Umuryango w'Abibumbye

Urukiko Mpanabyaha Mpuzamahanga

Rwashyiriweho u Rwanda

Umwimerere: Icyongereza

URUGEREKO RWA MBERE RW'IREMEZO I

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Itariki: 14 Nyakanga 2009

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POROKIRERI

Aburana na

Tharcisse RENZAHO

Urubanza N°. ICTR-97-31-T

INYANDIKO Y'URUBANZA

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AMASHAKIRO

I. INTANGIRIRO 1

1. Urubanza muri make 1

2. Ibibazo byo mu ikubitiro 9

2.1 Imenyekanisha 9

2.1.1 Ingoboka zinenga imiterere y'Inyandiko y'ibirego 9

2.1.2 Akarengane gaturutse ku ihinduka ry'Inyandiko z'ibirego n'iry'urutonde rw'abatangabuhamya bashinja 11

2.2 Kuba Uregwa avuga ko yavukijwe uburenganzira bwo kugira urubanza ruboneye .. 12

2.2.1 Ingingo ya 68 y'Amategeko 12

2.2.2 Ingingo ya 92 *bis* 21

2.2.3 Kubasha kubona ibimenyetso bishinjura 23

2.2.4 Ibintu bigira ingaruka ku miburanishirize 32

3. Tharcisse Renzaho 34

II. ICYICIRO CYEREKERANYE N'IBYABAYE 36

1. Gushishikariza Interahamwe imyitozo, 1993-1994 36

1.1 Intangiriro 36

1.2 Ibimenyetso 36

1.3 Isesengura ry'Urugereko 46

2. Bariyeri zo muri Perefegitura y'Umujyi wa Kigali 50

2.1 Intangiriro 50

2.2 Ibimenyetso 51

2.3 Isesengura ry'Urugereko 71

2.3.1 Kuba yari ari kuri bariyeri ku itariki ya 8 n'iya 12 Mata 75

2.3.2 Amategeko yo gushyiraho za bariyeri 76

2.3.3 Ubwicanyi bwakorewe kuri za bariyeri 86

3. Itangwa ry'intwaro 93

3.1 Intangiriro 93

3.2 Ibimenyetso 94

3.3 Isesengura ry'Urugereko 109
3.3.1 Itangwa ry'intwaro 109
3.3.2 Amabwiriza yo gukusanya intwaro no kuzikwirakwiza 116
4. Korohereza abantu mu ngendo zabo 124
4.1 Inzandiko z'inzira 124
4.1.1 Intangiriro 124
4.1.2 Ibimenyetso 124
4.1.3 Isesengura ry'Urugereko 137
4.2 Udupapuro twaheshaga abantu lisansi [*vouchers/bons*] 140
4.2.1 Intangiriro 140
4.2.2 Ibimenyetso 141
4.2.3 Isesengura ry'Urugereko 147
4.3 Gufatira imodoka z'abandi bantu 152
4.3.1 Intangiriro 152
4.3.2 Ibimenyetso 152
4.3.3 Isesengura ry'Urugereko 158
5. Ubwicanyi bwabereye ahantu hitwa Akajagali, ku itariki ya 8 cyangwa iya 9 Mata 1994 161
5.1 Intangiriro 161
5.2 Ibimenyetso 161
5.3 Isesengura ry'Urugereko 165
6. Igitero cyo kuri CELA, ku itariki ya 22 Mata 1994 167
6.1 Intangiriro 167
6.2 Ibimenyetso 168
6.3 Isesengura ry'Urugereko 188
6.3.1 Igitero cyagabwe muri CELA ku itariki ya 21 Mata 189
6.3.2 Igitero cyagabwe muri CELA ku itariki ya 22 Mata 191
7. Ubwicanyi bwo muri komini ya Nyarugenge, 28 Mata 1994 204
7.1 Intangiriro 204
7.2 Ibimenyetso 205

7.3 Isesengura ry'Urugereko 208

8. Iyirukanwa ry'abayobozi batari intagondwa, mu mpera za Mata 1994 209

8.1 Intangiriro 209

8.2 Ibimenyetso 210

8.3 Isesengura ry'Urugereko 219

9. Ikigo cya Saint-Paul, kuva muri Mata kugeza muri Kamena 1994 225

9.1 Intangiriro 225

9.2 Ibimenyetso 226

9.3 Isesengura ry'Urugereko 245

9.3.1 Igitero cyo mu mpera za Mata 245

9.3.2 Igitero cyo muri Gicurasi 249

9.3.3 Igitero cyo ku itariki ya 14 Kamena 250

9.3.4 Igitero cyo ku itariki ya 17 Kamena 257

10. Iyicwa rya André Kameya, 15 Kamena 1994 259

10.1 Intangiriro 259

10.2 Ibimenyetso 259

10.3 Isesengura ry'Urugereko 261

11. *Sainte-Famille,* 17 Kamena 1994 263

11.1 Intangiriro 263

11.2 Ibimenyetso 264

11.3 Isesengura ry'Urugereko 282

12. Hoteli Kiyovu hagati muri Kamena 1994 292

12.1 Intangiriro 292

12.2 Ibimenyetso 292

12.3 Isesengura ry'Urugereko 295

13. Ibikorwa byo gusambanya ku gahato n'iby'urugomo rushingiye ku gitsina, Mata-Nyakanga 1994 299

13.1 Intangiriro 299

13.2 Ibimenyetso 300

13.3 Isesengura ry'Urugereko 312

13.3.1 Segiteri ya Rugenge 312
13.3.2 Sainte-Famille 317
13.3.3 Segiteri ya Kimihurura 323
13.3.4 Icyo Renzaho yari azi muri rusange ku bikorwa byo gusambanya ku gahato…. 324
III. IMYANZURO YO MU RWEGO RW'AMATEGEKO 326
1. Intangiriro 326
2. Uburyozwacyaha 326
2.1 Ingingo ya 6 (1) ya Sitati 326
2.2 Ingingo ya 6 (3) 329
2.2.1 Amahame yo mu rwego rw'amategeko 329
2.2.2 Isesengura ry'Urugereko 331
3. Jenoside 336
3.1 Jenoside 336
3.1.1 Intangiriro 336
3.1.2 Amategeko akurikizwa 337
3.1.3 Isesengura ry'Urugereko 339
3.1.4 Umwanzuro w'Urugereko 345
3.2 Kuba icyitso cy'abakoze jenoside 346
4. Ibyaha byibasiye inyokomuntu 346
4.1 Intangiriro 346
4.2 Igitero rusange kandi kiri kuri gahunda 346
4.3 Ubuhotozi 348
4.3.1 Intangiriro 348
4.3.2 Amategeko 348
4.3.3 Isesengura ry'Urugereko 349
4.3.4 Umwanzuro w'Urugereko 350
4.4 Gusambanya ku gahato 350
4.4.1 Intangiriro 350
4.4.2 Amategeko 350

4.4.3 Isesengura ry'Urugereko 351
4.4.4 Umwanzuro w'Urugereko 351
5. Kunyuranya ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'amasezerano y'i Jeneve n'Inyongera yayo ya 2 352
5.1 Intangiriro 352
5.2 Ibishingirwaho 352
5.2.1 Amategeko akurikizwa 352
5.2.2 Intambara itari iyo mu rwego mpuzamahanga 352
5.2.3 Ihuriro 353
5.2.4 Abakorewe ibyaha 354
5.3 Ubwicanyi 354
5.3.1 Intangiriro 354
5.3.2 Amategeko akurikizwa 354
5.3.3 Isesengura ry'Urugereko 355
5.3.4 Umwanzuro 355
5.4 Gusambanya ku gahato 356
5.4.1 Intangiriro 356
5.4.2 Amategeko akurikizwa 356
5.4.3 Isesengura ry'Urugereko 357
5.4.4 Umwanzuro w'Urugereko 357
IV. IMIKIRIZE Y'URUBANZA 358
V. IGENAGIHANO 359
1. Intangiriro 359
2. Ibivugwa n'ababuranyi 359
3. Isesengura ry'Urugereko 360
3.1 Uburemere bw'ibyaha 360
3.2 Imibereho bwite n'impamvu nyongeragihano cyangwa nyoroshyagihano 362
4. Umwanzuro w'Urugereko 363
5. Ibyemezo bishingiye kuri iyi mikirize y'Urubanza 363
UMUGEREKA A: UKO IMIBURANISHIRIZE YAGENZE 365

1. Imiburanishirize mbanzirizarubanza 365

2. Ibivugwa na Porokireri 367

3. Ibivugwa n'Ubwunganizi 370

4. Iburanisha ryakurikiyeho 372

UMUGEREKA B: INYANDIKO ZIFASHISHIJWE N'IBISOBANURO BY'AMAGAMBO YAKORESHEJWE 374

1. Ubukemuramanza 374

1.1 TPIR/ ICTR 374

1.2 TPIY/ICTY 382

2. Ibisobanuro by'amagambo n'amagambo ahinnye 386

UMUGEREKA C: INYANDIKO Y'IBIREGO 390

I. INTANGIRIRO

1. URUBANZA MURI MAKE

(i) Intangiriro

1. Uregwa muri uru rubanza ni Tharcisse Renzaho. Mu gihe cy'ibyabaye mu wa 1994, yari Perefe wa Perefegitura y'Umujyi wa Kigali, anafite ipeti rya koloneli mu gisirikare cy'u Rwanda. Porokireri yamureze ibyaha bikubiye mu birego bitandatu: jenoside, cyangwa yaramuka itamuhamye akamurega kuba icyitso cy'abakoze jenoside; ubuhotozi, gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu n'ibyaha by'intambara.

2. Ubwunganizi buhakana ibyaha byose, bukavuga ko Renzaho atigeze agira uruhare mu buryo ubwo ari bwo bwose mu bwicanyi bwatangiye nyuma y'itariki ya 6 Mata 1994 haba mu buryo butaziguye cyangwa se abinyujije ku bandi. Ibintu byari byarenze igaruriro. Yakoze ibyashobokaga byose kugira ngo ahagarike ibikorwa by'ubugizi bwa nabi[1].

(ii) Gushishikariza itozwa ry'imitwe yitwara gisirikare

3. Porokireri yavuze ko Renzaho yemeye, akanashishikariza ko imitwe yitwara gisirikare ihabwa imyitozo ya gisirikare, mu rugo rwe i Kanombe n'ahandi, kuva mu wa 1993 hagati kugeza muri Nyakanga 1994. Ubwunganizi burabihakana, bukanibutsa inshingano za perefe zo kutagira aho abogamira muri politiki.

4. Ibimenyetso byatanzwe ntibyagaragaje ko Renzaho yagize uruhare mu itangwa ry'imyitozo ya gisirikare mu wa 1994. Yari azi neza ko Interahamwe zahawe bene iyo myitozo mu wa 1993 kandi yari abishyigikiye. Cyakora uko kubimenya no kubishyigikira ubwabyo ntibiri mu bigize ibyaha biteganywa na Sitati y'Urukiko kandi ntibyagaragajwe

[1] Urubanza rwatangiye ku itariki ya 8 Mutarama 2007 rusozwa ku ya 6 Nzeri 2007. Ababuranyi bahamagaje abatangabuhamya 53 mu minsi 49 y'iburanisha. Imyanzuro nsonzarubanza yumviswe ku itariki ya 14 n'iya 15 Gashyantare 2008. Urugereko rwaciye urubanza, ku bwumvikane bw'abacamanza, ku itariki ya 14 Nyakanga 2009. Kopi y'inyandiko y'urubanza yatanzwe ku itariki ya 14 Kanama 2009 imaze kunonosorwa.

ko iyo myitozo yari igamije kwica Abatutsi. Ibimenyetso byatanzwe ntibyagaragaje ko Renzaho yagize uruhare mu gucura umugambi wo gukora jenoside.

(iii) Bariyeri

5. Hari ibimenyetso bigaragaza ko Renzaho yakoresheje inama nyinshi ku biro bya Perefegitura y'Umujyi wa Kigali muri Mata 1994. Hafi y'itariki ya 10 Mata, yatumije inama yahuriwemo n'abayobozi bo mu nzego z'ibanze, nka ba burugumesitiri n'abakonseye, abasobanurira ko Inkotanyi cyangwa Inyenzi zahanuye indege ya Perezida. Yahaye abari muri iyo nama amabwiriza yo gushyiraho za bariyeri, hagamijwe kurwanya umwanzi, anavuga ko Abatutsi ari ibyitso by'umwanzi. Icyo gihe, Renzaho yari azi ko abasiviri b'Abatutsi bahigwaga kandi bakicwa kubera ubwoko bwabo.

6. Abayobozi b'inzego z'ibanze bari muri iyo nama bakurikije amabwiriza ya Renzaho, bashyiraho za bariyeri aho bayoboraga buri wese kubimureba muri Perefegitura, kandi umwanzuro umwe wonyine ucukumbuye kandi ushyize mu gaciro umuntu ashobora gufata ni uko Renzaho yanategetse ubwicanyi bwazikoreweho. Ibikorwa byabo byatumye Abatutsi cyangwa abafatwaga nk'Abatutsi bicwa. Renzaho yongeye kugaragaza ko ashyigikiye izo bariyeri nibura mu yindi nama imwe yakurikiyeho muri uko kwezi.

7. Urugereko rwasuzumye amatangazo ya Renzaho yanyujijwe kuri Radiyo Rwanda mu gihe cy'ibyabaye. Amagambo yavuze ku birebana na bariyeri ntiyari asobanutse. Cyakora, ntabwo yigeze asaba abantu guhagarika ubwicanyi bwari bwibasiye abasiviri b'Abatutsi kandi guhamagarira abantu kubumbatira amahoro akenshi byajyanaga no gusaba abaturage gukomeza kuba maso no kubashishikariza kurwanya Inyenzi cyangwa Inkotanyi. Renzaho yashyigikiye iyicwa ry'abasiviri b'Abatutsi kuri za bariyeri.

(iv) Itangwa ry'intwaro

8. Porokireri avuga ko Renzaho yahaye intwaro Interahamwe n'indi mitwe yitwaraga gisirikare kandi ko yategetse ko intwaro zitangwa. Ku birebana n'ikibazo cya mbere, ikivugwa cy'ingenzi ku ruhare rwa Renzaho ku giti cye kirebana na Hôtel des

Diplomates iri i Kigali, havugwa ko yahakuye intwaro ku itariki ya 7 n'iya 12 Mata 1994. Umugabo umwe rukumbi ni we wabitanzeho ubuhamya ariko Urugereko rurashidikanya kuri bice bimwe by'ubuhamya bwe birebana n'iyo myitwarire ya Renzaho. Ikindi kandi, ntibyagaragajwe ko Renzaho yatanze intwaro mu ijoro ryo ku itariki ya 6 rishyira iya 7 Mata muri segiteri zitandukanye muri Kigali, ko ku itariki ya 21 Mata yazihaye Interahamwe mu rugo rw'Angeline Mukandutiye cyangwa muri Perefegitura ya Gitarama mu mpera za Mata cyangwa mu ntangiriro za Gicurasi.

9. Ku birebana no gutegeka ko intwaro zitangwa, Renzaho yatumije inama ku biro bya Perefegitura y'Umujyi wa Kigali hafi y'itariki ya 16 Mata, ategeka abayobozi b'inzego z'ibanze, barimo abakonseye, kujya gufata intwaro kuri Minisiteri y'Ingabo. Abo bayobozi bagiye kuri Minisiteri bahabwa imbunda, zaje gukwirakwizwa nyuma mu bantu bari batuye mu duce bayoboraga.

10. Urugereko rwemera ko amabwiriza ya Renzaho yo kujya gufata intwaro yajyanye n'itegeko ryo kuziha abantu bari batuye aho bayoboraga. Abahawe izo mbunda, nyuma yaho, bishoye mu bwicanyi bwakorewe Abatutsi. N'ubwo Renzaho atatanze amabwiriza yeruye ko izo ntwaro zikoreshwa mu gufasha mu bwicanyi bwakorerwaga muri Perefegitura y'Umugi wa Kigali, umwanzuro wonyine ushyize mu gaciro umuntu yafata ni uko iryo tangwa ry'intwaro, hazirikanywe ubwicanyi bwariho bukorerwa abasiviri b'Abatutsi, ryagaragaje ko ashyigikiye ibyo bikorwa kandi ribitera inkunga ikomeye. Urugereko rwemera kandi, ku buryo budashidikanywaho, ko Renzaho yatanze amabwiriza azi neza ko bizatera inkunga mu bwicanyi bwakorewe abasiviri b'Abatutsi.

(v) Korohereza abantu ingendo

11. Porokireri avuga ko Renzaho yorohereje ingendo Interahamwe zafatanyaga n'abandi mu bwicanyi. Ntibigibwaho impaka ko hari impapuro z'inzira zasinywe na Renzaho cyangwa se mu izina rye, zatanzwe n'ibiro bya Perefegitura y'Umujyi wa Kigali hagati ya Mata na Nyakanga 1994. Nta bimenyetso bitaziguye bigaragaza ko zahawe by'umwihariko imitwe yitwaraga gisirikare, abasirikare cyangwa abajandarume. Nta n'ubwo byagaragajwe ko abantu bahawe izo nyandiko bakoze ubwicanyi. Kuba

bishoboka ko amatsinda yakoraga ibikorwa by'ubugizi bwa nabi na yo yahawe izo nyandiko, ntibituma ubwabyo byonyine umuntu yanzura ko ishyirwaho ry'inyandiko z'inzira ryorohereje ingendo abicanyi.

12. Hari ibimenyetso bigaragaza ko ibiro bya Perefegitura byagize uruhare mu gutanga lisansi hakoreshejwe za tike. Ibi biro, mu buryo runaka, byari bifite ububasha bwo kugena ugomba guhabwa lisansi kandi hari umusuperefe wo mu butegetsi bwite bwa perefegitura ushinzwe ibya tike zafatirirwagaho lisansi. Kuva nibura ku itariki ya 13 Mata kugeza nko ku ya 3 Gicurasi 1994, impapuro zitangirwaho lisansi zisinywe na Perefe zakoreshwaga kuri sitasiyo ya lisansi, ahanini mu guha lisansi Interahamwe. Cyakora, ibi bimenyetso ntibihagije kugira ngo bigenderweho mu kugaragaza ko hariho uburyozwacyaha ku Uregwa.

(vi) Ubwicanyi bwakorewe ahantu hitwa Akajagali

13. Inyandiko y'ibirego yemeza ko, hafi y'itariki ya 9 Mata 1994, Renzaho yajyanye Interahamwe zitwaje intwaro ahantu hitwa Akajagali muri Kigali, zinjira mu nzu z'Abatutsi zirabica. Porokireri yagendeye ku mutangabuhamya umwe rukumbi ku bivugwa kuri ubwo bwicanyi. Urugereko rusanga ibimenyetso byatanzwe bidahagije mu kugaragaza ko ibivugwa byabayeho koko ku buryo budashidikanywaho.

(vii) CELA

14. Mu gihe cy'ibyabaye mu wa 1994, Abatutsi benshi bahungiye ahantu hatatu hegeranye muri Kigali. Urugereko rwasuzumye buri hantu ukwaho, ruhereye kuri *Centre d'Étude des Langues Africaines* cyangwa CELA mu magambo ahinnye y'igifaransa. Ku itariki ya 22 Mata, umubare munini w'impunzi wateraniye aho hantu. Porokireri avuga ko Renzaho yagize uruhare mu gutoranya zimwe muri zo, zikaza kwicwa. Ubwunganizi bukavuga ko Renzaho yahagiye agamije kurengera abantu basumbirijwe.

15. Urugereko rwemera ubuhamya bwatanzwe n'abagabo benshi bavuga ko Renzaho yahagarikiye igikorwa cyo gutoranya zimwe muri izo mpunzi ubwo Interahamwe

zatandukanyaga Abatutsi bagera kuri 40 n'izindi mpunzi ku itariki ya 22 Mata 1994. Muri abo batoranyijwe mu bandi, harimo Charles Rwanga n'abahungu be Wilson na Déglote. Renzaho akihibereye, umwe mu bayobozi b'abantu bitwaraga gisirikare yatanze amabwiriza ko izo mpunzi zijyanwa kuri kimwe mu byobo rusange. Renzaho yabwiye impunzi zari zisigaye gutaha iwabo. Ibimenyetso byatanzwe byagaragaje ko ba bantu bagera kuri 40 baje kwicwa kandi ko byakozwe biturutse ku mategeko ya Renzaho.

(viii) Ubwicanyi bwakorewe muri Nyarugenge

16. Inyandiko y'ibirego ivuga ko Renzaho yategetse Interahamwe gushakisha Abatutsi icyenda, barimo François Nsengiyumva, Rutiyomba, Kagorora n'abana be babiri, Aimable na Emile. Urugereko rwemera ko, hafi y'itariki ya 28 Mata 1994, Interahamwe ziciye Abatutsi benshi mu rugo rw'umwe mu bayobozi b'Interhamwe, harimo n'abo bantu batanu. Umutangabuhamya umwe rukumbi ushinja watanze ubuhamya kuri iki gikorwa yavuze ko imwe mu Nterahamwe yari ifite inyandiko yavuze ko yasinyweho na Renzaho n'umuyobozi wazo. Ibimenyetso byatanzwe na Porokireri ntibihagije mu kugaragaza ko Renzaho yaryozwa icyaha kubera ibyo byabaye.

(ix) Kwirukana ku kazi abantu batari intagondwa

17. Porokireri yemeza ko, mu mpera za Mata 1994, Renzaho yirukanye ku kazi abantu barimo Konseye Célestin Sezibera kuko yakekwagaho kuba arwanya ubwicanyi bwakorerwaga Abatutsi. Sezibera yaje gusimbuzwa undi muntu wavugwagaho ko ashyigikiye ubwicanyi. Ubwunganizi bwaburanye buvuga ko Renzaho atari we wabaye nyirabayazana w'iryo yirukanwa, ko uwo muntu atirukanywe kubera iyo impamvu itangwa.

18. Ntibigibwaho impaka ko Renzaho yasinye ibaruwa yirukana Sezibera ariko nta bimenyetso bigaragaza ko ari we washyizeho konseye mushya. Ntibizwi neza niba igitekerezo cyo kwirukana Sezibera cyarakomotse bwa mbere kuri Renzaho cyangwa se mu rwego rwo hasi, nko kuri Burugumesitiri. Urugereko rwasanze rero nta buryozwacyaha buriho ku birebana n'ibivugwa muri iki gika.

(x) Saint Paul

19. Ikigo cy'iyobokamana *Saint Paul* ni ahantu ha kabiri hari umubare munini w'impunzi zigizwe ahanini n'Abatutsi. Interahamwe zagabye ibitero byinshi kuri icyo kigo guhera muri Mata kugeza muri Kamena 1994. Kimwe muri byo cyahagabwe ku itariki ya 14 Kamena. Ingaruka yacyo yabaye ishimutwa n'iyicwa ryakurikiyeho ry'Abatutsi babarirwaga hagati ya 40 na 50 . Kuva mu ntangiriro za Gicurasi, Renzaho yari azi ko Interahamwe zagabaga ibitero ku mpunzi zihari, ariko ntiyagira icyo akora kugira ngo abihagarike. Cyakora ibimenyetso byatanzwe ntibigaragaza ko akwiye kuryozwa ibyo bitero, harimo n'icyo ku itariki ya 14 Kamena.

(xi) Iyicwa rya André Kameya

20. Inyandiko y'ibirego ivuga ko, ku itariki ya 15 Kamena 1994 cyangwa hafi yayo, Renzaho yatanze itegeko ryo kwica André Kameya, umunyamakuru wajoraga imikorere ya Guverinoma y'agateganyo. Umugabo umwe rukumbi yatanze ubuhamya avuga ko Kameya bamusanze kuri Sainte Famille, agahabwa umukonseye wari umuyobozi w'Interahamwe, agashimutwa. Ntiyiboneye ubwo bwicanyi ariko avuga ko ibyo byabaye muri Mata cyangwa muri Gicurasi. Undi mutangabuhamya ntiyabonye ibyabaye ariko akavuga ko yumvise wa mukonseye w'umuyobozi w'Interahamwe avuga ko ubwo bwicanyi bwabaye hagati y' itariki ya 19 Mata na Gicurasi rwagati. Aha na none, Urugereko rusanga ibimenyetso byatanzwe bidahagije kugira ngo rubihereho ruhamya umuntu icyaha.

(xii) Sainte Famille

21. Ahantu ha gatatu impunzi nyinshi zahungiye ni kuri kiriziya ya Sainte Famille. Nta wuhakana ko, ku itariki ya 17 Kamena, hashize igihe gito Ingabo za FPR/RPF zikuye zimwe mu mpunzi z'Abatutsi mu kigo cya Saint Paul, Interahamwe zagabye igitero, zica impunzi kuri kiriziya ya Sainte Famille. Na none, Urugereko rurasuzuma niba Renzaho yarabigizemo uruhare.

22. Urugereko rusanga igitero cyaratangiye mbere ya saa sita. Renzaho yari ahari mbere y'uko gitangira n'igihe cyari hafi kurangira. Interahamwe imwe yasomye amazina y'impunzi zagombaga kwicwa. Abavugiwe amazina biciwe mu busitani bwa kiriziya. Uretse abo bantu bazwi, n'abandi Batutsi barishwe. Ibimenyetso byatanzwe bigaragaza ko Renzaho yagize uruhare rukomeye ku birebana n'itangizwa n'irangizwa ry'iki gikorwa. Impunzi z'Abatutsi zirenga 100 zarishwe. Yanagize uruhare mu ikurwaho ry'imirambo.

(xiii) Inama yo kuri Hoteli Kiyovu

23. Porokireri avuga ko Renzaho yagiye mu nama yabereye hafi ya Hoteli Kiyovu hagati muri Kamena 1994. Koloneli Théoneste Bagosora n'abandi bayobozi bakomeye na bo bari bayirimo. Renzaho ngo yaba yaravuze ko Abatutsi ari abanzi ngo anabwira abari mu nama ko bagomba kwirwanaho. Nko mu metero 20 umuntu avuye aho inama yaberega, Abatutsi bane bicishijwe imipanga n'amahiri. Renzaho ngo yaba yarabibonye, ntiyagira icyo akora kugira ngo aburizemo ubwo bwicanyi.

24. Umutangabuhamya umwe gusa ushinja ni we wavuze mu rukiko kuri iyo nama. Hagaragaye ibibazo byinshi bijyanye no kwizerwa k'uyu mutangabuhamya ku birebana n'uburyo yavuzemo uko ibintu byagenze. Urugereko rusanga ibivugwa kuri iyo nama bitaragaragajwe ku buryo budashidikanywaho.

(xiv) Ubugizi bwa nabi bushingiye ku gitsina

25. Hagati ya Mata na Nyakanga 1994, Interahamwe, abasirikare, n'abaporisi ba komini bakoze ibyaha byinshi byo gusambanya ku gahato abagore n'abakobwa b'Abatutsikazi bari kuri Sainte Famille no mu mazu anyuranye mu Mujyi wa Kigali. Abakorewe ibyaha bari impunzi z'abasiviri batoranywaga kubera ubwoko bwabo bw'Abatutsi cyangwa kubera ko bakekwagaho kuba ari bo.

26. Urugereko rusanga Renzaho yari azi ko gusambanya ku gahato byakorwaga muri Perefegitura yayoboraga muri icyo gihe. Ibimenyetso bigaragaza ko, ku nshuro

zitandukanye kandi ahantu hazwi, nko ku biro bya segiteri, yavuze amagambo yashishikarizaga abantu gukorera abagore ibikorwa by'ubugizi bwa nabi bushingiye ku gitsina. Nyuma y'amagambo ye, habayeho ibikorwa byo gusambanya ku gahato kandi Urugereko rusanga Renzaho akwiye kubiryozwa.

(xv) Icyemezo cy' Urugereko

27. Urugereko rusanga Tharcisse Renzaho ahamwa n'icyaha hakurikijwe ibiteganywa mu Ngingo ya 6 (1) n'iya 6 (3) za Sitati kubera ubwicanyi bwakorewe kuri za bariyeri; iyicwa ry'abantu bagera kuri 40 bari bagizwe ahanini n'abagabo b'Abatutsi, barimo Charles, Wilson na Déglote Rwanga, bavanywe mu kigo cya CELA ku itariki ya 22 Mata 1994; n'iyicwa ry'impunzi z'Abatutsi zirenga 100**,** zirimo nibura abagabo b'Abatutsi 17, mu gitero cyagabwe kuri Sainte Famille ku itariki ya 17 Kamena 1994. Bityo rero, Renzaho ahamwa n'icyaha cya jenoside, n'ubuhotozi nk'icyaha cyibasiye inyokomuntu n'ubwicanyi nk'igikorwa kinyuranyije bikomeye n'ibiteganywa n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2. Ikindi kandi, aryozwa ibyaha byo gusambanya ku gahato byakorewe muri Segiteri ya Nyarugenge, hashingiwe ku biteganywa n'ingingo ya 6 (3). Kubera ibyo byaha, Renzaho ahamwa na none na jenoside n'icyaha cyo gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu kandi nk'igikorwa kinyuranyije bikomeye n'ibiteganywa n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2.

(xvi) Igenagihano

28. Urugereko rwasuzumye uburemere bwa buri cyaha cyahamye Renzaho n'impamvu zongera n'izigabanya uburyozwacyaha zavuzwe n'ababuranyi. Urugereko rufite ububasha bwo gutanga igihano kimwe rukumbi kandi ni byo ruhisemo. Hakurikijwe uko ibintu biteye, Urugereko ruhanishije Renzaho igihano kimwe rukumbi cyo gufungwa burundu. Azaguma muri gereza y'Urukiko hategerejwe igihe azohererezwa mu gihugu azarangirizamo igihano cye.

2. IBIBAZO BYO MU IKUBITIRO

2.1 Imenyekanisha

2.1.1 Ingoboka zinenga imiterere y'Inyandiko y'ibirego

29. Ubwunganizi bwabyukije ingoboka nyinshi zinenga imiterere y'Inyandiko y'ibirego, Urugereko rwa Mbere rw'Iremezo II rwari rwarafasheho imyanzuro mu cyemezo cyo ku itariki ya 5 Nzeri 2006 (« Icyemezo ku cyifuzo kirebana n'inenge »)[2]. N'ubwo Urugereko rushobora gusuzuma ibibazo bijyanye n'imenyekanisha ry'amakuru igihe imihango y'iburanisha igeze igihe cyo guca urubanza, ntirwemeye gusuzuma ibibazo byavuzweho mu rubanza cyangwa byagombye kuba byaravuzwe, mu buryo bukwiye, mu gihe cy'imihango mbanzirizarubanza[3]. Ahubwo, muri rusange, Urugereko rusuzuma gusa ibibazo bisaba ibisobanuro ku birebana n'itangwa ry'ibimenyetso, iyubahirizwa ry'amategeko agenga imiburanishirize cyangwa amategeko muri rusange, bigaragaye mu rubanza igihe cy'iburanisha cyangwa iyo kudasuzuma ikibazo runaka bishobora gutuma umuntu atekereza ko iburanisha ryabaye mu buryo bubogamye[4].

30. Isuzumwa ry'icyifuzo mbanzirizarubanza cy'Ubwunganizi kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego cyatanzwe ku itariki ya 31 Werurwe 2006 (« Icyifuzo kirebana n'inenge ») n'ingingo nshya gishingiyeho igaragaza ko ahanini icyo cyifuzo kigaruka ku ngingo z'ababuranyi Urugereko rwafasheho icyemezo[5]. Ibivugwa

[2] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 70-204; Icyifuzo cyo mu ikubitiro kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, 31 Werurwe 2006; Icyemezo ku cyifuzo cyo mu ikubitiro kirebana n'inenge zerekeye imiterere y' Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 5 Nzeri 2006.

[3] *Urubanza rwa Simba,* Inyandiko y'urubanza mu rw'iremezo, igika 15. Reba na none *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 55.

[4] *Urubanza rwa Simba,*Inyandiko y'urubanza mu rw'iremezo, igika 16.

[5] Reba, nk'urugero, imyanzuro nsozarubanza y'Ubwunganizi, igika 105 (« ahangaha Renzaho agaruka ku byo yanenze mu buryo burambuye bikubiye mu cyifuzo cyo mu ikubitiro cyo ku itariki ya 31 Werurwe 2006 »); Gereranya'ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego mu bika 30-34 n' imyanzuro nsozarubanza y'Ubwunganizi, igika 76; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 58 n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 86-87; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 59 n' imyanzuro nsozarubanza y'Ubwunganizi, igika 88; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 60, n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 89-90; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika, 61 n' imyanzuro nsozarubanza

n'Ubwunganizi ntibyerekana amakosa ayo ari yo yose agaragara yaba yarakozwe mu mitekerereze yatuma icyemezo cyafashwe ku nenge n'Urugereko rwa Mbere rw'Iremezo II mu gihe cy'imihango y'iburanisha mbanzirizarubanza, kigarukwaho uko cyakabaye.

31. Byongeye kandi, Ubwunganizi ntibwerekana itambama ryaba ryarakozwe mu gihe cy'urubanza buvuga ko butamenyeshejwe ku gihe ikimenyetso icyo ari cyo cyose cyatanzwe, cyangwa ko bene icyo kimenyetso cyaba kitajyanye n'ibivugwa mu nyandiko y'ibirego. Urugereko na rwo kandi rusanga nta tambama ryabayeho ryo muri urwo rwego ku birebana n'ibyabaye byashingiweho mu guhamya Renzaho icyaha. Iyo nta tambama ribaye mu gihe gikwiye ku kimenyetso, uregwa ni we noneho ugira inshingano yo kugaragaza ko, mu buryo bufatika, yabangamiwe bikomeye mu gutegura urubanza rwe[6]. N'ubwo Ubwunganizi bwemeza ko bwabangamiwe no kuba Inyandiko y'ibirego irimo ibintu bidasobanutse, nta kintu kihariye gishyigikira uwo mwanzuro[7].

32. N'iyo Ubwunganizi butaza kuba bwari bufite iyo nshingano, Urugereko na n'ubu ntirubona uko Uregwa yaba yarabangamiwe mu buryo ubwo ari bwo bwose ku birebana

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y'Ubwunganizi, ibika 91-92, 95; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 62 n' imyanzuro nsozarubanza y'Ubwunganizi, igika 93; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 63, n' imyanzuro nsozarubanza y'Ubwunganizi, igika 94; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 82-90, n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 106-114, uko bikurikirana; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 92-95, n' imyanzuro nsozarubanza y'Ubwunganizi, igika 116; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 96-100, 102-106, n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 117-126; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika. 107-118, n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 127-138, uko bikurikirana; Gereranya n'ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, igika 119 n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 139-140; Gereranya n'ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 120-123 n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 141-144, uko bikurikirana; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 124-138 n'imyanzuro nsozarubanza y'Ubwunganizi, ibika 145-160, uko bikurikirana; Gereranya ibivugwa mu cyifuzo kirebana n'inenge zerekeye imiterere y'Inyandiko y'ibirego, ibika 140-174, n' imyanzuro nsozarubanza y'Ubwunganizi, ibika 161-195, uko bikurikirana.

[6] *Urubanza rwa Bagosora na bagenzi be.,* Icyemezo ku bujurire ku ngoboka ya Aloys Ntabakuze ku bibazo bijyanye n'amategeko bwakomotse ku cyemezo cyafashwe n'Urugereko rwa Mbere rw'Iremezo ku itariki ya 29 Kamena 2006 ku cyifuzo cyo kutakira ibimenyetso, Urugereko rw'Ubujurire, 18 Nzeri 2006, igika 42 (« Iyo ibintu biteye bityo, hari inenge igaragara mu nyandiko y'ibirego, uregwa utabitambamiye igihe cy'urubanza mu rwa Mbere rw'Iremezo agomba kugaragaza mu Rugereko rw'Ubujurire ko yabangamiwe, mu buryo bufatika, mu bushobozi bwo gutegura urubanza rwe »)

[7] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 103-104, 195, 204.

n'ibyo rwashingiyeho rwemeza ko ahamwa n'ibyaha. Inyandiko y'ibirego nta nenge ifite. Rushingiye ku bukemuramanza bw'Urukiko budahindagurika[8], Urugereko rwemera ko , umuntu ashyize mu gaciro, ibintu byose byagendeweho mu guhamya Renzaho ibyaha bigaragara mu nyandiko y'ibirego. Ikindi kandi, umuntu arebye yitonze uko Ubwunganizi bwitwaye mu gihe cyose urubanza rwamaze no mu myanzuro nsozarubanza yabwo, asanga bigaragara ko bwari busobanukiwe neza n'ibibazo bijyanye n'urubanza.

2.1.2 Akarengane gaturutse ku ihinduka ry'Inyandiko z'ibirego n'iry'urutonde rw'abatangabuhamya bashinja

33. Ubwunganizi na none buvuga ko ihinduka ry'Inyandiko y'ibirego kimwe n'urutonde rw'abatangabuhamya bashinja bikubitiyeho no kuba Inyandiko y'ibirego idasobanutse neza, byabubangamiye muri rusange[9]. Amategeko yemera ko Inyandiko y'ibirego ihindurwa kandi ibyo bikaba bishobora gukorwa n'iyo urubanza rwatangiye kuburanishwa[10]. Inyandiko y'ibirego y'ikubitiro, ikaba yari ibaye iya kabiri itanzwe na Porokireri, yemejwe ku itariki ya 15 Ugushyingo 2002[11]. Urugereko rwemeye ko inyandiko z'ibirego zihindurwa rubanje gusuzuma neza niba iryo hinduka nta cyo ribangamiraho uregwa[12]. Muri uru rubanza, Inyandiko y'ibirego ikoreshwa yatanzwe ku itariki ya 16 Gashyantare 2006, ni ukuvuga hasigaye hafi umwaka ngo Porokireri atangire gutanga ibimenyetso, kandi icyo gihe Ubwunganizi ntibwayitambamiye[13]. Ku

[8] Urugereko ruherutse kuvuga muri make amahame rusange agenga inengwa ry'imenyekanishamakuru mu R*ubanza rwa Bagosora na bagenzi be.* Inyandiko y'urubanza mu rw'iremezo, ibika 110-116.
[9] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 203-204.
[10] *Urubanza rwa Karemera na bagenzi be,* icyemezo ku bujurire bwa Porokireri ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo III cyo ku itariki ya 8 Ukwakira 2003 cyangira Porokireri gutanga Inyandiko y'ibirego ihinduye (Urugereko rw'Ubujurire), 19 Ukuboza 2003, ibika 24, 29.
[11] Icyemezo cy'Urugereko rwa Mbere rw'Iremezo cyemeza Inyandiko y'ibirego kandi kibuza guhererekanya amakuru yatuma amazina y'abatangabuhamya ari mu buhamya bwabo bwanditse amenyekana (Urugereko rwa Mbere rw'Iremezo), 15 Ugushyingo 2002.
[12] Icyemezo ku cyifuzo cya Porokireri gisaba uburenganzira bwo guhindura Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 18 Werurwe 2005, ibika 38-39, 48-49, 52, 54; Icyemezo ku cyifuzo cya Porokireri gisaba uburenganzira bwo guhindura Inyandiko y'ibirego hakurikijwe ingingo ya 50(A) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (Urugereko rwa Mbere rw'Iremezo), 13 Gashyantare 2006, ibika 10-14.
[13] Icyemezo ku cyifuzo cya Porokireri gisaba uburenganzira bwo guhindura Inyandiko y'ibirego hakurikijwe ingingo ya 50(A) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (Urugereko rwa Mbere rw'Iremezo), 13 Gashyantare 2006, igika 14.

itariki ya 16 Gashyantare 2007, Porokireri yemerewe kongera umutangabuhamya ku rutonde rw'abatangabuhamya be, Urugereko rubanje kwita ku burenganzira bw'Uregwa[14]. Ibyo kandi biteganywa n'ingingo ya 73 bis (E) y'Amategeko.

34. Bityo rero, Urugereko rusanga kuvuga ko ibyahinduwe mu Nyandiko y'ibirego mbere y'uko iburanisha ritangira kimwe no ku rutonde rw'abatangabuhamya bashinja byabangamiye Uregwa mu gutegura imyiregurire ye bidafite ishingiro, cyane cyane ko Ubwunganizi butatanze ibisobanuro bigaragaza neza uburyo Uregwa yabangamiwe.

2.2 Kuba Uregwa avuga ko yavukijwe uburenganzira bwo kugira urubanza ruboneye

35. Ubwunganizi buvuga ko Renzaho yavukijwe uburenganzira bwo kugira urubanza ruboneye bitewe n'impamvu zikurikira: Porokireri ntiyabushyikirije amakuru ategetswe, bityo anyuranya n'ingingo ya 68 y'Amategeko; Urugereko rwasobanuye mu buryo butaguye ingingo ya 92 bis y'Amategeko; Ubwunganizi ntibwemerewe kugera ku bimenyetso bishinjura. Ubwunganizi bunagaragaza izindi mpungenge nyinshi buvuga ko zishobora kuzagira ingaruka mbi ku mikirize y'urubanza. Urugereko rugiye gusuzuma izo ngingo imwe ku yindi[15].

2.2.1 Ingingo ya 68 y'Amategeko

36. Ubwunganizi buvuga ko Porokireri yirengagije inshingano ze zisobanutse kandi zihoraho zo kumenyekanisha ibimenyetso bishinjura mu gihe cy'iburanisha ry'urubanza[16]. Aha Ubwunganizi bushimangira ko Porokireri yatinze kugaragaza (1) ubuhamya bw'umutangabumya wiswe DAS na kopi y'urwandiko rw'abajya mu mahanga rwa Théoneste Bagosora byatanzwe mu rubanza rwa Bagosora na bagenzi be; ibyo bimenyetso bikaba bifitanye isano n'ibyabereye kuri Hoteli Kiyovu; (2) ubuhamya

[14] Icyemezo ku cyifuzo cya Porokireri gisaba guhindura urutonde rw'abatangabuhamya, (Urugereko rwa Mbere rw'Iremezo), 16 Gashyantare 2007, igika 6. Ubwunganizi ntibwigeze butambamira icyifuzo cya Porokireri cyo kuvana umutangabuhamya ku rutonde cyangwa icyo gukura ku rutonde abatangabuhamya babiri ku itariki ya, 1 Gashyantare 2007. Inyandikomvugo z'iburanisha, 1 Gashyantare 2007, imp. 40-42.

[15] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 205-338; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008 , imp. 24-42.

[16] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 234-249; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008 , imp. 27-30, 42.

bwanditse bwa Astérie Nikuze na Dieudonné Nkulikiyinka; (3) ibimenyetso bijyanye n'imyiregurire ya sinari mpari (*alibi*) ya Kabiligi byatanzwe mu rubanza rwa Bagosora na bagenzi be Ubwunganizi buvuga ko bivuguruza ubuhamya bw'umutangabuhamya ushinja wiswe AFB; n' (4) Inyandiko y'ibirego ya Padiri Wenceslas Munyeshyaka ivuguruzanya n'ibimenyetso bishinja byatanzwe na Porokireri ku bijyanye n'igitero cyo ku itariki ya 22 Mata cyagabwe kuri CELA[17]. Ubwunganizi butekereza ko hari ibindi bimenyetso by'inyongera Porokireri afite bivuguruzanya n'ibimenyetso yagaragaje mu iburana, ariko Ubwunganizi bukaba butarashoboye kubimenya[18].

37. Porokireri ntahakana ko afite ibimenyetso byavuzwe n'Ubwunganizi ariko avuga ko ibyo bimenyetso bidashinjura, kandi ko Ubwunganizi butashoboye kugaragaza uburyo byaba byarabangamiye Uregwa[19].

38. Porokireri afite inshingano zisobanutse neza zo gufasha ubutabera ashyikiriza Ubwunganizi, nk'uko bisabwa n'ingingo ya 68 (A) y'Amategeko, ibimenyetso azi ko « byafasha uregwa guhanagurwaho icyaha cyangwa kumugabanyiriza uburemere bw'icyaha, cyangwa se byagira ingaruka ku kwizerwa kw'ibimenyetso bishinja »[20]. Kumenya ko ibimenyetso bishinjura, hashingiwe ku bintu bifatika, mbere na mbere bikorwa na Porokireri[21]. Mu rwego rw'ubuhamya bwanditse bw'abagabo, Urugereko rw'Ubujurire rwemeye ko kugira ngo umuntu ahamye ko amakuru aya n'aya ahuye n'ibivugwa mu ngingo ya 68 (A) y'Amategeko biterwa no kuba basuzumye bagasanga

[17] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 243-247, 249; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008 , imp. 27-30, 60.
[18] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 242, 248.
[19] Inyandikomvugo y'iburanisha, 14 Gashyantare 2008 , imp. 3-7.
[20] *Urubanza rwa Karemera na bagenzi be,* icyemezo ku « bujurire bwa Joseph Nzirorera ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo ku cyifuzo cya 10 gishingiye ku ngingo ya 68 y'Amategeko » (Urugereko rw'Ubujurire), 14 Gicurasi 2008, igika 9; *Urubanza rwa Karemera na bagenzi be,* icyemezo ku bujurire ku cyifuzo kirebana n'uruhare rwo guhererekanya ibimenyetso mu buryo bw'ikoranabuhanga [*electronic*] bukoreshwa na Porokireri mu rwego rwo kurangiza inshingano zirebana n'imenyekanisha (Urugereko rw'Ubujurire), 30 Kamena 2006, igika 9.
[21] *Urubanza rwa Karemera na bagenzi be,* icyemezo ku bujurire bwa Joseph Nzirorera ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo ku cyifuzo cy'ingoboka (Urugereko rw'Ubujurire), 28 Mata 2006, igika 16.

bishoboka, hashingiwe ku ngingo zitangwa n'ababuranyi, ko ayo makuru yagirira akamaro Ubwunganizi bw'uregwa[22].

39. Kugira ngo Ubwunganizi bugaragaze ko Porokireri atubahirije inshingano ze zo kubushyikiriza ibimenyetso bishinjura, bugomba (1) kugaragaza neza ibyo bimenyetso bivugwa; (2) kugaragaza aho bushingira buvuga ko ibyo bimenyetso byaba bishinjura uregwa koko; no (3) kugaragaza ko ibyo bimenyetso koko biri mu bubiko bwa Porokireri cyangwa abifiteho ububasha[23]. N'aho Ubwunganizi bwagaragaje ko Porokireri atubahirije inshingano ze zivugwa mu ngingo ya 68, Urugereko rurakomeza gusuzuma niba koko Ubwunganizi bwarabangamiwe n'icyo kintu mbere yo gusuzuma niba hari uburyo byakosorwa[24].

(i) Ubuhamya bw'umutangabuhamya wiswe DAS n'urwandiko rw'abajya mu mahanga rwa Bagosora byatanzwe mu rubanza rwa Bagosora na bagenzi be

40. Ubwunganizi buvuga ko ubuhamya bw'umutangabuhamya wiswe DAS mu rubanza rwa Bagosora na bagenzi be buvuguruza ubw'uwiswe SAF muri uru rubanza kubera ko DAS atavuga ko Renzaho yari mu nama yabereye kuri Hoteli Kiyovu. Na none kandi Ubwunganizi buvuga ko urwandiko rw'abajya mu mahanga rwa Bagosora na rwo ruvuguruza ubuhamya bwa SAF uvuga ko Bagosora yari ahari kuko urwo rwandiko

[22] *Urubanza rwa Karemera na bagenzi be,* icyemezo ku « bujurire bwa Joseph Nzirorera ku cyemezo ku cyifuzo cya 10 gishingiye ku ngingo ya 68 y'Amategeko » (Urugereko rw'Ubujurire), 14 Gicurasi 2008, igika 12.

[23] *Urubanza rwa Karemera na bagenzi be,* icyemezo ku « bujurire bwa Joseph Nzirorera ku cyemezo ku cyifuzo cya 10 gishingiye ku ngingo ya 68 y'Amategeko » (Urugereko rw'Ubujurire), 14 Gicurasi 2008, igika 9; *Urubanza rwa Blaškić* , inyandiko y'urubanza mu bujurire, igika 268; *Urubanza rwa Karemera na bagenzi be,* icyemezo ku bujurire bwa Joseph Nzizorera ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo (Urugereko rw'Ubujurire), 28 Mata 2006, igika 13; *Urubanza rwa Bagosora na bagenzi be,* icyemezo ku cyifuzo cya Ntabakuze gisaba gushyikirizwa inyandiko zo mu nzego zinyuranye gishingiye ku ngingo ya 68 (Urugereko rwa Mbere rw'Iremezo), 6 Ukwakira 2006, igika 2; *Urubanza rwa Bagosora na bagenzi be,* icyemezo kirebana no guhererekanya inyandiko zijyanye n'ibyo abatangabuhamya bashinjura yabwiye inzego zishinzwe abinjira n'abasohoka mu gihugu (Urugereko rwa Mbere rw'Iremezo), 27 Nzeri 2005, igika 3 (« Icyifuzo gisaba gushyikirizwa inyandiko kigomba kuba gisobanura neza imiterere y'ibimenyetso bisabwa kandi kigaragaza neza ko ibyo bimenyetso bifitwe n'ubisabwa »).

[24] *Urubanza rwa Nahimana na bagenzi be,* icyemezo ku cyifuzo cy'ujurira Jean-Bosco Barayagwiza gisaba gutanga ibimenyetso by'inyongera hashingiwe ku ngingo ya 115 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (Urugereko rw'Ubujurire), 8 Ukuboza 2006, igika 34; *Urubanza rwa Rutaganda*, icyemezo ku byifuzo bisaba kongera gusuzuma, gusubiramo, gushyiraho Avoka, guhererekanya inyandiko no gutanga ibisobanuro (Urugereko rw'Ubujurire), 8 Ukuboza 2006, igika 37; *Urubanza rwa Kajelijeli,* inyandiko y'urubanza mu bujurire, igika 262.

rugaragaza ko Bagosora atari mu gihugu icyo gihe. Muri ubwo buhamya bwombi nta na hamwe Renzaho avugwamo. Isano rero hagati y'ibyo bimenyetso n'uburyo bishobora kuba bishinjura Uregwa ntigaragara ku buryo butaziguye[25]. Ibyo ari byo byose, ingingo ya 68 y'Amategeko ishyira umutwaro uremereye kuri Porokireri kuko ibiro bye bigomba gukora nk'urwego rumwe rukumbi rutagabanyijemo ibice mu kuzuza inshingano yo gushyikiriza Ubwunganizi ibimenyetso[26]. Igika cya 19 cy'Inyandiko y'ibirego kigaragaza ko Porokireri ashaka guhamya Uregwa icyaha ashingiye ku nama yitabiriye muri Kamena kuri Hoteli Kiyovu yari irimo byibuze Renzaho na Bagosora. Inyandikomvugo z'iburanisha na kopi y'urwandiko rw'abajya mu mahanga rwa Bagosora bishobora kugirira akamaro abunganira Renzaho nk'uko bivugwa mu ngingo ya 68 (A) y'Amategeko, mu gihe bishobora gutesha agaciro ubwizerwe bw' ibimenyetso byatanzwe hagamijwe gushinja Renzaho igikorwa runaka[27].

41. Nyamara ariko, Ubwunganizi ntibwashoboye kugaragaza uburyo Uregwa yabangamiwemo. Nta wuhakana ingingo ya Porokireri ivuga ko yashyikirije Ubwunganizi ibimenyetso bwamusabye. Umutangabuhamya wiswe SAF yabajijwe ibibazo by'inyomoza bihagije hashingiwe ku buhamya bwa DAS[28]. Na none kandi, Urugereko rwemereye Ubwunganizi gushyira muri dosiye kopi z'urwandiko rw'abajya mu mahanga rwa Bagosora mu gihe Renzaho yatangaga ubuhamya[29]. Rushingiye ku myanzuro yarwo ku birebana n'ibyabaye (II.12), Urugereko rusanga Uregwa nta cyo

[25] Ku bijyanye n'ubuhamya bw'umutangabuhamya wiswe DAS, kuba ataravuze ko Renzaho yari muri iyo nama ntibivuga byanze bikunze ko atari ayirimo. Reba inyandiko *y'Urubanza rwa Kajelijeli* mu bujurire, igika 176 (« Kuvuga ko iyo ikintu kiza kuba ari ukuri ngo umutangabuhamya yari kukivuga mu buhamya bwe bwanditse, cyangwa se mu ibaruwa ye yo kwemera icyaha, ni ugushakisha, kandi muri rusange, icyo si ikintu umuntu yashingiraho ngo avuge ko Urugereko rwakoze ikosa mu gusuzuma ukwizerwa k'umutangabuhamya »).

[26] Urubanza rwa *Bagosora na bagenzi be,* icyemezo ku bujurire ku cyemezo cy'Urugereko rwa mbere rw'Iremezo ku ngamba zo kurindira umutekano abatangabuhamya (Urugereko rw'Ubujurire), 6 Ukwakira 2005, igika 43.

[27] Urubanza rwa *Karemera na bagenzi be,* icyemezo ku « bujurire bwa Joseph Nzirorera ku cyemezo ku cyifuzo cya cumi hashingiwe ku ngingo ya 68 y'Amategeko » (Urugereko rw'Ubujurire), 14 Gicurasi 2008, igika 12.

[28] Umutangabuhamya wiswe SAF, inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 60-65; Ikimenyetso gihamya N°12 cy'Ubwunganizi (*Urubanza rwa Bagosora na bagenzi be:* Inyandikomvugo y'iburanisha, 5 Ugushyingo 2003; Inyandikomvugo y'iburanisha, 6 Ugushyingo 2003; Inyandikomvugo y'iburanisha, 7 Ugushyingo 2003).

[29] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 62-64; Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 2; Ikimenyetso gihamya N° 106 cy'Ubwunganizi (Urwandiko rw'abajya mu mahanga rwa Bagosora).

yabangamiweho. Kubera izo mpamvu rero, Urugereko ntirwemeye ingingo z'Ubwunganizi ku birebana n'ayo makuru.

(ii) Inyandikomvugo z'ibazwa za Astérie Nikuze na Dieudonné Nkulikiyinka

42. Ubwunganizi nta ngingo zihariye bwatanze ku bijyanye n'akamaro k'inyandikomvugo z'ibazwa rya Astérie Nikuze na Dieudonné Nkulikiyinka imbere y'abategetsi b'u Rwanda. Iy usesenguye ubuhamya bwa Nikuze usanga avuga ko yumvise ko umutangabuhamya wiswe ALG yaba yarazanye urupapuro rwasinyweho n'abategetsi, ibyo bikaba ari byo byahagurukije igitero cyagabwe kuri *Centre de Pastorale de Saint Paul*. Bigaragara kandi ko Nikuze yari azi ko hari impunzi zari ku biro bya Perefegitura. Inyandikomvugo z'ibazwa rya Nkulikiyinka zigaragaza ko ALG yategetse Interahamwe kuzenguruka muri ako gace kose zikica abaturage, kandi ko yasinye urwandiko rutanga uburenganzira bwo kuvana impunzi zimwe kuri Saint Paul, hanyuma ziricwa. Ubwo buhamya kandi bugaragza ko Renzaho yari yahaye ubuhungiro impunzi ku biro bya Perefegitura zikanarindwa.

43. Urugereko rwemera ko ibiri mu nyandikomvugo z'ibazwa rya Nikuze na Nkulikiyinka imbere y'abashinzwe ubutabera mu Rwanda byari kugirira akamaro abunganira Uregwa hashingiwe ku ngingo ya 68 (A) y'Amategeko. Nyamara ariko inyandikomvugo y'ibazwa rya Nkulikiyinka yashyikirijwe Ubwunganizi ku itariki ya 30 Ukwakira 2006, mbere y'uko urubanza rutangira, na mbere y'uko ALG atanga ubuhamya mu rukiko muri Mutarama 2007[30]. By'umwihariko kandi, Ubwunganizi bwabajije ALG ibibazo by'inyomoza ku itariki ya 15 Mutarama 2007 bwifashishije incamake y'ubuhamya bwa Nikuze n'iy'ubwa Nkulikiyinka zari muri dosiye ya ALG yo mu butabera mu Rwanda[31]. Ubwo buhamya bwakiriwe nk'ikimenyetso gihamya No 4 cy'Ubwunganizi. Urugereko ntirubona itandukaniro rifatika hagati y'inyandikomvugo z'ibazwa n'ibiri mu kimenyetso gihamya No 4 cy'Ubwunganizi kubera ko byose bijyanye n'ubushobozi bw'Uregwa bwo

[30] Reba ibaruwa iherekeza ibyo Porokireri yashyikirije Ubwunganizi, 30 Ukwakira 2006; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 5. Porokireri avuga ko ubwo buhamya bwanditswe bwombi bwashyikirijwe Ubwunganizi ku itariki ya 16 Mutarama 2007 (igika 4).

[31] Umutangabuhamya wiswe ALG, inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 26-31.

kwiregura ku birebana n'ubwicanyi bwakorewe kuri *Centre de Pastorale de Saint Paul*. Hashingiwe ku myanzuro irebana n'igitero cyagabwe kuri *Centre de Pastorale de Saint Paul* (II.9), nta kintu kiri muri dosiye kigaragaza ko Uregwa yabangamiwe mu myiregurire ye. Mu gusoza kuri iyi ngingo, amakuru ari muri ubwo buhamya bwanditse avuga ko abantu bahungiye ku biro bya perefegitura ashingiye ku byo abantu bumvise kandi akubiye mu bindi bimenyetso byakiriwe (III).

(iii) Ibimenyetso by'imyiregurire ya sinari mpari (alibi) ya Kabiligi byo mu rubanza rwa Bagosora na bagenzi be

44. Ubwunganizi na none buvuga ko Porokireri atabushyikirije ibimenyetso by'imyiregurire ya sinari mpari bigaragaza ko Jenerali Gratien Kabiligi atari ahari mu ntangiriro za Mata, ibyo bikaba bivuguruza ubuhamya bw'umugabo wiswe AFB uvuga ko Renzaho yabonanye na Kabiligi ku itariki ya 7 Mata. Urugereko ntirwemeye mbere icyifuzo cy'Ubwunganizi cyasabaga kwakira amabaruwa abiri yahererekanyijwe hagati y'ubutegetsi bwa Misiri n'ibiro bya Porokireri mu wa 2002, agaragaza ko uwo munsi Kabililgi atari ari mu gihugu[32]. Renzaho ntavugwa muri ayo mabaruwa. Ibyo ari byo byose, imibonano ya Kabiligi na Renzaho no kuba bari ku biro bya Perefegitura y'Umujyi wa Kigali nyuma y'itariki ya 6 Mata biri mu bivugwa na Porokireri[33]. Izina rya Kabiligi rinagaragara mu buhamya bwa AFB. Kubera impamvu zavuzwe haruguru, amabaruwa agaragaza aho Kabiligi yari ari muri Mata yagombaga gushyikirizwa Ubwunganizi.

