Kanani na we wari wungirije Burugumesitiri, François Munyaneza wari umunyamabanga wa komini, Arnold Mugarere wari ushinzwe ibarura muri komini, abajandarume, abajida, abapolisi, umukonseye [wa segiteri], umutangabuhamya ubwe n'abandi baturage[1446]. CDL yavuze ko ku itariki ya 16 Mata 1994 yari aho hantu nk'indorerezi gusa[1447.] Ubwo kiriziya yari irimo gusenywa, Kanyarukiga n'abandi bantu bageragezaga kwereka abashoferi ba za tingatinga uko bakwikinga amabuye Abatutsi barimo kubatera ava mu kiriziya imbere[1448].

525. CDL yavuze ko "hari ubwo" yavuye aho ibyo byaberaga[1449]. Yavuze ko yavuye ku kiriziya mu masaa sita z'amanywa agiye ku ishuri "kureba ibyarimo kuhabera" no kumenyesha abantu bamwe ko hari umwana wabo wari watakaye kuri paruwasi[1450]. Umutangabuhamya yagarutse ku kiriziya mu masaa munani z'amanywa arahaguma kugeza saa kumi z'igicamunsi[1451]. Icyo gihe, umunara wa kiriziya ni wo wonyine wari usigaye utarasenywa[1452]. Umutangabuhamya yemeje abitsindagira ko Kanyarukiga yiriwe aho ibyo byabereye umunsi wose, akurikiranira hafi ibirimo kuba[1453]. Nyamara ariko, umutangabuhamya yemera ko Kanyarukiga ashobora kuba yarigeze kuhava ku manywa agiye kuri farumasi ye.[1454]

[1444] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 42.
[1445] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 42-43.
[1446] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1447] Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 23.
[1448] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1449] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1450] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1451] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1452] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1453] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.
[1454] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.

Umutangabuhamya ushinja wiswe CBK

526. Umutangabuhamya wiswe CBK yavuze ko kiriziya y'i Nyange yashenywe ku itariki ya 16 Mata 1994[1455]. Uyu mutangabuhamya avuga ko uwo munsi kuri paruwasi hari abagabye igitero barenga 5.000[1456]. Abagabye igitero bari bambaye ibirere ku mutwe, kandi "byari byoroshye kubatandukanya n'impunzi zari imbere mu kiriziya kubera ko zo nta birere zari zambaye"[1457].

527. CBK yavuze ko yabonye "Kanyarukiga, Kayishema n'abandi" mu gitondo ku itariki ya 16 Mata 1994[1458]. Bari mu mbuga yo mu gipadiri, kandi umutangabuhamya yashoboye kubabona baganira[1459]. "Byageze aho bazamuka ingazi bajya mu cyumba cyo hejuru ari na ho bakoreye inama. Ibyo ari byo byose, numvaga nta kintu cyiza barimo kuganiraho kubera ko nyuma yaho kiriziya ari bwo yashenywe"[1460].

528. CBK yavuze ko Kanyarukiga ari umwe mu bantu bayoboye ibitero byagabwe kuri paruwasi ya Nyange[1461]. Yavuze ko ariko yabyibwiye kubera ko "iyo Kanyarukiga yahageraga, yabonanaga na Padiri Seromba hamwe na Kayishema. Kandi iyo bamaraga kubonana habaga ikintu"[1462].

1455 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 30.

1456 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22 ("Abagabye igitero bari benshi cyane. Bari bavuye mu masegiteri yose ya Komini ya Kivumu. Hari kandi n'abagabye igitero bari baturutse mu makomini ahana imbibi na Komini ya Kivumu"); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28.

1457 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28. Umutangabuhamya wiswe CBK yavuze ko na we yari yambaye ibirere ku itariki ya 16 Mata 1994. Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 67 (iburanisha mu muhezo).

1458 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 25.

1459 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 25.

1460 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 25.

1461 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 26.

1462 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 26 ("Iyo mvuga abategetsi, mba nshaka kuvuga umuntu wese wari ufite umwanya w'ubuyobozi cyangwa se wari ufite ijambo ku bandi. Urugero, Burugumesitiri yari umuyobozi wa Komini ya Kivumu. Fulgence Kayishema na we yari umutegetsi kubera ko yari IPJ mu rwego rwa komini. Hari kandi abacuruzi, barimo Gaspard, wavugaga rikijyana. Hari kandi n'abaporisi ba komini. Abo bantu bose maze kuvuga bari abategetsi").

529. Uyu mutangabuhamya avuga ko Padiri Seromba yatanze amabwiriza yo gusenya kiriziya[1463]. Seromba yagize ati: "Musenye kiriziya. Turi benshi. Dushobora kubaka indi"[1464]. CBK yavuze ko, ubwo ayo magambo yavugwaga, yari ahagararanye na Seromba na Kanyarukiga ku marembo yo mu gipadiri, iruhande rw'ibiro by'ubunyamabanga bwa paruwasi[1465]. Hagati aho, Kanyarukiga yategetse abagabye igitero gutangira Umututsi wese wagerageza gucika[1466].

530. CBK yavuze ko umunara wa kiriziya ari wo wonyine wasigaye uhagaze ibindi bice bya kiriziya byose bimaze gusenywa, kandi ko hari Abatutsi bari bakitsindagiye mu munara hejuru[1467]. Kanyarukiga yabajije Padiri Seromba niba Abatutsi bamwe barimo Aloys Rwamasirabo, Théoneste Nsanzabaganwa, Bonera na Kayiranga, na bo bari mu bahungiye kuri paruwasi[1468]. Ubwo Padiri Seromba yamusubizaga ati yego, abagabye igitero bagize bati: "niba abo Batutsi bageze ku kiriziya, bagomba kuba bari mu munara wa kiriziya, uwo munara rero ugomba gusenywa"[1469]. Abagize igitero bavuze ko "abo Batutsi, Abatutsi bize, baramutse batishwe, ibyo bakoze byose byaba bibaye impfabusa. Bityo rero, byari ngombwa no kwica abo Batutsi bize"[1470]. Umutangabuhamya yavuze ko yabonye "abagabye igitero", barimo Seromba na Kanyarukiga, bahagaze ku rubaraza ahari umuryango winjira mu gipadiri ubwo umunara wa kiriziya wasenywaga[1471].

[1463] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22.

[1464] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22.

[1465] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 23.

[1466] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22 (Kanyarukiga yaravuze ati: "Abatutsi nibagerageza gucika, bicishwe intwaro za gakondo, zirimo imipanga, imigano, impiri zikwikiyemo imisumari, n'izindi"); Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 24 (iburanisha mu muhezo).

[1467] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 31.

[1468] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28

[1469] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28.

[1470] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 28. Ubwo yabazwaga abagabye igitero bavuze ibyerekeranye n'abanyabwenge, Umutangabuhamya wiswe CBK yavuze ko, "ari Kanyarukiga ubwe wavuze ayo magambo". Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28. Nyamara ariko, ibyo umutangabuhamya avuga ntibisobanura neza niba Kanyarukiga ari we wavuze ko umunara wa kiriziya ugomba gusenywa.

[1471] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 28-29.

531. Kiriziya imaze gusenywa, abagabye igitero bagiye kuruhuka[1472]. "Bariyakiriye. Banyoye amabyeri na divayi"[1473]. CBK yavuze ko icyo gikorwa cyo kwiyakira cyabereye mu cyumba cya musenyeri kiri mu gipadiri, kandi ko abakitabiriye barimo Padiri Seromba, Fulgence Kayishema, Grégoire Ndahimana, Kanyarukiga n'abandi[1474].

532. CBK avuga ko agereranyije asanga Abatutsi biciwe kuri paruwasi ya Nyange bagera nko ku 3.000[1475]. Yavuze ko ku itariki ya 16 Mata 1994, "Abatutsi bari mu kiriziya imbere bishwe nabi cyane"[1476]. Bamwe mu bahohotewe bari bakubiswe, abandi batemaguwe n'imihoro, abandi bahitanywe n'inkuta zabaguyeho, abandi bicishijwe amahiri akwikiyemo imisumari[1477].

Umutangabuhamya ushinja wiswe CBY

533. Umutangabuhamya wiswe CBY yavuze ko ku itariki ya 12 Mata 1994, kuri paruwasi hari hahungiye abantu babarirwa hagati ya 2.500 na 3. 000[1478]. Isenywa rya kiriziya y'i Nyange ryatangiye nyuma ya saa sita ku itariki ya 15 Mata 1994[1479]. Abagabye igitero bamwe baraye ijoro ryose ku kiriziya ku itariki ya 15 Mata 1994[1480], naho abandi bahabasanze bukeye[1481]. Mu gitondo, "abategetsi" bakoranye inama na "padiri" hanyuma bategeka Abahutu bari baraye ijoro aho ku gipadiri gukomeza gusenya kiriziya[1482].

[1472] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29.
[1473] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29.
[1474] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29.
[1475] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 38.
[1476] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21.
[1477] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21.
[1478] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 30.
[1479] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.
[1480] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.
[1481] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 25.
[1482] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47 (asobanura ko mu gitondo cyo ku itariki ya 16 Mata 1994, "abategetsi navuze bagarutse" kandi "baje berekeza aho abagabye igitero bari maze bababwira ko bagomba gukomeza gusenya kiriziya kugeza ishizeho yose"). Mu buhamya yari yatanze mbere, uyu mutangabuhamya yari yarondoye "abategetsi" bakurikira: Kayishema, Ndungutse, Ndahimana, Théodomir na Kanyarukiga. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 44-46.

534. Ku munsi wakurikiye uwo batangiriyeho gusenya, ku kiriziya hazanywe tingatinga ya kabiri[1483]. Umutangabuhamya yibuka ko nta mazutu ihagije yari ihari yo gukoresha izo za tingatinga, ikaba ari yo mpamvu Kayishema yavuze ko "agiye kubohoza mazutu muri Astaldi"[1484]. Abajijwe ku birebana n'uko tingatinga ya kabiri yahageze, CBY yagize ati: "Navuye mu gikari cyo mu gipadiri hanyuma njya ku kiriziya. Nageze mu mbuga ya kiriziya, nsanga tingatinga ya kabiri yahageze yatangiye gukuraho amatafari yari … hafi ya kiriziya"[1485]. CBY yavuze ko atigeze abona hari abantu bakorera inama iruhande rwa tingatinga[1486].

535. CBY yagize ati: "ku itariki ya 16, impunzi zari mu munara wa kiriziya. Zaraborogaga. Zarasakuzaga. Naho abagabye igitero bari hasi cyane. Muri icyo gihe tingatinga zarimo gusenya kiriziya. Birumvikana, nk'uko na mwe mwabyibwira, ko hari urusaku kubera ko guhangana byakomezaga"1487.

536. CBY yavuze ko Kayishema yaje kuri paruwasi ya Nyange kabiri kiriziya imaze gusenywa[1488]. Uyu mutangabuhamya avuga ko Kayishema ari we "mutegetsi" wenyine wagiye kureba Padiri Seromba nyuma y'isenywa rya kiriziya[1489].

Umutangabuhamya ushinja wiswe CBN

537. Umutangabuhamya ushinja wiswe CBN yahungiye kuri paruwasi ya Nyange mu ijoro ryo ku itariki ya 12 rishyira iya 13 Mata 1994, ariko yaje kuhava acitse ku itariki ya 15 Mata 1994, mbere y'uko kiriziya isenywa[1490]. CBN yasubiye iwe i Nyange muri Nzeri 1994 asanga kiriziya yarashenywe[1491]. CBN yavuze ko "yabonye aho abantu bari

[1483] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21.

[1484] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-22. Umutangabuhamya wiswe CBY yemeye ko yabwiye abakora iperereza ba TPIR ko yabonye abantu bazana amajerikani arimo mazutu kuri paruwasi.

[1485] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 21.

[1486] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 22.

[1487] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 25. Umutangabuhamya yemeye ko hakomeje kuba akaduruvayo kugeza kiriziya yose uko yakabaye ishenywe.

[1488] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 35. Ibyo umutangabuhamya avuga ntibisobanura neza niba Kayishema yaraje kureba Padiri Seromba kiriziya imaze gusenywa.

[1489] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 35.

[1490] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49-50, 61, 62, 67.

[1491] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 69.

bariciwe mu kiriziya bahambwe"[1492]. Yanavuze ko mbere y'ubwicanyi, ku kiriziya hari impunzi zigera ku 2.000[1493].

Umutangabuhamya ushinjura witwa Jean-Bosco Twagirashema

538. Umutangabuhamya ushinjura witwa Jean-Bosco Twagirashema, ni Umuhutu, yavukiye muri Serire ya Giko, Segiteri ya Ngobagoba, Komini ya Kivumu, Perefegitura ya Kibuye[1494]. Muri Mata 1994, uyu mutangabuhamya yari afite imyaka 20 y'amavuko kandi yigaga mu mwaka wa kane mu Rwunge rw'Amashuri i Rubengera[1495]. Twagirashema yavuze ko hari hashize igihe kinini azi Gaspard Kanyarukiga ko bombi bari abo muri komini imwe[1496].

539. Twagirashema yavuze ko ku wa gatandatu, ku itariki ya 16 Mata 1994, kiriziya y'i Nyange ari bwo yashenywe, kandi ko abantu bari bayirimo biciwemo[1497]. Yavuze ko "yari ahari ubwo kiriziya yasenywaga" kandi ko yabyiboneye[1498].

540. Twagirashema yageze hafi ya kiriziya hagati ya saa tatu na saa yine za mu gitondo, hanyuma ahava hagati ya saa munani na saa cyenda z'amanywa[1499]. Yahagaze imbere y'Ishusho ya Bikira Mariya, aho yashoboraga kubona uruvunge rw'abantu bagana ku kiriziya[1500]. Yavuze ko hari abantu benshi cyane i Nyange ku buryo atashoboraga kubabara[1501].

541. Umutangabuhamya yavuze ko aho yari ari yashoboraga kubona neza umuryango wa farumasi ya Kanyarukiga kandi ko imiryango y'iyo farumasi yari ifunze[1502]. Andi

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[1492] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 69.

[1493] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60.

[1494] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 2; Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 8 (iburanisha mu muhezo).

[1495] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 2-3, 12.

[1496] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 3, 12 ("Namumenye kuva naca akenge").

[1497] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 4.

[1498] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 4-5.

[1499] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 5, 6.

[1500] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1501] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1502] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

maduka nayo yari afunze[1503]. Twagirashema nta modoka n'imwe yigeze abona imbere ya farumasi, habe yewe n'iya Kanyarukiga yo mu bwoko bwa Nissan yari ifite ibara ry'umutuku[1504]. Yavuze kandi ko atabonye Kanyarukiga, cyangwa ngo yumve bavuga ko Kanyarukiga yageze kuri farumasi cyangwa Ku Ishusho ya Bikira Mariya[1505].

542. Uyu mutangabuhamya avuga ko nta mirwano yabereye Ku Ishusho ya Bikira Mariya, ariko ko we n'abandi bari kumwe Ku Ishusho bashoboraga kubona abandi bantu berekeza ku kiriziya kandi bashoboraga no kumva ibintu bikubita ubwo kiriziya yarimo gusenywa[1506]. Twagirashema ntiyashoboraga kubona kiriziya ari aho yari ahagaze, kandi ntiyashoboraga kumenya umubare w'abantu bari bahungiye mu kiriziya[1507].

543. Twagirashema yavuze ko nta bwoba yari afite bwo kuba ari Ku Ishusho ya Bikira Mariya igihe cyo gusenya kubera ko yari Umuhutu, kandi Abahutu "ntibahigwaga"[1508]. Nta bategetsi bo muri ako gace yabonye ku itariki ya 16 Mata 1994; yabonye gusa umwarimu witwa Ndungutse n'undi muntu witwa Ephrem wari waravuye mu gisirikare[1509]. Uyu mutangabuhamya avuga ko Ndungutse yari umukuru w'Interahamwe[1510].

[1503] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1504] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1505] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 6. Yavuze ko iyo Kanyarukiga aza kuba ahari, farumasi ye [ya Kanyarukiga] yari kuba ifunguye.

[1506] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 6.

[1507] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 13-14, 15. Abatutsi bari bifungiraniye mu kiriziya, kandi umutangabuhamya ntiyagiye mu kiriziya imbere kugenzura umubare w'abantu bari bahungiyemo. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 13, 15.

[1508] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 17. Umutangabuhamya yavuze ko atigeze yambara ibirere ku itariki ya 16 Mata 1994. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 16 ("Sinari umusazi. Ni byo ko hari abantu bari bambaye ibirere, ariko si abantu bose bari bayambaye. Hari abagore, abana n'abandi bantu benshi batari bambaye ibirere. Sinigeze nyambara").

[1509] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 19-20.

[1510] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 20.

Umutangabuhamya ushinjura witwa Roger Kemena Mutume

544. Umutangabuhamya witwa Mutume yavuze ko kiriziya y'i Nyange yashenywe ari ku wa gatandatu, ku itariki ya 16 Mata 1994, kandi "ko ibyo yabyiboneye n'amaso ye"[1511]. Mutume yavuye iwabo mu masaa tatu za mu gitondo hanyuma agera i Nyange mbere ya saa sita[1512]. Uyu mutangabuhamya yahagaze kuri santere ya Nyange ari naho yari ari abona ibirimo kuba[1513]. "Hari abantu barimo kurwana n'Abatutsi bari bahungiye mu kiriziya imbere. Bageragezaga gusenya kiriziya kubera ko impunzi zari zayifungiraniyemo"[1514].

545. Mutume na bagenzi be bafashe icyemezo cyo gusubira iwabo mu masaa munani n'igice z'amanywa[1515]. Yavuze ko yavuye ku kiriziya "igihe nyirizina" kiriziya yarimo gusenywa kubera ko ibintu byari biteye ubwoba[1516].

546. Umutangabuhamya yavuze kandi ko inzugi za farumasi ya Kanyarukiga zari zikinze ku itariki ya 16 Mata 1994 kubera ko "hari hashize igihe habera imirwano hanze aho kandi uwo munsi ikaba yari igikomeza"[1517]. Umutangabuhamya ntiyabonye Kanyarukiga kandi nta hantu na hamwe yabonye imodoka ya Kanyarukiga ku itariki ya 16 Mata 1994[1518].

[1511] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 28.

[1512] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 28, 31.

[1513] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 29.

[1514] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 29.

[1515] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 31, 45.

[1516] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 31, 41. Umutangabuhamya yavuze ko abari bambaye ibintu bisa byo kwiyoberanya bari abantu b'ingegera batakomokaga hafi aho, ko ahubwo bakomokaga mu "makomini ya kure". Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 43.

[1517] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 30.

[1518] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 30-31, 41. Umutangabuhamya yavuze ko nta muntu n'umwe wigeze amubwira ko yabonye Kanyarukiga. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 31. Yavuze byo gushakisha gusa ko Kanyarukiga yari iwe ku itariki ya 16 Mata 1994 ariko ntiyashoboye kuvuga urugo rwa Kanyarukiga yagezemo urwo ari rwo. Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 31, 41, 47.

547. Abantu uyu mutangabuhamya yashoboye kuvuga ko bari abategetsi ni umwarimu wo muri ako gace na IPJ[1519].

Umutangabuhamya ushinjura wiswe KG15

548. Umutangabuhamya wiswe KG15 yavuze ko ku itariki ya 16 Mata 1994, yari hamwe na Padiri Seromba mu cyumba bariramo mu gipadiri kugeza igihe kiriziya yahirimaga[1520]. Umutangabuhamya yavuze ko kiriziya yashenywe mu masaa sita z'amanywa[1521].

549. KG15 yavuze ko ku itariki ya 15 Mata 1994, Padiri Seromba n'abandi bantu basabye Burugumesitiri gutegura ibirebana no gushyingura abo bantu bari biciwe kuri paruwasi[1522]. Bukeye mu gitondo, Burugumesitiri yohereje tingatinga yo gucukura imva[1523]. Umutangabuhamya yumvise urusaku rwa tingatinga hanyuma yumva ikindi kintu kivuga nk'igisasu[1524]. Bagiye hanze y'igipadiri, ariko nta cyo bashoboraga gukora kubera ko aho hari abantu bagera nko ku 10.000[1525]. Abashenye kiriziya bahereye ahagana inyuma kandi icyo gihe byakorwaga Padiri Seromba yari mu cyumba cyo kuriramo[1526]. Umutangabuhamya yari akiri mu cyumba cyo kuriramo ubwo umunara wa kiriziya wasenywaga[1527]. Uyu mutangabuhamya avuga ko Padiri Seromba yagumye mu cyumba cyo kuriramo igihe cyose kiriziya yasenywaga[1528].

550. Kiriziya imaze gusenywa, KG15 na Padiri Seromba hamwe n'abandi bantu bavuye mu cyumba cyo kuriramo[1529]. Uyu mutangabuhamya yavuze ko hari akaduruvayo kuri paruwasi[1530]. Anavuga kandi ko abagabye igitero bari "bameze nk'abasinzi" cyangwa "bameze nk'abasazi" kandi ko yari afite ubwoba bwo kubegera[1531].

1519 Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 47.

1520 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp.. 36-38 (iburanisha mu muhezo).

1521 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 20 (iburanisha mu muhezo).

1522 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

1523 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

1524 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

1525 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37, 38 (iburanisha mu muhezo).

1526 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

1527 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

1528 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37-38 (iburanisha mu muhezo).

1529 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 38 (iburanisha mu muhezo).

1530 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37-38 (iburanisha mu muhezo).

551. KG15 yavuze ko hari abantu babiri gusa bageze mu gipadiri ku itariki ya 16 Mata 1994, ari bo Burugumesitiri na IPJ[1532]. Uyu mutangabuhamya yabanje kuvuga ko baje ari nimugoroba[1533], hanyuma avuga ko baje ari "ku manywa," ahagana hagati ya saa tanu cyangwa saa sita na saa cyenda z'amanywa[1534]. Yumvise Padiri Seromba n'abandi bantu baganira "ku bintu uko byifashe" na Burugumesitiri na IPJ bari mu mbuga yo mu gipadiri, icyo kiganiro kikaba cyaramaze nk'iminota 30[1535]. Mu gihe bari aho kuri paruwasi, Burugumesitiri na IPJ bagumye mu mbuga yo mu gipadiri[1536]. KG15 nta n'umwe muri bo yabonye yinjira mu cyumba icyo ari cyo cyose cyo mu gipadiri, habe yewe no mu cyumba cya musenyeri, nta n'ubwo yigeze yumva bavuga ko ibyo byabayeho[1537]. Umutangabuhamya nta nama yateguwe yigeze abona cyangwa ngo abone hari umuntu unywa inzoga cyangwa se agaragaza ibyishimo mu cyumba cya musenyeri kubera isenywa rya kiriziya[1538].

Umutangabuhamya ushinjura witwa Fulgence Seminega

552. Umutangabuhamya witwa Fulgence Seminega yari afite imyaka 17 cyangwa 18 y'amavuko muri Mata 1994, kandi yabaga muri Serire ya Kinga, Segiteri ya Ndaro, Komini ya Kivumu, Perefegitura ya Kibuye[1539]. Yavuze ko yari azi Gaspard Kanyarukiga kuva amaze nk'imyaka 10 y'amavuko[1540].

[1531] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37, 38 (iburanisha mu muhezo).

[1532] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 18, 19 (iburanisha mu muhezo).

[1533] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 18 (iburanisha mu muhezo).

[1534] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 19 (iburanisha mu muhezo).

[1535] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 18-19 (iburanisha mu muhezo). Umutangabuhamya aragira ati: "ibintu byagendaga birushaho kumera nabi", kandi abo bagabo bavugaga ku birebana "n'abantu, na kiriziya yari yashenywe". Yakomeje avuga ko, "hari abantu bagombaga guhambwa, hari amamashini. Twari dutegerereje inyuma ya kiriziya. Bityo twavugaga uko ibintu byifashe mu gipadiri, kimwe no mu nkengero za kiriziya". Reba na none Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 26 (iburanisha mu muhezo).

[1536] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 19 (iburanisha mu muhezo).

[1537] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 19 (iburanisha mu muhezo).

[1538] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 19-20 (iburanisha mu muhezo).

[1539] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 49.

[1540] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 49-50.

553. Seminega yavuze ko yari ku gasozi ahinga ubwo kiriziya y'i Nyange yasenywaga ku itariki ya 16 Mata 1994[1541]. Iyo yabaga ari iwabo mu rugo, umutangabuhamya yashoboraga kumva inzogera yo ku kiriziya ivuga[1542]. Yumvise urusaku, maze aza kumva abantu bavuga ko kiriziya yashenywe[1543]. Seminega hamwe n'abandi bantu bari kumwe bamanutse bihuta, bajya ku kiriziya kureba niba koko yashenywe[1544]. Umutangabuhamya yageze kuri kiriziya hagati ya saa cyenda na saa kumi z'amanywa[1545].

554. Seminega yavuze ko ubwo yageraga Ku Ishusho ya Bikira Mariya, farumasi ya Kanyarukiga yari ikinze kandi nta modoka zari imbere ya farumasi[1546]. Seminega yari azi ko Kanyarukiga atunze imodoka ntoya itukura ariko nta modoka itukura yigeze abona hafi y'Ishusho ya Bikira Mariya ku itariki ya 16 Mata 1994[1547].

555. Ubwo umutangabuhamya yageraga kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994, yabonye urujya n'uruza rw'abantu ku kiriziya[1548]. Kiriziya yari yarangije gusenywa[1549].

556. Seminega ntiyigeze abona Kanyarukiga ku itariki ya 16 Mata 1994, nta n'umuntu n'umwe wigeze amubwira ko Kanyarukiga yari ari i Nyange, hafi ya kiriziya cyangwa se ahandi aho ari ho hose muri Komini ya Kivumu uwo munsi[1550].

[1541] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 50-51.
[1542] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 51.
[1543] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 51.
[1544] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 51.
[1545] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 51, 52, 61.
[1546] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52. Umutangabuhamya aragira ati: "nta modoka yashoboraga kuza kuri santere ya Nyange ngo ibone aho ihagarara kubera abantu b'uruvunganzoka bari bahari".
[1547] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52.
[1548] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 51, 61.
[1549] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 53, 61. Inkuta za kiriziya zari zashenywe, kandi ibyo Umutangabuhamya witwa Seminega yabonye ni gusa amatafari n'ibindi byasenyutse ku nzu byari byandagaye hasi.
[1550] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52. Umutangabuhamya witwa Seminega yavuze ko atigeze abona Kanyarukiga cyangwa yumva hari uvuga ko Kanyarukiga yari muri Komini ya Kivumu muri Mata 1994.

Umutangabuhamya ushinjura witwa François Sibomana

557. Umutangabuhamya witwa Sibomana yavuze ko kiriziya y'i Nyange yashenywe ari ku wa gatandatu ku itariki ya 16 Mata 1994[1551]. N'ubwo atari ahari igihe iyo kiriziya yasenywaga, Sibomana yavuze ko buri wese i Nyange cyangwa muri Komini ya Kivumu yamenye ibyo byabaye[1552].

558. Sibomana yavuze ko byari bizwi neza ko Télesphore Ndungutse yagiye mu bikorwa by'ubwicanyi byabereye kuri paruwasi ya Nyange kubera ko uwo Ndungutse ari we wari ukuriye Interahamwe muri Komini ya Kivumu[1553]. Yavuze kandi ko, nyuma ari aho yahungiye, yumvise abantu bavuga ko mu gihe kiriziya yasenywaga Padiri Seromba yari ahari, "ariko ko abo bantu ntacyo bigeze basobanura neza cyerekana ko Seromba hari umuntu yishe cyangwa se ko yaba yaritabiriye ibyo bikorwa ku buryo butaziguye"[1554]. Sibomana yavuze ko nta cyo yigeze yumva bavuga ku birebana n'uko Burugumesitiri yaba yarishoye muri ibyo bikorwa[1555]. Hanyuma kandi, Sibomana yavuze ko atigeze abona Kanyarukiga muri Komini ya Kivumu ku itariki ya 16 Mata 1994; ntiyabonye Kanyarukiga iwe mu rugo cyangwa hafi y'iwe[1556].

Abatangabuhamya bashinjura ari bo Damien Nayituriki, n'abiswe KG19 na KG59

559. Abatangabuhamya bashinjura ari bo Damien Nayituriki n'abiswe KG19 na KG59 bose bavuze ko kiriziya y'i Nyange yashenywe ku itariki ya 16 Mata 1994[1557]. Nta n'umwe

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[1551] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 28.

[1552] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 28, 38

[1553] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 44. Umutangabuhamya yagize ati: "Nta muntu ushobora kuvuga ko atigeze yumva bavuga ko [Ndungutse]" yagiye mu bwicanyi bwakorewe ku kiriziya y'i Nyange.

[1554] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 44, 45, 46.

[1555] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 44.

[1556] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 38. ("Sinshobora kubabwira amazina y'abantu bari ku kiriziya mu gihe yarimo gusenywa, icyo navuga gusa ni uko umunsi kiriziya yashenyweho, Kanyarukiga atari mu gace k'iwacu").

[1557] Umutangabuhamya wiswe KG19, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 63 (iburanisha mu muhezo); Umutangabuhamya wiswe Nayaturiki, Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 7; Umutangabuhamya wiswe KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

muri abo batangabuhamya wari i Nyange ku itariki ya 16 Mata 1994[1558]. Ahubwo, abandi bantu ni bo bababwiye ko kiriziya yashenywe[1559].

5.3. Isesengura ry'Urugereko

560. Urugereko ruributsa ko, kubera impamvu zasobanuwe mu bika kuva ku cya 121 kugeza ku cya 137, rwasanze imyiregurire y'Uregwa ya sinari mpari ku birebana n'itariki ya 16 Mata 1994, itafatwa nk'ukuri umuntu ashingiye gusa ku kureba niba ibiyivugwamo bishoboka cyangwa bidashoboka.

561. Ntawe uhakana ko kiriziya y'i Nyange yashenywe ku itariki ya 16 Mata 1994 cyangwa ko Abatutsi b'abasiviri bari bahahungiye bishwe. Impande zombi zatanze ibimenyetso bigaragaza ko abagabye igitero bakoresheje za tingatinga mu gikorwa cyo gusenya kiriziya y'i Nyange ku itariki ya 16 Mata 1994, maze ikagwa hejuru y'abari bayirimo ikabahwata[1560].

[1558] Umutangabuhamya wiswe KG19, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, imp. 64, 65 (iburanisha mu muhezo); Umutangabuhamya wiswe Nayaturiki, Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 7; Umutangabuhamya wiswe KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

[1559] Umutangabuhamya wiswe KG19, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 63 (iburanisha mu muhezo); Umutangabuhamya wiswe Nayaturiki, Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 7; Umutangabuhamya wiswe KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo).

[1560] Umutangabuhamya wiswe CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 69; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 21, 38; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27; Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 10-11; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 42-43; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 25; Umutangabuhamya wiswe KG59, Inyandikomvugo y'iburanisha, 25 Mutarama 2010, urup. 11 (iburanisha mu muhezo); Umutangabuhamya wiswe KG19, Inyandikomvugo y'iburanisha, 26 Mutarama 2010, urup. 63 (iburanisha mu muhezo); Umutangabuhamya Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 29; Umutangabuhamya wiswe Seminega, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 53; Umutangabuhamya wiswe Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 28, 38; Umutangabuhamya wiswe Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 6, 13; Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, imp. 6-7; Umutangabuhamya wiswe KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 19, 27, 37 (iburanisha mu muhezo).

562. Ari abatangabuhamya bashinja ari n'abashinjura, bose bavuze ko Abahutu babarirwa mu bihumbi bagabye igitero maze bakagota kiriziya y'i Nyange ku itariki ya 16 Mata 1994[1561]. Abatangabuhamya bashinja biswe CNJ, CBY na CDL bose bavuze ko abenshi mu bagabye igitero ku itariki ya 16 Mata 1994 bari baraye aho kuri paruwasi[1562]. Byongeye kandi, Umutangabuhamya wiswe CBR yavuze ko ubwo yageraga kuri paruwasi hagati ya saa kumi n'ebyiri na saa moya za mu gitondo, yahasanze abagabye igitero benshi kandi ko umubare wabo wakomeje kugenda wiyongera muri icyo gitondo cyose[1563]. Umutangabuhamya ushinjura witwa Twagirashema yavuze ko ku itariki ya 16 Mata 1994 i Nyange hari abantu benshi cyane ku buryo atashoboraga kubabara, kandi ko yabonye agatsiko k'abantu kerekeza ku kiriziya[1564]. Umutangabuhamya wiswe CBK yavuze ko, agereranyije, abagabye igitero kuri paruwasi ku itariki ya 16 Mata 1994 barengaga 5.000, naho Umutangabuhamya wiswe KG15 yavuze ko abagabye igitero bageraga nko ku 10.000[1565].

563. Abatangabuhamya bashinja biswe CBR, CDL na CBY bose bavuze ko hari byibura tingatinga imwe yakuwe muri Astaldi ikazanwa kuri paruwasi ya Nyange mu gitondo

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[1561] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 28; Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 5, 6; Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37, 38 (iburanisha mu muhezo). Umutangabuhamya wiswe CNJ yavuze ko umubare w'abantu bagabye igitero kuri paruwasi ku itariki ya 16 Mata 1994 ungana n'uw'abo yari yabonye ku itariki ya 15 Mata 1994. Urugereko ruributsa ko Umutangabuhamya wiswe CNJ yavuze ko igitero cyagabwe kuri paruwasi ku itariki ya 15 Mata 1994 cyari kigizwe n'Abahutu bagera nko ku 4.000. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 15, 25.

[1562] Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 23; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 16. Ubuhamya bwabo bwashimangiwe n'ubw'Abatangabuhamya biswe CBR na CBT, bombi bavuze ko abagabye igitero bagumye ku kiriziya ku mugoroba wo ku itariki ya 15 Mata 1994. Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 29; Umutangabuhamya wiswe CBT, 14 Nzeri 2009, urup. 49.

[1563] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.

[1564] Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1565] Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 28; Umutangabuhamya wiswe KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37, 38 (iburanisha mu muhezo).

cyo ku itariki ya 16 Mata 1994[1566]. Umutangabuhamya ushinjura wiswe KG15 yemeye ko tingatinga yageze kuri paruwasi mu gitondo cyo ku itariki ya 16 Mata 1994[1567]. CBR, CDL na CNJ bavuze ko Umunyarwanda witwa Anasthase Nkinamubanzi, bahimbaga *Deux mille,* yari umushoferi wa bimwe mu bikoresho byakoreshejwe mu gusenya kiriziya ku itariki ya 16 Mata 1994[1568]. CBR na CDL kandi bamenye ko hari n'Abazayiruwa babiri, umwe witwa Mitima n'undi witwa Maurice[1569]. CBR yavuze kandi undi mugabo w'Umuzayiruwa wa gatatu witwa Albert[1570]. Ubu buhamya ntacyo Ubwunganizi bubunengaho. Urugereko runyuzwe rero n'ibimenyetso byatanzwe byerekana ko hari byibura tingatinga imwe yazanywe kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994, ko kandi yakoreshejwe n'Umunyarwanda witwa Anasthase Nkinamubanzi n'abandi Bazayiruwa babiri nibura, ari bo Mitima na Maurice.

564. Ntawe uhakana ko umunara wa kiriziya ari cyo gice cya kiriziya cyashenywe nyuma y'ibindi. CDL yavuze ko ubwo yavaga kuri paruwasi saa kumi z'igicamunsi, yasize umunara ari cyo gice cyonyine cya kiriziya kitarasenywa[1571]. KG15 yavuze ko igice cyo mu ruhande rw'inyuma cya kiriziya cyashenywe mbere y'umunara[1572]. Umutangabuhamya witwa Seminega yatanze ubuhamya buziguye bushyigikira ubumaze kuvugwa, aho yavuze ko yumvise inzogera ya kiriziya ivuga hanyuma bigakurikirwa n'urusaku ruranguruye ku itariki ya 16 Mata 1994 nyuma ya saa sita, kandi ko ubwo yageraga ku kiriziya hagati ya saa cyenda na saa kumi z'amanywa

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[1566] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 16-17; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21.

[1567] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

[1568] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 34; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 41-42.

[1569] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 34; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 41.

[1570] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 34.

[1571] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.

[1572] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 37 (iburanisha mu muhezo).

kiriziya yari yamaze gusenywa[1573]. CBK na CNJ bavuga ko Abatutsi bari barokotse igikorwa cyo gusenyerwaho kiriziya cyari cyabaye mbere bikusanyirije mu munara wa kiriziya hanyuma baza gupfa ubwo uwo munara wahirimaga[1574]. Ubu buhamya bushyigikirwa n'ubwo CBY yatanze aho yavuze ko "impunzi zari mu munara wa kiriziya" kandi ko abagabye igitero "bari hasi cyane"[1575]. Rushingiye ku buhamya bukomatanyirijwe hamwe bw'abagabo bashinja n'ubw'abashinjura, Urugereko runyuzwe n'ibimenyetso byerekana ko umunara wa kiriziya ari cyo gice cya kiriziya cyashenywe nyuma y'ibindi.

565. Hanyuma kandi, Urugereko rusanga abatangabuhamya bashinja n'abashinjura bose bemeza ko Abatutsi bari bahungiye kuri paruwasi ya Nyange bari bakiri mu kiriziya ubwo yasenywaga[1576]. Hari abatangabuhamya bashinja bemeje ko abantu bahungiye mu kiriziya imbere barimo abagabo, abagore, abana n'abasheshe akanguhe[1577].

[1573] Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 51, 53, 61. N'ubwo umutangabuhamya witwa Seminega yavuze ko ubwo yageraga ku kiriziya ahagana saa kumi z'igicamunsi, yasanze iyo kiriziya yahirimye hari umurundo w'ibinonko gusa, Urugereko rusanga uko kunyuranya guto ku birebana n'igihe cyavuzwe n'abatangabuhamya banyuranye atari ikintu gikomeye. Koko rero, Urugereko rusanga Umutangabuhamya wiswe CNJ na we yaravuze ko gusenya kiriziya byari byarangiye saa kumi z'igicamunsi. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

[1574] Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 31; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

[1575] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 25.

[1576] Reba, nk'urugero, Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 42-43; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 21-22; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 25; Umutangabuhamya wiswe Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 4; Umutangabuhamya wiswe Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 29; Umutangabuhamya wiswe Nayituriki, Inyandikomvugo y'iburanisha, 8 Gashyantare 2010, urup. 21.

[1577] Umutangabuhamya wiswe CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50; Umutangabuhamya wiswe CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 44, 45; Umutangabuhamya wiswe YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 26; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 65 ("Muri izo mpunzi harimo abagore, abagabo, abasaza n'abakecuru, abana, abanyabwenge n'abantu batize").

Abagerageje gucika bicishijwe intwaro za gakondo[1578]. CNJ yavuze ko agereranyije abishwe ku itariki ya 16 Mata 1994 bageraga ku 2.000, naho CBK yavuze ko abishwe bose bakabakabaga 3.000[1579]. Ibivugwa n'aba batangabuhamya bombi bihuje n'ubuhamya bwa CBN, wavuze ko mu ijoro ryo ku itariki ya 14 Mata 1994, kuri paruwasi hari Abatutsi 2.000, ndetse n'ubuhamya bwa CBY, wavuze ko abantu bahungiye kuri paruwasi babarirwaga hagati ya 2.500 na 3.000[1580]. Bityo, n'ubwo rwagize amakenga ku buhamya bwa CNJ na CBK, Urugereko runyuzwe n'ibyo bavuze, kandi byashimangiwe mu buryo buziguye n'ubuhamya bwa CBN na CBY, bugaragaza ko ku itariki ya 15 n'iya 16 Mata 1994 kuri paruwasi ya Nyange hiciwe Abatutsi b'abasiviri nibura 2.000. Abenshi muri bo bapfuye ubwo kiriziya yasenywaga ku itariki ya 16 Mata 1994[1581].

566. Ikibazo rero Urugereko rwa Mbere rw'Iremezo rugomba gukemura ni ukureba niba Kanyarukiga yaragize uruhare muri ibyo byabaye. Porokireri avuga ko,

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[1578] Reba, nk'urugero, Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 21; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 8, 9, 12.

[1579] Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 28; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28.

[1580] Umutangabuhamya wiswe CBN, Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 60; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 30.

[1581] Umutangabuhamya wiswe CNJ yavuze ko ubwo kiriziya yari imaze gusenywa, "hari indi tingatinga yacukuye imva hepfo ya kiriziya." Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 28. Ubuhamya bwa CNJ bushimangirwa n'ubw'Umutangabuhamya ushinja wiswe CBN hamwe n'ubw'ushinjura wiswe KG15. CBN yavuze ko ubwo yasubiraga i Nyange muri Nzeri 1994, "yabonye aho abantu biciwe mu kiriziya bari barahambwe". Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 69. KG15 yavuze ko abapadiri bo kuri paruwasi ya Nyange basabye Burugumesitiri na IPJ kubafasha guhambisha imirambo y'abantu yari yasigaye mu mbuga ya kiriziya. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 17-18, 26, 37 (iburanisha mu muhezo). Reba kandi ikimenyetso gihamya cya Porokireri cyahawe No. P6 (Ifoto K023-5808 yerekana aho imbuga ya kiriziya iri, hirya ku ruhande rw'ibumoso, ahari ibyobo rusange byahambwemo abantu imbere y'urwibutso); Ikimenyetso gihamya cya Porokireri cyahawe No. P11 (Ifoto K023-5815 y'imbuga ya kiriziya, ahagaragara ibyobo rusange); Ikimenyetso gihamya cya Porokireri cyahawe No. P12 (Ifoto K023-5816 y'ibisigazwa by'aho kiriziya yari yubatse, ahagaragara igice cy'ibyobo rusange hamwe n'imva ziri ku murongo).