[32] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba kwakira inyandiko (Urugereko rwa Mbere rw'Iremezo), 12 Gashyantare 2008. Icyo cyifuzo gisaba kandi kutemera iyakirwa ry'inyandikomvugo z'iburanisha z'imyanzuro nsozarubanza ya Porokireri yo mu rubanza rwa *Bagosora na bagenzi be*, igaragaza ko Kabiligi atari mu gihugu uwo munsi, kubera ko rusanga izo nyandiko zitari mu bigize « ibimenyetso » birebwa n'ingingo ya 92 bis (D), igika 5. Hashingiwe ku ngingo z'Ubwunganizi zivuga ko Porokireri atubahirije inshingano ze zivugwa mu ngingo ya 68 kubera ko yanze gushyikiriza Ubwunganizi « Ibimenyetso bishyigikira imyiregurire ya sinari mpari (alibi) ». (Imyanzuro nsozarubanza y'Ubwunganizi, igika 246) cyangwa « inyandiko… Porokireri yemera ko ifite agaciro » (Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 29), Urugereko rusobanura ko ibyo bireba gusa ya mabaruwa avugwa mu cyifuzo, ko bitareba imyanzuro nsozarubanza ya Porokireri mu rubanza rwa *Bagosora na bagenzi be.*

[33] Imyanzuro mbanzirizarubanza ya Porokireri, igika 7; Impinamyanzuro ya Porokireri, inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 3.

45. Nyamara ariko Urugereko rusanga Ubwunganizi butarabangamiwe. Mu gihe AFB yavugaga mu buhamya bwe ko yabonye Kabiligi, iyo mvugo ye yari ishingiye ku makuru yari yahawe n'undi muntu. Bityo rero, ibimenyetso bigaragaza ko Kabiligi atari mu gihugu birebana gusa n'ubwizerwe bw'umuntu wahaye amakuru AFB, ntibukomoka rero kuri AFB ubwe (II.3). Mu gusoza kuri iyi ngingo, imyanzuro y'Urugereko ku bijyanye n'ibyabaye bavugamo Kabiligi (II.3) igaragaza ko Uregwa ntaho yabangamiwe.

(iv) Inyandiko y'ibirego ya Wenceslas Munyeshyaka

46. Hanyuma, Ubwunganizi buvuga ko Porokireri atabushyikirije Inyandiko y'ibirego ishinja Wenceslas Munyeshyaka, yatanzwe muri uru Rukiko, ibyo bikaba binyuranyije n'inshingano zivugwa mu ngingo ya 68. Ubwunganizi buvuga ko igika cya 13, icya 14 n'icya 15 bivuga ko hari abantu bamwe baba barishwe na Munyeshyaka ku itariki ya 13 Mata kuri *Sainte Famille*, mu gihe ibimenyetso bya Porokireri bivuga ko Renzaho ari we uryozwa urupfu rw'abo bantu mu gitero cyagabwe kuri CELA ku itariki ya 22 Mata[34]. Mu gusubiza, Porokireri avuka ko ibyo bika byo mu Nyandiko y'ibirego ya Munyeshyaka n'ibimenyetso bibishyigikira bitagaragaza amazina y'abo bantu bavugwa ko biciwe kuri Sainte Famille. Bityo rero, Inyandiko y'ibirego ya Munyeshyaka n'ibimenyetso biyishyigikira ntibinyuranya n'ubuhamya burebana n'ubwicanyi bwakorewe kuri CELA. Urugereko rwanzuye rero ko Ubwunganizi butabangamiwe[35].

47. Inyandiko y'ibirego ya Munyeshyaka yari ibanga kandi yashyikirijwe Ubwunganizi bwa mbere muri Kamena 2007[36]. Porokireri yayitanze hamwe n'ubuhamya bwanditse buyishyigikira abisabwe n'Ubwunganizi[37]. Iyo Nyandiko y'ibirego yaje kwakirwa nk'ikimenyetso gihamya mu gihe Uregwa yatangaga ubuhamya[38].

48. Inyandiko y'ibirego ya Munyeshyaka yo ubwayo si « ikimenyetso », ariko ni ikintu cya ngombwa kugira ngo Porokireri ashinje uregwa. Ibyo ari byo byose, ibiro bya Porokireri

[34] Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 30.
[35] *Kimwe no haruguru,* urup. 6.
[36] *Kimwe no haruguru,* urup. 30.
[37] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 56-59.
[38] Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 41; Ikimenyetso gihamya N° 105 cy'Ubwunganizi (Inyandiko y'ibirego ya Wenceslas Munyeshyaka yo ku itariki ya 20 Nyakanga 2005).

bifatwa nk'urwego rumwe rutagabanyijemo ibice. Mu gihe mu Nyandiko y'ibirego y'undi muntu harimo ibintu bivuguruzanya n'Inyandiko y'ibirego y'uregwa, by'umwihariko ku birebana n'ibyaha by'ubugome, Urugereko rusanga ibyo bintu byagirira akamaro Ubwunganizi bw'uwo uregwa. Uyu mwanzuro ushimangirwa n'uko mu iyemeza ry'Inyandiko y'ibirego, hasabwa kubanza gusuzuma ibimenyetso biyishyigikira bishobora gukoreshwa mu kuvuguruza ibimenyetso bya Porokireri cyangwa bigakoreshwa mu gukemanga ukwizerwa kw'abatangabuhamya bashinja[39]. Ubwunganizi ntibuvuga ko kuba Porokireri atarabushyikirije ibimenyetso bishyigikira ibiri mu gika 13, icya 14 n'icya 15 ari ukunyuranya n'ingingo ya 68. Ibyo ari byo byose, Urugereko ruzasuzuma niba gutinda gutanga ibyo bimenyetso, by'umwihariko ubuhamya bwanditse bw'umutangabuhamya wiswe AZB - Porokireri avuga ko bushyigikira ibivugwa mu gika cya 13, icya 14 n'icya 15 - byarabangamiye Uregwa.

49. Urugereko ntirwemeranya n'ingingo za Porokireri. Inyandiko y'ibirego ya Munyeshyaka n'ubuhamya bwanditse bwa AZB bujyanye n'urupfu rw'abakobwa n'umuhungu ba Rose Rwanga ku itariki ya 13 Mata kuri Sainte Famille byaba bivuguruzanya n'ibimenyetso bya Porokireri bigaragaza ko Wilson na Déglote bakuwe mu bandi kuri CELA ku itariki ya 22 Mata 1994, bakajyanwa kwicwa (II.6). Na none kandi, iyo Nyandiko y'ibirego n'ubwo buhamya bwanditse bigaragaza ko abakobwa babiri ba Rwanga biciwe kuri Sainte Famille ku itariki ya 13 Mata, ibyo rero bikaba byaba binyuranyije n'ibimenyetso bya Porokireri bigaragaza ko Hyacinthe Rwanga yishwe ku itariki ya 17 Kamena 1994 mu gitero cyagabwe kuri Sainte Famille (II.11). Bityo rero, Urugereko rusanga Inyandiko y'ibirego ya Munyeshyaka n'ubuhamya bwanditse bwa AZB bifitiye akamaro abunganira Uregwa nk'uko bisobanuye mu ngingo ya 68 (A). Bityo Porokireri akaba yaragombaga kubishyikiriza Ubwunganizi[40].

50. Ibyo ari byo byose ariko, Urugereko ntirwemera ko Uregwa yabangamiwe. Ubwunganizi bwabajije ibibazo binyomoza umutangabuhamya wiswe ACK bwifashishije urubanza

[39] Reba ingingo ya 18 ya Sitati n'ingingo ya 47 y'Amategeko.
[40] Mu gihe Porokireri atashoboye gushyikiriza Ubwunganizi Inyandiko y'ibirego ya Munyeshyaka kubera ko yari ikiri ibanga, yashoboraga, ibyo ari byo byose, kuba yarabushyikirije ubuhamya bwanditse bw'umutangabuhamya wiswe AZB, muri icyo gihe.

rwaciriwe mu Rwanda ruvuga ko Wilson, Charles na Déglote Rwanga biciwe kuri Sainte Famille, bityo Ubwunganizi bugaragaza ukwivuguruza gusa n'ukwari kugaragazwa n'ubuhamya bwanditse bwa AZB n'Inyandiko y'ibirego ya Munyeshyaka[41]. Na none kandi, Urugereko rufite amakenga ku bushobozi bwa AZB bwatuma umuntu ashidikanya ku bimenyetso byinshi kandi byizewe bya Porokireri bigaragaza ko Wilson na Déglote Rwanga bishwe mu gitero cyo ku itariki ya 22 Mata kuri CELA kimwe no ku bimenyetso bigaragaza ko Hyacinthe Rwanga yishwe ku itariki ya 17 Kamena (II.6, 11). AZB ntiyashoboye kuvuga abahohotewe kandi yavuze ko Rose Rwanga yari afite abakobwa babiri mu gihe ibimenyetso bifatika biri mu idosiye bigaragaza ko, kuri Sainte Famille, Rose Rwanga yari kumwe n'umukobwa we umwe gusa. Urugereko rusanga ukwivuguruza kuboneka hagati y'ubuhamya bwa AZB bwanditse n'ibimenyetso byatanzwe mu rukiko bituma umuntu akemanga ukwizerwa kwe mu kumenya abahohotewe, aho gushidikanya ku kwizerwa kw'ibimenyetso bya Porokireri. Koko rero Ubwunganizi ntibwahamagaje mu rukiko umutangabuhamya wiswe AZB kugira ngo aze kuvuguruza ibimenyetso bya Porokireri. Urugereko rusanga Uregwa atarabangamiwe.

51. Mu gusoza kuri iyo ngingo, Urugereko ntirwemeye ingingo y'Ubwunganizi aho buvuga ko Porokireri atubahirije inshingano ziteganywa n'Ingingo ya 68 y'Amategeko, n'ubwo bidashoboka kumenya amakuru ashinjura Porokireri yimanye. Ibyo Ubwunganizi buvuga ntibyujuje icyangombwa gisabwa nibura kigomba kuboneka, ari cyo ko hagomba gusobanurwa by'umwihariko ayo makuru ashinjura asabwa ayo ari yo. Byongeye kandi, ubundi muri rusange, bifatwa ko Porokireri atunganya inshingano ze nta buriganya nk'uko ziteganywa n'Ingingo ya 68[42].

[41] Umutangabuhamya wiswe ACK, inyandikomvugo y'iburanisha, 6 Werurwe 2007, imp. 57-60.
[42] *Urubanza rwa Kordić na Čerkez,* Inyandiko y'urubanza mu bujurire, igika 183 (« Ubusanzwe mu rusange, Urukiko Mpuzamahanga rwubahiriza umurimo wa Porokireri mu mikorere y'ubutabera kandi rukamufata nk'aho awukora nta buriganya»); Urubanza rwa *Karemera na bagenzi be.*, icyemezo ku bujurire bwa Joseph Nzizorera ku cyemezo cy'Urugereko ku cyifuzo cy'ingoboka, 28 Mata 2006, igika 17 (« Urugereko rwa Mbere rw'Iremezo ubusanzwe rwumva ko Porokireri akora umurimo we nta buriganya»).

2.2.2 Ingingo ya 92 *bis*

52. Ubwunganizi burasaba ko Urugereko rwasubiramo ibyemezo rwafashe ku itariki ya 28 n'iya 29 Kanama 2007. Muri ibyo byemezo, ntirwakiriye inyandikomvugo z'ibazwa rya Astérie Nikuze, n'irya Dieudonné Nkulinkiyinka hamwe n'inyandikomvugo y'ibazwa rya Sixbert Musangamfura ryo ku itariki 14 Ugushyingo 2001 ndetse n'incamake yakurikiyeho yo ku itariki ya 16 Ugushyingo 2001[43].

53. Icyemezo cyamaze gufatwa cyongera gusuzumwa iyo habonetse ibintu bishya bitari bizwi mu gihe icyemezo gikemangwa cyafatwaga kandi bikagaragara ko ibyo bintu bigira icyo bihindura ku ishingiro ry'icyemezo cyafashwe. Gusubira mu cyemezo bishoboka na none iyo bigaragaye ko habaye ikosa ryo mu rwego rw'amategeko cyangwa ko Urugereko rwarengereye ububasha bwarwo busesuye[44]. Ubwunganizi busanga, mu isesengura, Urugereko rwarahaye agaciro kanini bikabije imbogamizi zibuza iyakirwa rw'ubuhamya bwanditse riteganywa n'Ingingo ya 92 *bis* y'Amategeko. Ubwunganizi ntibuvuga aho bushingira bwemeza ibyo buvuga cyangwa ngo bugaragaza icyahindutse mu rwego rw'ibyabaye.

54. Nk'uko biteganywa n'Ingingo ya 92 *bis* (A) y'Amategeko, Urugereko rwa Mbere rw'Iremezo rushobora kwakira ibimenyetso bitanzwe n'umutangabuhamya mu nyandiko isimbura ibyo yagombye kuvugira imbere y'Urukiko, kandi iyo nyandiko ikaba ishobora guhamya igikorwa runaka kidahuye n'ibyo uregwa ashinjwa cyangwa n'imyitwarire ye bivugwa mu nyandiko y'ibirego. Urugereko rwasesenguye hejuru inyandikomvugo z'ibazwa rya Nkulinkiyinka n'irya Nikuze (I.2.2.1.*(ii)*). Zagirira akamaro Ubwunganizi kubera ko zisa n'izigaragaza ko ubwicanyi bwakorewe ku « *Centre de pastorale Saint Paul* » buryozwa umutangabuhamya wiswe ALG aho kuba ari Renzaho. Izo

[43] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 250-265. Ubwo Uregwa yatangaga ubuhamya, Urugereko ntirwakiriye inyandikomvugo z'ibazwa hamwe n'inyandiko zirebana n'ipererereza, Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 27-34 (inyandikomvugo z'ibazwa); Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 43-51 (Inyandikomvugo y'ibazwa rya Sixbert Musangamfura).

[44] *Urubanza rwa Ntagerura na bagenzi be,* Inyandiko y'urubanza mu bujurire, igika 55; *Urubanza rwa Bagosora na bagenzi be*, Icyemezo ku cyifuzo cya Bagosoro gisaba kwemererwa kujuririra icyemezo cy'Urugereko cyangwa se kikongera gususuzumwa ku birebana n'iyakirwa ry'ubuhamya bwanditse bw'umugabo wiswe B-06, 8 Gicurasi 2007, igika 8.

nyandikomvugo zinagaragaza kandi ko impunzi zahawe ubuhungiro ku biro bya Perefegitura y'Umujyi wa Kigali. By'umwihariko, ubuhamya bwa Nkulinkiyinka buvuga ku birebana na Renzaho.

55. Urugereko rusanga izo nyandiko zigamije guhamya ibikorwa Uregwa ashinjwa cyangwa imyifatire ye bivugwa mu Nyandiko y'ibirego, kandi ntizishobora kwakirwa hashingiye ku Ngingo ya 92 *bis* y'Amategeko[45]. Intego y'ibanze y'izo nyandiko ni ukuvuguruza ubuhamya bw'umugabo wiswe ALG. Inyandikomvugo y'ibazwa rya Nkulinkiyinka yashyikirijwe Ubwunganizi ku itariki 30 Ukwakira 2006 kandi bwashoboraga kuyikoresha ubwo umutagabuhamya wiswe ALG yatangaga ubuhamya mu Rukiko muri Mutarama 2007[46]. Byongeye kandi, Ubwunganizi bwashoboraga gusaba kongera guhamagaza umutangabuhamya wiswe ALG rushingiye kuri izo nyandikomvugo zombi, ariko ntirwabikoze. Ingingo ya 92 *bis* y'Amategeko ntibereyeho kwifashishwa hagamijwe kwirengagiza iyo nshingano Ubwunganizi bwivukije[47].

56. Ubwunganizi na none busaba ko inyandikomvugo y'ibazwa rya Sixbert Musangamfura ryo ku itariki14 Ugushyingo 2001 yakirwa nk'ikimenyetso gihamya kimwe n'incamake yayo yo ku itariki 16 Ugushyingo 2001 kubera ko iyo nyandikomvugo ituma umuntu yashidikanya ku bwizerwe bw'ibirego Wenceslas Munyeshyaka ashinjwa mu Rwanda. Bivugwa ko Munyeshyaka ari umwe bu bagize umugambi mubisha uhuriweho Uregwa na we arimo kandi agashinjwa kuba yarakoranye ibyaha byinshi n'Uregwa[48]. Na none, izo nyandiko zivuga ku myifatire y'Uregwa, bityo, zikaba zitari mu ziteganywa n'Ingingo ya 92 *bis* (A) y'Amategeko[49]. Kuba Ubwunganizi buvuga ko bwahuye n'ibibazo mu kubona umutangabuhamya wo guhamagaza kugira ngo bubone uko buhitisha izo nyandiko mu ibazwa rye nta cyo bihindura ku miterere y'ikibazo. Ubwunganizi ni bwo bugomba gufata ingamba zose zishoboka kugira ngo ubuhamya

[45] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba iyakirwa ry'inyandiko, 12 Gashyantare 2008, igika 4.
[46] Reba ibaruwa yo ku itariki ya 30 Ukwakira 2006 iherekeje inyandiko Porokireri yashyikirije Ubwunganizi, Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 5.
[47] *Urubanza rwa Bagosora na bagenzi be*, Icyemezo mu rw'iremezo ku Cyifuzo cya Nsengiyumva gisaba iyakirwa ry'inyandiko nk'ibimenyetso gihamya (Urugereko rwa Mbere rw'Iremezo) , 26 Gashyantare 2007, igika 8.
[48] Inyandiko y'ibirego, ibika 6, 20-21, 36-38, 42, 52, 54, 61, 64.
[49] Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba iyakirwa ry'inyandiko, 12 Gashyantare 2008, igika 4.

bw'umutangabuhamya bushobore gutangwa[50].Ubwunganizi ntibwagaragaje ko ibyo bwabikoze ku birebana n'icyo kibazo.

2.2.3 Kubasha kubona ibimenyetso bishinjura

57. Ubwunganizi buvuga ko Uregwa ataciriwe urubanza ruboneye kubera ko abari kuba abatangabuhamya babiri be bapfuye, abandi bakanga gutanga ubuhamya naho, abandi bakaba baba barabujijwe kuza gutanga ubuhamya n'uwahoze ari umupererezi w'Ubwunganizi wabyivanzemo[51]. Ubwunganizi burangiza buvuga ko umwuka mubi uri mu Rwanda ubuza abatangabuhamya kuza gutanga ubuhamya bushinjura. Urugereko rurasuzuma izi ngingo imwe ku yindi.

(i) Urupfu rw'abari kuzahamagazwa nk'abatangabuhamya

58. Ubwunganizi buvuga ko urupfu rw'uwahoze ari umunyamabanga wa Renzaho Astérie Nikuze n'urw'umushoferi we Gaspard, byabangamiye bikomeye ubushobozi bwabwo bwo gutegura ukwiregura kwa Renzaho[52]. Bombi bapfuye mbere y'uko Avoka abasha guhura na bo, ariko Ubwunganizi buvuga ko abo bantu ari bo bari kuba bazi « ibintu byose ku birebana n'ibyo Renzaho yakoraga buri munsi »[53].

59. Mu burenganzira bw'Uregwa bwo gucirwa urubanza ruboneye harimo n'ihame rivuka ko Porokireri n'Ubwunganizi bareshya imbere y'amategeko[54]. Iryo hame, kuri bimwe, riteganywa n'Ingingo ya 20 (4)(e) ya Sitati aho ivuga ko buri muntu uregwa afite uburenganzira bwo :… « kwemererwa ko abatangabuhamya bamushinjura bahamagarwa mu rukiko kandi bakabazwa mu buryo bumwe n'ubuteganyirizwa abamushinja ». Ariko kandi, ubwo burenganzira ntaho buhuriye n'izindi mpamvu zitari mu bubasha bw'Urugereko zishobora gutuma umuburanyi ananirwa guhamagaza abatangabuhamya

[50] Urubanza rwa Simba, Inyandiko y'urubanza mu bujurire, igika 41.
[51] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 266-293; Ikimenyetso gihamya cy'Ubwunganizi 113 *(*inyongera yanditse ku ngingo zatanzwe mu magambo n'Ubwunganizi*)* igika 291. .
[52] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 217, 256, 268-271, 684.
[53] Ni kimwe no haruguru, ibika 267-271; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 31.
[54] *Urubanza rwa Kayishema na Ruzindana,* Inyandiko y'urubanza mu bujurire, igika 67; *Urubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, igika 48.

bamwe na bamwe[55]. Urupfu rutunguranye rw'abatangabuhamya ni imwe muri bene izo mpamvu[56].

60. Byongeye kandi, iyo urubanza rwamaze kuburanishwa, Urugereko rushobora kugira indihano rugena iyo gusa umuburanyi yerekanye ko yabangamiwe bikomeye[57]. Ubwunganizi ntibusobanura by'umwihariko ibimenyetso bishinja Gaspard yari kunyomoza ushingiye ku bimenyetso biri muri dosiye cyangwa ku makuru bwimenyeye ku byerekeye uko Renzaho yabanaga n'uwo mutangabuhamya hamwe n'ibyo bakoranaga. Iyi ngingo Urugereko ruyicumbikishirije aho.

61. Nk'uko byavuzwe haruguru, mu buhamya bwari bwitezwe kuzatangwa na Nikuze, harimo ko yumvise bivugwa ko umutangabuhamya wiswe ALG ashobora kuba yarazanye urupapuro rwasinyweho n'abategetsi rwatumye hagabwa igitero kuri « *Centre de Pastorael Saint Paul* »[58]. Bityo, ubwo buhamya bwari bwitezwe, bwari bugamije kwerekana ko ubwicanyi bwo kuri « *Centre de Pastorale Saint Paul* » bwakozwe n'umutangabuhamya wiswe ALG aho kuba Renzaho, bushingiye ku nkuru mbarirano kandi bufite agaciro gake[59]. Kubera umwanzuro Urugereko rwafashe ku bijyanye n'ibyo byabaye (II.9), ntirushobora gufata umwanzuro wemeza ko Renzaho yagize icyo

[55] *Urubanza rwa Kayishema na Ruzindana,* Inyandiko y'urubanza mu bujurire, igika 73; *Urubanza rwa Tadić,* Inyandiko y'urubanza mu bujurire, igika 49.

[56] Mu myanzuro yabwo, Ubwunganizi buvuga ko Astérie Nikuze yapfuye amaze kubonana n'Ibiro bishinzwe iperereza mu Rwanda naho Gaspard akaba yarapfuye arimo agerageza guhunga u Rwanda. Imyanzuro nsozarubanza y'Ubwunganizi, ibika 269-271; Inyandikomvugo, 14 Gashyantare 2008, urup. 31. Iyo myanzuro kandi isa naho ishyigikira ingingo rusange Ubwunganizi bwishingikiriza buvuga ko Uregwa adashobora gucirwa urubanza ruboneye bitewe n'uko kwivanga mu bibazo by'abatangabuhamya bisobanurwa hepfo. Urugereko rusanga atari ngombwa gusuzuma imvugo zidafututse zerekeranye n'icyateye urupfu rw'abo bantu bashoboraga kuzaba abatangabuhamya.

[57] Reba, nk'urugero, *Urubanza rwa Semanza,* Inyandiko y'urubanza mu bujurire, ibika 69-73; *Urubanza rwa Kamuhanda,* Inyandiko y'urubanza mu bujurire, igika 12; Urubanza rwa *Ntagerura na bagenzi be*, Inyandiko y'urubanza mu rw'iremezo, igika 30.

[58] Ubwunganizi bukomoza ku ngingo ivuga ko Nikuze yari kuvuguruza ubuhamya bw'umugabo ushinja wavuze ku gitero cyo muri *CELA*. Imyanzuro nsozarubanza y'Ubwunganizi, igika 375. Ubuhamya bwe bwari kuba bwerekeye igitero cyagabwe kuri *Saint Paul*, urebye ibikubiye mu kimenyetso gihamya cy'Ubwunganizi D4 n'inyandikomvugo y'ibazwa rya Nikuze.

[59] Inyandikomvugo y'ibazwa ry'umutangabuhamya, 2 Nyakanga 1996, urup. 2: « Ikibazo : Nta cyo uzi ku ruhare yaba yaragize mu bwicanyi bwabereye kuri S*aint Paul*? Igisubizo: Yabugizemo uruhare kuko nta kuntu umutegetsi nka [we]… Igisubizo : Simbizi. Numvise bavuga ko bazanye urupapuro rwasinyweho n'abategetsi. Sinzi niba ari *[*umutangabuhamya wiswe ALG] cyangwa ari [undi mutegetsi wo muri Guverinoma] warusinyeho. Barweretse Padiri Célestin…abo bicanyi ntibashoboraga kuza gushimuta abantu [Umutangabuhamya wiswe ALG] atabizi ».

abangamirwaho kubera ko uwo mutangabuhamya atahabaye ngo yitabe Urukiko. Mu gusoza kuri iyo ngingo, [Urugereko rusanga] ubuhamya uwo mutangabuhamya yari gutanga avuga ko Renzaho yahaye impunzi icumbi ku biro bya Perefegitura y'Umujyi wa Kigali bunasubiramo ibyavuzwe mu bundi buhamya buri muri dosiye y'urubanza (III.3.1.3). Kubera izo mpamvu, Urugereko ntirushobora kwanzura ruvuga ko urubanza rwaburanishijwe mu buryo butaboneye bitewe n'uko abo batangabuhamya bombi batabonetse mu rubanza.

(ii) Abatangabuhamya bari kuzahamagazwa imbere y'Urugereko ariko bakanga kwitaba kubera gutinya kwihimurwaho.

62. Ubwunganizi buvuga ko abatangabuhamya b'ingenzi barimo Dieudonné Nkulikiyinka na Alexis Bisanukuli banze gutanga ubuhamya kubera gutinya ko bazabihimuraho[60]. Kugira uburenganzira bureshya imbere y'Urukiko bivuga ko Urugereko, mu rubanza, rugomba gufasha mu buryo bushoboka bwose buteganyijwe n'Amategeko na Sitati iyo rushyikirijwe icyifuzo n'umuburanyi gisaba inkunga mu kumvikanisha ingingo ze mu rubanza[61]. Sitati n'Amategeko biteganya Ingingo zigamije korohereza ababuranyi ingorane bahura na zo. Izo Ngingo ziha Ingereko ububasha bwo gutanga amategeko, impampura zihamagara, izihatira abatangabuhamya kwitaba Urukiko, za manda hamwe n'amategeko yo kwimura bishobora kuba ngombwa kubera impamvu z'iperereza, izo gutegura cyangwa kuburanisha urubanza[62]. Byongeye kandi, aho byagaragaye ko ingamba nk'izo nta cyo zamaze, Urugereko rushobora gutegeka ko iburanisha ryimurirwa ikindi gihe cyangwa, byaba ngombwa, rigasubikwa[63].

63. Iyo umuburanyi abyukije ikibazo cy'umutangabuhamya watewe ubwoba, Urugereko rugena indihano ikwiye gutangwa iyo bigaragajwe ko byabayeho hashingiwe ku ihame

[60] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 274-284, 1270; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 31-35, 40. Urugereko rurasesengura imyanzuro y'Ubwunganizi ku bijyanye na Eugène Hantangigaba mu kiciro kari hasi.
[61] Inyandiko y'urubanza rwa Tadić mu bujurire. igika 52.
[62] *Ni kimwe no haruguru*, igika 52; Ingingo 54 y'Amategeko.
[63] Inyandiko y'urubanza rwa Tadić mu bujurire. igika 52.

ry'ibishoka kurusha ibindi[64]. Byongeye kandi, Ubwunganizi ni bwo bufite inshingano zo gukoresha uburyo bwose buteganywa na Sitati n'Amategeko ngo rushobore guhabwa umwanya wo gutanga ibimenyetso imbere y'Urugereko. Mu gusoza kuri iyo ngingo, hagomba kugaragazwa ko habayeho kubangamirwa bikomeye[65]. Iyo ubuhamya butangiwe mu rukiko butashoboye kuboneka kubera iterabwoba ryashyizwe ku mutangabuhamya, Ubwunganizi bugomba kwerekana ukuntu ibikubiye mu buhamya bwari bwitezwe bifitanye isano n'ibivugwa ku Uregwa cyangwa n'ibyo ashinjwa[66].

64. Ibimenyetso bishyigikira ibyo Ubwunganizi buvuga ko Dieudonné Nkulikiyinka na Alexis Bisanukuli banze gutanga ubuhamya kubera ubwoba ko babihimuraho biraziguye kandi ntibisobanutse neza. Umutangabuhamya wiswe HIN yavuze ko uwahoze ari umupererezi w'Ubwunganizi yamuteye ubwoba agerageza kumubuza gushinjura Uregwa kandi avuga ko uwo mupererezi yabigiriye n'abandi, barimo na Dieudonné Nkulikiyinka[67]. Ntibigaragara neza ukuntu uwo mutangabuhamya yamenye ibyo bikorwa bindi by'iterabwoba byabayeho. Ahangaha Ubwunganizi ntibwagaragaje ko, hashingiwe ku bimenyetso bishoboka kurusha ibindi, hari n'umwe muri abo batangabuhamya bombi washyizweho iterabwoba. Iyo mpamvu yonyine ubwayo irahagije kugira ngo Urugereko rwoye kwemera ingingo z'Ubwunganizi.

65. Byongeye kandi, Ubwunganizi ntibwakoresheje uburyo bwose buriho bwo gukemura icyo kibazo. Rushingiye ku byifuzo by'Ubwunganizi, Urugereko rwategetse ko hashyirwaho ingamba zo kurinda [umutekano w'abatangabuhamya] kugira ngo abatinya ko bagirirwa nabi boroherezwe kwitaba Urukiko. Rwanongereye kandi izo ngamba ku birebana n' umutangabuhamya wiswe HIN kugira ngo umwirondoro we ukomeze kugirwa ibanga, kubera ko yavuze ko bitabaye ibyo atazaza gutanga ubuhamya mu

[64] Inyandiko y'urubanza rwa Simba mu bujurire, igika 41; *Urubanza rwa Bagosora na bagenzi be,* Icyemezo ku Cyifuzo cyatanzwe ku birebana n'iterabwoba ryaba ryarashyizwe ku batangabuhamya, 28 Ukuboza 2004, igika 7.
[65] Inyandiko y'urubanza rwa Simba mu bujurire, igika 41; Inyandiko y'urubanza rwa *Tadić* mu bujurire, ibika 52-53, 55-56.
[66] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 47; *Urubanza rwa Bagosora na bagenzi be,* Icyemezo ku Cyifuzo kirebana n'Umutangabuhamya waba yarashyizweho iterabwoba (Urugereko rw'imbere rw'iremezo), 28 Ukuboza 2004, igika 10.
[67] Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 20-21.

Rukiko[68].Urugereko rufite ububasha bwo gutanga impapuro zihamagaza kandi zitegeka kwitaba Urukiko abatangabuhamya bagononwa kimwe no gusaba igihugu barimo ko kigomba gufatanya n'Urukiko kugira ngo abo batangabuhamya bitabe Urukiko[69]. Cyakora, Ubwunganizi ntibwigeze busaba Urugereko kubufasha muri urwo rwego, kugira ngo Dieudonné Nkulikiyinka na Alexis Bisanukuli babashe gutanga ubuhamya mu Rukiko. Na none, iyo mpamvu yonyine ubwayo yashoboraga gutuma Urugereko rutemera ingingo y'Ubwunganizi.

66. Naho ku birebana n'ibikubiye mu buhamya bwagombaga kuzatangwa, isuzuma ry'imyanzuro y'Ubwunganizi, iry'ikimenyetso gihamya D4 n'iry'inyandikomvugo y'ibazwa rya Dieudonné Nkulikiyinka, byerekana ko yari kuzavuga ku bijyanye n'uburyozwacyaha bwa Renzaho ku birebana n'ibyaha byakorewe kuri za bariyeri, no ku ruhare rwe mu bwicanyi bwabereye kuri « *Saint Paul* », ndetse no ku byerekeye ubuhungiro bwahawe abantu ku biro bya Perefegitura y'Umujyi wa Kigali[70]. Ubuhamya bwa Nkulikiyinka bwari bwitezwe butanga igisobanuro gitandukaye ku birebana n'umuntu wari ushinzwe za bariyeri; bwumvikanisha ko umuntu Renzaho yari akuriye yigengaga mu kazi ke ko gutegura Interahamwe, kuzitegeka kwica no kujya zishyikiriza Renzaho amakuru atari ukuri. N'ubwo ubuhamya bwari bwitezwe bwa Nkulikiyinka bufite umwihariko wo gushyira mu majwi umutangabuhamya wiswe ALG wenyine kuri iyo ngingo, Urugereko ariko rwumvise abatangabuhamya bashinjura ari bo Nyetera, abiswe PPO, UT, AIA, GOA na HIN bavuze ko abategetsi bo muri Perefegitura y'Umujyi wa Kigali bashyizeho bariyeri babitegetswe n'abandi bantu cyangwa kubera impamvu zidafite aho zihuriye na Renzaho (II.2). Ubuhamya bwagomba gutangwa na

[68] Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zo kurindira [abatangabuhamya] umutekano (Urugereko rwa mbere rw'iremezo), 12 Werurwe 2007; Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zidasanzwe zo kurinda umutekano w'umutangabuhamya wiswe HIN (Urugereko rwa mbere rw'iremezo), 14 Nyakanga 2007.

[69] Ingingo ya 54 y'Amategeko; Ingingo ya 28 ya Sitati.

[70] Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 32; Ikimenyetso gihamya cy'Ubwunganizi D4 (incamake y'ibikubiye muri dosiye z'ubucamanza bwo mu Rwanda zirebana n'umutangabuhamya wiswe ALG). Rushingiye ku bimenyetso biri muri dosiye, Urugereko rufite amakenga ku birebana n'ubushobozi bwa Nkulikiyinka bwo gukurikiranira hafi ibyo Renzaho yakoraga muri rusange. Reba, nk'urugero, Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 15 Mutarama 2007, urup. 27-28 (tuzirikana ko muri Mata, Nkulikiyinka yari yihishe mu biro bya Perefegitura).

Nkulikiyinka busubiramo ibyavuzwe n'abo batangabuhamya ku buryo kubura kwabwo mu rubanza bidateye Uregwa imbogamizi ikomeye.

67. Byongeye kandi, imyanzuro y'Urugereko ku gitero cyagabwe kuri *Saint Paul* (II.9) igaragaza ko Uregwa nta cyo yabangamiweho bitewe n'uko ubuhamya bwa Nkulikiyinka butabonetse. Na none kandi, ubuhamya bwe bwerekeranye n'ubuhungiro abantu bahawe ku biro bya Perefegitura y'Umujyi busubiramo ibyavuzwe mu bundi buhamya (III.3.1.3), bityo kuba butabonetse ntibibangamira inyungu z'Uregwa.

68. Ubuhamya bwa Bisanukuli bwari bwitezwe bwari kuvuga ku nama zabereye ku biro bya Perefegitura y'Umujyi wa Kigali[71], harimo n'izo Renzaho avugwamo kuba yarategetse abantu gushyiraho no gucunga za bariyeri, kandi muri imwe muri izo nama akahatangira intwaro. Ubuhamya bwari bwitezwe bwa Bisanukuli ku birebana n'inama yo ku itariki ya 8 Mata busubiramo ibyavuzwe n'umutangabuhamya w'Ubwunganizi wiswe AIA, kandi Urugereko rusanga kuba butabonetse bitabangamiye inyungu z'Uregwa (II.2). Ariko kandi, Urugereko rusanga Bisanukuli ari we wenyine waba utanze ubuhamya nk'uwabihagazeho ku byerekeye inama yaje kubera ku biro bya Perefegitura aho bivugwa ko Renzaho yategetse abayirimo kujya kuzana intwaro kuri Minisiteri y'ingabo. N'ubwo abandi batangabuhamya bashinjura bashobora kuba bari hafi y'ibiro bya Perefegitura y'Umujyi wa Kigali ubwo iyo nama yaba yarabaye, nta buhamya nk'ubwo bwigeze bugeza n'umuntu waba waragiye muri iyo nama (II.3). ibyo ari byo byose, ubuhamya bwa Bisanukuli Ubwunganizi bwifuzaga gushyirikiriza ntibusobanutse neza kuri iyo ngingo. Ubwunganizi buvuga gusa ko Bisanukuli « yafashije Bwana Renzaho mu nama zose zakorewe kuri Perefegitura »[72]. Ubundi buhamya muri dosiye bwerekana ko, kuba umutangabuhamya runaka avuga ko yari kumwe n'undi mugabo mu nama ntibuvuga ko byanze bikunze uwo mugabo na we azavuga kuri iyo nama mu buhamya

[71] Imyanzuro nsozarubanza y'Ubwunganizi igika 275; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 31

[72] Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 31.

bwe[73]. Hatabonetse ibindi bimenyetso bishyigikira iyo ngingo, Urugereko ntirushobora kwanzura ruvuga ko inyungu z'Uregwa zabangamiwe bitewe n'uko ubwo buhamya bundi butabonetse mu rubanza.

(iii) Kubura k'ubuhamya bitewe n'ukwivanga k'umupererezi w'Ubwunganizi

69. Ubwunganizi bwibutsa kandi ibyo bwamenyesheje, bishingiye ku makuru bwahawe n'abatangabuhamya biswe HIN, NIB na Eugène Hantangigaba, ko uwahoze ari umupererezi w'Ubwunganizi yabashyize ku nkeke agamije kubabuza kujya gushinjura Renzaho kandi ko yabikoze no ku bandi bantu bashoboraga kuzaba abatangabuhamya bashinjura[74]. Ibiro bya Gerefiye byatangiye anketi ku kwivanga k'uwo muntu wahoze ari umupererezi w'Ubwunganizi[75].Ku itariki 30 Nyakanga 2009, Gerefiye yatanze raporo ashingiye ku Ngingo ya 33 (B) avuga ko umupererezi washyizweho gucukumbura icyo kibazo atashoboye gutanga raporo ya nyuma nk'uko yari yabisabwe[76].

70. Gushyira iterabwoba ku batangabuhamya ni ikibazo cyitabwaho n'Urukiko nta kuzuyaza. Ibikorwa byo kwivanga mu birebana n'abantu bashobora kuzahamagazwa gutanga ubuhamya bishobora kubangamira imigendekera myiza y'ubutabera. N'ubwo Porokireri ari we ufite inshingano zo kugaragaza ku buryo budashidikanywaho ko ibyaha bikubiye mu Nyandiko y'ibirego koko byakozwe, rimwe mu mahame akomeye arebana n'uburenganzira bwo gucibwa urubanza ruboneye ni ukuba Ubwunganizi bufite ubushobozi bwo gutanga ibimenyetso byo kwiregura.

71. Umutangabuhamya wiswe HIN yavuze ko uwahoze ari umpererezi w'Ubwunganizi yamushyize ku nkeke agamije kumubuza kuzashinjura Uregwa kandi avuga ko ibyo

[73] Gereranya umutangabuhamya wiswe PPV, Inyandikomvugo y'iburanisha, 4 Nyakanga 2007; Inyandikomvugo y'iburanisha, 5 Nyakanga 2007 (muri rusange) n'umutangabuhamya AIA, Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, urup. 4.

[74] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 285-290, 292; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup.32-35.

[75] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 286, 291; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 34-35.

[76] Imyanzuro ya Gerefiye ishingiye ku Ngingo 33 (B) y'Amategeko kuri Raporo ya nyuma yateguwe na Jean Haguma, 30 Nyakanga 2009, igika 5.

yabikoze no ku bandi bantu barimo Dieudonné Nkulikiyinka[77]. Muri icyo gihe na none, Ubwunganizi bwamenyesheje Ibiro bya Gerefiye ko uwahoze ari umupererezi w'Ubwunganizi yashyize ku nkeke umutangabuhamya wiswe NIB wari waje Arusha gutanga ubuhamya hanyuma agataha atabutanze[78]. Ubwunganizi kandi bwashyikirije Urugereko ibaruwa yanditswe na Eugène Hantangigaba, kandi busobanura ko uwo mupererezi nyine yasabye uyu mutangabuhamya gushinja Renzaho[79].

72. Kabone n'iyo ibirego by'iterabwoba bitangiwe ibimenyetso, Ubwunganizi bugomba gukoresha ingamba zose zishoboka kugira ngo umutangabuhamya abashe gutanga ubuhamya mu rukiko[80]. Umutangabuhamya wiswe HIN yashinjuye Renzaho. Nta kintu kigaragaza ko ubuhamya bwa HIN butari bwuzuye cyangwa bufite indi nenge runaka bitewe n'uko uwo mutangabuhamya yaba yaratewe ubwoba.

73. Ku birebana na Eugène Hantangigaba, nta kintu cyatanzwe kigaragaza ibikubiye mu buhamya Hantangigaba yagomba kuzatangira mu Rukiko[81]. Iyo usuzumye ubuhamya bwe bwanditse, usanga ubwo buhamya yari kuzatanga bwagira akamaro mu kuvuguruza ubuhamya buvugwamo ko hari abantu b'abasiviri bitwara gisirikare babaga kwa Renzaho. Hashingiwe ku myanzuro yafashwe kuri iyo ngingo (II.1), Ubwunganizi ntibwagaragaje ko inyungu z'Uregwa zabangamiwe bikomeye.

74. Umutangabuhamya wiswe NIB yaje Arusha arindiwe umutekano n'Ibiro bya Gerefiye, ariko amaze kuhagera Ubwunganizi buvuga ko butagikeneye ubuhamya bwe. Nk'uko bwabigenje kuri Hatangigaba, Ubwunganizi ntibwigeze buvuga ibirego NIB yari aje kuvuguruza[82]. Ubuhamya bwanditse NIB yahaye umupererezi w'Ubwunganizi bugaragaza ko atari azi ko Renzaho yari afite umwanya w'ubuyobozi mu gisirikare,

[77] Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 20-21.
[78] Ibaruwa yo ku itariki 20 Nyakanga 2007 Ubwunganizi bwandikiye Ibiro bya Gerefiye.
[79] Ibaruwa yo ku itariki 18 Ukwakira 2007 Ubwunganizi bwandikiye Ibiro bya Gerefiye (bukomekaho ibaruwa ya Eugène Hatangigaba).
[80] Inyandiko y'urubanza rwa Simba mu bujurire, igika 41.
[81] Imyanzuro nsozarubanza y'Ubwunganizi, igika 288; Inyandikomvugo y'iburanisha 17 Gicurasi 2007, imp. 12-13; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 30, 33-35.
[82] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 285, 288; Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, imp. 12-13; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 30, 33-35.

kandi ko gukoresha amanama muri Segiteri ya Rugenge byari kugorana kubera imirwano ikaze yari irimo ihabera[83]. Ikindi ni uko ubuhamya NIB yagombaga gutanga ku bijyanye n'imirwano yo muri Segiteri ya Rugenge buvuga bimwe n'ibindi bimenyetso byatanzwe muri uru rubanza (II.13). Urugereko rusanga Ubwunganizi butarabangamiwe bikomeye bitewe n'uko bwahisemo ko uwo mutangabuhamya atirirwa atanga ubuhamya.

(iv) Ingorane rusange zo kubona ibimenyetso bivuye mu Rwanda

75. Icya nyuma Ubwunganizi buvuga ni uko buhura n'ingorane zo kubona ubuhamya bw'abatangabuhamya mu Rwanda, kubera umwuka wa politiki uriyo muri iki gihe wo gushyira ibikangisho n'iterabwoba ku batangabuhamya baba bifuza kuza gushinjura. Buvuga ko ingamba Urukiko rufata zo kurindira abatangabuhamya umutekano zidahagije kubakemurira ikibazo cy'impungenge baba bafite. By'umwihariko buvuga ko Guverinoma y'u Rwanda igenzura ibikorwa by'ishami ry'Urukiko riri i Kigali[84].

76. Mbere na mbere, Urugereko ruributsa ko nta rwego rw'ubutabera na rumwe rushobora kurindira abatangabuhamya umutekano ijana ku ijana[85]. Rukaba ariko rwumva izo ngorane Ubwunganizi bwahuye na zo zo kutabona abatangabuhamya. Hari imanza uru Rukiko rwafashemo umwanzuro wemeza ko gushyira ibikangisho ku batangabuhamya bishobora gutuma imanza uru Rukiko zakoherezwa mu Rwanda zitaburanishwa mu buryo buboneye[86]. Nyamara ariko, hariho impamvu nyinshi zitera abantu baba mu

[83] Urugereko rurazirikana ibyo Ubwunganizi bwavuze ko ubuhamya bwanditse bwa NIB nk'uko bwafashwe n'umupererezi w'Ubwunganizi budahuje neza n'ibyo yari yavuze. Kubera ariko ko Ubwunganizi nta bindi bisobanuro bwatanze kuri iyo ngingo, Urugereko rurifashisha ubwo buhamya mu isesengura ryarwo.

[84] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 272 na 273; Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 8; Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, urup. 13; Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 48; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 35-37.

[85] *Urubanza rwa Munyakazi*, Icyemezo cy'Urugereko rw'Ubujurire ku bujurire bwa Porokireri ajuririra Icyemezo cyafashwe ku cyifuzo gisaba kwimura urubanza, hashingiwe ku Ngingo ya 11 *bis*, 8 Ukwakira 2008, igika 38.

[86] *Urubanza rwa Munyakazi*, Icyemezo cy'Urugereko rwa Mbere rw'Iremezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda, 28 Gicurasi 2008, ibika 60-62, icyo cyemezo kikaba cyaragumishijweho n'Urugereko rw'Ubujurire; Icyemezo cy'Urugereko rw'Ubujurire ku bujurire bwa Porokireri ajuririra Icyemezo cyafashwe ku cyifuzo gisaba kwimura urubanza hashingiwe ku Ngingo ya 11 *bis*, 8 Ukwakira 2008, ibika 38-39; *Urubanza rwa Kanyarukiga*, Icyemezo cy'Urugereko rwa Mbere rw'Iremezo ku Cyifuzo cya Porokireri cyo kwimurira urubanza muri Repubulika y'u Rwanda, 6 Kamena 2008, ibika 66-74. Icyo Cyemezo cyagumishijweho n'Urugereko rw'Ubujurire mu Cyemezo rwafashe ku bujurire bwa Porokireri ajuririra Icyemezo cyafashwe ku cyifuzo gisaba kwimura urubanza hashingiwe ku Ngingo ya 11 *bis*, 30 Ukwakira 2008, igika 27;

Rwanda kwanga gutanga ubuhamya muri uru Rukiko. Hari ibimenyetso bimwe na bimwe byagiye bitangwa muri uru rubanza bigaragaza ko abantu bashobora kwanga gutanga ubuhamya bushinjura kubera ko baba bafite ubwoba bw'uko nibasubira mu Rwanda bazatotezwa, cyangwa se bikaba byarababayeho[87]. Ibyo bimenyetso ariko ntibisobanutse neza ku birebana no kumenya niba kuba abatangabuhamya baje gushinjura Uregwa bariyumvisemo ko bari guterwa ubwoba cyangwa se koko bakaba barabutewe, hari aho bihuriye mu by'ukuri no kuba baritabiriye kuza mu iburanisha ry'uru rubanza[88]. Renzaho yashoboye kwiregura, azana abatangabuhamya 27 bo kumushinjura, batanu muri bo bakaba baraturutse mu Rwanda[89]. Iyo rusuzumye ingorane Ubwunganizi bwahuye na zo mu kubona abatangabuhamya baturutse mu Rwanda rukurikije n'ibimenyetso byose byatanzwe mu iburanisha, Urugereko rusanga ibyo Ubwunganizi bwinubira bitarugaragariza ko iburanisha ritabaye mu buryo buboneye. Urugereko ntirwemeye iyo ngingo.

2.2.4 Ibintu bigira ingaruka ku miburanishirize

77. Ingingo ya 12 n'iya 20 za Sitati y'Urukiko zigamije kurengera uburenganzira bw'Uregwa bwo gucibwa urubanza mu buryo buboneye, imbere y'abacamanza batabogamye. Inkiko mpuzamahanga, ari TPIY ari na TPIR, buri gihe zikaba zaragiye zizirikana uburenganzira

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Urubanza rwa Gatete, Icyemezo cy'Urugereko rwa Mbere rw'Iremezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda, 17 Ugushyingo 2008, ibika 57-64.

[87] Nk'urugero, reba ibyavuzwe n'umutangabuhamya wiswe HIN, Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, urup. 19 (« Ubwo avoka wunganira Uregwa yazaga kundeba, namubwiye umurimo nakoraga. Namubwiye ko ntashoboraga kuza gutanga ubuhamya mu rubanza rwa Renzaho, kubera ko ndamutse ngiye Arusha nazahura n'ibibazo bikomeye bijyanye n'umutekano wanjye. Kandi Bwana Perezida, nagira ngo mbabwire ko hari abatangabuhamya bahuye n'ibibazo bavuye Arusha. Bamwe barapfuye, abandi baratotezwa, abandi bahungira mu mahanga».

[88] Nk'urugero, reba ibyavuzwe n'umutangabuhamya wiswe HAL, Inyandikomvugo y'iburanisha, 18 Kamena 2007, imp. 20-22, 33-37; 39-41; Ikimenyetso gihamya cya Porokireri cyahawe nomero 107 (Urubanza rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwa Nyamirambo) (abona ko yafashwe akanakatirwa azira ko yavuganye n'abantu bo mu ikipe y'Ubwunganizi bwa Renzaho, ariko avuga ko yafashwe hashize amezi atanu avuganye n'abo bantu kubera ko hari umuntu batonganye ariko uko gutongana kukaba kutari gufite aho guhuriye n'Uregwa); Umutangabuhamya wiswe MAI, Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 20-21 (avuga ko yahunze akava mu gihugu kubera ko yumvaga afite ubwoba bw'uko azicwa nyuma y'aho abantu batangiriye « kumurwanya » no « kumutoteza » bamuziza ko afite aho ahuriye n'Uregwa, ndetse banavuga ko ngo yari Interahamwe).

[89] Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 38-39.

bw'uregwa bwo kuburanishwa n'urukiko rugaragaraho kuba rutabogamye kandi koko no mu by'ukuri rutabogamye[90]. Hari ihame rusange rivuga ko umucamanza atagomba gusa kuba atabogamye, ahubwo ko nta n'ikintu mu iburanisha ry'urubanza gishobora gutuma yagaragara nk'ubogamye[91]. Muri uru rubanza, ntawigeze avuga mu buryo butaziguye ko habayeho kubogama, cyangwa ko Urugereko rutasuzumye ibimenyetso mu buryo buboneye. Ahubwo, Ubwunganizi bunenga imikorere ya Porokireri ku bijyanye n'ukuntu ahitamo abantu agomba gukoraho iperereza no gukurikirana, no kuba yifashisha abatangabuhamya baba mu Rwanda, cyane cyane abakurikiranyweho ibyaha cyangwa abamaze gukatirwa[92]. Ubwunganizi kandi busobanura ko hashobora kubaho ikibazo cyo guhamya abantu ibyaha kubera kubashyira mu gatebo kamwe, bukanavuga ko ibyo gushingira ku bwirege bwa bamwe no ku buhamya bw'abatangabuhamya b'impuguke ari ibyo kwitonderwa kuko bishobora gutera ibibazo[93]. Icya nyuma Ubwunganizi bwibutsa Urugereko ni uko kuba ibyaha byakozwe muri kiriya gihe cya jenoside ari indengakamere ndetse no kuba hariho igitutu cy'amahanga bitagomba gutuma rwumva ko rugomba gufata umwanzuro uryoza Renzaho ibyo bikorwa[94].

78. N'ubwo rero Urugereko ruzirikana ingingo Ubwunganizi bwatanze, rurasanga nta n'imwe muri zo yatumye urubanza rutaburanishwa mu buryo buboneye. Porokireri afite ububasha busesuye ku bijyanye no gutegura Inyandiko z'Ibirego[95]. Urugereko cyangwa guverinoma iyo ari yo yose nta burenganzira bifite bwo gutegeka uko imanza zigomba kugenda[96]. Urugereko ruzirikana impungenge Ubwunganizi bwagaragaje ku bijyanye n'ikibazo cy'ukwizerwa kw'abatangabuhamya, rukaba ruzasuzuma agaciro gakwiye

[90] *Urubanza rwa Furundžija*, Inyandiko y'urubanza mu bujurire, igika 182; *Urubanza rwa Rutaganda,* Inyandiko y'urubanza mu bujurire, igika 39.
[91] *Urubanza rwa Karemera na bagenzi*, Icyemezo cy'Urugereko rwa Mbere rw'Iremezo ku Cyifuzo gisaba kuburanisha Rwamakuba ukwe no guhindura Inyandiko y'ibirego, Ingingo ya 20(4) ya Sitati y'Urukiko, Ingingo ya 82 (b) y'Amategeko, 7 Ukuboza 2004, igika 17, hasubirwamo ibyanditse mu *rubanza rwa Furundžija,* Inyandiko y'urubanza mu bujurire, igika 182.
[92] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 294-317.
[93] Ni kimwe no haruguru, ibika 334-338.
[94] Ni kimwe no haruguru, ibika 318-330.
[95] *Urubanza rwa Ndindiliyimana*, Icyemezo cy'Urugereko ku Cyifuzo cyihutirwa cyatanzwe mu magambo gisaba ko Inyandiko y'ibirego yaba ihagaritswe, bitaba ibyo icyo kibazo kigashyikirizwa Inama y'Umuryango w'Abibumbye Ishinzwe Amahoro ku Isi, 26 Werurwe 2004, igika 22.
[96] *Urubanza rwa Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'Iremezo, igika 1999.

guhabwa ubuhamya bwa buri wese rukurikije ibimenyetso byose byatanzwe n'ibikubiye muri dosiye byose uko byakabaye. Urugereko ruzirikana kandi ibisabwa kugira ngo hagaragazwe ko Renzaho ahamwa n'icyaha, ndetse rukaba rwarasuzumye ibibazo byihariye bishobora kuvuka ruramutse rwemeye gushingira ku buhamya bw'abatangabuhamya bashinja, kwifashisha inyandiko z'ubwirege no kureba ibintu mu nzira imwe gusa *(« tunnel vision »).*

3. THARCISSE RENZAHO

79. Tharcisse Renzaho yavukiye muri Segiteri ya Kabare-1, Komini ya Kigarama, Perefegitura ya Kibungo, ku itariki ya 17 Nyakanga 1944. Arubatse, afite abana batanu. Yize ibya gisirikare mu Ishuri Rikuru rya Gisirikare (ESM), arangiza mu wa 1970 afite ipeti rya suliyetona. Nyuma yaje kuba umuyobozi wa peloto aza no kuba umuyobozi wa kompanyi. Renzaho kandi yakoze mu nzego zitandukanye zo mu buyobozi bukuru bw'ingabo, zirimo n'umutwe w'ingabo zijya ku rugamba. Mu wa 1984 yagizwe umuyobozi ushinzwe amasomo muri ESM, icyo gihe akaba yari amaze kuba liyetona koloneli[97].

80. Hagati ya 1980 na 1989, Renzaho yagiye ajya mu mahugurwa ya gisirikare mu Bubiligi no mu Budage. Ubwo yagarukaga mu Rwanda muri Nyakanga 1989, yagizwe umuyobozi w'agashami gashinzwe gahunda n'amasomo muri Minisiteri y'Ingabo. Ku itariki ya 5 Ukwakira 1990 ni bwo yavuye kuri uwo mwanya ubwo Perezida Juvénal Habyarimana yamugiraga Perefe wa mbere wa Perefegitura y'Umujyi wa Kigali yari imaze gushingwa[98].

[97] Imyanzuro nsozarubanza yanditse ya Porokireri, ibika. 1, 557; Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, urup. 5; Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 1, 3, 5-6.
[98] Imyanzuro nsozarubanza yanditse ya Porokireri, igika 1; Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 4-5.

81. Renzaho, nka Perefe, akaba ari we wari ushinzwe kubungabunga amahoro n'umutekano muri Perefegitura y'Umujyi wa Kigali. N'ubwo yakoraga imirimo ya gisiviri, yakomeje kuba umusirikare. Muri Nyakanga 1992 yazamuwe mu mapeti agirwa koloneli[99].

82. Nyuma y'urupfu rwa Perezida Habyarimana, mu gitondo cyo ku itariki ya 7 Mata 1994 Renzaho yemerewe kujya mu nama yahuje abayobozi bakuru b'ingabo yayobowe na Jenerali Augustin Ndindiliyimana, agirwa umwe mu bagize Akanama k'amahina (*Comité de crise*) kashyizweho muri iyo nama[100].

83. Renzaho yavuye mu Rwanda mu ntangiriro za Nyakanga 1994. Yafatiwe muri Repubulika iharanira Demokarasi ya Kongo ku itariki ya 29 Nzeri 2002, ashyikirizwa gereza y'Urukiko ku itariki ya 30 Nzeri 2002[101].

[99] Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 5-6; Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 8.
[100] Imyanzuro nsozarubanza yanditse ya Porokireri, igika 6; Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 48-56.
[101] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 1291; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 18, 45.

II. ICYICIRO CYEREKERANYE N'IBYABAYE

1. GUSHISHIKARIZA INTERAHAMWE IMYITOZO, 1993-1994

1.1 Intangiriro

84. Porokireri avuga ko kuva hagati mu wa 1993 kugera muri Nyakanga 1994 Renzaho yemereraga Interahamwe n'Impuzamugambi guteranira iwe mu rugo i Kanombe n'ahandi kugira ngo zihabwe imyitozo ya gisirikare, ndetse akanabizishishikariza. Hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994 abagize iyo mitwe y'Interahamwe n'Impuzamugambi bishe Abatutsi cyangwa babatera ababare buzahaza umubiri cyangwa mu mutwe, ibyo bikaba byaravuzwe n'abatangabuhamya biswe XXY na ALG. Ibyo birego Ubwunganizi burabihakana, bukavuga ko ubuhamya bwa Nyetera, ubwa Butera, n'ubw'abagabo biswe BOU, ABC, VDD, MAI, HAL na NYT buvuguruza ibimenyetso byatanzwe na Porikireri[102].

1.2 Ibimenyetso

Umutangabuhamya ushinja wiswe XXY

85. Umutangabuhamya wiswe XXY ni Umuhutu, akaba yarigaga mu ishuri ryari riri i Kanombe, yigana n'umuhungu wa Renzaho witwa Jean-François Régis. Iryo shuri ntiryari riri kure y'urugo rwa Renzaho rwari i Kanombe. Mu gihembwe cya mbere cy'umwaka w'amashuri 1993-1994, XXY yabaga mu kigo mu nzu abanyeshuri bararagamo, abanamo n'abandi banyeshuri benshi babaga aho mu kigo. Mu gihembwe cya kabiri yagiye kuba mu nzu abanyeshuri bacumbikagamo yari iri muri ako gace, hafi

[102] Inyandiko y'ibirego, ibika 11 na 28; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 128-141; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 14-15; Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 869, 872, 884-904; Inyandikomvugo y'iburanisha, 14 Kanama 2008, imp. 42-52, 58-59; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (inyandiko yuzuza ingingo Ubwunganizi bwatanze mu magambo*)*, ibika 886.1-886.3.

yo kwa Renzaho. Amazu nk'ayo akaba yari menshi muri ako gace. Umutangabuhamya yarushaga Régis nk'imyaka ibiri, ariko mu ishuri bicaranaga ku ntebe[103].

86. Ku itariki ya 3 Gicurasi 1993, ku munsi mukuru wa Mutagatifu Juvénal, abanyeshuri bo muri icyo kigo batumiwe mu rugo kwa Perezida w'u Rwanda ngo babakire. Ibirori birangiye, Renzaho yasabye abo banyeshuri kwinjira mu mutwe w'Interahamwe, abwira abari bazisanzwemo gukora urutonde rw'amazina y'urundi rubyiruko rwifuzaga kuwinjiramo. Uwo munsi, umunyeshuri witwa Jean Lummumba wari ukomeye mu mutwe w'Interahamwe yakoze urutonde rurerure rw'amazina kuko hari abanyeshuri benshi bari bavuze ko bashaka kwinjira muri uwo mutwe. Lummumba n'uwari umukuru w'abanyeshuri bavugaga ko urwo rutonde bazarwohereza Renzaho. Umutangabuhamya agereranije, muri abo banyeshuri bageraga nko ku 1.000 abari hagati ya 300 na 400 bari basanzwe ari Interahamwe. Régis ntiyari ari muri ibyo birori kuko yatangiye kwiga kuri icyo kigo muri Nzeri 1993[104].

87. Ku ishuri, Régis n'uyu mutangabuhamya bakoreraga hamwe ibintu byinshi, bombi bari mu muryango w'abasikuti kandi bakinaga umupira w'amaboko wa *basketball*. Bari banafite inshuti nyinshi bahuriyeho muri iryo shuri kandi biga mu ishami rimwe. zimwe muri izo nshuti zikaba zarabaga mu icumbi rimwe n'iryo uyu mutangabuhamya yabagamo aho i Kigali[105]. Muri Nzeri 1993, ubwo Régis yazaga kwiga i Kanombe, Renzaho yabaga mu rugo rwe rwavuzwe haruguru. Icyo gihe kandi muri urwo rugo habaga mubyara wa Régis witwa Mutesi n'umukozi wo mu rugo. Uyu mutangabuhamya yavuze ko mu wa 1994, umugore wa Renzaho n'abandi bana basigaye bavuye mu Kiyovu bakimukira i Kanombe, ariko ntiyibuka ukwezi bajemo. Yavuze kandi ko kuva

[103] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 5-6, 18-19, 24-25, 33-35, 42, 45. Umutangabuhamya wiswe XXY ubwo yavugaga amazu abanyeshuri bacumbikagamo yabayemo mu gihembwe cya kabiri yakoresheje ijambo « *home* » (urup. 19). Ikimenyetso gihamya cya Porokireri cyahawe nomero 66 (ifishi y'umwirondoro), kigaragaza ko XXY yavutse mu wa 1974.

[104] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 11-13, 20, 43-44, 50-51. Kugira ngo hatabaho ukunyuranya mu myandikire y'izina rimwe, Urugereko rwahisemo kujya rwandika « Lummumba » aho kwandika « Lumumba ». Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 13.

[105] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 36. XXY yakoresheje ijambo « *hostel* » mu cyongereza (mu nyandiko y'iburanisha y'igifaransa hakaba harimo ijambo « *home* », ni kimwe no haruguru, urup. 21), aha iryo jambo rikaba rishaka kuvuga icumbi ry'abanyeshuri yabagamo mu gihembwe cya kabiri. Umutangabuhamya kandi yanavuze ko Régis yari azi gutwara imodoka. Ni kimwe no haruguru, urup. 45.

mu Ugushyingo kugeza icyo gihe yajyaga kwa Renzaho hafi buri munsi. Ntiyashoboye kuvuga inshuro nyirizina yagiyeyo hagati y'uko kwezi na Werurwe 1994. Régis na we yajyaga iwabo w'uyu mutangabuhamya. Abagize umuryango wa Renzaho bose bamaze kwimukira aho i Kanombe, uyu mutangabuhamya ntiyongeye kujya ajya iwabo wa Régis kenshi, ariko yakomeje kujya ajyayo nka rimwe mu minsi ibiri cyangwa itatu kugera mu mpera za Werurwe 1994. Nta bwo azi umubare w'abandi bana ba Renzaho cyangwa amazina yabo[106].

88. Mbere y'uko abagize uwo muryango bimukira aho, uyu mutangabuhamya yajyaga abona imyenda y'Interahamwe iri hagati ya 50 na 100 yanitse hasi cyangwa ku migozi mu rugo kwa Renzaho. Ntiyasobanuye neza igihe nyirizina yaboneye iyo myenda cyangwa ngo avuge inshuro runaka yayibonye, ariko yavuze ko nibura yayibonye inshuro ebyiri. Yavuze ko Interahamwe zari zifite imyenda izwi cyane zambaraga muri za mitingi yari idoze mu gitambaro cy'igitenge, kuyimenya bikaba byari byoroshye[107].

89. Rimwe mbere ya Noheli yo mu wa 1993 hafi ya saa kumi n'imwe n'igice z'igicamunsi, XXY yagiye gusura Régis ajyanywe no gufatayo ibitabo, maze abona bisi yari ihagaze imbere y'urugo kwa Renzaho. Régis yamusobanuriye ko Interahamwe zari zigiye mu myitozo mu Mutara. Zimwe muri izo Nterahamwe zariho zifata ibintu byazo mbere yo kwinjira muri bisi. Zari zifite imifuka irimo za gerenade, harimo n'izifite imbunda. Ubwo Renzaho yahageraga mu ma saa kumi n'imwe n'igice z'igicamunsi ari mu modoka yo mu bwoko bwa Renault 21 y'umweru, izo Nterahamwe zari ziriho zicara muri iyo bisi. Mbere y'uko iyo bisi ihaguruka, Renzaho yarazipepeye azifuriza imyitozo myiza. Umutangabuhamya ntiyigeze na rimwe abona Régis ajya mu bikorwa by'Interahamwe, ariko akaba atahakana ko bishoboka ko yari azirimo[108].

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[106] Ni kimwe no haruguru, imp. 6-9, 12, 33-34, 36-38, 40-42, 45, 48-49, 51. Inyandikomvugo z'iburanisha zanditsemo ko mubyara wa Régis uvugwa yitwa « Mutesi ». Umutangabuhamya wiswe NYT na we ni ko yamwise, mu gihe abandi batangabuhamya bo bamwise « Umutesi ».

[107] Ni kimwe no haruguru, urup. 8.

[108] Ni kimwe no haruguru, imp. 9-10, 50-51. Umutangabuhamya wiswe XXY yavuze ko amabisi ya ONATRACOM, ari cyo Kigo cy'igihugu gishinzwe gutwara abagenzi, yakoreshwaga mu gutwara Interahamwe. Ni kimwe no haruguru, urup. 9.

Umutangabuhamya ushinja wiswe ALG

90. Umutangabuhamya wiswe ALG ni Umuhutu, akaba mu wa 1994 yari umuyoboke w'ishyaka rya MRND ari n'umuyobozi wo ku rwego rwo hejuru muri Komini ya Nyarugenge, muri Perefegitura y'Umujyi wa Kigali. Yavuze ko amashyaka menshi amaze kwemerwa muri Kamena 1991, Renzaho atongeye kuba Perezida wa MRND muri iyo Perefegitura, ariko ko ibyo bitamubujije gukomeza gukorana n'abayobozi b'iryo shyaka, harimo no gufatanya na bo mu guha imyitozo ya gisirikare urubyiruko rw'iryo shyaka rwitwaga Interahamwe. ALG yavuze ko Renzaho, nk'umuntu wari umusirikare, atashoboraga kugira ishyaka rya politiki na rimwe ajyamo[109].

91. Rimwe, mu mpera za Gashyantare cyangwa mu ntangiriro za Werurwe 1993, Renzaho yatumiye mu byiciro bitandukanye abayobozi b'amaserire, abo ku rwego rw'amakomini n'urw'amasegiteri mu biro bye. Abo bose (nka 15) bakaba bari abayoboke ba MRND. ALG yagiyeyo ari kumwe n'abayobozi nka bane cyangwa batanu. Renzaho yababwiye ko ubuyobozi bukuru bw'ingabo bubyumvikanyeho n'ishyaka rya MRND bwafashe icyemezo cyo guha Interahamwe imyitozo ya gisirikare mu ibanga. Icyari kigamijwe kukaba kwari ukugira ngo izo Nterahamwe zizafashe ingabo kurwanya Inkotanyi imirwano niramuka yongeye kubura, ndetse zizanagire uruhare mu bikorwa byo kurinda umutekano w'umujyi wa Kigali. Iyo myitozo ikaba yaragombaga kuzabera mu bigo bya gisirikare. Renzaho yababwiye ko ayo makuru ari ibanga, ko batagomba kujya kuyasasa muri rubanda, kugira ngo abatavuga rumwe na MRND batazava aho bamenya iyo gahunda bakayibangamira[110]

92. Abari muri iyo nama nyuma baje kujya bumva hirya no hino amakuru yerekeye ibigo iyo myitozo yaberagamo, nk'ikigo cya gisirikare cya Gabiro icyo gihe cyari mu Mutara[111] ho

[109] Ni kimwe no haruguru, imp. 56, 73-74; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 6, 8, 72-73; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 22-23; Ikimenyetso gihamya cya Porokireri cyahawe nomero 67 (ifishi y'umwirondoro).

[110] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 6-8; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 22-23.

[111] Inyandikomvugo z'iburanisha zombi zivuga « Mutura ». Mutura ariko ikaba ari iyo muri Gisenyi, mu gihe Mutara iri i Gabiro. Umutangabuhamya wiswe XXY yavuze « Mutara » kandi ni byo (haruguru), iryo zina Urugereko rukaba ari ryo rwahisemo gukoresha.

muri Perefegitura ya Byumba, icya Gako muri Superefegitura ya Bugesera muri Perefegitura ya Kigali Ngari, n'icya Bigogwe muri Perefegitura ya Gisenyi. Abahabwaga iyo myitozo bari benshi, ariko ALG ntiyashoboye kuvuga umubare wabo nyakuri. Ubwo amasezerano ya Arusha yashyirwagaho umukono, iyo myitozo ya gisirikare yahabwaga Interahamwe yari irimo kuba, nyamara icyo gihe amategeko u Rwanda rwagenderagaho yabuzaga amashyaka ya politiki kugira imitwe yitwara gisirikare[112].

Renzaho

93. Renzaho mu buhamya bwe yavuze ko nta ruhare yigeze agira mu byo kwinjiza abantu mu mutwe w'Interahamwe, ko no ku itariki ya 3 Gicurasi 1993 ibyo bintu nta byo yakoze. Yahakanye ko Interahamwe zitigeze zihagurukira iwe ziri muri bisi, avuga ko n'imyenda yazo itigeze imeserwa iwe mu rugo cyangwa ngo ihanikwe. Yasobanuye ko nyuma y'itariki ya 25 Gicurasi 1994 hari urubyiruko rwahawe imyitozo kugira ngo rwunganire abasirikare. N'ubwo amasezerano ya Arusha atemeraga ibyo guha intwaro abaturage b'abasiviri no kubaha imyitozo ya gisirikare, hari abasiviri bamwe bahawe imyitozo kugira ngo binjizwe mu ngabo z'u Rwanda[113].

Umutangabuhamya ushinjura wiswe ABC

94. Umutangabuhamya wiswe ABC ni Umuhutu, akaba afite icyo apfana na Renzaho. Yavuze ko abagize umuryango wa Renzaho bose bimukiye i Kanombe muri Gicurasi 1992, ko kandi kuva muri Nyakanga 1993 kugera muri Mata 1994 Régis yigaga mu ishuri ryari rihari. Yavuze ko Régis atigeze ajya mu muryango w'abasikuti, kandi ko iyo aza kuba hari inshuti z'amagara afite yari kubimenya. Abanyeshuri biganaga bazaga kumureba mu rugo ngo bakorane imikoro, muri bo uyu mutangabuhamya akaba atarigeze

[112] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 8; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 19, 22-23. Umutangabuhamya wiswe ALG yari azi gusa ibigo bya gisirikare Interahamwe zo muri Kigali zatorezwagamo, ariko akaba yaranumvise ko hari izindi Nterahamwe zatorezwaga ahandi. Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 7.

[113] Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 31-32, 33-35, 38 (« Icyo bita Interahamwe jye sinzi icyo ari cyo »), 42-43; Inyandikomvugo y'iburanisha, 31 Kanama 2007, urup. 10; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup. 15.

amenyamo umutangabuhamya wiswe XXY. Yavuze ko umunyeshuri witwa René wenyine ari we rimwe na rimwe wajyaga azana na Régis mu rugo, bombi bakaba bari baravutse mu mwaka umwe, ari wo wa 1981. Abana ba Renzaho bakaba batari bemerewe kugira inshuti zibarusha imyaka irenga itanu cyangwa itandatu. Umukobwa wa Renzaho mukuru yitwaga Umutesi[114].

95. ABC yavuze ko inyuma y'inzu aho bameseraga imyenda bakanayihanika hatari hanini ku buryo imyenda iri hagati ya 50 na 100 y'Interahamwe yari gushobora kuhameserwa cyangwa kuhanikwa. Yasobanuye ko imyenda yameswaga yari iy'abantu bo muri uwo muryango gusa, yongeraho ko kuva muri Nzeri kugera mu Ukuboza 1993 atigeze abona Renzaho yakira Interahamwe cyangwa azitumira. Yavuze kandi ko nta nzu abanyeshuri bacumbikagamo yari muri ako gace hafi yo kwa Renzaho[115].

Umutangabuhamya ushinjura wiswe VDD

96. Umutangabuhamya wiswe VDD ni Umuhutukazi, akaba afite icyo apfana n'umuryango wa Renzaho. Yavuze ko muri Gicurasi 1992 abagize uwo muryango bose bimukiye i Kanombe ku munsi umwe bavuye muri Perefegitura y'Umujyi wa Kigali. Umukobwa wabo Umutesi nta mpamvu yari gutuma yimuka mbere y'abandi ngo ajye muri iyo nzu yabo nshya kuko yigaga ku ishuri ryari riri imbere y'aho bari batuye i Kigali. Régis na we nta kuntu yari kujya kuba i Kanombe muri Gicurasi 1992 kuko yatangiye kwigayo muri Nzeri uwo mwaka. Interahamwe ntizari kwemererwa kwinjira mu nzu yo kwa Renzaho[116]. VDD ntiyashoboye guhamya ko atigeze ahura na rimwe n'umutangabuhamya wiswe XXY, ariko yavuze ko yumva Régis nta nshuti yari afite. Yavuze ko yibuka abana biganaga na Régis bitwa René na Emmanuel. Kimwe na Régis,

[114] Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, imp. 29-35, 51-54, 56; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 42 (ifishi y'umwirondoro).
[115] Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, imp. 30-31.
[116] Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, imp. 5, 9-10, 13; Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 16.

uwo René yavutse mu wa 1981, kandi rimwe na rimwe yakoranaga imikoro na Régis mu rugo kwa Renzaho[117].

Umutangabuhamya ushinjura wiswe MAI

97. Umutangabuhamya wiswe MAI ni Umuhutu, akaba afite icyo apfana n'umuryango wa Renzaho. Yavuze ko inzu y'uwo muryango y'i Kanombe yatangiye kubakwa mu ntangiriro zo mu wa 1992, ikuzura mu ntangiriro zo mu wa 1993. Abagize uwo muryango bose bayimukiyemo ku munsi umwe hafi muri Kamena cyangwa Nyakanga 1993, hakubiyemo n'abana barimo Jean-François Régis n'Umutesi. Umuntu wagenzuraga imirimo y'iyubakwa ry'iyo nzu yayibagamo wenyine kuva muri Gashyantare 1993 kugera igihe uwo muryango uyitahiyemo. Nta wundi muntu wari ufite urufunguzo rw'iyo nzu, uwo muntu iyo yajyaga ku kazi yasigaga akinze[118].

98. MAI yavuze ko nta myenda ya gisirikare cyangwa iy'imitwe yitwara gisirikare yari gushobora kumeserwa hariya hantu igihe uriya muntu wagenzuraga imirimo y'ubwubatsi bw'iriya nzu yahabaga, kuko muri icyo gihe nta mazi yari ahari. Nta bantu bo mu mitwe yitwara gisirikare bigeze baza kuri iyo nzu kuva muri Gashyantare 1993, kandi uwo muryango nta rubyiruko rw'amashyaka ya politiki wigeze wakira mu rugo rwawo. MAI nta nshuti ya Régis n'imwe yigeze abona iza kumusura, nta n'inzu abanyeshuri bacumbikagamo yari iri muri ako gace ko hafi y'iyo nzu[119].

[117] Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, urup. 14; Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 11-12. Umutanganbuhamya wiswe VDD yavuze ko atazi niba René na Emmanuel yabita « inshuti » za Régis cyangwa yavuga ko « biganaga na we » gusa. (Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 11). Ngo rimwe Régis yamubwiye undi muntu w'inshuti ye wajyaga aza iwabo mu rugo ariko VDD akaba atari azi uwo muhungu (Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, urup. 14).

[118] Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 6-10; Ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 76 (ifishi y'umwirondoro).

[119] Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 7, 10, 11 (« Umuryango wa Renzaho wari umuryango wubashywe kandi… abantu bo muri urwo rwego [aha yavugaga urubyiruko rw'amashyaka ya politiki] ntibashoboraga kujya mu rugo rwawo »), 12-13.

Umutangabuhamya ushinjura wiswe HAL

99. Umutangabuhamya wiswe HAL ni Umuhutu, akaba yarakoreraga umuryango wa Renzaho. Yavuze ko inzu yabo y'i Kanombe yatangiye kubakwa mu wa 1990 ikarangira mu wa 1992. Yavuze ko abagize uwo muryango bose, barimo na Régis, bimukiye aho i Kanombe ku munsi umwe muri Gicurasi 1992. Uyu mutangabuhamya yabafashije muri icyo gikorwa cyo kwimuka[120]. Yavuze ko igihe iyo nzu yari iri kubakwa akenshi yabaga ahari, akaba nta Nterahamwe n'imwe yigeze ahabona cyangwa ngo ahabone imyenda yazo. Yasobanuye ko aho umuntu ahingukira yinjira mu rugo hari imbuga nto cyane. Yahakanye ko nta banyeshuri bari bacumbitse muri ako gace, kuko bose babaga mu kigo cy'ishuri nko mu birometero bibiri uvuye kwa Renzaho[121].

100. Buri munsi saa moya za mu gitondo HAL yajyaga gusura iyo nzu, agakorayo imirimo itandukanye, akaza kugarukayo saa tatu z'ijoro cyangwa ikindi gihe cyose yaboneraga umwanya. Mu wa 1993 yahageraga inshuro nka zingahe ku munsi, ariko akaba nta Nterahamwe n'imwe yigeze abonayo, nta na bisi yigeze abona ihagaze aho hanze. Iyo Régis yavaga mu rugo agiye cyangwa iyo yagarukaga yaramubonaga, akaba atarigeze abona ko Régis hari inshuti yari afite. Yabonaga akiri muto ku buryo nta nshuti yari kugira, kuko mu wa 1994 yari afite nk'imyaka 12[122].

Umutangabuhamya ushinjura wiswe NYT

101. Umutangabuhamya wiswe NYT ni Umuhutu, akaba mu mwaka w'amashuri 1992-1993[123] yariganaga na Régis n'umutangabuhamya wiswe XXY, yiga ataha. Kuva muri Nzeri 1992 yajyaga kwa Renzaho kenshi gusura Régis kuko yari afite mwenewabo wari utuye aho hafi. Kuva yajya kubasura bwa mbere Régis na nyirarume/sewabo bakaba barabaga muri iyo nzu, ndetse rimwe na rimwe akaba yaranahasangaga « Mutesi » cyangwa Josiane, cyangwa undi mwana uwo ari we wese mu bana ba

[120] Inyandikomvugo y'iburanisha, 18 Kamena 2007, imp. 4-7, 31, 42; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 64 (ifishi y'umwirondoro).
[121] Inyandikomvugo y'iburanisha, 18 Kamena 2007, imp. 5-8.
[122] Ni kimwe no haruguru, imp. 8-10, 19 (avuga ko Régis atari azi gutwara imodoka).
[123] N'ubwo uyu mutangabuhamya atavuze ubwoko bwe, se yari Umuhutu. Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, urup. 32.

Renzaho. Ahagana mu mpera z'Ukuboza 1992, abagize uwo muryango bose bari barimukiye muri iyo nzu. Mu mwaka w'amashuri 1993-1994 ubwo uyu mutangabuhamya yigaga mu wa gatatu ari na wo mwaka wa nyuma yize kuri icyo kigo, yajyaga iwabo wa Régis gukorerayo imikoro inshuro eshatu mu cyumweru, ndetse rimwe na rimwe zikanarenga. Yanajyaga kubasura kandi muri za wikendi. Nta Nterahamwe yigeze abona kwa Renzaho, ndetse nta n'imyenda yazo yigeze abona imeserwayo cyangwa yanitseyo. Inyuma mu gikari hari imbuga[124].

102. Régis nta mukino n'umwe yakinaga kandi nta n'ubwo yari mu muryango w'abasikuti cyangwa ngo abe mu mutwe w'urubyiruko rw'ishyaka iryo ari ryo ryose. NYT na we nta mutwe w'urubyiruko rw'ishyaka yari arimo. Yavuze ko hari umuhungu wigaga aho ku ishuri mu mwaka w'imbere yabo witwa Lummumba witabiraga ibya politiki. NYT akaba yari inshuti ikomeye ya Régis kuva bakiri abana bato. Banganyaga imyaka, ariko akaba atibuka itariki Régis yavukiyeho. NYT yari azi XXY kuko bigaga mu ishuri rimwe, ariko XXY akaba atari inshuti ya Régis. Iyo aza kuba yari nshuti ya Régis NYT aba yarabimenye. NYT yavuze ko atigeze abona XXY mu rugo kwa Renzaho, kandi ko iyo aza kuba yarahaje Régis aba yarabimubwiye. Régis nta nshuti nyinshi yari afite, ariko bikaba bishoboka ko hari umuhungu witwa Emmanuel wajyaga aza mu rugo kubasura[125].

103. Renzaho ntiyigeze aza kuri iryo shuri ku itariki ya 3 Gicurasi 1993. Mu kwizihiza umunsi mukuru wa Mutagatifu Juvénal, abanyeshuri n'abarimu barakirwaga, bagategurirwa ifunguro ryiza bagasangira. Nta jambo ryahavugirwaga. NYT ntiyigeze ajya mu muhango wo kwakirwa mu rugo kwa Perezida Habyarimana[126].

Umutangabuhamya ushinjura witwa Antoine Théophile Nyetera

104. Antoine Théophile Nyetera ni Umututsi, akaba yarakoraga ubushakashatsi mu Rwanda mu birebana n'amateka n'ubuhanga mu mimerere y'abantu (*anthropologie*) ubwo ibivugwa byabaga mu wa 1994. Muri Mata, Gicurasi na Kamena yagiye ava mu rugo

[124] Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 24-28, 29 (avuga ko Régis atigeze amenya gutwara imodoka), 38-41; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 67 (ifishi y'umwirondoro).
[125] Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 26-30, 32-33, 37, 41-43.
[126] Ni kimwe no haruguru, imp. 29, 41-42.

inshuro imwe gusa buri kwezi, ariko abantu bazaga kumusura bamubwiraga uko ibintu byifashe. Akurikije uko abizi muri rusange, nta kuntu Renzaho yari kugira ishyaka rya politiki ajyamo, kuko Itegeko Nshinga ry'u Rwanda ritemereraga abasirikare kujya mu mashyaka ya politiki. Abo mu mitwe yitwara gisirikare bahabwaga amabwiriza n'abayobozi babo mu rwego rwa politiki, kandi buri mutwe ukagengwa n'ishyaka ryawushinze. Nta muperefe wagiraga icyo afasha cyangwa ngo agire uruhare mu ishyirwaho ry'imitwe y'urubyiruko y'amashyaka ya politiki. Nyetera yavuze ko ibyo abizi kubera ko ari « ibintu byari bisanzwe bizwi »[127].

Umutangabuhamya ushinjura witwa Jean-Baptiste Butera

105. Jean-Baptiste Butera ni Umuhutu, akaba yari umuyobozi wa Porogaramu y'Igihugu yo kurwanya SIDA yakoreraga muri Minisiteri y'Ubuzima, muri Mata 1994. Kimwe na Renzaho akaba akomoka muri Perefegitura ya Kibungo. Yavuze ko yumva Perefe wa Perefegitura y'Umugi wa Kigali nta kintu cyihariye yahuriragaho n'Interahamwe, kuko yasabwaga kutagira aho abogamira mu bya politiki, akaba yari kwirukanwa biza kugaragara ko afite ikintu cyihariye ahuriyeho n'urubyiruko rw'ishyaka rya politiki iryo ari ryo ryose. Minisitiri w'Intebe yari guhita ashyiraho undi muntu umusimbura[128]

Umutangabuhamya ushinjura wiswe BOU

106. Umutangabuhamya BOU ni Umuhutu, akaba yari umukozi mukuru muri minisiteri igice kimwe cyo mu wa 1993 kugera mu ntangiriro za Mata 1994. Yavuze ko Renzaho nk'umuntu wari perefe yari ategetswe kutagira aho abogamira muri politiki no kutagira ikintu cyihariye ahuriraho n'ishyaka rya politiki iryo ari ryo ryose cyangwa umutwe witwara gisirikare uwo ari wo wose. Muri rusange byaravugwaga ko mu Rwanda hari

[127]Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 18-19, 21-22, 37-40; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 72 (ifishi y'umwirondoro). Nyetera (wabanje guhabwa izina rya BIT) yavuze ko akomoka mu gisekuru cy'ibwami, kandi ko umugore we n'abana be bapfuye hagati ya Mata na Nyakanga 1994. Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 18, 37-38.

[128] Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 67-68; Inyandikomvugo y'iburanisha, 23 Gicurasi 2007, imp. 13, 17; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 46 (ifishi y'umwirondoro). Mbere, Butera yari yahawe izina rya LAA.

ahantu Interahamwe zatorezwaga, ariko BOU ibyo akaba yarabyumvanaga gusa abantu bo ku ruhande rutavugaga rumwe n'ubutegetsi ku rwego rwa komini. Muri komini ye ibyo bintu ntabyahavugwaga. Yavuze ko iyo mu rugo kwa Renzaho haza kuba haratorejwe abantu bo mu mitwe yitwara gisirikare byari kuba byaramenyekanye[129].

1.3 Isesengura ry'Urugereko

107. Porokireri yifashisha ubuhamya bwa XXY na ALG mu kugaragaza ko Renzaho yahaye Interahamwe uburenganzira bwo guhabwa imyitozo ya gisirikare ndetse akanabizishishikariza. Ibimenyetso atanga hano bikaba bigaragaramo n'ibintu byabaye mbere ya 1994, ni ukuvuga bitari mu bubasha bw'Urukiko bushingiye ku gihe ibyaha byakorewe. Ubukemuramanza ariko bukaba bugaragaza ko Urugereko rushobora kwakira ibimenyetso nk'ibyo iyo rusanga ari ingenzi, bifite agaciro gafatika kandi nta mpamvu igaragara ihari irubuza kubyakira[130].

108. Muri rusange umuntu abona ubuhamya bwa XXY budahuzagurika kandi ari ubwo kwemerwa. Ubuhamya yatangiye mu Rukiko n'ubwanditse yahaye abapererezi b'Urukiko mu Ukuboza 2000 ntibuvuguruzanya ku buryo bugaragara. Mu ibaza rinyomoza, Ubwunganizi bwavuze ko urebye imyaka uyu mutangabuhamya yari afite bisa n'ibidashoboka ukuntu yari kubonana n'abantu bakomeye benshi kuriya nk'uko we abavuga mu buhamya bwe bwanditse[131]. Umutangabuhamya yasobanuye imibereho ye

[129] Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 32, 44-45; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 44 (ifishi y'umwirondoro). Umutangabuhamya wiswe BOU yavuze ko iyo Interahamwe ziza kuba zaritoreje mu rugo kwa Renzaho igihugu cyose cyari kuba cyarabimenye. Abatavuga rumwe n'ubutegetsi bari gutangaza iyo nkuru mu binyamakuru, bigatuma Perezida wa Repubulika amwirukana ku kazi ke bidatinze. Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 45.

[130] Nk'urugero, Urugereko rwa Mbere rw'Iremezo rushobora kwemera ndetse rugashingira ku bimenyetso bivuga ku bintu byabaye mbere ya 1994 iyo bigamije gusobanura ukuntu ibyaha byakozwe, gusobanura mu buryo buziguye ibintu (by'umwihariko umugambi w'Uregwa wo gukora icyaha) bigize imyitwarire mibisha mu wa 1994, cyangwa kugaragaza uko uregwa yari asanzwe yitwara. *Urubanza rwa Nahimana na bagenzi be*, Inyandiko y'urubanza mu bujurire, ibika 315-316; *Urubanza rwa Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'iremezo, igika 358.

[131] Iyo nyandiko y'ubuhamya yasinywe ku itariki ya 13 Ukuboza 2000 ntiyatanzweho nk'ikimenyetso gihamya ariko Ubwunganizi bukaba bwarayikoresheje mu iburanisha. Ivuga ukuntu uyu mutangabuhamya hari abantu yabonye kandi akumviriza ikiganiro cyabo, ari bo : Fulgence Niyonteze, Musenyeri Musabyimana, Callixte Nzabonimana wari Minisitiri w'Urubyiruko, Eliezer Niyitegeka wari Minisitiri w'Itangazamakuru, Jenerali Gratien Kabiligi, Jenerali Ndindiliyimana, Koloneli Bagosora na Majoro Aloys Ntabakuze Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 46-47. Urugereko ruributsa ko ibi bice by'ubu buhamya bwanditse nta cyo bivuga kuri Renzaho cyangwa ku myitozo ya gisirikare.

yihariye yatumye ibyo bintu bishoboka, yongeraho ko yumvise gusa bimwe mu byo abo banyacyubahiro bavugaga, ariko ko atigeze aganira na bo. Urugereko rukaba rwemeye icyo gisobanuro.

109. XXY yavuze ko ku itariki ya 3 Gicurasi 1993 mu muhango wo kwakira abanyeshuri wari wabereye mu rugo kwa Perezida Habyarimana, Renzaho yakanguriye abanyeshuri kwinjira mu mutwe w'Interahamwe. Umutangabuhamya ushinjura wiswe NYT yemeje ko XXY yigaga kuri icyo kigo, ariko avuga ko uwo munsi atigeze abona Renzaho. Urugereko rusanga ayo makuru yombi ashobora kubangikanywa. NYT ntiyigeze ajya muri uwo muhango wo kwakira wabereye kwa Perezida, bityo nyine akaba nta kuntu yari kubona Renzaho ashakayo abantu bo kwinjiza mu mutwe w'Interahamwe. Byongeye kandi, NYT yashimangiye amakuru avuga ko aho ku ishuri hari umuhungu witwaga Lummumba witabiraga ibya politiki, nk'uko XXY na we yabivuze.

110. XXY yavuze ko mbere gato ya Noheri yo mu wa 1993 hari Interahamwe zari ziri muri bisi zahagurukiye imbere yo kwa Renzaho zigiye mu myitozo. Yanavuze ko imyenda y'izo Nterahamwe yanitswe kuri urwo rugo nibura inshuro ebyiri hagati ya Nzeri 1993 na Werurwe 1994 ubwo abagize uwo muryango bose bimukiraga muri iyo nzu. Ibyo Ubwunganizi bwarabihakanye, bunatanga ibimenyetso byo kugaragaza ko XXY atari inshuti ya Régis.

111. Uretse NYT, abandi batangabuhamya bashinjura bose bafite icyo bahuriyeho na Renzaho, haba mu masano y'imiryango cyangwa se mu by'akazi. Bityo rero, ubuhamya bw'abo nta gaciro kanini bwahabwa. Hari n'aho bagiye bavuguruzanya ku bijyanye n'igihe Régis yatangiriye kwiga i Kanombe[132], igihe inzu ya Renzaho yubakiwe[133], igihe abagize uwo muryango bimukiye bajya i Kanombe[134], no kumenya niba byari gushoboka

[132] Umutangabuhamya wiswe ABC yavuze ko hari muri Nyakanga 1993; uwiswe VDD avuga ko hari muri Nzeri 1992, naho uwiswe HAL avuga ko Régis yatangiye kuhiga mu mwaka w'amashuri wa 1993. Umutangabuhamya wiswe NYT we yavuze ko Régis yatangiye kuhiga mu mwaka w'amashuri wa 1992-1993. Urugereko ruributsa ko XXY yavuze ko Régis yatangiye kwiga kuri iryo shuri muri Nzeri 1993.

[133] Umutangabuhamya wiswe HAL yavuze ko imirimo y'ubwubatsi yatangiye mu wa 1990 ikarangira mu wa 1992, mu gihe uwiswe MAI we yavuze ko yatangiye mu ntangiriro z'uwa 1992 ikarangira mu ntangiriro z'uwa 1993.

[134] Abatangabuhamya biswe HAL, VDD na ABC bavuze ko abagize uwo muryango bimutse muri Gicurasi 1992, mu gihe MAI we yavuze ko hari muri Kamena cyangwa Nyakanga 1993. ABC na MAI bavuze ko ibyo

kumesera imyenda y'Interahamwe 50 cyangwa irenga mu rugo kwa Renzaho[135]. Urugereko ruremera ko kugereranya igihe bigoye nyuma y'imyaka yose ishize biriya bintu bibaye, ariko na none rusanga kunyuranya kariya kageni bikabije. Byongeye kandi, NYT yemeje ibyo XXY yavuze by'uko Régis yabanaga na nyirarume/sewabo i Kanombe mbere y'uko abandi bagize umuryango we na bo bahimukira.

112. Urugereko rwasuzumye ingingo yatanzwe ivuga ko umuntu arebye itandukaniro riri hagati y'imyaka ya Régis n'iya XXY bisa n'ibidashoboka ko bari kuba inshuti. Biragaragara ko icyo gihe uyu mutangabuhamya yari afite hagati y'imyaka 19 na 20. Ibimenyetso byatanzwe n'ubwunganizi bivuga ko icyo gihe Régis yari afite imyaka 12 cyangwa 13 gusa, mu gihe XXY we yavuze ko yumva bararushanwaga imyaka ibiri gusa. Régis nta buhamya yatanze, ndetse nta n'icyemezo cye cy'amavuko cyigeze gitangwa. Umuntu atiriwe atinda ku by'imyaka nyayo barushanwaga, kuba NYT yaravuze ko XXY na Régis biganaga mu ishuri rimwe bisobanuye byinshi. Bityo rero, Urugereko rukaba rwemera ko rimwe na rimwe bakoreraga imikoro hamwe, baba bari inshuti cyangwa bariganaga gusa. Kuba XXY atarashoboye kwibuka amazina y'abana ba Renzaho ndetse n'umubare wabo bikaba bitatuma ubuhamya bwe buhera ko bukemangwa[136].

113. Ubuhamya bwa XXY hari ukuntu bushimangirwa n'ubwo ALG yatanze ku bijyanye n'amanama bavuga ko Renzaho yakoresheje mu mpera za Gashyantare no mu ntangiriro za Werurwe 1993, akamenyesha abari bayarimo ibyerekeye imyitozo y'Interahamwe mu ibanga. ALG muri iki gice cy'ububuhamya bwe ubona adahuzagurika kandi ibyo avuga

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byahuriranye n'ikomezwa ry'abana ba Renzaho, nyamara ariko bombi baka banyuranya ku kwezi n'umwaka uwo muryango wimukiyemo.

[135] HAL yavuze ko iyo nzu yari ifite imbuga nto umuntu yahingukiragaho yinjira mu rugo, mu gihe NYT we yavuze ko iyo mbuga yari iri inyuma mu gikari.

[136] Ubwunganizi buvuga ko ubuhamya bwa XXY ku bijyanye n'aho yabaga, ibyo kuba Régis yari mu muryango w'abasikuti, yarakinaga umupira w'amaboko wa *Basketball* ndetse azi no gutwara imodoka atari ukuri. Urugereko rukaba rusanga utwo ari utuntu tudakomeye ku buryo twatuma ubuhamya bwe bukemangwa. Ni kimwe n'ibyerekeye ahantu uyu mutangabuhamya yari acumbitse nyirizina, icyo si ikintu cy'ingenzi cyane, kubera ko ukunyuranya kwagaragaye mu buhamya gushobora kuba kwaratewe gusa n'amagambo anyuranye yagiye akoreshwa, (« *hostel* » « *home* », n'andi).

bigaragara nk'ukuri[137]. N'ubwo muri ubwo buhamya nta hantu havugwa igikorwa runaka Renzaho yakoze cyo gukangurira Interahamwe kujya mu myitozo, biragaragarara ko yari azi neza iby'iyo myitozo ya gisirikare Interahamwe zahabwaga kandi ko yari ayishyigikiye.

114. Abatangabuhamya bashinjura ari bo Nyetera, Butera na ABC bavuze ko iyo Perefe aza gushyigikira Interahamwe yari kuba arenze ku nshingano ze zo kutagira aho abogamira. Urugereko ariko ntirwemeye ubuhamya bwabo. N'ubwo bishoboka ko amategeko ari uko yabiteganyaga, ntibivuga ko mu by'ukuri bamwe mu baperefe badashobora kuba barashyigikiye amashyaka runaka. Ibi bishimangirwa n'ibikubiye mu nyandiko y'akazi yateguwe na Komite Nyobozi ya MDR muri Gicurasi 1992. Muri iyo nyandiko, izina rya Renzaho riri ku rutonde rw'abantu bavugwa ko bari bashinzwe gushaka abavuye mu ngabo no muri jandarumori kugira ngo binjizwe mu mutwe w'Interahamwe[138]. Renzaho yahakanye ibikubiye muri iyo nyandiko, avuga ko nta shingiro bifite[139]. Urugereko ruributsa ko MDR yari ishyaka ritavuga rumwe na MRND, iyo nyandiko yaryo ikaba isa n'iyari igamije gusakaza ibitekerezo bya politiki, bityo ikaba nta gaciro gakomeye yahabwa. Igaragaza ariko ko Renzaho yafatwaga nk'uri mu mutwe wa politiki wa MRND, kandi ko yari ashyigikiye ibyo gushakisha abajya mu mutwe w'Interahamwe[140].

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[137] Umutangabuhamya wiswe ALG yafatiwe mu Rwanda mu wa 1998, nyuma aza kurekurwa by'agateganyo mu wa 2005, igihe yatangaga ubuhamya akaba yari agitegereje kuburanishwa mu rubanza akurikiranyweho jenoside. Urugereko ruzirikana ko ashobora kuba yaratanze ubuhamya agamije kwishyira aheza ngo bibe byamugirira akamaro mu rubanza rwe mu Rwanda (nk'urugero, reba II.2), ariko rusanga muri uru rubanza icyo atari ikintu cy'ingenzi.

[138] Ikimenyetso gihamya cya Porokireri cyahawe nomero 115 (« Interahamwe *za* Muvoma cyangwa Intagondwa z'ishyaka rya MDR », inyandiko y'akazi ya Komite Nyobozi ya MDR yo ku itariki ya 14 Gicurasi 1992 yasinywe na Dogiteri Anastase Gasana wari umwe mu bagize Biro Politiki ya MDR. Izina rya Renzaho rigaragara mu gice cyiswe « Abashinzwe gushaka mu bahoze ari abasirikare cyangwa abajandarume abantu bo kwinjiza mu mutwe w'Interahamwe » (imp. 6-7).

[139] Renzaho yavuze ko Gasana yabanje kuba umuyoboke wa MRND nyuma akaza kujya muri MDR bakamuhatira kwandika inyandiko nka ziriya. Yavuze kandi ko iyo nyandiko y'akazi yavuzweho i Buruseli mu wa 1992 ubwo amashyaka ya politiki yagiranaga imishyikirano na FPR. Renzaho yavuze ko kuva ku itariki ya 14 Gicurasi 1992, Guverinoma yari iyobowe na Minisitiri w'Intebe ukomoka mu ishyaka ritavuga rumwe n'ubutegetsi, mu gihe we nta mutwe wa politiki wari umushyigikiye. Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 32-33. Urugereko rusanga ariko ibyo bidasobanura impamvu yatuma abantu bamwibeshyaho bakamubona nk'umuntu ufite uruhare mu birebana no gushaka abantu bo kwinjiza mu mutwe w'Interahamwe.

[140] Urugereko rwazirikanye ibyo Ubwunganizi bwavuze ko XXY yanze gutanga ajenda ye (*diary*), ariko rusanga ibyo nta kibazo gikomeye biteye. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 48 (« Ntabwo naguha ajenda yanjye ngo undebere amabanga yose uko yakabaye »).

115. Urugereko rumaze gusuzuma ibimenyetso byose byatanzwe, rusanze muri Gicurasi 1993 Renzaho yarashishikarije abanyeshuri b'i Kanombe kwinjira mu mutwe w'Interahamwe, naho mu mpera z'uwa 1993 akaba yarakiriye Interahamwe iwe mu rugo akazishishikariza kwitabira imyitozo ya gisirikare. Nyamara ariko, Urugereko ruributsa ko hakurikijwe Sitati ya TPIR, gushyigikira umutwe w'urubyiruko ubwabyo atari icyaha. Byongeye kandi, abatangabuhamya biswe XXY na ALG ntibigeze bavuga ko icyo gihe Renzaho hari amagambo yigeze avuga yo kwibasira Abatutsi cyangwa ko iyo myitozo yari igamije kuzica Abatutsi.

2. BARIYERI ZO MURI PEREFEGITURA Y'UMUJYI WA KIGALI

2.1 Intangiriro

116. Inyandiko y'ibirego ivuga ko kuva ku itariki ya 7 Mata kugeza ku ya 17 Nyakanga 1994, abasirikare, abajandarume, abantu bo mu mitwe yitwara gisirikare n'abasirikare bavuye mu ngabo bashyizeho kandi bagacunga za bariyeri muri Perefegitura y'Umujyi wa Kigali hose. Muri izo bariyeri, harimo izashyizwe ku Gitega no ku kigo cya ONATRACOM, ibyo bakaba barabikoze bahawe amabwiriza na Renzaho ndetse akaba ari na we wabagenzuraga. Hafi y'itariki ya 10 Mata, Renzaho yatumije inama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali. Muri iyo nama yategetse abayobozi b'inzego z'ibanze gushyiraho za bariyeri kugira ngo bashobore gutahura Abatutsi no kubica. Byongeye kandi, ku matariki atandukanye yo muri Mata na Gicurasi 1994 yagiye asaba abayobozi b'inzego z'ibanze kuba maso aho bari kuri za bariyeri. Yanyuzaga amatangazo kuri Radiyo Rwanda kenshi atanga amabwiriza yo gushyiraho za bariyeri no kuzicunga. Izo bariyeri zikaba zarakoreshwaga mu gutangira Abatutsi, kubatahura no kubica. Ibyo byavuzwe n'abatangabuhamya biswe AFB, UB, AWE, ALG na GLJ, n'umutangabuhamya witwa Corinne Dufka hamwe n'umutangabuhamya w'impuguke witwa Alison Des Forges[141].

[141] Inyandiko y'ibirego, ibika. 7-10, 25-27; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika. 32, 46, 55, 75-77, 83, 91, 101-104, 108-127, 129, 152, 162-164, 170, 173, 192-193, 201, 204, 213-214, 228, 253, 264, 276, 302, 317, 325 (b,f), 340-341, 361, 366, 405, 438, 450, 509-519, 521, 523-527, 529; Inyandikomvugo y'iburanisha, 14

117. Ubwunganizi buvuga ko Inyandiko y'ibirego idakubiyemo amakuru arambuye, bityo ikaba itamenyesha Uregwa ibi birego mu buryo bukwiye. Bunavuga ko Renzaho nta tegeko yigeze atanga ryo gushyiraho za bariyeri, ko ahubwo abaturage b'abasiviri ari bo bibwirije kuzishyiraho kandi bitateguwe. Mu matangazo Renzaho yanyuzaga kuri radiyo akaba ahubwo yaratangaga amabwiriza yo kuvanaho izo bariyeri, ari na ko yamaganaga abazikoreragaho ibyaha. Nta bushobozi n'uburyo ubwo ari bwo bwose yari afite bwo kugenzura izo bariyeri. Ibyo Ubwunganizi bubyemeza bwifashishije ubuhamya bwa Antoine Nyetera, ubw'abatangabuhamya biswe AIA, PPV, BDC, PPO, HIN, GOA, PGL, n'ubw'umutangabuhamya w'impuguke witwa Bernard Lugan[142].

2.2 Ibimenyetso

Umutangabuhamya ushinja wiswe AFB

118. Umutangabuhamya wiswe AFB ni Umuhutu, akaba yari umukozi wa Leta.Yavuze ko ku itariki ya 8 Mata 1994 we n'abaporisi bane bazengurutse mu mujyi wa Kigali baherekeje Renzaho, ariko Renzaho akaba atari ari mu modoka imwe na bo. Hagati ya saa munani na saa cyenda z'amanywa banyuze kuri bariyeri esheshatu. Renzaho n'abo bantu bari bamuherekeje nta kibazo bahuye na cyo, AFB akaba yumva ahari ari ukubera ko muri iyo perefegitura Renzaho ari we muyobozi wasumbaga abandi mu ntera[143].

Gashyantare 2008, imp. 14-15, 18-19; Inyandikomvugo y'iburanisha, 15 Gashyantare 2008, imp. 14-15. Ubuhamya bwa UL, SAF, KBZ, BUO na UI bwitaweho ubwo Urugereko rwakoraga isesengura, ariko kubera ko buvuga ku myitwarire ya Renzaho ku bijyanye na bariyeri mu buryo buziguye gusa, nta ncamake yabwo rutanga mu cyiciro kirebana n'ibimenyetso.

[142] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 9, 11, 28-32, 106-108,112-121,133-134,145-149, 162-164, 303-317, 718-799, 1035-1043, 1111-1128; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (*compléments écrits aux arguments oraux de la Défense* [ibisobanuro byanditse byuzuza ingingo Ubwunganizi bwatanze mu magambo]) ibika 753.1-753.7; Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, imp. 3-4; iryo ku ya 14 Gashyantare 2008, imp. 46-51, 53-58; n'iryo ku ya 15 Gashyantare 2008, imp. 16-18. Ubwunganizi kandi bunifashisha abatangabuhamya UT, BOU, RGI, MAI, KRG, WOW na Jean-Baptiste Butera. Ubwo abacamanza bajyaga impaka basuzumye ubuhamya bw'abo bagabo ariko ntibabushyira mu gice kivuga ku bimenyetso kubera impamvu zavuzwe mu bisobanuro byo hasi ku rupapuro bibanziriza ibi.

[143] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 69, 86, 88, 94-95; Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 17; Ikimenyetso gihamya cya Porokireri cyahawe nomero 64 (ifishi y'umwirondoro).

119. Renzaho n'abari bamuherekeje babanje kujya kwa Rose Karushara muri Segiteri ya Kimisagara, bamusanga kuri bariyeri ari kumwe n'Interahamwe nka 20 cyangwa 30 zitwaje imbunda, amahiri, imipanga n'ibyuma. AFB yabonye kandi aho hafi abantu bicaye hasi, akaba yaraketse ko bari Abatutsi kubera ko icyo gihe Abatutsi bahigwaga. Renzaho yagumye mu modoka avugana na Karushara, arangije avugana n'Interahamwe zari zimukikije, azibwira ko zigomba gukomeza akazi kazo. AFB ngo akaba yarumvise ko ubwo « [Renzaho] yari ari kuzisaba kwica ». Interahamwe zamusabye kuzongerera intwaro, Renzaho azibwira ko azaziziha[144].

120. Nyuma y'aho, izo modoka zahagaze kuri bariyeri ya kabiri yari muri Segiteri ya Nyakabanda. Renzaho yavuganye na konseye wari umaze igihe gito ashyizweho, anavugana n'Interahamwe zari zihari zitwaje intwaro. Izo Nterahamwe zasabye Renzaho kuziha izindi mbunda, azibwira ko azazishaka. Ubwo izo modoka zanyuraga kuri bariyeri ya gatatu yari iri ku muhanda wa Nyamirambo hafi y'ikigo cy'abafurere b'Abayozefiti, AFB yahabonye imirambo. Iyo bariyeri yari icunzwe n'Interahamwe n'abafurere babiri b'Abayozefiti. Ubwo basubiraga mu mujyi bari muri izo modoka, AFB yabonye indi mirambo kuri bariyeri yari iri kuri Burigade ya Jandarumori i Nyamirambo hafi y'ikigo cya Club Rafiki, ahateganye na sitasiyo ya lisansi ya Petrorwanda. Iyo bariyeri yari icunzwe n'abajandarume bafite imbunda, n'Interahamwe zifite intwaro za gakondo[145].

121. Muri urwo rugendo bakoze ku itariki ya 8 Mata, Renzaho yongeye gutanga amabwiriza ye yo « gukora », ayaha Interahamwe zari zitwaje intwaro zicunze bariyeri yari ku kigo cya ONATRACOM hafi y'umusigiti, muri Segiteri ya Gitega. Mbere yaho ku itariki ya 7 Mata, iyi bariyeri ikaba yari icunzwe n'abasirikare. AFB kandi yabonye Konseye wa Segiteri ya Gitega ari kumwe n'Interahamwe ku yindi bariyeri izo modoka zanyuzeho yari hafi y'ibiro bya Segiteri ya Gitega, anahabona imirambo myinshi. Renzaho yemereye Interahamwe zari kuri iyo bariyeri ko azazifasha gukuraho iyo mirambo[146].

[144] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 86-87; Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 32.
[145] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 87, 89-90.
[146] Ni kimwe no haruguru, imp. 86-94.

122. Ku itariki ya 12 Mata hafi ya saa sita, umutangabuhamya AFB n'abaporisi bitwaje intwaro nyinshi bajyanye na Renzaho na Kabiligi kuri bariyeri yari iri hafi yo kwa Protais Zigiranyirazo, iyo bariyeri ikaba yari icunzwe n'abasirikare n'Interahamwe. Icyo gihe bahatangiye intwaro, Kabiligi ategeko ko hazatangwa n'izindi. Nyuma yaho AFB n'abo bapolisi bagiye baha intwaro ebyiri cyangwa eshatu umuntu uwo ari wese basangaga kuri bariyeri avuga ko ari we uyikuriye, harimo na bariyeri yari iri hafi yo kwa Karushara muri Segiteri ya Kimisagara, ndetse no kuri bariyeri zari ziri muri Segiteri ya Nyakabanda, iya Nyamirambo n'iya Biryogo. Bagarutse ku biro bya perefegitura mu ma saa cyenda z'amanywa basangayo Renzaho[147].

Umutangabuhamya ushinja wiswe UB

123. Umutangabuhamya wiswe UB ni Umuhutu, akaba yari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko yagiye mu « nama y'umutekano yaguye » Renzaho yatumije ku itariki ya 10 cyangwa iya 11 Mata 1994 ku biro bya Perefegitura y'Umujyi wa Kigali. Muri iyo nama, UB yabonyeyo abakonseye bo muri Perefegitura y'Umujyi wa Kigali, abayobozi b'amaserire, abasirikare, abaporisi, abahagarariye amashyaka ya politiki yari yemewe [mu Rwanda], n'abahagarariye imitwe y'urubyiruko rw'ayo mashyaka irimo n'Interahamwe. Jean Bizimana wari Burugumesitiri wa Komini ya Nyarugenge ntiyari muri iyo nama. Renzaho atangiza inama yavuze ko Inkotanyi zishe Perezida Habyarimana. Abakonseye bamenyesheje Perefe ko Abatutsi bari kwicwa, imitungo yabo igasahurwa, ndetse abakobwa n'abagore b'Abatutsikazi bagasambanywa ku gahato, kandi ko abayobozi b'amashyaka bashyizeho za bariyeri. Renzaho yabategetse gushyiraho izindi za bariyeri aho zitarashyirwaho kugira ngo bashobore guhangana n'umwanzi wabo ari we « Umututsi ». Nyuma y'iyo nama, bariyeri zakwirakwijwe hirya no hino, buri muntu wese uzinyuzeho akagomba

[147] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 5-9, 17, 20. Ibimenyetso byerekeranye n'itangwa ry'intwaro hari ahandi bivugwaho mu buryo burambuye (II.3).

kwerekana indangamuntu ye. Bariyeri zari mu gace uyu mutangabuhamya yari atuyemo zikaba zarakoreshwaga mu gutoteza Inkotanyi n'ibyitso byazo ari bo Abatutsi[148].

Umutangabuhamya ushinja wiswe AWE

124. Umutangabuhamya wiswe AWE ni Umuhutu, akaba yari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Indege imaze guhanuka, yagumye mu rugo kugeza ku itariki ya 9 Mata 1994 ubwo Renzaho yahitishaga itangazo kuri radiyo atumiza inama ku biro bya Perefegitura y'abakonseye na Burugumesitiri wa Komini ya Nyarugenge ari we Jean Bizimana. Inkuru y'urupfu rwa Perezida ikimara gutangazwa, abayobozi b'amashyaka ya politiki batangiye gushyiraho za bariyeri mu Cyahafi[149].

125. Iyo nama yabereye mu cyumba cy'inama cya perefegitura, ikaba yari irimo abakonseye, ababurugumesitiri (uretse Jean Bizimana), abasirikare n'abajandarume bake. Renzaho yasobanuye ko umwanzi ari FPR n'ibyitso byayo, AWE akaba yarumvise ko ibyo byitso byavugwaga byari Abatutsi. Renzaho yategetse kandi abari muri iyo nama kugenda bagashyira za bariyeri mu masegiteri yabo aho zitari kugira ngo bakumire « Inyenzi » cyangwa « Inkotanyi » maze bazibuze gucengera mu mujyi zigamije gusanga ibyitso byazo ari bo Abatutsi. AWE akaba yarumvise ko izo bariyeri zari zigamije gukumira Abatutsi ngo batagira aho bajya kugira ngo bashobore gutahurwa bicwe. AWE Akaba yarabonye ko « ikibazo cyihutirwaga » iyo nama yari igamije gukemura cyari icyo « gushyira mu bikorwa umugambi », wo gukora jenoside. Icyo gihe abakonseye bagiye bavuga uko byifashe mu masegiteri yabo. Inama irangiye, AWE yahaye abayobozi

[148]Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 8-9, 11-12, 13 (byandukuwe uko biri), 14-17; Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 2-3; 15-16; Ikimenyetso gihamya cya Porokireri cyahawe nomero 69 (ifishi y'umwirondoro). Ubwo UB yazaga gutanga ubuhamya mu Rukiko, yari yarajuririye igihano yakatiwe ku cyaha cya jenoside, akaba yari agitegereje icyemezo cy'Urukiko rw'Ikirenga rw'u Rwanda. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 2.

[149] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-14, 33-35, 37; Ikimenyetso gihamya cya Porokireri cyahawe nomero 80 (ifishi y'umwirondoro). Ubwo AWE yatangaga ubuhamya mu Rukiko, yari afungiye jenoside ategereje kuzaburanishwa. Inyandikomvugo y'iburanisha, 31 Mutarama 2006, imp. 11-12, 51-52, 54-56.

b'amaserire amabwiriza yo gushyiraho za bariyeri aho zitari ziri, ariko we ku giti cye akaba ntazo yashyizeho[150].

Umutangabuhamya ushinja wiswe ALG

126. Umutangabuhamya wiswe ALG ni Umuhutu, akaba yari umuyobozi wo mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali mu wa 1994. Indege imaze guhanuka, yagumye mu rugo kugera hafi y'itariki ya 12 Mata 1994 ubwo yagezwagaho itangazo rya Renzaho ryahamagariraga abakozi ba perefegitura kujya ku mirimo yabo. Yabonye abajandarume, abasiviri n'Interahamwe bari barinze za bariyeri zitandukanye. Ubwo ALG yari ku biro bya prefegitura, Renzaho yamubwiye ko hashyizweho amarondo na za bariyeri kugira ngo bakumire Inkotanyi bazibuze kwinjira mu mujyi. ALG avuye ku biro bya perefegitura yanyuze mu masegiteri yo muri Komini ya Nyarugenge abona abasiviri, Interahamwe n'abasirikare bacunze za bariyeri. Aho kuri za bariyeri abantu bamburwaga ibintu byabo, abandi bakahicirwa. Yabonye abasirikare n'abaporisi bari bacunze bariyeri zari mu duce two hafi y'ibiro bya perefegitura n'abaporisi bari bacunze bariyeri yari hafi y'amarembo y'ibyo biro[151].

127. Konseye wa Segiteri Biryogo, uwa Nyamirambo, uwa Cyahafi, na Pierre Claver Nyirinkwaya wari Burugumesitiri wa Komini ya Kacyiru, babwiye ALG ko Renzaho yari yarakoresheje izindi nama ku itariki ya 9 n'iya 11 Mata. Mu nama yo ku itariki ya 9 Mata, Renzaho yahamagariye abari bayirimo kurwanya Inkotanyi bivuye inyuma, kubikangurira abaturage no gushyiraho za bariyeri[152].

[150] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 13-14, 17, 35-39, 46, 56-57.
[151] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 56; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 17, 19-20, 22-24, 29, 43-44; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 28; Ikimenyetso gihamya cya Porokireri cyahawe nomero 67 (ifishi y'umwirondoro). Ubwo ALG yatangaga ubuhamya mu Rukiko, yari ategereje kuburanishwa mu Rwanda ku birebana n'uruhare yagize mu byabaye mu wa 1994. Yaregwaga icyaha cya jenoside. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64. ALG yerekanye ku ikarita ahantu hatandukanye yabonye za bariyeri muri Komini ya Nyarugenge ku itariki ya 12 Mata 1994. Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 43-44; Ikimenyetso gihamya cya Porokireri cyahawe nomero 5 (ikarita ya Kigali).
[152] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 29-32, 41, 67; Inyandikomvugo y'iburanisha, 12 Mutarama, imp. 28-30.