> Uregwa yagize uruhare rukomeye kandi kamara mu ifatwa ry'icyemezo cyo gusenya kiriziya y'i Nyange. Ibimenyetso bigaragaza ko yari mu bayobozi bateguye gahunda yo gushaka ibikoresho byo gusenya, kandi bahagarikiye icyo gikorwa[1582].

Ibyo Porokireri avuga abishingira ku buhamya bwa CNJ, CBK, CBY, CBR na CDL[1583].

567. Ubwunganizi buvuga ko abatangabuhamya bashinja "ari agatsiko k'abantu bakorera inyungu zabo bwite, b'abagizi ba nabi, bafatanya, kandi bafite impamvu zabo bwite zibatera kuvuga ko Uregwa yari aho icyaha cyakorewe"[1584]. Ubwunganizi bushingira ku myiregurire ya sinari mpari ya Kanyarukiga, nk'uko yasesenguwe mu Mutwe wa III, Igice cya mbere, kimwe no ku buhamya bwatanzwe n'abagabo bashinjura ari bo Jean-Bosco Twagirashema, Fulgence Seminega, Roger Kemena Mutume n'uwiswe KG15, bavuze ko batigeze babona Kanyarukiga i Nyange cyangwa ngo bumve hari uvuga ko yari ahari cyangwa ko yagize uruhare mu byabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994[1585].

Inama yabereye kuri CODEKOKI ku itariki ya 16 Mata 1994 mu gitondo

568. Igika cya 16 cy'Inyandiko y'ibirego yahinduwe kivuga ko Kanyarukiga yari mu nama yabereye ku nzu ya CODEKOKI ku itariki ya 16 Mata 1994 mu gitondo. Nyamara ariko, Porokireri nta kimenyetso na kimwe yatanze cyerekana ko hari inama yabereye kuri CODEKOKI uwo munsi. Ahubwo, ubwo mu iburanisha risoza yasabwaga kwerekana ubuhamya bwatanzwe bushyigikira ibyo avuga, Porokireri yerekanye ubuhamya bwa CDL buvuga ko iyo mitingi ivugwa yabereye imbere ya farumasi ya Kanyarukiga ku itariki ya 16 Mata 1994[1586].

569. Ubwunganizi buvuga ko ubwo buhamya bwa CDL wemeza ko Kanyarukiga yari mu nama yabereye imbere ya farumasi ye ku itariki ya 16 Mata 1994 bugomba kuvanwa

[1582] Imyanzuro nsozarubanza ya Porokireri, igika 185. Porokireri aragira ati: "ibimenyetso bigararagaza kandi ko [Kanyarukiga] yagumye i Nyange igihe cyose kiriziya yamaze isenywa".

[1583] Imyanzuro nsozarubanza ya Porokireri, ibika 161-166, 186-189.

[1584] Imyanzuro nsozarubanza y'Ubwunganizi, igika 260.

[1585] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 261-282. Urugereko rusanga Umutangabuhamya witwa François Sibomana na we yaratanze ubuhamya busa n'ubwo. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 31.

[1586] Inyandikomvugo y'iburanisha, 24 Gicurasi 2010, imp. 97-98.

mu mubare w'ibimenyetso kuko butigeze bubumenyeshwa mbere[1587]. Urugereko ruributsa ko Porokireri nta sano yigeze yerekana iri hagati y'ubuhamya bwa CDL n'igika cya 16 cy'Inyandiko y'ibirego kugeza anatanga imyanzuro nsozarubanza ye. Ahubwo, asubiza ibyo Ubwunganizi bwavuze rugikubita bwamagana icyo kimenyetso, Porokireri yavuze ko ubwo buhamya bugendana n'ibivugwa mu gika cya 5(B) cy'Inyandiko y'ibirego kandi ko Ubwunganizi bwamenyeshejwe ibyo bivugwa hakoreshejwe ibikubiye mu gika cya 36 cy'Imyanzuro mbanzirizarubanza ya Porokireri[1588]. Urugereko ruributsa kandi ko, asubiza icyifuzo cy'Ubwunganizi cyasabaga ko Uregwa yagirwa umwere, Porokireri yavuze ko uretse itariki, nta tandukanyirizo rindi rifatika riri hagati y'ibivugwa mu Nyandiko y'ibirego n'ibimenyetso byatanzwe mu iburanisha ku birebana n'inama yabereye kuri CODEKOKI ku itariki ya 15 Mata 1994[1589].

570. Urugereko rusanga kandi CDL yaravuze bwa mbere ko hari inama yabereye imbere ya farumasi ya Kanyarukiga ubwo yabazwaga n'abakora iperereza ba TPIR mu wa 2001, ni ukuvuga imyaka irenga itandatu mbere y'uko Inyandiko y'ibirego yahinduwe itangazwa[1590]. Nyamara n'ubwo yari afite ayo makuru, Porokireri ntiyigeze ashyira mu Nyandiko y'ibirego yahinduwe ibirebana n'inama yabereye kuri farumasi. Ahubwo, Porokireri yongeyemo inama yabereye kuri CODEKOKI, nk'uko bikubiye mu gika cya

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1587 Imyanzuro nsozarubanza y'Ubwunganizi, igika 254; Icyifuzo gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego, cyatanzwe ku itariki ya 18 Ukuboza 2009, igika 67. Ubwunganizi kandi mu iburanisha bwasabye ko icyo kimenyetso kitakwakirwa; icyifuzo cyabwo Urugereko rwa Mbere rw'Iremezo rwarakizirikanye. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38. Mu cyemezo cyarwo cyo ku itariki ya 15 Mutarama 2010 ku birebana n'icyifuzo cy'Ubwunganizi cyasabaga ko ibimenyetso bimwe na bimwe byakurwa mu Nyandiko y'ibirego, Urugereko rwa Mbere rw'Iremezo rwavuze ko igihe ruzaca urubanza ari bwo ruzakemura ikibazo cyo kumenya niba hari ibimenyetso birebana n'inama zimwe na zimwe bivugwa ko Uregwa yagiyemo bigomba kuvanwa mu Nyandiko y'ibirego. Icyemezo ku cyifuzo gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 17.

1588 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 37-38.

1589 Igisubizo cya Porokireri ku cyifuzo gisaba ko Uregwa yahanagurwaho icyaha hashingiwe ku Ngingo ya 98 *bis* y'Amategeko, cyatanzwe ku itariki ya 28 Nzeri 2009, ibika 16, 18.

1590 Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D29(A) (Ubuhamya bwanditse bw'Umutangabuhamya wiswe CDL bwo ku itariki ya 10 Ukwakira 2001), urup. 3.

16. Ubu akaba rero ashaka "gukosora" iyo nenge yo mu Nyandiko y'ibirego yifashishije Imyanzuro mbanzirizarubanza ye.

571. Urugereko ntirubyemera. Inama yabereye imbere ya farumasi ntiyigeze ivugwa mu Myanzuro mbanzirizarubanza ya Porokireri cyangwa se mu mpinamyanzuro ye; iyo nama igaragara gusa mu ncamake y'ibyo umutangabuhamya wiswe CDL yari kuzatangaho ubuhamya[1591]. Byongeye kandi, incamake y'ubuhamya bwa CDL nta bisobanuro birambuye itanga ku buryo buhamye ku kirego kivugwa muri rusange mu Nyandiko y'ibirego[1592]. Ahubwo, Porokireri ahindura ku buryo bugaragara ibivugwa mu Nyandiko y'ibirego kubera ko ahindura aho inama yabereye n'imiterere y'uruhare Kanyarukiga yayigizemo[1593]. Bityo rero, Urugereko ntirwitaye ku buhamya bwa CDL buvuga ko Kanyarukiga yagiye mu nama yabereye imbere ya farumasi ku itariki ya 16 Mata 1994[1594].

Inama yabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 mu gitondo

572. Igika cya 17 cy'Inyandiko y'ibirego yahinduwe kivuga ko, nyuma y'inama yabereye kuri CODEKOKI, Kanyarukiga n'abandi bantu babonanye na Padiri Seromba kuri paruwasi ya Nyange maze bakamumenyesha icyemezo bafashe cyo gusenya kiriziya kugira ngo bahitane Abatutsi bari bahungiyemo. Porokireri yatanze ibimenyetso byo kwerekana ko hari abantu bateraniye kuri paruwasi ku itariki ya 16 Mata 1994 mu gitondo, ko kandi habaye inama mu gipadiri cyangwa hafi aho mu masaa tatu cyangwa mu masaa yine za mu gitondo.

[1591] Imyanzuro mbanzirizarubanza ya Porokireri, imp. 28-29.

[1592] Reba *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, ibika 28, 98.

[1593] Reba *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 28. Umutangabuhamya wiswe CDL ntiyavuze gusa ko icyemezo cyo gusenya kiriziya cyafatiwe kuri farumasi y'Uregwa, ahubwo anashinja Kanyarukiga kuba yaragize uruhare rukomeye mu ifatwa ryacyo. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38-39; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D29(A) (Ubuhamya bwanditse bw'umutangabuhamya wiswe CDL bwo ku itariki ya 10 Ukwakira 2001), urup. 3.

[1594] Urugereko ruributsa ko rwasuzumye ubuhamya bwatanzwe n'umutangabuhamya wiswe CDL rukenga cyane kandi ko muri rusange rwemeye ubuhamya bwe mu gihe gusa habaga hariho ubundi bwo kwizerwa bubushyigikira. Bitewe n'uko ubuhamya bwa CDL ku birebana n'iyo nama nta bundi bwabushyigikiye, Urugereko rusanga, n'ubwo hakwitabwa kuri ubwo buhamya ubwabwo, butaba buhagije kugaragaza nta

573. Urugereko ruributsa ko icyo gika cya 17 kivuga gusa ko Uregwa yagiye mu nama imwe kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 mu gitondo. Rumaze gusuzuma ibimenyetso birebana n'izo nama zombi, Urugereko rusanga inama ya nyuma ari yo isobanurwa mu gika cya 17 cy'Inyandiko y'ibirego. Nyamara ariko, kubera ko izo nama zombi bigaragara ko ziri mu rwego rw'imyitwarire imwe[1595], Urugereko rwasuzumye n'ibimenyetso byerekeranye n'inama ya mbere aho rusanga bishyigikira ibivugwa muri rusange ko Uregwa, ari kumwe n'abandi bantu, bari aho icyaha cyakorewe ku itariki ya 16 Mata 1994. Bitewe n'uko Inyandiko y'ibirego ivuga neza ko Gaspard Kanyarukiga n'abandi bari kuri paruwasi uwo munsi, Urugereko rusanga Uregwa yaramenyeshejwe icyo kimenyetso ku buryo bukwiye.

574. Abatangabuhamya bashinja biswe CBR na CDL bombi bavuze ko bageze kuri paruwasi ya Nyange mbere ya saa mbiri za mu gitondo ku itariki ya 16 Mata 1994[1596]. Aba batangabuhamya bavuga ko ubwo bahageraga "abategetsi" bari bahari kandi barimo kuganira[1597]. CBR yavuze ko ubwo yageraga kuri paruwasi mu masaa kumi n'ebyiri cyangwa mu masaa moya za mu gitondo, yahabonye Ndahimana, Kayishema, Kanyarukiga, Ndungutse, Habiyambere, Murangwabugabo, Habarugira na Padiri Seromba barimo kuganirira imbere y'ibiro bya Seromba[1598]. Ntiyumvise ibyo bavugaga kandi ntiyabonye binjira mu gipadiri[1599]. CDL, wavuze ko yageze kuri paruwasi ari kumwe na Ndahimana hagati ya saa moya na saa mbiri za mu gitondo, yemeye ko hari abandi bantu, barimo Seromba, abapolisi, abajandarume n'abantu bahoze ari

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gushidikanya ko Kanyarukiga yagiye mu nama imbere ya farumasi ye ku itariki ya 16 Mata 1994 mu gitondo cyangwa ko icyemezo cyo gusenya kiriziya cyafatiwe muri iyo nama.

[1595] Hashingiwe ku buhamya bw'abiswe CBR na CDL, izo "nama" zabereye ahantu hajya kwegerana kandi hagati y'inama imwe n'indi haciyemo igihe kiri hafi isaha imwe.

[1596] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 29; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.

[1597] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 29-30; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 35, 38.

[1598] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 29-30.

[1599] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 31; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.

abasirikari[1600]. CDL yavuze ko yavuganye na Ndahimana, Seromba n'abandi bantu bari kumwe na bo[1601].

575. CBR na CDL bombi bavuze ko nyuma y'ibyo biganiro, Burugumesitiri Ndahimana yatangije ibitero by'uwo munsi arasa n'imbunda yerekeza ku kiriziya[1602]. CBR avuga ko ibyo byabaye mu masaa mbiri za mu gitondo, ko kandi Kanyarukiga, Kayishema, Ndungutse, Habiyambere, Murangwabugabo na Habarugira bari bahagaze hafi ya Ndahimana ubwo amasasu yaraswaga[1603]. CDL yavuze ko icyo gihe yari kuri paruwasi, kandi ko nyuma y'uko Ndahimana arasa amasasu ya mbere, abapolisi n'abandi bantu bari bafite imbunda na bo barashe[1604]. CDL avuga ko icyo gihe atabonye Kanyarukiga[1605].

576. Urugereko ruributsa ko CBR na CDL bombi bari mu bitero byagabwe kuri paruwasi ya Nyange kandi ko bari bafunganywe muri Gereza ya Kibuye, aho bitabiriye inama za Gacaca zimwe[1606]. Bityo rero, Urugereko rwasesenguye ubuhamya bwabo n'ubushishozi bwa ngombwa. Nyamara ariko, kuba abo batangabuhamya na bo baryozwa ibi bitero ntibivuga byanze bikunze ko ubuhamya bwabo atari ubwo kwizerwa. Koko rero, Urugereko rusanga kuba abo batangabuhamya bari mu bitero ari

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1600 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.

1601 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35.

1602 Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 18.

1603 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 9, 11.

1604 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 35-36, 38 (umurongo wa 32), 39 (umurongo wa 20); Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 18.

1605 Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 18.

1606 Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 10-11; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D18 (Urutonde ruriho amazina y'abantu barindiwe umutekano rweretswe umutangabuhamya wiswe CNJ); Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 49-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D25 (Urutonde ruriho amazina y'abantu barindiwe umutekano rweretswe umutangabuhamya wiswe CBR); Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 72-75; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No D28 (Urutonde ruriho amazina y'abantu barindiwe umutekano rweretswe umutangabuhamya wiswe CDL). Reba kandi amafishi ariho imyirondoro y'Abatangabuhamya biswe CNJ, CDL na CBR.

ikintu cyatumaga babona neza ibirimo kubera hanze ya kiriziya y'i Nyange ku itariki ya 16 Mata 1994. Urugereko rusanga ubuhamya bwa CBR, by'umwihariko, bukubiyemo amakuru arambuye kandi adahuzagurika. Byongeye kandi, n'ubwo Urugereko muri rusange rwasesenguye ubuhamya bwatanzwe na CDL rukenga cyane bitewe n'uko uyu mutangabuhamya ashobora kuba yari afite inyungu yo kugereka icyaha ku Uregwa, Urugereko rusanga, ku birebana n'iki kibazo, umutangabuhamya na we ubwe yarishinje icyaha aho avuga ko yari kumwe na Ndahimana ubwo uyu Ndahimana yarasaga amasasu ku kiriziya. Bityo rero, rushingiye ku buhamya bwabo bukomatanyije, Urugereko runyuzwe n'ibimenyetso bihamya ko "abategetsi," barimo Padiri Seromba na Burugumesitiri Ndahimana, bari kuri paruwasi ya Nyange imbere y'ibiro bya Seromba ku itariki ya 16 Mata 1994 mbere ya saa mbiri za mu gitondo, baganira. Urugereko runyuzwe kandi n'ibimenyetso byerekana ko Burugumesitiri Ndahimana yarashe amasasu yerekeza ku kiriziya y'i Nyange mu masaa mbiri za mu gitondo, atangiza ubwicanyi.

577. CBR ni we mutangabuhamya rukumbi wavuze ko Kanyarukiga yari ari kuri paruwasi muri icyo gihe ibivugwa byabaga. N'ubwo Urugereko muri rusange rwanyuzwe n'uko CBR yatanze amakuru arambuye kandi adahuzagurika y'ibyabaye kandi yiboneye ku itariki ya 16 Mata 1994, rusanga hashingiwe ku kunyuranya kuri hagati y'ubwo buhamya n'ubwatanzwe na CDL, rudashobora gushingira ku buhamya bwa CBR, budafite ubundi bubushyigikira, ngo rwemeze ko Kanyarukiga yari ari kuri paruwasi ya Nyange mbere ya saa tatu cyangwa saa yine za mu gitondo. Ahubwo, bitewe n'uko CDL ahamya ko yari ari kumwe na Ndahimana ku itariki ya 16 Mata 1994 mu gitondo, Urugereko rusanga iyo Kanyarukiga na we aza kuba ari hafi ya Burugumesitiri, CDL yagombye kuba yaramubonye.

578. Mu guha agaciro ubuhamya bwa CDL kuri iki kibazo, Urugereko rwazirikanye ibivugwa n'abandi batangabuhamya ko uyu CDL yagize uruhare rukomeye mu bitero byagabwe ku itariki ya 15 n'iya 16 Mata 1994 n'ubwo we avuga ko yari ahari ari indorerezi gusa[1607]. Bitewe n'uko CDL agifungiwe mu Rwanda kubera ibyaha birebana

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[1607] Reba, nk'urugero, Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 70; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 9; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 23; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 25; Umutangabuhamya wiswe CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 4.

n'ibyabaye mu wa 1994[1608], ashobora kugira impamvu ze bwite zo kugerekaho Uregwa icyaha agira ngo atubye uruhare rwe bwite muri ibyo bitero[1609]. Nyamara ariko, ku birebana n'ibyo byabaye by'umwihariko, CDL yitwaye ukundi kubera ko yiyemereye ko we ubwe yari kuri paruwasi hamwe na Burugumesitiri Ndahimana ariko akemeza ko atahabonye Uregwa mu ikubitiro.

579. Kubera izo mpamvu, Urugereko rusanze nta bimenyetso bidashidikanywaho byatanzwe byerekana ko Kanyarukiga yari ari kuri paruwasi ya Nyange mu nama yabaye mbere ya saa mbiri za mu gitondo cyangwa ubwo Ndahimana yarasaga amasasu ku kiriziya.

580. CBR, CDL, CBK na CBY bavuze kandi ko Kanyarukiga yari mu nama yabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994, hanyuma mu gitondo[1610]. CBR yavuze ko Ndahimana, Kanyarukiga, Kayishema, Ndungutse, Habiyambere, Murangwabugabo na Habarugira basubiye ku biro bya Padiri Seromba hagati ya saa tatu na saa yine za mu gitondo[1611]. CDL na we yavuze ko inama yabereye hafi y'ibiro

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Urugereko rwa Mbere rw'Iremezo hari ibindi bintu bisa n'ibyo rwakuyemo bitewe n'impamvu zo kubungabunga umutekano w'umutangabuhamya. Urugereko ruributsa ko umutangabuhamya wiswe CDL yavuze ko yari indorerezi igihe ibivugwa byabaga ku itariki ya 16 Mata 1994 kandi ko yaburanye yemera icyaha kubera gusa ko nta cyo yakoze ngo atabare abahohotewe n'ibyo bitero. Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 23. Bitewe n'uko uko kwemera icyaha bivugwa atari ikintu cyakozwe ku buryo burambuye, Urugereko rusanga umutangabuhamya ashobora kuba afite icyamuteye gupfobya uruhare rwe mu bitero agamije kwirinda gushinjwa ibindi birego by'inyongera.

[1608] Itegeko ryo kwimura abatangabuhamya bafunzwe biswe CDL na CDK, 20 Kanama 2009; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 55, 60 (iburanisha mu muhezo).

[1609] Muri urwo rwego, Urugereko ntirwemera ko ubuhamya bwa CDL buvuga ko yavuye kuri paruwasi ya Nyange ubwo kiriziya yarimo gusenywa hari icyo agiye kureba ku ishuri no kureba ababyeyi b'umwana w'umuhungu ngo wari wasigaye kuri paruwasi. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43. Urugereko rufite impungenge z'uko iyo nkuru ishobora kuba yaracuzwe hagamijwe kwerekana ko umutangabuhamya atari kuri paruwasi mu gihe kuyisenya byari birimbanyije.

[1610] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38-39, 51-52; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 25-26; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[1611] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2010, urup. 9.

by'ubunyamabanga[1612]. Yavuze ko Ndahimana, Kayishema, Habiyambere, Kanyarukiga, Ndungutse, Gilbert Kanani n'abandi bamenyesheje Padiri Seromba icyemezo cyafashwe cyo gusenya kiriziya[1613] kandi ko Seromba yacyemeye ngo kuko ari bwo buryo bwonyine bwari busigaye bwo kugira ngo Abatutsi bashobore kwicwa[1614]. CBK yemeye ko Kanyarukiga, Kayishema n'abandi bahuye na Padiri Seromba ku itariki ya 16 Mata 1994 mu gitondo ariko yavuze ko baganiriye mu gikari cyo mu gipadiri hanyuma bakazamuka ingazi bakajya mu cyumba cya musenyeri[1615]. CBY yashimangiye ko "abategetsi" bakoranye inama n'umupadiri ku itariki ya 16 Mata 1994 mu gitondo, ariko ntiyavuze aho iyo nama yabereye[1616].

581. Urugereko rusanga, n'ubwo abatangabuhamya hari ibyo banyuranyaho ku birebana n'aho inama yabereye nyirizina n'abari bayirimo, ubuhamya bwabo buhuza aho bemeza ko hari inama yabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 mu gitondo, nk'uko bivugwa mu gika cya 17 cy'Inyandiko y'ibirego, n'aho bavuga ko Kanyarukiga yari muri iyo nama hamwe na Padiri Seromba, IPJ Kayishema n'abandi. Urugereko rusanga ukunyuranya guto kuri mu makuru y'abatangabuhamya gushobora kuba guterwa n'igihe gishize ibivugwa bibaye, n'ahantu hatandukanye abo batangabuhamya bari bari babibona ku itariki ya 16 Mata 1994.

[1612] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 51-52; Ikimenyetso gihamya cya Porokireri cyahawe No. P55 (Fotokopi y'amabara y'ifoto y'ibiro by'ubunyamabanga bwa kiriziya y'i Nyange, Ifoto K027-1655).

[1613] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 51-52.

[1614] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38-39. Urugereko rusanga urupapuro rwa 36 rw'inyandikomvugo y'iburanisha ruriho gusa imvugo zerekeranye n'inama zakorewe kuri farumasi, kandi ibyo byavanywe mu Nyandiko y'ibirego kubera ko bitamenyeshejwe Uregwa ku buryo bukwiye. Nyamara ariko, urwo rupapuro rugaragaraho n'imvugo ihamya ko Padiri Seromba yemeye ko isenywa rikorwa "kubera ko nta bundi buryo bwariho bwatumaga bashobora kurimbura Abatutsi." Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 36. Umutangabuhamya wiswe CDL hari ahandi yavuze ko icyemezo cyo gusenya kiriziya cyamenyeshejwe Seromba kuri paruwasi. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 51-52. Bityo rero, Urugereko rwitabaje ubuhamya buri ku rupapuro rwa 36 rw'inyandikomvugo y'iburanisha ku birebana n'amakuru y'uko Seromba yamenyeshejwe icyemezo cyo gusenya kiriziya.

[1615] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 25.

[1616] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47. Hakurikijwe ubuhamya yatanze mbere, umutangabuhamya asa nk'aho ashaka kuvuga Kayishema, Ndungutse, Ndahimana, "Théodomir" na Kanyarukiga. Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 44-46.

582. Urugereko rwasuzumye kandi ubuhamya bwatanzwe n'abagabo bashinjura ari bo: Jean-Bosco Twagirashema, Roger Mutume, Fulgence Seminega, François Sibomana, n'uwiswe KG15.

583. KG15 yavuze ko Padiri Seromba atigeze asohoka mu gipadiri mbere y'uko barangiza gusenya kiriziya,[1617] kandi ko mu gipadiri hagiye abantu babiri gusa ku itariki ya 16 Mata 1994 ari bo Burugumesitiri na IPJ, bahageze hagati ya saa tanu na saa kenda z'amanywa[1618]. Nk'uko byasesenguwe haruguru, Urugereko ntirushira amakenga ubuhamya bwa KG15 muri rusange. Byongeye kandi, ku birebana n'ibyabaye bivugwa by'umwihariko, Urugereko ruributsa ko KG15 yavuze ko atigeze ava mu gipadiri ku itariki ya 16 Mata 1994 kandi ko atigeze anarunguruka hanze mbere y'uko tingatinga itangira gusenya[1619]. Bityo rero, bitewe n'uko ibimenyetso byatanzwe byerekana ko inama yabereye hanze yo mu gipadiri, Urugereko rusanga ubuhamya bwa KG15 budahagije gutuma habaho ugushidikanya ku bimenyetso bya Porokireri. Byongeye kandi, n'ubwo KG15 yemeje muri uru rubanza ko Padiri Seromba yagumye mu cyumba bariramo kugeza kiriziya irangije gusenywa, mu rubanza rwa Seromba yavuze ko Padiri Seromba yagiye hanze ubwo kiriziya yarimo gusenywa[1620]. Kubera izo nenge zose, Urugereko ntirwitaye ku buhamya bwa KG15 ku birebana n'aho Padiri Seromba yari aherereye ubwo ibivugwa byabaga.

584. Abatangabuhamya bashinjura bitwa Twagirashema, Mutume na Seminega bose bavuze ko bagiye i Nyange ku itariki ya 16 Mata 1994, ariko ko batabonye Kanyarukiga cyangwa imodoka ye, yewe ngo nta n'ubwo bigeze bumva hari umuntu uvuga ko Kanyarukiga yari ahari[1621]. Bitewe n'uko nta n'umwe muri abo batangabuhamya wagiye ku kiriziya igihe kiriziya yasenywaga kandi n'i Nyange hakaba hari abantu babarirwa mu bihumbi ku itariki ya 16 Mata 1994, Urugereko rusanga ubu buhamya budahagije gutuma habaho ugushidikanya ku bimenyetso byatanzwe na Porokireri.

[1617] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 37-38 (iburanisha mu muhezo).

[1618] Inyandikomvugo y'iburanisha,11 Gashyantare 2010, imp. 18-19 (iburanisha mu muhezo).

[1619] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 18, 23, 37 (iburanisha mu muhezo).

[1620] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 38 (iburanisha mu muhezo).

[1621] Umutangabuhamya wiswe Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 5-6; Umutangabuhamya wiswe Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, imp. 30-31, 41; Umutangabuhamya wiswe Seminega, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52.

585. Umutangabuhamya witwa Sibomana yemeye ko atari i Nyange ubwo kiriziya yarimo gusenywa, ariko yavuze ko ku itariki ya 16 Mata 1994 atigeze abona Kanyarukiga muri Komini ya Kivumu, habe yewe n'iwe mu rugo [kwa Kanyarukiga][1622]. Ubu buhamya ntibuhagije kuba bwashingirwaho kugira ngo Urugereko rufate umwanzuro ku birebana no kumenya niba Kanyarukiga yari mu nama bivugwa ko yabereye kuri paruwasi.

586. Na none, abatangabuhamya bashinjura bitwa Twagirashema, Mutume na Seminega bavuze ko farumasi ya Kanyarukiga yari ifunze ku itariki ya 16 Mata 1994[1623]. N'ubwo Urugereko rutemera ko iyo farumasi yari ifunze, rusanga n'iyo iza kuba ifunze, Uregwa atari we wikoreragamo[1624]. Bityo rero, Urugereko rusanze ubu buhamya budafite akamaro ku kibazo cyo kumenya niba Kanyarukiga yari ari cyangwa atari ari kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994.

[1622] Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 38.

[1623] Umutangabuhamya wiswe Seminega, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 52; Umutangabuhamya wiswe Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 30; Umutangabuhamya wiswe Twagirashema. Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 5.

[1624] Umutangabuhamya wiswe Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 27; Umutangabuhamya wiswe Tugirumukiza, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 53; Umutangabuhamya wiswe Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, urup. 24. Reba kandi umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30 ("Nari nsanzwe muzi nk'umucuruzi wacururizaga i Kigali kandi wari uzwi muri Komini ya Kivumu … Namubonye inshuro nkeya, ndakeka nk'inshuro enye. Ubwo yabaga yaje kureba uko byifashe kuri farumasi ye ni bwo namubonaga"); Umutangabuhamya wiswe CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 42-43 (ahavugwa ko Kanyarukiga yari umucuruzi ukomeye i Kigali kandi ko yari afite farumasi kuri santere y'i Nyange); Umutangabuhamya wiswe YAU, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 30 (ahavugwa ko yakundaga kubona Kanyarukiga iyo uyu yabaga yaje kuri farumasi y'i Nyange, ariko ko atamubonye kenshi). Reba na none Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 12, 35 (aho avuga ko Kanyarukiga yari atuye i Kigali ko kandi yari azi Kanyarukiga kuva ubwo uyu yazaga i Nyange kubaka farumasi, no kubera ko Kanyarukiga yazaga i Nyange mu mpera z'icyumweru); Umutangabuhamya wiswe CDL, 10 Nzeri 2009, urup. 29 (aho avuga ko farumasi yubatswe ari nk'umushinga wo gutsura amajyambere muri Komini ya Kivumu); Umutangabuhamya wiswe CBS, Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 50 (aho avuga ko Kanyarukiga yari afite farumasi i Nyange kandi ko yanacururizaga i Kigali); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 7 (yemera ko Kanyarukiga yari afite ingo ebyiri yabarizwagamo, ko aho yabaga h'ibanze ari i Ndera kandi ko yazaga gusa i Nyange rimwe na rimwe).

587. Kubera izo mpamvu, n'ubwo Urugereko rwasesenguye ibimenyetso byatanzwe na Porokireri rukenga[1625], rusanga Porokireri yaratanze ibimenyetso bidashidikanywaho byerekana ko ku itariki ya 16 Mata 1994 mu gitondo, Kanyarukiga yari mu nama yabereye kuri paruwasi ya Nyange hamwe na Padiri Seromba, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, Juji Joseph Habiyambere n'abandi. Nyamara ariko, Urugereko ntirwemera ko François Gashugu cyangwa Védaste Mupende bari muri iyo nama, nk'uko bivugwa mu Nyandiko y'ibirego. Nta kimenyetso cyatangiwe mu Rukiko ku birebana na François Gashugu. Byongeye kandi, n'ubwo CBR, CNJ na CDL bose bavuze ko uwitwa Védaste Murangwabugabo ari umwe mu bayoboye ibitero byo ku itariki ya 16 Mata 1994, nta kigaragaza ko Védaste Murangwabugabo ari we Védaste Mupende[1626].

588. Porokireri avuga kandi ko muri iyo nama, Gaspard Kanyarukiga, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, Juji Joseph Habiyambere n'abandi bamenyesheje Padiri Seromba icyemezo bafashe cyo gusenya kiriziya y'i Nyange[1627]. Umutangabuhamya wiswe CDL ni we wenyine wavuze ko icyemezo cyo gusenya kiriziya cyamenyeshejwe Seromba muri iyo nama[1628]. Yaba Umutangabuhamya wiswe CBR cyangwa uwiswe CBK nta n'umwe muri bo wumvise ibyavugiwe muri iyo nama[1629]. Nyamara ariko, bitewe n'uko gusenya kiriziya byakozwe nyuma y'inama,

[1625] Reba, urugero, ibika 181, 257, 498 441, 453, 487, 491, 565, 576, 589, 591, 598, 605.

[1626] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 30, 32; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26. Babiri muri abo batangabuhamya na bo bavuze ko Védaste Murangwabugabo yari yungirije Burugumesitiri. Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30.

[1627] Inyandiko y'ibirego yahinduwe, igika 17.

[1628] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38 (umurongo wa 37), 39 (umurongo wa 1), 51, 52. Urugereko rusanga, n'ubwo impapuro za 38 na 39 zikubiyemo mbere na mbere ibirebana n'inama yabereye kuri farumasi, ibyo ariko bikaba bitarahawe agaciro, ibikubiye ku mpapuro za 51 na 52 bisobanura neza ko icyemezo cyo gusenya kiriziya cyamenyeshejwe Padiri Seromba kuri paruwasi, hanze y'ibiro by'ubunyamabanga. Ikimenyetso gihamya cya Porokireri cyahawe No. P55 (Fotokopi y'amabara y'ibiro by'ubunyamabanga bwa kiriziya y'i Nyange, Ifoto K027-1655 nk'uko byerekanwe n'Umutangabuhamya wiswe CDL).

[1629] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 26 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 68 (iburanisha mu muhezo).

bibwiye ko iyo nama yavuze ku kibazo kirebana no kuyisenya[1630]. Umutangabuhamya wiswe CBY na we yavuze ko nyuma y'inama, "abategetsi" bategetse abagabye igitero bari baraye aho kuri paruwasi gusenya kiriziya[1631].

589. Nk'uko byasesenguwe haruguru, Urugereko rusanga Umutangabuhamya wiswe CDL yaraherekeje Burugumesitiri Ndahimana kugera kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994[1632]. Rukurikije ko hari abatangabuhamya babonye CDL ari mu bantu bari bayoboye ibitero, Urugereko rusanga CDL yaritabiriye inama yabereye kuri paruwasi kandi ko yari yegereye Ndahimana n'abandi "bategetsi". Ubuhamya bwa CDL bwashimangiwe kandi muri bimwe n'amakuru aziguye yatanzwe na CBR, CBK na CBY, bemeje ko kiriziya yashenywe inama yabereye kuri paruwasi imaze kurangira. Bityo rero, n'ubwo Urugereko muri rusange rwasuzumye ubuhamya bwa CDL rukenga, rushingiye ku makuru yatanzwe na CDL wari aho ibivugwa byabereye, no ku makuru aziguye yatanzwe na CBR, CBK na CBY, rusanga ibyo gusenya kiriziya byaravugiwe kandi bikemezwa mu nama yabereye kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994 mu gitondo.

590. Na none, Porokireri avuga ko nyuma y'iyo nama Kanyarukiga yahamagariye abantu gusenya kiriziya avuga ngo hazubakwa indi[1633]. Ubuhamya bwa CBR ni bwo bwonyine bushyigikira iki kirego. CBR yavuze ko hagati ya saa tatu na saa yine za mu gitondo, yumvise Kanyarukiga abwira Ndahimana, Kayishema, Ndungutse, Habiyambere, Habarugira na Murangwabugabo ati: "Iyi kiriziya igomba gusenywa. Nzayubaka. Niyemeje kuzayubaka mu minsi itatu"[1634]. Uyu mutangabuhamya avuga ko Kanyarukiga atarimo abwira imbaga y'abagabye igitero ariko kandi ko na none atavugaga buhoro[1635].

[1630] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 25.

[1631] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[1632] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 38, 39.

[1633] Inyandiko y'ibirego yahinduwe, igika 17; Imyanzuro nsozarubanza ya Porokireri, igika 164. Reba na none Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

[1634] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.

[1635] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

591. Urugereko ruributsa ko CBR na we yarezwe ibyabereye kuri paruwasi ya Nyange kandi ko afungiye muri Gereza ya Kibuye hamwe n'abandi batangabuhamya bane muri uru rubanza[1636]. Urugereko rwasesenguye rero ubuhamya bwatanzwe n'uyu mutangabuhamya rukenga ku buryo buhagije[1637]. Nyamara ariko, rusanga CBR yarireze ibyaha [1638] kandi yarakatiwe n'inkiko zo mu Rwanda[1639]. Bityo rero, n'ubwo bwose hariho itegeko ry'u Rwanda ryerekeranye no kwirega ibyaha[1640], Urugereko rusanga nta mpamvu yatuma rutekereza ko uyu mutangabuhamya ubu noneho yafatwa neza kurushaho kubera gushinja Kanyarukiga[1641]. Urugereko ruributsa kandi ko CBR ari umwe mu bagize umuryango waguye wa Kanyarukiga, akaba yarabwiye Urukiko ko, kubera ayo masano, "ntacyo apfa na Gaspard Kanyarukiga"[1642].

592. Urugereko rwitaye ku bivugwa n'Ubwunganizi ko "hariho ibimenyetso bitaziguye byerekana ubugambanyi" hagati y'abatangabuhamya biswe CBR, CDL, CBT, CDK na

[1636] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 49-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D25 (Urutonde rw'amazina y'abantu barindiwe umutekano rweretswe Umutangabuhamya wiswe CBR). Reba na none Igika cya 452.

[1637] Reba, nk'urugero, *Urubanza rwa Nchamihigo*,, Inyandiko y'urubanza mu bujurire, igika 42 ("[Nta ngingo n'imwe yo muri Sitati cyangwa yo mu Mategeko ibuza Urugereko rwa Mbere rw'Iremezo gushingira ku buhamya bwatanzwe n'abatangabuhamya b'ibyitso. Nyamara ariko, ubuhamya nk'ubwo bugomba gusuzumwa umuntu yigengesereye, 'ikibazo cy'ingenzi kikaba ari icyo gusuzuma niba umutangabuhamya uvugwa ashobora kuba yari afite impamvu cyangwa ibindi bimutera gushinja Uregwa'."(ntihashyizwemo ibindi byifashishijwe)).

[1638] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 33, 49. Urugereko rusanga Umutangabuhamya wiswe CBR yaremeye ko yishe abaturanyi be bane abatemesheje umupanga ko kandi mu gihe cy'igitero cyagabwe kuri paruwasi ya Nyange we icyo yakoze ari ugutera amabuye gusa. N'ubwo umutangabuhamya atasubije ku buryo butaziguye ikibazo cyo kumenya niba hari uwo yaba yarishe kuri paruwasi, Urugereko rusanga ibyo bitatera gushidikanya ku bundi buhamya bwe butajegajega kandi simusiga ku birebana n'ibyo Uregwa yakoze. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 12.

[1639] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 33. Umutangabuhamya yavuze ko igihano gisumbye ibindi yakatiwe ari igifungo cy'imyaka 20. Yavuze ko ubu "ari hanze" ariko bigaragara ko agikora "imirimo nsimburagifungo" nk'igice cy'igihano yakatiwe.

[1640] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 48-49. Reba na none Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 71-72.

[1641] Urugereko rusanga kandi umutangabuhamya yari umwe mu bagize itsinda ry'abafungwa muri gereza ryakoraga akazi ko "gukangurira" abandi bafungwa kwirega ibyaha. Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 49. Nyamara ariko, Urugereko, ntirwemera ko kuba uyu mutangabuhamya yari muri iryo tsinda ari impamvu yatuma byanze bikunze ubuhamya bwe butizerwa.

[1642] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 7 (iburanisha mu muhezo).

CNJ[1643]. Nk'uko byasesenguwe haruguru, Urugereko ruzirikana ko aba batangabuhamya bitabiriye bari hamwe inama za Gacaca zo muri gereza, ariko ntirwemera ko ibyo byonyine bihagije kwerekana ko habayeho ubwumvikane bugamije kugambanira Uregwa[1644].

593. Byongeye kandi, Urugereko rusanga ubuhamya CBR yatanze hejuru y'indahiro bukubiyemo amakuru arambuye,[1645] budahuzagurika kandi buhuza ku bibazo byinshi n'ubundi buhamya bwatanzwe[1646]. Urugereko rwanyuzwe n'imyitwarire y'uyu

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[1643] Imyanzuro nsozarubanza y'Ubwunganizi, igika 328. Reba na none igika cya 452 n'icya 453 by'iyi nyandiko y'urubanza.

[1644] N'ubwo Umutangabuhamya wiswe CBR yari Arusha, yabaga mu nzu imwe n'Abatangabuhamya biswe CDL na CBT, kandi na bo bemeje ko Kanyarukiga yavuze ko kiriziya y'i Nyange ishobora kongera kubakwa (Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 39-40 (iburanisha mu muhezo); Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 39; Umutangabuhamya wiswe CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 46, Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1), mbere y'uko baza gutanga ubuhamya mu Rukiko muri uru rubanza hari hashize imyaka abo batangabuhamya bose uko ari batatu bemeje mu buhamya batanze mbere ko Kanyarukiga yavuze ayo magambo. Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D27(B) (Ubuhamya bwanditse bw'Umutangabuhamya wiswe CBR bwo ku itariki ya 9 Ukwakira 2001), urup. 4; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D29(A) (Ubuhamya bwanditse bw'umutangabuhamya wiswe CDL bwo ku itariki ya 10 Ukwakira 2001), urup. 3; Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D42(B) (Ubuhamya bwanditse bw'umutangabuhamya wiswe CBT bwo ku itariki ya 14 na 16 Kanama 2000), urup. 4. Byongeye kandi, n'ubwo bose bemeje ko Uregwa yavuze ayo magambo, aba batangabuhamya bavuga uduce tunyuranye n'ahantu hanyuranye ayo magambo yavugiwe mu gihe cy'ibyabaye ku itariki ya 15 n'iya 16 Mata 1994, bigaragaza neza ko batavugaga ku kintu kimwe. Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 39; Umutangabuhamya wiswe CBT, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 46; Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 1. Bityo rero, Urugereko rusanga kuba barabaye mu nzu imwe Arusha atari ikimenyetso gihagije cyakwemeza ko bagambanye.

[1645] Urugero, ubwo yatangaga amakuru y'ibyabaye kandi yagizemo uruhare kuri paruwasi ya Nyange, umutangabuhamya wiswe CBR yavuze amazina y'abantu bafatanyije gukora icyaha (Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 34.), atanga igihe ibyinshi mu byabaye byakorewe, niba atari byose (Reba, nk'urugero, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 15, 16, 18, 29, 52, 57, 58-59, 66; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 9, 10, 11) kandi atanga amakuru arambuye ku birebana n'ibyo avuga yumvise bivugwa kuva ku itariki ya 14 kugeza ku ya 16 Mata 1994 (Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 3, 15-28, 11, 25, 32, 57-66).