128. Nyuma y'itariki ya 12 Mata, Renzaho yatumije izindi nama eshatu cyangwa enye muri uko kwezi, azita « inama z'umutekano ». Abazitabiraga, hakurikijwe uko bashoboraga kuboneka, barimo abayobozi ba gisirikare bo mu nzego zo hejuru, abakonseye, ababurugumesitiri, abakozi ba perefegitura, abayobozi b'imitwe yitwara gisirikare irimo n'Interahamwe, n'abayobozi b'amashyaka ya politiki bo mu mujyi wa Kigali. Abenshi mu batumirwaga muri izo nama ntibabaga basanzwe bagize « Inama y'Umutekano ya Perefegitura » nk'uko yateganywaga n'amategeko y'icyo gihe. Renzaho yabasabye gukaza umurego kuri za bariyeri, hagakorwa n'amarondo kugira ngo bacungire hafi Inkotanyi bazibuze gucengera. ALG yamenyesheje Renzaho abantu bagendaga bagaba ibitero hirya no hino abo ari bo, ariko icyo kibazo nta cyo cyigeze gikorwaho[153].

Umutangabuhamya ushinja wiswe GLJ

129. Umutangabuhamya wiswe GLJ ni Umuhutu, akaba yari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali kugeza muri Mata 1994 ubwo yirukanwaga ku mirimo ye.Yavuze ko yitabiriye inama Renzaho yatumije mu gitondo cyo ku itariki ya 16 cyangwa iya 17 Mata ku biro bya Perefegitura. Iyo nama yari yaguye kuko yari yajemo n'abantu batari basanzwe bagize « Inama y'Umutekano ya Perefegitura » nk'uko yateganywaga n'amategeko y'icyo gihe. Mu bayijemo, harimo abahagarariye Inama y'Umujyi (ababurugumesitiri, abakonseye, n'abayobozi b'amaserire bo muri iyo perefegitura), abahagarariye ingabo, n'umuyobozi wa gahunda yo kwirwanaho kw'abaturage (*civil defense program*)[154]. Buri serire yari ihagarariwe nibura n'umuntu umwe. Renzaho, icyo gihe wari wambaye imyenda ya gisirikare, yagejeje ku bari muri

[153] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 35-37, 39-41, 67; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 7-14. Ikimenyetso gihamya cya Porokireri cyahawe nomero 14 (Itegeko No. 35/90 ryo ku wa 22 Kamena 1990 rigena imiterere y'ubutegetsi bwa Perefegitura y'Umujyi wa Kigali). Ingingo ya 17 y'iryo tegeko iteganya abagize « Komite y'Umujyi Ishinzwe Umutekano ». ALG yavuze ko Perezida w'Urukiko rwa Mbere rw'Iremezo na Porokireri ari bamwe mu batitabiriye izo nama za Komite y'Umutekano kandi bari mu mubare w'abagize iyo Komite). Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 10, 12. Imiterere y'inzego za Perefegitura y'Umujyi wa Kigali yateganyaga ko urwego rusumba izindi ari Inama y'Umujyi, hagakurikikiraho Perefe, hakabona kuza Komite y'Umutekano. Inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 7.

[154] Ikimeyetso gihamya cya Porokireri cyahawe nomero 14 (Itegeko No. 35/90 ryo ku wa 22 Kamena 1990 rigena imiterere y'ubutegetsi bwa Perefegitura y'Umujyi wa Kigali). Ingingo ya 7 y'iryo Tegeko yerekana urutonde rw'abagize « Inama y'Umujyi ». Reba kandi Ikimenyetso gihamya cya Porokireri cyahawe nomero 94A (Raporo y'impuguke yakozwe na Alison Des Forges), urup. 11 na 22.

iyo nama ibyemezo, byari byarafatiwe mu yindi nama yari yarabanjirije iyo, byo gushyiraho za bariyeri no kugenzura ibyangombwa by'abazinyuragaho. Umuntu wese udafite ikimuranga yagombaga gufatwa nk'Inkotanyi iri gucengera, maze agafatwa agashyikirizwa abaporisi ba perefegitura cyangwa burigade ya jandarumori. GLJ yavuze ko muri iyo nama byagaragaraga ko Abatutsi bibasiwe. Nta yindi nama nk'iyi yigeze amenya ko yabaye cyangwa yigeze ajyamo[155]

130. Nyuma y'iyo nama, buri serire yashyizeho bariyeri zayo, abazinyuzeho badafite ibibaranga cyangwa basa nk'Abatutsi bagafatwa. Izo bariyeri zakoreweho ubwicanyi. Muri Segiteri ya Nyamirambo, umubare wa bariyeri zashyizweho n'Interahamwe wariyongereye hagati y'itariki ya 7 n'iya 10 Mata, ugereranyije ukaba waravuye nko kuri bariyeri esheshatu ukagera kuri 30[156].

Umutangabuhamya ushinja witwa Corinne Dufka

131. Corinne Dufka ni umunyamakuru w'Umunyamerikakazi ukorera ibiro ntaramakuru byitwa Reuters. Hagati ya Gicurasi n'impera za Nyakanga 1994 yagiye i Kigali inshuro eshatu agiye gutara amakuru ku ntambara yahaberaga. Ubwo yajyagayo ku nshuro ya mbere hagati y'itariki ya 10 n'iya 14 cyangwa iya 15 Gicurasi, kuva ku mupaka w'u Burundi kugera i Kigali yanyuze kuri bariyeri nka 50 ugereranije, zabaga zegeranye kurushaho uko umuntu yagendaga yegera i Kigali. Buri bariyeri yabaga icunzwe n'abantu batanu cyanga batandatu bambaye gisiviri, bitwaje imbunda z'ubwoko butandukanye n'intwaro gakondo kandi akenshi babaga basinze. Imodoka ye barayisakaga, bakareba pasiporo ye, kandi akenshi bagiye bamubaza niba ari Umubiligikazi. Hari umwuka mubi kuri izo bariyeri kandi hateye ubwoba[157].

132. Mu rugendo rwa kabiri Dufka yakoze kuva ku itariki ya 18 kugera ku ya 20 cyangwa iya 21 Gicurasi, hari umuntu wari kuri bariyeri ya mbere ikomeye muri Kigali wamufatiye

[155] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13-14, 18-23, 25-29, 50-52, 54-55; Ikimenyetso gihamya cya Porokireri cyahawe nomero 68 (ifishi y'umwirondoro). Ubwo GLJ yatangaga ubuhamya mu Rukiko, yari amaze imyaka irenga 12 afungiye mu Rwanda ategereje kuburanishwa. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 13.
[156] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 22-23, 37-38.
[157] Inyandikomvugo yiburanisha, 30 Mutarama 2007, imp. 1-4.

masotera nini ku mutwe amubaza niba ari Umubiligikazi. Dufka yavuze ko yibuka ko yabonye umuntu wo mu mitwe yitwara gisirikare wari wambaye itabuliya y'abaganga iriho ibizinga by'amaraso, n'abandi bari bafite ibihiri bikwikiyemo imisumari bikiriho inyama n'imisatsi. Yanavuze ko icyamworohereje kunyura kuri za bariyeri muri urwo rugendo, ari uko yagendaga avuga ko arimo atara amakuru ku bitaro FPR yarasheho ibisasu[158].

133. Mu rugendo rwe rwa kabiri Dufka yanasuye Kiriziya ya *Sainte-Famille* kugira ngo afotore impunzi z'Abatutsi zari muri iyo Kiriziya. Aho umuntu yinjirira ajya kuri iyo Kiliziya hakaba hari bariyeri irinzwe n'abantu bari hagati y'umunani n'icumi bambaye gisiviri. Yabajije niba ashobora gufotora iyo bariyeri maze Padiri Wenceslas Munyeshyaka arajijinganya ahubwo amujyana ku yindi bariyeri nini kuruta iyo, na yo ikaba yari iri muri Kigali, irinzwe n'abantu nka 30, iri ahantu umuntu akoresha iminota iri nko hagati ya 10 na 15 uvuye aho. Mu nzira, Munyeshyaka yabafashije kunyura kuri bariyeri zinyuranye nta kibazo. Dufka yafashe amafoto menshi kuri iyo bariyeri nini. Muri ziriya ngendo ze iyo bariyeri ni yo yonyine yafotoye. Yanavuganye na Robert Kajuga, Munyeshyaka akaba yaramubwiye ko uwo Kajuga ari we muyobozi w'abo bantu bitwaraga gisirikare. Kajuga yabwiye Dufka ko barimo kugerageza kurinda Kigali kugira ngo FPR itayifata. Dufka yavuze ko yumvise abo bantu bo mu mitwe yitwara gisirikare banuka inzoga. Yanabonye umwe muri bo akinisha imbarutso ya gerenade, abandi basimbuka aho hirya no hino kuri iyo bariyeri bavuza amaruru ubona bahimbawe[159].

Umutangabuhamya w'impuguke witwa Alison Des Forges wahamagajwe na Porokireri

134. Alison Des Forges ni impuguke mu mateka y'u Rwanda. Yavuze ko kuva ku itariki ya 7 Mata 1994 gusubiza hejuru, Interahamwe n'abasirikare b'u Rwanda bashyizeho za bariyeri muri Kigali, kandi ko muri icyo gihe abantu bo mu mitwe yitwara gisirikare

[158] Ni kimwe no haruguru, imp. 3-5.
[159] Ni kimwe no haruguru, imp. 8-13, 17, 19-23; Ikimenyetso gihamya cya Porokireri cyahawe nomero 77 (amafoto 33 yafotowe na Corinne Dufka). Urugendo rwa Dufka rwa gatatu ari na rwo rwa nyuma rwatangiye nko ku itariki ya 23 Gicurasi, kandi yarumazemo ibyumweru bitandatu. Yavuze ko yasubiye kuri Sainte Famille gufata andi mafoto, ariko mu buhamya bwe nta cyo yavuze kuri za bariyeri yaba yarabonye muri urwo rugendo. Reba Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 13-14, 17-18.

bicaga abasiviri bashishikaye. Yavuze ko ashingiye ku bushakashatsi yakoze, inshingano abayobozi bari bafite kwari ukugeza amabwiriza ku baturage no gukora ku buryo ayo mabwiriza ashyirwa mu bikorwa, harimo n'arebana na za bariyeri. Kuri we akaba asanga mu gusuzuma ibijyanye na jenoside kiriya kintu cyo kwifashisha inzego z'ubuyobozi mu gukwirakwiza amabwiriza yo gushyiraho za bariyeri ari ikintu gikomeye cyane. Radiyo Rwanda yari itandukanye na RTLM, kuko yo yari ijwi rya guverinoma, ba perefe n'abayobozi bo ku rwego rw'igihugu bakaba ari yo bakoreshaga mu guha abaturage amabwiriza. Mu butumwa Renzaho yagejeje ku baturage abunyujije kuri Radiyo Rwanda ku itariki ya 12 Mata hakaba hari hanarimo kubahamagarira gushyiraho za bariyeri. Des Forges yavuze ko icyo ari ikintu gikomeye. Yari amabwiriza agenewe « ubuyobozi bwo mu nzego z'ibanze» n'abantu bari bashyigikiye ibitekerezo bya guverinoma. Ayo mabwiriza akaba yarabahamagariraga gufatanya n'iyo guverinoma, bashyiraho za bariyeri zo gutangira abagenzi no kugenzura impapuro zibaranga[160].

135. Des Forges yagize icyo avuga ku itangazo Renzaho yanyujije kuri Radiyo Rwanda ku itariki ya 18 Kamena aho yasabye abari kuri za bariyeri kugenzura indangamuntu kugira ngo babuze FPR gucengera ikoresheje indangamuntu z'Abahutu. Asanga ayo magambo ya Renzaho yerekana ko yari azi ko kuri za bariyeri abasiviri b'Abahutu batahagiriraga ibibazo nk'ibya bagenzi babo b'Abatutsi, ndetse aya magambo anagaragaza ko bariyeri zashyizweho hagamijwe gukora ivangura. Iryo tangazo kandi rigaragaza ko ubuyobozi bwa gisiviri bwakomeje gukora muri kiriya gihe ibivugwa byabaga, kandi ko Renzaho yari azi ko kuri za bariyeri haberaga ibikorwa by'urugomo. Urugero ni uko muri iryo tangazo hari aho asaba abaturage guhagarika ibikorwa byo kwambura abadandaza, abacuruzi, n'abahinzi batwaye imyaka banyuraga kuri izo bariyeri. Des Forges yavuze kandi ko imbaraga zidasanzwe abayobozi bakoresheje mu kurwanya ibikorwa by'ubugizi

[160] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 7-10, 11 (byandukuwe uko biri), 13; Inyandikomvugo y'iburanisha, 6 Werurwe, imp. 10-11; Ikimenyetso gihamya cyatanzwe na Porokireri cyahawe nomero 93 (ifishi y'umwirondoro); Ikimenyetso gihamya cya Porokireri cyahawe nomero 50 (inyandiko y'itangazo ryanyujijwe kuri Radiyo Rwanda ku itariki ya 12 Mata 1994), urup. 9; Ikimenyetso gihamya cya Porokireri cyahawe nomero 94A (raporo yakozwe n'impuguke Alison Des Forges), imp. 10-11.

bwa nabi nko gusahura ndetse no mu guhana ababikoraga zitakoreshejwe mu kurwanya ubwicanyi bwibasiye Abatutsi b'abasiviri[161].

136. Des Forges yagize kandi icyo avuga ku bice by'ikiganiro cyanyuze kuri Radiyo Rwanda ku itariki ya 6 Gicurasi, aho Renzaho yavuze ko hari itandukaniro hagati y'abantu bahawe imyitozo bashobora gucunga za bariyeri mu buryo buboneye n'abasiviri badafite disipuline kandi bakabya mu byo bakora bahisemo gucunga za bariyeri no kwica buhumyi. Icyo kiganiro kigaragaza ko Renzaho yashoboraga gutanga amabwiriza asobanutse neza yerekeranye n'imikorere ya za bariyeri, kandi ko iyo aza gushaka kumenya abari mu kaga yari kubishobora[162].

Renzaho

137. Renzaho yavuze ko atigeze atanga amabwiriza yo gushyiraho za bariyeri muri Perefegitura y'Umujyi wa Kigali. Inkuru y'urupfu rwa Perezida Habyarimana imaze gutangazwa, abaturage ubwabo ni bo bazishyizeho babyibwirije kandi bitateguwe, akaba nta buryo yari afite bwo kuzivanaho. Izo bariyeri ntizari zashyiriweho kwica Abatutsi. Yavuze ko ku itariki ya 8 Mata 1994 nko mu ma saa tatu za mu gitondo yagiye mu nama y'Akanama k'amahina (*comité de crise*), nyuma guhera saa tatu n'igice kugera saa munani z'amanywa akaba yari ari mu nama « y'Akanama k'Umujyi» gashinzwe umutekano. Muri iriya nama ya kabiri hakaba harimo: Renzaho, Burugumesitiri Munyansanga, Burugumesitiri Pierre Claver Nyirinkwaya, umumajoro w'umujandarume witwa Ngirabatware, n'abakonseye bashoboye kuboneka barimo Amri Karekezi na

[161] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 12-13, 35-37, 38 (avuga ko ibyo gukumira abacengezi kuri za bariyeri byari kuba ari uburyo bwemewe n'amategeko bwo gukoresha imbaraga iyo biza gusa kuba bigamije gutahura « abarwanyi », mu gihe amagambo abayobozi bakoreshaga ari yo « kugenzura » cyangwa « kubuza abacengezi kwinjira » yasobanuraga mu by'ukuri igikorwa cyo kurobanura Abatutsi hashingiwe ku bwoko bwabo, ndetse akenshi bikanajyana no kubashyikiriza abagomba kubica); Ikimenyetso gihamya cya Porokireri cyahawe nomero 63 (inyandukuro y'ikiganiro Renzaho yagiranye na Radiyo Rwanda ku itariki ya 18 Kamena 1994).

[162] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 44-47; Ikimenyetso gihamya cya Porokireri cyahawe nomero 55 (inyandukuro y'ikiganiro Renzaho yagiranye na Radiyo Rwanda ku itariki ya 6 Gicurasi 1994). Muri icyo kiganiro, Renzaho yasobanuye ibibazo by'abantu bibeshyagaho bakabitiranya n'Inyenzi kubera amarang amuntu yabo yari yaratangiwe mu makomini yo hafi aho, nka Rubungo na Bicumbi, yanditsemo ngo « Igitabo cyandikwamo abaturage [Registre de la population/*Register of Citizens* » []. Yasabye ko abayobozi bakuru bakora iperereza bakareba ikosa ryaba ryarabayeho, haramutse hariho gushidikanya ko indangamuntu iyi n'iyi yemewe n'amategeko.

Célestin Sezibera. Koloneli Rutayisire wari umukuru w'urwego rushinzwe iperereza muri Minisiteri y'Ingabo n'abandi basirikare bakuru na bo bakaba bari bayirimo nk'indorerezi. Nta bayoboke b'amashyaka ya politiki bari bayirimo. Abari muri iyo nama bunguranye ibitekerezo ku kuntu bagarura umutekano, nuko hashyirwaho Akanama k'amahina (*comité de crise)* ku rwego rwa perefegitura. Mu bapolisi 250, 45 bonyine n'umuyobozi wabo ari we Nyamuhimba ni bo bari aho kuri perefegitura. Imwe mu nshingano abaporisi bahawe ikaba yari ugufasha abakonseye. Ku byerekeye za bariyeri, Renzaho « yasabye ko abayobozi bagerageza kugenzura uko ibintu byifashe mu maserire, mu masegiteri, no mu makomini ». N'ubwo nta bahagarariye amashyaka ya politiki bari muri iyo nama, Renzaho yasabye abayobozi ba za komini « gukorana n'amatsinda yose afite ijambo ku bice runaka by'abaturage » kugira ngo babumbatire umutekano mu duce twabo. Yahakanye ko atigeze azenguruka kuri za bariyeri ku itariki ya 8 Mata hagati ya saa munani na saa cyenda z'amanywa nk'uko umutangabuhamya AFB abyemeza[163].

138. Nyuma y'itariki ya 8 Mata, Renzaho yakomeje kujya akorana amanama n'ababurugumesitiri kugira ngo barebe uko ibintu byifashe. Yanabonanye na Burugumesitiri wa Komini ya Nyarugenge n'abakonseye bo muri iyo komini kugira ngo barebe niba hari ingamba zirimo zifatwa zo kugenzura za bariyeri. Abayoboke b'amashyaka ya politiki ntabwo babaga bari muri izo nama[164].

139. Mu itangazo Renzaho yanyujije kuri Radiyo Rwanda ku itariki ya 10 Mata, yasabye abaturage kujya bavanaho za bariyeri ku manywa, ariko ntibamwumviye kubera ko bariyeri zariho zigenda zikwira hiryo no hino mu mujyi wose. Nyuma y'itariki ya 10 Mata yaje kumenya ko hari abantu bakoreshaga bariyeri mu kwibasira Abatutsi no kubica, aha mu buhamya bwe akaba yaravuze ko gushyiraho bariyeri ugambiriye kwica inzirakarengane z'abasiviri b'Abatutsi byari kuba ari icyaha. Mu rindi tangazo Renzaho

[163] Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 60 (byandukuwe uko biri), 61-65; Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 2-3, 8, 9 (byandukuwe uko biri), 19; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 3, 27-28, 53, 58, 60; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 21-22. Akanama k'amahina (*comité de crise*) ku rwego rwa perefegitura kari kagizwe na Renzaho, Superefe Jean-Baptiste Butera, Alexis Bisanukuli wari umunyamabanga [wa perefegitura], na « burugumesitiri wari uhari, n'abandi baburugumesitiri bari gushobora kuza ». Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 3.

[164] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 13-14, 25-26; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 27-28.

yahitishije kuri radiyo ku itariki ya 12 Mata, ntiyavuze ku kibazo cyo kuvanaho za bariyeri kuko noneho zari zarakwiriye hose, ahubwo icyo gihe akaba yarasabye abasiviri gukumira Inyenzi aho kuri za bariyeri no gukomeza kuba maso igihe bari gukora amarondo.Yemeye ko yabwiye abantu kenshi kuguma kuri za bariyeri, harimo n'ubwo yabivugaga mu rindi tangazo yahitishije kuri radiyo ku itariki ya 14 Mata, kuko ngo ari bwo buryo bwonyine bwari buhari bwo kurinda umutekano w'umujyi wa Kigali. Ayo mabwiriza akaba yari agamije gukumira FPR ngo itinjira mu mujyi no gufata abacengezi kuri za bariyeri. Ntiyigeze amenya niba hari umucengezi waba warafatiwe kuri bariyeri kuko ku biro bya perefegitura nta muntu nk'uwo bigeze bamuzanirayo. Ayo mabwiriza ye yayagarutseho mu itangazo yahitishije kuri Radiyo Rwanda ku itariki ya 19 Mata aho « yongeye guhamagarira abatuye umujyi wa Kigali gukaza umurego kugira ngo bibungabungire umutekano, bajya kuri za bariyeri banakora amarondo kugira ngo babuze umwanzi kubameneramo ». Yavuze ko yabonye abaturage kuri za bariyeri bafite imbunda, ariko akaba ataramenye aho bazivanye[165].

140. Renzaho yanyujije amabwiriza kuri radiyo asaba abari kuri za bariyeri kugenzura indangamuntu n'impapuro z'inzira. Mu bushyamirane bwari bwaragiye bubaho mbere, indangamuntu barazigenzuraga, ibyo ahari bikaba byaraterwaga n'uko zari ziteye kimwe nk'uko itegeko ryabiteganyaga. Renzaho yavuze ko amabwiriza yanyujije kuri radiyo ku itariki ya 18 Kamena yo kugenzura indangamuntu kuri za bariyeri yayatanze mu gihe cy'intambara, akaba yari agamije gukumira intasi z'umwanzi ngo bazibuze gucengera muri Kigali. Yavuze ko ibyo ntaho bihuriye no gushishikariza abantu « guhiga Abatutsi ». Yavuze ko ubwo butumwa yabutanze intambara yenda kurangira muri Kigali, kandi ko icyo gihe impande zombi zari mu gikorwa cyo guhererekanya impunzi, bityo bikaba bitakumvikana ukuntu habaho gushishikariza abaturage ibikorwa by'urugomo

[165] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 11, 13-14, 51-52; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 54, 57-61, 63-64; Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 1-2; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 6-7; Ikimenyetso gihamya cya Porokireri cyahawe nomero 49 (inyandukuro y'itangazo ryo ku itariki ya 10 Mata 1994 ryahitishijwe kuri Radiyo Rwanda ku itariki ya 11 Mata 1994), urup. 5; Ikimenyetso gihamya cya Porokireri cyahawe nomero 50 (inyandukuro y'ikiganiro cyahitishijwe kuri Rwadiyo Rwanda ku itariki ya 12 Mata 1994), urup. 9; Ikimenyetso gihamya cya Porokireri cyahawe nomero 51 (inyandiko y'itangazo ryanyujijwe kuri Radiyo Rwanda ku itariki ya 14 Mata 1994), urup. 10; Ikimenyetso gihamya cya Porokireri cyahawe nomero 52 (inyandiko y'itangazo ryanyujijwe kuri Radiyo Rwanda ku itariki ya 19 Mata 1994), imp. 25-26.

muri iryo hererekanya ry'impunzi Kugenzura indangamuntu byari bigamije gutuma abacungaga za bariyeri barushaho kuba maso, no gutuma inzirakarengane zidahohoterwa. Renzaho yemeye ko « bishoboka » ko abasiviri b'Abatutsi bafatwaga nk'ibyitso bya FPR. Yari azi ko kuri za bariyeri abasiviri babaga bafite indangamuntu zanditsemo ko ari Abatutsi cyangwa se abari bafite isura y'Abatutsi bicwaga, yemera ko bitari biboroheye kujya hirya no hino[166].

141. Renzaho yavuze ko, nyuma y'aho Guverinoma y'Agateganyo iviriye mu mujyi wa Kigali ikimukira i Gitarama ku itariki ya 12 Mata, atari azi ko ari we muyobozi mukuru wo muri Leta wari usigaye muri uwo mujyi. Hagati ya Mata na Nyakanga yabonanye n'abakonseye n'ababurugumesitiri inshuro zinyuranye. Yavuze ko atazi niba Konseye Rose Karushara, Konseye Odette Nyirabagenzi, cyangwa Angeline Mukandutiye wari umugenzuzi w'amashuri abanza muri Nyarugenge bagize uruhare rukomeye mu bikorwa by'Interahamwe muri kiriya gihe. Ku birebana n'ibyavuzwe ko ari we wari mu by'ukuri umuyobozi w'Interahamwe muri Kigali, Renzaho yarabihakanye avuga ko muri kiriya gihe atigeze akorana inama na zo[167].

Umutanguhamya ushinjura wiswe AIA

142. Umutangabuhamya wiswe AIA yari umwe mu bapolisi ba Perefegitra y'Umujyi wa Kigali. Ku itariki ya 8 Mata 1994 mu ma saa ine za mu gitondo yaherekeje Konseye Amri Karekezi wari ugiye mu nama ku biro bya perefegirura. Karekezi yari yumvise itangazo kuri radiyo rivuga ko Renzaho atumiye ababurugumesitiri, abakonseye n'abaporisi ku biro bya perefgitura. Iyo nama yitabiriwe n'abantu bakurikira : Konseye wa Biryogo n'uwa Muhima ; Odette Nyirabagenzi wari Konseye wa Segiteri ya Rugenge ; Mbyariyeho wari Konseye wa Segiteri ya Nyarugenge ; Pepe Kale wari Konseye wa Segiteri ya Gitega; Jean Bizimana wari Burugumesitiri wa Komini ya

[166] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 2, 3-4 (byandukuwe uko biri); Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 19, 35, 60-61; Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 2-6; Ikimenyetso gihamya cya Porokireri cyahawe nomero 56 (inyandiko y'itangazo ryahitishijwe kuri Rariyo Rwanda ku itariki ya 10 Gicurasi 1994), urup. 12; ikimeyetso gihamya cya Porokireri cyahawe nomero 62 (inyandiko y'itangazo ryanyuze kuri Radiyo Rwanda ku itariki ya 18 Kamena 1994), urup. 4.

[167] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 60; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 23-24, 27, 35-36, 42-43.

Nyarugenge, abaporisi bari hagatai ya 40 na 45 barimo na majoro Nyamuhimba. AIA ntiyigeze abona Burugumesitiri wa Komini ya Kicukiro cyangwa uwa Kacyiru muri iyo nama, ndetse nta n'Interahamwe zari ziyirimo. Muri iyo nama yumvise Renzaho avuga ko harimo kuba ubwicanyi n'ubusahuzi, ko rero inkunga y'abayirimo ari ngombwa mu kugarura umutekano no guhagarika ibyo bikorwa. Renzaho yabwiye kandi abaporisi ko bagomba gukurikiza amabwiriza bahawe n'abakonseye b'amasegiteri boherejwemo[168].

143. Ku itariki ya 8 Mata AIA yabonye bariyeri muri Segiteri ya Gitega. Nyuma y'ijambo rya Jean Kambanda wari Minisitiri w'Intebe wa Guverinoma y'Agateganyo, Karekezi yerekanye ahantu runaka bariyeri zagombaga gushyirwa muri Segiteri ya Biryogo, avuga ko arimo kubahiriza amabwiriza ya « Guverinoma ». Iryo jambo rya Minisitiri w'Intebe ryavugaga ko Inkotanyi zarenze ku masezerano ya Arusha, ko rero abantu bagomba gushyiraho za bariyeri kugira ngo bafate « abacengezi ». Bariyeri zacungwaga n'abaturage hakubiyemo n'Interahamwe. Kugira ngo umuntu anyure kuri bariyeri zo muri Segiteri ya Biryo yagombaga kwerekana ibimuranga cyangwa uruhushya yahawe na Guverinoma. Izo bariyeri zimaze gushyirwaho, « abayobozi » batanze amabwirirza « y'uko Abatutsi bagomba gufatwa bakicwa ». Kuri za bariyeri Abahutu n'abandi bantu babaga bagaragaye ko atari Abatutsi baratambukaga, mu gihe ababaga bagaragayeho kuba Abatutsi bicwaga. AIA yavuze ko abaturage babwiwe gutahura « abacengezi » kuri za bariyeri. Yabonye umuliyetona witwa Mudenge yicirwa kuri bariyeri yo kuri ONATRACOM ku rubibi rwa Segiteri ya Gitega n'iya Biryogo, ako kanya kuri TRTLM bakaba bari bamaze kuvuga ko uwo muliyetona ari umucengezi. Uyu mutangabuhamya yavuze ko atari azi ko hari abayobozi ba Perefegitura y'Umujyi wa Kigali bakoranaga n' Interahamwe, uretse abakonseye n'abayobozi ba MRND[169].

[168] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 21-22, 23 (reba igice cyerekana amakosa yakosowe), 24, 35, 46, 51, 54; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 4, 17-18; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 66 (ifishi y'umwirondoro). AIA yafatiwe mu Rwanda mu Ugushyingo 1994, afungirwa kuri burigade ya Nyamirambo ukwezi kumwe mu gihe ipererereza ryari rigikorwa, nyuma aza kurekurwa. Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 46.

[169] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 27, 35-37, 56-58 ; iryo ku ya 3 Nyakanga 2007, imp. 12-13. AIA muri rusange yemeye ko mu bakoze ubwicanyi bwabereye muri Segiteri ya Biryogo n'ahandi muri Perefegitura y'Umujyi wa Kigali, harimo abaporisi ba perefegitura n'abajandarume. Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 5-6.

144. AIA yavuze ko yibuka ko Karekezi yagiye mu nama zabaye hafi y'itariki ya 12 Mata n'iya 16 Mata zombi zikaba zarabereye ku biro bya perefegitura. Mu gihe izo nama zabaga zirimo kuba, AIA yagumaga muri parikingi, ariko rimwe na rimwe Karekezi akamubwira ibyazivugiwemo. Rimwe Karekezi yamubwiye ko Renzaho yasabye abakonseye guhagarika ubwicanyi mu masegiteri, ndetse ngo akavuga ko niburamuka bukomeje azabica. Muri izo nama zaberaga mu biro bya perefegitura, AIA ntiyigeze abonamo Suwede Ndayitabi wari umuyobozi w'Interahamwe zo mu Biryogo, cyangwa indi Nterahamwe iyo ari yo yose[170]

Umutangabuhamya ushinjura wiswe PPV

145. Umutangabuhamya PPV ni Umuhutu, akaba mu wa 1994 yarakoraga muri polisi ya Perefegitura y'Umujyi wa Kigali. Ntiyigeze abona hari inama ibera mu biro bya perefegitura ngo hafatirwemo icyemezo cyo gushyiraho za bariyeri. Yavuze ko nta muyobozi wo muri Leta wigeze atanga amabwiriza yo gushyiraho za bariyeri, ko na Renzaho atigeze asaba ko zishyirwaho[171].

146. PPV ntiyigeze yumva Renzaho anyuza ubutumwa kuri radiyo, akaba ariko yarumvise abandi babwumvise bavuga ko perefe yamenyesheje abaturage ko bagomba kuvanaho za bariyeri bakanahagarika ibikorwa by'urugomo n'ubusahuzi. Renzaho ntiyari ashyigikiye ubwicanyi bwakorerwaga kuri za bariyeri, ahubwo abaporisi b'umujyi nta buryo bari bafite bwo kuburizamo ibyaha byazikorerwagaho, kandi abantu mu by'ukuri bakoraga ubwo bwicanyi bakaba batari bazwi. Abaturage bashyizeho izo bariyeri babyibwirije kandi bitateguwe bari barariye karungu, kubabuza gushyiraho za bariyeri bikaba bitari gushoboka. Udutsiko tw'abari bagize imitwe yitwara gisirikare twacungaga izo bariyeri twari dufite ingufu kubera intwaro nyinshi twabaga twitwaje, naho abaporisi bari bahari bari bake ku buryo kuvanaho izo bariyeri bitashobokaga. PPV yabwiwe kenshi ko abantu

[170] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 31, 35, 40-41, 54-56; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 6-7, 10-11, 17-18.
[171] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78; Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 12-13; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 56 (ifishi y'umwirondoro).

bafataga Perefe nk'icyitso kubera ubutumwa yahitishaga kuri radiyo no kubera abakozi b'Abatutsi bakoraga ku biro bya perefegitura[172].

Umutangabuhamya ushinjura wiswe BDC

147. Umutangabuhamya wiswe BDC ni Umuhutu, akaba yarabaga muri Komini ya Kicukiro. Kuva ku itariki ya 15 Mata yatangiye gukora muri Komite Mpuzamahanga Y'Umuryango Utabara Imbabare (ICRC) i Kigali, ariko yasobanuriwe muri make ibyabaye kuva ku itariki ya 10 Mata kugeza aje gukora aho. Yakoranaga na Philippe Gaillard wari intumwa y'uwo muryango[173].

148. BDC avuga ko urebye, bariyeri zashyizweho n'abaturage babyibwirije, bitateguwe kandi mu kajagari. BDC yahakanye ko Renzaho ari we wari uzishinzwe. Yavuze ko abantu bari mu mitwe yitwara gisirikare bazicungaga nta shyaka rya politiki bari bashamikiyeho ko kandi ntaho bari bahuriye na Renzaho. Nyamara ariko, yemeye ko bumviraga Robert Kajuga wari umuyobozi w'Interahamwe. Uyu mutangabuhamya yavuze ko wabonaga bameze nk'urubyiruko rwataye umutwe, rukoreshwa n'ibiyobyabwenge n'inzoga, rukaba rwari rwitwaje intwaro « zifite ubugi », n' « imbunda ». Abacunganga za bariyeri bari bafite imyifatire itandukanye, hari bariyeri zariho abantu bafite amahane menshi, ku zindi umuntu akitambukira nta nkomyi. Muri Perefegitura y'Umujyi wa Kigali BDC yahabonye abaporisi batagera kuri 30, bari bitwaje intwaro « zishaje», bakaba batari gushobora guhangara abagize iyo mitwe yitwara gisirikare bari kuri za bariyeri zitandukanye kuko bari benshi kandi bahagaze neza[174].

149. Kuri za bariyeri, abagize imitwe yitwara gisirikare bavanaga mu mamodoka inkomere ICRC yabaga itwaye bakazica, bakaniba ibiribwa. Imwe mu mpamvu zateraga ibyo

[172] Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 14-16, 27, 39-40, 42-44. PPV yatanze urugero kuri za bariyeri zagenzurirwagaho ibyangobwa zari ziri ku Giticyinyoni, ku Gitega no mu Biryogo, avuga ko kugerageza kuzivanaho kwari kuba ari ukwigerezaho. Inyandikomvugo y'ibiranisha, 5 Kamena 2007, imp. 15-16.
[173] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 2-4, 7; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 51 (ifishi y'umwirondoro).
[174] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 16 (byandukuwe uko biri), 17-18, 19 (byandukuwe uko biri), 21, 35, 55-56, 65.

bikaba ari ibiganiro byahitishwaga kuri RTLM bivuga ko amamodoka y'Umuryango Utabara Imbabare atwara « umwanzi » uba yiyoberanyije akigira inkomere. Umuryango wa ICRC wafatwaga nk'uwageragezaga gukiza « umwanzi » n'abandi bantu imitwe yitwara gisirikare yari igambiriye gutsemba. Ahagana mu mpera za Mata, BDC yabajije Renzaho niba ashobora gufasha amamodoka ya ICRC kujya atambuka nta mananiza, ariko Renzaho yamusubije ko nta bubasha yari afite ku mitwe yitwara gisirikare. Nyuma yaho, Robert Kajuga wari Perezida w'Interahamwe na Rutaganda wari umwungirije ni bo baje gufasha BDC, bituma imodoka zitwara abarwayi zishobora kujya zitambuka nta mananiza menshi zishyizweho (II.5.1)[175].

Umutangabuhamya ushinjura wiswe PPO

150. Umutangabuhamya wiswe PPO ni Umuhutu, akaba yari umukozi mukuru wa Leta wakoraga muri Perefegitura y'Umujyi wa Kigali mu wa 1994. Yavuze ko bariyeri zashyizweho kuva ku itariki ya 7 Mata mu kajagari kandi nta muntu uzishinzwe. Urubyiruko rwazicungaga wabonaga rwasinze, kandi rwari rwitwaje za gerenade, imbunda, n'ibyuma. Izo bariyeri zari nyinshi, hakaba hari n'izo wasangaga zitandukanijwe na metero 10 gusa. Abantu ba mbere bahigwaga ni Abatutsi, ariko hari n'Abahutu bishwe. Ubwicanyi bwari bushingiye ku bitekerezo bya politiki nta kureba ubwoko. Renzaho nta buryo yari afite bwo guhagarika ubwo bwicanyi, kubera ko umubare w'abo bantu bacungaga za bariyeri warutaga uw'abaporisi hafi nk' « inshuro 100 », kandi babarushaga n'intwaro[176].

[175]Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 17 (byandukuwe uko biri), 18-21, 35, 55, 57 (byandukuwe uko biri), 58, 64-65. BDC yavuze ko atazi neza niba uwo muntu yaritwaga Rutaganda cyangwa Rutwenga. Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 57. BDC yemeje ko raporo ya Komite Mpuzamahanga y'Umuryango Utabara Imbabare (ICRC) yo ku itariki ya 15 Mata 1994 yavugaga ko hari abantu batandatu bavanywe mu modoka itwara abarwayi y'Umuryango Utabara Imbabare, maze bakicirwa mu maso y'abasirikare b'ingabo z'u Rwanda. Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 50-51 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 105 (Inyandiko yitwa *Update N0. 4 on ICRC Activities in Rwanda*, 15 Mata 1994).

[176] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 63, 69 ; Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 7-8, 48, 49 (byandukuwe uko biri), 51-52; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 71 (ifishi y'umwirondoro). PPO yemeye ko ubuyobozi bwa perefegitura bwashoboye kuburizamo isahurwa ry'amaduka mu gace k'umujyi wa Kigali kakorerwagamo ubucuruzi ndetse no kuburizamo igitero cyari kugabwa ku biro bya perefegitura, kugeza igihe FPR ifatiye uwo mujyi. Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 48-49.

151. Imirimo uyu mutangabuhamya yakoraga muri perefegitura yamusabaga kugenda buri munsi kuva saa mbiri za mu gitondo kugeza saa kumi n'imwe z'igicamunsi, bityo akaba yarabonanaga na Renzaho gake. N'ubwo yabaga afite ibyangombwa byatanzwe na Renzaho ndetse anaherekejwe n'umuporisi wambaye imyenda y'akazi kandi ufite imbunda yo mu bwoko bwa Kalashnikov, yakomeje kujya ahura n'ibibazo kuri za bariyeri. Iyo yazigeragaho, yageragezaga kugusha neza abaziriho ndetse akanaha amafaranga umuntu wabaga uje iruhande rw'imodoka. Ngo hari igihe yafatiwe kuri bariyeri yari iri hafi ya Banki Nkuru y'Igihugu akorerwa « ibikorwa by'urukozasoni », benda no kumukubita. Iki kibazo yakigejeje kuri Renzaho biramubabaza cyane, aravuga ati, « Bariya bantu nabarambiwe. Narambiwe ziriya bariyeri. Sinzi icyo nakora ngo ziveho ? Nkore iki se koko ngo ziveho ? » PPO yavuze ko Renzaho nta tegeko yatanze ryo gushyiraho za bariyeri, kuko iyo aza kuba ari we waritanze abazicungaga bari kujya bemera inyandiko zasinywe na Perefe, bakanemera abaporisi, bityo bakaba bari kuba barabaretse bagatambuka[177].

Umutangabuhamya ushinjura wiswe HIN

152. Umutangabuhamya ushinjura wiswe HIN ni Umuhutu, akaba yari atuye muri Segiteri ya Rugenge, muri Perefegitura y'Umugi wa Kigali. Avuga ko mu gitondo cy'itariki ya 7 Mata 1994, yabonye Abajepe mu rugo rwa Konseye wa Segiteri, Odette Nyirabagenzi. Bahavuye ahagana saa tanu n'igice za mu gitondo, Resiponsabure wa Selire witwa Muvunyi, yagiye mu mazu yose yari aho hafi asaba abaturage gushyira za bariyeri ahantu runaka hagamijwe kugenzura aho umwanzi yanyura. Ashingiye kuri ibi, Umutangabuhamya yiyumvishije ko Abajepe bari basabye Nyirabagenzi gutegeka abantu gushyiraho za bariyeri. Yabonye Nyirabagenzi azenguruka muri Segiteri kugira ngo

PPO avuga ko akajagari kari kuri za bariyeri ari ko katumaga bigorana kubona uwo umuntu yavugana na we mu bazicungaga. Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, urup. 49. Ikindi ni uko guhagarika ubusahuzi byari byoroshye kubera ko bwakorerwaga mu duce runaka tuzwi mu mujyi rwagati, ku buryo byasabaga gusa abantu bake bo kuharinda. Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 49, 52-53.

[177] Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 5-6, 7 (byandukuwe uko biri), 8 (byandukuwe uko biri), 46, 49-50.

arebe ko bariyeri zashyizweho anagenzure ishyirwaho ryazo. Nyirabagenzi yabwiye abantu ko bagomba kuba maso bagakoma imbere Abatutsi bashaka kugira iyo bajya. Uyu mutangabuhamya ntatekereza ko ibyo Nyirabagenzi yakoze byari mu rwego rwo kubahiriza amabwiriza ya Renzaho, ahubwo abona ko yubahirizaga ingamba z'umutekano yari yategetswe n'Abajepe. Kuri we, Nyirabagenzi na Renzaho ntibashoboraga gukorana kuko Renzaho atemeraga ibyo Interahamwe zakoraga kandi nta bubasha yari azifiteho[178].

Umutangabuhamya ushinjura wiswe GOA

153. Umutangabuhamya ushinjura wiswe GOA ni Umuhutu. Muri Mata 1994, yari muri Segiteri ya Nyakabanda, Komini ya Nyarugenge, i Kigali. Avuga ko abaturage bashyizeho bariyeri babyibwirije bagamije gutangira abacengezi ba FPR ngo batinjira muri Komini ya Nyamirambo *[sic]*. Zimwe muri izo bariyeri zashyizweho abaturage babifashijwemo n'abayobozi bo mu rwego rwa Segiteri n'urwa Selire. Uyu mutangabuhamya avuga ko mu gace yari atuyemo ubwo yari i Kigali atigeze abona Renzaho ahayobora inama, kandi ko nta n'ikintu yigeze yumva cyangwa abona cyatuma atekereza ko abacungaga za bariyeri babikoraga bubahiriza amabwiriza ya Renzaho. Kuri bariyeri ya « Gitega », uyu mutangabuhamya yahabonye abantu « biyitaga » abayobozi ba bariyeri barimo Gatete Selemani na Ndanda, bari kumwe kandi bafatanya na Konseye wa Segiteri ya Biryogo, Amri Karekezi. Ikindi kandi, uyu mutangabuhamya yabonye Ntwari na Abdou kuri bariyeri ya Gitega, na bo bakaba bari barigize abayobozi ba bariyeri. Bariyeri mbere zari zashyizweho mu rwego rw'ingamba za gisirikari, ariko abasiviri « bazikoreyeho ibyaha » kandi « bagiririra nabi abantu » bazicagaho[179].

[178] Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, imp. 64, 66-68; Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 25, 36-38; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 73 (Ifishi y'umwirondoro).

[179] Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 44-47, 49 (byandukuwe uko byanditse), 50-51, 53-55; Ikimenyetso gihamya cy'Ubwunganizi yahawe nomero 62 (Ifishi y'umwirondoro). Ukurikije uko GOA avuga ibya « bariyeri yo ku Gitega» n'ibyo Karekezi yakoze, ntibisobanutse neza niba iyi bariyeri yari iri muri Segiteri ya Biryogo cyangwa ku muhanda ugana muri Segiteri ya Gitega, cyangwa niba yari iri muri Segiteri ya Gitega. Reba Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 47, 49, 54-55.

Umutangabuhamya ushinjura wiswe PGL

154. Umutangabuhamya ushinjura wiswe PGL ni Umuhutu, akaba ari umukozi ku Biro bya Perefegitura y'Umujyi wa Kigali. Mu buhamya yatanze mu rukiko, yavuze ko Renzaho atari agifite ubutegetsi ubwo ari bwo bwose mu ntambara yo mu wa 1994. abaturage bari bararakajwe cyane n'urupfu rwa Perezida Habyarimana ku buryo batakurikizaga amategeko, kandi bashyizeho za bariyeri ari bo babyibwirije. Bariyeri yo mu gace ka Rugunga yari iyobowe n'abasiviri bari bameze nk'abasinzi kandi bakora mu kaduruvayo, bamwe muri bo barasa mu kirere. Bitewe n'uko Renzaho atari we wari washyizeho bariyeri mu mujyi wa Kigali, ntabwo yashoboraga guha amabwiriza abaziyoboraga. Nta bushobozi yari afite bwo guhagarika ubwicanyi kuko yari afite abaporisi batagera kuri 20. Amagambo ya Renzaho yanyujijwe kuri radiyo ku itariki ya 10 Gicurasi 1994, abwira abaturage b'abasiviri ko itegeko ribasaba kuba bafite indangamuntu zabo kugira ngo bazerekane kuri bariyeri, ntasobanura ko yategetse abayobaraga za bariyeri kugenzura indangamuntu[180].

Umutangabuhamya ushinjura witwa Antoine Théophile Nyetera

155. Antoine Théophile Nyetera, ni Umututsi ukomoka mu muryango wo mu gisekuru cy'Abami, akaba yarabaga muri Segiteri ya Nyamirambo, Komini ya Nyarugenge, kugeza ku itariki ya 4 Nyakanga 1994. Yavuze ko bariyeri muri Segiteri ya Nyamirambo zagaragaye ku itariki ya 10 Mata mu rwego rwo kubahiriza disikuru ya Minisitiri w'intebe yasabaga abaturage kubuza abacengezi kwinjira muri segiteri zabo. Konseye wa Segiteri na Resiponsabule wa Selire bategetse ko amabariyeri ashyirwaho banahitamo abagomba kuyacunga. Ubutumwa bwa Perefe bwo ku itariki ya 12 Mata bwavugaga ko bariyeri zitagomba gushyirwaho mu kajagari[181].

[180]Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 15, 26-28, 33-34, 37, 39-40; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 61 (Ifishi y'umwirondoro).
[181]Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 19, 30-31, 41-42; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 72 (Ifishi y'umwirondoro). Nyetera, wari mbere Umutangabuhamya wiswe BIT, yagiye mu Bubiligi mu Ukwakira 1994 aherwayo ubuhungiro kubera impamvu za politiki. Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, urup. 42.

Umutangabuhamya w'impuguke w'ubwunganizi witwa Bernard Lugan

156. Bernard Lugan yavuze mu rukiko ko abaturage bahise bibwiriza bagashyiraho bariyeri ku itariki ya 7 Mata 1994, mu rwego rwo kwitegura kwirwanaho nyuma y'uko abari bagize MINUAR bari bamaze gukuramo akabo karenge kandi n'imitwe ikomeye ya gisirikare imaze kuva mu mugi yerekeza ku rugamba. Renzaho nta bushobozi bufatika yari afite bwo kuvanaho za bariyeri. Koko rero, ytanze itangazo ku itariki ya 10 Mata asaba ko za bariyeri zivanwaho, ariko abaturage bararisuzuguye kuko « ibintu byari byadogereye, hari akaduruvayo, nta tegeko ricyubahirizwa ». Mu kiganiro cyanyuze kuri radiyo mu minsi ibiri yakurikiyeho, Renzaho yasabye abaturage gushyiraho bariyeri ahantu hamwe na hamwe. Lugan asobanura uku guhinduka kwa Renzaho ku birebana na za bariyeri byatewe n'uko ibintu byahindutse mu rwego rwa gisirikari ku itariki ya 11 Mata, ubwo FPR yari imaze kwagura uduce yari yarigaruriye kandi igerageza kugaba ibitero mu gace k'epfo k'umujyi wa Kigali. Ibi byabaye intandaro y'ibintu bibiri: impunzi nyishi zisutse mu mujyi wa Kigali, byongera impungenge ziturutse ku gucengera kw'abantu ba FPR; Guverinoma y'u Rwanda yagize ubwoba bwo gufatwa mpiri ihunga Kigali, isiga Renzaho nta bushobozi na busa afite bwo kugarura umutekano. Lugan avuga ko hariho poropagande yanyuzwaga kuri radiyo ya FPR mu gihe cy'intambara yavugaga ngo: « Ibyo mukora turabizi byose, byose uko byakabaye, bityo aho muri twmaze kuhashinga ibirindiro, turahari hose ». Ibi bigomba kuba byarakanze abatuye Kigali, kumva ko abasirikare ba FPR bambaye imyenda ya gisiviri bacengeye mu duce twari dufitwe n'igisirikare cy'u Rwanda[182].

2.3 Isesengura ry'Urugereko

157. Biragaragara ko kuva ku itariki ya 7 Mata 1994, hashyizweho amabariyeri mu Perefegitura y'Umujyi wa Kigali yose. Abatangabuhamya bashinja n'abashinjura bavuze mu rukiko ko babonye bariyeri zikorwaho n'abasirikare ahantu hakomeye hose mu

[182] Inyandikomvugo y'iburanisha, 4 Nzeri 2007, imp. 13, 14 (byandukuwe uko byanditse), 19-20, 21 (byandukuwe uko byanditse), 23-24; Ikimenyetso gihamya cya Porokireri cyahawe nomero 49 (inyandiko y'ikiganiro cyaciye kuri Radio Rwanda ku itariki ya 11 Mata 1994), urup. 5; Ikimenyetso gihamya cya Porokireri cyahawe nomero 50 (inyandiko y'ikiganiro cyaciye kuri Radio Rwanda), urup. 9; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 110 (raporo y'impuguke ya Bernard Lugan).

mujyi[183]. Ababuranyi bombi batanze ibimenyetso bigaragaza ko bariyeri zashyizweho zikanayoborwa n'abasiviri, akenshi bitwaga Interahamwe cyangwa abagize imitwe yitwara gisirikare[184]. Abasiviri babaga kuri izo bariyeri babaga bafite intwaro zitandukanye za gisirikare n'iza gakondo, kandi akenshi babaga bameze nk'abasinze cyangwa abasabitswe n'ibiyobyabwenge[185]. Abantu barasakwaga, abasaka bashingira cyane cyane ku ndangamuntu z'abagenzi cyangwa ku masura yabo. Abantu babaga

[183] Ku nyongera y'ibimenyetso bimaze kuvugwa muri make haruguru, reba, nk'urugero, Umutangabuhamya ushinjura wiswe UT, Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, urup. 44 (abasirikare bashyizeho kandi bayobora bariyeri zari ahantu umuntu yinjirira cyangwa asohokera ahabera imirwano); Umutangabuhamya ushinjura wiswe PPV, Inyandikomvugo y'iburanisha, 5 Kamena 2007, urup. 13 (bariyeri zabanje gushyirwaho n'abasirikare hafi y'ibirindiro byabo); Umutangabuhamya ushinjura wiswe PPO, Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 7, 51 (bariyeri za gisirikare zari hafi y'ibigo bya gisirikare n'ahantu h'imena hari ibirindiro byabo); Umutangabuhamya ushinjura wiswe BOU, Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 40 (abasirikare bari bacunze bariyeri yo ku muhanda waganaga ku biro bya Perezida); Umutangabuhamya ushinjura wiswe PGL, Inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 26 (abasirikare bari bacunze bariyeri yari mu Kiyovu hafi yo kwa Perezida).

[184] Hifashishijwe ubuhamya bw'Abatangabuhamya biswe AFB, ALG na AIA, buvugwa haruguru, hamwe n'ubw'Umutangabuhamya ushinja wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 22-23, 55 (yabonye « bariyeri zirenga esheshatu » zashyizweho n'Interahamwe); Umutangabuhamya ushinja wiswe SAF, Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 53-55 (Interahamwe zitwaje imbunda, imipanga n'amahiri zacungaga bariyeri zari hafi ya Hoteli Kiyovu); Umutangabuhamya ushinjura wiswe PPV, Inyandikomvugo y'iburanisha, 5 Kamena 2007, urup. 13 (abasiviri bashyizeho bariyeri ku buryo butiteguwe kandi babyibwirije, kandi akenshi bakoraga ibikorwa by'urugomo); Umutangabuhamya ushinjura wiswe MAI, Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 17, 40 (ku itariki ya 12 Mata, bariyeri zashyizwe nko kuri buri metero 15 ku Muhima).

[185] Nk'uko byavuzwe haruguru, Umutangabuhamya Corinne Dufka yafashe ifoto kuri imwe muri za bariyeri, igaragaza abantu batari benshi bafite intwaro nyinshi kandi zinyuranye. Reba Ikimenyetso gihamya cya Porokireri cyahawe nomero 77 (Amafoto 33 yafashwe na Corinne Dufka). Abatangabuhamya benshi bazivuzeho: Umutangabuhamya wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 22-23 (amafoto 3, 4 na 11 arimo abantu babonywe kuri bariyeri ku rubibi rwa Gitega na Cyahafi, Interahamwe yo muri Segiteri ya ya Nyakabanda, na bariyeri yari ku rubibi rwa Segiteri ya Kimisagara n'iya Cyahafi); Umutangabuhamya wiswe AFB, Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 90, 92-94 (ifoto nomero ya mbere ni bariyeri iri imbere y'ibiro bya Segiteri ya Gitega yari iyobowe n'Interahamwe); Umutangabuhamya wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 38-39 (ifoto ya 5 igaragaza Interahamwe iri kuri bariyeri ya Gitega naho ifoto ya 8 ikerekana umugore uri kuri iyo bariyeri); Umutangabuhamya wiswe AWE, Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 29-30 (yerekana abantu bo muri Segiteri ya Cyahafi bagaragara ku ifoto ya 4 n'iya 5, umuntu umwe wo muri Segiteri ya Gitega ku ifoto ya 13, anavuga ko ifoto ya 2 yafatiwe muri Segiteri ya Gitega); Umutangabuhamya ushinjura wiswe UT, Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 20-21 (amafoto ya 1-14 ni ayo kuri bariyeri yari ku Gitega hafi y'ishuri ry'amaposita). Ibindi bimenyetso bijyanye n'ibivugwa birimo ubuhamya bw'Umutangabuhamya ushinjura witwa Jean-Baptiste Butera, Inyandikomvugo y'iburanisha, 23 Gicurasi 2007, imp. 7-10, 28-30 (abantu bari kuri bariyeri hagati ya Masaka na Bicumbi bari bitwaje imipanga n'amacumu, umwe muri bo yateye gerenade mu kivunge cy'abantu ubwo uyu mutangabuhamya yambukiranyaga bariyeri ku ngufu ari mu modoka ye); Umutangabuhamya ushinjura wiswe RGI, Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 7-8 (abasiviri bari kuri za bariyeri bari bafite intwaro nyinshi kandi zinyuranye, akenshi bakaba barazibonaga mu buryo butemewe n'amategeko bazihawe n'abasirikare batorotse); Umutangabuhamya ushinjura wiswe MAI, Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 17, 29 (abari bacunze bariyeri ku Muhima bakuye inzoga mu modoka barayinywa). Reba na none ubuhamya bw'Umutangabuhamya witwa Dufka, n'ubw'abiswe PPO na PGL, bwavuzwe muri make haruguru.

badafite indangamuntu ntibashirwaga amakenga. Abo basangaga ari Abatutsi, cyangwa abo bibwiraga ko batavuga rumwe n'amatsinda yari kuri bariyeri, akenshi barafatwaga cyangwa bakicwa[186].

[186]Umutangabuhamya ushinja wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 18, 22 (abantu barindaga bariyeri bakaga impapuro ziranga abantu, abasaga n'Abatutsi bakarobanurwa bakicwa); Umutangabuhamya ushinja wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 11-12, 15 (nk'urugero, yabonye, imirambo myinshi y'Abatutsi kuri bariyeri muri Segiteri ya Gitega ahagana ku itariki ya 10 cyangwa iya 11 Mata 1994); Umutangabuhamya ushinja wiswe SAF, Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 29 (Abatutsi baribasirwaga kuri za bariyeri); Umutangabuhamya ushinja wiswe UL, Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 52-53 (Umutangabuhamya yasabwe kwerekana indangamuntu ye kuri za bariyeri ku itariki ya11 Mata, izo bariyeri yazibonyeho imirambo kandi byari bizwi ko Abatutsi bafatirwaga kuri bariyeri bicwaga) ; Umutangabuhamya ushinja wiswe ALG, Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 20, 24-25, 43 (yabonye imirambo hafi ya za bariyeri ku itariki ya 12 Mata kandi yari yumvise mbere bavuga ko abantu bicirwaga kuri za bariyeri); Umutangabuhamya ushinja wiswe KBZ, Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 48-52, 57 (muri Gicurasi, abantu bambaye imyenda ya gisirikare bari kuri bariyeri hagati ya Segiteri ya Kicukiro n'iya Kimihurura bafashe abagore batanu b'Abatutsikazi, batari bafite indangamuntu, babajyana mu rugo kwa Konseye wa Segiteri ya Kimihurura); Umutangabuhamya ushinja wiswe BUO, Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 16-17, 26-27; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 4, 8-9, 37-38 (Interahamwe zo muri Segiteri ya Rugenge zacunganga bariyeri zaho zifatanyije n'abasirikare n'abajandaume, akazi kabo kakaba kari uguhagarika no kwica Abatutsi n'abantu badafite indangamuntu ku manywa, kandi zanarariraga izo bariyeri nijoro); Renzaho, Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 60-61 (ababaga bafite indangamuntu zanditsemo ko ari Abatutsi n'abasaga n'Abatutsi bicirwaga kuri bariyeri); Umutangabuhamya ushinjura wiswe AIA, Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 36-37, 56-58 (kuri bariyeri, abantu bagombaga kwerekana indangamuntu cyangwa ibyemezo byatanzwe na Leta, abo basanze ari Abatutsi bakicwa); Umutangabuhamya ushinja wiswe UI, Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 65, 67-68, 72-73 (nibura abantu 10 mu bagera kuri 40 bari bagizwe ahanini n'Abatutsi b'impunzi basohowe muri minibisi kuri bariyeri hafi ya *Ethiopian Restaurant*, bicishwa amasasu), hamwe n'Ikimenyetso gihamya cya Porokireri cyahawe nomero 7 (amafoto icyenda), ifite nomero ya 5 (ifoto y'ahantu hari bariyeri imbere ya *Ethiopian Restaurant*); Umutangabuhamya ushinjura wiswe PPO, Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, urup. 48 (Abatutsi ni bo bashakishwaga cyane kuri bariyeri, ariko n'Abahutu barishwe kandi ubwo bwicanyi bwari bushingiye ku bitekerezo bya politiki, hatitawe ku bwoko); Umutangabuhamya ushinjura wiswe PPV, Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 39, 44 (Abatutsi n'ibyitso biciwe kuri za bariyeri); Umutangabuhamya ushinjura wiswe BDC, Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 52-53, 58, 67 (abantu bo mu mitwe yitwara gisirikare bagenzuraga indangamuntu z'abagenzi maze bakabuza Abatutsi guhita kuri bariyeri muri Kigali, ariko Abatutsi bashoboraga kugaragaza ko bari muri iyo mitwe cyangwa ko bahuje ibitekerezo n'abayirimo bashoboye kurokoka; muri Mata, imibare y'ikigereranyo yerekanaga ko imirambo irenga 67.000 yari imaze kwandururwa mu mihanda ya Kigali); Umutangabuhamya ushinjura wiswe BOU, Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 42 (yabonye imirambo kuri bariyeri yacungwaga n'abantu bo mu mitwe yitwara gisirikare muri Segiteri ya Muhima, ku itariki ya 12 Mata); Umutangabuhamya ushinjura wiswe MAI, Inyandikomvugo y'iburanisha, 22 Kanama 2007, urup. 39 (abantu bafite isura y'Abatutsi barahagarikwaga kuri bariyeri); Umutangabuhamya ushinjura wiswe WOW, Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 54-55, 59 (Interahamwe zahatiraga abantu gukora kuri za bariyeri, izo bariyeri zakoreshwaga mu guhagarika no kwica abacengezi, abantu batashoboraga kugaragaza abo ari bo barafatwaga nyuma bakaza kuzimira); Umutangabuhamya ushinjura wiswe TOA, Inyandikomvugo y'iburanisha, 6 Nzeri 2007, imp. 3, 5-6, 14-15 (ku itariki ya 10 Mata, uyu Mutangabuhamya, w'Umututsi, yanze kunyura kuri bariyeri ajya kuri *Sainte-Famille* kuko abantu bicwaga bazira ubwoko bwabo, akaba yarabonye bariyeri imwe yari nko muri metero 150 uvuye kuri *Sainte- Famille*). Reba na none Umutangabuhamya ushinja wiswe UL, Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 58-59, 61, 64-65, 67-69 (imirambo yakuwe ku mihanda ya Kigali ijyanwa mu byobo rusange hakurikizwa amabwiriza yatanzwe na Renzaho na Casimir Bizimungu). Reba ariko Umutangabuhamya ushinjura wiswe HIN, Inyandikomvugo

158. Ikibazo gikomeye Urugereko rwibaza n'icyo kumenya aho Renzaho yari ahuriye n'ishyirwaho rya za bariyeri n'imicungire yazo, n'uruhare rwe ruvugwa mu byaha byazikoreweho. Porokireri avuga ko kuba Renzaho yari afite ububasha kuri za bariyeri anashyigikira abazicungaga bigaragazwa n'amanama n'ibyavuzwe kuri radiyo, aho yategetse ko hashyirwaho za bariyeri, akanatanga amabwiriza ajyanye n'uko zigomba kuyoborwa. Kuba Renzaho yari ashyigikiye za bariyeri no kuba yari azi ko zikorerwaho ubwicanyi bigaragazwa n'uko yazizengurutse ku itariki ya 8 Mata, hamwe n'amabwiriza yaje gutanga nyuma asaba ko imirambo yavanwa ku mihanda yo muri Kigali. Porokireri asoza avuga ko ibisobanuro bya Renzaho bivuguruzanya ko kandi ibimenyetso byatanzwe n'Ubwunganizi bishyigikira ibivugwa na Porokireri[187].