[1646] Reba nk'urugero*,* ibika 327, 434, 435,436, 438, 440, 475, 479, 483, 563, 580, 589, 601, 603.

mutangabuhamya mu iburanisha kandi rwasanze amakuru y'ibyabaye yatanze atajegajega.

594. Icya nyuma, Urugereko rusanga hari ibimenyetso biziguye bishyigikira ubuhamya bwa CBR ku birebana n'amagambo Kanyarukiga yavuze. By'umwihariko, Urugereko rwasanze mbere y'uko abwira abandi "bategetsi" ayo magambo, Kanyarukiga yari mu nama yavugiwemo ibirebana no gusenya kiriziya"[1647]. Nk'uko byavuzwe haruguru, CBY yavuze ko nyuma y'iyo nama, "abategetsi" bategetse abagabye igitero guhirika kiriziya yose[1648]. CBR yavuze kandi ko Kanyarukiga amaze kuvuga ayo magambo, Kayishema na Ndungutse bagiye gushaka tingatinga, bakayizana ku kiriziya[1649]. CBY, CDL na KG15 bose bashimangiye ubuhamya bwa CBR ku birebana na tingatinga yahageze ku itariki ya 16 Mata 1994 hasigaye igihe gito ngo saa sita igere[1650]. Hanyuma, nk'uko bigiye gusesengurwa hano hasi, kiriziya yaje gusenywa nyuma kuri uwo munsi.

595. Bityo rero, rushingiye ku buhamya bwa CBR wiboneye ibyabaye n'amaso ye, ubwo buhamya bukaba budahuzagurika kandi butajegajega, nk'uko bwashyigikiwe n'ibindi bimenyetso biziguye byatanzwe, Urugereko rusanga haratanzwe ibimenyetso bidashidikanywaho byerekana ko nyuma y'inama yabereye kuri paruwasi ku itariki ya 16 Mata 1994 mu gitondo, Uregwa yabwiye Burugumesitiri Ndahimana, IPJ Kayishema, Juji Habiyambere, Ndungutse n'abandi ko kiriziya y'i Nyange igomba gusenywa kandi ko yiyemeje kuyubaka mu minsi itatu.

Isenywa rya kiriziya y'i Nyange

[1647] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32. Reba na none Igika cya 587 haruguru.

[1648] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[1649] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

[1650] Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21 (Urugereko ruributsa ko mu buhamya bwanditse yatanze mbere, CBY atigeze avuga ko ibyo byabaye ku itariki ya 16 Mata 1994 kandi ruributsa ko rwasuzumye rukenga ubuhamya bwe ku birebana n'amatariki. Nyamara ariko, kubera ko hari ubundi buhamya bubushyigikira kuri iki kibazo, Urugereko ubuhamya bwa CBY buvuga ko hari tingatinga yazanywe kuri paruwasi ku itariki ya 16 Mata 1994); Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 36; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 16, 17; Umutangabuhamya wiswe KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 19, 37 (iburanisha mu muhezo).

596. Igika cya 18 cy'Inyandiko y'ibirego yahinduwe kivuga ko Kanyarukiga yari ku kiriziya ubwo yasenywaga, ko kandi yahamagariye abagabye igitero kwica Abatutsi bari bifungiraniye mu kiriziya[1651].

597. CBR yavuze ko nyuma y'inama yabereye hafi y'ibiro by'ubunyamabanga, Kayishema na Ndungutse bagiye gushaka tingatinga[1652]. Uyu mutangabuhamya avuga ko tingatinga na kamyo byazanywe kuri paruwasi hagati ya saa yine na saa tanu za mu gitondo zigahita zitangira gusenya kiriziya ako kanya[1653]. CDL yavuze ko za tingatinga zaje kandi zigatangira gusenya hagati ya saa yine na saa tanu za mu gitondo, ariko yemeza ko zari ebyiri[1654]. CBY yavuze ko hari tingatinga imwe yagejejwe kandi ikaguma kuri paruwasi kuva mu ijoro ryo ku itariki ya 15 Mata 1994[1655] rishyira iya 16 Mata 1994, naho iyindi tingatinga ikaba yarazanywe ku itariki ya 16 Mata 1994[1656].

[1651] Inyandiko y'ibirego yahinduwe, igika 18.

[1652] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32.

[1653] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 32; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 10-11.

[1654] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 41; Inyandikomvugo y'iburanisha, 11 Nzeri 2009, imp. 16, 17.

[1655] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21. Urugereko ruzirikana ko ubuhamya bwa CBY buvuga ko imwe muri za tingatinga yagumishijwe kuri paruwasi ijoro ryose budahuje n'ubwatanzwe n'Abatangabuhamya biswe CBR na CDL. Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 11 Nzeri 2009, urup. 16. Bityo rero, n'ubwo muri rusange Urugereko rwasanze CBY ari umutangabuhamya wakwizerwa, rusanga ubuhamya bwe kuri iki kibazo cyihariye budahagije kwemeza nta gushidikanya ko hari tingatinga imwe yagumishijwe kuri paruwasi ijoro ryose. Na none, kubera igihe gishize ibivugwa bibaye no kuvangavanga amatariki bigaragara mu buhamya bwa CBY, Urugereko rusanga uko kunyuranya atari ikintu gikomeye.

[1656] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21. Umutangabuhamya wiswe CBY yavuze ko, ubwo tingatinga ya kabiri yazaga ku itariki ya 16 Mata 1994, itarimo mazutu ihagije, ari yo mpamvu IPJ Kayishema yavuze ko "agiye kubohoza mazutu kuri Astaldi". Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21. Umutangabuhamya ntiyavuze uburyo yamenye ko Kayishema yavuze ayo magambo, ariko mu gihe cy'ibaza rinyomoza yemeye ko yabonye abantu batwaye amajerikani ya mazutu bayajyane kuri paruwasi. Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 21-22. Hatitawe ku bibazo bya CBY birebana no kwibuka amatariki n'amasaha, Urugereko rwasanze muri rusange ari umutangabuhamya rukwiye kwemera no kwizera. Ku birebana n'icyo cyabaye by'umwihariko, Urugereko rusanga CBY ataratanze amakuru na mba yerekana uburyo yamenye ibyo ahamya uretse kuvuga gusa ko yabonye abantu bazanye mazutu mu majerikani kuri paruwasi. Bityo rero, Urugereko rusanga ubu buhamya budahagije kwemeza nta gushidikanya ko ibivugwa byabaye.

CBY ntiyavuze igihe tingatinga yagereye aho ku itariki ya 16 Mata 1994 ariko yavuze ko ubwo yavaga mu gipadiri, tingatinga yari yatangiye gukuraho amatafari ya kiriziya[1657]. Na none, KG15 yavuze ko tingatinga imwe yaje kuri paruwasi ku itariki ya 16 Mata 1994 mu gitondo ko kandi kiriziya yashenywe mu masaa sita z'amanywa[1658].

598. Urugereko ruributsa ko, n'ubwo rwasesenguye ubuhamya bwa CBR rukenga bihagije, rwasanze uyu mutangabuhamya ari uwo kwemerwa muri rusange. Byongeye kandi, Urugereko ruributsa ko ubuhamya bwa CBR ku birebana n'uko tingatinga yaje n'isenywa rya kiriziya bwashyigikiwe muri rusange n'ubuhamya bwa CBY, CDL na KG15. Bityo rero, hashingiwe kuri ibyo bimenyetso, Urugereko rwemera ko nibura hari tingatinga imwe yazanywe kuri paruwasi ivanywe muri Astaldi ku itariki ya 16 Mata 1994 hasigaye igihe gito ngo saa sita igere. N'ubwo ibimenyetso byatanzwe bitatuma umuntu yemeza ko hazanywe tingatinga ebyiri kuri paruwasi uwo munsi, Urugereko rusanga umubare wa za tingatinga atari ngombwa kugira ngo hakemurwe ibibazo bivugwa muri uru rubanza. Byongeye kandi, hashingiwe ku buhamya bwa CBR, Urugereko runyuzwe n'ibivugwa ko Kayishema na Ndungutse ari bo bagiye gushaka tingatinga ku itariki ya 16 Mata 1994. Nta kimenyetso kigaragaza ko Kanyarukiga yagize uruhare mu kuzana za tingatinga kuri paruwasi. Na none, rumaze kubona ubuhamya budahuzagurika kandi buhuje bwatanzwe na CBR, CDL na KG15, Urugereko rusanga haratanzwe ibimenyetso bidashidikanywaho bigaragaza ko gusenya kiriziya byatangiye mu masaa sita y'amanywa, hashize akanya gato tingatinga (z)ihageze.

599. Umutangabuhamya ushinja wiswe CNJ yatanze amakuru asa n'anyuranye n'ibimaze kuvugwa, avuga ko yasanze "tingatinga" kuri paruwasi ubwo yahageraga ku itariki ya 16 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo[1659]. Uyu mutangabuhamya avuga ko Kanyarukiga, Rushema, Théodomir Kiragi, Kayishema, Ndungutse, Habiyambere na Murangwabugabo bari bahagaze iruhande rwa tingatinga barimo baganira, naho umushoferi arimo imbere, yiteguye gusenya kiriziya[1660]. CNJ yibwiye ko abo bagabo barimo bavugana ibirebana n'ingamba zafatwa kandi yavuze ko

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1657 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 21.

1658 Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 19, 37 (iburanisha mu muhezo).

1659 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 23-24, 25-26.

1660 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26.

igitekerezo cya Murangwabugabo cyo guca icyuho mu nkuta za kiriziya bahereye mu mpande zayo Burugumesitiri yacyanze[1661]. IPJ Kayishema yagiye kuzana Padiri Seromba, wavuganye n'abo bagabo iminota mike[1662]. Nyuma yaho, Ndahimana yavuze ko bashobora gutangira, hanyuma Kayishema ategeka umushoferi wa tingatinga gutangira gusenya[1663]. Tingatinga yabanje gusenya urugi rwo ku ruhande rw'ibumoso rwa kiriziya, hafi ya alitari[1664]. CNJ avuga ko gusenya byatangiye mu masaa tatu za mu gitondo, hashize nk'iminota 30 ageze aho kuri paruwasi[1665].

600. Urugereko ruributsa ko rwasesenguye ubuhamya bwa CNJ rukenga cyane kandi ko rubushingiraho ari uko hari ubundi bwo kwizerwa bubushimangira. Ahangaha, Urugereko rusanga ubuhamya bwatanzwe n'uyu mutangabuhamya ku birebana n'uko tingantinga yahageze no gusenya budafite ubundi bubushyigikira kandi ntibuhuje n'ubwatanzwe na CBR, CBY, CDL na KG15. Urugereko rusanga kandi ubuhamya bwa CNJ mu Rukiko buvuguruzanya n'ubwanditse yatanze mbere, aho yavuze ko yahagereye igihe kimwe na tingatinga ko kandi gusenya byari byatangiye ubwo yahageraga[1666]. Bityo rero, Urugereko ntirwitaye ku buhamya bwa CNJ ku birebana n'igihe tingatinga yaziye n'igihe gusenya byatangiriye.

601. N'ubwo ubuhamya bwa CNJ busa nk'ubwashyigikiwe kuri bimwe n'ubwa CDL wavuze ko Padiri Seromba yatanze igitekerezo cy'uko mu gusenya bahera mu ruhande

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[1661] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26.

[1662] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26.

[1663] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 26-27.

[1664] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

[1665] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 27, 69.

[1666] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D19 (Ubuhamya bwanditse bw'umutangabuhamya wiswe CNJ bwo ku itariki ya 26 n'iya 27 Kanama 2002), urup. 7 ("Ku wa gatandatu ku itariki 16 Mata 1994 mu gitondo cya kare, nasubiye ku kiriziya y'i Nyange, mpagerera igihe kimwe na tingatinga ya Astaldi"); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D22(B) (Ibarwa yo ku itariki ya 21 Kanama 2000 CNJ yanditse yemera icyaha), urup. 2 ("Ubwo twageraga kuri paruwasi, kiriziya yarimo guhirikwa hakoreshejwe tingatinga ya ASTALDI."); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. 24(B) (Ibarwa ya CNJ yo kwemera icyaha ikubiyemo amakuru y'inyongera), urup. 1 ("Ubwo nahageraga, nasanze tingatinga yari yatangiye gusenya kiriziya."); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D27(B) (Ibarwa CNJ yanditse ku itariki ya 27 Gicurasi 2001 yemera icyaha), urup. 2 ("Ubwo twasubiraga aho icyaha cyakorewe bukeye, twasanze tingatinga yatangiye gusenya ikoresha igice cyayo gicukura").

rwa kiriziya ahegereye sakirisitiya[1667], muri rusange, Urugereko ntirufata CDL nk'umutangabuhamya wo kwizerwa. Byongeye kandi, Urugereko ruributsa ko CBY na CBR bahakanye ko batigeze babona umuntu n'umwe mu nama cyangwa mu biganiro iruhande rwa tingatinga mbere yo gusenya[1668]. Bityo rero, Urugereko rusanga ibimenyetso byatanzwe bidahagije kugaragaza nta gushidikanya ko Kanyarukiga, Rushema, Théodomir Kiragi, Kayishema, Ndungutse, Habiyambere na Murangwabugabo bagiranye ikiganiro cyangwa inama iruhande rwa tingatinga mbere yo gusenya. Na none, Porokireri ntiyabashije gutanga ibimenyetso bihamya ko: Védaste Murangwabugabo yatanze igitekerezo cyo guca icyuho mu nkuta za kiriziya mu mpande zayo; igitekerezo cye cyanzwe na Burugumesitiri Ndahimana; Padiri Seromba yaganiriye n'abandi iruhande rwa tingatinga; Ndahimana yavuze ngo bashobora gutangira; kandi Kayishema yategetse umushoferi wa tingatinga gutangira gusenya.

602. Ahubwo, ku birebana n'abantu bamwe bari ku kiriziya ku itariki ya 16 Mata 1994, ubuhamya bwa CNJ bufite ubundi bubushyigikira ku buryo buhagije. CNJ na CDL bombi bavuze ko Burugumesitiri Ndahimana, IPJ Kayishema, Juji Joseph Habiyambere, mwarimu Télesphore Ndungutse na Védaste Murangwabugabo, wari wungirije Burugumesitiri, bari ku kiriziya igihe yasenywaga[1669]. Ubuhamya bwabo bwashyigikiwe n'ubwa CBK na KG15, bavuze ko bahabonye Kayishema na Ndahimana[1670]; abatangabuhamya bashinjura bitwa Sibomana na Twagirashema bavuze ko bahabonye Ndungutse nk'umwe mu bari bayoboye ibitero[1671]; naho Mutume

[1667] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 42.

[1668] Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 22.

[1669] Umutangabuhamya wiswe CNJ na we yavuze Théodomir Kiragi na Rushema. Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 25-26. Umutangabuhamya wiswe CDL yavuze Gilbert Kanani wari wungirije Burugumesitiri. Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.

[1670] Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 21-22, 25-26, 29; Umutangabuhamya wiswe KG15, Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 18-19 (iburanisha mu muhezo).

[1671] Umutangabuhamya witwa Twagirashema, Inyandikomvugo y'iburanisha, 3 Gashyantare 2010, imp. 19-20; Umutangabuhamya witwa Sibomana, Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, urup. 44.

na CBY bavuze ko babonye IPJ[1672]. Urugereko rusanga n'ubwo atasobanuye niba bari bagihari ubwo kiriziya yasenywaga, CBR yaravuze ko Ndahimana, Kayishema, Habiyambere, Ndungutse na Murangwabugabo bari kuri paruwasi ku itariki ya 16 Mata 1994 mu gitondo[1673]. Bityo rero, n'ubwo ibimenyetso byatanzwe bidahagije kugira ngo hamenyekane neza abantu bari bahari n'igihe bari bahari, Urugereko rwemera ko nibura Ndahimana, Kayishema na Ndungutse bari kuri paruwasi ya Nyange ubwo kiriziya yasenywaga[1674].

603. CBK, CNJ, CDL, CBR na CBY bavuze kandi ko Padiri Seromba yari kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994[1675]. Ubu buhamya bwashyigikiwe kuri bimwe n'abatangabuhamya bashinjura ari bo Sibomana n'undi wiswe KG15[1676]. CBY, CBR, CDL na CNJ bose bavuze ko Padiri Seromba yemeye ko kiriziya isenywa[1677]. CBK we

[1672] Umutangabuhamya witwa Mutume, Inyandikomvugo y'iburanisha, 27 Mutarama 2010, urup. 47; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-21. CBY ntiyavuze ku buryo bweruye ko yabonye Kayishema kuri paruwasi, ariko yabikomojeho kubera ko mu buhamya bwe yemeje ko Kayishema yavuze ko bashobora kujya gukura mazutu muri Astaldi.

[1673] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 31-32. Umutangabuhamya wiswe CBR na we kandi yavuze Ajida Habarugira.

[1674] Kubera impamvu zavuzwe haruguru, Urugereko ntirwemera ko Védaste Mupende yari ahari mu gihe cy'isenya, nk'uko bivugwa mu gika cya 18 cy'Inyandiko y'ibirego yahinduwe.

[1675] Umutangabuhamya wiswe CBK, Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22; Umutangabuhamya wiswe CNJ, Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26; Umutangabuhamya wiswe CDL, Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 36, 38-39; Umutangabuhamya wiswe CBR, Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 30; Umutangabuhamya wiswe CBY, Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47.

[1676] Umutangabuhamya wiswe KG15 ntiyemera ko Padiri Seromba yagize uruhare mu gusenya kiriziya ahubwo yavuze ko Seromba yari mu gipadiri ubwo isenya ryakorwaga. Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, imp. 24, 37-38 (iburanisha mu muhezo). Urugereko ntirwemera ubuhamya bwa KG15 buvuga ko Padiri Seromba yagumye mu cyumba bariramo kugeza isenya rya kiriziya rirangiye, ariko rwemera ubuhamya bwe buvuga ko Seromba yari kuri paruwasi kubera ko bufite ubundi bubushyigikira. Urugereko ruributsa ko Umutangabuhamya witwa Sibomana atari i Nyange ku itariki ya 16 Mata 1994, kandi ko nyuma aho agereye mu buhungiro ari bwo yumvise abantu bavuga ko Padiri Seromba yari aho ibivugwa byabereye. Inyandikomvugo y'iburanisha, 1 Gashyantare 2010, imp. 44-45, 46.

[1677] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 47 (Umutangabuhamya wiswe CBY yavuze ko "abategetsi" babonanye na padiri hanyuma bategeka Abahutu bagabye igitero gusenya kiriziya.); Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 31-32 (Umutangabuhamya wiswe CBR yibwiye ko icyemezo cyo gusenya kiriziya cyafatiwe mu nama Padiri Seromba yarimo); Inyandikomvugo y'iburanisha, 10 Nzeri

yongeyeho ko Padiri Seromba ari we watanze itegeko ryo gusenya kiriziya[1678] avuga ngo bashobora kubaka indi[1679]. Rumaze kubona ibi bimenyetso, Urugereko rwemera ko Padiri Seromba yari ku kiriziya ku itariki ya 16 Mata 1994 kandi ko yemeye ko isenywa.

604. Na none, CNJ, CDL na CBK bose bavuze ko Kanyarukiga yari ku kiriziya mu gihe yasenywaga. CNJ yavuze ko Kanyarukiga yari ahari ariko ntiyavuze icyo Uregwa yakoraga muri icyo gihe[1680]. CBK na CDL ni bo bonyine bavuze ibyo Uregwa yakoraga igihe kiriziya yasenywaga. CBK yavuze ko Kanyarukiga yategetse abagabye igitero kwica Umututsi uwo ari we wese wagerageza gucika[1681]. CDL yavuze ko Uregwa yeretse umushoferi wa tingatinga igice cya kiriziya agomba "gukubita" aho amabuye abari mu kiriziya bateraga adashobora kumugeraho[1682]. CBR avuga ko atigeze abona Kanyarukiga tingatinga zimaze kugera kuri paruwasi[1683].

605. Nk'uko byavuzwe mu bindi bika, Urugereko rwasesenguye ubuhamya bwa CNJ, CDL na CBK rukenga cyane. Byongeye kandi, ku birebana by'umwihariko n'ibi bivugwa, Urugereko ruributsa ko, n'ubwo CDL yavuze ko Kanyarukiga yari ku kiriziya igihe cyose yarimo gusenywa, uyu mutangabuhamya yavuze ko we ubwe yavuye kuri paruwasi hagati ya saa sita na saa munani z'amanywa, ko kandi yongeye kuhava saa kumi z'igicamunsi[1684]. Bityo rero, n'ubwo ubuhamya bwe bwakwemerwa, ukurikije ibyo CDL ubwe yiyemerera, rusanga atari ahantu hatuma amenya aho Kanyarukiga yari aherereye igice kinini cya nyuma ya saa sita ku itariki ya 16 Mata 1994. Byongeye

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2009, imp. 36, 38-39, 42 (Umutangabuhamya wiswe CDL yavuze ko Padiri Seromba yemeye ko kiriziya isenywa kandi ko yatanze amabwiriza yerekana aho bagomba guhera basenya); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 26 (Umutangabuhamya wiswe CNJ yavuze ko Seromba yavuganye n'abategetsi hafi y'aho tingatinga yari iri mbere gato y'uko isenya ritangira).

[1678] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22.

[1679] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 23. Urugereko ruributsa ko hari abandi batangabuhamya bemeza ko Uregwa yavuze amagambo asa n'ayo.

[1680] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

[1681] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 22.

[1682] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43.

[1683] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11.

[1684] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 43. Umutangabuhamya yavuze kandi ko Kanyarukiga ashobora kuba yaragiye kuri farumasi ye hanyuma akagaruka kuri paruwasi nyuma.

kandi, CBK na CDL batanze ubuhamya mu iburanisha bunyuranye n'ubwanditse batanze mbere. Mu buhamya bwe bwanditse yatanze ku itariki ya 26 Mata 2001 bwarebanaga by'umwihariko n'Uregwa, CBK yavuze ko yabonye Kanyarukiga bwa nyuma ku itariki ya 15 Mata 1994 nimugoroba[1685]. N'ubwo mu bundi buhamya yatanze uyu mutangabuhamya avuga ko Kanyarukiga yari kuri paruwasi, ntiyigeze avuga ko Kanyarukiga yahamagariye abagabye igitero kwica Abatutsi bakoresheje intwaro za gakondo[1686]. Nta buhamya na bumwe bwa CDL yigeze avugamo ko Kanyarukiga yabwiye umushoferi wa tingatinga uko agomba kwirinda amabuye yaterwaga[1687].

606. Bityo rero, rukurikije ko ubuhamya bwa CNJ, CDL na CBK budashobora gushingirwaho uretse gusa mu gihe bwaba bushimangiwe n'ubundi bwakwizerwa, runakurikije kandi ko kuri iki kibazo, ubwo buhamya bwabo ari bwo bushyigikirana bwonyine, Urugereko rusanze rudashobora gushingira ku buhamya bwabo ngo rwemeze ko Kanyarukiga yari kuri paruwasi ya Nyange ubwo kiriziya yasenywaga.

607. CBK yavuze kandi ko nyuma yo gusenya ibice bya kiriziya byari bisigaye, Kanyarukiga yabajije Padiri Seromba niba Abatutsi bamwe na bamwe bize barimo Rwamasirabo[1688], Nsanzabaganwa, Bonera na Kayiranga, bari bahungiye kuri paruwasi[1689]. Padiri Seromba yarasubije ati "yego" maze "abagabye igitero" bavuga ko bagomba kuba bari mu munara wa kiriziya[1690]. "Abagabye igitero" bavuze ko ibyo bakoze byose byaba bibaye impfabusa Abatutsi bize baramutse batishwe[1691]. CBK

[1685] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D15(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 26 Mata 2001), urup. 4.

[1686] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D16(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 15 Kanama 2000); Ikimenyetso gihamya cy'Ubwunganizi D14(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 24 Ukwakira, iya 19 n'iya 20 Ugushyingo 2002).

[1687] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D29(A) (Ubuhamya bwanditse bwa CDL bwo ku itariki ya 10 Ukwakira 2001); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D30(A) (Ubuhamya bwanditse bwa CDL bwo ku itariki ya 8 Kanama 2002 n'iya 24 Gashyantare 2003).

[1688] Urugereko rusanga hari ahantu hamwe mu nyandikomvugo y'iburanisha handitse ko iryo zina ari Rwamaserabo.

[1689] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28.

[1690] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 28.

[1691] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, imp. 22, 28.

yavuze ko Kanyarukiga na Seromba bombi bakurikiranye isenywa ry'umunara wa kiriziya bari ku rubaraza rw'inzu yo mu gipadiri[1692].

608. Nk'uko byavuzwe mu gika cya 491, Urugereko ntirushira amakenga ubuhamya bwa CBK muri rusange, rukaba rwarabugendeyeho gusa mu gihe bwababaga bufite ubundi bwa kwizerwa bubushyigikiye. Ubuhamya bwa CBK kuri icyo kibazo by'umwihariko nta bundi bwabushyigikiye kandi bwanavugurujwe kuri bimwe n'ubuhamya bwa CBS na CBR, bahakanye ko Aloys Rwamasirabo na Théoneste Nsanzabaganwa bari ku kiriziya y'i Nyange ku itariki ya 15 n'iya 16 Mata 1994[1693]. N'ubwo Urugereko rusanga Kanyarukiga na Seromba bashobora kuba baravuze amagambo abitirirwa hatitawe ku kureba niba Rwamasirabo na Nsanzabaganwa bari kuri paruwasi koko, rusanga ibi bivugwa bikurura ugushidikanya ku buhamya bwatanzwe na CBK.

609. Urugereko rusanga kandi hari ukunyuranya hagati y'ubuhamya bwanditse CBK yatanze mbere n'ubwo yatanze mu iburanisha. Mu buhamya bwe bwanditse yatanze ku itariki ya 15 Kanama 2000, uyu mutangabuhamya nta kintu yigeze avuga ku birebana n'uko hari abanyabwenge bari bihishe mu munara wa kiriziya cyangwa ku birebana n'ayo magambo Kanyarukiga yaba yaravuze[1694]. Yewe no mu bundi buhamya bwe bwanditse yatanze ku itariki ya 26 Mata 2001 ku birebana by'umwihariko n'Uregwa, uyu mutangabuhamya ntiyigeze avuga ibirebana n'aya magambo yitirirwa

1692 Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29.

1693 Inyandikomvugo y'iburanisha, 9 Nzeri 2009, urup. 40 (iburanisha mu muhezo) (Ubwo yabazwaga by'umwihariko niba yarigeze yumva abandi bagabye igitero bavuga ko Aloys Rwamasirabo yari mu kiriziya, by'umwihariko mu munara wa kiriziya, Umutangabuhamya wiswe CBR yasubije agira ati: "nta muntu wigeze ampa ayo makuru. Nta muntu n'umwe twigeze tuvugana kuri icyo kibazo"); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 28 (iburanisha mu muhezo) (Umutangabuhamya wiswe CBS yavuze mu gihe cy'ibaza rinyomoza ko atigeze abona Aloys Rwamasirabo cyangwa Théoneste Nsanzabaganwa kuri paruwasi muri Mata 1994. Uyu mutangabuhamya aragira ati: "ntibahahungiye").

1694 Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D16(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 15 Kanama 2000).

Kanyarukiga[1695]. Na none, n'ubwo umutangabuhamya agira icyo avuga kuri ibyo mu buhamya bwe yatanze mu wa 2002, ntiyerekanye amagambo aya n'aya yaba yaravuzwe n'Uregwa[1696].

610. Kubera izo mpamvu, Urugereko rusanze hataratanzwe ibimenyetso bihamya ko Kanyarukiga yari ahari mu gihe umunara wa kiriziya wasenywaga cyangwa se ko yabajije Padiri Seromba niba hari Abatutsi bamwe na bamwe b'abanyabwenge bari bahungiye mu kiriziya.

611. CBK yavuze kandi ko nyuma y'isenywa rya kiriziya, Padiri Seromba, Kayishema, Ndahimana, Kanyarukiga bahuriye mu gipadiri, aho bishimiye banywa byeri na divayi[1697]. Na none, Urugereko rwasesenguye ubuhamya bwa CBK rukenga cyane kubera ko rukemanga ukwizerwa kwe muri rusange, hanakubitiyeho ko asa n'ukabya inkuru. Ku birebana n'ibi bivugwa by'umwihariko, Urugereko rusanga kandi mu buhamya bwanditse bwatanzwe n'uyu mutangabuhamya mbere hari ibintu bunyuranyeho n'ubwo yatanze mu iburanisha. Mu buhamya bwanditse yatanze mbere ku itariki ya 15 Kanama 2000 cyangwa ku ya 26 Mata 2001, ntiyigeze avuga ko hari abantu bakoze umuhango wo kwishima mu gipadiri[1698]. Na none, n'ubwo CBK yavuze mu buhamya bwe bwanditse yatanze mu wa 2002 ko Padiri Seromba yanyoye byeri,

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[1695] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D15(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 26 Mata 2001). CBK yavuze ko yabonye Kanyarukiga inshuro ebyiri muri Mata 1994 kandi ko yamubonye bwa nyuma ku itariki ya 15 Mata 1994 nimugoroba. Ubwo yabazwaga kuri ubwo buhamya, CBK yavuze ko atigeze avuga ko yabonye Kanyarukiga inshuro ebyiri gusa. Uyu mutangabuhamya aragira ati: "niba ubwo buhamya buvuga ko namubonye inshuro ebyiri gusa, ibyo ntaho bihuriye n'ukuri". Uyu mutangabuhamya yavuze abishimangira ko yabonye Kanyarukiga inshuro nyinshi kandi arongera ati: "abakoze iperereza ntibanditse ubuhamya bwanjye neza aho banditse ko namubonye inshuro ebyiri gusa" Inyandikomvugo y'iburanisha, 4 Nzeri 2009, urup. 22 (iburanisha mu muhezo). Urugereko ntirwemera ibi bisobanuro umutangabuhamya yatanze ku birebana n'ukunyuranya imvugo kuri hagati y'ubuhamya yatangiye mu Rukiko n'ubwanditse yatanze mbere.

[1696] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D14(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 24 Ukwakira, iya 19 n'iya 20 Ugushyingo 2002), imp. 8-9.

[1697] Inyandikomvugo y'iburanisha, 3 Nzeri 2009, urup. 29. Reba kandi Imyanzuro nsozarubanza ya Porokireri, igika 189.

[1698] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D15(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 26 Mata 2001); Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D16(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 15 Kanama 2000).

divayi n'izindi nzoga nyuma y'isenywa rya kiriziya y'i Nyange, ntiyigeze avuga ko Uregwa yari muri iyo mihango yo kwishima[1699]. Bityo rero, Urugereko rusanze Porokireri atarashoboye gutanga ibimenyetso bihamya ko Kanyarukiga n'abandi bakoreye umuhango wo kwishima mu gipadiri nyuma y'isenywa rya kiriziya aho banywereye byeri na divayi.

5.4. Umwanzuro w'Urugereko

612. Urugereko rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ibivugwa mu gika cya 16 cy'Inyandiko y'ibirego ko, ku itariki ya 16 Mata 1994, Gaspard Kanyarukiga, Fulgence Kayishema, Télesphore Ndungutse, Juji Habiyambere, François Gashugu, Védaste Mupende, Grégoire Ndahimana n'abandi bakoreye inama kuri CODEKOKI, ari na yo ngo bacuriyemo umugambi kandi bakawumvikanaho wo kwica Abatutsi bose bari mu kiriziya bayibasenyeyeho.

613. Urugereko rusanze haratanzwe ibimenyetso bidashidikanywaho bihamya ko ku itariki ya 16 Mata 1994 mu gitondo, Gaspard Kanyarukiga, Fulgence Kayishema, Télesphore Ndungutse, Juji Habiyambere na Grégoire Ndahimana n'abandi babonanye na Padiri Athanase Seromba kuri paruwasi ya Nyange maze bakavugana ibirebana no gusenya kiriziya. Byongeye kandi, Porokireri yatanze ibimenyetso bidashidikanywaho bihamya ko nyuma y'iyo nama, Kanyarukiga yavuze ko hashobora kubakwa indi kiriziya. Nyamara ariko, Porokireri ntiyashoboye kugaragaza ku buryo budashidikanywaho ko muri iyo nama, abari bayirimo "bamenyesheje [Padiri Seromba] icyemezo bari bafashe cyo gusenya kiriziya hagamijwe kwica Abatutsi bose bari bayihungiyemo", nk'uko bivugwa mu gika cya 17 cy'Inyandiko y'ibirego. Porokireri ntiyashoboye kandi gutanga ibimenyetso bihamya ko Védaste Mupende cyangwa François Gashugu bari muri iyo nama.

614. Mu gusoza, Urugereko rusanze Porokireri yaratanze ibimenyetso bidashidikanywaho bihamya ko ku itariki ya 16 Mata 1994, kiriziya y'i Nyange yashenywe hakoreshejwe tingatinga, maze hagapfiramo Abatutsi b'abasiviri babarirwa mu 2.000 bari bifungiraniyemo. Hatanzwe kandi ibimenyetso bidashidikanywaho bihamya ko

[1699] Ikimenyetso gihamya cy'Ubwunganizi cyahawe No. D14(A) (Ubuhamya bwanditse bwa CBK bwo ku itariki ya 24 Ukwakira, iya 19 n'iya 20 Ugushyingo 2002), urup. 10.

Fulgence Kayishema, Grégoire Ndahimana na Athanase Seromba bari kuri paruwasi ya Nyange mu gihe kiriziya yasenywaga kandi ko bari bumvikanye ko igomba gusenywa. Nyamara ariko, Porokireri ntiyashoboye gutanga ibimenyetso bidashidikanywaho bihamya ko Gaspard Kanyarukiga yari ku kiriziya ubwo yasenywaga cyangwa se ko yahamagariye abagabye igitero kwica Abatutsi bose. Byongeye kandi, nta bimenyetso byatanzwe bigaragaza ko Védaste Mupende yari kuri paruwasi ya Nyange igihe kiriziya yasenywaga.

UMUTWE WA 4: IMYANZURO Y'URUGEREKO MU RWEGO RW'AMATEGEKO

1. Intangiriro

615. Mu myanzuro yarwo irebana n'ibyabaye, Urugereko rwa Mbere rw'Iremezo rwasanze ku itariki ya 15 n'iya 16 Mata 1994, Interahamwe, abapolisi ba komini n'abasiviri bitwaje intwaro barishe abantu babarirwa mu 2.000, abenshi muri bo ari Abatutsi, b'abasiviri, bakaba bariciwe kuri paruwasi ya Nyange, muri Komini ya Kivumu, Perefegitura ya Kibuye. Urugereko rwasanze kandi abenshi muri abo bahohotewe barishwe ku itariki ya 16 Mata 1994 ubwo kiriziya y'i Nyange yasenywaga. Urugereko rwa Mbere rw'Iremezo rugiye gusesengura niba Kanyarukiga yaryozwa ibyaha kubera ibyo bikorwa.

2. Uburyozwacyaha

616. Inyandiko y'ibirego yahinduwe ishinja Gaspard Kanyarukiga icyaha cya jenoside cyangwa, cyaramuka kitamuhamye, kuba icyitso cy'abakoze jenoside, hamwe n'itsembatsemba nk'icyaha cyibasiye inyokomuntu kubera ibyaha bivugwa byakorewe muri Komini ya Kivumu, Perefegitura ya Kibuye, hagati y'itariki ya 6 n'iya 30 Mata 1994. Uregwa ashinjwa nka gatozi, hashingiwe ku Ngingo ya 6(1) ya Sitati, kubera ko yacuze umugambi wo gukora ibyaha, yahamagariye abantu kubikora, kandi na we ubwe yabikoze, cyangwa, ku bundi buryo ubwo ari bwo bwose, yafashije abandi kandi abatera inkunga mu gucura umugambi wo gukora ibyaha, mu kubitegura cyangwa se mu kubitsotsoba[1700]. Porokireri avuga ko Gaspard Kanyarukiga yakoze ibyo byaha we ubwe cyangwa se afatanyije n'abandi, mu rwego rw'umugambi mubisha uhuriweho[1701].

[1700] Inyandiko y'ibirego yahinduwe, ibika 6-8. N'ubwo igika cya 6 n'icya 7 by'Inyandiko y'ibirego yahinduwe, bikaba ari byo bika by'ibanze, bitavuga "gutegeka" nk'imiterere y'uburyozwacyaha, Igika cya 18 cy'Inyandiko y'ibirego kigira kiti: "Kubera impamvu zivugwa mu bika kuva ku cya 14 kugeza ku cya 18, Gaspard Kanyarukiga aryozwa ku giti cye kuba yaracuze umugambi wo kwica Abatutsi b'abasiviri kuri paruwasi ya Nyange ku itariki ya 15 n'iya 16 Mata 1994 mu rwego rw'umugambi mubisha uhuriweho, akaba *yarategetse* (ni twe tubishimangiye) kandi agahamagarira abantu gukora ubwo bwicanyi, ndetse akanabukora ubwe, cyangwa se ku bundi buryo ubwo ari bwo bwose akaba yarafashije cyangwa yarateye inkunga abakoze ibyo byaha". Igika

2.1. Amategeko akurikizwa

617. Ingingo ya 6(1) ya Sitati iteganya ko umuntu uwo ari we wese wacuze umugambi, uwawuhamagariye abandi, uwategetse gukora icyaha, uwagikoze cyangwa ku bundi buryo ubwo ari bwo bwose, agafasha kandi agashyigikira gucura umugambi, gutegura, cyangwa gutsotsoba icyaha icyo ari cyo cyose kivugwa mu ngingo ya 2 kugeza ku ya 4 z'iyi sitati, akiryozwa nka gatozi.

618. "Gucura umugambi" bivuga ko umuntu umwe cyangwa benshi bategura ibikorwa bigize icyaha kimwe cyangwa byinshi biteganywa na Sitati kandi nyuma yaho ibyo byaha bigatsotsobwa[1702]. Birahagije kwerekana ko "gucura umugambi" byabaye inkunga ikomeye mu ikorwa ry'ibyo byaha[1703]. Igitekerezo cyo gukora icyaha ("*mens rea")* muri iyi miterere y'uburyozwacyaha gikubiyemo icyo gucura umugambi wo gukora icyaha cyangwa, nibura, gutekereza ko bishoboka cyane ko icyaha cyakorwa mu rwego rwo gutsotsoba ibikorwa byateguwe cyangwa se rwo kubitsotsoba bitewe n'uko hari abateshutswe gukora ibitegetswe[1704].

619. "Guhamagarira" bivuga gukangurira undi muntu gukora icyaha[1705]. Si ngombwa kwerekana ko icyaha kitari gukorwa iyo uregwa atabigiramo uruhare; birahagije kwerekana ko igikorwa cyo guhamagarira umuntu gukora icyaha cyabaye imbarutso

cya 19, gishinja Uregwa itsembatsemba nk'icyaha cyibasiye inyokomuntu, na cyo kivuga ko "gutegeka" ari imiterere y'uburyozwacyaha. Inyandiko y'ibirego yahinduwe, ibika 18, 19.

[1701] Inyandiko y'ibirego yahinduwe, ibika 4-6, 19.

[1702] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 479, nk'uko byanditse mu *Rubanza rwa Kordić na Čerkez*, No. IT-95-14/2-A, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004, igika 26.

[1703] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 479, nk'uko byanditse mu *Rubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 26.

[1704] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 479, nk'uko byanditse mu *Rubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, ibika 29, 31.

[1705] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 480, nk'uko byanditse mu *Rubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu bujurire, igika 117; *Urubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 27.

ikomeye yatumye agikora[1706]. Igitekerezo cyo gukora icyaha mu rwego rw'iyi miterere y'uburyozwacyaha kigizwe no gukangurira undi muntu gukora icyaha cyangwa, nibura, kuba uregwa azi neza ko bishoboka rwose ko icyaha yahamagariye abantu cyakorwa, cyangwa se ko abo yahamagariye kudakora igitegetswe bamwumvira[1707].

620. Umuntu ufite ijambo ku wundi ashobora kuryozwa icyaha kubera "gutegeka", hashingiwe ku Ngingo ya 6(1), iyo yahaye undi muntu amabwiriza yo gukora icyaha[1708]. Si ngombwa ko uregwa aba akuriye uwatsotsobye icyaha[1709]. Birahagije gutanga ikimenyetso kigaragaza ko uregwa yari afite ijambo, ku buryo umuntu watsotsobye icyaha yiyumvishaga ko yagombaga kumvira amabwiriza yo gukora icyaha yatanzwe n'uwo uregwa[1710]. Ububasha nk'ubwo bushobora kuba budakomoka ku mategeko cyangwa se ukurikije uko buteye ari ubw'akanya gato gusa[1711].

621. Umuntu ufasha cyangwa utera inkunga ni ukora "ibikorwa bigamije by'umwihariko gutera inkunga no gushishikaza utsotsoba icyaha runaka, cyangwa kumutera akanyabugabo, ibyo bikorwa bikaba imbarutso ikomeye ituma icyo cyaha gikorwa"[1712].

[1706] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 480, nk'uko byanditse mu *Rubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 129; *Urubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 27.

[1707] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 480, nk'uko byanditse mu *Rubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, ibika 29, 32.

[1708] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 361, nk'uko byanditse mu *Rubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 28. Reba n'*Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 481. Na none, habaho uburyozwacyaha iyo umuntu uri mu mwanya w'ubuyobozi ategetse ko hakorwa igikorwa iki n'iki cyangwa yirengagije gukora ibyo ategetswe, azirikana neza ko icyaha gishobora kuzakorwa hubahirizwa ayo mategeko ye kandi koko icyo cyaha kikaza gukorwa n'umuntu wahawe ayo mategeko. *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 481, nk'uko byanditse mu *Rubanza rwa Galić*, No. IT-98-29-A, Inyandiko y'urubanza mu bujurire, 30 Ugushyingo 2006, ibika 152, 157; *Urubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 30; *Urubanza rwa Blaškić*, No. IT-95-14-A, Inyandiko y'urubanza mu bujurire, 29 Nyakanga 2004, igika 42.

[1709] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 361.

[1710] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 361.

[1711] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 363.

[1712] *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 79*; Urubanza rwa Blagojević na Jokić*, No. IT-02-60-A, Inyandiko y'urubanza mu bujurire, 9 Gicurasi 2007, igika 127, nk'uko byanditse mu *Rubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 85. Reba na none *Urubanza rwa Ntagerura na bagenzi be*,

Igikorwa cyangwa ibikorwa by'uregwa si ngombwa ko bibanziriza itsotsoba ry'icyaha, bishobora no kuba mu gihe icyaha kirimo gukorwa cyangwa cyarangije gukorwa[1713]. Igisabwa mu rwego rw'ibitekerezo kugira ngo bivugwe ko habayeho gufasha no gutera inkunga ni ukuba umuntu azi ko ibikorwa bye bigamije gutiza umurindi utsotsoba icyaha[1714]. Iyo ari ibyaha bibaho iyo hagaragajwe igitekerezo cyihariye cyo kubikora, nk'itoteza cyangwa jenoside, ufasha cyangwa utera inkunga agomba kuba azi ko gatozi w'ibanze afite icyo gitekerezo cyihariye[1715].

622. Urugereko rw'Ubujurire rwemeje ko "gukora" [icyaha] mbere na mbere ari ugutsotsoba igikorwa gifatika kandi kitaziguye (kandi ugikoze azi neza ko ari icyaha)

Inyandiko y'urubanza mu bujurire, igika 370; *Urubanza rwa Blaškić*, Inyandiko y'urubanza mu bujurire, ibika 45-46; *Urubanza rwa Vasiljević*, No. IT-98-32-A, Inyandiko y'urubanza mu bujurire, 25 Gashyantare 2004, igika 102. Hari igihe uregwa ashobora guhamwa n'icyaha cyo gufasha cyangwa gutera inkunga iyo hatanzwe ibimenyetso bihamya ko imyitwarire ye yagaragayemo gushyigikira ku buryo buteruye no gushishikaza abakora icyaha kandi iyo myitwarire ikaba yaragize uruhare rukomeye mu ikorwa ry'icyaha. *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 80, nk'uko byanditse mu *Rubanza rwa Brđanin*, No. IT-99-36-A, Inyandiko y'urubanza mu bujurire, 3 Mata 2007, ibika 273, 277.

[1713] *Urubanza rwa Blagojević & Jokić*, Inyandiko y'urubanza mu bujurire, igika 127, nk'uko byanditse mu *Rubanza rwa Blaškić*, Inyandiko y'urubanza mu bujurire, igika 48. Reba na none *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 372.

[1714] *Urubanza rwa Muvunyi*, Inyandiko y'urubanza mu bujurire, igika 79; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 370; *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 86; *Urubanza rwa Vasiljević*, Inyandiko y'urubanza mu bujurire, igika 102. Reba na none *Urubanza rwa Blaškić*, Inyandiko y'urubanza mu bujurire, ibika 46, 49. Ufasha cyangwa utera inkunga si ngombwa ko aba afite umugambi umwe na gatozi w'ibanze (n'ubwo bishoboka ko yaba awufite). Reba, urugero, *Urubanza rwa Mpambara*, No. ICTR-01-65-T, Inyandiko y'urubanza mu rw'iremezo, 11 Nzeri 2006, igika 16, nk'uko byanditse mu rubanza rwa *Blaškić*, Inyandiko y'urubanza mu bujurire, igika 49; *Urubanza rwa Krnojelac*, No. IT-97-25-A, Inyandiko y'urubanza mu bujurire, 17 Nzeri 2003, igika 51; *Vasiljević*, Inyandiko y'urubanza mu bujurire, igika 102; *Urubanza rwa Semanza*, No. ICTR-97-20-T, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 388 ("Uregwa si ngombwa ko aba asangiye igitekerezo cyo gukora icyaha *(mens rea)* na gatozi w'ibanze; nyamara ariko uregwa agomba kuba azi ibya ngombwa bigize icyaha cy'ibanze hakubiyemo n'igitekerezo cyo gukora icyaha.

[1715] *Urubanza rwa Blagojević & Jokić*, Inyandiko y'urubanza mu bujurire, igika 127; *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 86; *Urubanza rwa Krstić*, No. IT-98-33-A, Inyandiko y'urubanza mu bujurire, 19 Mata 2004, ibika 140, 141.

cyangwa guteshukwa gukora ibiteganywa n'amategeko ahana[1716]. Urugereko rw'Ubujurire rwemeje ko, "mu birebana na jenoside … 'ibikorwa bifatika kandi bitaziguye' bitavuga byanze bikunze ko umuntu aba yishe undi; hari ibindi bikorwa bifatwa nk'ibigize icyaha (*actus reus*), bipfa gusa kuba, kimwe n'ubwicanyi byaganishijeho, bigize umugambi wa jenoside[1717]. Byongeye kandi, n'ubwo bitavugwa mu buryo bweruye mu Ngingo ya 6(1), Urugereko rw'Ubujurire rwemeje ko kugira uruhare mu mugambi mubisha uhuriweho na byo ari uburyo bwo "gukora" [icyaha], nk'uko biteganywa n'Ingingo ya 6(1)[1718].

623. Kugira ngo umugambi mubisha uhuriweho ubarirwe mu rwego rw'amategeko mpuzamahanga ashingiye ku muco karande, hari uburyo butatu wagaragayemo: ubw'ibanze, uburi kuri gahunda n'ubwaguye[1719]. Muri uru rubanza, Porokireri yavuze ko ashingira ku buryo bwa mbere gusa bw'umugambi mubisha uhuriweho[1720].

[1716] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 478; *Urubanza rwa Tadić*, No. IT-94-1-A, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999, igika 188. Reba na none *Urubanza rwa Seromba*, Inyandiko y'urubanza mu bujurire, igika 161; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 60.

[1717] *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 60 (rwemeje ko Uregwa "yakoze" jenoside kubera ko yari aho ubwicanyi bwakorewe, akaba yarabuyoboye akanabugenzura, kandi we ubwe agategeka ko Abatutsi n'Abahutu bivangura. Reba na none *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, ibika 161, 171 (rwemeje ko Padiri Athanase Seromba "yakoze" jenoside kubera ko "yakoresheje bisesuye ijambo yari afite ku mushoferi wa tingatinga, kandi nk'uko Urugereko rwa Mbere rw'Iremezo rwabyemeje, uyu mushoferi yabonye Athanase Seromba ari we wenyine ufite ububasha, maze akurikiza amabwiriza ye").

[1718] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 462, nk'uko byanditse mu rubanza rwa *Tadić,* Inyandiko y'urubanza mu bujurire, ibika 188, 226; *Urubanza rwa Milutinović na bagenzi be*, No. IT-99-37-AR72, Icyemezo ku cyifuzo cya Dragoljub Ojdanić kibyutsa ingoboka y'iburabubasha – Umugambi mubisha uhuriweho (Urugereko rw'Ubujurire), 21 Gicurasi 2003, igika 20.

[1719] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, ibika 463-465, nk'uko byanditse mu *Rubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, ibika 195-226. Reba na none *Urubanza rwa Vasiljević*, Inyandiko y'urubanza mu bujurire, ibika 96-99.

[1720] Imyanzuro mbanzirizarubanza ya Porokireri, igika 23.

624. Ubwo buryo butatu bw'umugambi mubisha uhuriweho bwose buhuriye ku gikorwa gifatika kigize icyaha (*actus reus*), na cyo kigizwe n'ibyangombwa bitatu[1721]: kuba ari abantu benshi, bitari ngombwa ko baba bibumbiye mu mutwe wa gisirikare, wa politiki cyangwa w'urwego rw'ubutegetsi[1722]; kuba bahuriye ku mugambi umwe, gahunda cyangwa intego, bitari ngombwa ko baba barabiteguye mbere ariko bigatuma hakorwa icyaha giteganywa na Sitati[1723]; no kuba uregwa yaragize uruhare muri uwo mugambi uhuriweho[1724]. Kugira ngo bivugwe ko uregwa yabigizemo uruhare, si ngombwa ko aba yarakoze icyaha runaka giteganywa (urugero: ubuhotozi, itsembatsemba, ibikorwa by'urushinyaguro cyangwa gusambanya ku gahato), bishobora kuba ari inkunga cyangwa umusanzu yatanze mu gutsotsoba uwo mugambi uhuriweho[1725]. Byongeye kandi, n'ubwo umusanzu w'uregwa mu mugambi mubisha uhuriweho utagomba kuba kamara cyangwa utubutse, ugomba nibura kuba ufite agaciro kagaragara mu ikorwa ry'icyaha uregwa yahamiijwe.[1726]

625. Igitandukanya ubwo buryo butatu bw'umugambi mubisha uhuriweho ni igitekerezo cyo gukora icyaha gisabwa muri buri rwego. Ku birebana n'uburyo bw'ibanze bw'umugambi mubisha uhuriweho, abakoze icyaha bose bagomba kuba bari basangiye

[1721] *Urubanza rwa Vasiljević*, Inyandiko y'urubanza mu bujurire, igika 100; *Urubanza rwa Krnojelac*, Inyandiko y'urubanza mu bujurire, igika 31. Reba na none *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 96; *Urubanza rwa Ntakirutimana na Ntakirutimana,* Inyandiko y'urubanza mu bujurire, igika 466.

[1722] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 466, nk'uko byanditse mu *Rubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, igika 227.

[1723] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 466, nk'uko byanditse mu *Rubanza rwa Tadić,* Urubanza No. Inyandiko y'urubanza mu bujurire, igika 227. Intego rusange ishobora gushyirwa mu bikorwa ku buryo butateguwe kandi ishobora kugaragazwa n'uko abantu benshi bakoreye hamwe igikorwa cyo gutsotsoba umugambi mubisha uhuriweho.

[1724] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 466; *Urubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, igika 227.

[1725] *Urubanza rwa Stakić*, No. IT-97-24-A, Inyandiko y'urubanza mu bujurire, 22 Werurwe 2006, igika 64; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 466; *Urubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, igika 227.

[1726] *Urubanza rwa Simba*, Inyandiko y'urubanza mu bujurire, igika 303, nk'uko byanditse mu *Rubanza rwa Brđanin,* Inyandiko y'urubanza mu bujurire, igika 430.

igitekerezo cyo gukora icyaha runaka[1727]. Iyo mu rwego rw'umugambi mubisha uhuriweho bisabwa ko habaho igitekerezo cyihariye cyo gukora icyaha, abari muri uwo mugambi bose bagomba kuba basangiye igitekerezo cyihariye na gatozi w'ibanze[1728].

2.2. Kumenyeshwa ibirego

626. Urugereko ruributsa ko Porokireri asabwa kwerekana mu Nyandiko y'ibirego imiterere y'uburyozwacyaha ashingiraho ashinja uregwa[1729]. Urugereko rw'Ubujurire rwagiye kenshi rubwira Porokireri ko atagomba gushimishwa no gusubiramo ibikubiye mu Ngingo ya 6(1), uretse gusa mu gihe yaba afite igitekerezo cyo gushingira ku miterere yose y'uburyozwacyaha ivugwa muri iyo ngingo[1730]. Niba Porokireri ashaka gushingira ku miterere yose y'uburyozwacyaha ikubiye mu Ngingo ya 6(1), agomba kwerekana mu Nyandiko y'ibirego ibikorwa bifatika kuri buri miterere y'uburyozwacyaha.[1731] Urugereko rwa Mbere rw'Iremezo rugiye gusuzuma niba imiterere runaka y'uburyozwacyaha Porokireri ashingiraho muri uru rubanza yarerekanwe ku buryo bukwiye.

Umugambi mubisha uhuriweho

627. Iyo uregwa ashinjwa "gukora" [icyaha] hashingiwe ku Ngingo ya 6(1) ya Sitati, Inyandiko y'ibirego igomba kwerekana neza niba iryo jambo "gukora" rivuga ko uregwa hari igikorwa gifatika yakoze ku giti cye, yaragiye mu mugambi mubisha

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[1727] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 467 ("Uburyo bw'ibanze bw'[umugambi mubisha uhuriweho] busaba ko habaho igitekerezo cyo gukora icyaha runaka (kikaba ari igitekerezo gihuriweho n'abafatanyije gukora icyaha"); *Urubanza rwa Vasiljević*, Inyandiko y'urubanza mu bujurire, igika 101.

[1728] *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, ibika 109-110, nk'uko byanditse mu *Rubanza rwa Krnojelac*, Inyandiko y'urubanza mu bujurire, igika 111.

[1729] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 21; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 29. Reba na none *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 473.

[1730] *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 21 (hifashishijwe Ingingo ya 7(1) ya Sitati ya TPIY); *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 357; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 473.

[1731] *Urubanza rwa Simic*, Inyandiko y'urubanza mu bujurire, igika 21; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 29 (hifashishijwe Ingingo ya 7(1) ya Sitati ya TPIY).

uhuriweho cyangwa byombi[1732]. Iyo Porokireri ashingira ikirego ku mugambi mubisha uhuriweho, agomba kugaragaza mu nyandiko y'ibirego icyo uwo mugambi wari ugamije, abari bawugize, igihe uwo mugambi wabereyeho n'uruhare uregwa yawugizemo[1733]. Inyandiko y'ibirego igomba kwerekana kandi mu buryo busobanutse neza imiterere y'umugambi mubisha uhuriweho uvugwa[1734]. Iyo ibyo biterekanwe, inyandiko y'ibirego iba ifite inenge. Nk'uko byasobanuwe haruguru, inenge ishobora gukosorwa gusa mu nzira zidasanzwe[1735].

628. Muri uru rubanza, Ibika kuva ku cya 4 kugeza ku cya 6 by'Inyandiko y'ibirego yahinduwe bivuga ku buryo bweruye ibirebana n'umugambi mubisha uhuriweho. Ibyo bika bivuga ko icyo uwo mugambi mubisha uhuriweho wari ugamije kwari ugukora jenoside n'ibyaha byibasiye inyokomuntu, hibasiwe Abatutsi bazira ubwoko bwabo kugira ngo bose uko bakabaye cyangwa se igice cyabo barimburwe muri Komini ya Kivumu, Perefegitura ya Kibuye. Igihe kivugwa cy'uwo mugambi mubisha uhuriweho ni ukuva ku itariki ya 6 kugeza ku ya 16 Mata 1994[1736]. Ibyabaye bisobanuwe muri make mu Nyandiko y'ibirego ("Ibyabaye ibirego kuva ku cya 1 kugeza ku cya 3 bishingiyeho") hamwe n'Imyanzuro mbanzirizarubanza ya Porokireri byerekana ku buryo bugaragara ko umugambi mubisha uhuriweho uvugwa wari ugamije kwica Abatutsi b'abasiviri bari bahungiye muri kiriziya y'i Nyange ku itariki ya 15 n'iya 16 Mata 1994[1737]. Mu gika cya 4 cy'Inyandiko y'ibirego yahinduwe, Porokireri avuga ko ibyo Gaspard Kanyarukiga yakoze byari mu rwego rw'umugambi mubisha yari

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1732 *Urubanza rwa Krnojelac,* Inyandiko y'urubanza mu bujurire, igika 138; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 475.

1733 *Urubanza rwa Kvočka na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 28; *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 24; *Urubanza rwa Simba* Inyandiko y'urubanza mu bujurire, igika 63; *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 22. Reba na none *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, igika 162.

1734 *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 63; *Urubanza rwa Simić*, Inyandiko y'urubanza mu bujurire, igika 22; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 24.

1735 *Reba* ibika 36-38.

1736 Inyandiko y'ibirego yahinduwe, igika 4 ("Igihe kivugwa muri iyi Nyandiko y'ibirego …").

1737 Inyandiko y'ibirego yahinduwe, igika 6 ("Ibyaha bivugwa muri iyi Nyandiko y'ibirego biri mu mubare w'ibyo umugambi mubisha uhuriweho wari ugamije"); Imyanzuro mbanzirizarubanza ya Porokireri, ibika 36-45.

ahuriyeho n'abategetsi icyenda bavugwa amazina muri icyo gika, hamwe n'abajandarume, Interahamwe n'abapolisi ba komini. Ibika kuva ku cya 11 kugeza ku cya 18 byerekana uruhare rwa buri wese mu bamaze kuvugwa muri uwo mugambi mubisha uhuriweho. Imiterere yihariye y'uruhare rw'Uregwa muri uwo mugambi mubisha uhuriweho ivugwa kandi muri ibyo bika by'Inyandiko y'ibirego, ni ukuvuga kuva ku cya 11 kugeza ku cya 18. By'umwihariko, Igika cya 18, kivuga ko Uregwa "aryozwa ku giti cye kuba yaracuze umugambi wo kwica Abatutsi b'abasiviri kuri paruwasi ya Nyange ku itariki ya 15 n'iya 16 Mata 1994 *mu rwego rw'umugambi mubisha uhuriweho*, (ni twe tubishimangiye) akaba yarategetse kandi agahamagarira abantu gukora ubwo bwicanyi, ndetse akanabukora ubwe, cyangwa se ku bundi buryo ubwo ari bwo bwose akaba yarafashije cyangwa yarateye inkunga abakoze ibyo byaha".

629. N'ubwo Inyandiko y'ibirego iterekanye imiterere yihariye y'umugambi mubisha uhuriweho Uregwa ashinjwa, Porokireri yerekanye mu Myanzuro mbanzirizarubanza ye ko, muri uru rubanza, ashingira gusa ku buryo bwa mbere bw'umugambi mubisha uhuriweho[1738]. Igika cya 23 cy'Imyanzuro mbanzirizarubanza kivuga kandi ko, "uregwa agomba kuba afite igitekerezo kimwe na bagenzi be bahuriye ku mugambi mubisha, cyo gukora icyaha runaka", ibi bikaba byerekana ko Porokireri ashingira ku buryo bwa mbere bw'umugambi mubisha uhuriweho.

630. Kubera izo mpamvu, Urugereko rusanze ibirebana n'umugambi mubisha uhuriweho byarerekanywe ku buryo buhagije mu Nyandiko y'ibirego kandi Uregwa yaramenyeshejwe ku buryo bukwiye ko ashinjwa nka gatozi hashingiwe ku buryo bw'ibanze bw'umugambi mubisha uhuriweho.

Gucura umugambi

631. Mu bika by'ibanze bya 6, 7 na 19 by'Inyandiko y'ibirego yahinduwe, Uregwa ashinjwa icyaha cyo gucura umugambi wo gukora jenoside, n'itsembatsemba nk'icyaha cyibasiye inyokomuntu, hashingiwe ku Ngingo ya 6(1) ya Sitati. Nyamara ariko, mu ncamake y'ibyabaye, igika cya 16 n'icya 18 ni byo byonyine bivuga ku buryo bweruye ibirebana no gucura umugambi nka bumwe mu buryo bw'uburyozwacyaha. Mu gika

[1738] Imyanzuro mbanzirizarubanza ya Porokireri, igika 23.

cya 16, Porokireri avuga ko mu nama yabereye kuri CODEKOKI ku itariki ya 16 Mata 1994, Uregwa hamwe n'abandi "bateguye umugambi wo kwica impunzi zose z'Abatutsi zari mu kiriziya bayizisenyeyeho". Urugereko ruributsa ko Porokireri nta kimenyetso na kimwe yatanze gihamya ko hari inama yabereye kuri CODEKOKI ku itariki ya 16 Mata 1994, ko kandi Urugereko rutitaye ku bimenyetso byatanzwe ku birebana n'inama yabereye kuri farumasi uwo munsi bitewe n'uko Uregwa atamenyeshejwe ibyo ashinjwa mu buryo bukwiye. Urugereko rugiye kureba noneho niba "gucura umugambi" byarerekanywe mu buryo bukwiye nka kimwe mu miterere y'uburyozwacyaha, ku birebana n'ibikorwa Uregwa ashinjwa bivugwa mu bindi bika by'Inyandiko y'ibirego[1739].

632. Urugereko rusanga, n'ubwo ikirego runaka kiri mu Nyandiko y'ibirego cyaba kiterekana neza imiterere y'uburyozwacyaha, uregwa agomba kuba yaramenyeshejwe ku buryo busobanutse kandi mu gihe gikwiye imiterere y'uburyozwacyaha ashinjwa, twavuga nko kuba yarabimenyeshejwe mu bindi bika by'inyandiko y'ibirego[1740]. Urugereko rw'Ubujurire rwemeje ko, mu kugenzura niba uregwa yaramenyeshejwe ku buryo busobanutse kandi mu gihe ibyo aregwa, inyandiko y'ibirego igomba gufatwa yose uko yakabaye nk'ikintu kimwe[1741]. Muri uru rubanza, Urugereko rusanga, uretse ibivugwa mu bika rusange birebana no gucura umugambi, igika cya 18 cy'Inyandiko y'ibirego yahinduwe kigira kiti: "Kubera impamvu zivugwa mu bika kuva ku cya 14 kugeza ku cya 18, Gaspard Kanyarukiga aryozwa ku giti cye kuba yaracuze umugambi … wo kwica Abatutsi b'abasiviri kuri paruwasi ya Nyange"; uburyo byanditse byerekana ko Uregwa ashinjwa gucura umugambi w'ibyabaye byose bivugwa kuva ku gika cya 14 kugeza ku cya 18. Byongeye kandi, Urugereko rusanga ibyabaye bivugwa muri uru rubanza birebana n'imyitwarire mibisha imwe rukumbi, yasohoreje ku isenywa rya kiriziya y'i Nyange ku itariki ya 16 Mata 1994. Hanyuma, Urugereko rusanga mu gika cya 36 cy'Imyanzuro mbanzirizarubanza ye, Porokireri avuga ko Kanyarukiga yagiye mu nama kwa Seromba n'ahandi hagati y'itariki ya 10 n'iya 16

[1739] Reba *Urubanza rwa Rukundo,* No. ICTR-2001-70-A, Inyandiko y'urubanza mu bujurire, 20 Ukwakira 2010, ibika 33, 35, 37.

[1740] *Urubanza rwa Semanza*, Inyandiko y'urubanza mu bujurire, igika 259.

[1741] *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 123.

Mata 1994 "zo gucura umugambi wo kwica Abatutsi"[1742]. Muri icyo gika, Porokireri yerekana ko inama zose zivugwa mu Nyandiko y'ibirego yahinduwe zifatwa nk'ibikorwa byo "gucura umugambi". Bityo rero, urebye ibivugwa by'ibanze byerekeye gucura umugambi, nk'uko biri mu bika by'ibanze byavuzwe, ibirego bishinja Kanyarukiga ko yagiye mu nama enye hagati y'itariki ya 10 n'iya 16 Mata 1994 hamwe n'ikirego cyo mu gika cya 16 kivuga ko Uregwa ari mu bacuze umugambi wo gusenya kiriziya, Urugereko rwemera ko Uregwa yamenyeshejwe ku buryo buhagije ko ashinjwa icyaha cyo gucura umugambi w'ibyaha bivugwa.

Indi miterere y'uburyozwacyaha

633. Rukurikije imyanzuro yarwo ku byabaye bivugwa muri uru rubanza, Urugereko rusanze Porokireri atarashoboye gutanga ibimenyetso bidashidikanywaho bihamya ko Uregwa yategetse kandi agahamagarira abantu gukora ibyaha bivugwa mu Nyandiko y'ibirego, akabibafashamo cyangwa akabibateramo inkunga, ndetse na we ubwe akabikora. Bityo rero, Urugereko ntirukeneye gusuzuma niba iyo miterere y'uburyozwacyaha yaragaragajwe ku buryo bukwiye muri uru rubanza.

3. <u>Jenoside</u>

3.1. Amategeko akurikizwa

634. Ikirego cya 1 cy'Inyandiko y'ibirego gishinja Gaspard Kanyarukiga jenoside, hashingiwe ku Ngingo ya 2(3)(a) n'Ingingo ya 6(1) ya Sitati[1743].

> Icyaha cya jenoside ni kimwe mu bikorwa bikurikira cyakozwe kigamije kurimbura abantu bose cyangwa igice cyabo bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, bazira icyo bari cyo:
>
> (a) Kwica abo bantu;

[1742] Imyanzuro mbanzirizarubanza ya Porokireri, igika 36 ("Porokireri avuga ko Uregwa hamwe n'abandi bantu bari mu mugambi mubisha uhuriweho bakoreye inama kwa Seromba n'ahandi hantu bategura ubwicanyi bwibasiye Abatutsi. Porokireri azatanga ibimenyetso bigaragaza ko izo nama zabaye kuva ku itariki ya 10 Mata 1994 mbere y'uko ubwicanyi butangira ku kiriziya y'i Nyange kandi zarakomeje mu minsi yakurikiyeho kugeza ku itariki ya 16 Mata 1994 … izo nama zari zigamije gucura umugambi wo kurimbura Abatutsi bose uko bakabaye cyangwa se igice cyabo").

[1743] Inyandiko y'ibirego yahinduwe, igika 7.

(b) Kubatera ubumuga bukomeye bwaba ubw'umubiri cyangwa ubwo mu mutwe;

…[1744].

635. Umuntu akora icyaha cya jenoside giteganywa n'Ingingo ya 2(3)(a) ya Sitati iyo yakoze kimwe mu bikorwa birondorwa mu Ngingo ya 2(2) afite igitekerezo cyo kurimbura abantu bose cyangwa se igice cyabo bahuriye ku bwenegihugu, ubwoko cyangwa idini abaziza icyo bari cyo[1745]. Abahohotewe bagomba kuba bibasiwe bazira gusa ko bari muri iryo tsinda ryo mu rwego rw'arengerwa mu Mategeko mpuzamahanga[1746]. Ubukemuramanza buvuga kandi ko uregwa agomba kuba yari afite igitekerezo cyo kurimbura nibura umubare ugaragara kuba munini w'abo bantu barengerwa n'Amategeko mpuzamahanga ukurikije uko abagize iryo tsinda ryose bangana[1747]. Iyo umuntu aregwa icyaha cyo gucura umugambi wo gukora jenoside,

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[1744] Ingingo 2(2) ya Sitati.

[1745] *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 492; *Urubanza rwa Ntawukulilyayo*, No. ICTR-05-82-T, Inyandiko y'urubanza mu rw'iremezo, 3 Kanama 2010, igika 450. Reba na none *Urubanza rwa Seromba*, Inyandiko y'urubanza mu bujurire, igika 175; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 39.

[1746] *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu bujurire, igika 53 ("Bityo Urugereko rwa Mbere rw'Iremezo rwatanze ibisobanuro bikwiye by'amagambo "icyo bari cyo", bivuga ko ibyaha byakozwe byibasiye abahohotewe *bazira* ko bari mu itsinda riri mu rwego rw'avugwa mu Mategeko mpuzamahanga, ariko atari yo mpamvu *yonyine*"). Reba na none *Urubanza rwa Seromba*, Inyandiko y'urubanza mu bujurire, igika 176; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu bujurire, ibika 524-525; *Urubanza rwa Jelisić*, No. IT-95-10-A, Inyandiko y'urubanza mu bujurire, 5 Nyakanga 2001, igika 47.

[1747] *Urubanza rwa Sikirica na bagenzi be*, No. IT-95-8-T, Urubanza ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho icyaha mu rw'iremezo, 3 Nzeri 2001, igika 65. Reba na none *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 316 ("N'ubwo nta mubare ntarengwa wo hasi wa ngombwa usabwa kugira ngo bivugwe ko habayeho jenoside, Porokireri agomba gutanga ibimenyetso bidashidikanywaho byerekana ko uwakoze icyaha yari afite igitekerezo cyo kurimbura itsinda ry'abantu bazira icyo bari cyo, baba bose cyangwa se igice cyabo. Igitekerezo cyo kurimbura kigomba nibura kuba kigamije guhitana abantu benshi bo muri iryo tsinda" (hari ibyifashishihjwe byakuwemo)), nk'uko byanditse mu *Rubanza rwa Bagilishema*, No. ICTR-95-1A-T, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 64. Gereranya n'*Urubanza rwa Kayishema na Ruzindana*, No. ICTR-95-1-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 97 ("Urugereko rwa Mbere rw'Iremezo rusanga rero amagambo "igice cyabo" ashaka kuvuga ko hagomba kubaho igitekerezo cyo kurimbura umubare munini w'abantu bagize iryo tsinda"). Reba na none *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 44. Gereranya n'*Urubanza rwa Krstić*, No. IT-98-33-T, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001, igika 590 ("Urugereko rwa Mbere rw'Iremezo rusanga rero kugira igitekerezo cyo kurimbura itsinda ry'abantu, kabone n'ubwo byaba ari igice cyabo gusa, bivuga ko

guhamagarira no gutegeka umuntu umwe cyangwa benshi gukora jenoside, cyangwa kubafasha no kubatera inkunga mu ikorwa ry'icyo cyaha, Porokireri agomba gutanga ibimenyetso bihamya ko ibikorwa by'uregwa cyangwa ibyo yirengagije gukora byabaye inkunga ikomeye mu ikorwa ry'ibyaha bigize jenoside[1748].

636. Iyo nta bimenyetso bitaziguye biriho byerekana ko uregwa yari afite igitekerezo cyihariye cyo gukora jenoside, icyo gitekerezo gishobora kugaragazwa n'ibyo yivugiye cyangwa n'ibindi bimenyetso biziguye[1749]. Mu by'Urugereko rwa Mbere rw'Iremezo rushobora gushingiraho kugira ngo rwemeze ko uregwa yari afite igitekerezo cyo gukora jenoside harimo ibi bikurikira: uko ibintu byari byifashe muri rusange, ikorwa ry'ibindi bikorwa bihanirwa kandi biri kuri gahunda byibasiye itsinda rimwe n'irivugwa, intera y'amarorerwa yakozwe, kwibasira ku buryo buri kuri gahunda abahohotewe bazira ko bari mu itsinda runaka cyangwa se gukomeza gukora ibikorwa

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ari ugushaka kurimbura igice cyihariye cy'abantu bagize iryo tsinda, ibyo bikaba binyuranye no kwibasira umwe umwe ukwe muri iryo tsinda. N'ubwo abakora jenoside baba badashaka kurimbura itsinda riri mu rwego rw'avugwa mu Mategeko mpuzamahanga ry'abantu bose uko bakabaye nk'uko ayo matsinda avugwa mu Mategeko mpuzamahanga, bagomba kuba babona ko igice cy'abagize itsinda bashaka kurimbura ari agace kihariye k'abantu bagomba kurimburwa bazira icyo bari cyo"); *Urubanza rwa Jelisić*, No. IT-95-10-T, Inyandiko y'urubanza mu rw'iremezo, 14 Ukuboza 1999, igika 82 ("Igitekerezo cyo gukora jenoside gishobora rero kugaragara mu buryo bubiri. Hashobora kuba hariho icyifuzo cyo gutsembatsemba umubare munini cyane w'abantu bagize iryo tsinda, icyo gihe hakaba hariho igitekerezo cyo kurimbura imbaga y'abagize iryo tsinda. Nyamara ariko, hashobora na none kuba hariho icyifuzo cyo kurimbura umubare runaka w'abantu batoranyijwe kubera ingaruka zikomeye z'imibereho urupfu rwabo rushobora kugira ukurikije itsinda uko riteye"). Urugereko rwa Mbere rw'Iremezo rusanga hari imanza ziheruka gucibwa n'uru Rukiko zakurikije ibyashingiweho mu *Rubanza rwa Semanza*. Reba nk'urugero, *Urubanza rwa Ntawukulilyayo*, Inyandiko y'urubanza mu rw'iremezo, igika 450; *Urubanza rwa Bagosora na bagenzi be*, No. ICTR-98-41-T, Inyandiko y'urubanza mu rw'iremezo, 18 Ukuboza 2008, igika 2115; *Urubanza rwa Simba*, No. ICTR-01-76-T, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2005, igika 412; *Urubanza rwa Seromba*, No. ICTR-2001-66-I, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2006, igika 319.

[1748] *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 492.

[1749] *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu bujurire, ibika 158, 159. Reba na none *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 176; *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, ibika 40-41; *Urubanza rwa Rutaganda,* Inyandiko y'urubanza mu bujurire, ibika 525, 528; *Urubanza rwa Krstić*, Inyandiko y'urubanza mu bujurire, igika 34; *Urubanza rwa Semanza,* Inyandiko y'urubanza mu bujurire, igika 262, nk'uko byanditse mu *rubanza rwa Jelisić*, Inyandiko y'urubanza mu bujurire, igika 47.

bya kirimbuzi kandi bishingiye ku ivangura[1750]. Si ngombwa ko uwakoze icyaha aba yarabitewe gusa n'uko yari afite igitekerezo cyo gukora jenoside kandi kuba yari afite impamvu ye bwite ibimutera ntibivanaho icyo gitekerezo cyihariye cyo gukora jenoside[1751].

637. Inyandiko y'ibirego yahinduwe ishinja Kanyarukiga jenoside kubera kwica Abatutsi no kubatera ububabare bukomeye bwaba ubw'umubiri cyangwa ubwo mu mutwe cyangwa se kubakorera kimwe muri ibyo bikorwa. Ingereko za Mbere z'Iremezo zasobanuye ko "kwica abantu bo mu itsinda runaka" bisaba kwerekana ko uwakoze icyaha nka gatozi yishe ku bushake umuntu umwe cyangwa benshi bo mu itsinda runaka[1752]. "Gutera ububabare bukomeye bw'umubiri cyangwa mu mutwe" nta gisobanuro bitangirwa muri Sitati kandi ntibyigeze bisesengurwa ku buryo burambuye n'Urugereko rw'Ubujurire[1753]. Nyamara ariko, Ingereko za Mbere z'Iremezo, zakunze kwemeza igisobanuro cyatanzwe mu rubanza rwa Kayishema na Ruzindana: "gutera ububabare bukomeye bw'umubiri" … bishobora gufatwa ko bisobanura kwangiza ku buryo bukomeye amagara, gutera ibisare ku mubiri, cyangwa se gukomeretsa bikomeye ibice by'umubiri byaba iby'inyuma cyangwa ibyo mu nda cyangwa se ibyumviro"[1754]. Mu

[1750] *Urubanza rwa Semanza,* Inyandiko y'urubanza mu bujurire, igika 262, nk'uko byanditse mu *Rubanza rwa Jelisić*, Inyandiko y'urubanza mu bujurire, igika 47. Reba na none *Urubanza rwa Rutaganda,* Inyandiko y'urubanza mu bujurire, igika 525.

[1751] *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 269; *Urubanza rwa Jelisić*, Inyandiko y'urubanza mu bujurire, igika 49. Reba na none *Urubanza rwa Niyitegeka,* Inyandiko y'urubanza mu bujurire, igika 53.

[1752] Reba, urugero, *Urubanza rwa Ntawukulilyayo*, Inyandiko y'urubanza mu rw'iremezo, igika 452; *Urubanza rwa Bagosora na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 2117; *Urubanza rwa Simba*, Inyandiko y'urubanza mu rw'iremezo, igika 414; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 319. Reba na none *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu bujurire, igika 151 ("Niba amagambo "byenda gusa" avuga ko hari itandukanyirizo, n'iyo ryaba rito, hagati y'ayo magambo abiri, ayo magambo yombi yaba ashaka kuvuga ko ubwicanyi bwakozwe ku bushake ariko bitari ngombwa ko buba bwagambiriwe, iki ni cyo gisobanuro kigomba guhabwa ijambo "ubwicanyi").

[1753] Reba *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 46.

[1754] *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu rw'iremezo, igika 109. Reba *Urubanza rwa Ntawukulilyayo*, Inyandiko y'urubanza mu rw'iremezo, igika 452; *Urubanza rwa Bagosora na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 2117; *Urubanza rwa Ntagerura na bagenzi be*, No. ICTR-99-46-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004, igika 664; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 320.

ngero zifatika zo gutera ububabare bukomeye bw'umubiri harimo n'ibikorwa by'urugaraguro no gusambanya ku gahato[1755]. Ku birebana no "gutera ububabare bukomeye mu mutwe", hari Ingereko za Mbere z'Iremezo zasanze bishaka kuvuga "ko ari ibikorwa byangiza ubwenge ku buryo butoroshye kandi igihe kitari gito"[1756]. Nyamara ariko, iki gisobanuro bisa nk'aho nta bukemuramanza buhamye gishingiyeho[1757]. Ahubwo, urubanza uyu murongo w'ubukemuramanza ugenderaho ruvuga ko "gutera ububabare bukomeye mu mutwe" ari ikintu kigomba gusesengurwa hashingiwe ku miterere ya buri rubanza[1758]. Kugira ngo bishingirweho mu kwemeza ko hakozwe icyaha cya jenoside, ibikorwa bitera ububabare bw'umubiri cyangwa ubwo mu mutwe byakorewe abagize itsinda runaka, bigomba kuba bikomeye ku buryo bishobora kurimbura abantu bose bagize iryo tsinda cyangwa igice cyabo[1759].

[1755] *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 46.

[1756] Reba, nk'urugero, *Urubanza rwa Ntawukulilyayo*, Inyandiko y'urubanza mu rw'iremezo, igika 452; *Urubanza rwa Rukundo*, Inyandiko y'urubanza mu rw'iremezo, igika 260; *Urubanza rwa Bagosora na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 2117; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 664; *Urubanza rwa Kajelijeli*, No. ICTR-98-44A-T, Inyandiko y'urubanza mu rw'iremezo, 1 Ukuboza 2003, igika 815; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 321.

[1757] Ingereko za Mbere z'Iremezo zemeje icyo gisobanuro zashingiye ku gika cya 110 cy'inyandiko y'urubanza rwa *Kayishema na Ruzindana* rwo mu Rugereko rwa Mbere rw'Iremezo. Reba, nk'urugero, *Urubanza rwa Ntawukulilyayo*, Inyandiko y'urubanza mu rw'iremezo, igika 452; *Urubanza rwa Rukundo*, Inyandiko y'urubanza mu rw'iremezo, igika 260; *Urubanza rwa Bagosora na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 2117; *Urubanza rwa Kajelijeli*, Inyandiko y'urubanza mu rw'iremezo, igika 815; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 321. Hakurikijwe ibivugwa mu *rubanza rwa Semanza*, urugero, Urugereko rwa Mbere rw'Iremezo mu *Rubanza* rwa *Kayishema na Ruzindana* rwemeje ko iyo bavuga ubumuga bukomeye bwo mu mutwe bisobanura ko buba burenze ubworoheje cyangwa se ubwangiza igihe gitoya ubwenge bw'umuntu. *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 321. Nyamara ariko, Igika cya 110 cy'inyandiko y'urubanza rwa Kayishema na Ruzindana ntigikubiyemo isesengura cyangwa se umwanzuro w'Urugereko rwa Mbere rw'Iremezo. Ahubwo, gikubiyemo gusa incamake y'ingingo Porokireri yavuze. Ahubwo, Igika cya 113 cy'inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, Urugereko rwa Mbere rw'Iremezo rugaragarizamo isesengura ryarwo ry'icyo kibazo, kigira kiti: "Urugereko rusanga 'gutera ububabare bukomeye bwo mu mutwe' bigomba gusobanurwa hakurikijwe imiterere ya buri rubanza hashingiwe ku bukemuramanza burebana n'icyo kibazo". *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu rw'iremezo, ibika 110, 113.

[1758] Reba *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu rw'iremezo, igika 113.

[1759] *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 46.

3.2. Ikurikizwa ry'ayo mategeko muri uru rubanza

638. Urugereko rwa Mbere rw'Iremezo rwarangije kwemeza ko bitagibwaho impaka n'ababuranyi kuba hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, buri Munyarwanda yarabarirwaga muri bumwe mu bwoko bukurikira: Abahutu, Abatutsi cyangwa Abatwa, kandi ko jenoside yakorewe Abatutsi[1760]. Byagaragajwe bihagije ko Abatutsi bagize ubwoko buri mu rwego rw'ubuvugwa mu Mategeko mpuzamahanga, hakurikijwe ibiteganywa n'Ingingo ya 2 ya Sitati.[1761]

639. Rushingiye ku bimenyetso byatanzwe mu iburanisha, Urugereko rwasanze nyuma y'urupfu rwa Perezida Habyarimana ku itariki ya 6 Mata 1994, Abatutsi b'abasiviri baragabweho ibitero n'Abahutu muri Komini ya Kivumu maze bahungira kuri paruwasi ya Nyange. Abasiviri barenga 2.000, abenshi muri bo bakaba bari Abatutsi, bahungiye kuri paruwasi ya Nyange mbere y'itariki ya 16 Mata 1994. Urugereko rwasanze guhera ahagana ku itariki ya 12 Mata 1994, abajandarume barashinze ibirindiro kuri paruwasi ya Nyange, byitwa ko ari "ukurinda umutekano" w'Abatutsi bari bahahungiye. Abatutsi b'abasiviri bari bagoswe kandi n'abagabye igitero bari bitwaje intwaro, harimo n'Interahamwe.