159. Ubwunganizi buvuga ko bariyeri zashyizweho mu kajagari n'abantu babyibwirije kandi bitateguwe, kubera umutekano muke n'umwuka mubi byatewe n'intambara, kandi ko Renzaho nta bushobozi yari afite bwo kugenzura ibyazikorerwagaho. Ibimenyetso byatanzwe na Porokireri ku birebana n'amabwiriza yaba yaratanzwe na Renzaho yo gushyiraho za bariyeri nta reme bifite. Ku itariki ya 11 Mata, bisa nk'aho FPR yari yagose umujyi, ibintu byose bikaba byari akaduruvayo. Ubwunganizi buvuga ko ariko ku

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y'iburanisha, 9 Nyakanga 2007, imp. 67-69 (nta Batutsi biciwe kuri bariyeri yacungaga yari muri Segiteri ya Rugenge); Umutangabuhamya ushinjura wiswe KRG, Inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 61, Inyandikomvugo y'iburanisha, 7 Kamena 2007, imp. 11-13 (abantu batazwi mu gace runaka cyangwa abavuye ahandi bagombaga kumenyekana abo ari bo kuri bariyeri, kandi nta muntu yigeze yumva ko yaba yariciwe kuri bariyeri ye muri Segiteri ya Rugenge); Umutangabuhamya ushinjura wiswe PGL, Inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 27 (Umutangabuhamya yabonye imirambo mu duhanda dutoya ariko « ntabwo yigeze abona imirambo kuri bariyeri » , kandi nta n'iyo yabonye « ku mihanda minini » cyangwa kuri « za bariyeri zari ku mihanda minini »); Umutangabuhamya ushinjura wiswe MAI, Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 26-27, 32 (Umutangabuhamya yabonye bariyeri itariho abantu i Remera ku itariki ya 9 Mata kandi nta mirambo yari iyiriho, nta n'imirambo yabonye mu muhanda ubwo yavaga i Kanombe agaca Rebero, Remera, Kicukiro, Gikondo akagera ku biro bya Perefegitura y'Umujyi wa Kigali); Umutangabuhamya ushinjura wiswe RGI, Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 5-6, 14, 31-32 (kuri za bariyeri z'abasiviri, habaga urugomo rugamije kwambura abagenzi; icyakora, Umutangabuhamya ntazi ko hari abantu babarirwa mu bihumbi baba bariciwe kuri bariyeri muri Kigali, yewe ntabwo anemera ko Abatutsi bahigwaga bakanicwa muri Kigali bazira ubwoko bwabo, kuri we za bariyeri zacungwa n'abantu b'ibirara, babaga barimo n'abagize amashami y'urubyiruko y'amashyaka ya politiki y'Abatutsi). Reba na none imyanzuro mu magambo ya Avoka wunganira Uregwa; Inyandikomvugo y'iburanisha, 15 Gashyantare 2008 urup. 18 (« [Hari abaturage bibwirije kandi bitateguwe gukora amarondo no gushyiraho za bariyeri. Bageragezaga kwirwanaho, n'ubwo izo bariyeri, bidatinze na gato, zaje gukoreshwa ibindi bintu, by'umwihariko, mu gukora ibikorwa bya Jenoside »).

[187]Imyanzuro isoza yanditse ya Porokireri, ibika 110-127.

itariki ya 10, iya 12 n'iya 14 Mata Renzaho yasabye ko bariyeri za gisiviri zivanwaho ku manywa, ko kandi mu biganiro bye byanyujijwe kuri radiyo kuva ku itariki ya 7 Mata kugeza kuya 6 Gicurasi, yasabye inshuro nyinshi ko ubwicanyi n'ibikorwa by'urugomo bihagarikwa[188].

160. Mu isesengura ry'uruhare rwa Renzaho ruvugwa mu birebana na bariyeri zari muri Perefegitura y'Umujyi wa Kigali, Urugereko rurasuzuma mu byiciro bitandukanye ibimenyetso bivuga ko yaba yarageze kuri za bariyeri; ibivugwa ko yaba yaratanze amabwiriza yo gushyiraho za bariyeri; n'uburyozwacyaha bwe ku byaha byazikoreweho.

2.3.1 Kuba yari ari kuri bariyeri ku itariki ya 8 n'iya 12 Mata

161. Mu rwego rwo kugaragaza ko Renzaho yari afite aho ahuriye na bariyeri zacungwaga n'abantu bitwara gisirikare kandi bari bafite intwaro nyinshi, barimo n'Interahamwe, Porokireri ashingira ku buhamya bw'Umutangabuhamya wiswe AFB. Uyu mutangabuhamya yavuze ko ku itariki ya 8 Mata 1994, Renzaho yazengurutse kuri za bariyeri zari muri za Segiteri zikurikira: Kimisagara, Nyakabanda, Nyamirambo na Gitega. Ibyo avuga ni ibyo yiboneye kandi muri rusange bijyanye n'ibyo yavuze mu buhamya yatanze mu rubanza rwa *Zigiranyirazo* mu rwa Mbere rw'iremezo ndetse n'ubuhamya bwanditse yagejeje ku baperererezi b'uru Rukiko mu Ukuboza 2003[189].

162. N'ubwo bimeze gutyo, AFB ni we wenyine watanze ubuhamya avuga ko Renzaho yagiye kuri izi bariyeri. Urugereko hari ahandi rwagaragaje impungenge zarwo ku birebana n'imiterere imwe n'imwe y'ubuhamya bwe budafite ikindi kimenyetso kibushyigikira ku birebana n'itangwa ry'intwaro (II.3). Bityo rero, Urugereko rurasuzuma ubuhamya bwe rutabushira amakenga, kandi ntiruzabwemera mu gihe buzaba budafite ubundi bubushyigikira ku byo uyu mutangabuhamya avuga birebana n'ibikorwa runaka bya

[188]Imyanzuro isoza y'Ubwunganizi, ibika 721-733, 739-753, 752-774; 775-793; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (Inyandiko yuzuza ingingo zavuzwe mu magambo n' Ubwunganizi), ibika 753.1-753.7.

[189] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 2B (Inyandiko y'ubuhamya yo ku itariki ya 22 Ukuboza 2003), imp. 4-5; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 1 (*Urubanza rwa Zigiranyirazo)*, Inyandikomvugo y'iburanisha, 26 Mutarama 2006, imp. 13-17, Inyandikomvugo y'iburanisha, 30 Mutarama 2006, imp. 36-37).

Renzaho kuri za bariyeri, harimo no kuba yarazengurutse za bariyeri mu masegiteri ya Kimisagara, Nyakabanda, Nyamirambo na Gitega ku itariki ya 8 Mata 1994, aha inkunga n'amabwiriza abacungaga izo bariyeri. Imyanzuro y'Urugereko ku birebana n'uruhare rwa Renzaho kuri za bariyeri ku itariki ya 12 Mata sobanuye ahandi iyi nyandiko y'urubanza (II.3).

163. Icyakora, Urugereko rusanga ibyo AFB avuga ku byerekeye abacungaga za bariyeri n'uko ibintu byari byifashe kuri zo, muri rusange bikwiye kwemerwa kandi bifite ishingiro. Ikindi kandi, ibyo yavuze ko abayobozi b'inzego z'ibanze babaga bari kuri bariyeri, ko izo bariyeri zakoreshwaga mu guhiga Abatutsi, ko kandi zacungwaga n'abantu bari mu mitwe yitwara gisirikare bafite intwaro zikomeye, harimo n'Interahamwe, bijyanye n'ubundi buhamya buri mu nyandiko z'Urukiko, bityo Urugereko rukaba rwemera ibintu by'ingenzi bikubiye mu buhamya bwe mu Rukiko. By'umwihariko, ubuhamya bwe buvuga ko hariho za bariyeri zirinzwe n'Interahamwe zifite intwaro zikomeye hafi y'ibiro bya Segiteri ya Gitega, bishyigikirwa n'amafoto yafashwe na Corinne Dufka ndetse n'ubuhamya bwatanzwe mu rukiko.

2.3.2 Amategeko yo gushyiraho za bariyeri

164. Porokireri ashaka kugaragaza ko Renzaho yategetse abayobozi bo mu nzego z'ibanze gushyiraho bariyeri, abikoreye mu manama yaberaga ku biro bya Perefegitura y'Umujyi wa Kigali. Ibimenyetso byatanzwe n'ababuranyi bombi bigaragaza ko abayobozi bo mu nzego za Leta z'ibanze, by'umwihariko ba Konseye ba za Segiteri na ba Resiponsabure b'amaserire, bahagarikiye ishyirwaho n'imicungire ya za bariyeri muri Perefegitura. Icyakora, ibimenyetso byatanzwe n'Ubwunganizi bivuga ko aba bayobozi batabikoze ku mabwiriza ya Renzaho, ahubwo, nk'urugero, ko babikoze ku mabwiriza ya Guverinoma y'agateganyo cyangwa se y'abasirikare, cyangwa se ko babikoze babyibwirije[190].

[190]Umutangabuhamya ushinja wiswe AFB, Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 84, 86-87 (Interahamwe zashyizeho bariyeri ku itariki ya 7 Mata hafi yo kwa Rose Karushara; bivugwa ko ngo yaba yarazihaye intwaro zivuye iwe kandi yagaragaye kuri iyo bariyeri); Umutangabuhamya ushinja wiswe AFB, Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 87-94 (yabonye Konseye wa Nyakabanda n'Interahamwe kuri bariyeri, anabona Interahamwe zicunze bariyeri ku biro bya Segiteri ya Gitega); Jean-Baptiste Nyetera,

165. Rumaze gusuzuma ibimenyetso n'ingingo byatanzwe na Porokireri n'Ubwunganizi, Urugereko rusanga Renzaho yarategetse akanashyigikira ishyirwaho rya za bariyeri hirya no hino muri Kigali. Mbere na mbere, ibi bikomoka ku buhamya bw'Abatangabuhamya biswe UB, AWE, GLJ na ALG bavuze ku birebana n'amanama Renzaho yatanzemo amabwiriza muri urwo rwego. Icya kabiri, uyu mwanzuro ushyigikirwa n'amatangazo ya Renzaho agenewe rubanda yaciye kuri radiyo, arebana n'amabariyeri. Icya nyuma, ibimenyetso birebana n'itegurwa rya gahunda nyarwanda « yo kwirwanaho kw'abaturage », Renzaho yagizemo uruhare, na byo bishyigikira ibimaze kuvugwa.

166. Ku birebana n'amanama, abatangabuhamya biswe UB na AWE batanze ubuhamya bushingiye ku byo biboneye bavuga ko Renzaho yatumije inama ku biro bya Perefegitura ahagana ku itariki ya 10 Mata 1994, naho umutangabuhamya wiswe ALG we yavuze

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Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 30-31 (Konseye wa Segiteri ya Nyamirambo na ba Resiponsabure b'Amaserire bategetse ko hashyirwaho za bariyeri banahitamo abagomba kuzicunga); Umutangabuhamya ushinjura wiswe PPO, Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, urup. 52 (Hashobora kuba hariho Konseye wa Segiteri umwe cyangwa se babiri baba baragize uruhare mu ishyirwaho rya za bariyeri, ariko akaduruvayo mu kazigaragaragaho muri rusange kerekanaga ko ibyo bintu bitari byateguwe); Umutangabuhamya ushinjura wiswe UT, Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 48-49, Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 23-24 (Imyitwarire y'abantu bo mu mitwe yitwara gisirikare bacungaga za bariyeri yasaga nk'aho yerekana ko Konseye Odette Nyirabagenzi yari « ashyigikiye » abacungaga bariyeri yo ku Muhima, ko Konseye Rose Karushara yari ashyigikiye abacungaga bariyeri yo ku Kimisagara, ko Konseye Amri Karekezi yari ashyigikiye abacungaga za bariyeri zo mu Biryogo); Umutangabuhamya ushinjura wiswe PER, Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 33-35, 62 (abantu bo mu mitwe yitwara gisirikare bacungaga bariyeri mu duce twegeranye na *Saint-Paul* na *Sainte-Famille* « bayoborwaga » na Konseye Odette Nyirabagenzi hamwe na Angeline Mukandutiye wari Umugenzuzi w'amashuri abanza. Umutangabuhamya ntiyigeze abona Renzaho ari kumwe n'uwo ari we wese muri aba bayobozi kandi ntiyigeze yumva hari uvuga ko afite aho ahuriye na bo); Umutangabuhamya ushinjura wiswe AIA, Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 27, 35; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, urup. 13 (Amri Karikezi, Konseye wa Segiteri ya Biryogo, ni we werekanye ahantu runaka mu Biryogo hagombaga gushyirwa za bariyeri, ntabwo ari amabwiriza ya Renzaho yabaga yubahiriza ahubwo ni aya Minisitiri w'Intebe wa Guverinoma y'agateganyo); Umutangabuhamya ushinjura wiswe GOA, Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 47, 49, 51 (n'ubwo hari abasiviri bamwe bashyizeho za bariyeri babyibwirije, abandi babikoze babifashijwemo n'abayobozi ba za Segiteri n'aba za Selire. Abacungaga bariyeri yo ku Gitega babaga bari kumwe kandi bafatanyije na Konseye wa Segiteri ya Biryogo, Amri Karekezi); Umutangabuhamya ushinjura wiswe HIN, Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, imp. 67-68, Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 25, 36 (Konseye Odette Nyirabagenzi yazengurutse Segiteri ya Rugenge agenzura za bariyeri, asaba abantu kuba maso no gukoma Abatutsi imbere. Izo bariyeri zari ziamije kwica Abatutsi. Umutangabuhamya ntiyibwira ko mu gihe Nyirabagenzi yazenguruka Segiteri ye yabaga yubahiriza amabwiriza ya Renzaho, ahubwo yabikoze mu rwego rw'ingamba z'umutekano yari yabwirijwe n'Abajepe); Umutangabuhamya ushinjura wiswe Nyetera, Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, urup. 31 (bariyeri zashyizweho hakurikizwa amabwiriza ya Minisitiri w'Intebe, ntabwo ari aya Renzaho).

ibyo yabwiwe n'abandi. Aba batangabuhamya uko ari batatu bari abayobozi bo mu nzego z'ibanze za Leta, bakaba barakatiwe ku byaha byakorewe mu Rwanda byerekeye gushyiraho za bariyeri hagati ya Mata na Nyakanga 1994 cyangwa barabirezwe[191]. Ikindi kandi, UB na AWE bari bafungiye muri gereza imwe ubwo bazaga gutanga ubuhamya mu rukiko[192]. Kubera ibyo bibazo, Urugereko ruraziriкana inyungu bafite yo kwivanaho umutwaro w'ibyo bakoze bakabyitirira Renzaho, rukanazirikana ko UB na AWE bashobora kuba barabanje kumvikana ku buhamya bazatanga. Bityo rero, rurasuzuma ubuhamya bw'aba batangabuhamya rubyitondeye uko bikwiye.

167. N'ubwo hari ukunyuranya mu bivugwa n'aba batangabuhamya ku birebana n'itariki nyayo y'iyi nama n'abari bayirimo, Urugereko rusanga uko kunyuranya kudakomeye. Ku birebana n'itariki, AWE yakomeje kuvuga ko iyi nama yabaye ku itariki ya 9 Mata[193]. ALG na we yumvise ko iyi nama yabaye ku itariki ya 9 Mata. UB we avuga ko inama yabaye nyuma ku itariki ya 10 cyangwa iya 11 Mata. Icyakora, iyo umuntu acukumbuye, asanga ubuhamya bwe mu rukiko busa nk'aho buvuga itariki ya mbere yaho ya 9 cyangwa iya 10 Mata kuko nyuma yasobanuye ko iyo nama yahuriranye n'irahira rya Guverinoma y'agateganyo, ryabaye ku itariki ya 9 Mata[194]. Bityo rero, ingingo z'ingenzi

[191]Umutangabuhamya ushinja wiswe UB yahamwe n'icyaha, akatirwa igihano cyo kwicwa mu Rwanda mu wa 1997. Mu wa 1998, ubujurire bwe ntibwemewe. Ubwo yatangaga ubuhamya mu Rukiko, yari agitegereje icyemezo cy'Urukiko rw'ikirenga mu Rwanda. Umutangabuhamya wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-4, 62-65; Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 7-8, 12, 18, 21-22; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 11A (Inyandiko y'urubanza rwa UB rwaciwe n'Urukiko rwa Mbere rw'Iremezo mu Rwanda); Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 11B (Inyandiko y'urubanza rwa UB mu bujurire rwaciriwe mu Rwanda). Abatangabuhamya biswe AWE na ALG batanze ubuhamya mu rukiko mbere y'itangira ry'imanza zabo bombi mu Rwanda, kandi muri izo manza havugwamo uruhare rwabo mu ishyirwaho n'iyoborwa rya za bariyeri. Umutangabuhamya wiswe AWE, Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12, 51-52, 54, 56 (ategereje gucirwa urubanza, ariko rusanga yarireze ko yashyizeho bariyeri); Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64 (rusanga yararezwe Jenoside mu Rwanda, kandi yarafunguwe by'agateganyo muri Nyakanga 2005); Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 4C (Dosiye y'urubanza rwa ALG mu Rwanda, itariho itariki), urup. 2, ivuga muri make amakuru ashinja ALG ko « yacunze za bariyeri z'Interahamwe akanaziha [Interahamwe] amabwiriza yo kujya kwica abantu ».

[192] Ikimenyetso gihamya cya Porokireri cyahawe nomero 69 (Ifishi y'umwirondoro y'Umutangabuhamya wiswe UB); Ikimenyetso gihamya cya Porokireri cyahawe nomero 80 (Ifishi y'umwirondoro y'Umutangabuhamya wiswe AWE).

[193] Reba Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 34-35; Ikimenyetso gihamya cya Porokireri cyahawe nomero 49 (inyandiko y'ibyavuzwe kuri Radio Rwanda, 11 Mata 1994, hatambutswa itangazo ryo ku itariki ya 10 Mata 1994), urup. 5.

[194] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 8 (Ku itariki ya 10 cyangwa iya 11 *ubwo Guverinoma yarahiraga*, Perefe wa Perefegitura y'Umujyi wa Kigali yatumije inama, yise inama y'umutekano yaguye ») (nitwe

mu buhamya bw'aba batangabuhamya batatu zirahuje ku birebana n'itariki iyi nama yabereyeho. Bihuje kandi ku buryo buhagije n'igika cya 9 cy'Inyandiko y'ibirego kivuga ko Renzaho yatanze amabwiriza arebana na za bariyeri mu nama yo « ku itariki ya 10 Mata 1994 cyangwa hafi yayo ».

168. Ku birebana n'abari muri iyo nama, UB yavuze ko yarimo ba Konseye ba za Segiteri, ba Resiponsabule b'amaserire, abasirikare, abajandarume, abahagarariye amashyaka yabo n'Interahamwe. AWE we yavuze ko iyo nama yari mo abantu bake, ko yari igizwe gusa n'Abakonseye, Ababurugumesitiri, Abasirikare bakuru n'Abajandarume bake. Urugereko rusanga uku kunyuranya kudakomeye kandi uko biri kose, kukaba gukomoka ku gihe gishize ibintu bibaye. Nk'urugero, UB na AWE bose bavuze ko bagiye mu nama Renzaho yasobanuyemo ko bariyeri zari zigamije guhangana n'Abatutsi cyangwa « Inyenzi », anategeka abari bayirimo kushyiraho izindi nyinshi. Aba batangabuhamya uko ari babiri, buri wese yavuze ko Abakonseye batanze amakuru arebana n'uko umutekano wifashe kandi ko Burugumesitiri Jean Bizimana atayigiyemo. Bavuze ko iyo nama yajwemo n'abantu benshi ugereranije n'inama isanzwe y'urwego rw'inama ya Perefegitura ishinzwe umutekano[195]. Na none kandi, ALG yumvise havugwa iby'inama yabaye nko mu gihe nk'icyo, abyumvanye Konseye wa Segiteri ya Biryogo n'uwa Segiteri ya Cyahafi, ndetse na Pierre Claver Nyirikwaya wari Burugumesitiri wa Komini ya Kacyiru. Bamubwiye ko Renzaho yahamagariye abari bayirimo gutanga inkunga mu kurwanya Inkotanyi, gukangura abaturage no gushyiraho za bariyeri.

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tubitsindagiye); Ikimenyetso gihamya cya Porokireri cyahawe nomero 94A (raporo y'impuguke Alison Des Forges), urup. 11, yerekana ko Guverinoma nshya yagiyeho ku itariki ya 9 Mata 1994.

[195]Umutangabuhamya wiswe AWE yatanze ubuhamya mu rukiko avuga ko mu nama ya kabiri muri Mata 1994, hari abakuru b'amashyaka, aha agahuza n'ubuhamya bwa UB ku birebana n'iyi nama n'izindi (II.3). Ikindi kandi, itangazo ryatanzwe na Renzaho ku itariki ya 14 Mata na ryo ryerekana ko yahuye n'abayobozi bo mu rwego rwa Komini n'urwa Segiteri ndetse n'ab'amashyaka ya politiki. Ikimenyetso gihamya cya Porokireri cyahawe nomero 51 (Inyandiko y'itangazo rya Radio Rwanda, 14 Mata 1994), urup. 9 (« Muri iyi minsi ishize, twakoranye inama n'abayobozi bo mu rwego rwa Komini n'urwa Segiteri »), urup. 10 («Nakoranye inama n'abahagarariye amashyaka ya Politiki mu rwego rwa Perefegitura n'urwa Komini … Ni yo mpamvu nshimira cyane abahagarariye amashyaka kubera ibitekerezo byubaka baduhaye muri iyo nama … »). Icyakora, Renzaho yahakanye ko yahuye n'abahagarariye amashyaka. Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 52; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 46-47.

169. Muri make, hashingiwe ku bimaze kuvugwa, Urugereko rusanga UB, AWE, na ALG baravugaga inama imwe, yabaye ahagana ku itariki ya 10 Mata 1994[196]. Ikindi kandi, Urugereko rusanga aba batangabuhamya baravuze ibintu bikwiye kwemerwa ku birebana n'amabwiriza Renzaho yatanze yo gushyiraho za bariyeri, by'umwihariko iyo busuzumiwe hamwe n'ibimenyetso biziguye bivugwa hano hasi.

170. Mu gusesengura niba Renzaho yarakoranye inama n'abayobozi bo mu nzego z'ibanze, agatanga amabwiriza yo gushyiraho za bariyeri akanazishyigikira, uduce tw'inyandiko y'itangazo rya Renzaho ryo ku itariki ya 10 Mata ryanyujijwe kuri Radio Rwanda ni ingirakamaro:

> Icya gatatu: « Abaturage babujijwe gushyiraho za bariyeri mu duce tw'umujyi ku manywa. Bariyeri zigomba gushyirwaho gusa nijoro, kandi icyo gikorwa kikagenzurirwa hafi na za komite z'umutekano zo mu gace zihererereyemo.
>
> …
>
> Icya gatanu: Perefe yongeye kwiyama abagizi ba nabi b'ingeri zose, kandi arasaba abaturage bose kurwanya abasahuzi, amabandi, abicanyi n'abandi bose bashoza imvururu. Arabasaba kuba maso no gukomeza gutungira agatoki inzego z'ubutegetsi ababisha bashaka kubinjiramo[197].

171. Renzaho yemeje ko yatanze iri tangazo, noneho agasobanura uduce tuvugwa mu buryo bukurikira:

> Ariko ku birebana no gucunga bariyeri, sinahwemye gushimangira ko abayobozi ba Komini bagomba kubigiramo uruhare kandi bagakora igenzura rikwiye kugira ngo hatabaho kurengera n'urugomo byakorwa n'abazicunga. Ibi nabikoze mu manama nagiranye na ba Burugumesitiri, kandi Burugumestiri wa Komini ya Nyarugenge we yashoboraga no kuzana na ba

[196] Umutangabuhamya wiswe GLJ yavugiye mu rukiko ko yabonanye na Perefe ku itariki ya 10 Mata ku biro bya Perefegitura (II.4.3). Yavuze ko atagiye muri iyo nama ko ariko yumvise ko hari amanama yabaye mbere y'uko ahagera na nyuma y'aho ahaviriye. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 18.
[197] Ikimenyetso gihamya cya Porokireri cyahawe nomero 49 (inyandiko y'ibyavuzwe kuri Radio Rwanda, 11 Mata 1994, hatambutswa itangazo ryo ku itariki ya 10 Mata 1994) urup. 5.

> Konseye ba Segiteri be. Nabikoze kandi no mu byo nasabaga abaturage inshuro zinyuranye, ubutumwa n'amatangazo natangaga[198].

172. Urugereko rusanga, ibyavuzwe kuri radiyo n'igisobanuro cya Renzaho bishyigikira ubuhamya bushingiye ku byo UB na AWE bihagarariyeho aho bavuga ko yahaye abayobozi b'inzego z'ibanze amategeko yo gufatanya n'abaturage mu gushyiraho bariyeri zigamije gukoma imbere Inkotanyi cyangwa Inyenzi, zarimo n'Abatutsi b'abasiviri. Urugereko rufashe uyu mwanzuro n'ubwo muri iryo tanganzo ryaciye kuri radiyo harimo amabwiriza yo kuvanaho za bariyeri ku manywa, n'ibyo Renzaho yavuze kuri radiyo ku itariki ya 7 Mata, « asaba abantu kudasubiranamo ». Ubundi, iri tangazo ryari ryatanzwe mbere na ryo ryasabaga abayobozi gufatanya, rikanashishikariza abaturage gufatanya « n'abashinzwe umutekano », « gukomeza kuba maso » no gukora ibishoboka kugira ngo « ingo zabo zirindwe neza, bityo baburizemo ubucengezi »[199].

173. Ibyavuzwe kuri radiyo nyuma y'itariki ya 11 Mata na byo bikubiyemo ubutumwa nk'ubu. Mu kiganiro yatanze ku itariki ya 12 Mata, Renzaho yatanze amabwiriza yumvikana, avuga ko abaturage bagomba kwirwanaho, bagashakisha Inyenzi bakanashyiraho za bariyeri:

> « Mu duhanda tugana mu duce batuyemo, byaba byiza badufungishije za bariyeri. Bashobora kuzicungira, bagahitamo abantu bizeye koko kandi bafite ibyagombwa bakahabashyira ».

Iki kiganiro kinarimo ibirebana n'ahantu runaka muri Kigali, we abona ko hatari hakenewe za bariyeri ku manywa kuko Jandarumori yari yarazihashyize[200].

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[198] Renzaho, Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 13.

[199] Ikimenyetso gihamya cya Porokireri cyahawe nomero 48 (inyandiko y'ibyavuzwe kuri Radio Rwanda , 7 Mata 1994), urup. 2 (« Uvuga ntazwi: Perefe wa Perefegitura y'Umujyi wa Kigali arasaba abatuye Umujyi wa Kigali kubahiriza amabwiriza yatanzwe na Minisiteri y'Ingabo. Arasaba abantu kudahohoterana, kuba maso muri ibibi bihe bikomeye, gufatanya n'abashinzwe umutekano kugira ngo baborohereze mu mirimo yabo. Arasaba buri wese gukora ibishoboka kugira ngo abantu barinde neza ingo zabo bityo barwanye ubucengezi. Iri tangazo ryasinywe na Tharcisse Renzaho, Perefe w'Umujyi wa Kigali »).

[200] Ikimenyetso gihamya cya Porokireri cyahawe nomero 50 (inyandiko y'ibyavuzwe mu kiganiro uvuga yagiranye n'umunyamakuru kuri Radio Rwanda, 12 Mata 1994), urup. 9 (« Turabasaba gukora amarondo mu duce batuyemo nk'uko bisanzwe, bagomba kwishyira hamwe *bagashaka intwaro za gakondo bamenyereye, bakirwanaho*. Ndagira

174. Na none kandi, mu kiganiro cyanyuze kuri radiyo ku itariki ya 14 Mata, Renzaho yagize icyo avuga ku nama yakoranye n'abahagarariye amashyaka ya politiki mu rwego rwa Komini n'urwa Perefegitura. Yatsindagiye ko abantu bagomba kwiyunga, ntibicane ahubwo bakarwanya umwanzi wateye « mu duce dutuyemo », anavuga ko, ku munsi ukurikiyeho, hazaba inama abaturage bazaherwamo amabwiriza yumvikana. Yasobanuye ko atari ngombwa ko abaturage bose bayizamo, kubera ko bamwe bazaba bakora amarondo, « bafite za bariyeri barinda kandi bagomba kuzigumaho »[201]. Mu kiganiro cya Renzaho cyanyujijwe kuri Radio Rwanda ku itariki ya 24 Mata, avuga ko ba Konseye bazakorana n'abaturage babo aho batuye kugira ngo barinde umutekano wabo, bakoresheje za bariyeri[202]. Hanyuma, Renzaho amaze kumenya iby'ubwicanyi bwibasiraga Abatutsi, ikiganiro cye cyanyuze kuri radiyo ku itariki ya 10 Gicurasi n'iya 18 Kamena cyibanze ku gusaba igenzura ry'ibiranga abagenzi baca kuri za bariyeri[203].

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ngo nsabe noneho abatuye buri gace kugeregeza gutegura uburyo bakora umuganda batema ibihuru, banasaka amazu adatuwe, bakareba mu bishanga biri hafi yabo *niba nta Nyenzi zibyihishemo*. . . . Ku mihanda ijya mu duce batuyemo, byaba byiza bayifungishije za bariyeri. Bashobora kuzirindira, bagahitamo abantu bizeye koko kandi bafite ibyangombwa bakabahashyira … Numvise ko, ku muhanda Gikondo-Remera, hari za bariyeri zashyizweho n'abaturage, *bitewe n'uko Jandarumori yahashyize bariyeri zayo ku manywa, abo baturage bagomba gukuraho bariyeri* zabo bakohereza abantu gushaka ibyo kurya hano mu mujyi. *Izo bariyeri bashatse bazishyiraho nijoro*… bashobora kuzishyira mu mihanda y'uduce batuyemo kugira ngo bashobore kuzicunga. Ndabifuriza gukomeza kuba intwari, ntibatege amatwi abavuga ngo umujyi warafashwe, ahubwo bagomba gukomera mu duce tw'umujyi batuyemo, bityo bagakora umuganda kugira ngo hatagira *Inyenzi* ishobora kuhihisha. Ng'ubwo ubutumwa nagezaga ku baturage »). (Ni twe twanditse mu nyuguti ziberamye ibice twashatse gutsindagira).

[201] Ikimenyetso gihamya cya Porokireri cyahawe nomero 51 (inyandiko y'ibyavuzwe kuri Radio Rwanda itangazo, 14 Mata 1994), urup. 10. Urugereko rusanga ku rupapuro rwa 11, hari ibyavuzwe ku birebana no muri Nyabugogo no ku Giticyinyinoni, aho Renzaho asanga Abajandarume ari bo bagomba kuhashyira za bariyeri, atari abaturage bagomba kuzihashyira.

[202] Ikimenyetso gihamya cya Porokireri cyahawe nomero 54 (inyandiko y'ibyavuzwe kuri Radio Rwanda, 24 Mata 1994), urup. 14 (« Mu kanya kashize, navugaga ku kibazo cya za komite. Izo komite zizafasha ba Konseye kurindira abaturage umutekano… abaturage bagomba guhitamo ababahagarariye muri za komite zizaba zishinzwe kugenzura abakora… ku ma bariyeri… »).

[203] Ikimenyetso gihamya cya Porokireri cyahawe nomero 56 (inyandikuro y'ibyavuzwe mu kiganiro uvuga yagiranye n'umunyamakuru kuri Radio Rwanda, 10 Gicurasi 1994), urup. 13 (« Ubundi ibyagombwa bikenewe kuri bariyeri ni ibisabwa n'amategeko kandi n'ibi bikurikira: ubundi buri wese agomba kuba afite indangamuntu, igomba kwerekanwa igihe isabwe »); Ikimenyetso gihamya cya Porokireri cyahawe nomero 62 (inyandiko y'ibyavuzwe kuri Radio Rwanda, 18 Kamena 1994), urup. 4 (« Kugeza ubu, twatanze amabwiriza ahagije, ku byagombwa biranga abantu kandi nabisubiyemo inshuro nyinshi. Icyangombwa gisabwa kuri bariyeri ni indangamuntu. Ibyanditse ku irangamuntu yacu, bivugwa mu itegeko, kandi ntibyigeze bihinduka. Ndashaka kumenyesha abaturage ko hari uburyo *Inyenzi* zikoresha kugira ngo ziyoberanye. Zohereza intasi mu duce zitarafata. Akenshi zikoresha Abahutu cyangwa abandi bantu bafite indangamuntu yanditsemo ubwoko bw'Abahutu, kuko zizi ko abantu bazwi batyo nta bibazo bagira iyo bakontorowe »).

175. Ku birebana n'inama yabereye ku biro bya Perefegitura ahagana ku itariki ya 10 Mata, Urugereko rusanga ibyo Renzaho yagejeje kuri rubanda mu matangazo ye y'icyo gihe bishimangira ubuhamya butaziguye bwa UB na AWE ndetse n'ubuhamya bwa ALG bushingiye ku nkuru mbarirano. Binahuje n'ubuhamya bwa GLJ burebana n'inama yabereye mu biro bya perefegitura ahagana ku itariki ya 16 cyangwa iya 17 Mata, muri iyo nama Renzaho akaba yaratanze amabwiriza yo gushyiraho za bariyeri. Ikindi kandi, ALG yatanze ubuhamya avuga ko yagiye mu nama zigera kuri eshatu cyangwa enye nyuma y'itariki ya 12 Mata, muri izo nama Renzaho akaba yarashishikarije abantu gukaza umurego kuri za bariyeri no gukora amarondo hagamijwe kugenzura ubucengezi bw'Inkotanyi[204]. N'ubwo bitagaragara neza niba aba batangabuhamya baravugaga ku manama amwe, ubutumwa bagiye bahabwa buri gihe bwatsindagiraga ko byari ngombwa gutanga inkunga mu micungire ya za bariyeri.

176. Icya nyuma, Urugereko rusanga kuba Renzaho yaragize uruhare mu ishyirwaho ry'ukwirwanaho kw'abaturage muri Kigali bishimangira ibimenyetso bigaragaza ko yategetse ko bariyeri zishyirwaho mu mujyi wa Kigali. Ibimenyetso bitagibwaho impaka bigaragaza ko, ku itariki ya 29 Werurwe 1994, Renzaho yabonanye na Déogratias Nsabimana, umuyobozi mukuru w'ingabo, na Koloneli Félicien Muberuka, wari ukuriye ibikorwa bya gisirikari mu karere ka Kigali, kugira ngo bavugane uburyo gahunda y'ukirwanaho kw'abataurage muri Kigali yashyirwa mu bikorwa[205]. Nk'uko bigaragazwa n'inyandikomvugo y'iyo nama, Muberuka yagombaga gushyiraho abagize « amatsinda » yo kurinda uturere batuyemo no « guhiga no guhashya abacengezi mu duce tunyuranye

[204] Twibutse ko ubwo batangaga ubuhamya mu rukiko, GLJ na ALG bari bararezwe mu Rwanda, bategereje kuburana imanza zirebana n'ibyaha byo kuba baragize uruhare muri za bariyeri i Kigali mu wa 1994. Umutangabuhamya wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13-14, 23 (ategereje kuburana ariko hibutswe ko yireze akanemera icyaha cyo gushyiraho bariyeri yubahiriza amabwiriza ya Renzaho); Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64 (aregwa Jenoside); Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 4 (Dosiye y'urubanza rwa ALG mu Rwanda, itariho itariki) (igaragaza inyandiko y'ibazwa ry'umutangabuhamya washinje ALG ko « yacunze za bariyeri z'Interahamwe akanaziha [Interahamwe] amabwiriza yo kujya kwica abantu»). Urugereko rushingira ku buhamya bwabo aho bufite gusa ubundi bubushyigikira.

[205] Renzaho, inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 41; Ikimenyetso gihamya cya Porokireri n° 24 (ibaruwa yo ku itariki ya 30 Werurwe 1994, ya Déogratias Nsabimana ivuga iby'ukwirwanaho kw'abaturage. Renzaho yahawe kopi yayo).

tw'umujyi »[206]. Renzaho yasabwe gutanga urutonde rw'abasirikari bavuye ku rugerero n'abandi basiviri bizewe bashobora gukorana n'ingabo mu rwego rwo kurinda uturere barimo. Ibyo yabikoze ku itariki ya 31 Werurwe 1994[207]. Inyandiko zo muri Gicurasi 1994 zerekeye ishyirwaho ry'ukwirwanaho kw'abaturage muri Kigali zigaragaza neza ko perefe yari mu bakuriye imitwe y'ukwirwanaho kw'abaturage[208]. Renzaho kimwe n'abandi batangabuhamya bashinjura bavuze ko urwo rwego rw'ukwirwanaho kw'abaturage rutigeze mu by'ukuri rushyirwa mu bikorwa[209].

177. Urugereko rusanga ibimenyetso byatanzwe bitagaragaza neza ku buryo budasubirwaho igihe n'uburyo inzego z'ukwirwanaho kw'abaturage zashyizweho ku mugaragaro. Nyamara ariko hari isano igaragara hagati y'itegura n'umugambi by'ukwirwanaho kw'abaturage byabayeho mbere y'itariki ya 7 Mata n'ikwirakwizwa rya bariyeri muri Kigali nyuma y'iyo tariki. Na none kandi, kuba Renzaho yari afite aho ahuriye n'inama zo mu rwego rwo hejuru kimwe n'ibindi bikorwa nko gushaka abasiviri bo kwitabira gahunda yo kurinda Kigali mu minsi mike yabanjirije iyubura ry'imirwano hagati y'ingabo za Leta n'iza FPR, bigaragaza ko yagize uruhare runini kandi akanashyigikira cyane ibikorwa bya gisiviri byunganira mu rwego rwo kurengera umujyi wa Kigali muri icyo gihe. Ndetse no mu biganiro bitandukanye byavuzwe haruguru, Renzaho yavugaga ko bariyeri mu mujyi wa Kigali zizana umutekano. Urugereko rusanga ibimenyetso bijyanye n'imigambi y'ukwirwanaho kw'abaturage muri Kigali bishimangira mu buryo buziguye ko Renzaho yagize uruhare muri iyo migambi.

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[206] Ikimenyetso gihamya cya Porokireri n° 24 (ibaruwa ya Déogratias Nsabimana ivuga iby'ukwirwanaho kw'abaturage, yo ku itariki ya 30 Werurwe 1994. Renzaho yahawe kopi yayo) igika cya 4.

[207] Renzaho, inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 41; Ikimenyetso gihamya cya Porokireri n° 25 (ibaruwa Renzaho yandikiye Umuyobozi mukuru w'ingabo, ku itariki ya 31 Werurwe 1994).

[208] Ikimenyetso gihamya cya Porokireri n° 38 (ibaruwa yo ku itariki ya 25 Gicurasi 1994 Edouard Karemera yandikiye abaperefe bose), ibasaba gushyira mu bikorwa amabwiriza ya Minisitiri w'Intebe arebana na gahunda y'ukwirwanaho kw'abaturage no gukurikirana buri gihe no kugenzura bariyeri z'abasiviri; Ikimenyetso gihamya cya Porokireri n° 37 (ibaruwa yo ku itariki ya 25 Gicurasi 1994 Jean Kambanda yandikiye abaperefe bose), ivuga ko perefe akora nk'umugenzuzi w'ibikorwa bya gahunda y'ukwirwanaho kw'abaturage muri perefegitura kandi akayobora inama z'inzego zishinzwe gahunda y'ukwirwanaho kw'abaturage.

[209] Reba, nk'urugero, Renzaho, inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 41; umutangabuhamya wiswe PAT, inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 74-75; umutangabuhamya wiswe PPV, inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 28-29; umutangabuhamya wiswe UT, inyandikomvugo y'iburanisha, 25 Gicurasi 2007, urup. 4; umutangabuhamya wiswe AIA, inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 59; umutangabuhamya wiswe PGL, inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 28-30, 35-36.

178. Mu gusuzuma ibimenyetso birebana n'iki kibazo, Urugereko rwazirikanye ko Renzaho yasobanuye bihagije ibyo yakoze hagati y'itariki ya 9 n'iya 11 Mata, inama zivugwa n'abatangabuhamya bashinja zikaba zitagaragaramo[210]. Na none kandi, Renzaho n'umutangabuhamya wiswe AIA bavuze ko hari inama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali irimo abantu basa n'abavuzwe n'abatangabuhamya biswe UB na AWE. Bavuga ko iyo nama yabaye ku itariki ya 8 Mata, kandi ko icyo gihe Renzaho ntiyategetse abari mu nama kujya gushyiraho bariyeri. Urugereko rusanga ibimenyetso by'Ubwunganizi bidatuma habaho gushidikanya ku nama yabaye ahagana ku itariki ya 10 Mata yiga ibya za bariyeri. Renzaho na AIA bavuze ko, mu minsi yakurikiyeho, Renzaho yakomeje kubonana n'abayobozi bo mu nzego zo hasi mu mujyi, barimo ababurugumesitiri n'abakonseye[211]. Na none kandi, ibyo Renzaho yavugiye kuri radiyo ku itariki ya 14 Mata bigaragaza neza ko yari aherutse kubonana n'abahagarariye amakomini na za segiteri kimwe n'amashyaka ya politiki[212].

179. Rushingiye ku bimaze kuvugwa, Urugereko rusanga bidashidikanywaho ko ahagana ku itariki ya 10 Mata, Renzaho yatumije mu biro bya perefegitura inama irimo ababurugumesitiri n'abakonseye n'abandi bayobozi, bakavuga uko umutekano wari wifashe muri Perefegitura y'Umujyi wa Kigali. Muri iyo nama, Renzaho yamenyeshejwe iby'ubwicanyi bwibasiraga Abatutsi n'ibindi bikorwa by'urugomo mu masegiteri agize umujyi wa Kigali. Renzaho yasabye abari bitabiriye inama kongera umubare wa bariyeri mu turere bagenzuraga. Na none kandi, mu yindi nama yabaye hagati muri Mata, Renzaho yasubiyemo ayo mabwiriza ye asaba abayobozi bo mu nzego zo hasi gushyigikira ishyirwaho rya bariyeri.

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[210] Renzaho, inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 43-47; inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 59-60.

[211] Renzaho, inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 13, 25-26, inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup. 18; umutangabuhamya wiswe AIA, inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 31, 40-41, 54-56; inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 6-7, 10-12, 17-18. Reba kandi umutangabuhamya wiswe UT, 24 Gicurasi 2007, urup. 44 (Renzaho yari yamenyesheje uwo mutangabuhamya ko hari inama y'ababurugumesitiri n'abakonseye bashoboraga kuboneka ku itariki ya 11 Mata, intego yayo ikaba kwari ugucogoza abaturage bishoraga mu bwicanyi).

[212] Ikimenyetso gihamya cya Porokireri n° 51 (inyandiko y'ikiganiro cya Radiyo Rwanda cyo ku itariki ya 14 Mata 1994), imp. 9-10.

2.3.3 Ubwicanyi bwakorewe kuri za bariyeri

180. Urugereko rusanga bidashidikanywaho ko Renzaho yavuze ko Abatutsi ari ibyitso by'umwanzi, Inyenzi cyangwa Inkotanyi. Urugereko rwemera ko amabwiriza yo gushyiraho bariyeri zo kurwanya Inyenzi cyangwa Inkotanyi yatanzwe mu rwego rwo gukangurira abaturage kurwanya ingabo z'inyeshyamba zari zateye zigamije guhirika ubutegetsi bwariho. Nyamara, Renzaho yasobanuye umwanzi mu buryo bwa rusange bushyiramo n'abasiviri b'Abatutsi. Urugereko rusanga bidashidikanywaho ko Renzaho yari agamije gushyira abasiviri b'Abatutsi mu nshoza y'iryo jambo cyangwa se ko ubutumwa yatangaga bwumvikanaga ko na bo barimo[213]. Kuba mu buhamya bwe mu rukiko, Renzaho yaravuze ko muri rusange Abatutsi bafatwaga nk'ibyitso bya FPR, no kuba yaremeye ko amagambo Inyenzi n'Inkotanyi yakoresheje kuri radiyo yaganishaga ku basiviri b'Abatutsi, ni ingingo ikomeye ishyigikira imyanzuro y'Urugereko[214]. Rufata uwo mwanzuro, Urugereko rwanasuzumye kandi ubuhamya bushinjura buvuga ko Renzaho yarwanyaga iyicwa ry'Abatutsi kuri bariyeri, cyangwa yababazwaga n'ubwo bwicanyi. Urugereko rusanga ubwo buhamya, ahanini butari mu rwego rwaguye, budashobora gutuma umuntu ashidikanya ku bivugwa mu buhamya bwizewe kandi bwemewe bw'abatangabuhamya bashinja bavuze ko Renzaho yari agamije ko izo bariyeri zibasira abasiviri b'Abatutsi.

181. Urugereko na none kandi rusanga abayobozi bo hasi, by'umwihariko abakonseye n'abandi bayobozi bo mu nzego z'ibanze nk'abaresiponsabure b'amaserire barashyizeho

[213] Umutangabuhamya wiswe UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 12 (« [Renzaho] yatubwiye ko Habyarimana yishwe, ko yishwe n'Inkotanyi, kandi ko umwanzi wacu tugomba kurwanya ari Umututsi »); umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 14 (« Yadusobanuriye ko umwanzi ari FPR yahanuye indege, kimwe n'ibyitso bya FPR, ni ukuvuga abaturanyi bacu b'Abatutsi. Yatubwiye ko umwanzi atari kure, ko ari hafi yacu. Yadusobanuriye ko tujya mu masegiteri yacu, tugashyiraho bariyeri aho zitari kugira ngo tubuze Inyenzi gucengera mu mujyi. Ntiyashakaga ko Inyenzi zibona uko zisanga ibyitso byazo, ari byo Abatutsi »).

[214] Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 19 (« Ikibazo: Bwana Renzaho, uremera ko abasiviri b'Abatutsi bafatwaga nk'ibyitso bya FPR? Igisubizo: Yego, byarashobokaga mu kavuyo twarimo. »), 54-55 (« Ikibazo:… Noneho, Bwana Renzaho, uremenyeranya nanjye ko, kuri Radiyo, Abatutsi muri rusange, wowe n'abandi mwabitaga 'Inyenzi-Inkotanyi'? Igisubizo: Sinjye wahimbye iyo mvugo. Iyo mvugo yaje FPR imaze gutangira intambara, kandi ndumva icyo yavugaga gisobanutse: Abateraga igihugu icyo gihe ni bamwe bari barigeze gutera muri za 60, bityo rero barabihuzaga… Bwana Perezida: Bwana Renzaho, subiza icyo kibazo. Iryo jambo wararikoresheje, muri ubwo buryo? Subiza yego cyangwa oya. Renzaho: Yego, nararikoresheje nk'uko n'abandi barikoreshaga. »).

bariyeri z'inyongera muri Perefegitura y'Umujyi wa Kigali bakurikije amabwiriza ya Renzaho, kandi bariyeri z'Interahamwe n'insoresore zitwara gisirikari zari zisanzweho na zo zari zishyigikiwe byimazeyo n'abo bayobozi bo mu nzego z'ibanze[215]. Ibimenyetso bitaziguye ku bijyanye n'abarindaga mu by'ukuri izo bariyeri zashyizweho n'abatangabuhamya bashinja, kimwe n'abaziciweho ntibihagije. Ibyo ari byo byose, umutangabuhamya wiswe UB yahamijwe icyaha mu Rwanda bishingiye ku ruhande rumwe ku ruhare rwe kuri bariyeri zakoreshejwe mu kwibasira Abatutsi n'abatavugaga rumwe n'ubutegetsi[216]. Na none, ubwemeracyaha bw'umutangabuhamya wiswe AWE n'ibimenyetso yatanze na byo bishyigikira umwanzuro uvuga ko ubwicanyi bwibasiye Abatutsi, by'umwihariko nyuma y'aho abasiviri baherewe imbunda[217]. Umutangabuhamya wiswe GLJ na we yemeje ko bariyeri zashyizweho ayo mabwiriza amaze gutangwa kandi ko izo bariyeri zakoreweho ubwicanyi[218]. Na none kandi, iyo Urugereko rusuzumiye ubwo buhamya hamwe n'ibindi bimenyetso byose bijyanye

[215] Umutangabuhamya wiswe UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 12 (« Ikibazo: Nk'uko yabivuze, washyizeho za bariyeri muri segiteri yawe? Igisubizo: Urumva ko ayo mabwiriza atahawe abakonseye bonyine. Birumvikana ko bariyeri ziyongereye ahantu hose. Yemwe n'ahantu hatari bariyeri hashyizwe inshya. No muri segiteri yanjye ni ko byagenze. »); umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 14, 46 (Uwo mutangabuhamya yategetse abaresiponsabure b'amaserire gushyira bariyeri zirinzwe n'Interahamwe ahantu ha ngombwa).

[216] Ikimenyetso gihamya cy'Ubwunganizi n° 11A (Inyandiko y'urubanza rw'umutangabuhamya wiswe UB mu Rwanda), urup. 28 (« Rumaze kumva ko mu gutegura jenoside n'ubwicanyi no kubishyira mu bikorwa, nyuma y'urupfu rw'uwahoze ari Perezida w'u Rwanda, hashyizweho bariyeri mu gihugu cyose ku mabwiriza y'abategetsi bariho n'amwe mu mashyaka ya politiki, kugira ngo Abatutsi bafatwaga nk'Inyenzi (abashyigikiye FPR n'Abahutu batavugaga rumwe n'ubutegetsi bwariho), bahigwe, bicwe…
Rumaze kumva ko kugira ngo ashyire mu bikorwa jenoside n'ubwicanyi, yahaye imbunda Interahamwe muri segiteri ye, izo ntwaro zakoreshejwe mu kwica abantu kuri bariyeri no gusahura. Na we ubwe ntabihakana kuko avuga ko hari imbunda yavanye kuri PVK, akaziha abaresiponsabure »).

[217] Umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12 (« Nemeye kandi ko nyuma y'iyo nama, cyangwa se mu gihe yabaga, hemejwe ko dushyiraho za bariyeri, kandi nanjye ubwanjye nashyizeho izo bariyeri muri segiteri yanjye. »); umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 20 (avuga ko nyuma y'aho izo ntwaro zitangiwe, ahagana ku itariki ya 12 Mata, Abatutsi bibasiwe n'ubwicanyi).

[218] Umutangabuhamya wiswe GLJ, inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 22-23 (« Ikibazo: Umaze guhabwa ayo mabwiriza washyizeho za bariyeri? Igisubizo: Mu nama twari kumwe n'abaresiponsabure b'amaserire. Bityo rero nyuma y'inama, bariyeri zashyizweho muri serire, mu maserire yose…Ikibazo: Ese ukurikije ibyavugiwe mu nama, byagaragaye ko ikintu nk'icyo hari ahandi cyabaye ku zindi bariyeri mu mujyi hose, ko hari abantu baba bari barishwe? Igisubizo: Yego. Mu mujyi hari abantu bari biciwe kuri za bariyeri. Kandi nasobanuye ko umushoferi wanjye na we yari agiye kwicirwa ku Gitega. Birumvikana rwose ko hari abandi bari biciwe kuri iyo bariyeri. … Nemeye ko nashyirishijeho bariyeri kubera ko hari abantu bicirwaga kuri izo bariyeri. Nemeye kandi ko hari abantu batashoboye guhunga kubera izo bariyeri. Ibyo biri mu bigize ubwirege bwanjye. »). Reba na none umutangabuhamya wiswe ALG, inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 22-25 (avuga ko yabonye kuri bariyeri muri Nyarugenge abantu bicwa, n'ibintu byabo bigasahurwa, amaze kumva Renzaho avuga ko bariyeri zarimo zishyirwaho kugira ngo zibuze Inkotanyi gucengera mu mujyi).

n'ubwicanyi bwibasiye abantu kuri bariyeri, rusanga bidashidikanywaho ko Abatutsi, abagaragaraga nk'abo, kimwe n'abantu byagaragaraga ko bari ku ruhande rutavuga rumwe n'ubutegetsi, bakurwaga mu bandi kuri izo bariyeri, bakicwa. Muri uyu mwanzuro, Urugereko rusanga n'abandi bategetsi muri Kigali, baba aba gisirikari cyangwa aba Guverinoma y'agateganyo, barashyigikiye icyo gikorwa baba bafatanyije cyangwa se badafatanyije na Renzaho. Ibyo ari byo byose, Urugereko rusanga amabwiriza yatanzwe na Renzaho yaraje yunga mu ry'abayobozi bari bashyigikiye ishyirwaho rya bariyeri, bityo rero Renzaho akaba yarashyigikiye bikomeye ubwicanyi bwakorewe kuri izo bariyeri.

182. Ibimenyetso byatanzwe ntibigaragaza ko Renzaho yatanze amabwiriza ku mugaragaro yo kwica Abatutsi kuri bariyeri[219]. Mu by'ukuri, bimwe mu bimenyetso bishinja bigaragaza ko Renzaho yari yatanze amategeko yo gufata abantu, kandi ko ubwicanyi bwakozwe n'abaturage b'abasiviri kuri za bariyeri babyibwirije[220]. Mu kunyomoza

[219] Umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 14 (« Igisubizo: Yabanje kudusobanurira uburyo indege ya Perezida yahanuwe, hanyuma atubwira ko ubu umwanzi azwi. Yadusobanuriye ko umwanzi ari FPR yahanuye indege, kimwe n'ibyitso byayo, ni ukuvuga abaturanyi bacu b'Abatutsi. Yavuze ko umwanzi atari kure, ko ari hafi yacu. Yadusabye kujya mu masegiteri yacu, tugashyiraho bariyeri aho zitari kugira ngo tubuze Inyenzi gucengera mu mujyi. Ntiyashakaga ko Inyenzi zisanga ibyitso byazo, ari bo Abatutsi. Yasobanuye ko gusubiranamo hagati y'amashyaka bigomba guhagarara kubera ko noneho umwanzi azwi. ») ; umutangabuhamya wiswe AWE, inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 36 (« Igisubizo: Ku bijyanye n'amabwiriza yihariye, Perefe Renzaho yatubwiye ko tugomba gushyira ku ruhande ibidutanya mu rwego rwa politiki muri segiteri. Yadusabye kunga ubumwe, kugaragaza umwanzi no gushyiraho bariyeri aho zitari. Ikibazo: Ubwo rero amabwiriza mwahawe yarebanaga na bariyeri? Igisubizo: Yego. ») ; umutangabuhamya wiswe UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 12 (« Igisubizo: … Kandi yatubwiye ko dushyiraho za bariyeri aho zitari… kandi ko umwanzi wacu dukwiye kurwanya ari Umututsi. »). Reba na none Umutangabuhamya wiswe ALG, inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 41 (Renzaho yasabye abitabiriye inama kuba maso). Byari ngombwa ko uduce Inkotanyi zitarafata twarindwa kugira ngo Inkotanyi zitatwinjiramo. Bityo rero, byari ngombwa kurinda bariyeri no gukora amarondo nijoro. Kandi Perefe yasabye abaturage gushyigikira Interahamwe zarimo zifasha abasirikari ku rugamba… Muri rusange, imyanzuro yafatiwe muri izo nama yari iyo gukaza za bariyeri no gukora amarondo nijoro kugira ngo babuze Inkotanyi gucengera. ») ; umutangabuhamya wiswe ALG, inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 67 (« Havugwa igikorwa cyo gukora ibishoboka kugira ngo babuze Inkotanyi gucengera mu mujyi. Havugwa igikorwa cyo gutsemba abantu. Bityo rero havugwa ibyo kubuza abantu gucengera mu mujyi kandi ibyo bihuye na ya nama yabaye, ishyirwaho rya bariyeri n'iyicwa ry'abantu, kandi intego ya bariyeri yari ukubuza Inkotanyi kwinjira mu mujyi. Ayo ni yo mabwiriza yatangiwe muri izo nama zakozwe muri icyo gihe, icyo kikaba ari cyo nashingiyeho mvuga icyo gihe »).

[220] Mu buhamya bwanditse umutangabuhamya wiswe AWE yabanje guha abapererezi b'Urukiko, agira ati: « Byumvikane ko intego ya mbere y'izo bariyeri itari ukwica Abatutsi. Abaturage bo ubwabo ni bo bahisemo kubikora batyo ». Inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 38; Ikimenyetso gihamya cy'Ubwunganzi 23 (Ubuhamya bwanditse bwo ku itariki ya 29 Ugushyingo 2003). Uwo mutangabuhamya yemera ko yavuze ibyo bintu, ariko mu rukiko avuga ko bariyeri zashyiriweho kubuza Abatutsi kugenda kugira ngo bafatwe, bicwe. Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 38, 56-57. Reba na none

umutangabuhamya wiswe ALG, Ubwunganizi bwifashishije ibyo yavugiye mu rubanza rwe mu nkiko zo mu Rwanda, bigaragaza ko ALG yibwirije agakoresha ubwicanyi kuri bariyeri, akabwira Interahamwe guha Renzaho amakuru atari yo ku bijyanye n'ibyahaberaga[221].

183. Nyamara ariko, nk'uko abyiyemerera, guhera ku itariki ya 8 Mata, Renzaho yari azi akaduruvayo kari kuri za bariyeri, kandi yari azi ko ubwicanyi bwarimo bukorwa mu duce twose tw'umujyi[222]. Yiyemereye ko nyuma y'itariki ya 10 Mata, yari azi ko abaturage barimo bicwa kuri za bariyeri muri Perefegitura y'Umujyi wa Kigali hashingiwe ku bwoko cyangwa se uruhande rwa politiki barimo[223]. Urugereko rusanga kuba yarihutiye guhamaza inama ku itariki ya 11 Mata kugira ngo basuzume uburyo bwo kuvanaho imirambo yari yuzuye mu mihanda yo muri Kigali, bigaragaza ku buryo bidashidikanywaho ko Renzaho, nk'umuyobozi w'Umujyi wa Kigali, agomba kuba yari yaramenye intera ubwicanyi bwari bwafashe mbere y'iyo tariki[224]. Bityo rero, Urugereko rusanga bidashidikanywaho ko, mbere y'uko Renzaho atumiza iriya nama yasabiyemo abayobozi bo mu nzego z'ibanze gushyiraho bariyeri ahagana ku itariki ya 10 Mata, yari azi ko ubwicanyi bwaberaga kuri za bariyeri kimwe n'ahandi hose, bwari bwibasiye

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umutangabuhamya wiswe GLJ, inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 22 (« Igisubizo: Itegeko ryavugaga ko bariyeri zishyirwa ku mihanda, kugira ngo bamenye abazihitaho babasaba kwerekana ibyangombwa. Perefe yavuze ko hari abantu barimo bagendagenda mu mujyi badafite ibyangombwa, ko abo bagomba kuba ari Inkotanyi zacengeye …Igisubizo: Muri iyo nama, yavuze ko abafashwe bagomba gushyikirizwa porisi ya perefegitura, cyangwa burigade ya jandarumori »).

[221] Umutangabuhamya wiswe ALG, inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 26-28; Ikimenyetso gihamya cy'ubwunganzi n° 4 (Incamake y'urubanza rw'umutangabuhamya wiswe ALG mu Rwanda).

[222] Renzaho, inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 2.

[223] Renzaho, ni kimwe no haruguru, urup. 11; inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 54.

[224] Renzaho, inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 45-47; inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 59 (avuga inama yagiranye na CICR ku itariki ya 11 Mata ku biro bya Perefegitura y'Umujyi wa Kigali yigaga ku ruhande rumwe ibyo kuvanaho imirambo); umutangabuhamya ushinja wiswe UL, inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 53-62 (Renzaho atanga itegeko ryo kuvanaho imirambo ku itariki ya 11 Mata mu nama yagiranye na Philipe Gaillard wa CICR); umutangabuhamya ushinja wiswe GLJ, inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 16-18, 47-50 (Uwo mutangabuhamya yari mu nama yo ku itariki ya 10 Mata, Renzaho yasabiyemo abakonseye kurunda imirambo); umutangabuhamya ushinjura wiswe BDC, inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 7-8, 10-12 (Uwo mutangabuhamya yumvise iby'inama yo ku itariki ya 11 Mata, Renzaho yagiranye na CICR na minisiteri zinyuranye biga ibibazo byo gufasha abantu, nk'icyo gushyingura imirambo). Reba na none umutangabuhamya wiswe PPV, inyandikomvugo y'iburanisha, 5 Kamena 2007, urup. 42 (« abo bantu barinze bariyeri nk'uko n'abandi bose babikoze. Ntabwo twabonye ubwicanyi, nyamara ariko perefe yari azi ko abantu bicwa »).

Abatutsi hashingiwe ku bwoko. Muri urwo rwego, Urugereko rusanga bidashidikanywaho ko Renzaho, mu gusaba abari mu nama gushyiraho bariyeri z'inyongera zagombaga kurindwa n'abatuye mu duce barimo, yari azi ko nta kindi byari bigamije kugeraho uretse gukomeza kwica abasiviri b'Abatutsi.

184. Nyamara ariko, Urugereko rwemera ko Renzaho yari yasabye mu ruhame abaturage kugarura umutekano no guhagarika ubwicanyi[225]. Hamwe na hamwe, Renzaho yavuze ko ashobora guhana yihanukiye abishoraga mu bikorwa by'ubugizi bwa nabi, nk'ibyo gusambanya abagore ku gahato no gusahura[226]. Ibyo ari byo byose, ubwo butumwa bwe bwatambutse kuri Radiyo Rwanda mu gihe Kigali, umurwa mukuru w'u Rwanda, yari

[225] Ikimenyetso gihamya cya Porokireri n° 49 (Inyandiko y'ikiganiro cya Radiyo Rwanda, 11 Mata 1994, itangazo ryahise kuri radiyo ku itariki ya 10 Mata 1994), imp. 5 (« Perefe yongeye kwihanangiriza abagizi ba nabi, anasaba abaturage bose kurwanya abantu basahura, amabandi, abicanyi n'abandi bose bateza akaduruvayo. Yabasabye kuba maso no gukomeza gutungira abategetsi agatoki abagizi ba nabi bagerageza kubacengeramo »); Ikimenyetso gihamya cya Porokireri n° 51 (Inyandukuro y'ikiganiro cya Radiyo Rwanda cyo ku itariki ya 14 Mata 1994), 9 (« Mu minsi ishize twagiranye inama n'abayobozi bo ku rwego rwa komini na segiteri. Twemeranyijwe ko bakoresha inama aho bayobora, bakigisha abaturage ko igihugu cyacu gikeneye amahoro n'umutekano »), 10 (« Nashakaga kubabwira ku bijyanye no kongera umutekano, by'umwihariko mu kurwanya ubusahuzi, ubujura n'ubwicanyi; Nagiranye inama n'abayobozi b'amashyaka ya politiki ku rwego rwa komini na segiteri. Iyo nama yageze ku ntego kubera ko twasangiye ibitekerezo, maze tugasanga abashinzwe ibibazo by'abaturage bagomba gukora iyo bwabaga kugira ngo bumvishe abaturage ko biriya bikorwa by'ubugizi bwa nabi atari byo bizatuma dutsinda intambara. »), 11 (« None nifuje ko muri izo nama twafata imigambi yo kugarura amahoro mu baturage, tugahagarika burundu ibyo bikorwa by'ubusahuzi n'ubwicanyi. ») ; Ikimenyetso gihamya cya Porokireri n° 54 (Inyandiko y'ikiganiro cya Radiyo Rwanda, 24 Mata 1994), urup. 16 (« … Ndashaka kubwira Abanyarwanda ko bareka kwica abavandimwe babo cyangwa gucikamo ibice mu gihe bitari ngombwa…. Ubwicanyi, ubusahuzi n'ibikorwa by'urugomo bigomba guhagarara; bityo Abanyarwanda bagasigara barwana no kongera kunga ubumwe no kwisuganya kugira ngo bongere bakomere. Bityo tuzashobora kurwanya abarimo badutera, bakatubuza amahoro, bagatuma igihugu cyacu cyaka umuriro, kigatemba imivu y'amaraso. »); Ikimenyetso gihamya cy'Ubwunganzi n° 100 (Inyandiko y'ikiganiro cya Radiyo Rwanda, 27 Mata 1994), urup.1 (« Perefe w'Umujyi wa Kigali Kigali, Koloneli Tharcisse Renzaho, akomeje gusaba abaturage guhagarika ibikorwa by'urugomo, ubusahuzi n'ubwicanyi; arasaba ko abantu bafatirwa muri bene ibyo bikorwa bahanwa bihanukiriye. »); Ikimenyetso gihamya cy'ubwunganzi n° 101 (Inyandiko y'ikiganiro cya Radiyo Rwanda, 6 Gicurasi 1994), urup. 3. (« Twavuga ko umuntu nk'uwo ari umuhemu, kandi ko adakunda igihugu cye. Nyamara hari ibyo bita kurengera. Uko kurengera ni ko gutuma abantu bamwe bitwara nabi, bica buhumyi; ibyo turabyamaganye cyane. Ni yo mpamvu ba konseye bahawe amabwiriza yo gucunga abantu bigize indakoreka, basuzugura ibyo abandi bababwira… Nsabye rero ko abakonseye bahita bahindura abo bantu bari kuri za bariyeri, bakabashyira aho bakwiye kujya, nibiba ngombwa bamwe bafungwe muri gereza, abandi na bo bazabibazwe mu nkiko. »).

[226] Reba, nk'urugero, Ikimenyetso gihamya cya Porokireri n° 56 (Inyandiko y'ikiganiro cya Radiyo Rwanda, 10 Gicurasi 1994), urup. 12 (« Ni ngombwa rero ko amabwiriza yatanzwe muri urwo rwego yubahirizwa. Ni yo mpamvu twiyemeje gufata abo bose basambanya abagore ku gahato, bagashaka gukora ibikorwa by'ubugizi bwa nabi, mu rwego rwo kubahana. »); Ikimenyetso gihamya cya Porokireri n° 63 (Inyandiko y'ikiganiro cya Radiyo Rwanda cyo ku itariki ya 18 Kamena 1994), urup. 5 (« Bityo rero, nitugira amakuru tubona avuga ko ahantu runaka hari ibandi igiye gusahura, tuzohereza abo muri uyu mutwe bahite barasa batabanje guteguza iyo bandi »).

ihanzwe amaso by'umwihariko n'umuryango mpuzamahanga[227]. Iyo urebye ibimenyetso Urugereko rufite, usanga icyo kiganiro kuri radiyo cyari kigamije gusa kugarurira Guverinoma isura nziza aho kuba umugambi nyawo wo guhosha ubwicanyi bushingiye ku moko bwarimo buyogoza umujyi[228]. Naho amabwiriza yo guhagarika ubwicanyi n'ibindi bikorwa by'urugomo yo asa n'ayari agamije guhagarika ibyo bikorwa aho byari byibasiye gusa abaturage bashyigikiye Guverinoma Renzaho yashakaga gukangurira guhaguruka bakarwanya « umwanzi ». Nk'uko umutangabuhamya w'impuguke Alison Des Forges yabivuze, Renzaho yashoboraga gutanga amabwiriza asobanutse neza iyo habaga hari abaturage runaka bamuhangayikishije. By'umwihariko, Des Forges yatanze urugero rw'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 6 Gicurasi, aho Renzaho yavuze ko abaturage bava mu makomini amwe n'amwe bafite indangamuntu zanditseho « *Registre de la population* [Ibarura ry'abaturage] » bitiranywaga n'aba FPR[229]. Des Forges yagize ati:

> Icyo mbona cy'ingenzi muri iki gice cy'inyandiko ni ukuntu asobanura neza ku buryo bugaragara iyo ari ugufata ingamba zirebana n'abantu runaka bari

[227] Ikimenyetso gihamya cya Porokireri n° 51 (Inyandiko y'ikiganiro cya Radiyo Rwanda cyo ku itariki ya 14 Mata 1994), urup. 11 (« Nagira ngo nongereho ko igihugu cyacu gikeneye kugira isura nziza. Muri iki gihe umuryango mpuzamahanga usa n'uwatwibagiwe, ndumva atari byiza gukora ibikorwa bibi bidasobanutse kubera ko ibyo bikorwa bitesha agaciro guverinoma yacu.»); Ikimenyetso gihamya cya Porokireri n° 63 (Inyandiko y'ikiganiro cya Radiyo Rwanda cyo ku itariki ya 18 Kamena 1994), urup. 6 («Isura yacu yaraharabitswe. Batwise abicanyi. Sinzi ikindi navuga! Ariko se ni bande bakora ubwo bwicanyi? Si Inyenzi-Inkotanyi? »); Ikimenyetso gihamya cya Porokireri 94A (Raporo y'impuguke Alison Des Forges), urup. 13, igira iti: « Nka perefe w'Umujyi wa Kigali, Tharcisse Renzaho yumvaga neza akamaro ko kugira isura nziza y'igihugu, ahanini yaterwaga n'ibyo abanyamahanga babonaga cyangwa bumvaga iyo basuraga umurwa mukuru w'igihugu ».

[228] Umutangabuhamya wiswe UB, inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 9-10 («Ikibazo: None uribuka ko bene ubwo butumwa bwahamagariraga abaturage ba Kigali guhagarika ubwicanyi mu mujyi, gukuraho za bariyeri kugira ngo abaturage bajye guhaha, kandi bukanamagana abagizi ba nabi bakoraga ibyo bikorwa? Hari ubwo waba wibuka ko wumvise ubutumwa nk'ubwo? Cyangwa hari ikindi wumvise gitandukanye n'ibyo? Igisubizo: Perefe yatanze ubutumwa bwinshi. Yavuze ko abaturage bahagarika ubwicanyi, ariko ibyo byari amagambo gusa. Bwari uburyo bwo kwereka umuryango mpuzamahanga ko perefe yamaganye ubwicanyi gusa. Ubwo butumwa bwanyuzwaga kuri Radiyo Rwanda, ariko ubwicanyi bwarakomeje aho hantu habiri. Numvise ubutumwa buhamagarira abaturage kwirindira umutekano mu gihe perefe ari we ubundi wagombaga gushingwa uwo mutekano. Kubera ko Perefe yari yamaze gutangaza ko umwanzi ari Umtutsi, ayo magambo nta cyo yari avuze, kubera ko niba perefe yarahamagariraga abaturage kwirinda, mu yandi magambo ubwo yabasabye kwica Abatutsi mu gace barimo.»); Ikimenyetso gihamya cya Porokireri n° 94A (Raporo y'impuguke ya Alison Des Forges), urup. 13, igira iti: « Mu gihe cya jenoside, abenshi mu bategetsi bahamagariraga kenshi abaturage « kugarura umutekano », guhagarika ubwicanyi, ubusahuzi n'ibindi bikorwa bibi. Akenshi ayo magambo nta cyo yamaraga kigaragara, ku buryo umuntu yavuga ko yabaga agenewe kumvwa n'abanyamahanga, atari Abanyarwanda ».

[229] Ikimenyetso gihamya cya Porokireri n° 55 (Inyandiko y'ikiganiro Renzaho yagiranye na Radiyo Rwanda, 6 Gicurasi 1994), urup. 4.

> mu ngorane. Kuri njye, ibi bitandukanye cyane n'amabwiriza rusange kandi adasobanutse yatangwaga, asaba abaturage bari kuri bariyeri kwitonda. Biragaragra ko iyo Perefe yashakaga gusobanura neza kandi ku buryo bwitondewe umwirondoro w'abantu runaka, bitamunanira kubikora[230].

Biragaragara ko nta na hamwe mu magambo ye Renzaho yahamagariye abantu guhagarika ubwicanyi bwibasiraga abasiviri b'Abatutsi bicwaga ari benshi[231].

185. Nk'uko byasobanuwe haruguru, amagambo Renzaho yavugiye kuri Radiyo Rwanda ni ingirakamaro mu kumenya aho ibikorwa bye bihuriye na za bariyeri n'icyo yari agamije. Ubuhamya bwa Renzaho, kimwe n'imyanzuro nsozarubanza y'Ubwunganizi bigaragaza ko Uregwa yiyemerera ko ayo magambo yandukuwe neza[232]. Aho Renzaho atemeranya n'uburyo ayo magambo yandukuwe neza, usanga abivuga muri rusange gusa. Ibyo Urugereko rusanga bidafatika bitewe n'uko muri rusange Renzaho yemera ibice bimushinjura bikubiye muri ayo ariya magambo[233]. Urugereko rusanga mu gusuzuma uburemere bw'amagambo yavuzwe n'Uregwa, ibimenyetso bishinjura bitahabwa agaciro kanini cyane cyane ko bidahuye n'ibikubiye mu bimenyeteso gihamya bivugwa ahangaha[234]. Ibimenyetso byatanzwe na Porokireri bigaragaza ko abaturage bitabiriye

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[230] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, urup. 47.

[231] Renzaho, inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 56 (« Ikibazo: Bwana Renzaho, icyo nkubwira ni uko utigeze na rimwe ubwira abaturage ku radiyo ko batagomba kwica Abatutsi babaziza ubwoko bwabo gusa. Wowe nka perefe ntiwigeze utanga ubutumwa bumeze butyo. Wigeze ubikora? Igisubizo: Bwana Porokireri, wampa akanya gato ngakusanya amatangazo natanze nkayakwereka? Wenda ntibishoboka ubungubu, aka kanya turi mu cyumba cy'iburanisha, ariko nzayakwereka. »). Ibyo Ubwunganizi ntabwo bwabikurikiranye.

[232] Reba, nk'urugero, Imyanzuro nsozarubanza y'Ubwunganizi, ibika 734-738 (Ubwunganizi buvuga, ku bijyanye n'ibiri mu bimenyetso gihamya bya Porokireri n° 49-53, 58 na 62, ko Porokireri yavuze ibice bimwe gusa, ntabishyire mu rwego byavugiwemo, atari ukuvuga ko bitari byo) 752-774 (avuga ku bice byo mu bimenyetso gihamya bya Porokireri 48-51 n'ibimenyetso gihamya by'Ubwunganzi n° 100-101 bigaragaza ibimenyetso bishinjura).

[233] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 57-58; inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 3-4.

[234] Umutangabuhamya wiswe PPV, inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 27, 40, 43-44 (Uwo mutangabuhamya ntiyumvise ubutumwa Renzaho yanyujije kuri radiyo, ariko yavuze mu rukiko ko Renzaho yahamagariye abantu kugarura amahoro, ariko ntihagire n'umwe umwumvira); umutangabuhamya wiswe BDC, inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 59, 64-65 (Uwo mutangabuhamya ntiyumvise kuri radiyo Renzaho ahamagarira abaturage cyangwa abagize imitwe yitwara gisirikare gushyiraho bariyeri, nta n'ubwo yabyumvanye umukozi w'Umuryango Utabara Imbabare [*Croix-Rouge*] wakurikiranaga ibivugirwa kuri radiyo); umutangabuhamya witwa Nyetera, inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 31, 33, 36-37, 40 (yumvise ijambo rya Renzaho kuri radiyo ku itariki ya 12 Mata asaba ko bariyeri zashyirwaho mu buryo buboneye; n'ubwo ubwo butumwa abaturage babwumvise, ntibabwitayeho); umutangabuhamya wiswe KRG, inyandikomvugo

ubutumwa bwa Perefe, tuvuge nk'ubwabahamagariraga gusubira ku mirimo, ibi bikaba bisobanura ko bumvaga ubutumwa bwa Renzaho bwanyujijwe kuri Radio Rwanda[235].

3. ITANGWA RY'INTWARO

3.1 Intangiriro

186. Inyandiko y'ibirego ivuga ko kuva hagati mu wa 1993 kugeza ku itariki ya 17 Nyakanga 1994, Renzaho yahaye intwaro n'amasasu Interahamwe n'Impuzamugambi, ndetse abikorera no mu rugo rwe i Kanombe. Ku itariki ya 16 Mata 1994 cyangwa ahagana hafi yayo, mu nama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali, Renzaho yategetse abakonseye kujya gufata kuri Minisiteri y'Ingabo imbunda zo gutanga ku rwego rwa segiteri. Izo ntwaro zakoreshejwe n'abakonseye n'insoresore zitwara gisirikari mu kwica Abatutsi. Porokireri ashingira ku batangabuhamya biswe AFB, UB, GLJ, AWE, ALG, XXY na BUO[236]. Ubwunganizi bwemeza ko ibyo Porokireri avuga atari

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y'iburanisha, 7 Kamena 2007, urup. 10 (ku itariki ya 8 Mata cyangwa nyuma yayo, Radiyo Rwanda yasohoye itangazo rya Guverinoma risaba abagabo n'urubyiruko mu gihugu cyose kurinda umutekano bafasha abandi kuri za bariyeri no kurara amarondo. Uwo mutangabuhamya ntiyamenye uwatanze iryo tegeko, ariko ngo « iyo utarikurikurikizaga, wauhuraga n'ibibazo »); umutangabuhamya ushinjura wiswe GOA, inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 50-51 (yumvise radiyo, ariko ntiyumvise Renzaho asaba abaturage b'Umujyi wa Kigali gushyiraho bariyeri); umutangabuhamya witwa Butera, inyandikomvugo y'iburanisha, 23 Gicurasi 2007, imp. 11-12, 34-35 (ku itariki ya 8 Mata cyangwa hafi yayo, yumvise ubutumwa bwa Renzaho kuri Radiyo Rwanda asaba abaturage kwitonda, kuba maso no kuguma mu ngo zabo; uwo mutangabuhamya ntiyumvise itangazo ryo ku itariki ya 11 Mata risaba gushyiraho bariyeri nijoro); umutangabuhamya wiswe WOW, inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup. 38 (ntiyumvise Renzaho asaba abantu gushyiraho bariyeri).

[235] Reba na none II.6 and II.9, bivuga ikiganiro Renzaho yakoresheje kuri Radiyo Rwanda ku itariki ya 12 Mata ku byerekeye igikorwa cyo gukuraho ibihuru n'ibindi bikorwa bisa na byo byakozwe hafi ya *CELA* na *Saint-Paul*.

[236] Inyandiko y'ibirego, ibika 12, 16, 33; Imyanzuro nsozarubanza ya Porokireri, ibika 80, 83, 102-103, 128-130, 159-180; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 14-15, 19-20. Na none Porokireri akomoza ku buhamya bw'umutangabuhamya wiswe BUO, ku bijyanye n'imbunda zatanzwe igitero cyo kuri CELA kigiye kugabwa. Incamake y'ubu buhamya hari ahandi iri (II.6), ariko ubu buhamya burasuzumwa hano. Mu ibaruwa yo ku itariki ya 13 Werurwe 2007 yandikiye Ubwunganizi, Porokireri yemeye ko nta bimenyetso byatanzwe bishyigikira igika cya 18 cy'Inyandiko y'ibirego (kivuga ko nyuma y'inama yabereye mu rugo rwa Musenyeri Samuel Musabyimana hagati y'itariki ya 7 n'iya 30 Gicurasi 1994, abo mu mitwe yitwara gisirikari bahawe intwaro maze bica Abatutsi).

ukuri, bukavuga ko abo batangabuhamya atari abo kwizerwa. Ubwunganizi bushingira ku batangabuhamya biswe PPV, AIA na PAT[237].

3.2 Ibimenyetso

Umutangabuhamya ushinja wiswe AFB

187. Umutangabuhamya wiswe AFB ni Umuhutu wari umukozi wa Leta. Mu gitondo cyo ku itariki ya 7 Mata 1994, ahagana saa moya, uwo mutangahubamya yavuye iwe mu rugo agiye ku biro bya Segiteri Biryogo. Ahageze, Konseye Amri Karekezi yamusabye gutwara imodoka n'abaporisi babiri bakajya ku biro bya perefegitura. Agezeyo, yahasanze abasirikari, abaporisi ba komini n'Interahamwe zirimo Mugesera na Karim. Hari n'ababurugumesitiri barimo Ruberangondo wa Komini Butamwa. Mu bakonseye, uwo mutangahubamya yamenyemo « Stanis » wo muri Segiteri Gitega, Mbyariyehe wa segiteri atibuka, na Karekezi wahageze hashize akanya uwo umutangabuhamya ahageze. Nyuma yaho, AFB yabonye Renzaho asohoka mu biro bye yambaye imyambaro ya gisirikari, atuma abaporisi ba komini kujya gushaka Konseye Rose Karushara iwe mu rugo, muri Segiteri Kimisagara[238].

188. Renzaho yavuye ku biro bya perefegitura ari mu modoka yo mu bwoko bwa *Renault,* ari hamwe n'umushoferi we w'umusirikari, nyuma gato ya saa tatu za mu gitondo. AFB n'abaporisi bane buriye imodoka bakurikira iya Renzaho kugeza ubwo ikase ijya mu kigo cya Radiyo Rwanda, ahagana saa tatu n'igice cyangwa saa ine za mu gitondo. Ubwo

[237] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 870, 874-876, 903, 905-932; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 44-45, 52, 58-59; Ikimenyetso gihamya cy'Ubwunganzi 113 (Inyandiko yuzuza ingingo Ubwunganizi bwatanze mu magambo), ibika 875.1-875.4, 904.1-904.3, 932.1-932.10. Urugereko rwanasuzumye ubuhamya bwa PGL.

[238] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 69-71, 73, 74 (ivuga « André » aho kuba « Amri » Karekezi, mu gihe mu gifaransa, kimwe no haruguru, urup. 80, harimo izina ry'idini nyaryo), 75-76, 78; inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 20, 23-24; Ikimenyetso gihamya cya Porokireri n° 64 (Ifishi y'umwirondoro).

AFB n'abaporisi barakomeje bajya gushaka Rose Karushara. Ageze kwa Karushara, AFB yabonye ko hanze y'igipangu cye hari hashyizwe bariyeri irinzwe n'Interahamwe[239].

189. AFB yagejeje Karushara ku biro bya perefegitura, arahamusiga. Ubwo Renzaho yari yamaze kugaruka mu biro, Karushara n'umuporisi binjira mu biro kubwira Renzaho ko bahageze. Renzaho yarasohotse, AFB amuherekeza kuri *Hôtel des Diplomates*, naho Karushara n'abandi bakonseye benshi n'ababurugumesitiri basigara ku biro bya perefegitura. Ari hanze kuri hoteri, AFB yabonye abasirikari benshi barimo n'abawofisiye, maze umuporisi amwerekamo umwe muri bo, amubwira ko ari Gratien Kabiligi. Renzaho na bamwe mu basirikari binjiye mu ihoteri. Ahagana saa ine za mu gitondo, abasirikari basohotse mu ihoteri bapakira mu modoka ya AFB ibisanduku byinshi by'amasasu n'intwaro zigera ku ijana, zirimo imbunda zo mu bwoko bwa *Kalachnikov*. Ubwo AFB na ba baporisi bane bakurikiye imodoka ya Renzaho basubira ku biro bya perefegitura, aho bageze nyuma gato ya saa ine. Izo ntwaro n'amasasu byapakuruwe mu modoka byinjizwa mu biro, maze ibigenewe Karushara bipakirwa mu modoka ya AFB. Uwo mutangabuhamya yibwira ko abandi baburugumesitiri n'abakonseye bari aho na bo bahawe intwaro n'amasasu[240].

190. Karushara, wari wasigaye mu biro bya perefegitura, yarasohotse abaza umuporisi niba intwaro zapakiwe mu modoka ye. Ubwo AFB yatwaye Karushara n'intwaro 10, amusubiza ku Kimisigara, Renzaho asigara kuri perefegitura. Abaporisi binjije izo ntwaro mu cyumba cy'uruganiriro kwa Karushara. Karushara yabwiye Interahamwe zari aho ko agiye kuziha intwaro. AFB yabonye Karushara aha imbunda eshanu abari barinze ya bariyeri yo hafi y'urugo rwe. Karushara amaze kubaha ibiryo n'inzoga, AFB yasubiye ku biro bya perefegitura, maze umuporisi amuha urwandiko rw'inzira rwasinywe na Renzaho, rumutegeka kugarura iyo modoka [ku biro bya perefegitura] bukeye bwaho[241].

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[239] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 76, 78, 80-81, 83-85; inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 19-20, 22-25, 28-30, 32, 34-35, 37.

[240] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 80-83; inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 27-28, 34-35, 37-39.

[241] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 82-85; inyandikomvugo y'iburanisha, 9 Mutarama 2008, imp. 28-30, 32, 34-35.

191. Ku itariki ya 8 Mata, hagati ya saa munani na saa cyenda z'amanywa, AFB yaherekeje Renzaho ari kumwe na ba baporisi bane, igihe yari arimo asura za bariyeri. Banyuze kuri bariyeri yo ku rugo rwa Karushara muri Segiteri ya Kimisagara, iyo muri Segiteri Nyakabanda, bariyeri ebyiri z'i Nyamirambo n'ebyiri zo muri Segiteri Gitega. Renzaho yemereye imbunda Interahamwe zo kuri bariyeri yo hafi yo kwa Karushara no muri Segiteri Nyakabanda. N'ubwo AFB ibyo atabiganiriyeho na Renzaho, yibwira ko icyo Renzaho yari agamije muri urwo rugendo kwari ukureba uko imbunda zatanzwe zikoreshwa[242].

192. Ku itariki ya 12 Mata, ahagana saa sita, AFB yavuye ku biro bya perefegitura ari kumwe na ba baporisi bane bajya kuri *Hôtel des Diplomates*. Bagezeyo, umwe mu baporisi n'abasirikari bapakiye imbunda zitandukanye mu ikamyoneti *Hilux Double Cabine* yari ifite puraki za Leta, kugeza ubwo yari igiye kuzura. Izo mbunda zarimo za *Kalachnikov* wabonaga ari nshya. Ubwo AFB na ba baporisi bavuye kuri hoteri, bakurikira imodoka yari irimo uwo AFB yari yabwiwe ko ari Kabiligi, bajya ku biro bya perefegitura, aho izo mbunda zapakururiwe zinjizwa mu nzu ahagana saa munani. Bidatinze zongeye gupakirwa mu modoka ya AFB hamwe n'izindi ntwaro zari mu biro n'izaje mu modoka ya Kabiligi. Ubwo AFB yajyanye na Renzaho na Kabiligi bari mu modoka eshatu zitandukanye, bajya kuri bariyeri yari iri hafi y'aho Protais Zigiranyirazo yari atuye, nko mu minota itarenze ibiri cyangwa itatu uvuye ku biro bya perefegitura. AFB na none yari yaherekeje Renzaho kuri urwo rugo ku itariki ya 10 Mata. Iyo bariyeri yari irinzwe n'abasirikari n'Interahamwe. Aho hapakururiwe imbunda ziri hagati ya 20 na 30 cyangwa hafi y'iyo mibare. Renzaho yinjiye mu nzu kwa Zigiranyirazo, naho Kabiligi aguma hanze. AFB avuga ko Renzaho yari azi ko izo ntwaro zitangwa kuri bariyeri kuko « ari cyo cyari cyabazanye »[243].

193. Renzaho yasigaye kwa Zigiranyirazo, naho Kabiligi yerekeza kuri Hoteri Kiyovu, amaze gutegeka AFB n'umuporisi gukomeza. Umwe mu baporisi yasobanuye ko bagombaga

[242] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 86-94; inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 17, 32; Ikimenyetso gihamya cya Porokireri n° 77 (amafoto yafashwe na Corrine Dufka).
[243] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 73; inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 1-3, 5-9.

gutanga intwaro kuri za bariyeri. Batanze imbunda kuri bariyeri yo hafi yo kwa Rose Karushara ku Kimisagara, no kuri bariyeri zo mu masegiteri ya Nyakabanda, Nyamirambo na Biryogo. Kuri buri bariyeri, uwavugaga wese ko akuriye bariyeri yahabwaga imbunda ebyiri cyangwa eshatu. Basubiye ku biro bya perefegitura ahagana saa cyenda z'amanywa, bahasanga Renzaho[244].

Umutangabuhamya ushinja wiswe UB

194. Umutangabuhamya wiswe UB ni Umuhutu wari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yasobanuye ko Renzaho yatumije inama zitandukanye ku biro bya perefegitura mu gihe ibivugwa byabaga. Ku itariki ya 10 cyangwa iya 11 Mata 1994, Renzaho yayoboye icyo yise « inama y'umutekano yaguye ». Hari abakonseye, abaresiponsabure b'amaserire, Interahamwe, abahagarariye amashyaka ya politiki, abasirikari n'abajandarume. Abakonseye binubiye ibibazo by'umutekano buri wese ku bimureba, banavuga ko Abatutsi barimo bicwa. Renzaho yatumije indi nama ya kabiri nyuma y'iminsi mike[245]. Muri iyo nama ya kabiri, abakonseye batanze raporo z'uko ibintu byifashe muri segiteri zabo. Bavuze ko hari abaturage bafite imbunda. UB yavuze mu buhamya bwe ko zimwe muri izo mbunda zari zaratanzwe n'amashyaka ya politiki. Abakonseye binubiye kuba nk'abayobozi batari bafite imbunda. Renzaho yabashubije ko yavuganye n'abayobozi b'ingabo bakamwemerera ko bazaha abakonseye izo ntwaro. Yabwiye abakonseye kujya kuri Minisiteri y'Ingabo kuzifata. Jean Bizimana, Burugumesitiri wa Komini Nyarugenge, yari muri iyo nama[246].

[244] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 5-9, 17, 20. Umutangabuhamya wiswe AFB yavuze mu rukiko ko umuporisi yababwiye ko bagomba kujya kureba bariyeri mu masegiteri ya Kimisagara, Nyamirambo, Nyakabanda na Gitega, ariko avuga ko bagiye mu Biryogo, atari ku Gitega. Gereranya inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 5 (ahavugwa amabwiriza y'uwo muporisi ajyanye na bariyeri zagombaga gusurwa) n'inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 7 (isobanura bariyeri zasuwe).

[245] Gereranya inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 12 (ishyira inama ya kabiri nka nyuma y'iminsi ibiri inama ya mbere ibaye ku itariki ya 10 cyangwa 11 Mata) n'inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 14-15 (ivuga inama yabaye ku itariki ya 16 Mata n'uko uwo mutangabuhamya yagiye kuri Minisiteri y'Ingabo uwo munsi).

[246] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-2, 4, 8-9, 12-14, 55; inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 15-16; Ikimenyetso gihamya cya Porokireri n° 69 (Ifishi y'umwirondoro). Mu gihe yatangaga ubuhamya bwe mu rukiko, umutangabuhamya wiswe UB yari imfungwa, ategereje ibizemezwa mu rubanza

195. Nyuma y'inama ya kabiri, UB yagiye kuri Minisiteri y'Ingabo aherekejwe n'abaporisi. Ntatekereza ko bajyanye na Jean Bizimana, kandi ntiyibuka abandi bakonseye bajyanye, n'ubwo hari benshi. UB yahawe imbunda eshanu, aziha abaresiponsabure b'amaserire bo muri Segiteri ye. Yahawe kandi n'amasasu. Nta nyandiko umuntu yagombaga kwerekana kugira ngo ahabwe izo ntwaro[247].

196. Kuri izo ntwaro UB yatanze, hiyongeraho imbunda nyinshi yabonye zatanzwe n'abahagarariye amashyaka ya politiki muri Segiteri Biryogo. Umukuru w'ishyaka rya kiyisilamu (PDI) muri Perefegitura y'Umujyi wa Kigali, Djuma Babazinturo, wabaga muri Segiteri Biryogo, yavuze ko izo ntwaro yari yazivanye kwa perefe, maze akaziha abaturage[248].

Umutangabuhamya ushinja wiswe GLJ

197. Umutangabuhamya wiswe GLJ ni Umuhutu, akaba yari umuyobozi mu nzego z'ibanze muri Kigali kugeza ubwo yavanwaga ku mirimo ye muri Mata 1994. Yagiye mu nama yatumijwe kandi ikayoborwa na Renzaho ku itariki ya 16 cyangwa 17, cyangwa hafi y'ayo matariki Mata mu gitondo. Muri iyo nama hari ababurugumesitiri batatu, abakonseye bo mu mujyi wa Kigali, abaresiponsabure b'amaserire bose, uhagarariye ingabo, kimwe n'uwari ukuriye ukwirwanaho kw'abaturage[249].

198. Renzaho, wari wambaye imyambaro ya gisirikari, yibukije ibyemezo byari byafashwe mu nama y'akanama [komite] k'umutekano yari yabanje[250]. Yabwiye abitabiriye inama ko intwaro zigomba guhabwa abaturage kugira ngo barinde umutekano wabo. Renzaho yabwiye abitabiriye inama ko bajya gufata intwaro kuri Minisiteri y'Ingabo, bakaziha

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yajuririye mu Rukiko rw'Ikirenga rw'u Rwanda. Icyaha cya jenoside yahamijwe mu 1997 cyongeye kwemezwa n'urukiko mu bujurire.

[247] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 13-14; inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 15.

[248] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 14.

[249] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13-15, 18-21, 23, 26-27, 30-31, 50, 58, 61-63; Ikimenyetso gihamya cya Porokireri n° 68 (Ifishi y'umwirondoro). Igihe yatangaga ubuhamya, umutangabuhamya wiswe GLJ yari amaze imyaka irenga 12 muri gereza mu Rwanda. Urubanza rwe rwari rutaratangira.

[250] Ibisobanuro bihagije kuri iyo nama y'akanama k'umutekano biri muri (II.2).

abavuye mu gisirikari n'abaporisi, yongeraho ko zimwe zahabwa abaturage b'abasiviri bazi kuzikoresha. Izo ntwaro zagombaga gutangwa kugira ngo abaturage babashe kuzenguruka bacunga umutekano cyangwa kujya kuri bariyeri[251].

199. Iyo nama ikirangira, GLJ yagiye wenyine n'umushoferi we kuri Minisiteri y'Ingabo, maze ahabwa imbunda eshanu. Hari undi munsi atavuze yasubiyeyo ahabwa izindi mbunda eshanu[252]. Izo mbunda yazihaye abaturage, by'umwihariko abarindaga bariyeri mu gace ka Rebero (Serire Kivugiza) no hafi yaho. GLJ yibuka ko yatanze imbunda ebyiri mu Gatare[253]. Nta nyandiko yasabwaga kugira ngo umuntu ahabwe imbunda, ariko hari aho yagombaga gusinya ko azitwaye. Uwari ushinzwe ukwirwanaho kw'abaturage, Bivamvagara, ni we wari ushinzwe kugenzura uko izo ntwaro zikoreshwa[254].

200. Ku itariki ya 10 Gicurasi, Renzaho yasohoye itangazo risaba kumenya abafite intwaro[255]. GLJ na bagenzi be bashyikirije Renzaho urutonde rw'abafite intwaro. GLJ asanga intego y'iryo tangazo kwari ukugira ngo batarure izo ntwaro kugira ngo umutekano ugaruke. Hashingiwe kuri raporo zagezwaga kuri perefe ko hari Interahamwe zicaga abaturage mu masegiteri, uwo mutangabuhamya yibwiraga ko Renzaho yari bwake Interahamwe izo ntwaro mu rwego rwo kugarura umutekano. Nyamara igikorwa nk'icyo nta cyabaye[256].

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[251] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 14, 19, 21-23, 25-29.

[252] Mbere, GLJ yavuze ko yahawe imbunda eshanu, hanyuma akaza guhabwa izindi eshanu. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 19, 21. Hanyuma, asa n'uvuga ko yahawe imbunda icumi zose icya rimwe. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 58.

[253] Ni kimwe no haruguru, urup. 19. Reba n'inyandiko y'igifaransa isa n'aho isobanutse kurushaho, urup. 23 (« Ikibazo: Izo mbunda mwazihaye nde? Igisubizo : Nk'uko nabivuze, izo mbunda nazitanze mu maserire yegeranye na Rebero, ni ukuvuga muri Serire Nyabitare, aho natanze imbunda enye; muri Serire Kivugiza, nahatanze ebyiri; na Gatare na ho nahatanze ebyiri. Muri make rero izo mbunda nazihaye abaturage batuye hafi ya Rebero. ») [Byavuye mu gifaransa].

[254] Ni kimwe no haruguru, imp. 13, 19-21, 26, 29, 32, 57-59. Ibyo guhabwa imbunda 10 biri mu bwirege bwe yashyikirije inzego z'ubutabera mu Rwanda.

[255] Ikimenyetso gihamya cya Porokireri n° 56 (Inyandiko y'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 10 Gicurasi 1994), urup. 12 ("Ibikoresho bya gahunda yo kwirwanaho kw'abaturageukwirwanaho kw'abaturage ni iby'abaturage […] bakabisaranganya nta we uryamiye indi kandi mu buryo buboneye. Ubu twatangiye kugenzura ngo tumenye uko ibintu bimeze. Ibintu biri kugenda bimera neza kubera amabwiriza tugenda tubaha »).

[256] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 58.

Umutangabuhamya ushinja wiswe AWE

201. Umutangabuhamya wiswe AWE ni Umuhutu wari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali akaba n'umurwanashyaka wa MRND. Yagiye mu nama zitandukanye zabereye mu biro bya Perefegitura y'Umujyi wa Kigali. Inama ya kabiri yagiyemo yabaye ahagana ku itariki ya 11 Mata 1994[257]. Yari yitabiriwe n'ababurugumesitiri, abakonseye, abahagarariye amashyaka ya politiki n'abasirikari. Renzaho yabwiye abari muri iyo nama kujya gufata imbunda kuri Minisiteri y'Ingabo, ako kanya inama ikirangira, bakaziha abahoze ari abasirikari. « Yabasabye akomeje kwirinda guha intwaro Abatutsi ». AWE ntiyahise ajya kuri Minisiteri, kubera ko yari wenyine kandi nta modoka afite, bityo agasanga atari kubona uko atwara izo ntwaro[258].

202. Bukeye bw'aho mu gitondo, AWE yafashe imodoka ajya ku biro bya perefegitura, asaba Renzaho imbunda yemerewe. Yamusobanuriye ko atari yabonye uburyo bwo kujya kuzifata. Renzaho yavuganye kuri terefoni n'umumajoro wo muri Minisiteri y'Ingabo, hanyuma abwira AWE kujya kuzifatayo. Ageze kuri Minisiteri, AWE umusirikari yamuhaye imbunda eshanu zo mu bwoko bwa *Lee Enfield* na *Kalachnikov*, n'amasasu. Nta rwandiko yitwaje, icyo yari akeneye gusa ni ukwivuga, akanavuga segiteri avuyemo kubera ko Renzaho yari yamaze guterefonayo[259].

203. AWE yajyanye izo mbunda ku biro bya segiteri maze aziha abagize komite ya segiteri. Abantu bagera kuri 12, barimo abari barahawe intwaro, batumijwe mu myitozo ya gisirikari y'umunsi umwe cyangwa ibiri kwiga gukoresha imbunda. AWE yavuze mu rukiko ko bigishijwe gutsemba abantu. Bavuye mu myitozo, babanje kujya ku rugamba,

[257] Ubuhamya bw'umutangabuhamya wiswe AWE, bujyanye n'inama ya mbere yitabiriye mu biro bya Perefegitura y'Umujyi wa Kigali, buvugwa muri (II.2).
[258] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-13, 17-20, 42, 47-49 (byasubiwemo bivanywe ahandi); Ikimenyetso gihamya cya Porokireri n° 80 (Ifishi y'umwirondoro). Umutangabuhamya wiswe AWE yafunzwe mu wa 1996; mu gihe cy'ubuhamya bwe yari agitegereje kuburanishwa mu Rwanda ku cyaha cya jenoside yari akurikiranyweho.
[259] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 18-20, 42, 47.

hanyuma bahita bagaruka vuba cyane gufasha Interahamwe, bahita batangira kwica Abatutsi benshi. Ibyo AWE yabimenyeshe perefe, ariko Renzaho ntiyagira icyo akora[260].

Umutangabuhamya ushinja wiswe ALG

204. Umutangabuhamya wiswe ALG, ni Umuhutu wari umuyobozi mu rwego rwo hasi muri Perefegitura y'Umujyi wa Kigali akaba n'umurwanashyaka wa MRND[261]. Yavuze ko Renzaho yatumije izindi nama eshatu cyangwa enye z'umutekano muri Mata na Gicurasi 1994. ALG yagiye muri zimwe muri izo nama. Abategetsi muri guverinoma, abasirikari, abayobozi b'amashyaka ya politiki n'Interahamwe batumirwaga kandi bakitabira izo nama, barimo Angeline Mukandutiye n'Interahamwe nka Jean-Nepomuscène Biziyaremye, Hussein Longo Longo na Sued Ndayitabi. Imyanzuro yafatirwaga muri izo nama akenshi yabaga ijya gusa. Renzaho yakundaga gusaba abitabiriye inama gutera inkunga Interahamwe zarimo zifasha ingabo « ku rugamba », kandi akavuga ko byari ngombwa guha Interahamwe intwaro. Muri izo nama uko ari eshatu, Interahamwe buri gihe zasabaga imbunda. Uwo mutangahubamya yabwiwe n'Interahamwe yari ku rupangu rwo kwa Angeline Mukandutiye ko Renzaho yabahaye intwaro, kandi ko Interahamwe zikeneye intwaro zajyaga kuzifata « kwa Renzaho » [262].

205. Umuburugumesitiri umwe, na bamwe mu bakonseye babwiye ALG ko, ku itariki ya 9 n'iya 11 Mata 1994, Renzaho yabahamagaje mu nama, kandi ko mu nama yo ku itariki ya 9 Mata, Renzaho yijeje abakonseye ko asaba Minisiteri y'Ingabo imbunda zo gutanga kuri za bariyeri zitandukanye. Abo bakonseye banamubwiye ko mu nama yo ku itariki ya 11 Mata, bamenye ko Renzaho yashoboye kubabonera imbunda bagombaga kujya gufata kuri minisiteri. Bagiye kuri minisiteri bayobowe na Jean-Baptiste Butera na François Karera. Bari baherekejwe kandi n'abayobozi b'Interahamwe ku rwego rw'igihugu,

[260] Kimwe no haruguru, imp. 20-21, 26-27, 41, 47-50.
[261] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 56, 63; inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 22; Ikimenyetso gihamya cya Porokireri n° 67 (Ifishi y'umwirondoro). Atanga ubuhamya mu rukiko, umutangabuhamya wiswe ALG yari agitegereje kuburanishwa ku ruhare yagize mu byabaye mu wa 1994, harimo icyaha cyo kuba yaratanze imbunda muri imwe muri ayo makomini. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64.
[262] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 36, 39-41; inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 9-13, 33, 35.

barimo Maniragaba, wari Interahamwe ikomeye mu mujyi wa Kigali na Stanislas Simbizi, Visi-Perezida w'ishyaka rya CDR muri Perefegitura ya Kigali. Imbunda abakonseye bahawe bazihaye abakuriye komite za serire kugira ngo bazishyikirize abaturage. Konseye wa Segiteri Cyahafi yabwiye ALG ko buri konseye yahawe imbunda eshanu[263].

206. Inshuro nyinshi muri Gicurasi 1994, ALG yabonye Jenerali Kabiligi azana intwaro zirimo imbunda za *Kalachnikov* ku biro bya perefegitura. Izo ntwaro zahitaga zihabwa Interahamwe n'abo mu mitwe y'ukwirwanaho kw'abaturage Kabiligi yabaga yahamagaje, hanyuma bakajya « ku rugamba ». ALG yabonye Kabiligi yereka Renzaho intwaro zari zirunze mu kibuga cy'ibiro bya perefegitura. Zashyizwe mu bubiko bwa polisi y'umujyi, hanyuma zihabwa Interahamwe zazaga ku biro bya perefegitura kuzifata mbere yo kujya ku « rugamba ». Umunsi umwe, Renzaho yasabye ALG guherekeza Majoro Bivamvagara, wari ushinzwe iby'ukwirwanaho kw'abaturage, muri Segiteri Nyakabanda, bashyiriye imbunda eshanu konseye w'iyo segiteri. ALG kandi yanasobanuye ko perefegitura yagiraga ububiko bwihariye bw'intwaro zagombaga gukoreshwa n'amakomini atandukanye, atari afite ububiko bwayo bw'imbunda[264].

Umutangabuhamya ushinja wiswe XXY

207. Umutangabuhamya wiswe XXY yavuze ko yiganaga n'umuhungu wa Renzaho, Jean-François Régis, mu ishuri ritari kure y'urugo rwa Renzaho, i Kanombe. Ahagana mu mpera za Mata 1994, Interahamwe biganaga yabwiye XXY ko mu ijoro ryo ku itariki ya 6 rishyira iya 7 Mata, Renzaho yari yahaye intwaro abayobozi b'Interahamwe mu masegiteri atandukanye ya Kigali. Na none kandi, mu ntangiriro za Gicurasi, XXY yabonanye n'uwo muhungu wa Renzaho i Gitarama. Régis yamubwiye ko Renzaho yari yaje gutanga intwaro i Gitarama. Hashize nk'ibyumweru bibiri nyuma yaho, bakiri i

[263] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 29-32; inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 28-30.

[264] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 58; inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 45-46, 50. ALG yavuze ko Bivamvagara yakoreraga muri Minisiteri y'Ingabo, kandi imbunda zakoreshwaga mu kwirinda kw'abaturage zikaba zaravaga mu buyobozi bukuru bw'ingabo. Uwo mutangabuhamya yavuze ko amakomini yo muri Perefegitura y'Umujyi wa Kigali atagiraga ingengo y'imari yigengaho, kubera ko byose byakorerwaga mu rwego rwa perefegitura.

Gitarama, Régis yabwiye XXY ko nyuma y'iminsi itatu bahuriye i Gitarama bwa mbere, se yagarutse i Gitarama, afite intwaro zo kwica Abatutsi, arakajwe n'uko abaturage baho ari nta cyo bakoraga[265].

Umutangabuhamya ushinja wiswe BUO

208. Umutangabuhamya wiswe BUO yavuze ko Renzaho yahaye intwaro Interahamwe mu gipangu cyo kwa Angeline Mukandutiye mbere y'igitero cyo kuri CELA ku itariki ya 21 Mata 1994 (II.6).

Renzaho

209. Renzaho ahakana ko yatanze intwaro, harimo no ku itariki ya 7 Mata 1994. Avuga ko nta bubiko bw'intwaro bwabaga ku biro bya perefegitura. Renzaho ahakana ibyo umutangabuhamya wiswe AFB yavuze ku mikoreshereze y'igihe cye ku itariki ya 7 Mata, avuga ko ibyo AFB yavuze atari ukuri kandi ko bidashoboka. Ahubwo uwo munsi Renzaho yagiye mu nama y'abawofisiye bakuru b'ingabo muri ESM yatangiye ahagana saa ine n'iminota 15, kandi yari akiriyo kugeza saa tanu z'amanywa. Renzaho avuga ko Kabiligi atari mu Rwanda ku itariki ya 7 Mata, bityo rero akaba atarashoboraga kugira uruhare mu itangwa ry'intwaro uwo munsi[266].

210. Renzaho ntiyigeze abwira abayobozi b'amakomini kujya gushaka intwaro ahandi hatari ku biro bya perefegitura. Avuga ko ahubwo iyo ashaka ko intwaro zitangwa yari kubwira abaporisi be bagashaka izo ntwaro. Kandi mu baporisi 250 yari afite, abari bafite intwaro muri Mata 1994 ntibarengaga 100 kubera ko perefegitura itari ifite ubushobozi bwo kubaha intwaro bose. Renzaho yandikiye Minisiteri y'Ubutegetsi bw'Igihugu, ariko ntiyashobora kubona intwaro zose abaporisi bari bakeneye[267].

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[265] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 5-6, 13-15. Ikimenyetso gihamya cya Porokireri n° 66 (Ifishi y'umwirondoro).

[266] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 30-32; inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 3-4; inyandikomvugo y'iburanisha, 31 Kanama 2007, urup. 11; inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 20-21.

[267] Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 27, 61-62; inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 19-20; inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 30**;** inyandikomvugo y'iburanisha, 31

211. Kugira ngo intwaro zitangwe, bagombaga kwandikira Minisitiri w'Ubutegetsi bw'Igihugu, hanyuma akaba ari we uvugana na Ministiri w'Ingabo. Renzaho yemeye ko yandikiye Ministiri w'Ingabo mu wa 1992, asabira abakonseye n'ababurugumesitiri be gutizwa intwaro n'uburenganzira bwo kuzitunga. Ariko yanditse iyo baruwa amaze kubivuganaho na Ministiri w'Ubutegetsi bw'Igihugu. Uruhusa rwo gutunga intwaro rwatanzwe n'ibiro bibishinzwe muri Minisiteri y'Ingabo. Urwo ruhusa rwaratanzwe, intwaro zitizwa aburugumesitiri n'abakonseye mu gihe kitazwi. Izo ntwaro zagombaga gusubizwa ibihe byongeye kumera neza[268].

212. Renzaho ntiyemeye ibyavuzwe n'Umutangabuhamya wiswe BUO ko ku itariki ya 21 Mata, bucya ngo igitero kigabwe kuri CELA, Renzaho yahaye Interahamwe intwaro. Ntiyajyanye na Koloneli Munyakazi kwa Mukandutiye ku itariki ya 21 Mata. Ntabona ukuntu Munyakazi yaba yaraje kumufata ku biro bya perefegitura uwo munsi, kandi ku itariki ya 22 Mata Munyakazi yari yanze kumutera inkunga yo gutabara kuri CELA[269].

213. Yemeye ko nyuma y'itariki ya 6 Mata intwaro nyinshi zari zaranyanyagiye hirya no hino. Mu wa 1991 no mu wa 1992, umubare w'abasirikare b'ingabo z'u Rwanda wari wariyongereye vuba na bwangu, kandi abinjizwaga mu gisirikare ntibabaga barajonjowe neza ku buryo muri icyo gihe mu bantu bashoboraga kubona intwaro habaga harimo n'abagizi ba nabi, bamwe muri bo bakaba barishoye mu bikorwa by'urugomo. Ikindi kandi ni uko abo basirikare bashya batashoboye kugira ubuzobere mu kazi kandi ntibitwaraga neza. Nyuma y'itariki ya 6 Mata, izo ntwaro zishobora kuba zarakomokaga rero kuri abo basirikare babaga batorotse urugamba, kimwe n'uko zishobora kuba zari zarinjijwe mu gihugu na FPR mbere y'itariki ya 1 Ukwakira 1990. Kuba ku mabariyeri

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Kanama 2007, imp. 11, 13. Renzaho asubiza ikibazo cyo kumenya niba yarasabye abategetsi b'amakomini kujya gufata imbunda ahandi hantu hatari ku biro bya perefegitura. Bitewe n'ibyo Porokireri amushinja, Urugereko rwumva icyo kibazo n'igisubizo byaravugaga abategetsi bo muri Perefegitura y'Umujyi wa Kigali, n'abakonseye barimo.

[268] Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 13-15; Ikimenyetso gihamya cya Porokireri 17 (ibaruwa yo ku itariki ya 4 Werurwe 1992 Renzaho yandikiye Minisitiri w'Ingabo).

[269]Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 9-10; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 3-5.

hari abasiviri n'abantu bitwara gisirikare babaga bafite intwaro nyinshi kandi zinyuranye, bishobora kuba byaratewe n'uko imirwano yari ikaze kandi hari n'abasirikare batashoboye gusubira mu mitwe yabo, bityo bagatangira kwishora mu bwicanyi, mu gusambanya ku gahato no mu bindi bikorwa[270].

214. Renzaho yeretswe ikiganiro cyahise kuri Radio Rwanda ku itariki ya 10 Gicurasi. Muri icyo kiganiro yavugaga ko yabonanye n'abayobozi noneho bagasuzumira hamwe ikibazo cy'umutekano wo mu ma selire yabo, n'uburyo ibikoresho bari bafite byo gufasha abaturage kwirindira umutekano byakoreshwa neza ». Renzaho yahakanye ko atigeze atangira intwaro « kuri perefegitura »[271].

Umutangabuhamya ushinjura wiswe PPV

215. Umutangabuhamya wiswe PPV ni Umuhutu, akaba yarakoreraga kuri Perefegitura y'Umujyi wa Kigali mu mutwe w'abaporisi ba komine, wari uzwi nk'umutwe w'abaporisi b'Umujyi. Uwo mutwe wa polisi, wagenzurwaga na perefe, wari ufite imbunda 100. Uyu mutangabuhamya avuga ko izo mbunda zitari zihagije. Abaporisi bagaruraga intwaro ku biro bya perefegitura ni mugoroba, bakongera kuzifata mu gitondo. Kubera ko abaporisi bamwe batagarukaga ninjoro, izo mbunda zose uko ari 100 ntizabikwaga kuri perefegitura. Ikindi kandi, abaporisi bagera kuri 40 gusa ni bo baje ku biro bya perefegitura ku itariki ya 7 Mata 1994. Abataraje bagumanye intwaro zabo[272].

216. N'ubwo abarezerivisiti babanje guhabwa intwaro kugira ngo bafashe abasirikare kugenzura ubucengezi, PPV ntazi aho intwaro zari ku mabariyeri zaturukaga. Yavuze ko nta ntwaro zigeze zikwirakwizwa mu bantu. Igihe yari ku biro bya perefegitura, harimo

[270]Inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 27; Inyandikomvugo y'iburanisha, 29 Kanama 2007 imp. 30-32.
[271]Inyandikomvugo y'iburanisha, 3 Nzeri 2007 imp. 3-4, 5 (byandukuwe uko byanditse); Ikimenyetso gihamya cya Porokireri cyahawe nomero 56 (inyandiko y'ikiganiro cyo kuri Radio Rwanda, cyatambutse ku itariki ya 10 Gicurasi 1994), urup. 12.
[272]Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78; Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 2-4, 6, 26, 49-50; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 56 (ifishi y'umwirondoro).

no ku itariki ya 7 Mata, nta ntwaro zahazanywe cyangwa zahatangiwe. Nta bubiko yari afite bw'intwaro cyangwa ubw'amasasu byagombaga gutangwa[273].

Umutangabuhamya ushinjura wiswe AIA

217. Umutangabuhamya ushinjura wiswe AIA yari umuporisi muri Perefegitura y'Umujyi wa Kigali. Uwari umukuriye yari Konseye kandi yakoranaga na we amasaha buri munsi, hafi 24 kuri 24, muri Mata 1994 no mu mezi yakurikiyeho[274]. Yasobanuye ko nyuma y'akazi, abaporisi bagaruraga intwaro ku biro bya perefegitura kugira ngo ababasimbura baze kuzikoresha. Renzaho yahaye buri segiteri abaporisi batanu bitwaje intwaro, uretse segiteri y'uyu mutangabuhamya yari ifite abaporisi 11. Abaporisi ba perefegitura ntibari bafite intwaro zihagije[275].