640. Na none, Urugereko rwasanze, hagati y'itariki ya 13 n'iya 16 Mata 1994, Abahutu baragabye igitero ku Batutsi bari kuri paruwasi ya Nyange kandi basenya kiriziya, ibyo bikorwa bikaba byarahitanye Abatutsi babarirwa mu 2.000 barimo abagabo, abagore n'abana. Ntawe uhakana ko ibyo bitero byari bishingiye ku mpamvu z'ubwoko. Urugereko rwasanze abaturage b'Abahutu barasabwe kujya kuri paruwasi ya Nyange kugaba igitero ku Batutsi bari bahahungiye, kandi abo Bahutu bitaga abo bahohotewe "Inyenzi" ari nako bavuga bikirizanya amagambo nka "Tubatsembatsembe" na "Ntihagire n'umwe urokoka". Mu kugerageza kurimbura Abatutsi b'abasiviri bari bahungiye aho kuri paruwasi, abagabye igitero biraye mu bahohotewe bitwaje intwaro

[1760] Icyemezo ku cyifuzo cya Porokireri gisaba kwemeza ibitagibwaho impaka n'ababuranyi. Urugereko rwa mbere mu rw'iremezo, 14 Gicurasi 2009, ibika 12, 14.

[1761] Reba *Urubanza rwa Bagosora na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 2117, Inyandiko yo hasi ku rupapuro, 2338 ("Byongeye kandi, mu manza zose zaciwe n'uru Rukiko ku birebana na jenoside, hemejwe ko ubwoko bw'Abatutsi ari itsinda riri mu rwego rw'avugwa mu Mategeko mpuzamahanga"). Reba na none *Urubanza rwa Karemera na bagenzi be*, Icyemezo ku bujurire bwakozwe na Porokireri ajuririra icyemezo kirebana n'ibitagibwaho impaka n'ababuranyi, Urugereko rw'ubujurire, igika 25.

za gakondo, amabuye, imbunda na gerenade imwe nibura kandi bagerageza gusenya kiriziya bakoresheje urutambi no kuyitwika bakoresheje lisansi. Ibyo bagerageje bimaze kubapfubana, abagabye igitero bafashe icyemezo gikarishye cyane cyo gusenya iyo kiriziya y'i Nyange bakoresheje nibura tingatinga imwe, maze bahwata abarimo imbere. Urugereko rwasanze Abahutu babarirwa mu bihumbi bagabye igitero bitwaje intwaro za gakondo baragose kiriziya y'i Nyange ku itariki ya 16 Mata 1994 maze ugerageje kurokoka isenywa rya kiriziya bakamwivuna.

641. Bitewe n'uburyo ibitero byagabwe, Urugereko rusanga ababigabye baribasiye ku bushake abantu bagize itsinda riri mu rwego rw'avugwa mu Mategeko mpuzamahanga bakabica. Rukurikije umubare w'abahohotewe n'igitekerezo kigaragara abagabye igitero bari bafite cyo kurimbura Abatutsi bari bahungiye kuri paruwasi, Urugereko rwemera ko agatsiko k'abagabye igitero kari gafite igitekerezo cyo kurimbura nibura umubare munini w'Abatutsi. Urugereko rusanze rero isenywa rya kiriziya y'i Nyange hamwe n'ibitero bijyanye na ryo ari ibikorwa bigize icyaha cya jenoside.

642. Urugereko rugiye kureba noneho niba Uregwa hari uruhare yagize muri ibyo bikorwa.

Umugambi mubisha uhuriweho

643. N'ubwo uburyo bwa mbere bw'umugambi mubisha uhuriweho bwerekanywe uko bikwiye mu Nyandiko y'ibirego yahinduwe, Urugereko rwa Mbere rw'Iremezo rusanga ibivugwa na Porokireri ko Uregwa yari mu mugambi mubisha uhuriweho atarabitangiye ibimenyetso bidashidikanywaho byo kubihamya. Urugereko ruributsa ko, kugira ngo uregwa ahamwe n'icyaha cyo "gukora" hakurikijwe umugambi mubisha uhuriweho, hagomba gutangwa ibimenyetso bihamya ko yagize uruhare mu gutsotsoba umugambi uhuriweho cyangwa icyo wari ugamije kugeraho[1762]. N'ubwo Urugereko

[1762] *Urubanza rwa Stakić*, Inyandiko y'urubanza mu bujurire, igika 64; *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 96, nk'uko byanditse mu *Rubanza rwa Vasiljević*, Inyandiko y'urubanza mu bujurire, igika 100. Reba na none *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 466; *Tadić*, Inyandiko y'urubanza mu bujurire, igika 227 ("Kugira ngo uregwa agire uruhare mu mugambi uhuriweho, bisaba ko aba yakoze kimwe mu byaha biteganywa na Sitati. Si ngombwa ko urwo ruhare rugaragarira mu ikorwa ry'icyaha cyihariye kiri muri izo ngingo (urugero: ubwicanyi, itsembatsemba, ibikorwa by'urubozo, gusambanya ku gahato, n'ibindi), rushobora no kugaragarira mu gutera inkunga cyangwa gutiza umurindi umugambi uhuriweho cyangwa intego rusange"). Gereranya n'u*rubanza rwa*

rwa Mbere rw'Iremezo rwamaze kwemeza ko Kanyarukiga ari mu bacuze umugambi wo gusenya kiriziya y'i Nyange (biri busesengurwe na none hano hasi), nta kimenyetso cyakwizerwa rwabonye muri uru rubanza cyemeza ko Uregwa yategetse, agahamagarira kandi agashishikaza abagabye igitero cyangwa se akabaha inkunga ifatika. Bityo rero, Urugereko rusanga ibimenyetso byatanzwe bidahagije guhamya ko Uregwa yatanze inkunga ikomeye mu itsotsoba cyangwa ikorwa ry'ibyaha ashinjwa. Byongeye kandi, Urugereko rwa Mbere rw'Iremezo ruributsa ko uregwa adashobora, ku cyaha kimwe, guhamywa gucura umugambi wo kugikora no kugitsotsoba[1763]. Rumaze gusuzuma ibirebana n'umugambi mubisha uhuriweho, ukaba ari uburyo bwo gukora icyaha, hamwe no gucura umugambi nk'imiterere y'uburyozwacyaha, Urugereko rusanga, hakurikijwe imyanzuro yarwo ku byabaye rwafashe muri uru rubanza, gucura umugambi ari byo byerekana neza uruhare rw'Uregwa mu mikorere y'icyaha, kurusha umugambi mubisha uhuriweho.

Gucura umugambi

644. Nk'uko byavuzwe haruguru, gucura umugambi bisaba ko habaho gutegura imikorere y'icyaha giteganywa na Sitati, bikozwe n'umuntu umwe cyangwa benshi, kandi nyuma yaho icyo cyaha kigakorwa koko. Muri uru rubanza, Urugereko rwa Mbere rw'Iremezo rwasanze, nyuma y'ibitero byagabwe ku Batutsi kuri paruwasi ya Nyange

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Simba, Inyandiko y'urubanza mu bujurire, igika 250 ("Byaragaragajwe ku buryo buhagije ko mu mugambi mubisha atari ngombwa ko uwakoze icyaha aba yaragize uruhare mu gucura umugambi wo kugikora. Icya ngombwa n'uko uregwa aba yagize uruhare mu ntego rusange akora kimwe mu byaha biteganywa na Sitati"); *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 99 ("Si ngombwa ko uwagize uruhare mu mugambi mubisha uhuriweho aba we ubwe yatsotsobye ikintu icyo aricyo cyose mu bigize icyaha, iyo ibisabwa kugira ngo umugambi mubisha uhuriweho ubeho byuzuye. Nk'uko Urugereko rw'Ubujurire rwabisobanuye mu *Rubanza rwa Tadić*, ' n'ubwo abantu bamwe bagize itsinda ari bo bonyine bashobora kuba batsotsobye icyaha (ubwicanyi, itsembatsemba, gusenya nta kurobanura imigi minini, imigi mitoya cyangwa imidugudu, etc.), uruhare n'inkunga by'abandi bagize iryo tsinda akenshi ni ingirakamaro mu korohereza ikorwa ry'ibyaha bivugwa'". (hari ibindi byifashihijwe tutasubiyemo)).

1763 Reba, urugero, *Urubanza rwa Brđanin*, No. IT-99-36-T, Inyandiko y'urubanza mu rw'iremezo, 1 Nzeri 2004, igika 268; *Urubanza rwa Stakić*, No. IT-97-24-T, Inyandiko y'urubanza mu rw'iremezo, 31 Nyakanga 2003, igika 443; *Urubanza rwa Kordić na Čerkez*, No. IT-95-14/2-T, Inyandiko y'urubanza mu rw'iremezo, 26 Gashyantare 2001, igika 386. Urugereko rusanga iyo uregwa ahamwe no gukora icyaha kivugwa, uruhare rwe mu gucura umugambi wo kugikora ruba impamvu yongera ububi bw'icyaha yitabwaho mu kugena ibihano. Reba, urugero, *Urubanza rwa Stakić*, Inyandiko y'urubanza mu rw'iremezo, igika 443.

ku itariki ya 15 Mata 1994, Uregwa yaraganiriye na IPJ Kayishema, muri icyo kiganiro bakaba baravuze ko kiriziya igomba gusenywa. Bukeye, Uregwa yagiye mu nama yabereye kuri paruwasi ya Nyange, hamwe na Padiri Seromba, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, Juji Joseph Habiyambere n'abandi, muri iyo nama hakaba haravugiwemo ibirebana no gusenya kiriziya y'i Nyange. Iyo nama ikimara kurangira, Uregwa yabwiye Ndahimana, Kayishema, Habiyambere, Ndungutse n'abandi ko kiriziya igomba gusenywa kandi ko ashobora kubaka indi. Urugereko ruributsa ko Kanyarukiga yari ahari hamwe na bamwe muri abo bagabo ubwo igitero cyagabwaga ku itariki ya 15 Mata 1994, kandi ko nibura bamwe muri bo bagiye mu gitero cyagabwe ku Batutsi ku itariki ya 15 n'iya 16 Mata 1994 cyangwa se ko bakiyoboye mu buryo butaziguye[1764].

645. Hatanzwe ibimenyetso bihamya ko nyuma y'inama yabaye ku itariki ya 16 Mata mu gitondo, ari na yo yacuriwemo umugambi wo gusenya kiriziya, Fulgence Kayishema na Télesphore Ndungutse, bari bagiye muri iyo nama, bagiye gushaka tingatinga. Nyuma yaho tingatinga yazanywe kuri paruwasi hanyuma ikoreshwa mu gusenya kiriziya yahirimye ku bari bayirimo ikabahwata. Urugereko rwasanze, nta gushidikanya, hari Abatutsi bagera ku 2.000 bapfuye igihe kiriziya yasenywaga ku itariki ya 16 Mata 1994, barimo abagabo, abagore n'abana. Kubera iyo myanzuro yarwo, Urugereko rwemera, nta gushidikanya, ko Gaspard Kanyarukiga, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, Joseph Habiyambere n'abandi bacuze umugambi wo gusenya kiriziya y'i Nyange ku itariki ya 15 n'iya 16 Mata 1994 kandi ko iyo kiriziya yashenywe ku itariki ya 16 Mata 1994 nyuma ya saa sita, igahitana abari bayirimo. Kubera izo mpamvu, Urugereko rwemera ko Kanyarukiga n'abandi bacuze umugambi w'icyaha hanyuma kikaza gukorwa.

646. Rumaze kubona ko Kanyarukiga yagize uruhare mu gucura umugambi wo gusenya kiriziya, Urugereko noneho rugiye kureba niba uko gucura umugambi ari byo byabaye nyirabayazana ikomeye yatumye Abatutsi bicirwa kuri paruwasi. Urugereko rwa Mbere

[1764] Reba imyanzuro ku byabaye yafashwe n'Urugereko rwa Mbere rw'Iremezo ku birebana n'ibi bikurikira: Kayishema ashakisha abantu bo kugaba ibitero, Igika 441; Ndahimana ategeka abaturage gutangira gukora, Igika 472; Kayishema azana mazutu ku kiriziya y'i Nyange, Igika 493; kuba Ndungutse na Kayishema bari ku kiriziya y'i Nyange ubwo harimo hageragezwa kuyitwika, Igika 483, na Ndahimana arasa ku kiriziya mbere y'uko isenywa, Igika 576.

rw'Iremezo ruributsa ko Abahutu bagabye igitero ku Batutsi bari bahungiye kuri paruwasi ya Nyange ku itariki ya 13 n'iya 14 Mata 1994, ko ariko icyo gihe Abatutsi babashije gukumira icyo gitero. Ku itariki ya 15 Mata 1994, Abahutu bagabaga ibitero bakajije umurego kandi bashaka abandi bantu bo mu masegiteri anyuranye ya Komini ya Kivumu no mu yandi makomini kugira ngo babatere ingabo mu bitugu. Urugereko rwasanze, nta gushidikanya, IPJ Kayishema yaratwaye imodoka ya kamyoneti muri ako gace iriho ibyuma birangurura amajwi, agenda akangurira Abahutu kuza i Nyange kurwanya Abatutsi bari kuri paruwasi.

647. Ku itariki ya 15 Mata 1994, Abahutu babarirwa mu bihumbi baboneje kuri santere ya Nyange maze bagaba igitero ku Batutsi bari bahungiye kuri paruwasi, babarwanya bakoresheje amabuye n'intwaro za gakondo. Nyamara ariko, Abatutsi icyo gihe bashoboye kwirwanaho n'amabuye maze basubiza inyuma abagabye igitero, babavana kuri paruwasi babageza hepfo Ku Ishusho ya Bikira Mariya. Nyuma yaho uwo munsi, uwitwa Rukara wahoze ari umusirikare yateye nibura gerenade imwe ku Batutsi bari ku muhanda hagati yo Ku Ishusho ya Bikira Mariya na kiriziya. Iki gitero cyahitanye abantu benshi kandi gituma abakirokotse basubira kuri paruwasi. Urugereko rwa Mbere rw'Iremezo rwasanze haratanzwe ibimenyetso bigaragaza ko nyuma yaho Abatutsi bahungiye mu kiriziya imbere.

648. Ubwo Abatutsi bifungiraniraga mu kiriziya, abagabye igitero bagerageje gutera kiriziya ubwayo. Abapolisi ba komini barashe amasasu ku kiriziya. Nyuma ya saa sita, Kayishema yazanye lisansi kuri paruwasi, bagira ngo bagerageze gusenya kiriziya bayitwitse. Ibyo ariko byarabapfubanye; kiriziya ntiyahirimye kandi Abatutsi barakomeje bifungiraniramo imbere. Muri uwo mugoroba, Kanyarukiga na IPJ Kayishema bagiranye ikiganiro, bemeza ko ari ngombwa ko kiriziya isenywa.

649. Nk'uko byasesenguwe haruguru, Urugereko rwasanze ibyabaye byerekana ko ku itariki ya 16 Mata 1994, mu gitondo, ubwo ibyo kugerageza kwicisha Abatutsi amasasu byapfubaga, Uregwa, Ndahimana, Kayishema, Ndungutse, Habiyambere n'abandi bafashe icyemezo cyo gusenya kiriziya y'i Nyange. Hari tingatinga nibura imwe yazanywe kuri paruwasi maze batangira kuyisenyesha kiriziya. Gusenya byatangiye mu masaa sita, kandi nyuma y'amasaha make gusa, kiriziya yari imaze gusenywa. Ubwo kiriziya yahirimaga, Abatutsi b'abasiviri bakabakaba 2.000 bari bahungiye mu kiriziya bahwaswe n'inkuta zabaguyeho cyangwa bicwa n'Abahutu bari bagabye igitero

babarirwa mu bihumbi bari bagose kiriziya. Ubwo bafataga icyemezo cyo gusenya kiriziya y'i Nyange bakoresheje tingatinga imwe, Gaspard Kanyarukiga, Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse, Joseph Habiyambere n'abandi, bashoboye gukora mu munsi umwe gusa nyuma ya saa sita, igikorwa abagabye igitero bari barananiwe gukora mu minsi irenga itatu, ari cyo kurimbura abantu benshi bagize itsinda ry'Abatutsi. Kubera izo mpamvu, Urugereko rusanze, nta gushidikanya, umugambi wo gusenya kiriziya ari wo wabaye nyirabayazana ikomeye yatumye Abatutsi bicirwa kuri paruwasi ya Nyange ku itariki ya 16 Mata 1994.

650. Hanyuma na none, kugira ngo Kanyarukiga ahamwe n'icyaha cyo gucura umugambi w'ubwicanyi bwakorewe kuri paruwasi ya Nyange, hagomba gutangwa ibimenyetso bihamya ko yari afite igitekerezo cyo gucura umugambi wo gukora icyaha cyangwa ko yatekerezaga ko bishoboka cyane ko icyaha cyakorwa mu rwego rwo gutsotsoba ibikorwa byateguwe. Kuri iki kibazo, Urugereko rwasanze Uregwa, nyuma yo kuvugana na IPJ Kayishema ku itariki ya 15 Mata 1994 nimugoroba ku birebana no gusenya kiriziya, yaragiye mu nama yabaye ku itariki ya 16 Mata 1994 mu gitondo, iyo nama ikaba yaravugiwemo kandi igafatirwamo icyemezo cyo gusenya kiriziya. Byongeye kandi, nyuma y'inama yo ku itariki ya 16 Mata 1994, Kanyarukiga yabwiye abandi ati: "Iyi kiriziya igomba gusenywa. Nshobora kubaka indi. Niyemeje kuba nayubaka mu minsi itatu". Hashingiwe ku magambo ye no kuba yaragiye mu nama yo ku itariki ya 16 Mata 1994, Urugereko rusanze haratanzwe ibimenyetso bidashidikanywaho bihamya ko Uregwa yari afite igitekerezo cyo gucura umugambi wo gusenya kiriziya y'i Nyange.

651. Byongeye kandi, Urugereko rusanga hariho ibimenyetso biziguye bitajegajega byerekana ko Kanyarukiga yari azi ko mu kiriziya y'i Nyange harimo abantu ku itariki ya 16 Mata 1994, kandi ko abo bantu bashoboraga gupfa igihe cyose kiriziya iramutse ishenywe. Urugereko ruributsa ko Uregwa yagiye mu nama yabereye mu gipadiri kuri paruwasi ya Nyange ku itariki ya 14 Mata 1994. N'ubwo nta bimenyetso byatanzwe bihamya ko iyo nama yari igamije ikorwa ry'ibyaha, Urugereko rusanga uwo munsi kuri paruwasi hari Abatutsi b'abasiviri kandi abenshi muri bo bakaba bari ku kibuga imbere ya kiriziya ubwo Kanyarukiga yahageraga n'ubwo yagendaga. Bityo rero, nta wundi mwanzuro ucukumbuye wafatwa uretse kwemeza ko Uregwa yari azi ko Abatutsi bahungiye kuri paruwasi guhera ku itariki ya 14 Mata 1994. Porokireri

yatanze ibimenyetso bihamya ko Kanyarukiga yari i Nyange, haba Ku Ishusho ya Bikira Mariya haba no kuri paruwasi, ubwo ku itariki ya 15 Mata 1994 mu gitondo habagaho ubushyamirane. Uregwa yari kumwe kandi na Burugumesitiri Ndahimana ubwo uyu Ndahimana yategekaga abagabye igitero "gutangira gukora" cyangwa "gutangira akazi" ku itariki ya 15 Mata 1994, kandi yari kumwe na Kayishema kuri paruwasi ya Nyange ku itariki ya 15 Mata 1994 ni mugoroba, ubwo hageragezwaga ibyo gutwika kiriziya. Hanyuma, Uregwa yari kuri paruwasi ku itariki ya 16 Mata 1994 mu gitondo kandi yari kumwe n'abandi, nka Ndahimana, Kayishema na Ndungutse; Urugereko rukaba rwarasanze ari bo bagenzuraga banayobora ibitero byo ku itariki ya 15 n'iya 16 Mata 1994. Rushingiye kuri ibi bimenyetso, Urugereko rusanze haratanzwe ibimenyetso bidashidikanywaho bihamya ko Kanyarukiga yazirikanaga ko umugambi wo gusenya [kiriziya] uramutse ushyizwe mu bikorwa, Abatutsi bari bahungiye mu kiriziya y'i Nyange bari gupfa.

652. Kubera izo mpamvu, Urugereko rusanze, nta gushidikanya, Uregwa hamwe n'abandi baracuze umugambi wo gusenya kiriziya y'i Nyange, icyo gikorwa kikaba cyarahitanye Abatutsi bagera ku 2.000. Urugereko noneho rugiye kureba niba mu gihe yakoraga ibyo, Uregwa yari afite igitekerezo cyo kurimbura ubwoko bw'Abatutsi bose cyangwa igice cyabo.

Igitekerezo cyo gukora jenoside

653. Urugereko ruributsa ko igitekerezo cyo gukora jenoside gishobora kugaragazwa ku buryo bucukumbuye n'ibyabaye ubwabyo[1765]. Muri uru rubanza, Uregwa yagiye mu nama yavugiwemo ibirebana no gusenya kiriziya y'i Nyange, yabwiye abandi ko kiriziya igomba gusenywa kandi yari ahari ubwo igitero cyagabwaga ku Batutsi ku itariki ya 15 Mata 1994, hakubiyemo n'igihe Ndahimana yahaga abagabye igitero amabwiriza yo gutangira gukora, byumvikanaga ko ari "ukwica Abatutsi". Uregwa

[1765] Reba Igika cya 636; reba na none *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 176; *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, ibika 40-41; *Urubanza rwa Semanza,* Inyandiko y'urubanza mu bujurire, igika 262, nk'uko byanditse mu *Rubanza rwa Jelisić*, Inyandiko y'urubanza mu bujurire, igika 47; *Urubanza rwa Rutaganda,* Inyandiko y'urubanza mu bujurire, ibika 525, 528; *Urubanza rwa Krstić*, Inyandiko y'urubanza mu bujurire, igika 34.
[1765] Inyandiko y'ibirego yahinduwe, ibika 7-8.

yabonywe inshuro zitari nke ku itariki ya 15 n'iya 16 Mata 1994 ari kumwe n'abandi bantu barimo Ndahimana, Kayishema na Ndungutse, barimo bagenzura kandi bayobora ibitero. Rumaze gusuzuma ibimenyetso byose byatanzwe, Urugereko rusanze haratanzwe ibimenyetso bidashidikanywaho bihamya ko Kanyarukiga yakoze ibyo aregwa afite igitekerezo cyihariye cyo kurimbura ubwoko bw'Abatutsi, baba bose uko bakabaye cyangwa igice cyabo.

3.3. Umwanzuro w'Urugereko

654. Bityo rero, Urugereko rusanze Uregwa ahamwa n'icyaha cya jenoside (Ikirego cya 1), nk'uko giteganywa n'Ingingo ya 6(1) ya Sitati, kubera gucura umugambi wo kwica Abatutsi kuri kiriziya y'i Nyange.

4. <u>Kuba icyitso cy'abakoze jenoside</u>

655. Ikirego cya 2 cyo mu Nyandiko y'ibirego yahinduwe gishinja Kanyarukiga icyaha cyo kuba icyitso cy'abakoze jenoside, nk'uko giteganywa n'Ingingo ya 2(3)(e) ya Sitati. Iki kirego kikaba ariko cyaratanzwe ku buryo Uregwa yacyiryozwa gusa ari uko ikivugwa mu kirego cya 1 ari cyo jenoside, cyaramuka kitamuhamye[1766]. Kubera ko Urugereko rwarangije guhamya Kanyarukiga icyaha kivugwa mu kirego cya 1, rusanze adahamwa n'icyaha kivugwa muri iki kirego.

5. <u>Ibyaha byibasiye inyokomuntu (Itsembatsemba)</u>

5.1. Amategeko akurikizwa

656. Mu kirego cya 3 cy'Inyandiko y'ibirego yahinduwe, Porokireri ashinja Gaspard Kanyarukiga itsembatsemba nk'icyaha cyibasiye inyokomuntu hashingiwe ku Ngingo ya 3 ya Sitati. Iyo Ngingo ya 3 ivuga ko itsembatsemba ari icyaha cyibasiye inyokomuntu iyo ryakozwe mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri abo ari bo bose bazira ubwenegihugu bwabo, umutwe wa politiki barimo, ubwoko bwabo cyangwa idini ryabo.

657. Kugira ngo icyaha icyo ari cyo cyose kivugwa mu Ngingo ya 3 ya Sitati cyitwe icyaha cyibasiye inyokomuntu, Porokireri agomba gutanga ibimenyetso bigaragaza ko

[1766] Inyandiko y'ibirego yahinduwe, ibika 7-8.

cyakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira ubwenegihugu bwabo, umutwe wa politiki barimo, ubwoko bwabo cyangwa idini ryabo[1767]. Ukurikije ibikubiye muri iyo Ngingo ya 3 ya Sitati, igitero cyibasiye abaturage b'abasiviri ni uruhererekane rw'ibikorwa byose by'urugomo cyangwa biri mu rwego rwo kugirira abantu nabi bivugwa mu duka kuva kuri (a) kugeza kuri (i) tw'iyo Ngingo[1768]. Usomye aya magambo amwe ukwayo andi ukwayo, "ibitero rusange" ni inshoza yerekana ko ibikorwa by'urugomo bivugwa byayogoje hirya no hino kandi hitawe no ku mubare w'abantu bibasiwe na byo, naho "ibitero biri kuri gahunda" ni inshoza yerekana ko ibikorwa by'urugomo byakozwe mu buryo bwateguwe kandi ko bitagwiririye abantu gutyo gusa[1769]. Mu rwego rw'amategeko, ku birebana n'igitekerezo cyo gukora icyaha (*mens rea*), uregwa agomba kuba yari agambiriye gukora icyaha kivugwa, azi neza ko ibitero byibasira abaturage b'abasiviri bavanguwe mu bandi kandi ko ibikorwa bye biri mu rwego rw'ibyo bitero[1770]. Nyamara ariko, si ngombwa ko uregwa aba yari asangiye umugambi cyangwa intego n'abandi ku birebana n'ibyo bitero rusange cyangwa ko aba yari afite igitekerezo cyo kugira abo yibasira yavanguye mu bandi[1771].

658. Itsembatsemba ni igikorwa cy'ubwicanyi buhitana abantu benshi[1772]. Nyamara ariko, inshoza "abantu benshi" ntivuga ko hari umubare wa ngombwa wo hasi

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[1767] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 516.

[1768] *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 918.

[1769] *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 920, nk'uko byanditse mu rubanza rwa *Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, igika 94.

[1770] *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, igika 86; *Urubanza rwa Kordić na Čerkez*, Inyandiko y'urubanza mu bujurire, ibika 99-100; *Urubanza rwa Kunarac na bagenzi be* No. IT-96-23 na No. IT-96-23/1-A, Inyandiko y'urubanza mu bujurire, 12 Kamena 2002, ibika 99, 102-103; *Urubanza rwa Akayesu*, No. ICTR-96-4-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001, igika 467.

[1771] Reba *Urubanza rwa Kunarac na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 103; *Urubanza rwa Semanza,* Inyandiko y'urubanza mu bujurire, ibika 268-269, nk'uko byanditse mu *Rubanza rwa Akayesu*, Inyandiko y'urubanza mu bujurire, igika 467. Kugira ngo hemezwe ko hakozwe ibyaha byibasiye inyokomuntu "kubera impamvu z'ubwenegihugu, iza politiki, iz'ubwoko cyangwa iz'idini", si ngombwa ko hatangwa ibimenyetso bihamya ko hariho igitekerezo cy'ivangura.

[1772] *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 189; *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 516; *Urubanza rwa Stakić*, Inyandiko y'urubanza mu bujurire, igika 259 Na none reba *Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 924

uteganyijwe[1773]. Igikorwa gifatika (*actus reus*) kigize icyaha cy'itsembatsemba ni igikorwa cyose cyangwa ukwirengagiza gukora igitegetswe cyangwa ibyo byombi, gituma ku buryo butaziguye cyangwa buziguye hicwa abantu benshi[1774]. Kugira ngo uregwa ahamwe n'itsembatsemba nk'icyaha cyibasiye inyokomuntu, hagomba gutangwa ibimenyetso bigaragaza ko yagize uruhare mu bwicanyi rusange cyangwa buri kuri gahunda cyangwa ko yakoze igikorwa cyo gushyira ku bushake abantu benshi mu nzitane z'ubuzima zatuma byanze bikunze bapfa, kandi uregwa akaba yarakoze ibyo bikorwa cyangwa yarirengagije gukora ibyo ategetswe afite igitekerezo cy'uko habaho izo ngaruka[1775].

5.2. Ikurikizwa ry'ayo mategeko muri uru rubanza

659. Urugereko rwa Mbere rw'Iremezo rwarangije kwemeza ko hari ibyabaye bitagibwaho impaka ari byo ko, hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, mu Rwanda hose habaye ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bo mu bwoko bw'Abatutsi, kandi ibyo bitero bikaba byarahitanye Abatutsi benshi[1776].

660. Ibimenyetso byatanzwe muri uru rubanza bishyigikira kandi umwanzuro ko muri Komini ya Kivumu mu kwezi kwa Mata 1994, habaye ibitero rusange kandi biri kuri gahunda byibasiye Abatutsi. Urugereko rwarangije kwemeza ko muri Komini ya Kivumu, Abatutsi barobanuwe mu bandi baturage kandi baribasirwa nyuma y'urupfu rwa Perezida Habyarimana. Ibyo bitero byahitanye benshi mu Batutsi bagera ku 2.000, baba abagabo, abagore n'abana, bari bahungiye kuri paruwasi ya Nyange. Bityo rero, Urugereko rusanga muri Mata 1994, habayeho ibitero rusange byibasiye Abatutsi muri Komini ya Kivumu.

(hagereranywa umubare w'abahohotewe usabwa kugira ngo habeho itsembatsemba n'usabwa kugira ngo habeho ibindi byaha byibasiye inyokomuntu).

[1773] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 516.

[1774] *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 189.

[1775] *Urubanza rwa Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu bujurire, igika 522. Reba na none *Urubanza rwa Gacumbitsi*, Inyandiko y'urubanza mu bujurire, igika 86.

[1776] Icyemezo ku cyifuzo cya Porokireri gisaba ko hakwemezwa ibintu bimwe na bimwe bitagibwaho impaka (Urugereko rwa Mbere rw'Iremezo), 14 Gicurasi 2009, ibika 12, 14.

661. Byongeye kandi, Urugereko rwasanze Abatutsi bari bahungiye kuri paruwasi ya Nyange baragabweho ibitero hato na hato hagati y'itariki ya 13 n'iya 16 Mata 1994, kandi ibitero byo ku itariki ya 15 Mata 1994 byaguyemo benshi ariko ibyo ku ya 16 Mata 1994 bikaba ari byo byahitanye benshi cyane muri bo. Urugereko ruributsa ko Abahutu bagabye ibitero ku Batutsi mu gihe cy'iminsi myinshi bakoresha intwaro zinyuranye, kugeza aho ibyo bikorwa byabo bisojwe no gusenya kiriziya hakoreshejwe nibura tingatinga imwe ku itariki ya 16 Mata 1994. Urugereko rwasanze Gaspard Kanyarukiga, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, Joseph Habiyambere n'abandi baracuze umugambi ku bushake wo gusenya kiriziya y'i Nyange, icyo gikorwa kikaba cyarahitanye Abatutsi bagera ku 2.000 ku itariki ya 16 Mata 1994. Rushingiye kuri iyo myanzuro yarwo, Urugereko rwemera kandi ko ibitero byagabwe ku Batutsi kuri paruwasi ya Nyange byari biri kuri gahunda.

662. Mu gusoza, Urugereko rwemera ko Abatutsi bahitanywe n'ubwicanyi bwakorewe kuri paruwasi ya Nyange bari abasiviri.

663. Bityo rero, rushingiye ku bimenyetso byatanzwe mu iburanisha, Urugereko rusanze Porokireri yaratanze ibimenyetso bidashidikanywaho bihamya ko muri Komini ya Kivumu habereye ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira ubwoko bwabo. Rumaze kubona ko ibyabaye byose byaganishije ku isenywa rya kiriziya y'i Nyange no kubona ko Kanyarukiga hamwe n'abandi bacuze umugambi bari kuri paruwasi ku itariki ya 15 n'iya 16 Mata 1994,[1777] Urugereko rusanga nta kuntu Kanyarukiga n'abandi bashoboraga kutamenya ko ibikorwa byabo byari mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye Abatutsi b'abasiviri. Na none, Urugereko rwemera ko ba gatozi b'ibanze b'ibyo bitero banazirikanaga ko ibyo bakoraga byari mu murongo w'uko ibintu byifashe muri rusange, kubera cyane cyane amarorerwa yakozwe uko angana n'uruhare nibura bamwe muri bo bagize mu bitero byabaye mbere y'ubwicanyi bwakorewe kuri paruwasi.

664. Bityo rero, Urugereko rusanze, nta gushidikanya, kiriziya y'i Nyange yarashenywe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye Abatutsi b'abasiviri bazira ubwoko bwabo, kandi Uregwa akaba yari azi ko ibikorwa bye byari mu rwego

[1777] *Reba* ibika 639-641, 644-652.

rw'ibyo bitero rusange. Urugereko rukaba rero rusanga igikorwa cyo gusenya kiriziya y'i Nyange ari icyaha cyibasiye inyokomuntu.

665. Bitewe n'umubare w'abantu bahitanywe n'icyo gikorwa cyo gusenya, Urugereko rusanga ubwo bwicanyi nta kundi bwafatwa uretse kuvuga ko bwahitanye imbaga, bityo rero bukaba ari itsembatsemba. Byongeye kandi, kubera impamvu zavuzwe haruguru, Urugereko rusanga abaguye muri ubwo bwicanyi baribasiwe bazira ubwoko bwabo bw'Abatutsi. Bityo, rumaze kubona ko Kanyarukiga ari mu bacuze umugambi wo gusenya [kiriziya] ari nabyo byavuyemo ubwo bwicanyi, Urugereko rusanze Uregwa yaragize uruhare ku bushake bwe mu gikorwa cy'ubwicanyi bwahitanye imbaga y'Abatutsi b'abasiviri, ubwo bwicanyi bukaba bugomba gufatwa nk'itsembatsemba rigize icyaha cyibasiye inyokomuntu.

5.3. Umwanzuro w'Urugereko

666. Kubera izo mpamvu, Urugereko rusanze Uregwa ahamwa n'itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 3), nk'uko giteganywa n' Ingingo ya 6(1) ya Sitati, kubera ko yacuze umugambi w'ubwicanyi bwahitanye Abatutsi b'abasiviri babarirwa mu 2.000, ubwo bwicanyi bukaba bwarakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye ubwoko bw'Abatutsi.

UMUTWE WA 5 : ICYEMEZO

667. Kubera impamvu zasobanuwe muri iyi nyandiko y'urubanza, rumaze gusuzuma ibimenyetso n'ingingo z'ababuranyi byose, Urugereko rwa Mbere rw'Iremezo, ku bwumvikane bw'abacamanza bose bagize inteko, rwemeje ibi bikurikira ku birebana na Gaspard Kanyarukiga:

Ikirego cya 1:	**AHAMWA na jenoside**
Ikirego cya 2:	**NTAHAMWA no kuba icyitso cy'abakoze jenoside**
Ikirego cya 3:	**AHAMWA n'Itsembatsemba nk'icyaha cyibasiye inyoko-muntu**

UMUTWE WA 6: IGENABIHANO

668. Urugereko rwa Mbere rw'Iremezo rwasanze Gaspard Kanyarukiga ahamwa n'icyaha cya jenoside (Ikirego cya 1 cyo mu Nyandiko y'ibirego) hamwe n'itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 3 cyo mu Nyandiko y'ibirego), kubera ko ari mu bacuze umugambi wo gusenya kiriziya y'i Nyange, ari na byo byavuyemo ubwicanyi bwahitanye Abatutsi b'abasiviri babarirwa mu 2.000. Ubu noneho Urugereko rugiye kugena igihano gikwiye.

1. <u>Amategeko akurikizwa</u>

669. Umuntu wahamijwe icyaha n'Urukiko ashobora gukatirwa igihano cy'igifungo cy'igihe runaka cyangwa icyo gufungwa burundu[1778]. Igihano kigenwe kigomba kuba kigamije kuba impongano y'icyaha, guca intege abandi bashaka gukora icyaha, no kugorora uwakatiwe uretse ko byo bitari mu bigamijwe cyane[1779]. Hashingiwe ku Ngingo ya 23 ya Sitati no ku ya 101 y'Amategeko, Urugereko rwa Mbere rw'Iremezo rugomba kwita ku rutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda, uburemere bw'ibyaha (uburemere bw'ibyaha byahamye uregwa n'uruhare rwe muri ibyo byaha), kimwe n'imimerere bwite y'uwahamwe n'icyaha, hakubiyemo n'impamvu zongera ububi bw'icyaha n'izibugabanya[1780]. Na none, Urugereko rwa Mbere rw'Iremezo rugomba kwita ku gihe uwahamwe n'icyaha yamaze muri gereza afungiwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu iki n'iki[1781] kandi igihe cyose uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko cyangwa icibwa ry'urubanza kigomba gukurwa mu gihe cy'igifungo akatiwe[1782].

[1778] Ingingo ya 101(A) y'amategeko.

[1779] Reba *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 1057; *Urubanza rwa Stakić*, Inyandiko y'urubanza mu bujurire, igika 402.

[1780] Ingingo ya 23(1) n'iya 23(2) za Sitati; Ingingo ya 101(B) y'Amategeko.

[1781] Ingingo ya 101(B)(iv) y'Amategeko.

[1782] Ingingo ya 101(C) y'Amategeko.

2. Ibivugwa n'ababuranyi

670. Porokireri asaba Urugereko rwa Mbere rw'Iremezo gukatira Kanyarukiga igihano cy'igifungo cya burundu[1783]. Porokireri avuga ko igifungo cya burundu ari cyo gikwiye hakurikijwe uburemere bw'ibyaha Kanyarukiga yakoze, imibereho ye bwite, n'impamvu zivugwa zimwe na zimwe zongera ububi bw'icyaha[1784]. Porokireri yerekana impamvu eshanu zishobora kongera ububi bw'icyaha: umwanya Kanyarukiga yari afite muri rubanda no kuba yarakoresheje nabi ububasha yakomoraga kuri uwo mwanya; kuba Kanyarukiga yarakoze ibikorwa byavuyemo ubwicanyi yabanje kubicurira umugambi; kuba Kanyarukiga yaragize uruhare rutaziguye mu byaha byakozwe, akaba yarabikoze nka gatozi; kuba ibikorwa bye ari ibya kiboko, bitesha abantu agaciro kandi abahohotewe bakaba bari abantu batashoboraga kwirwanaho; kuba ibyaha byaramaze igihe bikorwa kandi n'abahohotewe bakababazwa[1785]. Porokireri avuga ko nta mpamvu nyoroshyacyaha ziriho muri uru rubanza[1786].

671. Mu myanzuro nsozarubanza yabwo, Ubwunganizi ntacyo bwavuze ku birebana n'igenabihano. Ahubwo, bwavuze ko, kubera ko bwasabye Urugereko guhanaguraho Kanyarukiga ibyaha byose aregwa, "gutanga imyanzuro ku birebana n'igenabihano cyangwa n'impamvu nyoroshyacyaha hakurikijwe aho iburanisha rigeze byaba ari ukubangamira uburenganzira bwa Gaspard Kanyarukiga bwo gufatwa nk'umwere"[1787]. Ubwunganizi buvuga ko "bufite uburenganzira bwo gutanga imyanzuro yabwo ku birebana n'igihano n'impamvu nyoroshyacyaha mu gihe Uregwa yaramuka ahamwe n'icyaha, ni ukuvuga urubanza rumaze gucibwa burundu"[1788].

[1783] Imyanzuro ya Porokireri isubiza, igika 517.

[1784] Imyanzuro ya Porokireri isubiza, igika 517.

[1785] Imyanzuro ya Porokireri isubiza, igika 538.

[1786] Imyanzuro ya Porokireri isubiza, ibika 517, 567-570.

[1787] Imyanzuro nsozarubanza y'Ubwunganizi, igika 502.

[1788] Imyanzuro nsozarubanza y'Ubwunganizi, igika 505. Mu myanzuro nsozarubanza yabwo bwatanze mu magambo, Ubwunganizi bwongeye kuvuga ko nta byifuzo bugeza ku rukiko ku birebana n'igenabihano n'impamvu nyoroshyacyaha. Inyandikomvugo y'iburanisha, 24 Gicurasi 2010, urup. 84.

3. Isesengura

672. Urugereko ruributsa ko Ingingo ya 86(C) y'Amategeko iteganya ko ababuranyi bagira icyo bavuga ku igenabihano mu myanzuro nsozarubanza yabo batanga mu magambo. Bityo rero, n'ubwo Ubwunganizi ntacyo bwavuze ku igenabihano haba mu myanzuro yabwo nsozarubanza yanditse haba no mu yo bwatanze mu magambo, Urugereko ntibirubuza ariko gufata imyanzuro kuri iki kibazo. Mu gufata icyemezo, Urugereko rwitaye ku bimenyetso byose byatanzwe mu iburanisha.

3.1. Uburemere bw'ibyaha

673. Urugereko rw'Ubujurire rwemeje ko ibyaha byose biri mu bubasha bw'uru Rukiko ari ibikorwa binyuranyije ku buryo bukomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara kandi ko hakurikijwe Sitati nta busumbane buri hagati yabyo[1789]. Mu kugena igihano gikwiye, Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo kugenera uhamwe n'icyaha igihano kimukwiye, hashingiwe ku mimerere bwite ye no ku buremere bw'ibyaha byamuhamye[1790].

674. Urugereko rwamaze kwemeza ko Kanyarukiga ahamwa n'icyaha cya jenoside hamwe n'itsembatsemba nk'icyaha cyibasiye inyokomuntu. Jenoside ni icyaha gisumba ibindi byose, gihungabanya amahame remezo umuryango w'abatuye isi ugenderaho kandi abantu bafata ko ari agahomamunwa. Ibyaha byibasiye inyokomuntu ni ibyaha bikomeye cyane kubera ko ubwabyo ari amahano kandi isi yose ibona ko ari agahomamunwa[1791].