218. Muri Mata 1994, AIA yabonye Konseye we ajya ku biro bya pererefegitura mu nama eshatu. Iya mbere yabaye mu gitondo cyo ku itariki ya 8 Mata. Iya kabiri yabaye ku itariki ya 12 Mata cyangwa hafi yayo kandi yamaze nk'isaha imwe cyangwa isaha imwe n'igice. Nyuma yaho we na Konseye baratashye ariko nta ntwaro bahawe. Na nyuma y'inama ya gatatu, yabaye hafi y'itariki ya 16 Mata, nta ntwaro batahanye. Muri izo nama ebyiri za nyuma, uyu mutangabuhamya yagumaga mu modoka muri parikingi. Hari ikindi gihe Konseye yagiye kuri perefegitura, ariko yagumye hanze avugana n'impunzi na Burugumesitiri Jean Bizimana wa komine Nyarugenge[276].

[273]Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 15, 26-27, 43, 46, 48-51. Umutangabuhamya wiswe PPV yavuze ko « PVK itari ifite ububiko bw'intwaro. Intwaro zose zari zihari zari zaratanzwe. Nta ntwaro zahazanywe; nta ntwaro zatanzwe ». Iyo muri Kigali haza kuba umutwe wo kwirwanaho w'abaturage, ntaba yarabimenye kubera ko ikintu nk'icyo cyari kugirwamo uruhare n'abasirikare, ubuyobozi n'abaturage; nta bwo abaporisi bari kubigiramo uruhare. Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 29, 49-51.

[274] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 2, 8-10; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 6, 18-19; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 66 (ifishi y'umwirondoro). Ubwoko bw'Umutangabuhamya wiswe AIA ntibwerekanwe. AIA yafatiwe mu Rwanda mu Ugushyingo 1994, amara ukwezi afungiye kuri burigade y'i Nyamirambo mu gihe cy'iperereza, nyuma aza kurekurwa. Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 46.

[275] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp.4, 6-10, 35-36, 42-43, 46, 52-54; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 2-7, 16-19.

[276] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 21-22, 31-32, 35, 41, 54; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 7, 10, 17-18.

219. Hafi y'itariki ya 12 cyangwa ya 13 Mata, agasozi ka Rebero kakimara gufatwa n'Inkotanyi, abasirikare bahungaga basabye Konseye intwaro zo kwirwanaho. Yajyanye abo basirikare kuri *Camp Kigali*, noneho umwe mu ba komanda aha Konseye imbunda eshanu, indi imwe ayiha umurezerivisiti. Uyu mutangabuhamya kandi yari ahari ubwo Konseye yahaga buri selire imbunda hanyuma akagumana iya nyuma - yo mu bwoko bwa Kalashnikov – iwe mu nzu. Uyu mutangabuhamya ntiyashoboye kumenya niba Renzaho yari azi ko uwo Konseye yatanze intwaro, kandi ntiyari azi niba Konseye hari intwaro yahawe n'ubuyobozi bwa perefegitura. Ariko rero, amashyaka ya politiki nka MRND na CDR yahaye abaturage intwaro[277].

Umutangabuhamya ushinjura wiswe PAT

220. Umutangabuhamya ushinjura wiswe PAT ni Umuhutu wari ofisiye mu ngabo z'u Rwanda. Yashoboraga kubona amakuru ku birebana n'ububiko bw'intwaro n'itangwa ryazo mu mitwe inyuranye y'ingabo. Guhera ku itariki ya 6 Mata 1994, ingabo z'u Rwanda ntizari zifite amasasu ahagije. Ikindi kandi, Eta Majoro y'ingabo ntiyigeze igira intwaro cyangwa amasasu bibitse ahandi hantu uretse mu kigo cyabikwagamo ibikoresho by'ingabo (*logistics base*). Ari serivisi ya Eta Majoro ari n'iy'ikigo kibikwamo ibikoresho by'ingabo, nta n'imwe yakoreraga muri Minisiteri y'Ingabo. Kubera ko ingabo zariho zirwana na FPR, ntizari zifite uburyo bwo kwambura intwaro abari bazifite ku mabariyeri[278].

221. PAT ntiyamenye ko hari intwaro zatangiwe kuri Minisiteri y'Ingabo ku itariki ya 7 Mata, kandi uko abibona ni ikintu kitumvikana. Nta kuntu minisiteri yashoboraga kuba yabonye izo ntwaro, kubera ko gukura intwaro mu kigo kibikwamo ibikoresho bya gisirikare byafataga igihe, no kubera ko ibyo ari byo byose ingabo nta ntwaro zabikaga kuri minisiteri. Mbere y'uko usaba intwaro uwo ari we wese akura intwaro mu kigo

[277] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 31-34, 52-53.
[278] Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 45-46, 61-62, 66-69; Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 14-15; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 77 (ifishi y'umwirondoro); Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 78 (ubuhamya bwanditse bw'umutangabuhamya wiswe PAT bwo ku itariki ya 22 Kanama 2007, bwo kuzuza ubuhamya bwe mur rukiko).

cyabikwagamo ibikoresho bya gisirikare, kabone n'iyo yaba ari minisiteri, yagombaga kubanza kwerekana inyandiko isinye ibimwemerera[279].

222. PAT yari atarigera ajya ku biro bya Minisiteri y'Ingabo, ariko kubera umwanya yari afite mu murimo we, yari kumenya intwaro zose zari kuba zahatangiwe. Akurikije uburyo intwaro zatangwagamo, iyo izo ntwaro ziza gutangwa aba yarabonye ubutumwa burebana n'icyo gikorwa, ariko ntabwo yigeze abona. Mu gihe byagaragaraga neza ko ingabo ubwazo nta ntwaro zari zifite, nta ntwaro zindi zashoboraga kuboneka mu bubiko zo guha abandi bantu[280].

223. Kugira ngo intwaro zivanwe mu bigo cyangwa mu mitwe y'ingabo zijyanwe mu kigo cyabikwagamo ibikoresho bya gisirikare, hagombaga gukoreshwa urwandiko rwo kwimura intwaro rwabigenewe. Kubera ko kugeza mu ntangiriro za Gicurasi 1994 PAT atakoraga mu birebana n'iyo mirimo, iyo intwaro ziza kuvanwa mu kigo cya gisirikare zijyanwa kuri Minisiteri y'Ingabo ntiyari kubimenya. Na none kandi, iyo intwaro ziza kuvanwa muri *Camp Kigali* zigahabwa abaturage mu masegiteri, ntiyari kubimenya. Yavuze ko *Camp Kigali* yari ifite Umutwe w'inkeragutabara (*bataillon de reconnaissance)* kandi ko nta mpamvu yagombaga gutuma iha amasegiteri intwaro mu gihe yari izikeneye ubwayo[281].

Umutangabuhamya ushinjura wiswe PGL

224. Umutangabuhamya ushinjura wiswe PGL, wakoraga mu biro bya Perefegitura y'Umujyi wa Kigali, yari ku kazi ahongaho kuva ku itariki ya 11 Mata kugeza ku ya 3 Nyakanga. Mu gihe cy'intambara ntiyigeze yumva ko hari intwaro zatangiwe ku biro bya perefegitura[282].

[279] Inyandikomvugo y'iburanisha, 22 Kanama 2007, urup. 62; Inyandikomvugo y'iburanisha, 23 Kanama 2007 urup. 14.
[280] Ni kimwe no haruguru, imp. 62-64; Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 4-5.
[281] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 4-5, 14-15.
[282] Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 15, 18, 28, 40.

3.3 Isesengura ry'Urugereko

225. Igika cya 12 cy'Inyandiko y'ibirego kivuga ko Renzaho yagize uruhare mu gikorwa cyo guha intwaro Interahamwe n'Impuzamugambi, kuva hagati y'umwaka wa 1993 kugeza ku itariki ya 17 Nyakanga 1994. Mu gika 16 n'icya 33, havugwamo ko yatangiye amabwiriza yo gutanga izo ntwaro mu nama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali ku itariki ya 16 Mata 1994 cyangwa hafi yayo. Urugereko rurabanza gusesengura uruhare Renzaho yaba yaragize ku giti cye mu itangwa ry'intwaro, niba hari uruhari, hanyuma rurebe niba koko yarategetse ko izo ntwaro zitangwa.

3.3.1 Itangwa ry'intwaro

226. Ubuhamya Porokireri ashingiraho mbere na mbere buvuga ko Renzaho yagize uruhare rutaziguye mu gushaka no gutanga intwaro ni ubw'Umutangabuhamya wiswe AFB. Yatanze ubuhamya ku byabaye bibiri bitandukanye yahagazeho. Avuga ko ku itariki ya 7 Mata 1994, Renzaho yaba yarazanye ku biro bya Perefegitura y'Umujyi wa Kigali intwaro n'amasasu ngo abikuye kuri *Hôtel des Diplomates*. Muri izo ntwaro, yahayemo 10 Konseye Rose Karushara. Uyu na we uwo munsi yahise aziha Interahamwe zacungaga bariyeri yari hafi y'iwe. Uyu mutangabuhamya yibwira ko ba burugumesitiri na ba konseye bari ku biro bya perefegitura bahawe na bo intwaro uwo munsi.

227. Ku nshuro ya kabiri, ku itariki ya 12 Mata, Renzaho yaba yarakuye intwaro kuri *Hôtel des Diplomates* akazijyana kwa Protais Zigiranyirazo, noneho bakazipakururira kuri bariyeri yari hafi aho. Mu gihe Renzaho yari akiri kwa Zigiranyirazo, uyu mutangabuhamya yatanze intwaro ku yandi mabariyeri muri segiteri ya Nyakabanda, Nyamirambo na Biryogo. Avuga ko Renzaho yari azi iryo tangwa ry'intwaro.

228. AFB ni we mutangabuhamyato wenyine wavuze kuri ibi byabaye bibiri. Muri rusange, ubuhamya bwe bwari busobanutse kandi budahuzagurika. Urugereko rusanga mu manza za Gacaca yaremeye ko mu wa 1994 yashinze bariyeri[283]. Nta kimenyetso kigaragaza ko

[283] Uruhare rw'Umutangabuhamya wiswe AFB mu gushinga bariyeri rwavuzwe mu buhamya bwe mu rubanza rwa *Zigiranyirazo* no muri uru rubanza. Reba Inyandikomvugo y'iburanisha, 9 Mutarama 2007 imp. 36-37 (aho

yigeze ashinjwa ko hari igikorwa kibi icyaha icyo ari cyo cyose yaba yarakoze gifite aho gihuriye n'iyo bariyeri[284], kandi Urugereko rusanga ibi nta ngaruka bifite ku kwizerwa kwe.

229. Uyu mutangabuhamya yavuze ko mu gitondo cy'itariki ya 7 Mata, yavanye Rose Karushara mu rugo rwe (rwa Rose) amujyana ku biro bya perefegitura, mbere yo kujyana na Renzaho gufata intwaro kuri *Hôtel des Diplomates*. Ubwunganizi bwamweretse ko mu rubanza rwa *Zigiranyirazo* yavuze ko yagiye kwa Karushara nyuma ya saa sita, intwaro zamaze gukurwa kuri *Hôtel des Diplomates*[285]. Yabanje gusobanura ko ubuhamya bwe mu rubanza rwa *Zigiranyirazo* bushobora kuba bwarandukuwe nabi, hanyuma arangiza avuga ko Avoka wunganira Uregwa yabumusomeye nabi. Yanavuze ko ashobora kuba yaribeshye kubera igihe kinini gishize ibivugwa bibaye[286]. N'ubwo ibi bisobanuro bitanyuze cyane, Urugereko rusanga ubuhamya bwe muri uru rubanza buhuye n'ubwo yahaye abapererezi b'Urukiko mu Ukuboza 2003[287]. Ubuhamya bwe mu rubanza rwa *Zigiranyirazo* ku bijyanye n'ukuntu ibintu byagiye bikurikirana ntibwari busobanutse neza igihe cyose, kandi Urugereko ntiruha agaciro kanini uko kunyuranya k'ubuhamya.

230. Urugereko rwitaye kandi ku buhamya bw'uyu mutangabuhamya ku birebana na Gratien Kabiligi. Yasobanuye ko ku itariki ya 7 Mata, umuporisi umwe yamweretse Kabiligi kuri *Hôtel des Diplomates*. Ibi ntibihuye n'ibyo uyu mutangabuhamya yabwiye abapererezi b'Urukiko mu Ukuboza 2003, aho yavuze ko bamweretse Kabiligi ku itariki ya 12 Mata[288]. Mu buhamya bwe bwa kabiri bwo mu Ugushyingo 2004, aho yibandaga

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Umutangabuhamya yanze gusubiza ikibazo cyamubazaga niba hari umuntu yishe), n'Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 1 (*Urubanza rwa Zigiranyirazo*, Inyandikomvugo y'iburanisha, 26 Mutarama 2006 imp. 36-40; Inyandikomvugo y'iburanisha, 30 Mutarama 2006, imp. 35-36).

[284] Reba Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 42.

[285] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 1 (*Urubanza rwa Zigiranyirazo*, Inyandikomvugo y'iburanisha, 26 Mutarama 2006, imp. 9-13; Inyandikomvugo y'iburanisha, 30 Mutarama 2006, imp. 8, 36).

[286] Inyandikomvugo y'iburanisha, 9 Mutarama 2008, imp. 28-30, 32, 34-35.

[287] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 2 (imvugo yo ku itariki ya 22 Ukuboza 2003).

[288] Ni kimwe no haruguru, urup. 6: « Ku itariki ya 12 Mata 2004, nagiye kuri perefegitura mu ikamyoneti yanjye hafi ya saa moya za mu gitondo. Hafi ya saa mbiri za mu gitondo, nabonye Koloneli Gratien Kabiligi aza ku biro bya perefegitura ari mu ijipe ya gisirikare ya Mercedes Benz. Yari kumwe n'abasirikare bashinzwe umutekano we

cyane kuri Kabiligi, uyu mutangabuhamya yavuze ko yabonye Kabiligi bwa mbere ku itariki ya 10 Mata 1994, ariko akaza kubwirwa uwo ari we nyuma y'iminsi nk'ibiri[289]. Atanga ubuhamya mu rukiko, uyu mutangabuhamya yasobanuye ko abapererezi bakoze ikosa ku birebana n'ubuhamya bwe bwanditse bwo mu Gushyingo 2004[290]. Urugereko rwemera ko hashobora kuba harabaye ikosa ku birebana n'itariki ya 10 Mata, kubera ko ubuhamya bwe mu rukiko n'ubwanditse yatanze ya mbere bwerekana ko yagiye kuri *Hôtel des Diplomates* ku itariki ya 7 no ku ya 12 Mata gusa.

231. Ukunyuranya kuri hagati y'ubuhamya uyu mutangabuhamya yatangiye mu rukiko n'ubundi bubiri bwanditse bubanza yatanze avugamo ukuntu yabonye Kabiligi n'uruhare rwe mu byabaye, gushobora kuba guterwa n'igihe gishize kuva ibivugwa bibaye mu wa 1994 kugeza ubwo yatangiye ubuhamya cyangwa se gushobora kuba guterwa n'uko umutangabuhamya yazubaye. Nyamara ariko, Ubwunganizi bwerekanye ibintu biterekeranye mu bivugwa na Porokireri ko Kabiligi yari mu Rwanda ku itariki ya 7 Mata, ibyo bigatuma ubuhamya bwa AFB umuntu yabwibazaho[291].

232. Ubuhamya bwa AFB burebana n'igihe intwaro zatangiwe na bwo ni ubwo kwibazaho. Yavuze ko Renzaho yavuye ku biro bya perefegitura ajya kuri Radiyo Rwanda nyuma ya saa tatu za mu gitondo, kandi ko yageze mu kigo cya Radiyo Rwanda nka saa tatu n'igice

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muri iyo modoka. Sinari nsanzwe muzi ariko umuporisi twari kumwe yambwiye ko uwo muntu ari Koloneli Gratien Kabiligi ».

[289] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 3 (Inyandikomvugo yo ku itariki ya 30 Ugushyingo 2004), urup. 3: «Nabonye [Kabiligi] bwa mbere kuri *Hôtel des Diplomates* ku itariki ya 10 Mata 1994, ariko icyo gihe sinarinzi uwo ari we … Tuhageze, twahasanze ba ofisiye b'ingabo z'u Rwanda benshi n'abandi bagabo ku kibuga cya hoteli. Umwe mu baporisi twari kumwe yagiye kureba umu ofisiye umwe; hashize iminsi ibiri ; baje kumbwira ko uwo mwofisiye yari Koloneli Gratien Kabiligi».

[290] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 37-39.

[291] Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba urugereko kwakira inyandiko (Urugereko rwa Mbere rw'Iremezo), 12 Gashyantare 2008, ibika 3, 5 handukurwa ibyanditswe mu rubanza rwa *Bagosora na bagenzi be*, Inyandikomvugo y'iburanisha, 28 Gicurasi 2007, urup. 12 (« Bwana Jallow: … kuri uwo munsi, ni ukuvuga ku itariki ya 7 Mata, Uregwa wundi, ari we Kabiligi, ntiyari mu Rwanda, yari mu mahanga. Nyamara, mu gihe abandi baregwa hamwe batatau bari mu Rwanda batanga amategeko n'amabwiriza yerekeye ubwicanyi, umugambi wa Kabiligi wari uwo kugaruka mu Rwanda »).

cyangwa saa ine[292]. Ariko kandi, yavuze ko yapakiye imbunda mu modoka ahagana saa ine za mu gitondo noneho agasubira ku biro bya perefegitura nyuma gato ya saa ine za mu gitondo. Nyamara mu buhamya bwe bwanditse bwo mu Ukuboza 2003, uyu mutangabuhamya yavuze ko yabonye Renzaho ava mu biro bye ahagana saa ine za mu gitondo yerekeza kuri Radiyo Rwanda mu modoka. Ubwo buhamya buvuga kandi ko Rose Karushara n'abandi bakonseye bamaze mu biro bya Renzaho nk'isaha imwe mbere y'uko Renzaho ajya kuri *Hôtel des Diplomates*, aho intwaro zapakiriwe mu modoka y'uyu mutangabuhamya. Ibi bigaragaza ukundi kuvuguruzanya ku birebana n'igihe ibi bivugwa byabereye[293].

233. Urugereko ruzirikana ko kwibuka neza igihe ibintu byabereye bishobora kuba bitoroshye. Umutangabuhamya wiswe AFB yavuze ibintu agereranya[294]. Nyamara ariko, uko ibintu byagiye bikurikirana bifite akamaro kubera ko Renzaho yavuze ko yari mu nama ya ba ofisiye bakuru b'ingabo muri ESM kuva saa ine n'iminota 15 kugeza saa tanu za mu gitondo. N'ubwo Ubwunganizi nta batangabuhamya bwahamagaje bo gushimangira iyi mvugo, Urugereko ntiruhakana ko Renzaho yashoboraga kujya mu nama nk'iriya ikomeye kubera ibihe by'akaga byariho, umwanya we nka perefe wa Kigali, n'ipete yari afite mu gisirikare[295].

234. Ubuhamya bw'uyu mutangabuhamya, buvuga ko Amri Karekezi yari ku biro bya perefegitura mu gitondo cy'itariki ya 7 Mata, bunyuranye n'ibimenyetso bya Porokireri

[292] Umutangabuhamya wiswe AFB yabanje kuvuga ko Renzaho yinjiye mu kigo cya Radiyo Rwanda nka saa tatu za mu gitondo (Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup.78), hanyuma, mu ibaza rinyomoza, avuga ko hari nka saa ine za mu gitondo (Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 24).

[293] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 2B (Inyandikomvugo yo ku itariki ya 22 Ukuboza 2003), imp. 3-4.

[294] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 83 (« Ni ikigereranyo gusa, kubera ko ndebye igihe byadufashe kujya aho hantu hatandukanye, ndibwira ko byari nko mu ma saa ine, kuko nibuka ko navuye iwanjye nka saa moya, ni ukuvuga mu gitondo kare »). Urugereko rusanga kandi yaratanze ubuhamya hari hashize umwaka atanze ubundi mu rubanza rwa *Zigiranyirazo* aho yavuze ko Renzaho yapakuruye intwaro zari zaturutse kuri *Hôtel des Diplomates* ahagana saa ine za mugitondo. *Reba* Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 1 (*Porokireri aburana na Zigiranyirazo*, Inyandikomvugo y'iburanisha, 26 Mutarama 2006, urup. 7).

[295] Urugereko ruzirikana ibimeneyetso byerekanye ko ESM yari hafi y'ibiro bya Perefegitura y'Umujyi wa Kigali. Umutangabuhamya wiswe RGI, Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup. 23.

n'iby'Ubwunganizi[296]. Ikindi kandi, kuba avuga ko abakonseye, barimo Karushara, n'ababurugumesitiri bari aho ku biro bya perefegitura uwo munsi na bo bahawe intwaro n'amasasu, ntibihuye n'ibyo abandi batangabuhamya bashinja bavuze. Kuba ibyo bintu bidashimangirwa n'abandi batangabuhamya, wenda batari ku biro bya perefegitura icyo gihe ariko bashoboraga kumenya ko intwaro zahazanywe zikanahatangirwa, bituma umuntu ashidikanya kuri ubwo buhamya. Hanyuma kandi hari utundi tuntu mu buhamya bw'uwo mutangabuhamya tudasobanutse neza[297]. N'ubwo utwo tuntu tuvuguruzanya dufite ingaruka ntoya iyo kamwe gafashwe ukwako akandi ukwako, iyo dufatiwe hamwe dutuma Urugereko rushidikanya ku buhamya bw'uyu mutangabuhamya aho avuga ko Renzaho yagize uruhare mu gushaka intwaro no kuzitanga ku itariki ya 7 Mata. Bityo rero, Urugereko ntiruza gushingira ku buhamya bwa AFB ku birebana n'itangwa ry'intwaro, mu gihe nta bundi bubushyigikira.

235. Ku birebana n'itangwa ry'intwaro ku itariki ya 12 Mata, ubuhamya bwa AFB nta bundi bubushyigikira. Nta n'umwe mu batangabuhamya bashinja bakundaga kugera ku biro bya Perefegitura y'Umujyi wa Kigali muri icyo gihe, kandi bavuze ko batumwe na Renzaho kuri Minisiteri y'Ingabo, washyigikiye ubuhamya bwa AFB ku birebana no gupakira intwaro, kuzibika no kuzipakururira ku biro bya perefegitura muri icyo gihe. Nta wuhakana ko Umutangabuhamya wiswe ALG yavuze ko Kabiligi yazanye intwaro ku biro bya perefegitura, zigashyirwa mu bubiko bwa polisi y'Umujyi hanyuma zigahabwa Interahamwe zari zatumijwe ku biro bya perefegitura. Nyamara ariko, ubu buhamya bwe bugaragaza ko ibi byabaye muri Gicurasi, ni ukuvuga hashize igihe kinini ibivugwa na AFB bibaye, bityo bukaba budashyigikira ubuhamya bwa AFB. Urugereko rusanga ubuhamya bwa ALG bugomba kwitonderwa aho budafite ubundi bubushyigikira kandi

[296]*Reba* Umutangabuhamya wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 4-5, 55-62; Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 4, 6-7; Umutangabuhamya wiswe AIA, Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 7, 9-21; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 4-5, 14-18.

[297]N'ubwo Umutangabuhamya wiswe AFB yavuze ko abo baporisi bane ari bo bamuherekezaga mu ngendo ze zose, mu rubanza rwa *Zigiranyirazo* yavuze ko ari abaporisi babiri bari mu modoka ye kandi yasubiyemo icyo gisubizo inshuro nyinshi mu buryo busobanutse neza (*Urubanza rwa Zigiranyirazo*, Inyandikomvugo y'iburanisha, 26 Mutarama 2006, urup. 7; Inyandikomvugo y'iburanisha, 30 Mutarama 2006, imp. 8-9). Ubwo muri uru rubanza bamwerekaga izo mvugo zivuguruzanya, yasubije ko asoza ubuhamya bwe mu rubanza rwa *Zigiranyirazo* yasobanuye neza ko hari abaporisi bane. Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 17-23. Nyamara ariko, nta nyandikomvugo y'urwo rubanza ikubiyemo icyo gisubizo.

rusanga atari ubwo kwizerwa bihagije ku buryo bwakoreshwa bwonyine. Ikindi kandi, Umutangabuhamya wiswe PGL, wakoraga ku biro bya perefegitura, muri rusange yavuze ko nta ntwaro zahatangiwe, n'ubwo ubu buhamya bwari ubwo mu rwego rusange kandi nta gaciro kanini bufite.

236. Ubuhamya bw'Umutangabuhamya wiswe XXY wavuze ko, mu ijoro ryo ku itariki ya 6 rishyira iya 7 Mata, Renzaho yatanze intwaro mu masegiteri atandukanye muri Kigali ko kandi yongeye kubikora mu mpera za Mata cyangwa mu ntangiriro za Gicurasi muri Gitarama, ntibushyigikira ubwa AFB. Ni inkuru mbarirano yabwiwe n'umuhungu wa Renzaho witwa Régis, kandi irasa nidafite aho ihuriye n'ubuhamya bwa AFB. Ubuhamya bw'Umutangabuhamya wiswe UB buvuga ko yumvise bavuga ko Renzaho yahaye Perezida w'ishyaka rya PDI intwaro, maze uyu na we akaziha abaturage, na bwo bukomoka ku nkuru mbarirano idafite gishyigikira.

237. Umutangabuhamya wiswe BUO yavuze ko ku itariki ya 21 Mata, Renzaho yahereye Interahamwe intwaro kwa Angeline Mukandutiye (II.6). ALG yabwiwe n'Interahamwe zari kwa Mukandutiye ko Renzaho yazihaye intwaro, ariko yongeraho ko zatangiwe kwa Renzaho ko atari kwa Mukandutiye[298]. Ubuhamya bwa ALG bukomoka ku nkuru mbarirano ntibusobanutse neza kandi butandukanye cyane n'ubwa BUO, ku buryo butabushyigikira. Hashingiwe ku bibazo Urugereko rwibaza ku birebana n'ubuhamya bwa ALG muri rusange (II.2, 9 na 11), ntirwibwira ko ubuhamya bwe kuri ibyo bivugwa ari ubwo kwizerwa.

238. Urugereko rurasuzuma kandi n'inyandiko yateguwe na ofisiye wa MINUAR, Liyetona-Koloneli Frank Claeys irebana n'ikiganiro yagiranye ku itariki ya 20 Mutarama 1994 n'umuntu wamunekeraga. Iyo raporo ivuga ko uwo muntu yabwiye Claeys ko yatwawe mu modoka ya « Peugeot y'ubururu » yari iya Koloneli umwe wo mu ngabo z'u Rwanda akaba na perefe w'Umujyi wa Kigali, Renzaho. Iyo modoka yari ipakiye intwaro kandi

[298]Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 39 (« Ariko umuntu akurikije ibyo yabonaga, *Interahamwe* zari kwa Mukandutiye kandi zahatorezwaga, zambwiye ko Renzaho yakundaga kuhaza akaziha amabwiriza ndetse akaziha n'intwaro. Zavuze kandi ko zari zishimiye ko azishyigikiye. *Bityo rero abari bakeneye intwaro bajyaga kwa Mukandutiye kuzifatayo. Ni iwe [kwa Renzaho]* -- *birakosowe* »). (Ni twe twabitsindagiye tubyandika muri izi nyuguti ziberamye).

uwo muntu yasabwe gushaka abantu bo kuziha[299]. Porokireri avuga ko iyo raporo ishyigikira ibimenyetso bitaziguye byavuze ko Renzaho yagize uruhare mu itangwa ry'intwaro[300]. Ubu buhamya bukomoka ku nkuru mbarirano kandi ntibusobanura ibintu ku buryo burambuye. Buvuga ko Renzaho yagize uruhare mu gutwara izo ntwaro, ariko ntibuvuga ko hari uwamubonye abikora, kandi buvuga ku bintu byabaye mu gihe kitegeranye n'igihe iby'abatangabuhamya bashinja muri uru rubanza bavuga ko byabereyeho[301]. Urugereko rusanga ubwo buhamya butagaragaza ko Renzaho yitangiye ubwe izo ntwaro cyangwa ngo bushyigikire ubundi buhamya bw'abatangabuhamya bashinja bavuze ko Renzaho yagize uruhare mu bindi bikorwa byo gutanga intwaro.

239. Urugereko rusanze Porokireri ataratanze ibimenyetso bihamya ku buryo budashidikanywaho ko ku itariki ya 7 Mata Renzaho yahaye intwaro *Interahamwe* zacungaga bariyeri yari hafi yo kwa Karushara kandi ko, ku itariki ya 12 Mata, yahaye intwaro zari zavuye kuri *Hôtel des Diplomates* no ku biro bya perefegitura, abantu bacungaga bariyeri yari hafi yo kwa Zigiranyirazo n'abari kuri za bariyeri zindi mu masegiteri anyuranye y'Umujyi wa Kigali. Ikindi kandi, ubuhamya bw'Abatangabuhamya biswe ALG, XXY, BUO na UB bwasuzumwe mu isesengura rimaze gukorwa, si ubwo kwizerwa cyane ku buryo bwatuma umuntu avuga ko Renzaho yagize uruhare rutaziguye mu itangwa ry'intwaro. Ibyo ari byo byose, Urugereko rusanga ubuhamya bwa AFB ku birebana n'abantu bacungaga za bariyeri n'uko ibintu byari bimeze kuri izo za bariyeri ari ayo kwizerwa muri rusange kandi arunyuze (II.2). Porokireri ntiyashoboye kugaragaza ko Renzaho yagize uruhare rutaziguye mu guha Interahamwe n'Impuzamugambi intwaro kuva hagati mu wa 1993 kugeza ku itariki ya 17 Nyakanga 1994. Kubera iyo mpamvu, Urugereko rusanze atari ngombwa gusuzuma ikibazo cyo kumenya niba Uregwa yaramenyeshejwe icyo kirego mu gihe gikwiriye.

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[299] Ikimenyetso gihamya cya Porokireri cyahawe nomero 21 (Raporo ya ofisiye wa MINUAR, ari we Liyetona-Koloneli Frank Claeys, ku kiganiro yagiranye ku itariki ya 20 Mutarama 1994 n'umuntu wamunekeraga), yanditsemo ibikurikira: « Mu modoka ya Peugeot y'ubururu ya Koloneli wo mu ngabo za Guverinoma y'u Rwanda: Terehaho [*sic*], perefe wa KIGALI. Bamujyanye muri iyo modoka, bari bamaze kuyipakiramo intwaro, kandi yagombaga gushaka abantu bo guha izo ntwaro ». (urup.1).

[300] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 42.

[301] N'ubwo raporo yo ku itariki ya 20 Mutarama 1994 ivuga ko « itangwa ry'intwaro … ryongeye gutangira baziha abantu ku giti cyabo hamwe n'amasasu » (urup. 1), ntibisobanutse niba igihe imodoka ya Renzaho yakoreshwaga hari intwaro zatanzwe.

3.3.2 Amabwiriza yo gukusanya intwaro no kuzikwirakwiza

240. Mu gushyigikira ikirego cye kivuga ko Renzaho yategetse abakonseye kujya gufata intwaro kuri Minisiteri y'Ingabo no kuziha abantu mu masegiteri yabo kugira ngo bice Abatutsi, Porokireri ashingira ku buhamya bw'abatangabuhamya babihagazeho ari bo abiswe UB, AWE na GLJ. Umutangabuhamya wiswe ALG na we yatanze ubuhamya ku birebana n'icyo gikorwa, ariko bukomoka ku nkuru mbarirano. Nk'uko Urugereko rubisesengura ku buryo burambuye mu bindi bice by'iyi nyandiko y'urubanza, rusanga ubu buhamya ntawabushira amakenga. Ababutanga ni abantu bashinjwe mu Rwanda cyangwa bahamwe n'ibyaha biburanwa muri uru rubanza. UB na AWE bafungiwe muri gereza imwe mbere yo kuza Arusha gutanga ubuhamya (II.2). Na none kandi, Urugereko rusanga GLJ na AWE barireze ko bari mu mubare w'abantu batanze intwaro, mu rwego rw'ibikorwa nyirizina bivugwa muri uru rubanza, ku buryo nta nyungu iyo ari yo yose baba bafite yo kugerekaho Renzaho icyo gikorwa[302]. Ikindi kandi, n'ubwo UB yari agitegereje icyemezo cy'Urukiko rw'Ikirenga rwo mu Rwanda ku birebana n'igihano yagenewe, dosiye ye y'urubanza igaragaza ko atigeze ahakana ko yatanze intwaro akurikije amabwiriza yahawe na Renzaho[303].

241. Hari ibintu bivuguruzanya bigaragara hagati y'ubuhamya bw'abatangabuhamya bahagaze ku byabaye, aribo abiswe UB, AWE na GLJ. Urugero, mu buhamya bwe, AWE yavuze ko amabwiriza yo kujya gufata intwaro yatangiwe mu nama yabaye ku itariki ya 11 Mata, mu gihe GLJ we yasobanuye ko ibyo byabaye ku itariki ya 16 Mata. Mu buhamya bwe ku gihe iyo nama yabereye, UB avuga ko ishobora kuba yarabaye hagati ya nyuma

[302]Umutangabuhamya wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13, 20; Umutangabuhamya wiswe AWE, Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12.

[303]Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 11B (Inyandiko y'urubanza rw'Umutangabuhamya wiswe UB mu Rukiko rw'Ubujurire mu Rwanda), urup. 10 (« Rumaze kubona ko uwakatiwe yemeye gusa ikirego kimwe: gutanga intwaro abibwirijwe na Perefe »). *Reba* kandi Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 11A (Urubanza rwa UB mu Rukiko rwa Mbere rw'Iremezo mu Rwanda) urup. 28 (« *Rumaze kubona ko kugira ngo ashyire jenoside n'ubwicanyi mu bikorwa, yahaye Interahamwe imbunda muri segiteri ye yose, zirimo Karimu, Mugesera na Kenedy, izo ntwaro (imbunda) zikaba zarakoreshejwe mu kwicira abantu kuri za bariyeri no mu gusahura; kandi na we ntabihakana kuko avuga ko hari imbunda yavanye kuri P.V.K. hanyuma akaziha abaresiponsabure* »).

y'iminsi nk'ibiri uhereye ku itariki ya 10 cyangwa iya 11 Mata n'iya 16 Mata[304]. ALG avuga ko ayo mabwiriza yatanzwe ku itariki ya 11 Mata. Urugereko rusanga byumvikana ko uko kuvuguruzanya k'ubuhamya guterwa n'igihe gishize ibivugwa bibaye. Kandi koko, n'ubwo itariki nyirizina Renzaho yatangiyeho ayo mabwiriza itazwi neza, UB na AWE bemeje badashidikanya ko amabwiriza yatangiwe mu nama ya kabiri bagiranye na Renzaho ku biro bya perefegitura. Ibi byemezwa kandi n'ubuhamya bwa ALG ariko bukomoka ku nkuru mbarirano. Ndetse na GLJ yavuze ko ayo mabwiriza yatanzwe hakurikijwe icyemezo cyafatiwe mu nama yabaye mbere ariko atari yagiyemo.

242. Urugereko rusanga utuntu tuvuguruzanya ku birebana n'ibyavugiwe mu nama ari duto cyane. GLJ yavuze ko amabwiriza ajyanye n'intwaro yatanzwe ubwo basabaga abari mu nama gushinga za bariyeri. UB na AWE basobanuye ko Renzaho yategetse ko bashyiraho za bariyeri mu nama yabanjirije iyo (II.2). Nyamara ariko, ubuhamya bwabo ntibuvuze ko Renzaho atongeye kuvuga ku mabwiriza yo gushyiraho za bariyeri ubwo yabwiraga abantu gushaka intwaro no kuzikwirakwiza. Kuri iki kibazo, hariho ubundi buhamya bwerekana ko Renzaho yagiye agaruka ku mabwiriza ajyanye na za bariyeri mu nama nyinshi[305].

243. Hari ibintu bivuguruzanya mu nkuru abatangabuhamya bavuga ku birebana n'abantu bari mu nama aho Renzaho yaba yarabategetse kujya gufata intwaro. Urugereko rusanga uko kuvuguruzanya nta cyo kuvuze cyane kandi gushobora kuba kwaratewe n'umubare w'inama abatangabuhamya bagiyemo n'igihe gishize kuva ibivugwa bibaye. Ibintu bahurijeho mu buhamya bwabo bituma burushaho kugira agaciro. Muri rusange, abo batangabuhamya bavuze mu buryo budahuzagurika ku mubare w'intwaro buri wese muri bo yahawe, kandi basobanura ko bitari ngombwa kwerekana urwandiko urwo ari rwo rwose mbere yo guhabwa intwaro.

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[304] Gereranya n'Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 12 (havugwa ko inama yabaye « nk'iminsi ibiri » nyuma y'inama ya mbere yo ku itariki ya 10 cyangwa iya 11 Mata), n'Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 15-16 (Uyu mutangabuhamya avuga ko iyo nama yabaye ku itariki ya 16 Mata, umunsi yagiriyeho kuri Minisiteri y'Ingabo).

[305] Reba, nk'urugero, Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 41, 67.

244. Ku birebana n'icyo kibazo, raporo yanditswe n'Umugaba mukuru w'ingabo z'u Rwanda mu gihe kijya kuba kimwe n'ibyabaye, ni ukvuga ku itariki ya 30 Werurwe 1994, ni ingirakamaro. Iyo raporo, yandikiwe Minisitiri w'Ingabo n'abagize guverinoma, yari yerekeranye n'inama yabaye ku itariki ya 29 Werurwe 1994 yizwemo gahunda yo kwirwanaho kw'abaturage. Renzaho yari muri iyo nama. Iyo raporo ivuga ko Minisitiri w'Ingabo na Minisitiri w'Ubutegetsi bw'Igihugu « bazagezwaho icyifuzo kibasaba gutanga intwaro zo guha abakozi b'abasiviri bazaba batoranyijwe ». Renzaho yemeye ko icyo gihe yari yarimuriwe muri Minisiteri y'Ubutegetsi bw'Igihugu, ariko akavuga ko iyo gahunda itigeze ishyirwa mu bikorwa[306]. Urugereko rusanga iyo raporo ishyigikira ku buryo buziguye ibimenyetso bishinja kandi bidahuzagurika, byerekana ko abayobozi bo mu nzego z'ibanze boherejwe muri Minisiteri y'Ingabo gufata intwaro zo gukwirakwiza mu bantu, kandi iyo umuntu asuzumye ibimenyetso byose uko byakabaye, asanga ibisobanuro Renzaho atanga bidashyize mu gaciro.

245. Ubwunganizi bwagerageje guhakana ko Ministireri y'Ingabo yaba yaratanze intwaro. Umutangabuhamya wiswe AIA, waherekeje konseye we mu nama zabereye ku biro bya perefegitura hafi y'itariki ya 12 no ku itariki ya 16 Mata, kandi akagumana na we kugeza muri Nyakanga, yavuze ko atigeze abona konseye ajya gufata intwaro avuye kuri perefegitura. Bamweretse ubuhamya bwe bukubiye mu nyandikomvugo y'ibazwa rye mu Rwanda mu Ugushyingo 1996, aho yabajijwe niba konseye wa segiteri ye yarahawe intwaro, maze agasubiza ko abayobozi ba perefegitura bahaye konseye we imbunda esheshatu, na we akaziha abari ibyegera bye[307]. Yavuze ko impamvu hari ukwivuguruza mu byo yavuze mbere n'ubu, ari uko yabajijwe icyo gihe afunze kandi yashyizwe ku ngoyi, ndetse n'abapererezi bakaba baramuhatiye gutanga icyo gisubizo. Yasobanuye ko izo mbunda esheshatu zakomotse muri *Camp Kigali*[308]. Urugereko ntirunyuzwe n'iki gisubizo. Iyo nyandikomvugo irimo ibibazo n'ibisubizo byandukuwe mu buryo

[306]Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 9-11; Ikimenyetso gihamya cya Porokireri cyahawe nomero 24 (ibaruwa yo ku itariki ya 30 Werurwe 1994 Déogratias Nsabimana yandikiye Minisitiri w'Ingabo), igika 7.

[307] Ikimenyetso gihamya cya Porokireri cyahawe nomero 109 (Inyandikomvugo yo ku itariki ya 14 Ugushyingo 1996).

[308] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 54.

butaziguye, kandi ihuye n'ubuhamya yatanze avuga ko hari izindi ntwaro konseye yakuye muri *Camp Kigali*. Imiterere y'ukuvuguruzanya kuri mu buhamya bwa AIA hamwe n'ibisobanuro agutangaho, bituma umuntu ashidikanya bikomeye kuri icyo gice cy'ubuhamya bwe. Ntabwo rero buvuguruza ibimenyetso byatanzwe na Porokireri kuri icyo kibazo.

246. Umutangabuhamya wiswe PAT yavuze ko nta ntwaro zatangiwe kuri Minisiteri y'Ingabo. Nyamara ariko, kubera ko atakoreraga kuri Minisiteri y'Ingabo, iyo intwaro ziza kuvanwa mu kigo cya gisirikare zikajyanwa kuri iyo Minisiteri cyangwa mu masegiteri, nta kuntu yari kubimenya[309]. Ikindi kandi, ibyo avuga birebana n'uburyo bwemewe intwaro zatangwagamo, ni ibintu bikurikizwa mu bihe bisanzwe, ariko Urugereko ntirwibwira ko ubwo buryo bwari gukurikizwa neza neza uko bwakabaye muri Mata 1994. Na none kandi, kuba umutangabuhamya yaravuze ko nta ntwaro zatangiwe kuri Minisiteri y'Ingabo bishobora gufatwa ko biterwa no kuba abifitemo inyungu.

247. Urugereko ruzirikana ibimenyetso bishinja n'ibishinjura bivuga ko intwaro zazanywe mu Mujyi wa Kigali n'abandi bantu batari Renzaho[310]. Ruzirikana kandi ubuhamya bw'Abatangabuhamya bashinjura biswe PPV na PAT, bavuze ko abaporisi bo mu mujyi n'abasirikare nta ntwaro n'amasasu ahagije bari bafite. Nyamara ariko, ibi bisobanuro bya rusange ntibihagije kugira ngo umuntu abe yashidikanya ku buhamya bushinja bwo kwizerwa, buvuga ko Renzaho yafashe ingamba zo guha intwaro abayobozi bo mu nzego z'ibanze. Kubera umwanya yari afite, PPV afite kandi inyungu yo guhakana ko nta ntwaro zakuwe mu bubiko bwazo muri polisi y'Umujyi noneho zigatangwa cyangwa se ko zatanzwe binyujijwe ku biro bya Perefegitura y'Umujyi wa Kigali. Kuba yarahakanye

[309]Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 45, 62 (Ibiro bye ntibyari muri Minisiteri y'Ingabo); Inyandikomvugo y'iburanisha, 23 Kanama 2007, urup. 14 («Ikibazo: Iyo intwaro zari mu bigo bya gisirikare hirya no hino muri Kigali ziza kujyanwa kuri Minisiteri y'Ingabo, ku biro bya perefegitura, cyangwa ahandi hantu aho ariho hose, si byo ko utari kubimenya, kubera ko muri uko kwezi kwa mbere cyangwa muri iyo minsi wari ku rugamba? Igisubizo: Oya. Mu kwezi kwa mbere ahubwo nari mu murimo wanjye wa mbere, nakoreraga mu biro. Ariko iyo intwaro ziza gukurwa mu kigo cya gisirikare zikajyanwa kuri Minisiteri y'Ingabo, birumvikana ko ntari kubimenya »).

[310]Reba, nk'urugero, Umutangabuhamya wiswe AWE, Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 18, 41; Umutangabuhamya wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 14.

ibyo bintu bituma umuntu yibaza niba ubuhamya bwe bwakwizerwa[311]. Kubera izo mpamvu, Urugereko rusanze mu nama yabereye ku biro bya perefegitura hafi y'itariki ya 16 Mata 1994, Renzaho yarahaye amabwiriza abayobozi bo mu nzego z'ibanze, barimo ba konseye, yo kujya gufata intwaro kuri Minisiteri y'Ingabo no kuzikwirakwiza mu baturage.

248. Umutangabuhamya wiswe UB avuga ko amabwiriza Renzaho yatanze yo gushaka intwaro asa n'aho yatewe n'uko ba konseye bamugejejeho ubwoba bari bafite bujyanye n'umutekano wabo, kubera ko abaturage b'abasiviri bari bafite intwaro nyinshi kandi mu masegiteri yabo haberamo ubwicanyi. Umutangabuhamya wiswe GLJ yasobanuye ko intwaro zagombaga gufatwa zigahabwa abaturage bazi kuzikoresha kugira ngo birindire umutekano. Na none kandi, Umutangabuhamya wiswe AWE yavuze ko Renzaho yasabye ko intwaro zigenerwa abarezerivisiti n'abaturage bari barigishijwe kuzikoresha, hanyuma yihaniza abantu kutazagira intwaro baha Abatutsi. Umutangabuhamya wiswe ALG yumvise bavuga ko intwaro zari zigenewe abantu bari kuri za bariyeri n'abakonseye. Ubuhamya bwa GLJ, AWE na ALG buvuga ko intwaro zagombaga gukwirakwizwa mu baturage bushyigikirwa na raporo yo ku itariki ya 30 Werurwe yavuzwe haruguru. Iyo raporo yavugaga ko Minisiteri y'Ingabo na Minisiteri y'Ubutegetsi bw'Igihugu zagombaga gusabwa guha intwaro « abakozi b'abasiviri batoranyijwe », ariko iyo ikaba yari ingamba imwe ikubiye muri gahunda ikomeye yo gushyiraho umutwe w'abasiviri ugamije kurwanya umuntu wese wafatwaga nk'umwanzi[312].

249. Kubera ibyo, umwanzuro wonyine ushyize mu gaciro umuntu yafata ni uko izo ntwaro zari zigenewe gukoreshwa mu ntambara yo guhashya umwanzi muri rusange, harimo n'abasiviri b'Abatutsi. Urugereko rwasuzumye ubuhamya bw'Umutangabuhamya wiswe UB, wavuze ko Renzaho ashobora kuba yaragennye izo ntwaro nk'ibikoresho by'inyongera byo kubungabunga umutekano w'abayobozi bo mu nzego z'ibanze n'abo

[311]Babwiye Umutangabuhamya wiswe PPV ko ashakishwa n'ubutabera bwo mu Rwanda kubera ko akekwaho kuba yarakoze ibyaha bya jenoside bimushyira mu cyiciro cya mbere. Ibyo yarabihakanye. Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 53-55.

[312] Ikimenyetso gihamya cya Porokireri cyahawe nomero 24 (ibarwa yo ku wa 30 Werurwe 1994 Déogratias Nsabimana yandikiye Minisitiri w'Ingabo), igika 7.

bari bakuriye. Kuba Renzaho yarashatse intwaro bitewe n'ibibazo by'umutekano w'abayobozi bo mu nzego z'ibanze bishyigikirwa n'ibarwa yandikiye Minisiteri y'Ingabo muri Werurwe 1992, avugamo icyo kibazo mu buryo butaziguye[313]. Nyamara ariko, umubare w'intwaro zatanzwe, hagati y'eshanu n'icumi kuri buri muyobozi, ugaragaza ko zitari zigenewe gusa abagiye kuzishaka. Ikindi kandi, ibimenyetso bigaragaza ko abayobozi bo mu nzego z'ibanze bari barinzwe n'abaporisi b'Umujyi, bari basanzwe bafite intwaro zabo[314].

250. Kuba Renzaho yarategetse ko intwaro zikusanywa zigakwirakwizwa mu baturage byemezwa n'inyandikomvugo y'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 10 Gicurasi 1994, aho yavuze ku bayobozi ba za segiteri na selire « bashinzwe gutanga no gukoresha neza ibikoresho bafite byagenewe gahunda yo kwirwanaho y'abaturage ». Aya magambo yayavuze asubiza ibyo umunyamakuru wabwiraga abamwumvaga ko « byagaragaye ko abahawe ibyo bikoresho, nk'imbunda, bitwara nabi kuri za bariyeri »[315]. Renzaho yavuze ko nta ntwaro zatangiwe « kuri perefegitura », hanyuma asobanura ko inyandikomvugo ishobora kuba irimo amakosa, kandi ko ntakivuga ko amagambo ayikubiyemo ari aye bwite[316]. Urugereko rusanga kuba Renzaho ahakana ibyo

[313]Ikimenyetso gihamya cya Porokireri cyahawe nomero 17 (ibarwa yo ku wa 4 Werurwe 1992 Renzaho yandikiye Minisiteri y'Ingabo), asaba imbunda. Umutangabuhamya wiswe GLJ yavuze ko « ibisambo byitwaje intwaro » byateje umutekano muke icyo gihe kandi ko urugo rwe rwatewe n'ibisambo. Renzaho yemeye icyifuzo cy'uyu mutangabuhamya cyasabaga ko Minisiteri y'Ingabo yamuha imbunda. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 32-33.

[314]Reba, nk'urugero, Umutangabuhamya wiswe PPV, Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 2, 4-6. Umutangabuhamya wiswe AFB, Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 71, 73 (abaporisi ba komine babiri bari boherejwe kumushaka mu gitondo cy'itariki ya 7 Mata babitegetswe na konseye); Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 29 (yumvise bavuga ko mu nama yabaye ku itariki ya 9 Mata 1994, Renzaho yahaye abakonseye abaporisi batanu bo kurinda umutekano); Umutangabuhamya wiswe GLJ, Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 52-53 (Abo baporisi bari abo kurinda umutekano w'abakonseye, hakurikijwe amabwiriza ya perefe); Umutangabuhamya wiswe UB, Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 6 (Hari Umukonseye Renzaho yohererejе abaporisi babiri bo kumurindira umutekano); Umutangabuhamya wiswe AWE, Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 18, 38-39, 43 (abaporisi bari bafite intwaro kandi hari Umukoseye wohererejwe babiri bo kumurindira umutekano); Umutangabuhamya AIA, Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 11 (Hari Umukonseye wohererejwe abaporisi babiri bo kumurindira umutekano, mu gitondo cyo ku itariki ya 7 Mata); Renzaho, Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 62, 63 (Burigadiye wa porisi y'Umujyi yahawe amabwiriza yo kohererezа abakonseye abaporisi kugira ngo « babafashe mu mirimo yabo mu baturage »).

[315] Ikimenyetso gihamya cya Porokireri cyahawe nomero 56 (inyandikomvugo y'ikiganiro cya Radiyo Rwanda, cyatambutse ku itariki ya 10 Gicurasi 1994), urup. 12.

[316] Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 4-7.

bitanyomoza ibimenyetso bishinja, kandi ibisobanuro bye ntibirunyuze kubera ko hari aho yemeye mu buryo bweruye cyangwa buteruye ko andi magambo yavugiwe muri icyo kiganiro kuri radiyo ari aye[317]. Nk'uko Renzaho yabivuze mu buhamya bwe, Urugereko rwemera ko intwaro zari mu baturage no kuri za bariyeri zishobora kuba zaraturutse ahandi hantu hatari kuri perefegitura, nko mu basirikare batorotse akazi n'abajandarume[318]. Ariko rero, icyo gisobanuro nticyatuma umuntu ashidikanya ku buhamya bushinja, bushyigikiwe n'amagambo yavuzwe na Renzaho mu gihe cy'ibyabaye, bugaragaza ko abayobozi bo mu nzego z'ibanze bitabiriye gukwirakwiza imbunda mu baturage kandi ko Renzaho yagize uruhare muri icyo gikorwa.

251. Rushingiye ku bimaze kuvugwa, Urugereko rusanze amabwiriza Renzaho yahaye abayobozi, barimo abakonseye, mu nama ku itariki ya 16 Mata cyangwa hafi yayo, yo gushaka imbunda no kuzitanga, yaraherekejwe n'irindi tegeko ryasabaga ko izo mbunda zihabwa abantu batoranyijwe mu baturage. Nyuma y'ayo mabwiriza, abayobozi benshi b'ibanze, barimo abakonseye, bafashe intwaro maze bazikwirakwiza mu baturage.

252. Ubu noneho, Urugereko rugiye gusuzuma igitekerezo Renzaho yari afite igihe yategekaga ko intwaro zitangwa. Abatangabuhamya bashinja ntibavuze ko muri iyo nama Renzaho yategetse ku mugaragaro ko intwaro zikoreshwa mu kwica abasiviri b'Abatutsi. Nyamara ariko, ubwo yatangaga ayo mategeko, yari azi neza ko muri Perefegitura y'Umujyi wa Kigali yose abasiviri b'Abatutsi barobanurwaga mu bandi bantu maze bakicwa. Ibi bigaragazwa kuri bimwe n'uruhare yagize rwo kwandurura imirambo mu mihanda ya Kigali guhera ku itariki ya 11 Mata[319]. Mu buhamya bwe, Renzaho yemeye ko guhera ku itariki ya 10 Mata, yari azi ko abantu bariho bicirwa ku mabariyeri muri Perefegitura y'Umujyi wa Kigali bazira ubwoko bwabo cyangwa amashyaka ya politiki

[317] Reba Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 57-58; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 3-4.
[318] Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 4-7.
[319] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 45-47; Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 59 (ivugwamo inama yabaye harimo CICR ku itariki ya 11 Mata 1994 kuri Perefegitura y'Umujyi wa Kigali, yibanze ku gikorwa cyo kwandurura imirambo). Reba kandi II.4.3.

barimo[320]**.** Mu nama zindi zabaye mbere hafi y'itariki ya 10 Mata, muri rusange zitabiriwe na benshi mu bavugwa mu zindi nama, Renzaho yabwiye abari bashinzwe gushaka no gutanga intwaro ko umwanzi ari Inkotanyi n'Inyenzi, Urugereko rukaba rubona ko abantu bumvise ko yashakaga kuvuga Abatutsi muri rusange (II.2). Urugereko ruremeza ko umwanzuro wonyine ushyize mu gaciro wafatwa, ari uko Renzaho yatanze ayo mabwiriza azi neza ko izo ntwaro zari gukoreshwa mu gutuma ubwicanyi bukaza umurego kandi ko ari cyo yifuzaga.

253. Ikibazo cya nyuma ni ukumenya niba izo ntwaro zaraje gukoreshwa mu bugizi bwa nabi. Hari ibimenyetso byinshi bigaragaza ko Interahamwe mu mujyi wa Kigali zari zifite intwaro nyinshi kandi zinyuranye, kandi ko zagize uruhare mu iyicwa ry'abasiviri b'Abatutsi, by'umwihariko ku mabariyeri. Ariko rero, ibimenyetso bivuga uko izo ntwaro zakoreshejwe ni nyirarureshwa. Umutangabuhamya wiswe AWE yavuze ko abo yahaye intwaro batojwe igihe gito hanyuma bakajya kwica Abatutsi. Icyaha cyahamye Umutangabuhamya wiswe UB yahamijwe kuri bimwe ubwicanyi bwakorewe ku mabariyeri yari yaratanzeho intwaro[321]. Umutangabuhamya wiswe GLJ na we yireze icyaha avuga ko yahaye intwaro abantu bacungaga amabariyeri kandi yemeye ko hari abantu biciwe ku mabariyeri yari yarashinze. Ubuhamya bwe ntibugaragaza neza niba hari intwaro zatangiwe ku mabariyeri yari yarashinze[322]. Uko Urugereko rubibona, iki kimenyetso kigomba gusuzumwa hakurikijwe uko ibintu byari bimeze, ubwo abasiviri, bashyigikiwe n'abayobozi bo mu nzego z'ibanze, bishoye mu bwicanyi hiryo no hino mu mujyi wa Kigali bwari bwibasiye Abatutsi n'abafatwaga nka bo ndetse n'abataravugaga rumwe n'ubutegetsi. Uku gukwirakwiza intwaro byari igikorwa cyihariye gikubiye mu mugambi wo gukangura abasiviri, kubashishikaza no kubaha intwaro aho bari batuye kugira ngo bazarwanye umwanzi wavugwaga mu buryo bwa rusange, hakubiyemo n'abo basivili bari bibasiwe. N'ubwo inkomoko y'ibanze y'intwaro zageze mu maboko y'abicanyi muri Perefegitura y'Umujyi wa Kigali, ishobora kuba atari iyavuzwe haruguru

[320] Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 11;Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 54.
[321] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 11A (Inyandiko y'urubanza rw'Umutangabuhamya wiswe UB, mu Rukiko rwa Mbere rw'Iremezo mu Rwanda), urup. 28.
[322] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 19, 23, 58-59.

mu buhamya, Urugereko ntirushidikanya ko igikorwa cyo kuzikwirakwiza mu baturage kigaragaza nta kujijinganya ko guverinoma yari ishyigikiye iyicwa ry'abasiviri b'Abatutsi, kandi ko cyabaye inkunga ikomeye muri ubwo bwicanyi.

4. KOROHEREZA ABANTU MU NGENDO ZABO

4.1 Inzandiko z'inzira

4.1.1 Intangiriro

254. Porokireri avuga ko, hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, Renzaho, cyangwa se abantu bakoraga mu izina rye, batanze impushya n'inzandiko z'inzira kugira ngo Interahamwe, abantu bitwara gisirikare, abasirikare n'abajandarume bitabiriye ubwicanyi bwibasiye Abatutsi, babashe gutembera no kubona ibikoresho. Ibyo Porokireri abishingira ku buhamya bw'abatangabuhamya biswe ALG, GLJ, UB, UL na AFB[323].

255. Ubwunganizi buvuga ko butamenyeshejwe iki kirego mu gihe gikwiriye. Bwemera ko Renzaho yatanze inzandiko z'inzira ariko bukongeraho ko yazihaga abazisabaga bose, nta kurobanura. Ubwunganizi bushingira ku buhamya bw'abatangabuhamya bashinjura biswe UT, PPO, BOU, HIN, PPV, PPG, PGL, BDC, AIA no ku bwa Jean-Baptiste Butera, kimwe n'ubw'Umutangabuhamya ushinja wiswe ACS[324].

4.1.2 Ibimenyetso

Umutangabuhamya ushinja wiswe ALG

256. Umutangabuhamya wiswe ALG ni Umuhutu, akaba yari umukozi mu buyobozi muri Perefegitura y'Umujyi wa Kigali. Hafi y'itariki ya 12 Mata 1994, yagiye mu biro bya perefe. Renzaho yamubwiye ko agomba gukora uko ashoboye kose kugira ngo ibiro bya

[323] Inyandiko y'ibirego, ibika 2(E), 13, 30; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 142-144, 152-155, 158; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 18-19.
[324]Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika. 36-37, 52, 74, 86-99, 112, 116-126, 800-868; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (inyandiko yuzuza imyanzuro y'Ubwunganizi mu magambo), ibika 859, 864.1-864.64. Urugereko rwasuzumye kandi ubuhamya bw'Umutangabuhamya ushinjura wiswe WOW, reba hepfo.

komine bihe inzandiko z'inzira abantu bose bifuza guhungira hanze ya Perefegitura y'Umujyi wa Kigali. Impamvu ni uko ibyo bitari bigikorerwa ku biro bya perefegirura kubera umubare muke w'abakozi. Uyu mutangabuhamya yagiye ku biro bya komine ahita atangira gutanga inzandiko z'abagenzi[325].