675. Urugereko rwarangije kwemeza ko Kanyarukiga ari mu bacuze umugambi wo gusenya kiriziya y'i Nyange ku itariki ya 16 Mata 1994, icyo gikorwa kikaba cyarahitanye Abatutsi b'abasiviri barenga 2.000. Ibi byaha birakomeye cyane kandi byateye abahohotewe ububabare bukomeye cyane.

[1789] *Urubanza rwa Kayishema na Ruzindana*, Inyandiko y'urubanza mu bujurire, igika 367.

[1790] *Urubanza rwa Seromba,* Inyandiko y'urubanza mu bujurire, igika 228.

[1791] *Urubanza rwa Rugambarara*, No. ICTR-00-59-T, Inyandiko y'urubanza mu rw'iremezo, 16 Ugushyingo 2007, igika 19; *Urubanza rwa Ruggiu*, No. ICTR-97-32-I, Inyandiko y'urubanza mu rw'iremezo, 1 Kamena 2000, igika 48.

676. N'ubwo ibyaha Kanyarukiga yakoze bikomeye, Urugereko rusanga adakwiriye gukatirwa igihano gisumba ibindi giteganywa na Sitati, bitewe n'uko nta bimenyetso byatanzwe bihamya ko yatsotsobye icyo cyaha, cyangwa se ko ubwo iyo kiriziya y'i Nyange yasenywaga yari ahari.

3.2. Impamvu zongera ububi bw'icyaha

677. Urugereko rufite ububasha busesuye bwo kwemeza impamvu zongera ububi bw'icyaha n'izoroshya ububi bwacyo, hamwe n'agaciro kagomba guhabwa izo mpamvu[1792]. Urugereko rwa Mbere rw'Iremezo ruributsa ko impamvu zongera ububi bw'icyaha zigomba gutangirwa ibimenyetso bidashidikanywaho[1793]. Byongeye kandi, impamvu iyo ari yo yose yihariye yafatwa nka kimwe mu bigize icyaha uregwa yahamijwe ntishobora gufatwa na none nk'impamvu yongera ububi bw'icyaha[1794].

678. Urugereko rusanga haratanzwe ibimenyetso bidashidikanywaho bihamya ko abahohotewe muri uru rubanza bari by'umwihariko abanyantege nke. Ibimenyetso byerekana ko bahungiye ahantu hagenewe gusengera, ko bambuwe intwaro ku itariki ya 13 Mata 1994, mbere y'uko ibitero bitangira kandi ko, mu gitero cyabagabweho ku itariki ya 15 Mata 1994, bahindiwe mu kiriziya y'i Nyange maze bifungiraniramo kubera ko nta kundi bari kubigenza. Hatanzwe kandi ibimenyetso bihamya ko abahohotewe bari abasiviri, hakubiyemo n'abagore, abana n'abasaza[1795]. Byongeye kandi, kiriziya yaragoswe ku itariki ya 16 Mata 1994 kugira ngo abarimo imbere be

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[1792] Reba, urugero, *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 328; *Urubanza rwa Ntagerura na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 430; *Urubanza rwa Musema,* Inyandiko y'urubanza mu bujurire, ibika 395-396; *Urubanza rwa Delalić na bagenzi be (urwitiriwe Čelebići)*, Inyandiko y'urubanza mu bujurire, igika 777; *Urubanza rwa Deronjić*, No. IT-02-61-S, Inyandiko y'urubanza mu rw'iremezo, 30 Werurwe 2004, igika 155. Reba na none *Urubanza rwa Bagaragaza*, No. ICTR-05-86-S, Inyandiko y'urubanza mu rw'iremezo, 17 Ugushyingo 2009, igika 29; *Urubanza rwa Rugambarara*, Inyandiko y'urubanza mu rw'iremezo, igika 13; *Urubanza rwa Serushago*, No. ICTR-98-39-A, Inyandiko y'urubanza mu bujurire, 6 Mata 2003, igika 23.

[1793] Reba, urugero, *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 1038; *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 328. Reba na none *Urubanza rwa Delalić na bagenzi be (rwitiriwe Čelebići)*, Inyandiko y'urubanza mu bujurire, igika 763.

[1794] *Urubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu bujurire, igika 137, nk'uko byanditse mu *Rubanza rwa Blaškić*, Inyandiko y'urubanza mu bujurire, igika 693.

[1795] Reba Igika cya 565.

kubona uko bahunga. Mu maherezo, abari bahungiye mu kiriziya y'i Nyange baje guhwatwa na kiriziya yabaguyeho. Nta buryo bwo kwirwanaho bari bafite[1796].

679. Kubera ibyo, Urugereko rusanze kuba abahohotewe bavugwa muri uru rubanza bari abanyantege nke ari impamvu yongera ububi bw'icyaha[1797].

3.3. Impamvu nyoroshyacyaha

680. Mu gusuma niba impamvu nyoroshyacyaha zakwemerwa, birahagije gusa kureba niba ibivugwa bishoboka cyangwa bidashoboka[1798]. Si ngombwa ko impamvu nyoroshyacyaha ziba zifite aho zihuriye n'icyaha ku buryo butaziguye[1799].

681. Urugereko ruributsa ko hariho imanza, zaba izaciwe na TPIY cyangwa na TPIR, zemeje ko kuba uregwa ageze mu zabukuru igihe cyo gukatirwa ari impamvu nyoroshyacyaha[1800]. Urugereko rusanga imyaka y'amavuko y'Uregwa muri uru rubanza itarigeze itangirwa ibimenyetso bidashidikanywaho. Nyamara ariko, birahagije ko impamvu nyoroshyacyaha zigaragazwa umuntu ageranyije gusa ibishoboka

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[1796] Reba ibika 194-198, 308, 325-327, 438, 560, 562, 563-565.

[1797] Hari Ingereko za Mbere z'Iremezo zemeje ko kuba uregwa yarahohoteye umunyantege nke cyangwa umuntu utagira kirengera ari impamvu yongera ububi bw'icyaha. Reba nk'urugero, *Urubanza rwa Nikolić*, No. IT-94-02-T, Inyandiko y'urubanza mu rw'iremezo, 18 Ukuboza 2003, ibika 184-185; *Urubanza rwa Banović*, No. IT-02-65-T, Inyandiko y'urubanza mu rw'iremezo, 28 Ukwakira 2003, ibika 50, 52-53; *Urubanza rwa Krstić*, Inyandiko y'urubanza mu rw'iremezo, igika 703; *Urubanza rwa Kunarac na bagenzi be*, Urubanza No. IT-96-23-T na No. IT-96-23/1 T, Inyandiko y'urubanza mu rw'iremezo, 22 Gashyantare 2001, igika 867.

[1798] Reba, urugero, *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 1038; *Urubanza rwa Simba,* Inyandiko y'urubanza mu bujurire, igika 328. Reba na none *Urubanza rwa Deronjić*, Inyandiko y'urubanza mu rw'iremezo, igika 155.

[1799] *Urubanza rwa Rugambarara*, Inyandiko y'urubanza mu rw'iremezo, igika 30; *Urubanza rwa Nikolić*, Inyandiko y'urubanza mu rw'iremezo, igika 145; *Urubanza rwa Deronjić*, Inyandiko y'urubanza mu rw'iremezo, igika 155.

[1800] *Urubanza rwa Strugar*, No. IT-01-42-T, Inyandiko y'urubanza mu rw'iremezo, 31 Mutarama 2005, igika 469 (Uregwa yari afite imyaka 71 y'amavuko); *Urubanza rwa Jokić*, No. IT-01-42/1-S, Inyandiko y'urubanza mu rw'iremezo, 18 Werurwe 2004, ibika 100-101 (Uregwa yari afite imyaka 68 y'amavuko); *Urubanza rwa Plasvšić*, No. IT-00-39 na 40/1-S, Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2003, ibika 97, 106 (Uregwa yari afite imyaka 72 y'amavuko); *Ntakirutimana na Ntakirutimana*, Inyandiko y'urubanza mu rw'iremezo, igika 898 (Uregwa yari afite imyaka 78 y'amavuko); *Urubanza rwa Krnojelac*, No. IT-97-25-T, Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002, igika 533 (Uregwa yari afite imyaka 62 y'amavuko).

n'ibidashoboka, kandi Uregwa asa nk'ufite imyaka y'amavuko iri hagati ya 63 na 72[1801]. Kubera ibyo, Urugereko rusanze imyaka y'amavuko y'Uregwa ari impamvu nyoroshyacyaha.

3.4. Igenabihano

682. Mu kugena igihano gikwiye, Urugereko rw'Ubujurire rwemeje ko "ibihano bigenerwa abantu bafite imimere isa kandi mu manza zisa bigomba kuba byagereranywa"[1802]. Nyamara ariko, byaranagaragaye ko iyi mitekerereze ifite inzitizi bitewe n'uko "urubanza urwo ari rwo rwose rubamo ibintu byinshi bitandukanye, byaba umubare w'ibyaha byakozwe cyangwa imiterere yabyo, byaba ndetse n'imimerere bwite y'uregwa"[1803].

683. Urugereko rwa Mbere rw'Iremezo rwasanze, hakurikijwe amategeko yo mu Rwanda, icyaha cya jenoside n'ibyaha byibasiye inyokomuntu bishobora guhanishwa igihano cy'igifungo cya burundu, cyangwa igihano cya burundu cy'umwihariko, bitewe n'imiterere y'uruhare rw'uregwa mu ikorwa ry'icyaha[1804].

[1801] Urugereko rusanga Inyandiko y'ibirego yahinduwe yerekana ko Uregwa afite imyaka 65 y'amavuko. Inyandiko y'ibirego yahinduwe, igika 1. Ku rupapuro yujuje asaba ubuhungiro muri Afurika y'Epfo, Kanyarukiga yanditse ko yavutse ku itariki ya 15 Kamena 1938. Mu gitabo urwego rwa polisi rwo muri Afurika y'Epfo rwanditsemo ifatwa rya Kanyarukiga ku itariki ya 16 Nyakanga 2004 handitse ko afite imyaka 57 y'amavuko (bivuga ko yaba yaravutse mu wa 1947), kandi igitabo cy'imanza gikubiyemo amakuru arambuye ku birebana n'Uregwa (hakubiyemo inyandiko yo gufatwa yerekana ko yavutse mu wa 1947, n'uruhushya rwo gutwara imodoka yaherewe mu Rwanda rwanditseho ko yavutse mu wa 1944). Inyandiko zashyizweho ahagaragara n'abashinzwe iperereza ku byo bapererejeho hakurikijwe Itegeko ry'Urugereko, 25 Nzeri 2009, imp. 18, 24, 30, 31, 34, 37, 57; Igisubizo cya Porokireri ku Itegeko ryihutirwa ry'Urugereko rwa Mbere rw'Iremezo ku birebana n'icyifuzo cy'Ubwunganizi gisaba kumenyeshwa amakuru hashingiwe ku Ngingo ya 68 y'Amategeko, 24 Nzeri 2009; Umugereka wa II w'ibyavuzwe na Leon Phanaliphi, Inzego za polisi zo muri Afurika y'Epfo, igika 6.

[1802] *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 681.

[1803] *Urubanza rwa Kvočka na bagenzi be*, Inyandiko y'urubanza mu bujurire, igika 681.

[1804] *Urubanza rwa Kanyarukiga*, No. ICTR-2002-78-R11*bis*, Icyemezo ku cyifuzo cya Porokireri gisaba ko urubanza rwakwimurirwa muri Repubulika y'u Rwanda (Urugereko rwa Mbere rw'Iremezo), 6 Kamena 2008, ibika 22-25 (isesengura ry'urutonde rw'ibihano biteganywa n'amategeko yo mu Rwanda); Itegeko Ngenga No. 08/1996 ryo ku wa 31 Kanama 1996, ryerekeye imitungayirize y'ikurikirana ry'ibyaha bigize icyaha cya jenoside cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya 1 Ukwakira 1990, ryatangajwe

684. Urugereko rwitaye kandi ku bihano bisanzwe bigenwa na TPIY na TPIR. Urugereko ruributsa ko, muri uru Rukiko, ba gatozi b'ibanze bahamwe n'icyaha cya jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu bagiye bakatirwa ibihano kuva ku gifungo cy'imyaka 25 kugera ku gifungo cya burundu, uretse gusa mu manza uregwa yaburanye yemera icyaha cyangwa se igihe hariho impamvu nyoroshyacyaha zikomeye[1805]. Abategetsi bakomeye, by'umwihariko abaminisitiri, bagenewe ibihano bikaze[1806]. Igifungo cya burundu cyakatiwe kandi n'abandi baregwa bo mu rwego rwo hasi iyo babaga bacuze umugambi wo gukora amarorerwa cyangwa bategetse ko akorwa, cyangwa se barakoranye ibyaha umurava cyangwa ubugome bukabije[1807]. Abagize uruhare mu ikorwa ry'ibyaha ariko ruziguye cyangwa se rutari urw'ibanze bagiye bagenerwa ibihano byoroshye[1808].

685. Urugereko rwitaye kuri ibyo mu kugena igihano gikwiye.

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mu Igazeti ya Leta ya Repubulika y'u Rwanda, Umwaka 35, No. 17, 1 Nzeri 1996, Itegeko Ngenga No. 31/2007 ryo ku wa 25 Nyakanga 2007 rikuraho igihano cyo kwicwa.

1805 *Urubanza rwa Karera*, No. ICTR-01-74-T, Inyandiko y'urubanza mu rw'iremezo, 7 Ukuboza 2007, igika 583.

1806 Igihano cyo gufungwa burundu cyakatiwe abategetsi bo hejuru ba Guverinoma mu manza zikurikira: *Urubanza rwa Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'iremezo, ibika 2265, 2268, 2269, 2277-2279; *Urubanza rwa Kambanda*, No. ICTR-97-23-S, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998, ibika 44, 61-62, Icyemezo (Minisitiri w'Intebe); *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu rw'iremezo, ibika 499, 502 (Minisitiri w'Itangazamakuru); *Urubanza rwa Ndindabahazi*, No. ICTR-2001-71-I, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, ibika 505, 508, 511 (Minisitiri w'Imari); *Urubanza rwa Kamuhanda*, No. ICTR-99-54A-T, Inyandiko y'urubanza mu rw'iremezo, 22 Mutarama 2004, ibika 6, 764, 770 (Minisitiri w'Amashuri Makuru n'Ubushakashatsi mu by'Ubuhanga); *Urubanza rwa Kayishema na Ruzindana*, No. ICTR-95-1-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, ibika 11, 27 (Perefe).

1807 *Urubanza rwa Rutaganda*, No. ICTR-96-3-T, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, ibika 465, 468-469, 472 (Visi-Perezida wa 2 w'Interahamwe mu rwego rw'igihugu); *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, ibika 999, 1003, Icyemezo (Diregiteri w'Uruganda rw'icyayi wari ukomeye kandi akaba yaragenzuraga abicanyi); *Urubanza rwa Muhimana*, No. ICTR-95-1B-T, Inyandiko y'urubanza mu rw'iremezo, 28 Mata 2005, ibika 604, 618 (Konseye wa Segiteri); *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, igika 207 (Burugumesitiri; igihano cyongerewe n'Urugereko rw'Ubujurire rukivanye ku gifungo cy'imyaka 30).

1808 Reba *Urubanza rwa Rukundo*, Inyandiko y'urubanza mu rw'iremezo, igika 605.

3.5. Gukuramo igihe Uregwa amaze afunze

686. Ingingo ya 101(C) y'Amategeko ivuga ko igihe uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko, gucirwa urubanza n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Urugereko rw'Ubujurire gikurwa mu gihe cy'igifungo cyose akatiwe. Gaspard Kanyarukiga yafatiwe muri Afurika y'Epfo ku itariki ya 16 Nyakanga 2004 ari na bwo yahise afungwa. Yohererejwe uru Rukiko ku itariki ya 19 Nyakanga 2004 maze afungirwa muri Gereza y'Urukiko iri Arusha muri Tanzaniya. Hashingiwe ku Ngingo ya 101(C) y'Amategeko, Kanyarukiga afite rero uburenganzira bwo kuvanirwa mu gihano cye igihe amaze afunze kuva ku itariki ya16 Nyakanga 2004.

4. <u>Umwanzuro w'Urugereko</u>

687. Urugereko rufite ububasha busesuye bwo kugena igihano kimwe rukumbi kandi rusanga iyo mikorere ikwiriye mu manza ibyakozwe n'uregwa bigaragara ko byari bigamije umugambi mubisha umwe[1809]. Muri uru rubanza, jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu bishingiye ku bikorwa by'urugomo bimwe.

688. Kubera impamvu zose zasesenguwe haruguru kandi rumaze kugenzura neza ko Uregwa atari buhanwe kabiri ku cyaha kimwe, Urugereko rukatiye Gaspard Kanyarukiga igihano kimwe rukumbi cy'**IGIFUNGO CY'IMYAKA 30** ku cyaha cya jenoside (Ikirego cya 1), hashingiwe ku Ngingo ya 2(3)(a) ya Sitati, no ku itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 3) hashingiwe ku Ngingo ya 3(b).

689. Iki gihano kigomba guhita kirangizwa, kandi hashingiwe ku Ngingo ya 101(C) y'Amategeko, Gaspard Kanyarukiga azakurirwamo igihe amaze afunzwe kuva ku itariki ya 16 Nyakanga 2004.

690. Hashingiwe ku Ngingo ya 102(A) n'iya 103 z'Amategeko, Gaspard Kanyarukiga azaguma muri Gereza y'Urukiko mu gihe agitegereje koherezwa mu gihugu azarangirizamo igihano cye.

[1809] *Urubanza rwa Nahimana na bagenzi be,* Inyandiko y'urubanza mu bujurire, ibika 1042-1043. Reba na none *Urubanza rwa Setako*, Inyandiko y'urubanza mu rw'iremezo, igika 507; *Urubanza rwa Karera*, Inyandiko y'urubanza mu rw'iremezo, igika 585; *Urubanza rwa Ndindabahazi*, Inyandiko y'urubanza mu rw'iremezo, igika 497.

Arusha, 1 Ugushyingo 2010 (Umwimerere: icyongereza)

Taghrid Hikmet	Seon Ki Park	Joseph Masanche
Perezida	Juji	Juji

[Kashe y'Urukiko]

UMUGEREKA A: UKO IMIBURANISHIRIZE YAGENZE

1. Inyandiko y'ibirego

691. Mu Nyandiko y'ibirego ya mbere yo ku itariki ya 21 Gashyantare 2002, Gaspard Kanyarukiga yaregwaga jenoside, kuba icyitso cy'abakoze jenoside, ubwumvikane bugamije gukora jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu[1810]. Ku itariki ya 4 Werurwe 2002, Umucamanza William Sekule yemeje iyo nyandiko y'ibirego maze ategeka ko iyo nyandiko n'Icyemezo cyo gufata Uregwa bigirwa ibanga ntibimenyeshwe rubanda n'itangazamakuru mbere y'uko bihabwa Uregwa[1811]. Ku itariki ya 9 Mata 2003, icyo cyemezo cyo kutamenyekanisha izo nyandiko cyakuweho, bisabwe na Porokireri[1812].

692. Ku itariki ya 16 Nyakanga 2004, Uregwa yafatiwe muri Afurika y'Epfo maze yimurirwa kuri uru Rukiko ku itariki ya 19 Nyakanga 2004. Ku itariki ya 22 Nyakanga 2004, Kanyarukiga yitabye bwa mbere Urukiko imbere y'Urugereko rwa Mbere rw'Iremezo III maze ahakana ibyaha byose uko ari bine yaregwaga mu Nyandiko y'ibirego[1813].

693. Ku itariki ya 14 Ugushyingo 2007, Urugereko rushinzwe gutegura urubanza rwemereye Porokireri guhindura Inyandiko y'ibirego maze rumutegeka kuba yatanze Inyandiko y'ibirego yahinduwe iri mu gifaransa no mu cyongereza mu gihe kitarenze iminsi itanu nyuma y'icyo cyemezo cy'Urugereko[1814]. Uwo munsi, Porokireri yatanze Inyandiko y'ibirego yahinduwe arega Kanyarukiga jenoside, kuba icyitso cy'abakoze jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu[1815] kubera ko yacuze umugambi wo

[1810] Inyandiko y'ibirego ya mbere yatanzwe ku itariki ya 21 Gashyantare 2002.

[1811] Icyemezo ku cyifuzo cya Porokireri gisaba gusuzuma no kwemeza Inyandiko y'ibirego n'ibindi byemezo byerekeranye (mu rw'iremezo), 4 Werurwe 2002.

[1812] Icyemezo ku cyifuzo cya Porokireri gisaba gukuraho Icyemezo Urugereko rwafashe ku itariki ya 4 Werurwe 2002 cyo kutamenyekanisha ibimenyetso, ari byo Inyandiko y'ibirego n'Inyandiko yo gufata [Uregwa] (mu rw'iremezo), 9 Mata 2003.

[1813] Inyandikomvugo y'iburanisha 22 Nyakanga 2004, imp. 1, 7.

[1814] Icyemezo ku cyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego (mu rw'iremezo), 14 Ugushyingo 2007.

[1815] Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 14 Ugushyingo 2007.

gukora ibyaha, agategeka kandi agahamagarira abandi bantu kubikora, akabikora cyangwa agafasha ndetse agatera abantu inkunga mu gitero cyagabwe ku basiviri b'Abatutsi bari bahungiye ku kiriziya ya Paruwasi ya Nyange, muri Komini ya Kivumu ku itariki ya 15 Mata 1994 no mu isenywa ry'iyo kiriziya ku itariki ya 16 Mata 1994.

2. <u>Icyifuzo gisaba kwimurira urubanza mu Rwanda, hashingiwe ku Ngingo ya 11 bis y'Amategeko</u>

694. Ku itariki ya 7 Nzeri 2007, Porokireri yatanze icyifuzo gisaba ko urubanza rwa Gaspard Kanyarukiga rwakwimurirwa mu Rwanda, hashingiwe ku Ngingo ya 11 *bis* y'Amategeko[1816]. Ku itariki ya 2 Ukwakira 2007, Perezida w'Urukiko yagennye

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[1816] Icyifuzo cya Porokireri gisaba kwimurira urubanza rwa Gaspard Kanyarukiga mu Rwanda hashingiwe ku Ngingo ya 11 *bis* y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko, cyatanzwe ku itariki ya 7 Nzeri 2007. Ku itariki ya 9 Ugushyingo 2007, Urugereko rwemeye ko Repubulika y'u Rwanda yitaba Urukiko nk'Inshuti y'Urukiko (*amicus Curiae*) maze rusaba u Rwanda gutanga, bitarenze tariki ya 23 Ugushyingo 2007, Inyandiko ikubiyemo ibyo ruvuga ku bushobozi rufite bwo kubahiriza ibisabwa n'Ingingo ya 11 *bis*. Icyemezo ku cyifuzo cya Repubulika y'u Rwanda gisaba uruhushya rwo kwitaba Urukiko nk'inshuti y'Urukiko (mu rw'iremezo), 9 Ugushyingo 2007. Ku itariki ya 22 Ugushyingo 2007, Repubulika y'u Rwanda yatanze imyanzuro yayo yanditse nk'Inshuti y'Urukiko. Ku itariki ya 22 Ugushyingo 2007, Repubulika y'u Rwanda yatanze, nk'inshuti y'Urukiko, Imyanzuro yanditse ku byerekeranye n'icyifuzo gisaba ko urubanza ruvugwa hejuru rwimurirwa mu Rwanda hashingiwe ku Ngingo ya 11 *bis*. Ku itariki ya 22 Gashyantare 2008, Urugereko rwafashe icyemezo ku bindi byifuzo bitanu by'inyongera byasabaga uruhushya rwo kwitaba Urukiko ngo hatangwe ubuhamya nk'inshuti y'Urukiko ku byerekeranye n'icyifuzo cya Porokireri gisaba kwimurira urubanza mu Rwanda hashingiwe ku Ngingo ya 11 *bis*. Urugereko rwemereye Urugaga rw'abavoka rw'i Kigali n'Ishyirahamwe Mpuzamahanga ry'Abavoka bunganira abaregwa mu manza nshinjabyaha [*International Criminal Defence Attorneys' Association (ICDAA)]* kwitaba Urukiko nk'Inshuti zarwo maze rusaba iyo miryango yombi gutanga imyanzuro yanditse bitarenze tariki ya 7 Werurwe 2008. Icyemezo ku cyifuzo cy'Urugaga rw'abavoka rw'i Kigali gisaba kwitaba Urukiko nk'inshuti yarwo (mu rw'iremezo), 22 Gashyantare 2008; Icyemezo ku cyifuzo cy'Ishyirahamwe mpuzamahanga ry'Abavoka bunganira abaregwa mu manza nshinjabyaha [*International Criminal Defence Attorneys' Association (ICDAA)*] gisaba kwitaba Urukiko nk'inshuti yarwo (mu rw'iremezo), 22 Gashyantare 2008. Urugereko rwanze ibyifuzo by'Ishyirahamwe ry'Abunganira Abaregwa (ADAD), Ibuka na Avega byasabaga kwitaba Urukiko ngo batange ubuhamya nk'inshuti z'Urukiko. Byongeye kandi, rufata icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko imiryango ine itegamiye kuri Leta yitaba Urukiko nk'inshuti zarwo, Urugereko rwemeye ko *Human Rights Watch* yitaba Urukiko nk'inshuti yarwo ariko rwanga ko *Amnesty International*, *Reporters Sans Frontières* na *Liprodor* barwitaba muri urwo rwego[1816]. Urugereko rwasabye umuryango wa *Human Rights Watch* gutanga, bitarenze

Urugereko rwa Mbere rw'Iremezo I, rugizwe n'Abacamanza Erik Møse (Perezida), Sergei Alekseevich Egorov na Florence Rita Arrey, kugira ngo rusuzume icyifuzo cya Porokireri gisaba ko urwo rubanza rwakwimurirwa mu Rwanda, hashingiwe ku Ngingo ya 11 *bis*[1817].

695. Ku itariki ya 6 Kamena 2008, urwo Rugereko rwanze kwemera icyifuzo cya Porokireri gisaba kwimurira urubanza rwa Kanyarukiga muri Repubulika y'u Rwanda[1818].

696. Ku itariki ya 23 Kamena 2008, Porokireri yatanze Inyandiko imenyekanisha ubujurire ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo cyo kwanga icyifuzo cye cyasabaga ko urubanza rwakwimurirwa mu Rwanda, hashingiwe ku Ngingo ya 11 *bis*[1819]. Ku itariki ya 24 Kamena 2008, Perezida w'Urugereko rw'Ubujurire yagennye Abacamanza Fausto Pocar (Perezida), Mohamed Shahabuddeen, Mehmet Güney, Liu Daqun na Andrésia Vaz ngo baburanishe ubwo bujurire[1820].

697. Ku itariki ya 2 Nzeri 2008, Urugereko rw'Ubujurire rwemeye icyifuzo cya Repubulika y'u Rwanda gisaba kwitaba Urukiko nk'inshuti y'Urukiko (*amicus curiae)* maze rutegeka u Rwanda gutanga inyandiko ikubiyemo imyanzuro yarwo mu gihe kitarenze iminsi 10 nyuma y'icyo cyemezo cy'Urugereko[1821]. Urugereko rw'Ubujurire rwanze kandi ibyifuzo bibiri by'Ubwunganizi byasabaga gutanga ibimenyetso by'inyongera,

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tariki ya 7 Werurwe 2008, imyanzuro yawo yanditse ku birebana n'ubushobozi bwa Repubulika y'u Rwanda bwo kubahiriza ibiteganywa n'Ingingo ya 11 *bis*.

[1817] Gushyiraho Urugereko rw'Iremezo rushinzwe gusuzuma icyifuzo cyo kwimurira mu Rwanda Urubanza rwa Kanyarukiga (mu rw'iremezo), 2 Ukwakira 2007.

[1818] Icyemezo ku cyifuzo cya Porokireri gisaba ko urubanza rwakwimurirwa muri Repubulika y'u Rwanda (mu rw'iremezo), 6 Kamena 2008. Ku itariki ya 19 Kamena 2008, Urugereko rwanze kwemera icyifuzo cy'Ubwunganizi gisaba gutanga ibimenyetso by'inyongera bishyigikira igisubizo cyarwo ku cyifuzo cya Porokireri gisaba ko Urubanza rwimurirwa mu Rwanda. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso by'inyongera byashyirwa muri dosiye (mu rw'iremezo), 19 Kamena 2008.

[1819] Inyandiko imenyesha ubujurire ya Porokireri, yatanzwe ku itariki ya 23 Kamena 2008.

[1820]Itegeko rigena abacamanza baburanisha urubanza mu Rugereko rw'Ubujurire (mu bujurire), 24 Kamena 2008.

[1821] Icyemezo ku cyifuzo cya Repubulika y'u Rwanda gisaba uruhushya rwo gutanga imyanzuro y'Inshuti y'Urukiko mu bujurire, 2 Nzeri 2008.

hashingiwe ku Ngingo ya 115 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso[1822].

698. Ku itariki ya 30 Ukwakira 2008, Urugereko rw'Ubujurire rwanze ubujurire Porokireri yatanze ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo gishingiye ku Ngingo ya 11 *bis*, bityo rugumishaho icyemezo cy'urwo Rugereko cyanga ko urubanza rwimurirwa mu Rwanda[1823].

3. <u>Icyiciro cyabanjirije iburanisha</u>

699. Ku itariki ya 9 Ugushyingo 2004, Urugereko rushinzwe gutegura urubanza mu rw'iremezo rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba ko inyandiko zose zo muri uru rubanza zishyirwa mu kinyarwanda, kuko ari rwo rurimi rwonyinye Uregwa yumva[1824]. Urugereko rwategetse ko ibimenyetso byose byerekeranye n'ibyaha, birimo ubuhamya bwanditse n'ibyemezo byose by'Ingereko, bishyirwa mu kinyarwanda kugira ngo Uregwa ashobore kumva ibikubiyemo[1825].

700. Ku itariki ya 29 Ugushyingo 2004, Urugereko rushinzwe gutegura urubanza rwanze kwemera icyifuzo cy'Ubwunganizi gisaba gukomatanya urubanza rwa Kanyarukiga n'urwa Athanase Seromba (Urubanza No. ICTR-2001-66-T)[1826].

701. Ku itariki ya 3 Kamena 2005, Urugereko rushinzwe gutegura urubanza rwemeye, kuri bimwe, icyifuzo cya Porokireri gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya[1827].

[1822] Icyemezo ku cyifuzo gisaba gushyira muri dosiye ibimenyetso by'inyongera, 18 Nyakanga 2008 (mu bujurire), 2 Nzeri 2008; Icyemezo ku cyifuzo gisaba ko ibimenyetso by'inyongera byashyirwa muri dosiye, 1 Kanama 2008 (mu bujurire), 2 Nzeri 2008.

[1823] Icyemezo ku bujurire bwa Porokireri ku cyemezo Urugereko rwafashe ku iyumurwa ry'urubanza hashingiwe ku Ngingo ya 11 bis (mu bujurire), 30 Ukwakira 2008.

[1824] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko inyandiko zose zishyirwa mu kinyarwanda (mu rw'iremezo), 9 Ugushyingo 2004.

[1825] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko inyandiko zose zashyirwa mu kinyarwanda (mu rw'iremezo), 9 Ugushyingo 2004, igika 5.

[1826] Icyemezo ku cyifuzo cya Gaspard Kanyarukiga gisaba gukomatanya imanza no guhagarika urubanza (mu rw'iremezo), 29 Ugushyingo 2004.

702. Ku itariki ya 16 Gicurasi 2007, Ubwunganizi bwasabye Urugereko rushinzwe gutegura urubanza gushyiraho itariki y'iburanisha[1828]. Mu cyemezo cyo ku itariki ya 11 Kamena 2007, urwo Rugereko rwavuze ko icyo cyifuzo cyatanzwe igihe kitaragera, maze ruvuga ko Urugereko rwarimo kureba niba ababuranyi bari kuboneka ngo hakorwe inama itegura iburanisha[1829].

703. Ku itariki ya 20 Kamena 2008, Urugereko rwa Mbere rw'Iremezo rwanze kwemera icyifuzo cy'Ubwunganizi gisaba ko inyandiko y'urubanza rwa Seromba mu bujurire[1830] yashyirwa mu gifaransa no mu kinyarwanda. Cyakora rwemeye ko Ubwunganizi bushobora kuzongera gutanga icyifuzo nk'icyo [1831].

704. Ku itariki ya 8 Ukuboza 2008, Avoka mukuru w'Uregwa yitabye Imana. Ku itariki ya 9 Mutarama 2009, Bwana David Jacobs yagizwe Avoka Mukuru w'Uregwa. Ku itariki ya 30 Mutarama 2009, Perezida w'Urukiko yakoresheje inama itegura iburanisha irimo abahagarariye ababuranyi bombi. Muri iyo nama hemejwe ko iburanisha ryashoboraga gutangira ku itariki ya 1 Kamena 2009[1832]. Ku itariki ya 26 Werurwe 2009, Urubanza rwimuriwe mu Rugereko rwa Mbere rw'Iremezo rwa II kugira ngo hakorwe imihango

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[1827] Icyemezo ku cyifuzo cya Porokireri gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya (mu rw'iremezo), 3 Kamena 2005. Urugereko rwategetse ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya bose bavugwa mu cyifuzo cya Porokireri. Cyakora, rwanze ibyifuzo bya Porokireri bisaba kuba aretse gushyikiriza Ubwunganizi imyirondoro y'abatangabuhamya kugeza hasigaye iminsi 21 ngo batange ubuhamya mu Rukiko (kumenyekanisha ibimenyetso gahoro gahoro) no guhererekanya n'Uregwa amakuru y'ibanga ari uko Umwunganira ahari. Icyemezo ku cyifuzo cya Porokireri gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya (mu rw'iremezo), 3 Kamena 2005, ibika 4-5.

[1828] Icyifuzo cya Gaspard Kanyarukiga gisaba kugena itariki iburanisha ryatangiriraho, 16 Gicurasi 2007.

[1829] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kugena itariki y'iburanisha (mu rw'iremezo), 11 Kamena 2007.

[1830] *Urubanza rwa Seromba*, Urubanza No. ICTR-2001-66.

[1831] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko inyandiko zishyirwa [mu gifaransa no mu kinyarwanda] (mu rw'iremezo), 20 Kamena 2008.

[1832] Raporo y'inama yo gutegura urubanza Porokireri aburanamo na Kanyarukiga, yakozwe itari kuri gahunda, 30 Mutarama 2009.

mbanzirizarubanza. Ku itariki ya 31 Werurwe 2009, hashyizweho Avoka wungirije Avoka mukuru w'Uregwa[1833].

705. Ku itariki ya 17 Mata 2009, habaye inama itegura iburanisha[1834]. Ku itariki ya 24 Mata 2009, Urugereko rwafashe Icyemezo gishyiraho gahunda y'iburanisha kandi gitegeka Porokireri gutanga ibimenyetso bishinja hagati y'itariki ya 1 n'iya 19 Kamena 2009[1835]. Urugereko rushinzwe gutegura urubanza rwanategetse Porokireri gutanga imyanzuro mbanzirizarubanza yanditse bitarenze tariki ya 4 Gicurasi 2009[1836]. Porokireri yatanze iyo myanzuro ku itariki ya 4 Gicurasi 2009[1837].

706. Ku itariki ya 14 Gicurasi 2009, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ko ibintu bimwe byabaye bidakwiye kugibwaho impaka n'ababuranyi, hashingiwe ku Ngingo ya 94(A) na 94(B) y'Amategeko[1838]. Urugereko rwemeye icyifuzo cya Porokireri gisaba ko ababuranyi batajya impaka ku bintu bimwe na bimwe byabaye kandi bizwi na bose byerekeranye n'ukuntu ibintu byari byifashe mu Rwanda hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994. Cyakora, urwo Rugereko rwanze kwemeza ko ababuranyi batajya impaka ku bintu bimwe byabaye byafashweho ibyemezo[1839].

707. Ku itariki ya 20 Gicurasi 2009, Ubwunganizi bwatanze icyifuzo cyihutirwa cyane gisaba kwigizayo itariki y'iburanisha[1840]. Ku itariki ya 26 Gicurasi 2009, Ubwunganizi bwatanze inyandiko y'inyongera ku cyifuzo bwatanze mbere, maze muri iyo nyandiko

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1833 Ibaruwa Ishami rishinzwe abunganira abaregwa n'imicungire ya gereza ryandikiye Bwana Paul Skolnik yitwa "Ishyirwaho ryawe ngo ube Avoka wungirije wa Gaspard Kanyarukiga", yo ku itariki ya 31 Werurwe 2009.

1834 Inyandikomvugo y'iburanisha 17 Mata 2009 imp. 1-2.

1835 Icyemezo gishyiraho gahunda y'iburanisha (mu rw'iremezo), 24 Mata 2009, igika 1(I).

1836 Icyemezo gishyiraho gahunda y'iburanisha (mu rw'iremezo), 24 Mata 2009, igika 1(V).

1837 Imyanzuro mbanzirizarubanza ya Porokireri, yatanzwe ku itariki ya 4 Gicurasi 2009.

1838 Icyemezo ku cyifuzo cya Porokireri gisaba kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009.

1839 Icyemezo ku cyifuzo cya Porokireri gisaba kwemeza ibitagibwaho impaka n'ababuranyi (mu rw'iremezo), 14 Gicurasi 2009.

1840 Icyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba kwigizayo itariki y'iburanisha, cyatanzwe ku itariki ya 20 Gicurasi 2009.

buvuga ko Avoka wungirije w'Uregwa yari yeguye ku mirimo ye[1841]. Ku itariki ya 29 Gicurasi 2009, Gerefiye yavanyeho uwo Avoka wungirije[1842]. Uwo munsi, Urugereko rwa Mbere rw'Iremezo rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba kwigizayo itariki y'iburanisha[1843]. Urugereko rwemeje ko ababuranyi bari kumenyeshwa, bidatinze, itariki nshya iburanisha ryari gutangiriraho maze rutegeka Ubwunganizi n'Ubwanditsi bw'Urukiko gukora ibishoboka byose ngo Avoka wungirije asimburwe[1844]. Ku itariki ya 8 Kamena 2009, Gerefiye yashyizeho Bwana Claver Sindayigaya ngo abe Avoka wungirije w'Uregwa[1845].

708. Ku itariki ya 2 Nyakanga 2009, Perezida w'Urukiko yahinduye abacamanza yari yashyize mu Rugereko rwa Mbere rw'Iremezo II, ari bo Emile Short, Seon Ki Park na Joseph Masanche, maze ashyiraho Inteko igizwe na Taghrid Hikmet (Perezida), Seon Ki Park na Joseph Masanche ngo iburanishe uru rubanza[1846].

709. Ku itariki ya 7 Nyakanga 2009, Urugereko rwafashe icyemezo gishyiraho gahunda y'iburanisha maze rutegeka Porokireri gutanga ibimenyetso bishinja kuva ku itariki ya 31 Kanama kugera ku ya 18 Nzeri 2009[1847].

710. Ku itariki ya 11 Kanama 2009, Urugereko rwemeye icyifuzo cya Porokireri gisaba guhindura lisiti y'abatangabuhamya bashinja[1848].

[1841] Inyongera ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba kwigizayo itariki y'iburanisha, cyatanzwe ku itariki ya 27 Gicurasi 2009.

[1842] Icyemezo gikura Bwana Paul Skolnik ku mirimo ye nk'Avoka wungirije wa Gaspard Kanyarukiga, cyatanzwe ku itariki ya 29 Gicurasi 2009.

[1843] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba kwigizayo itariki y'iburanisha (mu rw'iremezo), 29 Gicurasi 2009.

[1844] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba kwigizayo itariki y'iburanisha (mu rw'iremezo), 29 Gicurasi 2009.

[1845] Ibaruwa Ishami rishinzwe abunganira abaregwa n'imicungire ya Gereza ryandikiye Bwana Claver Sindayigaya yitwa "Ishyirwaho ryawe nka Avoka wungirije wa Gaspard Kanyarukiga," 10 Kamena 2009.

[1846] Perezida w'Urukiko Dennis C.M. Byron, Icyemezo kigena inteko y'abacamanza, *Urubanza rwa Gaspard Kanyarukiga*, Urubanza No. ICTR-02-78, 2 Nyakanga 2009.

[1847] Icyemezo gishyiraho gahunda y'iburanisha (mu rw'iremezo), 7 Nyakanga 2009.

[1848] Icyemezo ku cyifuzo cya Porokireri gisaba guhindura lisiti y'abatangabuhamya bashinja (mu rw'iremezo), 11 Kanama 2009.

711. Ku itariki ya 7 Kanama 2009, Ubwunganizi bwatanze icyifuzo gishingiye ku Ngingo ya 68(A), busaba ko Porokireri yamenyekanisha kandi agasubiza Uregwa impapuro z'inzira (*laissez-passers)* eshatu ze zaba zarafatiriwe igihe yafatwaga[1849]. Ku itariki ya 11 Kanama 2009, Porokireri yatanze igisubizo kuri icyo cyifuzo avuga ko adafite izo mpapuro z'inzira Ubwunganizi bwasabaga[1850]. Ku itariki ya 18 Kanama 2009, Urugereko rwafashe icyemezo cy'agateganyo, rutegeka Porokireri gutanga amakuru y'inyongera ku ifatwa ry'Uregwa no ku ifatirwa, ibarura n'ibikwa ry'ibintu bye[1851].

712. Ku itariki ya 21 Kanama 2009, Porokireri yatanze igisubizo ku cyemezo cy'agateganyo cy'Urugereko[1852]. Muri icyo gisubizo, Porokireri yemeye ko Uregwa yanditse ku nyandiko ikubiyemo ibintu bye byabaruwe ku itariki ya 10 Nzeri 2004, agaragaza ko bimwe mu bintu byafatiriwe byaburaga[1853]. Porokireri na we yemera ko bimwe mu bintu byari mu nyandiko y'ibarura y'ibyo bintu yakozwe ku itariki ya 19 Nyakanga 2004 bitari mu nyandiko y'ibarura ryabyo yakozwe ku itariki ya 10 Nzeri 2004[1854]. Porokireri yatanze ibisobanuro binyuranye ku birebana n'impamvu z'uko kudahura kw'izo nyandiko zombi[1855]. Byongeye kandi, Porokireri yavuze ko yavuganye

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[1849] Icyifuzo gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe, 7 Kanama 2009.

[1850] Igisubizo cya Porokireri ku cyifuzo gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe, 11 Kanama 2009.

[1851] Icyemezo cy'agateganyo ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68 (mu rw'iremezo), 18 Kanama 2009.

[1852] Igisubizo cya Porokireri ku cyemezo cy'agateganyo cy'Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68, 21 Kanama 2009.

[1853] Igisubizo cya Porokireri ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68, 21 Kanama 2009, igika 12.

[1854] Igisubizo cya Porokireri ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68, 21 Kanama 2009, igika 14.

[1855] Igisubizo cya Porokireri ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68, 21 Kanama 2009, ibika 13-15.

n'abategetsi ba Afurika y'Epfo ku byerekeranye n'ibintu by'Uregwa byafatiriwe igihe yafatwaga[1856].

713. Ku itariki ya 20 Kanama 2009, Urugereko rwatanze itegeko ryo kohereza muri Gereza y'Umuryango w'Abibumbye Arusha, abatangabuhamya bafunzwe biswe CDL na CDK[1857].

714. Ku itariki ya 26 Kanama 2009, Urugereko rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba kumenyekanisha ibimenyetso gihamya bimwe byatanzwe mu rubanza rwa Seromba, rutegeka Porokireri gusuzumira hamwe n'Ubwunganizi ibimenyetso gihamya byatanzwe mu rubanza rwa Seromba maze akamenyesha Ubwunganizi ikimenyetso cyose cyatanzwe mu muhezo cyaba gifitiye akamaro Uregwa[1858].

715. Ku itariki ya 25 Kanama 2009, Ubwunganizi bwatanze icyifuzo cyihutirwa cyane gisaba guhagarika urubanza buvuga ko urubanza rutaburanishwa nta karengane kubera ko ngo impapuro z'inzira eshatu z'Uregwa zabuze kandi zarafatiriwe igihe Uregwa yafatwaga[1859]. Ku itariki ya 28 Kanama 2009, Urugereko rwanze kwemera icyo cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyakora rwavuze ko ikibazo ruzakomeza kugikurikirira hafi[1860].

[1856] Igisubizo cya Porokireri ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba kumenyekanisha ibimenyetso hashingiwe ku Ngingo ya 68, 21 Kanama 2009, igika 5.

[1857] Icyemezo cyo kwimura abatangabuhamya bafunzwe biswe CDL na CDK (mu rw'iremezo), 20 Kanama 2009.

[1858] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba kumenyekanisha ibimenyetso gihamya byose byatanzwe mu rubanza rwa Seromba (mu rw'iremezo), 26 Kanama 2009.

[1859] Icyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba guhagarika urubanza kubera ko urubanza rudashobora kuba nta karengane bitewe n'ibura ry'ibimenyetso bishinjura Porokireri afite, 25 Kanama 2009. Uwo munsi, Urugereko rwafashe Icyemezo cy'agateganyo, maze rutegeka Porokireri gutanga igisubizo, niba gihari, bitarenze tariki ya 26 Kanama 2009. Muri icyo cyemezo, Urugereko rwanategetse ko mbere y'uko akazi karangira ku itariki ya 27 Kanama 2009, Ubwunganizi bwagombaga kuba bwatanze igisubizo ku byo Porokireri yari kuvuga mu gisubizo cye. Icyemezo cy'agateganyo (mu rw'iremezo), 25 Kanama 2009.

[1860] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba guhagarika urubanza (mu rw'iremezo), 28 Kanama 2009.

4. Icyiciro cy'iburanisha

716. Iburanisha ryatangiye ku itariki ya 31 Kanama 2009[1861]. Ku itariki ya 17 Nzeri 2009, Porokireri yashoje itangwa ry'ibimenyetso bishinja amaze guhamagaza abatangabuhamya 11 mu minsi 14 y'iburanisha[1862].

717. Ku itariki ya 31 Kanama 2009, Ubwunganizi bwatanze Ibyifuzo bibiri busaba ko urubanza rwasubikwa kuko, nk'uko bwabivugaga, hari hakenewe igihe cy'inyongera kugira ngo Porokireri ashobore kumenya aho impapuro z'inzira zavuzwe ziri, no kugira ngo Ubwunganizi bubone igihe cyo gusuzuma ibimenyetso gihamya bwari buherutse kumenyeshwa, byatanzwe mu rubanza rwa Seromba[1863]. Mu cyemezo rwafashe mu magambo uwo munsi, Urugereko rwa Mbere rw'Iremezo rwanze kwemera icyifuzo cya mbere cy'Ubwunganizi gisaba gusubika urubanza, rushingiye ku mpamvu zimwe n'izivugwa mu cyo rwafashe ku cyifuzo cy'Ubwunganizi cyasabaga guhagarika iburanisha[1864]. Urugereko rwavuze ko rwari kuzafata icyemezo ku cyifuzo cya kabiri cy'Ubwunganizi gisaba gusubika urubanza, rushingiye ku miterere ya buri kibazo, uko inyandiko zari kugenda zitangwa[1865].

718. Ku itariki ya 3 Nzeri 2009, Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya[1866].

719. Ku itariki ya 4 Nzeri 2009, Ubwunganizi bwatanze icyifuzo cy'ibanga busaba ko hahita hatangwa inyandiko umugabo ushinja wiswe CBK avuga mu buhamya yatanze mu Rukiko ku itariki ya 4 Nzeri 2009[1867]. Ku itariki ya 7 Nzeri 2009, Ubwunganizi bwatanze ikindi cyifuzo cy'ibanga cyuzuza icyo bwari bwatanze mbere. Muri icyo cyifuzo bwasabaga Urugereko rwa Mbere rw'Iremezo ibintu bikurikira: 1) gutegeka

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[1861] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 1.

[1862] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 39.

[1863] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 14-19.

[1864] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 26.

[1865] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 26.

[1866]Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabu-hamya (mu rw'iremezo), 3 Nzeri 2009.

[1867] Icyifuzo cyihutirwa cyane gisaba Urugereko rwa Mbere rw'Iremezo gutegeka ko inyandiko zihita zitangwa, 4 Nzeri 2009.

Porokireri gusobanura niba mbere yari azi ibyavuzwe n'umutangabuhamya wiswe CBK; 2) gutegeka Ishami rishinzwe gufasha abatangabuhamya n'abakorewe ibyaha kwitaba Urukiko kugira ngo babazwe kuri ibyo bintu uwo mugabo yavuze; no 3) kongera guhamagaza CBK kugira ngo yongere anyomozwe[1868]. Ubwunganizi bwanasabye ko iburanisha ryasubikwa ndetse n'ubuhamya umugabo yatanze mu ruhame ku wa gatanu, tariki ya 4 Nzeri 2009, bugakurwamo bugashyirwa mu nyandikomvugo y'iburanisha mu muhezo[1869].

720. Ku itariki ya 7 Nzeri 2009, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo mu magambo gitegeka Porokireri guhita amenyekanisha inyandiko yahawe na CBK. Muri icyo cyemezo rwanategetse Ubwanditsi bw'Urukiko gukura mu nyandikomvugo y'iburanisha mu ruhame igice cy'ubuhamya CBK yari yatanze mu ruhame ku itariki ya 4 Nzeri 2009, ariko rwanga icyifuzo cy'Ubwunganizi gisaba ko iburanisha ryasubikwa[1870]. Urugereko rwanategetse ko, bitarenze ku wa gatatu ku itariki ya 9 Nzeri 2009 mbere y'uko akazi karangira, Porokireri yatanga inyandiko ikubiyemo igisubizo ku bindi bintu bisigaye byari byavuzwe n'Ubwunganizi[1871]. Ku itariki ya 7 Nzeri 2009, Porokireri yamenyekanishije inyandiko yahawe na CBK[1872]. Ku itariki ya 9 Nzeri 2009, Porokireri yatanze igisubizo gikomatanyije ku cyifuzo cy'Ubwunganizi no ku cyifuzo cyuzuza icyo. Muri icyo gisubizo, Porokireri yavuze ko icyifuzo cy'Ubwunganizi gisaba ko atanga inyandiko zavuzwe na CBK nta gaciro cyari kigifite kandi ko Ubwunganizi butagaragaje impamvu zifatika zatuma CBK yongera guhamagazwa[1873]. Ku itariki ya 17 Nzeri 2009, umutangabuhamya ushinja wiswe CBK yongeye

[1868] Inyongera ku cyifuzo cyihutirwa cyane Ubwunganizi bwatanze ku itariki ya 4 Nzeri 2009 busaba Urugereko rwa Mbere rw'Iremezo gutegaka ko inyandiko zihita zitangwa, 7 Nzeri 2009. Ubwunganizi bwasubiyemo ibyo byifuzo mu byo rwavuze mu magambo uwo munsi. Inyandikomvugo y'iburanisha 7 Nzeri 2009, imp. 2-3 (iburanisha mu muhezo).

[1869] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 2 (iburanisha mu muhezo).

[1870] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 26-27.

[1871] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 27.

[1872] Kumenyekanisha inyandiko zakuwe ku mutangabuhamya wiswe CBK, hashingiwe ku Cyemezo Urugereko rwafashe ku itariki ya 7 Nzeri 2009, 7 Nzeri 2009.

[1873] Igisubizo gikomatanyije cya Porokireri ku cyifuzo cyihutirwa cyane gisaba Urugereko rwa Mbere rw'Iremezo gutegeka ko inyandiko zihita zitangwa, no ku nyongera ku cyifuzo cyihutirwa cyane Ubwunganizi bwatanze ku itariki ya 4 Nzeri 2009 busaba Urugereko rwa Mbere rw'Iremezo gutegeka ko inyandiko zihita zimenyekanishwa, 9 Nzeri 2009.

guhamagazwa ngo abazwe ibibazo binyomoza by'inyongera ku bintu yavuze mu buhamya yatanze mu Rukiko ku itariki ya 4 Nzeri 2009[1874].

721. Ku itariki ya 8 Nzeri 2009, rushingiye ku byo Ubwunganizi bwavuze mu magambo, Urugereko rwa Mbere rw'Iremezo rwategetse Porokireri kumenyesha Ubwunganizi bidatinze, inyandiko za Gacaca z'umutangabuhamya wiswe CBY[1875]. Ku itariki ya 9 Nzeri 2009, Urugereko rwa Mbere rw'Iremezo rwongeye gusubiramo amabwiriza rwari rwatanze maze rutegeka CBY kuguma Arusha kugera ku itariki ya 11 Nzeri 2009 kugira ngo arangize kunyomozwa[1876].

722. Ku itariki ya 11 Nzeri 2009, Urugereko rwategetse Ubwanditsi bw'Urukiko gushyikiriza Porokireri inyandiko ikubiyemo lisiti y'ibintu Uregwa yaje afite ubwo yageraga muri Gereza y'Umuryango w'Abibumbye, Arusha[1877].

723. Ku itariki ya 16 Nzeri 2009, Urugereko rwanze kwemera icyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe rwanga icyifuzo cyabwo cyasabaga ko urubanza ruhagarara[1878].

724. Ku itariki ya 17 Nzeri 2009, Urugereko rwanze kwemera icyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe mu magambo ku itariki ya 31 Kanama 2009. Urugereko rwavuze ko icyo kifuzo gisaba kwemererwa kujurira cyatanzwe igihe kitaragera kubera ko rwari rutarafata icyemezo ku cyifuzo gisaba guhagarika urubanza Ubwunganizi bwatanze buvuga ko bwamenyeshejwe bitinze ibimenyetso gihamya byatanzwe mu rubanza rwa

[1874] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 14 (iburanisha mu muhezo).

[1875] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 55, 60.

[1876] Inyandikomvugo y'iburanisha, 9 Nzeri 2009, imp. 26-27, 39.

[1877] Icyemezo gitegeka kumenyekanisha lisiti y'ibintu by'Uregwa byabaruwe muri Gereza y'Umuryango w'Abibumbye (mu rw'iremezo), 11 Nzeri 2009.

[1878] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo cy'Urugereko rwa Mbere rw'Iremezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba guhagarika urubanza (mu rw'iremezo), 16 Nzeri 2009. Urugereko rwanzuye ruvuga ko bitari ngombwa ko Urugereko rw'Ubujurire ruhita rufata Icyemezo kubera ko Urugereko rwa Mbere rw'Iremezo rutari rwagafashe Icyemezo ku bibazo bivugwa mu cyemezo cyajuririwe. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba guhagarika urubanza (mu rw'iremezo), 16 Nzeri 2009, igika cya 13.

Seromba[1879]. Urugereko rwanasanze kandi ibyifuzo Ubwunganizi bwatanze bwikurikiranya byerekeranye n'inyandiko z'inzira (*laissez-passers)* bitari ngombwa, bigamije gutinza urubanza kandi byongera kubyutsa ibibazo Urugereko rwa Mbere rw'Iremezo rwari rwarafasheho ibyemezo[1880]. Urugereko rwanzuye ruvuga ko icyo cyifuzo cyari nyirarureshwa maze rutegeka ko Ubwunganizi butagomba guhemberwa igihe bwakoresheje bugitegura kandi ko hatagomba gutangwa n'andi mafaranga yerekeranye na cyo[1881].

725. Ku itariki ya 17 Nzeri 2009, Porokireri yakuye umugabo wiswe CNI kuri lisiti y'abatangabuhamya, ashingiye ku Ngingo ya 73 *bis* (E) y'Amategeko maze asoza itangwa ry'ibimenyetso bishinja[1882]. Uwo munsi, Urugereko rwakoze inama itegura iburanisha kugira ngo rwitegure itangwa ry'ibimenyetso bishinjura[1883]. Ku itariki ya 28 Nzeri 2009, Urugereko rwatanze icyemezo gishyiraho gahunda y'iburanisha, maze rutegeka Ubwunganizi gutanga ibimenyetso bishinjura hagati y'itariki ya 18 Mutarama 2010 n'iya 12 Gashyantare 2010[1884].

726. Ku itariki ya 24 Nzeri 2009, Ubwunganizi bwatanze icyifuzo gishingiye ku Ngingo ya 98 *bis*, gisaba Urugereko kugira Uregwa umwere ku birego bivugwa kuva ku gika cya

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[1879] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra ibyemezo Urugereko rwa Mbere rw'Iremezo rwafashe mu magambo ku itariki ya 31 Kanama 2009 (mu rw'iremezo), 17 Nzeri 2009, igika cya 16.

[1880] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra ibyemezo Urugereko rwa Mbere rw'Iremezo rwafashe mu magambo ku itariki ya 31 Kanama 2009 (mu rw'iremezo), 17 Nzeri 2009, igika cya 20.

[1881] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra ibyemezo Urugereko rwa Mbere rw'Iremezo rwafashe mu magambo ku itariki ya 31 Kanama 2009 (mu rw'iremezo), 17 Nzeri 2009.

[1882] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 39.

[1883] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1-6 (Inama itegura urubanza).

[1884] Icyemezo gishyiraho gahunda y'iburanisha, hashingiwe ku byavuzwe mu nama itegura iburanisha yabaye ku itariki ya 17 Nzeri 2009 (mu rw'iremezo), 28 Nzeri 2009.

11 kugera ku cya 16 by'Inyandiko y'ibirego yahinduwe[1885]. Ku itariki ya 9 Ukwakira 2009, Urugereko rwanze ibisabwa muri icyo cyifuzo[1886].

727. Ku itariki ya 24 Nzeri 2009, Porokireri yatanze "Igisubizo cy'inyongera ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko bwamenyeshwa ibimenyetso hashingiwe ku Ngingo ya 68". Muri icyo gisubizo, Porokireri yavuze ko n'ubwo atahwemye gushakisha inyandiko zasabwaga n'Ubwunganizi, atashoboye kubona urwandiko rw'inzira na rumwe cyangwa ibindi byangombwa by'inzira by'Uregwa[1887].

728. Ku itariki ya 29 Nzeri 2009, Porokireri yatanze icyifuzo asaba ko yamenyeshwa uko bikwiye *alibi* Uregwa yashakaga gutanga[1888]. Ku itariki ya 30 Nzeri 2009, Ubwunganizi bwatanze inyandiko yitwa "Kumenyekanisha *alibi* by'agateganyo" ariko buvuga ko bwateganyaga kuzajya bwongeraho ubundi buhamya bw'abagabo, uko buzagenda buboneka[1889].

729. Ku itariki ya 1 Ukwakira 2009, Porokireri yatanze igisubizo ku nyandiko yitwa "Kumenyekanisha by'agateganyo *alibi* y'Ubwunganizi". Muri icyo gisubizo, Porokireri avuga ko Ubwunganizi butubahirije inshingano yo kumenyekanisha *alibi*, nk'uko biteganywa n'Ingingo ya 67(A)(ii)(a)[1890]. Ku itariki ya 19 Ukwakira 2009, Urugereko rwa Mbere rw'Iremezo rwategetse Ubwunganizi kumenyesha Porokireri mu ibanga kandi bitarenze tariki ya 6 Ugushyingo 2009, amazina y'abatangabuhamya buteganya guhamagaza ngo bashyigikire *alibi* y'Uregwa buvuga n'aho babarizwa, harimo igihugu

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[1885] Icyifuzo gisaba ko Uregwa yagirwa umwerere, hashingiwe ku Ngingo ya 98 *bis*, cyatanzwe ku itariki ya 24 Nzeri 2009.

[1886] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yagirwa umwere, hashingiwe ku Ngingo ya 98 *bis* (mu rw'iremezo), 9 Ukwakira 2009.

[1887] Igisubizo cy'inyongera cya Porokireri ku cyemezo cy'agateganyo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi gisaba ko ibimenyetso byamenyekanishwa hashingiwe ku Ngingo ya 68, 24 Nzeri 2009.

[1888] Icyifuzo cya Porokireri gisaba kumenyeshwa imyirondoro y'abatangabuhamya bashyigikira *alibi* ya Gaspard Kanyarukiga, Ingingo ya 67(A)(ii)(a), 29 Nzeri 2009.

[1889] Kumenyekanisha by'agateganyo *alibi* (Ingingo 67(A)(ii)(a) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso), 30 Nzeri 2009.

[1890] Igisubizo cya Porokireri (*sic*) ku kumenyekanisha by'agateganyo *alibi*, Ingingo ya 67(A)(ii)(a), 1 Ukwakira 2009.

n'umugi batuyemo n'aho babarizwaga muri Mata 1994, harimo perefegitura, komine, segiteri na serire[1891].

730. Ku itariki ya 19 Ukwakira 2009, Urugereko rwa Mbere rw'Iremezo rwanze kwemera icyifuzo cya Porokireri gisaba Urugereko gusura ahantu ibyaha bivugwa byakorewe muri Repubulika y'u Rwanda. Urugereko rwavuze ko Ubwunganizi niburangiza gutanga ibimenyetso bishinjura ari bwo ruzasuzuma niba ari ngombwa gusura aho hantu[1892].

731. Ku itariki ya 30 Ukwakira 2009, Urugereko rwa Mbere rw'Iremezo rwanze ibyo Ubwunganizi bwasabaga mu cyifuzo cyitwa: "Icyifuzo gisaba Porokireri kumenyekanisha no gusubiza inyandiko zishinjura z'Uregwa zafatiriwe". Mu kwanga icyo cyifuzo, Urugereko rwavuze ko nta mpamvu yo gutegeka ko izo nyandiko zimenyekanishwa kuko hatagaragajwe ko Porokireri abitse izo nyandiko z'inzira cyangwa ko azicunga[1893].

732. Ku itariki ya 6 Ugushyingo 2009, Ubwunganizi bwatanze mu ibanga imyirondoro y'abatangabuhamya 19 bwateganyaga guhamagaza ngo bashyigikire *alibi*. Muri abo batangabuhamya harimo batanu ku munani bavuzwe mu nyandiko imenyekanisha *alibi*[1894]. Ubwunganizi bwongeye kuvuga ko bwateganyaga gukuramo cyangwa kongeramo abatangabuhamya bitewe n'ibyo bwari kugeraho mu iperereza[1895]. Ku itariki ya 10 Ugushyingo 2009, Porokireri yatanze inyandiko yiswe "Igisubizo ku 'Myirondoro y'Abatangabuhamya bashyigikira *alibi*'". Muri iyo nyandiko, Porokireri avuga ko Ubwunganizi butubahirije icyemezo Urugereko rwafashe ku itariki ya 19

[1891] Icyemezo ku cyifuzo cya Porokireri gisaba kumenyeshwa imyirondoro y'abatangabuhamya bashyigikira *alibi* (mu rw'iremezo), 19 Ukwakira 2009.

[1892] Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko gusura ahantu ibyaha bivugwa byakorewe (mu rw'iremezo), 19 Ukwakira 2009.

[1893] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Porokireri kumenyekanisha no gusubiza Uregwa inyandiko ze zishinjura zafatiriwe (mu rw'iremezo), 30 Ukwakira 2009.

[1894] Imyirondoro y'abatangabuhamya bashinjura bashyigikira *alibi* (mu rw'iremezo), 6 Ugushyingo 2009, Umugereka.

[1895] Imyirondoro y'abatangabuhamya bashinjura bashyigikira *alibi* (mu rw'iremezo), 6 Ugushyingo 2009, igika cya 3.

Ukwakira 2009 cyangwa Ingingo ya 67(A)(ii)(a) y'amategeko[1896]. Ku itariki ya 26 Ugushyingo 2009, Urugereko rwa Mbere rw'Iremezo rwemeye, kuri bimwe, icyifuzo cya Porokireri gisaba ko hatangwa amakuru y'inyongera ku myirondoro y'abatangabuhamya bashyigikira *alibi*. Urugereko rwategetse rero Ubwunganizi gutanga amakuru y'inyongera no gutanga ibisobanuro ku kuvuguruzanya kwari mu nyandiko ebyiri bwatanze mbere[1897]. Ku itariki ya 1 Ukuboza 2009, Ubwunganizi bwatanze inyandiko ikubiyemo amakuru yasabwaga[1898].

733. Ku itariki ya 20 Ugushyingo 2009, Urugereko rwa Mbere rw'Iremezo rwemeye icyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku itariki ya 30 Ukwakira 2009 ku cyifuzo cy'Ubwunganizi cyasabaga kumenyeshwa no gusubizwa inyandiko z'inzira zaba zarafatiriwe[1899].

734. Ku itariki ya 18 Ukuboza 2009, Ubwunganizi bwatanze imyanzuro ibanziriza itangwa ry'ibimenyetso bishinjura hamwe n'impapuro z'imyirondoro y'abatangabuhamya 31 barindiwe umutekano[1900].

735. Ku itariki ya 7 Mutarama 2010, Urugereko rwa Mbere rw'Iremezo rwemeye icyifuzo cy'Ubwunganizi gisaba kuzana muri Gereza y'Umuryango w'Abibumbye Arusha umutangabuhamya ufunzwe wiswe KG44[1901]. Urugereko rwanategetse Ubwunganizi

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[1896] Igisubizo cya Porokireri ku nyandiko yiswe 'Imyirondoro y'abatangabuhamya bashinjura bashyigikira *alibi*,' cyatanzwe ku itariki ya 10 Ugushyingo 2009.

[1897] Icyemezo ku cyifuzo cya Porokireri gisaba indi myirondoro y'abatangabuhamya bashyigikira *alibi* (mu rw'iremezo), 26 Ugushyingo 2009.

[1898] Inyongera ku myirondoro y'abatangabuhama bashinjura bashyigikira *alibi*, 1 Ukuboza 2009.

[1899] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra Icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku itariki ya 30 Ukwakira 2009 (mu rw'iremezo), 20 Ugushyingo 2009.

[1900] Imyanzuro y'Ubwunganizi ibanziriza itangwa ry'ibimenyetso bishinjura, 18 Ukuboza 2009; impapuro z'imyirondoro bwite y'abatangabuhamya, 18 Ukuboza 2009.

[1901] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba Urugereko gutegeka ko umutangabuhamya ushinjura wiswe KG44 yimurwa (mu rw'iremezo), 7 Mutarama 2010.

kumenyekanisha amakuru y'umwirondoro abura mu mpapuro z'imyirondoro y'abatangabuhamya zatanzwe ku itariki ya 18 Ukuboza 2009[1902].

736. Ku itariki ya 12 Mutarama 2010, Ubwunganizi bwatanze icyifuzo cyihutirwa cyane gishingiye ku Ngingo ya 66(B) y'Amategeko busaba ko bwamenyeshwa inyandiko z'ingenzi bukeneye mu gutegura ukwiregura[1903]. Ubwunganizi bwasabye ko Porokireri yabumenyesha inyandiko zose yari afite cyangwa izo yashoboraga kubona zerekeranye n'abatangabuhamya bashinjura[1904].

737. Ku itariki ya 13 Mutarama 2010, Urugereko rwa Mbere rw'Iremezo rwanze kwemera icyifuzo cy'Ubwunganizi gisaba ko Urugereko rwakumva ubuhamya hakoreshejwe ikoranabuhanga ry'amajwi n'amashusho rya *Video-Link*[1905]. Ku itariki ya 19 Mutarama 2010, Ubwunganizi bwatanze icyifuzo gisaba kwemererwa kujuririra icyemezo cy'Urugereko rwa Mbere rw'Iremezo. Muri icyo cyifuzo, Ubwunganizi bwavugaga ko Urugereko rwakoresheje ikigenderwaho mu mategeko kitari cyo, mu kwanga icyifuzo gisaba ko rwakumva ubuhamya hakoreshejwe uburyo bwa *Video-Link*[1906]. Ku itariki ya 22 Mutarama 2010, Ubwunganizi bwatanze icyifuzo cy'ibanga busaba Urugereko gusubira ku cyemezo rwafashe. Ubwunganizi bwavugaga ko habonetse ibindi bintu bishya kuva aho Urugereko rufatiye icyo cyemezo kandi ko Urugereko rwa Mbere rw'Iremezo rwakoresheje ikigenderwaho mu mategeko kitari cyo mu cyemezo rwari rwarafashe mbere ku cyifuzo cy'Ubwunganizi[1907]. Ku itariki ya 29 Mutarama 2010, Urugereko rwanze guhindura icyemezo cyarwo ariko rwemera ibyo Ubwunganizi

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1902 Icyemezo ku cyifuzo cya Porokireri gisaba kumenyeshwa imyirondoro y'abatangabuhamya bashinjura (mu rw'iremezo), 7 Mutarama 2010.

1903 Icyifuzo cyihutirwa cyane gisaba kumenyeshwa inyandiko zikenewe mu gutegura ukwiregura,12 Mutarama 2010.

1904 Icyifuzo cyihutirwa cyane gisaba kumenyeshwa inyandiko zikenewe mu gutegura ukwiregura, 12 Mutarama 2010.

1905 Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba Urugereko kumva ubuhamya bw'umugabo wiswe KG15 hakoreshejwe uburyo bwa *Video-Link* (mu rw'iremezo), 13 Mutarama 2010.

1906 Icyifuzo gisaba kwemererwa kujuririra Icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku itariki ya 13 Mutarama 2010; Icyemezo ku cyifuzo gisaba ko ubuhamya bwatangwa hakoreshejwe uburyo bwa *Video-Link*, 19 Mutarama 2010, ibika 1-4.

1907 Icyifuzo gisaba Urugereko rwa Mbere rw'Iremezo gusubira ku Cyemezo rwafashe ku itariki ya 13 Mutarama 2010 ku buhamya bwatangwa hakoreshejwe uburyo bwa *Video-Link*, 22 Mutarama 2010.

bwasabaga ko rwakumva ubuhamya hakoreshejwe uburyo bwa *Video-Link*. Muri icyo cyemezo, Urugereko rwavuze ko icyo cyari icyifuzo gishya[1908]. Ku itariki ya 3 Gashyantare 2010, Urugereko rwanze kwemera icyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo rwafashe[1909].

738. Ku itariki ya 15 Mutarama 2010, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo ku cyifuzo Ubwunganizi bwatanze ku itariki ya 18 Ukuboza 2009 gisaba guhagarika urubanza cyangwa kutakira ibimenyetso[1910]. Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba kutemera ubuhamya bw'umugabo wiswe CBN buvuga ko Uregwa yari kuri bariyeri ku itariki ya 13 n'iya 14 Mata 1994, n'ubw'umugabo wiswe CNJ buvuga ko Uregwa yagiye kuzana tingatinga ari kumwe n'Interahamwe[1911]. Urugereko rwavuze ko mu guca urubanza ari bwo rwari kureba niba rwakura mu bimenyetso ubuhamya bwatanzwe ku nama zinyuranye Uregwa yaba yaragiyemo[1912]. Urugereko rwanze kwemera ibindi bintu bisigaye byasabwaga muri icyo cyifuzo[1913]. Ku itariki ya 9 Gashyantare 2010, Urugereko rwa Mbere rw'Iremezo rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwafashe ku itariki ya 15 Mutarama 2010 ku cyifuzo cyasabaga guhagarika urubanza cyangwa kutakira ibimenyetso[1914].

[1908] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Urugereko guhindura icyemezo rwafashe ku itariki ya 13 Mutarama 2010 ku birebana no gutanga ubuhamya hakoreshejwe uburyo bwa *Video-Link* (mu rw'iremezo), 29 Mutarama 2010.

[1909] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo cy'Urugereko ku buhamya butanzwe hakoreshejwe uburyo bwa *Video-Link* (mu rw'iremezo), 3 Gashyantare 2010.

[1910] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010.

[1911] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010.

[1912] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010, igika 17.

[1913] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 15 Mutarama 2010.

[1914] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwemererwa kujuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku itariki ya 15 Mutarama 2010 ku cyifuzo gisaba guhagarika urubanza cyangwa kutakira ubuhamya buvuga ibintu bitari mu Nyandiko y'ibirego (mu rw'iremezo), 9 Gashyantare 2010.

739. Ubwunganizi bwatangiye gutanga ibimenyetso bishinjura ku itariki ya 18 Mutarama 2010[1915]. Mu cyifuzo bwatanze mu magambo uwo munsi, Ubwunganizi bwasubiyemo icyifuzo cyabwo cyasabaga kumenyeshwa ibimenyetso hashingiwe ku Ngingo ya 66(B)[1916]. Ubwunganizi bwanavuze ko zimwe mu nyandiko bwasabaga, cyane cyane ubuhamya bwanditse abagabo bahaye Porokireri, zashinjuraga Uregwa, bityo zikaba zaragombaga kumenyekanishwa nk'uko biteganywa n'Ingingo ya 68(A)[1917]. Ubwunganizi bwavugaga ko bwabujijwe, ku buryo budasubirwaho, gutegura ukwiregura bitewe n'uko Porokireri atamenyekanishije izo nyandiko, maze kubera iyo mpamvu bugasaba Urugereko guhagarika urubanza[1918]. Ubwunganizi bwasabye ko urubanza ruramutse rudahagaritswe, kwiregura byaba bisubitswe kugeza igihe Porokireri yari kumenyekanishiriza ibimenyetso byose bwasabye[1919].

740. Ku itariki ya 18 Mutarama 2010, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo mu magambo rwanga icyifuzo cy'Ubwunganizi gisaba guhagarika urubanza cyangwa gusubika itangwa ry'ibimenyetso bishinjura[1920]. Urugereko rwanategetse Porokireri kumenyekanisha ubuhamya bwanditse bwatanzwe n'umugabo ushinjura witwa Grégoire Ndahimana; gushaka ubuhamya bwanditse umugabo wiswe KG37 yaba yaratanze ku byerekeranye n'urubanza rwa Seromba; kuvugana n'abategetsi b'u Rwanda ku byerekeranye n'ubuhamya KG37 yatanze mu rubanza rwabereye mu Rwanda no guhura n'Ubwunganizi ngo basuzume inyandiko Porokireri afite cyangwa acunga[1921].

741. Ku itariki ya 11 Gashyantare 2010, Ubwunganizi bwashoje itangwa ry'ibimenyetso bishinjura bumaze guhamagaza abatangabuhamya 23 mu minsi 14 y'iburanisha[1922].

742. Ku itariki ya 12 Gashyantare 2010, habaye inama itegura iburanisha igamije kumva ibyo ababuranyi bavuga ku birebana no gusura ahantu hakorewe ibyaha mu Rwanda no

[1915] Inyandikomvugo y'iburanisha 18 Mutarama 2010, urup. 2.
[1916] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, imp. 3-9.
[1917] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, imp. 3-9.
[1918] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 9.
[1919] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 9.
[1920] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 16.
[1921] Inyandikomvugo y'iburanisha, 18 Mutarama 2010, urup. 16.
[1922] Inyandikomvugo y'iburanisha, 11 Gashyantare 2010, urup. 10.

kugena amatariki ababuranyi bazatangiraho imyanzuro nsozarubanza yanditse n'iyo mu magambo[1923]. Mu cyemezo gishyiraho gahunda y'iburanisha rwafashe ku itariki ya 17 Gashyantare 2010[1924], Urugereko rwategetse ko gusura ahantu ibyaha bivugwa byabereye bizakorwa mu gice cya kabiri cy'ukwezi kwa Mata 2010[1925]. Urugereko rwanategetse ababuranyi gutanga imyanzuro nsozarubanza yanditse bitarenze tariki ya 7 Gicurasi 2010 no gutanga imyanzuro nsozarubanza mu magambo ku itariki ya 20 Gicurasi 2010[1926].

743. Ku itariki ya 19 Gashyantare 2010, Urugereko rw'Ubujurire rwanze ubujurire bwa Kanyarukiga ku cyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku cyifuzo cy'Ubwunganizi cyasabaga kumenyeshwa no gusubizwa inyandiko zishinjura z'Uregwa zaba zarafatiriwe[1927].

744. Ku itariki ya 3 Werurwe 2010, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo cy'inyongera cyerekeranye no gusura ahantu hakorewe ibyaha mu Rwanda n'inzira izanyurwamo[1928]. Ku itariki ya 31 Werurwe 2010, Urugereko rwa Mbere rw'Iremezo rwatanze inyandiko irimo ibyakosowe mu cyemezo cy'inyongera rwafashe[1929].

745. Ku itariki ya 23 Werurwe 2010, Urugereko rw'Ubujurire rwanze ubujurire ku ngoboka Kanyarukiga yatanze ajuririra icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe ku

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[1923] Inyandikomvugo y'iburanisha, 12 Gashyantare 2010, urup. 1 (Inama itegura iburanisha).

[1924] Icyemezo gishyiraho gahunda y'iburanisha hashingiwe ku byavuzwe mu nama itegura iburanisha yabaye ku itariki ya 12 Gashyantare 2010 (mu rw'iremezo), 17 Gashyantare 2010.

[1925] Icyemezo gishyiraho gahunda y'iburanisha hashingiwe ku byavuzwe mu nama itegura iburanisha yabaye ku itariki ya 12 Gashyantare 2010 (mu rw'iremezo), 17 Gashyantare 2010, Icyemezo cya I.

[1926] Icyemezo gishyiraho gahunda y'iburanisha hashingiwe ku byavuzwe mu nama itegura iburanisha yabaye ku itariki ya 12 Gashyantare 2010 (mu rw'iremezo), 17 Gashyantare 2010, Icyemezo cya III n'icya V.

[1927] Icyemezo ku bujurire Kanyarukiga yatanze ajuririra Icyemezo cyafashwe ku cyifuzo ku ngoboka isaba kumenyekanisha no gusubiza Uregwa inyandiko zishinjura zafatiriwe (mu bujurire), 19 Gashyantare 2010.

[1928] Icyemezo cy'inyongera ku cyifuzo gisaba gusura ahantu ibyaha byakorewe mu Rwanda n'inzira abazakora urugendo bazanyuramo bava hamwe bajya ahandi (mu rw'iremezo), 3 Werurwe 2010.

[1929] Inyandiko irimo ibyakosowe ku cyemezo cy'inyongera kirebana no gusura ahantu ibyaha byakorewe mu Rwanda n'inzira abazakora urugendo bazanyuramo bava hamwe bajya ahandi cyo ku ya 3 Werurwe 2010 (mu rw'iremezo), 31 Werurwe 2010.

itariki ya 15 Mutarama 2010 ku cyifuzo cy'Ubwunganizi cyasabaga Urugereko kutakira ubuhamya buvuga ku bintu bitari mu Nyandiko y'ibirego[1930].

746. Ku itariki ya 16 Mata 2010, Urugereko rwa Mbere rw'Iremezo rwimuye itariki y'itangwa ry'imyanzuro nsozarubanza mu magambo rwemeza ko iyo myanzuro yari gutangwa ku itariki ya 24 Gicurasi 2010[1931].

747. Kuva ku itariki ya 19 Mata 2010 kugera ku ya 21 Mata 2010, Urugereko rwa Mbere rw'Iremezo rwasuye ahantu hakorewe ibyaha mu Rwanda[1932]. Ku itariki ya 4 Gicurasi 2010, Ubwunganizi bwatanze icyifuzo cyihutirwa cyane gisaba ko ibyavuye mu rugendo Urugereko rwakoze rwo gusura ahantu hakorewe ibyaha byashyirwa muri dosiye[1933]. Ku itariki ya 5 Gicurasi 2010, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo cy'agateganyo kuri icyo cyifuzo cyihutirwa cyane cy'Ubwunganizi[1934], maze ku itariki ya 7 Gicurasi 2010, rufata icyemezo cyemera ko ibyavuye mu rugendo rwakoze rusura ahantu hakorewe ibyaha byashyirwa muri dosiye[1935].

748. Ku itariki ya 7 Gicurasi 2010, Urugereko rwa Mbere rw'Iremezo rwemeye icyifuzo ababuranyi bahuriyeho maze rusubika itariki yo gutangiraho imyanzuro nsozarubanza yanditse. Urugereko rwemeje ko iyo myanzuro yari gutangwa ku itariki ya 11 Gicurasi

[1930] Icyemezo ku bujurire bwatanzwe na Gaspard Kanyarukiga ajuririra icyemezo Urugereko rwafashe ku ngoboka isaba kutakira ubuhamya (mu bujurire), 23 Werurwe 2010.

[1931] Icyemezo kigena indi tariki yo gutanga imyanzuro nsozarubanza mu magambo, 16 Mata 2010.

[1932] Reba icyemezo gishyiraho gahunda y'iburanisha hashingiwe ku byavuzwe mu nama itegura iburanisha yabaye ku itariki ya 12 Gashyantare 2010 (mu rw'iremezo), 17 Gashyantare 2010, Icyemezo cya I, Icyemezo cy'inyongera ku cyifuzo gisaba gusura ahantu ibyaha byakorewe mu Rwanda n'inzira abazakora urugendo bazanyuramo bava hamwe bajya ahandi (mu rw'iremezo), 3 Werurwe 2010 n'Inyandiko irimo ibyakosowe ku cyemezo cy'inyongera cyekeranye no gusura ahantu ibyaha byakorewe mu Rwanda n'inzira abazakora urugendo bazanyuramo bava hamwe bajya ahandi, itariki ya 3 Werurwe 2010 (mu rw'iremezo), 31 Werurwe 2010.

[1933] Icyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba ko raporo y'Urugendo rwo gusura ahantu habereye ibyaha mu Rwanda yashyirwa muri dosiye, 4 Gicurasi 2010.

[1934] Icyemezo cy'agateganyo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba ko Raporo y'urugendo rwo gusura ahantu hakorewe ibyaha mu Rwanda yashyirwa muri dosiye Rwanda, 5 Gicurasi 2010.

[1935] Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba ko Raporo y'urugendo rwo gusura ahantu hakorewe ibyaha mu Rwanda yashyirwa muri dosiye, 7 Gicurasi 2010.

2010[1936]. Ku itariki ya 11 Gicurasi 2010, ababuranyi batanze imyanzuro nsozarubanza yanditse yabo[1937] naho ku ya 24 Gicurasi 2010, batanga imyanzuro nsozarubanza mu magambo[1938]. Uwo munsi, Porokireri yatanze inyandiko irimo ibyakosowe mu myanzuro nsozarubanza yanditse ye[1939].

5. Indi mihango y'iburanisha

749. Ku itariki ya 4 Kamena 2010, Porokireri yatanze inyandiko irimo ibyakosowe mu myanzuro nsozarubanza yanditse ye. Muri iyo nyandiko, Porokireri avuga ko yakosoye amakosa make ari muri iyo myanzuro n'amakosa menshi ari mu bisobanuro byo hasi ku rupapuro[1940].

750. Ku itariki ya 9 Kamena 2010, Ubwunganizi bwatanze igisubizo ku nyandiko ya Porokireri ikubiyemo ibyakosowe. Muri icyo gisubizo, Ubwunganizi buvuga ko burwanya itangwa ry'indi nyandiko ikubiyemo ibyakosowe kubera ko itatangiwe igihe ndetse bunavuga ko no mu nyandiko ya Porokireri ikubiyemo ibyakosowe harimo amakosa[1941]. Ubwunganizi bwasabye Urugereko kwanga kwakira inyandiko ya Porokireri ikubiyemo ibyakosowe cyangwa, rwaramuka ruyakiriye, rugaha Ubwunganizi umwanya wo kugira icyo buvuga kuri buri kosa riri muri iyo nyandiko[1942].

[1936] Icyemezo kigizayo itariki imyanzuro nsozarubanza izatangirwaho, 7 Gicurasi 2010.

[1937] Imyanzuro nsozarubanza ya Porokireri, 11 Gicurasi 2010, Imyanzuro nsozarubanza y'Ubwunganizi, 11 Gicurasi 2010.

[1938] Inyandikomvugo y'iburanisha, 24 Gicurasi 2010.

[1939] Inyandiko ikubiyemo ibyakosowe ku myanzuro nsozarubanza ya Porokireri, yatanzwe hakoreshejwe uburyo bwa elegitoroniki (*electronic copy*) ku itariki ya 21 Gicurasi 2010. Inyandiko iri ku mpapuro yatanzwe ku itariki ya 24 Gicurasi 2010.

[1940] Inyandiko ikubiyemo ibyakosowe mu myanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 4 Kamena 2010 (Inyandiko ikubiyemo ibyakosowe ya Porokireri).

[1941] Igisubizo cy'ibanga cy'Ubwunganizi ku nyandiko [ya kabiri] yo ku itariki ya 4 Kamena 2010 ikubiyemo ibyakosowe ku Myanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 9 Kamena 2010.

[1942] Igisubizo cy'ibanga cy'Ubwunganizi ku nyandiko [ya kabiri] yo ku itariki ya 4 Kamena 2010 ikubiyemo ibyakosowe ku Myanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 9 Kamena 2010, igika 7.

751. Ku itariki ya 11 Kamena 2010, Porokireri yatanze inyandiko ikubiyemo igitekerezo cye ku gisubizo cy'Ubwunganizi[1943] maze ku itariki ya 14 Kamena 2010, Ubwunganizi na bwo bwongera gusubiza ku byavuzwe na Porokireri ku gisubizo cyabwo[1944].

752. Ku itariki ya 18 Kamena 2010, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo ku nyandiko ya Porokireri ikubiyemo ibyakosowe[1945]. Muri icyo cyemezo, Urugereko rwemeye ko iyo nyandiko itangwa maze rwemerera Ubwunganizi gutanga igisubizo kuri iyo nyandiko kandi rubutegeka kuvuga gusa ku ikosa ryose cyangwa ku bintu bidahwitse bwari kuba bwabonye muri iyo nyandiko[1946].

753. Ku itariki ya 25 Kamena 2010, Ubwunganizi bwatanze igisubizo ku nyandiko ya Porokireri ikubiyemo ibyakosowe hashingiwe ku cyemezo Urugereko rwafashe ku itariki ya 18 Kamena 2010[1947]. Muri icyo gisubizo, Ubwunganizi buvuga ku makosa menshi ari mu nyandiko ya Porokireri ikubiyemo ibyakosowe.

754. Ku itariki ya 14 Ukwakira 2010, Urugereko rwa Mbere rw'Iremezo rwagennye itariki yo gusoma urubanza maze rumenyesha ababuranyi ko incamake y'imikirize y'urubanza mu magambo yari gusomwa saa yine za mu gitondo ku itariki ya 1 Ugushyingo 2010[1948], kandi koko iyo ncamake yasomwe kuri iyo tariki.

755. Ku itariki ya 9 Ugushyingo 2010, Urugereko rwa Mbere rw'Iremezo rwatanze inyandiko y'urubanza.

[1943] Ibivugwa na Porokireri ku gisubizo cy'Ubwunganizi ku nyandiko ikubiyemo ibyakosowe ya Porokireri, 11 Kamena 2010.

[1944] Igisubizo cy'Ubwunganizi ku bivugwa na Porokireri ku byo Ubwunganizi buvuga ku nyandiko ikubiyemo ibyakosowe ya Porokireri,14 Kamena 2010.

[1945] Icyemezo cy'Urugereko ku nyandiko ikubiyemo ibyakosowe ku Myanzuro nsozarubanza ya Porokireri, 18 Kamena 2010.

[1946] Icyemezo cy'Urugereko ku nyandiko ikubiyemo ibyakosowe, igika cya 9.

[1947] Imyanzuro y'Ubwunganizi igomba kugirirwa ibanga yerekeranye n'amakosa cyangwa ibintu bidahwitse biri mu nyandiko yo ku itariki ya 4 Kamena 2010 ikubiyemo ibyakosowe ku Myanzuro nsozarubanza ya Porokireri (hashingiwe ku Cyemezo cy'Urugereko rwa Mbere rw'Iremezo cyo ku itariki ya 18 Kamena 2010), 25 Kamena 2010.

[1948] Icyemezo kigena itariki yo gusoma urubanza, 14 Ukwakira 2010.

UMUGEREKA B: IBISOBANURO BY'AMAGAMBO YAKORESHEJWE, HAMWE N'UBUKEMURAMANZA

1. Ibisobanuro by'amagambo yakoreshejwe, impinamagambo [1949]

Amategeko	Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, yemejwe hashingiwe ku Ngingo ya 14 ya Sitati
CODEKOKI	Koperative CODEKOKI
ESM	Ishuri rikuru rya Gisirikare
FPR	Umuryango wa FPR
Gusaba Urukiko guhanaguraho Uregwa icyaha	*Urubanza rwa Gaspard Kanyarukiga*, No. ICTR-2002-78-T, Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa ahanagurwaho icyaha, hashingiwe ku Ngingo ya 98 *bis* (mu rw'iremezo), 9 Ukwakira 2009
Imyanzuro mbanzirizarubanza ya Porokireri	*Urubanza rwa Gaspard Kanyarukiga*, No. ICTR-2002-78-I, Imyanzuro mbanzirizarubanza ya Porokireri, yatanzwe ku itariki ya 4 Gicurasi 2009
Imyanzuro nsozarubanza ya Porokireri	*Urubanza rwa Gaspard Kanyarukiga*, No. ICTR-2002-78-T, Imyanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 4 Gicurasi 2010
Imyanzuro nsozarubanza y'Ubwunganizi	*Urubanza rwa Gaspard Kanyarukiga*, No. ICTR-2002-78-T, Imyanzuro nsozarubanza y'Ubwunganizi, yatanzwe ku itariki ya 11 Gicurasi 2010
Inyandiko y'ibirego	*Urubanza rwa Gaspard Kanyarukiga*, No. ICTR-02-78,

[1949] Hakurikijwe Ingingo 2(B) y'Amategeko· amagambo akoreshwa ntatandukanya igitsinagabo n'igitsinagore cyangwa ubuke n'ubwinshi·

yahinduwe	Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 14 Ugushyingo 2007
IPJ	Umugenzacyaha
MRND	Muvoma Revolisiyoneri Iharanira Amajyambere y'u Rwanda
Sitati	Sitati y'Urukiko yemejwe n'Inama Ishinzwe Amahoro ku Isi, mu Cyemezo cyayo N0. 955 cyo ku itariki ya 8 Ugushyingo 1994
TPIR	Urukiko Mpanabyaha Mpuzamahanga rufite ububasha bwo gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda icyaha cya jenoside n'ibindi bikorwa binyuranyije ku buryo bukomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994, rwashyizweho n'Inama Ishinzwe Amahoro ku Isi mu cyemezo cyayo 955 cyo ku itariki ya 8 Ugushyingo 1994
TPIY	Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze cyitwa Yugosilaviya rufite ububasha bwo gucira imanza abantu bakekwaho kuba barakoreye mu cyahoze cyitwa Yugosilaviya ibikorwa binyuranyije ku buryo bukomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara kuva mu wa 1991, rwashyizweho n'Inama Ishinzwe Amahoro ku Isi mu Cyemezo cyayo 927 cyo ku itariki ya 25 Gicurasi 1993
Urugereko **(cyangwa Urugereko rwa Mbere rw'Iremezo)**	Urugereko rwa Mbere rw'Iremezo II rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, rugizwe n'Abacamanza Taghrid Hikmet, Perezida, na Seon Ki Park na Joseph Masanche

2. Ubukemuramanza

2.1. TPIR

AKAYESU

Urubanza rwa Jean-Paul Akayesu, No. ICTR-96-4-T, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998

Urubanza rwa Jean-Paul Akayesu, No. ICTR-96-4-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001

BAGARAGAZA

Urubanza rwa Michel Bagaragaza, No. ICTR-05-86-S, Inyandiko y'urubanza mu rw'iremezo, 17 Ugushyingo 2009

BAGOSORA NA BAGENZI BE

Urubanza rwa Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva, No. ICTR-98-41-T, Icyemezo ku cyifuzo gisaba ko abaregwa bahanagurwaho icyaha (mu rw'iremezo), 2 Gashyantare 2005 (« *Bagosora na bagenzi be*, 98 *bis* Icyemezo »)

Urubanza rwa Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva, No. ICTR-98-41-AR73, Icyemezo ku bujurire Aloys Ntabakuze yatanze ajuririra icyemezo cyafashwe ku ngoboka n'Urugereko rwa Mbere rw'Iremezo ku itariki ya 29 Kamena 2006 ku bibazo birebana n'amategeko. Icyemezo ku cyifuzo gisaba kutakira ibimenyetso (mu bujurire), 18 Nzeri 2006

Urubanza rwa Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze, Anatole Nsengiyumva, No. ICTR-98-41-T, Inyandiko y'urubanza mu rw'iremezo, 18 Ukuboza 2008, («*Bagosora na bagenzi be*»)

BIKINDI

Urubanza rwa Simon Bikindi, No. ICTR-01-72-T, Inyandiko y'urubanza mu rw'iremezo, 2 Ukuboza 2008

Urubanza rwa Simon Bikindi, No. ICTR-01-72-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010

GACUMBITSI

Urubanza rwa Sylvestre Gacumbitsi, No. ICTR-2001-64-T, Inyandiko y'urubanza mu rw'iremezo, 17 Kamena 2004

Urubanza rwa Sylvestre Gacumbitsi, No. ICTR-2001-64-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006

KAJELIJELI

Urubanza rwa Juvénal Kajelijeli, No. ICTR-98-44A-T, Inyandiko y'urubanza mu rw'iremezo, 1 Ukuboza 2003

Urubanza rwa Juvénal Kajelijeli, No. ICTR-98-44A-A, Inyandiko y'urubanza mu bujurire, 23 Gicurasi 2005

KALIMANZIRA

Urubanza rwa Callixte Kalimanzira, No. ICTR-05-88-A, Inyandiko y'urubanza mu bujurire, 20 Ukwakira 2010

KAMBANDA

Urubanza rwa Jean Kambanda, No. ICTR-97-23-S, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998

KAMUHANDA

Urubanza rwa Jean de Dieu Kamuhanda, No. ICTR-99-54A-T, Inyandiko y'urubanza mu rw'iremezo, 22 Mutarama 2004

KAREMERA NA BAGENZI BE

Urubanza rwa Édouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera, No. ICTR-98-44-AR73(C), Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra icyemezo cyafashwe ku ngoboka ku birebana no kumenyeshwa amakuru (mu bujurire), 16 Kamena 2006

KARERA

Urubanza rwa François Karera, No. ICTR-01-74-T, Inyandiko y'urubanza mu rw'iremezo, 7 Ukuboza 2007

Urubanza rwa François Karera, No. ICTR-01-74-A, Inyandiko y'urubanza mu bujurire, 2 Gashyantare 2009

KAYISHEMA NA RUZINDANA

Urubanza rwa Clément Kayishema na Obed Ruzindana, No. ICTR-95-1-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999

Urubanza rwa Clément Kayishema na Obed Ruzindana, No. ICTR-95-1-T, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 21 Gicurasi 1999

Urubanza rwa Clément Kayishema na Obed Ruzindana, No. ICTR-95-1-A, Inyandiko y'urubanza (Impamvu rushingiyeho) mu bujurire, 1 Kamena 2001

MPAMBARA

Urubanza rwa Jean Mpambara, No. ICTR-01-65-T, Inyandiko y'urubanza mu rw'iremezo, 11 Nzeri 2006

MUHIMANA

Urubanza rwa Mikaeli Muhimana, No. ICTR-95-1B-T, Inyandiko y'urubanza mu rw'iremezo, 28 Mata 2005

Urubanza rwa Mikaeli Muhimana, No. ICTR-95-1B-A, Inyandiko y'urubanza mu bujurire, 21 Gicurasi 2007

MUSEMA

Urubanza rwa Alfred Musema, No. ICTR-96-13-T, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000

Urubanza rwa Alfred Musema, No. ICTR-96-13-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2001

MUVUNYI

Urubanza rwa Tharcisse Muvunyi, No. ICTR-00-55A-AR73, Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo cyafashwe ku ngoboka n'Urugereko rwa Mbere rw'Iremezo II ku wa 23 Gashyantare 2005 (mu bujurire), 12 Gicurasi 2005

Urubanza rwa Tharcisse Muvunyi, No. ICTR-2000-55A-T, Inyandiko y'urubanza mu rw'iremezo, 12 Nzeri 2006

Urubanza rwa Tharcisse Muvunyi, No. ICTR-2000-55A-A, Inyandiko y'urubanza mu bujurire, 29 Kanama 2008

NAHIMANA NA BAGENZI BE

Urubanza rwa Ferdinand Nahimana, Jean-Bosco Barayagwiza na Hassan Ngeze, Urubanza No. ICTR-99-52-T, Inyandiko y'urubanza mu rw'iremezo, 3 Ukuboza 2003 (« *Nahimana na bagenzi be »)*

Urubanza rwa Ferdinand Nahimana, Jean-Bosco Barayagwiza na Hassan Ngeze, No. ICTR-99-52-A, Inyandiko y'urubanza mu bujurire), 28 Ugushyingo 2007

NCHAMIHIGO

Urubanza rwa Siméon Nchamihigo, No. ICTR-01-63-T, Inyandiko y'urubanza mu rw'iremezo, 12 Ugushyingo 2008

Urubanza rwa Siméon Nchamihigo, No. ICTR-2001-63-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010

NDINDABAHIZI

Urubanza rwa Emmanuel Ndindabahizi, No. ICTR-2001-71-I, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004

Urubanza rwa Emmanuel Ndindabahizi, Urubanza No. ICTR-01-71-A, Inyandiko y'urubanza mu bujurire, 16 Mutarama 2007

NIYITEGEKA

Urubanza rwa Eliézer Niyitegeka, No. ICTR-96-14-T, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003

Urubanza rwa Eliézer Niyitegeka, No. ICTR-96-14-A, Inyandiko y'urubanza mu bujurire, 9 Nyakanga 2004

NTAGERURA NA BAGENZI BE

Urubanza rwa André Ntagerura, Emmanuel Bagambiki na Samuel Imanishimwe, No. ICTR-99-46-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004 (« *Ntagerura na bagenzi be »*

Urubanza rwa André Ntagerura, Emmanuel Bagambiki na Samuel Imanishimwe, Urubanza No. ICTR-99-46-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006 (« *Ntagerura na bagenzi be »)*

NTAKIRUTIMANA

Urubanza rwa Elizaphan Ntakirutimana na Gérard Ntakirutimana, Urubanza No. ICTR-96-10-T na No. ICTR-96-17-T, Icyemezo ku cyifuzo cya Porokireri kirebana n'ibintu bitagomba kugirwaho impaka (mu rw'iremezo), 22 Ugushyingo 2001

Urubanza rwa Elizaphan Ntakirutimana na Gérard Ntakirutimana, Urubanza No. ICTR-96-10-T na No. ICTR-96-17-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gashyantare 2003

Urubanza rwa Elizaphan Ntakirutimana na Gérard Ntakirutimana, Urubanza No. ICTR-96-10-A na No. ICTR-96-17-A, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004

NTAWUKULILYAYO

Urubanza rwa Dominique Ntawukulilyayo, No. ICTR-05-82-T, Inyandiko y'urubanza mu rw'iremezo, 3 Kanama 2010

RUGAMBARARA

Urubanza rwa Juvénal Rugambarara, No. ICTR-00-59-T, Inyandiko y'urubanza mu rw'iremezo, 16 Ugushyingo 2007

RUGGIU

Urubanza rwa Georges Ruggiu, ICTR-97-32-I, Inyandiko y'urubanza mu rw'iremezo, 1 Kamena 2000

RUKUNDO

Urubanza rwa Emmanuel Rukundo, Urubanza No. ICTR-2001-70-T, Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2009

Urubanza rwa Emmanuel Rukundo, No. ICTR-2001-70-A, Inyandiko y'urubanza mu bujurire, 20 Ukwakira 2010

RUTAGANDA

Urubanza rwa Georges Anderson Nderubumwe Rutaganda, No. ICTR-96-3-T, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999

Georges Anderson Nderubumwe Rutaganda v. Porokireri, No. ICTR-96-3-A, Inyandiko y'urubanza mu bujurire, 26 Gicurasi 2003

SEMANZA

Urubanza rwa Laurent Semanza, No. ICTR-97-20-T, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003

Urubanza rwa *Laurent Semanza,* No. ICTR-97-20-A, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005

SEROMBA

Urubanza rwa Athanase Seromba, No. ICTR-2001-66-A, Inyandiko y'urubanza mu bujurire, 12 Werurwe 2008

Urubanza rwa Athanase Seromba, No. ICTR-2001-66-I, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2006

SERUSHAGO

Urubanza rwa Omar Serushago, No. ICTR-98-39-A, Inyandiko y'urubanza mu bujurire - Impamvu rushingiyeho - 6 Mata 2000

SETAKO

Urubanza rwa Ephrem Setako, No. ICTR-04-81-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2010

SIMBA

Aloys Simba v. Porokireri, Urubanza No. ICTR-01-76-AR72.2, Icyemezo ku bujurire bwatanzwe hajuririrwa icyemezo cyafashwe ku ngoboka mburabubasha ishingiye ku gihe icyaha cyakorewe (mu bujurire), 29 Nyakanga 2004

Urubanza rwa Aloys Simba, Urubanza No ICTR-01-76-T, Inyandiko y'urubanza, 13 Ukuboza 2005

Urubanza rwa Aloys Simba, No. ICTR-01-76-A, Inyandiko y'urubanza mu bujurire, 27 Ugushyingo 2007

ZIGIRANYIRAZO

Urubanza rwa Protais Zigiranyirazo, No. ICTR-01-73-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2009

2.2. TPIY

ALEKSOVSKI

Urubanza rwa Zlatko Aleksovski, No. IT-95-14/1-AR73, Icyemezo cyafashwe ku bujurire bwatanzwe na Porokireri ajuririra icyemezo cy'ingoboka kirebana n'iyakirwa ry'ibimenyetso (mu bujurire), 16 Gashyantare 1999

BANOVIĆ

Urubanza rwa Predrag Banović, No. IT-02-65/1-S, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 28 Ukwakira 2003

BLAGOJEVIĆ

Urubanza rwa Vidoje Blagojević na Dragan Jokić, No. IT-02-60-T, Inyandiko y'urubanza mu rw'iremezo, 17 Mutarama 2005

Urubanza rwa Vidoje Blagojević na Dragan Jokić, No. IT-02-60-A, Inyandiko y'urubanza mu bujurire, 9 Gicurasi 2007

BLAŠKIĆ

Urubanza rwa Tihomir Blaškić, No. IT-95-14-A, Inyandiko y'urubanza mu bujurire, 29 Nyakanga 2004

BRĐANIN

Urubanza rwa Radoslav Brđanin na Momir Talić, No. IT-99-36-PT, Icyemezo ku miterere y'Inyandiko y'ibirego yahinduwe no ku cyifuzoa cya Porokireri gisaba guhindura Inyandiko y'ibirego (mu rw'iremezo), 26 Kamena 2001

Urubanza rwa Radoslav Brđanin, No. IT-99-36-T, Inyandiko y'urubanza mu rw'iremezo, 1 Nzeri 2004

Urubanza rwa Radoslav Brđanin, No. IT-99-36-A, Inyandiko y'urubanza mu bujurire, 3 Mata 2007

ČELEBIĆI

Urubanza rwa Zejnil Delalić, Zdravko Mucić (*bahimba"Pavo"), Hazim Delić na Esad Landžo (bahimba"Zenga"*), No. IT-96-21-A, Inyandiko y'urubanza mu bujurire, 20 Gashyantare 2001 ("*Delalić na bagenzi be (Čelebići* mu bujurire")

DERONJIĆ

Urubanza rwa Miroslav Deronjić, No. IT-02-61-S, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 30 Werurwe 2004

GALIĆ

Urubanza rwa Stanislav Galić, No. IT-98-29-A, Inyandiko y'urubanza mu bujurire, 30 Ugushyingo 2006

JELISIĆ

Urubanza rwa Goran Jelisić, No. IT-95-10-T, Inyandiko y'urubanza mu rw'iremezo, 14 Ukuboza 1999

Urubanza rwa Goran Jelisić, No. IT-95-10-A, Inyandiko y'urubanza mu bujurire, 5 Nyakanga 2001

JOKIĆ

Urubanza rwa Miodrag Jokić, No. IT-01-42/1-S, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 18 Werurwe 2004

KORDIĆ & ČERKEZ

Urubanza rwa Dario Kordić na Mario Čerkez, No. IT-95-14/2-A, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004

Urubanza rwa Dario Kordić na Mario Čerkez, No. IT-95-14/2-T, Inyandiko y'urubanza mu rw'iremezo, 26 Gashyantare 2001

KRAJIŠNIK

Urubanza rwa Momčilo Krajišnik, No. IT-00-39-PT, Icyemezo ku cyifuzo cya Porokireri gisaba kwemeza ibintu bitagibwaho impaka no kwakira ubuhamya bwanditse bwatanzwe n'Abatangabuhamya hashingiwe ku Ngingo ya 92 *bis* (mu rw'iremezo)*,* 28 Gashyantare 2003

Urubanza rwa Momčilo Krajišnik, No. IT-00-39-A, Inyandiko y'urubanza mu bujurire, 17 Werurwe 2009

KRNOJELAC

Urubanza rwa Milorad Krnojelac, No. IT-97-25-T, Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002

Urubanza rwa Milorad Krnojelac, No. IT-97-25-A, Inyandiko y'urubanza mu bujurire, 17 Nzeri 2003

KRSTIĆ

Urubanza rwa Radislav Krstić, No. IT-98-33-T, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001

Urubanza rwa Radislav Krstić, No. IT-98-33-A, Inyandiko y'urubanza mu bujurire, 19 Mata 2004

KUNARAC

Urubanza rwa Dragoljub Kunarac, Radomir Kovač na Zoran Vuković, Urubanza No. IT-96-23-T na No. IT-96-23/1-T, Inyandiko y'urubanza mu rw'iremezo, 22 Gashyantare 2001 (« *Kunarac na bagenzi be)*

KUPREŠKIĆ NA BAGENZI BE

Urubanza rwa Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Vladimir Šantič, No. IT-95-16-A, Inyandiko y'urubanza mu bujurire, 23 Ukwakira 2001 ("*Kupreskić na bagenzi be »)*

KVOČKA NA BAGENZI BE

Urubanza rwa Miroslav Kvočka, Mlađo Radić, Zoran Žigić na Dragoljub Prcać, No. IT-98-30/1-A, Inyandiko y'urubanza mu bujurire, 28 Gashyantare 2005 (« *Kvočka na bagenzi be »)*

MILOŠEVIĆ, DRAGOMIR

Urubanza rwa Dragomir Milošević, No. IT-98-29/1-AR73.1, Icyemezo ku bujurire bwatanzwe hajuririrwa Icyemezo cyafashwe ku ngoboka n'Urugereko rwa Mbere rw'Iremezo yabyukijwe na Porokireri asaba kwemeza ibintu bizwi bitagibwaho impaka, n'urutonde rw'ibyabaye ababuranyi bumvikanaho rwatanzwe na Porokireri (mu bujurire), 26 Kamena 2007

Urubanza rwa Dragomir Milošević, No. IT-98-29/1-T, Icyemezo ku bujurire bwatanzwe hajuririrwa Icyemezo cyafashwe ku ngoboka n'Urugereko rwa Mbere rw'Iremezo yabyukijwe na Porokireri asaba kwemeza ibintu bizwi bitagibwaho impaka, n'urutonde rw'ibyabaye ababuranyi bumvikanaho rwatanzwe na Porokireri, hamwe n'igitekerezo cya Juji Harhoff kinyuranye n'icy'abandi bacamanza (mu rw'iremezo), 10 Mata 2007

MILOŠEVIĆ, SLOBODAN

Urubanza rwa Slobodan Milošević, No. IT-02-54-AR73.5, Icyemezo ku bujurire bwatanzwe na Porokireri ajuririra Icyemezo cyafashwe ku ngoboka n'Urugereko rwa Mbere rw'Iremezo, 10 Mata 2003. Icyemezo ku cyifuzo cya Porokireri ku birebana n'ibintu bizwi bitagibwaho impaka (mu bujurire), 28 Ukwakira 2003

NALETILIĆ

Urubanza rwa Mladen Naletilić na Vinko Martinović, No. IT-98-34-A, Inyandiko y'urubanza mu bujurire, 3 Gicurasi 2006

NIKOLIĆ

Urubanza rwa Dragan Nikolić, Urubanza No. IT-94-2-S, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 18 Ukuboza 2003

MILUTINOVIĆ

Urubanza rwa Milan Milutinović, Nikola Šainović na Draguljub Ojdanić, No. IT-99-37-AR72, Icyemezo ku cyifuzo cya Draguljub Ojdanić kibyutsa ingoboka mburabubasha – Umugambi mubisha uhuriweho (mu bujurire), 21 Gicurasi 2003

PLASVŠIĆ

Urubanza rwa Biljana Plasvšić, No. IT-00-39 na No. 40/1-S, Inyandiko y'urubanza ngenabihano mu rw'iremezo, 27 Gashyantare 2003

SIMIĆ

Urubanza rwa Blagoje Simić, No. IT-95-9-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2006

STAKIĆ

Urubanza rwa Milomir Stakić, No. IT-97-24-T, Inyandiko y'urubanza mu rw'iremezo, 31 Nyakanga 2003

Urubanza rwa Milomir Stakić, No. IT-97-24-A, Inyandiko y'urubanza mu bujurire, 22 Werurwe 2006

STRUGAR

Urubanza rwa Pavle Strugar, No. IT-01-42-T, Inyandiko y'urubanza mu rw'iremezo, 31 Mutarama 2005

TADIĆ

Urubanza rwa Duško Tadić, No. IT-94-1-A, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999

VASILJEVIĆ

Urubanza rwa Mitar Vasiljević, No. IT-98-32-A, Inyandiko y'urubanza mu bujurire, 25 Gashyantare 2004

3. Ibindi byifashishijwe

Amasezerano yerekeranye n'impunzi, yemejwe ku wa 28 Nyakanga 1951, 189 U.N.T.S. 150.

Amasezerano yerekeranye n'impunzi, yemejwe ku wa 31 Mutarama 1967, 606 U.N.T.S. 267

Urubanza rwa Alex Tamba Brima, Ibrahim Bazzy Kamara na Santigie Borbor Kanu mu bujurire (SCSL), No. SCSL-2004-16-A, 22 Gashyantare 2008

Itegeko Ngenga No. 08/1996 ryo ku wa 31 Kanama 1996 ryerekeye imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya 1 Ukwakira 1990 [Rwanda], ryatangajwe mu Igazeti ya Leta ya Repubulika y'u Rwanda, Umwaka wa 35, No. 17, 1 Nzeri 1996, nk'uko ryahinduwe n'Itegeko Ngenga No. 31/2007 ryo ku wa 25 Nyakanga 2007 rikuraho igihano cyo kwicwa [mu Rwanda].

UMUGEREKA C: INYANDIKO Y'IBIREGO YAHINDUWE

Umwimerere : ICYONGEREZA

URUKIKO MPANABYAHA MPUZAMAHANGA RWASHYIRIWEHO U RWANDA

POROKIRERI

Aburana na :

GASPARD KANYARUKIGA

Urubanza nº ICTR -02-78-I

INYANDIKO Y'IBIREGO YAHINDUWE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda, ashingiye ku bubasha ahabwa n'Ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda (« Sitati y'Urukiko »), ararega :

Gaspard Kanyarukiga

Icyaha cya **JENOSIDE;** cyangwa, bitaba ibyo, akamurega icyaha cyo **KUBA ICYITSO CY'ABAKOZE JENOSIDE;** n'**ITSEMBATSEMBA NK'ICYAHA CYIBASIYE INYOKOMUNTU;** ibyo byaha bikaba biteganyijwe n'ingingo ya 2 n'iya 3 za Sitati y'Urukiko, nk'uko bisobanuye hano hasi:

U**REGWA:**

1. **Gaspard Kanyarukiga** yavukiye muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, mu mwaka wa 1945. Igihe ibivugwa mu Nyandiko y'ibirego byabaga, **Gaspard Kanyarukiga** yari umucuruzi ukomeye muri Perefegitura ya Kigali, no muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda.

UKO IBINTU BYAGENZE MURI MAKE, hakubiyemo n'IBIREGO

2. Hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994, Abanyarwanda babarirwaga mu moko atatu ari yo: Abatutsi, Abahutu, n'Abatwa.

3. Hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, mu Rwanda hose, hari ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bo mu bwoko bw'Abatutsi, n'abantu bo mu mashyaka atavugaga rumwe na MRND cyangwa bafatwaga gutyo, cyangwa se abo babonaga ko bakunda Abatutsi. Ibyo bitero byahitanye abantu benshi cyane bazira ko ari Abatutsi cyangwa se ko batavugaga rumwe na MRND, hakubiyemo n'Abahutu batari intagondwa.

4. Mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego, **Gaspard Kanyarukiga** yakoze ibyaha ari wenyine cyangwa se afatanyije n'abantu bakurikira cyangwa se udutsiko tw'abantu mu rwego rw'umugambi mubisha uhuriweho: Padiri Athanase Seromba, Grégoire Ndahimana wari Burugumesitiri wa Komini ya Kivumu, Fulgence Kayishema wari IPJ (umugenzacyaha) muri Komini ya Kivumu, Joseph Habiyambere wari umujuji, Védaste Mupende wari wungirije Burugumesitiri, Télesphore Ndungutse, Anasthase Rushema, François Gashugi, Théophile Rukara, abajandarume, Interahamwe, abapolisi ba komini, n'abandi bantu bazwi n'abatazwi. Uwo mugambi mubisha uhuriweho wari ugamije gukora jenoside n'ibyaha byibasiye inyokomuntu, hakaba haribasiwe abantu bo mu bwoko bw'Abatutsi. Mu gushyira mu bikorwa uwo mugambi mubisha uhuriweho, **Gaspard Kanyarukiga** yakoranye na bagenzi be bari bahuriye kuri uwo mugambi, hagamijwe kurimbura Abatutsi bose cyangwa se igice kimwe cyabo.

5. **Gaspard Kanyarukiga** yakoze ibyaha wenyine cyangwa se afatanyije n'abo bari bahuriye mu mugambi mubisha umwe, ku buryo bukurikira:

a. Kwica abantu bo mu bwoko bw'Abatutsi;

b. Gutegura umugambi wo kwica abantu bo mu bwoko bw'Abatutsi;

c. Guhamagarira abantu igikorwa cyo kwica Abatutsi, kugenzura ibikorwa by'ubwicanyi cyangwa se gufasha abicanyi ku buryo ubwo ari bwose.

<u>IBIREGO</u>

UBURYOZWACYAHA NKA GATOZI

Ingingo ya 6 (1) ya Sitati

6. Uregwa, ari we **Gaspard Kanyarukiga,** aryozwa nka gatozi ibyaha akurikiranyweho muri iyi Nyandiko y'ibirego hakurikijwe *Ingingo ya 2, iya 3 n'iya 6 za Sitati.* Uregwa yacuze umugambi wo gukora ibyaha, yahamagariye abantu kubikora, kandi na we ubwe yarabikoze, cyangwa, ku bundi buryo ubwo ari bwo bwose, yafashije abandi kandi abatera inkunga mu gucura umugambi wo gukora ibyaha, mu kubitegura cyangwa se mu kubitsotsoba. Uwo mugambi uhuriweho wari ugamije kurimbura Abatutsi bose cyangwa se igice kimwe cyabo, muri Komini ya Kivumu, Perefegitura ya Kibuye. Mu gutsotsoba ibyo byaha, Uregwa, wenyine cyangwa se afatanyije n'abandi bantu bazwi n'abatazwi, yagize uruhare rugaragara muri uwo mugambi mubisha uhuriweho. Ibyaha bivugwa muri iyi Nyandiko y'ibirego biri mu mubare w'ibyo umugambi mubisha uhuriweho wari ugamije.

IKIREGO CYA 1 N'ICYA 2

JENOSIDE, bitaba ibyo, KUBA ICYITSO CY'ABAKOZE JENOSIDE

7. Porokireri ararega **Gaspard Kanyarukiga** icyaha cya jenoside, giteganywa n'ingingo ya *2 3) a) n'iya 6 1) za Sitati,* kubera ko hagati y'itariki ya 6 n'iya 30 Mata 1994, cyangwa kuri ayo matariki, ari muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, kandi agamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa se igice cyabo, cyangwa se azi neza ko hari abandi bantu bari bafite umugambi wo kurimbura abantu bose bo muri ubwo bwoko cyangwa se igice cyabo, **Gaspard Kanyarukiga** yacuze umugambi w'ubwicanyi cyangwa uwo gutera ububare bukomeye bw'umubiri cyangwa ubwo mu mutwe abantu bo mu bwoko bw'Abatutsi, yahamagariye abantu gukora ibyo byaha, kandi na we ubwe yarabikoze, cyangwa se ku bundi buryo ubwo ari bwo bwose yafashije abandi kandi abatera inkunga mu gucura umugambi w'ibyo byaha, mu kubitegura cyangwa mu kubitsotsoba, nk'uko bisobanuye mu bika bikurikira.

Bitaba ibyo,

8. Porokireri ararega **Gaspard Kanyarukiga** icyaha cyo **KUBA ICYITSO CY'ABAKOZE JENOSIDE,** *cyivugwa mu ngingo ya 2 (3) (e) n'iya 6 (1) za Sitati*, kubera ko hagati y'itariki ya 6 n'iya 30 Mata 1994, cyangwa kuri ayo matariki,

Gaspard Kanyarukiga, ari muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, kandi agamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa se igice cyabo, cyangwa se azi neza ko hari abandi bari bafite umugambi wo kurimbura abantu bose bo muri ubwo bwoko cyangwa se igice cyabo, kandi azi ko inkunga ye ituma abantu bakora jenoside, yabahamagariye gukora icyo cyaha cyangwa, ku bundi buryo ubwo ari bwo bwose, yafashije abandi kandi abatera inkunga mu gucura umugambi wo gukora ubwicanyi, mu kubutegura cyangwa se mu kubutsotsoba cyangwa se uwo gutera ububabare bukomeye bwaba ubw'umubiri cyangwa ubwo mu mutwe, abantu bo mu bwoko bw'Abatutsi, nk'uko bisobanuye mu bika bikurikira.

IBIKORWA BISHINGIRWAHO MU GUSHYIGIKIRA IKIREGO CYA 1, ICYA 2 N'ICYA 3

9. Nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, hatangiye ibitero byagabwe mu ngo z'Abatutsi bo muri Komini ya Kivumu, bihitana bamwe muri bo barimo Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi.

10. Kubera ibyo bitero, abasiviri b'Abatutsi bahungiye mu mazu abantu benshi bahuriramo, nk'ibiro bya komini na kiriziya y'i Nyange.

11. Ku itariki ya 10 cyangwa ahagana kuri iyo tariki, **Gaspard Kanyarukiga,** Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana n'abandi bantu, bakoreye inama mu gipadiri kuri paruwasi ya Nyange ahavugiwe ibyerekeranye n'ikibazo cy'umutekano muke n'ubwicanyi. Muri iyo nama, Padiri Seromba yashinje Inkotanyi ko zishe Perezida Habyarimana.

12. Ku itariki ya 12 Mata 1994, cyangwa ahagana kuri iyo tariki, **Gaspard Kanyarukiga,** Padiri Athanase Seromba, Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse n'abandi bantu, bakoreye indi nama ku rubaraza rw'icyumba cya Padiri Seromba, kuri paruwasi ya Nyange.

13. Kuva ku itariki ya 12 Mata 1994, abantu bitwaje intwaro barimo n'Interahamwe n'abajandarume bagose kiriziya y'i Nyange Abatutsi b'abasiviri bari bahungiyemo.

14. Mu gitondo cyo ku itariki ya 14 Mata 1994, bari kuri kiriziya y'i Nyange, **Gaspard Kanyarukiga,** Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bategetse kandi bahamagarira abantu bari mu bitero kwirara mu mpunzi z'Abatutsi b'abasiviri. Abari mu bitero bakoresheje amabuye n'intwaro za gakondo mu kurwanya izo mpunzi ariko zisubiza inyuma ibyo bitero. Uwitwa Theophile Rukara, wahoze ari umusirikare, ubwo yateye za gerenade ku mpunzi z'Abatutsi, maze benshi muri bo barapfa abandi barakomereka.

15. Abari mu bitero baje gutizwa umurindi n'abajandarume n'abapolisi ba Komini, bakomeza kugaba ibitero ku mpunzi z'Abatutsi bakoresheje imbunda n'intambi, maze benshi cyane muri izo mpunzi barapfa abandi barakomereka. Muri icyo gihe cy'ibitero, **Gaspard Kanyarukiga,** Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bari bahibereye, batanga amategeko, bahamagarira abantu gukora ibyo bikorwa kandi babigenzura. Bafashije kandi batera inkunga abari mu bitero, babaha intwaro na lisansi bakoresheje bashaka gutwikira impunzi z'Abatutsi mu kiriziya.

16. Mu gitondo cyo ku itariki ya 16 Mata 1994, **Gaspard Kanyarukiga,** Fulgence Kayishema, Télesphore Ndungutse, Juji Habyambere, François Gashugu, Védaste Mupende, Grégoire Ndahimana n'abandi, bakoreye inama kuri CODEKOKI, maze bemeza kandi bategura umugambi wo kwica impunzi zose z'Abatutsi zari mu kiriziya bayizisenyeyeho.

17. Nyuma y'iyo nama, **Gaspard Kanyarukiga** ari kumwe n'abandi, babonanye na Padiri Anastase Seromba kuri paruwasi ya Nyange maze bamumenyesha icyemezo bafashe cyo gusenya kiriziya kugira ngo bahitane impunzi zose z'Abatutsi. **Gaspard Kanyarukiga** yahamagariye abantu gusenya kiriziya avuga ko hazubakwa indi.

18. Ku itariki ya 16 Mata 1994, kiriziya yarashenywe hakoreshejwe imashini ikora imihanda, maze hapfa Abatutsi b'impunzi bagera ku bihumbi bibiri bari birunze mu Kiriziya, abakoze ibyo bakaba barabihamagariwe na **Gaspard Kanyarukiga**, Fulgence Kayishema, Védaste Mupende, Grégoire Ndahimana na Anastase Seromba. Mu gihe kiriziya yasenywaga, **Gaspard Kanyarukiga** yari ahibereye kandi ahamagarira abari mu bitero kwica impunzi z'Abatutsi zose. Kubera impamvu zivugwa mu bika kuva ku cya 14 kugeza ku cya 18, **Gaspard Kanyarukiga** aryozwa

nka gatozi kuba yaracuze umugambi wo kwica Abatutsi b'abasiviri kuri paruwasi ya Nyange ku itariki ya 15 n'iya 16 Mata 1994 mu rwego rw'umugambi mubisha uhuriweho, akaba yarategetse kandi agahamagarira abantu gukora ubwo bwicanyi, ndetse akanabukora ubwe, cyangwa se ku bundi buryo ubwo ari bwo bwose akaba yarafashije cyangwa yarateye inkunga abakoze ibyo byaha.

<u>IBYAHA BYIBASIYE INYOKOMUNTU</u>

Ikirego cya 3

ITSEMBATSEMBA

19. Porokireri ararega **Gaspard Kanyarukiga** icyaha cy'**ITSEMBATSEMBA nk'ICYAHA CYIBASIYE INYOKOMUNTU,** *giteganywa n'ingingo ya 3 (b) n'iya 6 (1) za Sitati*, kubera ko hagati y'itariki ya 6 n'iya 30 Mata 1994, cyangwa kuri ayo matariki, **Gaspard Kanyarukiga,** ari muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, agamije gufatanya n'abandi mu gikorwa cy'ubwicanyi bwibasiye imbaga, kandi azi neza ko igikorwa cye cyari mu rwego rw'umugambi w'ubwicanyi bwasakaye henshi, aryozwa gucura umugambi w'ubwicanyi, guhamagarira abantu no kubategeka kubukora, wo gukora ubwicanyi we ubwe, cyangwa se mu bundi buryo ubwo ari bwo bwose, gufasha cyangwa gutera inkunga muri ibyo bikorwa byo gucura umugambi w'ubwicanyi, ibyo kubutegura no kubitsotsoba, uwo mugambi ukaba wari ugamije kwica Abatutsi b'abasiviri mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abasiviri bazira ubwenegihugu bwabo, ibitekerezo bya politiki, ubwoko cyangwa idini.

IBIKORWA BISHINGIRWAHO MU GUSHYIGIKIRA ICYAHA CY'ITSEMBATSEMBA

20. Ibikorwa bivugwa kuva ku gika cya 3 kugeza ku cya 18 ni byo bishingirwaho.

Ibyo **Gaspard Kanyarukiga** *yakoze cyangwa yirengagije gukora nk'uko byasobanuwe muri iyi nyandiko bihanwa hashingiwe ku ingingo ya 22 n'iya 23 za Sitati.*

Itariki: Arusha, none ku wa…………………………..2007

Hassan Bubacar Jallow, Porokireri