257. Uyu mutangabuhamya yajyaga ku biro bya perefegitura gufata impapuro zabigenewe z'inzandiko z'inzira, kandi igihe cyose yakeneraga izindi yasubiragayo kuzifata. Perefe nta mabwiriza yihariye yamuhaye arebana n'uburyo bwo gutanga izo nzandiko, uretse gusa ko amafaranga yishyurwaga kuri izo nzandiko yajyanwaga ku biro bya perefegitura. Abifashijwemo n'umukozi wo muri ibyo biro, yatangaga impushya z'inzira zirenze 100 buri munsi, kandi yazisinyaga mu mwanya wa perefe. Umubare w'abantu basabaga inzandiko z'inzira wari munini cyane ku buryo uyu mutangabuhamya n'uwo bakoranaga batashoboraga kuzibaha bose. Cyakora hari abantu bamwe bashoboraga kugenda nta rwandiko rw'inzira bafite[326].

258. Ahagana ku itariki ya 18 Mata, ibiro bya komine byarafunze noneho uyu mutangabuhamya akajya atangira izo nzandiko ku biro bya perefegitura. Izo nzandiko zari izo mu bwoko bubiri. Rumwe rwahabwaga abantu kugira ngo babashe gutembera, naho urundi rukomekwa mu kirahuri cy'imodoka kugira ngo zibashe kugenda. Izo nzandiko zombi zashyirwagaho umukono na perefe w'Umujyi wa Kigali cyangwa yaba adahari, bigakorwa n'abamuhagarariye babiherewe uburenganzira[327].

259. Umutangabuhamya asobanura ko urwandiko rw'inzira rwari urwandiko rwatumaga umuntu ashobora kujya hirya no hino. Si ukuvuga ariko ko umuntu yashobora kugenda uko yishakiye. Abarindaga za bariyeri rimwe na rimwe n'indangamuntu barazibazaga.

[325] Inyandikomvugo y'iburanisha, 10 Mutarama 200,7 urup. 56; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 19, 22-24; Ikimenyetso gihamya cya Porokireri 67 (ifishi y'umwirondoro). Umutangabuhamya wiswe ALG yafungiwe mu Rwanda kuva mu wa 1998 kugeza mu wa 2005, hanyuma aza gufungurwa by'agateganyo, ategereje icibwa ry'urubanza rwe, rwari rutaracibwa ubwo yazaga gutanga ubuhamya mu Rukiko. Yashinjwaga jenoside. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64.

[326] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 32-33, 52; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 32-33.

[327] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 23, 51.

Iyo ku ndangamuntu umugenzi basangaga ari Umututsi n'ubundi baramwicaga n'iyo yabaga anitwaje urwandiko rw'inzira[328].

Umutangabuhamya ushinja wiswe GLJ

260. Umutangabuhamya wiswe GLJ ni Umuhutu wari umutegetsi mu rwego rw'ibanze muri [Perefegitura] y'Umujyi wa Kigali. Yasobanuye ko iyo washakaga kugira aho ujya, haba mu mujyi wa Kigali cyangwa hanze yawo, waba ugenda n'amaguru cyangwa mu modoka, wagombaga kubanza guhabwa uruhusa na perefe. Ariko rero, muri Mata 1994, kugera ku biro bya perefegitura gusaba impapuro nk'izo byari bigoye ku Batutsi kuko bafatwaga nk'ibyitso by'umwanzi. Ntibashoboraga kurenga kuri za bariyeri cyangwa ngo bajye hirya no hino batishwe[329].

Umutangabuhamya ushinja wiswe UB

261. Umutangabuhamya wiswe UB ni Umuhutu wari umutegetsi mu rwego rw'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko muri segiteri ye, byari ngombwa ko umuntu agira indangamuntu kugira ngo abashe kunyura kuri za bariyeri. Ahagana ku itariki ya 12 cyangwa iya 13 Mata 1994, uwo mutangabuhamya yagiye ku biro bya perefegitura mu nama yayobowe na Renzaho. Muri iyo nama, abakonseye bavuze ko bafite ikibazo cy'abantu batari bagifite indangamuntu zabo. Babasubije ko nta ndangamuntu nshya zisimbura izatakaye zashoboraga gutangwa, ariko abakonseye bahabwa uburenganzira bwo gutanga ibyemezo bagombaga kwandikaho ubwoko bw'umuntu n'ibisobanuro ko nyiri icyo cyemezo yataye indangamuntu ye. Ibyo byemezo byasinyirwaga kandi bigaterwaho kashe ku biro bya Perefegitura y'Umujyi wa Kigali kuko ari ho abategetsi b'amakomini bari basigaye bakorera. Perefe, nk'umutegetsi w'ikirenga muri perefegitura, yari afite ububasha bwo gutanga inzandiko z'inzira ku modoka no ku bantu. Abatutsi bafatwaga nabi cyane kuri za bariyeri kuko bashinjwaga gukorana n'Inkotanyi. Ni yo

[328] Ni kimwe no haruguru, imp. 51-52.
[329] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13, 15, 30-31, 37-38; Ikimenyetso gihamya cya Porokireri n° 68 (ifishi y'umwirondoro).

mpamvu bitari biboroheye kugera ku biro bya za segiteri gushaka izo nzandiko mu gihe Abahutu bo bashoboraga kugenda nta nkomyi[330].

Umutangabuhamya ushinja wiswe UL

262. Umutangabuhamya wiswe UL ni Umuhutu, wari umukozi muri minisiteri, muri Perefegitura y'Umujyi wa Kigali. Igihe yasubiraga ku kazi ku itariki ya 11 Mata 1994, yagiye i Gikondo atwaye imodoka, ajyanywe no gushaka lisansi, nyuma akomeza kujya agendagenda hirya no hino mu gihe kirenze iminsi itatu. Muri icyo gihe, Renzaho yasinye inzandiko z'inzira baziha abashoferi barimo n'uyu mutangabuhamya. Icyo gihe kandi, uyu mutangabuhamya nta kibazo na kimwe yari afite cyo kugendagenda muri Kigali. Iyo umuntu yabaga afite urwandiko ruriho isinya ya Renzaho yashoboraga kunyura kuri bariyeri iyo ari yo yose muri Kigali ndetse no ku zo hanze yayo. Nyamara ariko, kuva ku itariki ya 11 Mata, Umututsi wese wafatirwaga kuri bariyeri yaricwaga, mu gihe umugenzi werekanaga indangamuntu yanditseho « Hutu » we yemererwaga gutambuka. Ndetse n'imodoka zabaga zifite inzandiko z'inzira na zo zagombaga guhagarara kuri za bariyeri kugira ngo bagenzure isinya iziriho[331].

263. Ku itariki ya 22 Mata, UL yavuye i Kigali ajya i Butare. Ntiyigeze agira ikibazo na kimwe cyo kunyura kuri za bariyeri kuko ikirahure cy'imbere cy'imodoka ye cyariho urwandiko rw'inzira rwari rwasinywe n'ibiro bya perefe. Ibyo byemezo byasinywe igihe abakozi ba Perefegitura y'Umujyi wa Kigali batangiraga gushyingura imirambo mu mujyi, ahagana ku itariki ya 11 Mata 1994[332].

Umutangabuhamya ushinja wiswe AFB

264. Umutangabuhamya wiswe AFB ni Umuhutu wahoze ari umukozi wa Minisiteri y'Ubutabera. Ku itariki ya 7 Mata 1994, umuporisi w'ibiro bya perefegitura yamuhaye icyemezo gisinywe na Renzaho, cyatumye ashobora gutwara imodoka ajya hirya no hino

[330] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1, 8-9, 12, 15; inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 16-17; Ikimenyetso gihamya cya Porokireri n° 69 (ifishi y'umwirondoro).
[331] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 50, 52, 62-63, 69, 72; Ikimenyetso gihamya cya Porokireri n° 65 (Ifishi y'umwirondoro).
[332] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup.69.

nta wumuhagaritse. Na mbere yo kugihabwa ariko uwo mutangabuhamya yari yarashoboye kujya hirya no hino kuko mu modoka ye harimo abaporisi ba komini. Interahamwe ntizahagarikaga abaporisi, cyane cyane iyo babaga bari mu modoka ya Leta. Ariko kandi, AFB yasanze ari ngombwa kugira urwo ruhusa rw'inzira mu gihe yaba atashye adaherekejwe n'abaporisi. Amaze kubona icyo cyemezo, nta kibazo na kimwe yahuye na cyo igihe yagendagendaga hirya no hino muri Kigali[333].

Umutangabuhamya ushinja wiswe ACS

265. Umutangabuhamya wiswe ACS, ni Umututsi. Yavuze ko gahunda yo gukoresha urwandiko rw'inzira yashyizweho na Renzaho nyuma y'uko agirwa perefe mu Ukwakira 1990. Icyo gihe, kugira urwandiko rw'inzira byari itegeko muri Perefegitura y'Umujyi wa Kigali hose, ariko Abatutsi bonyine ni bo babisabwaga muri icyo gihe. Abatutsi bagombaga gutanga « impamvu zikomeye » mbere yo kwemererwa izo nyandiko. Ariko kandi, ACS agira ati : « Abatutsi ntibashoboraga na rimwe guhabwa icyo cyemezo ». Umutangabuhamya avuga ko amaze kurekurwa, kuko yari yarafunzwe akekwaho kuba icyitso cy'Inyenzi, ntiyashoboraga kuva mu mujyi wa Kigali adafite icyemezo, icyo gihe cyatangirwaga ku biro bya komine[334].

Renzaho

266. Renzaho yavuze ko yasabye ko abagenzi banyura kuri za bariyeri berekana inzandiko z'inzira n'indangamuntu. Perefegitura y'Umujyi wa Kigali yatanze izo nzandiko z'inzira nta bwoko ishyira imbere kuruta ubundi. Umuntu wese witabaje ibiro bya Renzaho yarakirwaga, agahabwa igisubizo cyiza ku byifuzo bye byose [birebana n'ibyangombwa]. Iyo umuntu yabaga afite urwandiko rw'inzira, byahitaga byumvikana ko yabaga yarahuye n'abategetsi bakarumuha. Mu rwego rwo guha ibyangombwa umubare munini

[333] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 69, 85; Ikimenyetso gihamya cya Porokireri n° 64 (ifishi y'umwirondoro). Umutangabuhamya wiswe AFB yakoresheje ijambo « uruhusa », ntabwo yavuze « urwandiko rw'inzira », ariko mu by'ukuri bisa n'aho ari ikintu kimwe. Yasobanuye ko yari afite urundi ruhusa na rwo rwasinywe na Renzaho, akaba yari yararuhawe mu 1990 nk'umwe mu bari bagize komite ya serire. Abandi baturage ntibari bemerewe kujya hirya no hino.

[334] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 25-26, 79-80; Ikimenyetso gihamya cya Porokireri n° 78 (ifishi y'umwirondoro).

w'abantu bari bakeneye izo nzandiko, Renzaho yashyizeho ibiro byakoreraga hafi y'irembo rinini, ashinga zimwe mu mpunzi gutanga izo nyandiko. [Icyo gihe] kuri perefegitura hari impunzi zageraga nko ku 150 zarimo Abahutu n'Abatutsi. Mu buhamya bwe mu rukiko, Renzaho yemeye ko benshi mu Batutsi batinyaga kugendagenda, kandi ko urebye uko ibintu byari bimeze muri icyo gihe, byari bikomeye ku Batutsi kuza kuri perefegitura gushaka impapuro z'inzira[335].

267. Gutanga inzandiko z'inzira byahozeho mu Rwanda igihe cyose habaga hariho imidugararo. Byashyizweho kuva intambara yo mu wa 1990 yatangira. Iyo gahunda yari yaravuyeho nyuma y'isinywa ry'Amasezerano yo guhagarika imirwano mu wa 1992, n'iry'Amasezerano ya Arusha, ariko iza gusubizwaho nyuma y'urupfu rwa Perezida muri Mata 1994. Ntabwo iyo gahunda yashyiriweho Abatutsi, ahubwo yari igenewe abantu bose nta kuvangura. Ni ingamba zafashwe zigamije kwirinda muri icyo gihe cy'urwikekwe. Umwe mu bantu ba nyuma ibiro bya perefegitura byahaye urwandiko rw'inzira ni Umututsi wahoze ari Perezida w'Urukiko rw'Inama ya Leta, waje ku biro mu mpera za Mata 1994. Perefegitura yamushakiye abamuherekeza kugera ku Kibuye[336].

Umutangabuhamya ushinjura wiswe UT

268. Umutangabuhamya wiswe UT ni Umuhutu. Yari umukozi ukomeye wakoranaga na Renzaho muri Perefegitura y'Umujyi wa Kigali. Kuva ku itariki ya 11 Mata 1994 yakoze ingendo nyinshi hirya no hino muri Kigali. Hari ubwo yagiye agira ibibazo byo kunyura kuri za bariyeri kubera ko ku ndangamuntu ye hari habuzeho ifoto. Yavuze izo ngorane ze maze Renzaho ubwe amuha icyemezo, amaze kugisinya no kugiteraho kashe. Renzaho yavuze ko icyo cyemezo cyagaragazaga ko uyu mutangabuhamya yari kujya hose, yari

[335] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 3, 43; Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 16-17, 19-20; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 2-6, 60-61; Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 2, 5-6; Ikimenyetso gihamya cya Porokireri 63 (inyandukuro y'ibyahise kuri radiyo, 18 Kamena 1994).

[336] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 16-18. Renzaho yasobanuye ko kuri Repubulika ya mbere, umuntu ntiyashoboraga kuva muri komine imwe ajya mu yindi atitwaje urwandiko rw'inzira. Kuri Repubulika ya kabiri byavuyeho. Urugereko ruributsa ko Repubilika ya mbere yabayeho kuva 1961 kugeza 1973, iya kabiri ikabaho kuva 1973 kugeza 1994. Ubuhamya bwe buvuga ko gukoresha urwandiko rw'inzira byavuyeho 1992, bikongera bigasubiraho muri Mata 1994. Ibyo biboneka mu nyandiko y'igifaransa (Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 19).

kuba yoherejwe na perefe kandi ko yari kuba amuhagarariye. Nyamaga n'ubwo uwo mutangabuhamya yari afite icyo cyemezo ntibyamubujije kugira ibibazo bindi byinshi[337].

Umutangabuhamya ushinjura wiswe PPO

269. Umutangabuhamya wiswe PPO yari umukozi wa Leta wo mu rwego rwo hejuru muri Perefegitura y'Umujyi wa Kigali. Igihe kimwe, hagati y'impera za Mata n'intangiriro za Nyakanga 1994, uwo mutangabuhamya yari mu butumwa bw'akazi yari yahawe na perefe, ageze mu bice bya Kiyovu kuri bariyeri yari munsi ya Banki Nkuru y'Igihugu baramuhagarika. PPO yavuze ko kuri iyo bariyeri bamutesheje agaciro ndetse bakaba bari hafi kumukubita n'ubwo bwose yari afite ibyangombwa Renzaho yasinye akanabiteraho kashe[338].

Umutangabuhamya ushinjura wiswe BOU

270. Umutangabuhamya wiswe BOU, ni Umuhutu, wari ufite umwanya wo hejuru muri Minisiteri y'Imigambi ya Leta. Ku itariki ya 9 Mata 1994, bamwe mu nshuti ze bafatiwe kuri bariyeri yari hafi y'ikigo cy'abajepe kubera kutagira ibyangombwa bibaranga. Bari Abahutu ariko bafite isura nk'iy'Abatutsi. BOU yagiye ku biro bya Perefegitura y'Umujyi wa Kigali Renzaho ubwe amuha inzandiko z'inzira, urw'uyu mutangabuhamya n'iz'inshuti ze. BOU avuga ko kubura ibyangombwa muri kiriya gihe byari kimwe no gukatirwa igihano cy'urupfu. Inzandiko z'inzira zari ngombwa kugira ngo ugaragaze ko uba muri Kigali y'Umujyi, ko utavuye i Bugande cyangwa ku rugamba[339].

271. Ku biro bya Perefegitura hari umubare munini w'impunzi. Nyinshi muri zo zari zarataye ingo zazo zidafite ibyangombwa, zikaba rero zarashakaga ibyemezo byo kugenderaho. Urwandiko rw'inzira rwasimburaga indangamuntu. Icyemezo cyari kigamije kwerekana

[337] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 20, 26, 29, 46-47; Ikimenyetso gihamya cy'Ubwunganizi n° 47 (ifishi y'umwirondoro).
[338] Inyandikomvugo y'iburanisha, 4 Nyakanga 1997, urup. 63; Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 5, 7-8.
[339] Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 32, 36-38, 49-50; Ikimenyetso gihamya cy'Ubwunganizi n° 44 (ifishi y'umwirondoro).

umwirondoro w'abantu batari bazwi, kikanabafasha kunyura kuri za bariyeri bitabagoye[340].

Umutangabuhamya ushinjura wiswe HIN

272. Umutangabuhamya wiswe HIN ni Umuhutu. Ku itariki ya 18 Mata 1994 yagiye ku biro bya perefegitura gusaba urwandiko rw'inzira agamije kuva muri Kigali ngo ahunge ibikorwa by'urugomo by'Interahamwe. Abatutsi batatu n'Umuhutu umwe bari kumwe na we, ni ukuvuga abantu bane, na bo bashaka urwandiko rw'inzira. Bose uko ari bane bashoboye kunyura kuri za bariyeri bagera ku biro bya perefegitura kuko basobanuraga ko bajyanye indembe kwa muganga kandi bakaba bari banaherekejwe n'umusirikare ufite intwaro[341].

273. Bageze ku biro bya perefegitura, HIN yabonye Renzaho aha amabwiriza Jean Bizimana, wari Burugumesitiri wa Nyarugenge na Alexis Nsabimana, wari Superefe, kwandika inzandiko z'inzira hanyuma bakazimuha akazisinyaho. Uyu mutangabuhamya kandi yumvize Renzaho abwira Bizimana ko n'abacuruzi bagiye kurangura ndetse n'abantu bahunga imirwano bagomba guhabwa inzandiko z'inzira[342].

274. Uwo munsi, HIN na bagenzi be bahawe inzandiko z'inzira. Bamaze kuva kuri perefegitura babonye undi musirikare wari ufite isura nk'iy'Abahutu wabaherekeje batashye bavuye ku biro bya perefegitura, bashobora guca kuri za bariyeri. Igihe bahindukiraga ntibyabaye ngombwa ko itsinda ryabo ryerekana inzandiko z'inzira kubera ko abantu bari bazi ko uwo umusirikare w'Umuhutu adashobora kuba icyitso cy'Inyenzi. Ku munsi wakurikiyeho ku itariki ya 19 Mata, uyu mutangabuhamya yahise ahunga ava mu mujyi wa Kigali[343].

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[340] Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 38-39, 50.
[341] Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 4-7, 10, 30; Ikimenyetso gihamya cy'Ubwunganizi n° 73 (ifishi y'umwirondoro).
[342] Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 7-8, 10-11, 24. Umutangabuhamya wiswe HIN kandi yumvise undi musuperefe witwa Jean Butera atanga igitekerezo ko abategetsi bafata ibiryo mu maduka y'Abatutsi bakabigabagabanya abaturage. Renzaho yavuze ko ibyo ntaho byaba bitaniye no gusahura, kandi bibujijwe. Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 11-12.
[343] Ni kimwe no haruguru, imp. 9-10, 12, 31.

275. Uwo mutangabuhamya yavuze ko Renzaho yari yarashyizeho gahunda y'inzandiko z'inzira kugira ngo bifashe abaturage guhunga umujyi wa Kigali. Izo nyandiko zanahabwaga abacuruzi kugira ngo babashe kujya kurangura ibicuruzwa bikenewe. Iyo umuntu yasabaga urwandiko rw'inzira, yashoboraga no kuvuga amazina y'abandi bantu bazaba bari kumwe na we [mu rugendo]. Uwarutangaga ntiyabazaga urusaba niba ayo mazina ari ay'uwo bashakanye cyangwa ay'abana be cyangwa ngo abazwe amakuru arambuye. Izo nzandiko zatangirwa ubuntu. Nta kindi cyasabwaga kandi Abatutsi bose bageze ku biro bya perefegitura barazihawe. Ariko kandi Umututsi ntiyashoboraga kurenga za bariyeri ngo agere ku biro bya perefegitura adafite umuherekeje w'umusirikare cyangwa w'umusiviri w'Umuhutu. Ikindi kandi, urwandiko rw'inzira rwonyine ntirwari ruhagije kugira ngo umuntu abashe gusohoka mu mujyi. Kubera ko Interahamwe zitumvikanaga na Renzaho, ntizemeraga impapuro zasinyweho na we. Byongeye, zashakaga kumenya niba abagenzi ari Abahutu cyangwa Abatutsi kuko izo nyandiko zitabaga ziriho ubwoko bw'uzifite. Ni ukuvuga rero ko urwandiko rw'inzira nta cyo rwafashaga abagenzi muri Kigali, mu zindi perefegitura ni ho rwari rufite akamaro gusa. Umutangabuhamya yavuze ko Renzaho bamwitaga icyitso cy' Inyenzi, kubera ko yatangaga impapuro nk'izo[344].

Umutangabuhamya ushinjura wiswe PPV

276. PPV ni Umuhutu wakoraga mu biro bya Perefegitura y'Umujyi wa Kigali mu wa 1994. Yavuze ko umuntu wese wari ufite irangamuntu yanditseho ko ari Umututsi yabaga ari ku rutonde rw'abagomba gupfa mu masaha y'ikubitiro igihe ibivugwa byabaga, kuko Abatutsi bafatwaga nk'abanzi. Nyamara ariko urwandiko rw'inzira rwatumye abantu bakora ingendo mu mutekano. Perefegitura y'Umujyi wa Kigali ni yo yonyine yatanze inyandiko nk'izo kandi icyo gikorwa cyo kuzitanga cyari umurimo ukomeye wa perefe. Uwo mutangabuhamya yafashije mu kuziha abantu bose nta vangura. Urwandiko rw'inzira ntirwandikwagaho ubwoko, rwagaragazaga gusa izina n'aho urusaba ashaka

[344] Ni kimwe no haruguru, imp. 8-10, 30-33.

kujya. Iyo babonaga bamwe muri abo bazihawe bashobora kugirira ibyago mu nzira, icyo gihe bahabwaga umuporisi wo kubaherekeza[345].

277. Ku biro bya perefegitura hazaga imbaga y'impunzi, zisaba inzandiko z'inzira. Hari ababaga barataye indangamuntu zabo, hakaba n'abandi babaga bagamije guhisha ubwoko bwabo. Ababaga bafite urwandiko rw'inzira bashoboraga gukora urugendo bakanyura kuri za bariyeri nta nkomyi, mu gihe abatazifite bo bagiraga ingorane[346].

Umutangabuhamya ushinjura wiswe PPG

278. PPG ni Umuhutu. Muri Mata 1994 yari umukozi wo mu biro wa Perefegitura y'Umujyi wa Kigali. Yasubiye ku kazi ku biro bya perefegitura ku itariki ya 20 Mata, arahaguma kugeza muri Nyakanga. Impapuro z'inzira ntizari zigitangwa hagati ya Mata na Nyakanga 1994. Umutangabuhamya akeka ko nta muntu wari ukijya ku biro bya Perefegitura y'Umujyi wa Kigali kuzisaba[347].

Umutangabuhamya ushinjura wiswe PGL

279. Umutangabuhamya wiswe PGL ni Umuhutu wahoze ari umukozi mu biro bya Perefegitura y'Umujyi wa Kigali. Yasubiye ku kazi mu cyumweru cya kabiri cya Mata 1994, arahaguma kugera mu ntangiriro za Nyakanga 1994. Ku munsi yagarutseho ku kazi, Renzaho yamusabye kumufasha kugira abantu barokora, amubwira ko abimusabye gusa, ko atari itegeko. Kubera icyo cyifuzo, umutangabuhamya yasohoje ubutumwa yahawe n'umukoresha umukuriye bya hafi. Yagiye mu duce yari ashinzwe, ahavana abantu bashakaga gusohoka muri Kigali y'Umujyi ariko bagatinya kugenda bonyine, abazana ku biro bya perefegitura. Abenshi muri bo nta byangombwa bibaranga bari bafite kandi bahawe inzandiko z'inzira n'ibiro bya perefegitura cyangwa imodoka zo kubajyana

[345] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78; Inyandikomvugo y'iburanisha, 5 Kamena 2007. imp. 2, 6-7, 44-45; Ikimenyetso gihamya cy'Ubwunganizi n° 56 (ifishi y'umwirondoro). Amakuru yerekeye aho bari bagiye ndetse n'umuporisi bari bajyanye biboneka mu nyandiko y'igifaransa (Inyandikomvugo y'iburanisha, 5 Kamena 2007, urup. 8).
[346] Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 7, 44.
[347] Inyandikomvugo y'iburanisha, 18 Kamena 2007,imp. 45, 49, 57-58; Inyandikomvugo y'iburanisha, 19 Kamena 2007, urup. 6; Ikimenyetso gihamya cy'Ubwunganizi n° 65 (ifishi y'umwirondoro).

aho bakomoka. Izo nyandiko ntizerekanaga ubwoko, ariko zerekanaga aho umugenzi agiye, na nomero y'icyapa cy'imodoka, ku bari bazifite[348].

280. Uwo mutangabuhamya yafashije mu gutanga inzandiko z'inzira zasinywagaho na perefe. Abantu bose bashakaga kuva muri Kigali bagiye ku biro bya perefegitura kuzisaba bazihawe nta kuvangura. Mu gutanga ibyo byemezo, umutangabuhamya ntiyabazaga niba abantu bafite indangamuntu. Byarashobokaga kunyura kuri bariyeri umugenzi yerekanye icyangombwa icyo ari cyo cyose cyatanzwe n'ubutegetsi, kigaragaza ko ugifite atari mu bateye igihugu mu wa 1990. PGL avuga ko abenshi mu bateye icyo gihe babaga bafite indangamuntu z'u Buganda cyangwa za pasiporo z'ibihugu by'amahanga[349].

281. Igihe uwo mutangabuhamya yajyaga mu duce tw'umujyi aho bari bamuzi, nta kibazo yigeze agira cyo kunyura kuri za bariyeri, ariko ageze ahandi yahuye n'ibibazo. Ku itariki ya 14 Mata, yageze kuri bariyeri baramuhagarika. Bamubajije amafaranga, bamwicaza hasi n'ubwo bwose yari yambaye ijaketi igaragaza umwanya afite muri Perefegitura y'Umujyi wa Kigali. Abamufashe bamubwiye ko bamurekuye kugira ngo ajye kubwira Renzaho ko bazaza ku biro bya Perefegitura kwica perefe n'Abatutsi abo bantu bavugaga ko ahacumbikiye. Ku itariki itazwi neza, hari indi bariyeri uwo mutangabuhamya yagezeho bamukubita urushyi[350].

Umutangabuhamya ushinjura wiswe BDC

282. Umutangabuhamya wiswe BDC ni Umuhutu wari umukozi wa Leta, ariko akorana n'umuryango utabogamiye kuri Leta muri Perefegitura y'Umujyi wa Kigali. Ku itariki ya 25 Mata, umuryango yakoreraga wamutumye kubwira Renzaho ko abakozi bawo bafite ibibazo byo kujya hirya no hino mu mujyi. Renzaho yamusubije ko nta bubasha afite ku mutwe witwaraga gisirikare, avuga ko icyo kigo ubwacyo kigomba kugirana imishyikirano itaziguye n'uwo mutwe. Uwo mutangabuhamya yagiye ku cyicaro cyawo

[348] Inyandikomvugo y'iburanisha, 6 Kamena 2007,imp. 15-20, 23-24, 30, 32; Ikimenyetso gihamya cy'Ubwunganizi n° 61 (Ifishi y'umwirondoro).
[349] Inyandikomvugo y'iburanisha, 6 Kamena 2007,imp. 19-20, 36-37.
[350] Ni kimwe no haruguru, imp. 23, 31-32, 34.

avugana na Perezida wawo Robert Kajuga hamwe n'uwari umwungirije. Bamusinyiye uruhusa rw'inzira, abakozi b'umuryango umutangabuhamya yakoragamo bakajya barukoresha bageze kuri za bariyeri zabaga zirinzwe n'Interahamwe. Abakoranaga n'umutangabuhamya ntibongeye kugira ibibazo byinshi nka mbere kuko igihe cyose bageraga kuri bariyere berekanaga izo mpusa. Abagize imitwe yitwaraga gisirikare yarindaga za bariyeri yemeraga ububasha bwa Kajuga n'abari bamwungirije batitaye ku mashyaka bakomokagamo[351].

Umutangabuhamya ushinjura wiswe AIA

283. Umutangabuhamya wiswe AIA yari umuporisi kuri Perefegitura y'Umujyi wa Kigali kandi yakoranye n'umukonseye kuva ku itariki ya 7 Mata kugeza ku ya 4 Nyakanga 1994. Muri segiteri umutangabuhamya yakoreragamo, kuri bariyeri zimwe na zimwe umuntu yagombaga kwerekana indangamuntu cyangwa se icyemezo kigaragaza ko yayitaye. Kuva muri Mata kugeza muri Nyakanga 1994, abategetsi bo muri iyo segiteri batanze ibyemezo bigaragaza ko umuntu yatakaje indangamuntu. Nta bundi bwoko bw'icyangombwa gitangwa n'ubutegetsi bwatanzwe muri iyo segiteri[352].

284. Perefegitura y'Umujyi wa Kigali yatangaga ubundi bwoko bw'ibyangombwa burimo impushya z'inzira ku modoka zigiye mu rugendo, izigiye kurangura no ku zihungishije abantu. Igihe konseye yashakaga guhungisha umuryango we, yasabye uwo mutangabuhamya kubimufashamo, hanyuma akoresha urwandiko rw'inzira rwatanzwe na

[351] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 4, 18-21, 35, 55-6; Ikimenyetso gihamya cy'Ubwunganizi n° 51 (ifishi y'umwirondoro). Umutangabuhamya wiswe BDC yasobanuye ko umuryango yakoreraga utari ukeneye inzandiko z'inzira zitanzwe n'ubutegetsi ngo ubashe gusohoza inshingano zawo z'ubutabazi. Yasabye abagize imitwe yitwara gisirikare izo nyandiko nk'ikintu kidasanzwe kugira ngo abashe gutabara abandi. Inyandikomvugo y'iburansiha, 4 Kamena 2007, imp. 20-21. BDC yavuze ko uwungirije Robert Kajuga yitwaga « Rutengwa » ariko agomba kuba yarashakaga kuvuga Rutaganda. Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 57. Mu nyandiko y'igifaransa, BDC yavuze « Rutagenwa » ariko mu kuvuga inyuguti zigize iryo zina avuga « Rutengwa ». Ni kimwe no haruguru, urup. 64.

[352] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 2, 6, 35-36, 43; Ku itariki ya 1 Ugushyingo 1994, umutangabuhamya wiswe AIA yabajijwe ibibazo byerekeye ibikorwa bye mu gihe ibivugwa byabaga, hanyuma afungirwa muri kasho ukwezi, mu gihe anketi zakorwaga, nyuma yaho arafungurwa. Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 46. Ikimenyetso gihamya cy'Ubwunganizi n° 66 (ifishi y'umwirondoro). Ibyemezo byatanzwe na segiteri byanditswe n'umunyamabanga, bisinywa na konseye ari na we wabishyikirije AIA kuko bakoranaga. Byariho ikashe ya segiteri. Nta bwoko bwari kuri izo nyandiko. Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 35-37.

Perefegitura y'Umujyi wa Kigali, rwatumye imodoka ya AIA ishobora kujya hirya no hino. AIA yumvise abantu bashobora kuba bari ku biro bya perefegitura bavuga ko impunzi zo mu yandi maperefegitura cyangwa mu yandi makomini zari guhabwa inzandiko z'inzira kugira ngo zibashe kuva muri Perefegitura y'Umujyi wa Kigali. AIA ntazi niba bene izo nzandiko z'inzira zariho ubwoko bwa banyirazo[353].

285. N'ubwo bwose Abatutsi bamwe bashoboraga kugendagenda muri Perefegitura y'Umujyi wa Kigali, abamenyekanaga ko ari bo kubera indangamuntu zabo baricwaga. AIA yashoboye kubona ko abantu bamwe na bamwe bahabwaga inzandiko z'inzira batarinze kujya kuri perefegitura ubwabo, ahubwo batumye abandi[354].

Umutangabuhamya ushinjura witwa Jean-Baptiste Butera

286. Jean-Baptiste Butera ni Umuhutu wari umuyobozi ku rwego rw'igihugu wa Gahunda ishinzwe kurwanya SIDA muri Minisiteri y'Ubuvuzi mu Rwanda muri Mata 1994. Yavuye iwe i Remera ku itariki ya 8 Mata ahungira i Masaka, muri Perefegitura ya Kigali-Ngari. Uyu mutangabuhamya yavuye i Masaka inshuro ebyiri hagati y'itariki ya 7 n'iya 28 Mata. Yahuye n'ingorane nyinshi igihe yageraga kuri za bariyeri muri Kigali. Hari inshuro imwe yagiriwe ibikorwa by'urugomo ndetse yari agiye no kwicwa. Mu gihe ibivugwa byabaga mu wa 1994, nta ndangamuntu yari afite. Ku itariki ya 28 Mata, mbere yo kujya i Gitarama, yavuganye na Renzaho ku biro bya Perefegitura y'Umujyi wa Kigali, aho avuga ko bitari byoroshye kugera. Perefe yamubwiye ko nta bubasha afite kuri za bariyeri amubwira kuzitondera. Kugira ngo uyu mutangabuhamya abashe kunyura kuri za bariyeri no kuva muri Kigali, uruhushya rw'inzira yaruherewe i Kanombe. Yemeye ko abantu babaga bafite indangamuntu yanditseho ko ari Abatutsi cyangwa se abari bafite isura yabo babaga bugarijwe n'ibyago byo kwicwa[355].

[353] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 36-37, 58.
[354] Ni kimwe no haruguru, imp. 58-59.
[355] Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 68; Inyandikomvugo y'iburanisha, 23 Gicurasi 2007, imp. 5-7, 9-10, 12, 27-28, 30-31; Ikimenyetso gihamya cy'Ubwunganizi 46 (ifishi y'umwirondoro). Mbere uwo mutangabuhamya yiswe LAA.

Umutangabuhamya ushinjura wiswe WOW

287. Umutangabuhamya wiswe WOW ni umushoferi w' Umuhutu. Muri Mata 1994 yabaga muri Segiteri ya Rugenge hafi ya CELA. N'ubwo bwose yari afite urwandiko rw'inzira, ku itariki ya 9 Mata 1994 yahuye n'ingorane igihe yageraga kuri bariyeri atwaye imodoka agana i Gitarama. Yagombye guhongera abari bazirinze amafaranga, ibiryo cyangwa ibyo kunywa[356].

4.1.3 Isesengura ry'Urugereko

288. Nta wuhakana ko kuva muri Mata kugera muri Nyakanga 1994, ibiro bya Perefegitura y'Umujyi wa Kigali byatanze inzandiko z'inzira zabaga zasinyweho na Renzaho cyangwa abamuhagarariye[357]. Urugero rumwe rw'izo nzandiko z'inzira ni icyemezo cyatanzwe ku itariki ya 24 Gicurasi 1994 cyasinywe na Renzaho, kikaba cyarashyizwe muri dosiye y'urubanza nk'ikimenyetso gihamya[358]. Kugira ngo Renzaho abashe guhangana n'uruhuri rw'abantu bashakaga inzandiko z'inzira, yashyizeho ibiro bishinzwe gutanga ibyo byangombwa bikaba byarakoreraga imbere y'ibiro bya perefegitura. Ikindi kandi, nk'uko bigaragazwa n'ubuhamya bwemewe bw'abagabo biswe ALG, UB, UL na AIA, ibiro bya perefegitura byatanze ubwoko bubiri bw'inzandiko z'inzira – bumwe ku bantu n'ubundi ku modoka.

289. Ubuhamya bwatanzwe bugaragaza ko n'ubwo inzandiko z'inzira zatanzwe n'ibiro bya perefegitura, ibyo bitavugaga ko umuntu yashoboraga kwigendera uko yishakiye. Iyo Abatutsi bageraga kuri za bariyeri, rimwe na rimwe Interahamwe zabakaga indangamuntu zikabica n'iyo babaga bafite impushya z'inzira. Abahutu na bo babaga bafite inzandiko z'inzira ziriho isinya na kashe bya Renzaho bashoboraga kugirirwa urugomo kuri za bariyeri. Abatangabuhamya bashinja biswe ALG, GLJ na UB ndetse n'abatangabuhamya bashinjura biswe UT, PPO, BOU, HIN, PGL na WOW batanze

[356] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 36-40; Ikimenyetso gihamya cy'Ubwunganizi n° 69 (ifishi y'umwirondoro).
[357] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 804-820.
[358] Ikimenyetso gihamya cya Porokireri n° 36 (urwandiko rw'inzira rugenewe abantu, rwasinywe na Renzaho ku itariki 24 Gicurasi 1994).

inkuru zemewe kuri ibyo bibazo. Byaragaragaye kandi ko inzandiko z'inzira hari gihe zatangwaga n'abandi bategetsi ndetse n'ubuyobozi bw'Interahamwe, nk'uko byavuzwe n'umutangabuhamya wiswe BDC. Urugereko ariko rusanga haratanzwe ibimenyetso bihagije bigaragaza ko kugendana urwandiko rw'inzira rwatanzwe na Perefegitura y'Umujyi wa Kigali koko byatumye abantu bashobora kugendagenda muri Kigali cyangwa kuyisohokamo, nk'uko byasobanuwe n'abatangabuhamya biswe ALG, GLJ, UB, UL, AFB na PPV.

290. Ikibazo cy'ingenzi gishingiye ku gika cya 13 n'icya 30 by'Inyandiko y'ibirego ni icyo kumenya niba inzandiko z'inzira zaratanzwe mu rwego rwo korohereza Interahamwe, imitwe yitwaraga gisirikare, abasirikare n'abajandarume kujya hirya no hino gukora ubwicanyi bwibasiye Abatutsi nk'uko bivugwa na Porokireri. Ibi Ubwunganizi ntibubyemera. Buvuga ahubwo ko izo nyandiko zari zigamije korohereza buri wese, hatitaweho amoko, kujya hirya no hino muri Kigali y'Umujyi cyangwa kuyihunga.

291. Urugereko rusanga inzandiko z'inzira zatanzwe n'ibiro bya Perefegitura y'Umujyi wa Kigali zitarashyirwagaho ubwoko bwa ba nyir'ukuzihabwa. Ibyo bigaragazwa n'urugero rw'urwandiko rwatanzwe ku itariki ya 24 Gicurasi 1994 kimwe n'ubuhamya bw'abagabo bashinjura biswe PPV, PGL, HIN na AIA kandi Porokireri ntiyigeze atanga ibimenyetso bivuguruza iyo ngingo[359]. Kubera ibyo, ibyari byanditse kuri izo nzandiko z'inzira ntibigaragaza ko zoroherezaga udutsiko tw'abantu runaka kugendagenda, mbese tuvuge nk'Abahutu bakoraga ubwicanyi.

292. Turebye noneho ukuntu inzandiko z'inzira mu by'ukuri zatangwaga, nta bimenyetso byerekana ko Renzaho cyangwa abakoraga mu cyimbo cye bazihaye Interahamwe, imitwe yitwaraga gisirikare, abasirikare cyangwa abajandarume. Nta n'ikimenyetso cyihariye kigaragaza ko abantu bahawe izo nyandiko bakoze ubwicanyi. Ishusho rusange

[359] Ubuhamya bw'umutangabumya ushinja wiswe UB buvuga ko ibyangombwa byabaga biriho ubwoko bw'ubihawe, ntiburebana n'inzandiko z'inzira, ahubwo buvuga ibya ngombwa byatangwaga ku rwego rwa segiteri, bigahabwa abantu babaga barataye indangamuntu cyangwa barabuze aho bazishyize. Zasinyirwaga kandi zigashyirirwaho ikashe ku biro bya Perefegitura y'Umujyi wa Kigali igihe abategetsi ba komine bari barimukiye kuri Perefegitura y'Umujyi wa Kigali. Ikindi kandi, ubuhamya bw'umugabo wiswe ACS buvuga ko mu wa 1990, inzandiko z'inzira zari ngombwa ku Batutsi gusa, ntibusobanura neza uko muri 1994 ho byari bimeze. Urugereko rusanga atari ngombwa gusuzuma ubwo buhamya ku buryo burambuye.

y'ubuhamya bwose bwatanzwe igaragaza ko abantu bazihawe ari benshi, kugira ngo babashe kugendagenda muri Kigali cyangwa kuyisohokamo bahunga. Inzandiko z'inzira zimwe na zimwe zahawe abakozi ba perefegitura cyangwa abasiviri babaga batumwe mu bikorwa by'ubutabazi, nko guha impunzi ibyo zabaga zikeneye. Kuba byarashobokaga ko udutsiko twishoraga mu bikorwa by'urugomo na two twaba twarahawe inyandiko nk'izo, ntibyatuma Urugereko rwanzura ko gahunda y'inzandiko z'inzira yari igamije korohereza abicanyi kujya hirya no hino. Urugereko ruributsa ko kenshi na kenshi Interahamwe zagumaga kuri za bariyeri mu turere zabagamo (II.2). Icya nyuma, nta bimenyetso byagaragaje ko zahawe ibikoresho n'abantu bari barahawe inzandiko z'inzira nk'uko bivugwa mu Nyandiko y'ibirego.

293. Biragaragara neza ko gahunda yo gutanga inzandiko z'inzira yagombye kumvikana umuntu ashingiye ku buryo ibintu byari byifashe muri rusange muri Kigali kuva muri Mata 1994 na nyuma yaho igihe Abatutsi n'Abahutu batari intagondwa bibasirwaga bakicwa. Abatangabuhamya biswe GLJ, UB, HIN, AIA na Renzaho bavuze ko byari bikomeye ku Batutsi kugera ku biro bya perefegitura[360]. Ubwo ubuhamya, bigaragara ko ari ukuri, bwerekana kandi ko bari bafite ingorane zo kubona izo nyandiko[361]. Imwe mu mpamvu z'ingenzi ni uko bafatirwaga kuri za bariyeri bakabazwa indangamuntu n'inzandiko z'inzira (reba muri rusange II.2). Mu kiganiro Renzaho yatanze kuri radiyo ku itariki ya 18 Kamena 1994, yashimangiye ko urubyiruko rwari kuri za bariyeri rwagombaga kureba ibyo byangombwa byombi[362]. Urugereko rusanga kuba harasabwaga icya rimwe urwandiko rw'inzira n'icyangombwa, kandi hagakorwa igenzura rikaze kuri za bariyeri bishobora kuba byaratumye Abatutsi barushaho kwibasirwa. Ariko kandi, iki

[360] Nk'uko byavuzwe hejuru, umutangabuhamya wiswe AIA yanavuze ko abantu bamwe na bamwe babonaga inzandiko z'inzira batarinze kujya kuri perefegitura, ko batumaga abandi bantu.

[361] Uko ibintu byifashe uku, Urugereko rusanga atari ngombwa gutinda ku kibazo cyo kumenya niba Abatutsi babashije kugera ku biro bya perefegitura, barahabwaga urwandiko rw'inzira. Urugereko rwasanze ubuhamya bw'umutangabuhamya wiswe HIN bugaragaza ko yagiyeyo ari kumwe n'Abatutsi batatu ariko icyo gihe bari baherekejwe n'amusirikare ufite intwaro. Ntabwo bisobanutse neza niba Renzaho yari azi ko ari Abatutsi. Ikindi kandi, kubona Abatutsi bamwe na bamwe barageregeje guhungira ku biro bya perefegitura ntibibuza Urugereko kwanzura ko byari biruhije kuhagera.

[362] Ikimenyetso gihamya cya Porokireri n° 3 (inyandukuro y'ikiganiro cya Renzaho cyanyujijwe kuri radio, 18 Kamena 1994); Inyandikomvugo y'iburanisha, 31 Kanama 2007, imp. 2-6.

si cyo kibazo kivugwa mu gika cya 13 n'icya 30 by'Inyandiko y'ibirego, kuko ibi byibanda ku kujya hirya no hino kw'abicanyi.

294. Urugereko rusanga Porokireri ataragaragaje ko hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, Renzaho, cyangwa abakoraga mu cyimbo cye, batanze impushya n'inzandiko z'inzira kugira ngo borohereze Interahamwe, imitwe yitwaraga gisirikare, abasirikare n'abajandarume bari baritabiriye ubwicanyi kujya hirya no hino no guhabwa ibikoresho byo kwica Abatutsi. Kubera uyu mwanzuro, ntabwo ari ngombwa gusuzuma ibivugwa n'Ubwunganizi ko bwabangamiwe no kuba kuri iki kibazo Inyandiko y'ibirego idasobanutse neza[363].

4.2 Udupapuro twaheshaga abantu lisansi [*vouchers/bons*]

4.2.1 Intangiriro

295. Porokireri avuga ko Renzaho yatanze udupapuro duhesha abantu lisansi mu rwego rwo korohereza ingendo no gufasha mu kubona ibikoresho Interahamwe, imitwe yitwaraga gisirikare, abasirikare n'abajandarume bishe cyangwa bateje Abatutsi ubuzahare bukomeye bw'umubiri cyangwa bwo mu mutwe hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994. Porokireri avuga kandi ko Renzaho yafashe bimwe mu bigega bya lisansi byo mu mujyi. Porokireri ashingira ku batangabuhamya biswe UB, GLJ, ALG, AWE, AFB na PPG, n'umutangabuhamya ushinjura wiswe AIA[364].

296. Ibyo Ubwunganizi burabihakana. Bushingiye ku buhamya bw'abatangabuhamya biswe UL, BDC na PPV, Ubwunganizi buvuga ko kuva muri Mata kugeza muri Nyakanga 1994, Minisiteri y'Ingabo ari yo yari ifite inshingano zo gutanga udupapuro duhesha lisansi, ko atari ibiro bya perefegitura[365].

[363] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 801-803.
[364] Inyandiko y'ibirego, igika cya 13 n'icya 30; Imyanzuro nsozarubanza ya Porokireri, ibika 146-152, 156-158; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 20.
[365] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 961-984; Ikimenyetso gihamya cy'Ubwunganizi n° 113 (ingingo zanditse z'inyongera ku zatanzwe mu magambo n'Ubwunganizi), ibika 864.1-864.64.

4.2.2 Ibimenyetso

Umutangabuhamya ushinja wiswe UB

297. Umutangabuhamya wiswe UB, ni Umuhutu wari mu butegetsi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko hariho uburyo bubiri bwo kubona lisansi igihe ibivugwa byabaga mu wa 1994. Kuva ku itariki ya 7 Mata, za sitasiyo za lisansi zimwe zari zarafashwe na Perefegitura y'Umujyi wa Kigali, naho izindi zarafashwe na Etamajoro (Ubuyobozi Bukuru bw'Ingabo). Kubera iyo mpamvu, abifuzaga lisansi bashoboraga kujya ku biro bya perefegitura gufata udupapuro tubahesha lisansi kuri sitasiyo, cyangwa bakajya mu Kigo cya Gisirikare cya Kigali bagahabwa lisansi ivuye mu tanki yari muri icyo kigo[366].

Umutangabuhamya ushinja wiswe GLJ

298. Umutangabuhamya wiswe GLJ ni Umuhutu wari umukozi ukomeye mu rwego rw'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko, nibura kugeza mu mpera za Mata 1994, za sitasiyo za lisansi zose zari zarafashwe cyangwa zigengwa na Renzaho. Kugira ngo umuntu abone lisansi, perefegitura yagomba kubanza kumuha uruhusa. Perefe yashyizeho Jean-Baptiste Butera, wari superefe ushinzwe ibya politiki gutanga udupapuro twaheshaga lisansi[367].

Umutangabuhamya ushinja wiswe ALG

299. Umutangabuhamya wiswe ALG ni Umuhutu wari umurwanashyaka wa MRND akaba n'umukozi wa Leta muri Perefegitura y'Umujyi wa Kigali. Yasobanuye ko nyuma y'itariki ya 12 Mata 1994, byari bikomeye kubona lisansi muri perefegitura. Ingabo zari zarafashe za sitasiyo za lisansi zose kandi zahaga n'Interahamwe udupapuro tuzihesha

[366] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1, 23; Ikimenyetso gihamya cya Porokireri n° 69 (ifishi y'umwirondoro). Igihe umutangabuhamya wiswe UB yatangaga ubuhamya bwe yari afunze, ategereje imikirize y'urubanza rwe mu bujurire mu Rukiko rw'Ikirenga. Yari yarahamijwe icyaha cya jenoside mu wa 1997, byemezwa n'Urukiko rw'ubujurire rwa Kigali mu wa 1998. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-4, 65.

[367] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13-15, 20, 23, 30-31, 61-63, 66; Ikimenyetso gihamya cya Porokireri n° 68 (ifishi y'umwirondoro). Igihe umutangabuhamya wiswe GLJ yatangaga ubuhamya, yari amaze imyaka 12 afungiye mu Rwanda, ategereje ko urubanza rwe rutangira.

lisansi. Atekereza ko n'ibiro bya perefegitura na byo hari ukuntu byari byarumvikanye na sitasiyo ya lisansi ya *Shell* kugira ngo bibone lisansi. Renzaho yahaga abantu yishakiye udupapuro duhesha lisansi – abakuru b'imirimo mu biro bya perefegitura, ba burugumesitiri, ba konseye hamwe n'Interahamwe. Utwo dupapuro twatumaga sitasiyo ya Shell ibaha lisansi[368].

300. N'ubwo bwose ari perefe watangaha utwo dupapuro duhesha abantu lisansi, igihe atabaga ahari ni Superefe Butera wari ushinzwe iby'ubutegetsi n'amategeko wadutangaga. Perefe kandi yashoboraga guha ubwo bubasha abandi bakuru b'imirimo, abakoraga mu ibaruramari cyangwa ababurugumesitiri[369].

301. ALG yahaye Renzaho raporo ku muntu bavugaga ko ari umwicanyi witwaga Habyarimana, wari unazwi ku izina rya Kigingi. Perefe yahamagaye Kigingi mu biro bye. Kigingi amaze gusohoka mu biro bya perefe yihanije ALG, amubwira ko agomba kwitonda, amwereka udupapuro duhesha lisansi avuga ko ahawe na Renzaho. Yabwiye ALG ati « Ngiye gufata lisansi, ubundi nkomeze akazi kanjye. Uzankoraho iki? » Ubwo Kigingi n'Interahamwe zahoraga zimugaragiye baragiye[370].

Umutangabuhamya ushinja wiswe AWE

302. Umutangabuhamya wiswe AWE ni Umuhutu wari umutegetsi ku rwego rw'ibanze muri Perefegitura y'Umujyi wa Kigali, akaba yari afite n'umwanya w'ubuyobozi ku rwego rw'ibanze mu ishyaka rya MRND. Yavuze ko nyuma y'itariki ya 7 Mata 1994, hari igihe Renzaho yahaye Perezida w'Interahamwe litiro 40 za lisansi[371].

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[368] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 55-56, 63; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 6, 50-51; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 22; Ikimenyetso gihamya cya Porokireri n° 67 (ifishi y'umwirondoro). Igihe ALG yatangaga ubuhamya, yari agitegereje kuburanishwa mu Rwanda, ku byaha bijyanye na jenoside kubera uruhare rwe mu byabaye mu wa 1994. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64.

[369] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp.12; Inyandikomvugo y'iburanisha, 12 Mutarama 2007 urup. 32.

[370] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp.56-58.

[371] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12, 40-41, 51; Ikimenyetso gihamya cya Porokireri n° 80 (Ifishi y'umwirondoro). Igihe umugabo wiswe AWE yatangaga ubuhamya bwe, yari afunzwe kuva mu wa 1996, ategereje kuburana ku byaha bya jenoside.

Umutangabuhamya ushinja wiswe AFB

303. Umutangabuhamya wiswe AFB ni Umuhutu, wakoraga mu rukiko muri Perefegitura y'Umujyi wa Kigali igihe ibivugwa byabaga. Ku itariki ya 7 Mata 1994, Konseye Karekezi yohereje AFB ku biro bya Perefegitura y'Umujyi wa Kigali. AFB yagiyeyo Renzaho atangira kumuha amategeko. Ku itariki ya 13 Mata, ahagana saa ine za mu gitondo, Renzaho yamwohereje ku muyobozi wa sitasiyo ya lisansi ya Fina, ahakorera iminsi 20, kugeza igihe amatanki ya lisansi y'iyo sitasiyo akamiye ahagana ku itariki ya 3 Gicurasi. Muri icyo gihe, uyu mutangabuhamya yabonaga rimwe na rimwe Renzaho kuri iyo sitasiyo. Ntabwo iyo sitasiyo yagurishaga lisansi kuri rubanda. Yayihaga cyane cyane Interahamwe zizanye udupapuro tuyizihesha twabaga twasinyweho na perefe, n'ubwo n'amafaranga bayemeraga[372]. AFB yajyaga yumva umuyobozi wa sitasiyo asaba abaje kunywa lisansi kwerekana urupapuro rwasinywe na perefe, kandi bene izo mpapuro AFB yaraziboneye[373].

Umutangabuhamya ushinja wiswe UL

304. Umutangabuhamya wiswe UL ni Umuhutu wari umukozi muri minisiteri. Ku itariki ya 11 Mata 1994, yagiye mu nama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali. Uhagarariye Umuryango Utabara Imbabare, Philippe Gaillard, yamenyesheje abari muri iyo nama ko umuryango yari ahagarariye uzatanga lisansi ku modoka zizaba ziri mu gikorwa cyo gusukura imihanda zivanamo imirambo. Nyuma yaho uwo munsi, umutangabuhamya yagiye i Gikondo gufatayo iyo lisansi. No hanyuma imodoka zakomeje kujya kunywayo lisansi, kuko FPR yari yarafashe ibigega byo mu Gatsata[374].

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[372] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, urup. 10 (« Mu by'ukuri, [sitasiyo ya lisansi] ntiyayigurishaga rubanda, yayitangaga gusa ku bazanaga udupapuro tuyibahesha twasinywe na perefe. Ni yo mpamvu umuntu ashobora kwemeza ko rimwe na rimwe gusa ari ho abantu bazanaga amafaranga bagahabwa lisansi kuri sitasiyo. Ariko akenshi abantu bazanaga kuri sitasiyo udupapuro twasinywe na perefe bakanywesha imodoka zabo kandi utwinshi muri utwo dupapuro twabaga twasinywe na perefe »), n'akandi gace k'inyandikomvugo kashyizweho ubujeni, urup. (i); Ikimenyetso gihamya cya Porokireri n° 64 (ifishi y'umwirondoro).

[373] Inyandikomvugo y'iburanisha, 8 Mutarama 2007, imp. 69-71, 73, 86; Inyandikomvugo y'iburanisha, 9 Mutarama 2007 Imp. 9- 10.

[374] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 50-53, 55-57, 59-63, 72-73 (« uwo munsi nyine, ni ho *tw*agiye kuzana lisansi i Gikondo mu gace gaherereyemo inganda [parc industriel]. Kandi na nyuma yaho, ni ho

Renzaho

305. Renzaho yavuze ko perefegitura itari ifite lisansi yo gutanga. Mu « minsi ya mbere » ibivugwa biba, abategetsi bo muri Kigali bari batagishobora kugera mu Gatsata aho ibigega bya lisansi byari biri. Impamvu ni uko ako karere kari karafashwe na FPR. Ibindi bigega byari kure cyane ku Kibuye[375] Ibiro bya perefe ntibyigeze bigira uruhare na ruto mu gikorwa cyo gucunga no gutanga lisansi cyangwa kugena urugero rwa lisansi igomba guhabwa runaka. Yahakanye ko atigeze aha Kigingi cyanga undi muntu uwo ari we wese, agapapuro kamuhesha lisansi. Ingabo zari zarafashe za sitasiyo zose zo mu mujyi zari zigifite lisansi. Hari komisiyo y'ingabo yacungaga kandi igatanga lisansi. Renzaho yavuze ko atazi niba hari ibipimo ntarengwa bya lisansi yatangwaga byari byarashyizweho, ariko ko hari udupapuro duhesha lisansi imodoka za perefegitura zakoreshaga kuri buri kigega cya lisansi cyacungwaga n'ingabo[376]. Perefegitura yari ifite komisiyo yari ishinzwe ibikoresho yari yarashyizweho ngo ijye « igemurira umujyi wa Kigali ». Iyo imodoka za perefegitura zabaga zikeneye kunywa lisansi, Superefe Jean-Baptiste Butera, wari ushinzwe iyo komisiyo, yajyaga kureba abo bantu bari bashinzwe gucunga ibigega bya lisansi[377].

306. Perefegitura y'Umujyi wa Kigali yari yugarijwe n'icyorezo gikomeye, iyo idafata ingamba zo gukemura ikibazo cyariho vuba na bwangu. Ni gutyo ku itariki ya 11 Mata 1994 mu gitondo, ku biro bya perefegitura habereye inama yari igamije gusuzuma uburyo bwo gushyira mu bikorwa imirimo y'Umuryango utabara imbabare. Iyo nama yari yitabiriwe na Minisitiri w'Ubuvuzi, Minisitiri w'imirimo ya Leta, Bwana Gaillard wari

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*tw*ajyaga kunywesha *imodoka zacu »* (ni twe twanditse mu nyuguti ziberamye ibice dushaka gushimangira); Ikimenyetso gihamya cya Porokireri n° 65 (ifishi y'umwirondoro). Umutangabuhamya wiswe UL yahanaguweho ibyaha, bitasobanuwe. Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 51, 71. Ntiyashoboye kwemeza ibyo Ubwunganizi bwavugaga ko ibyo byabaye muri Kamena 2002.

[375] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 18; Inyandikomvugo y'iburanisha, 3 Nzeli 2007, urup. 12. Urugereko ruributsa ko Gatsata iri muri Perefegitura y'Umujyi wa Kigali.

[376] Renzaho ntiyasobanuye neza uwatangaga udupapuro banywesherezagaho uwo ari we cyangwa aho byabereye. Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 18 (« udupapuro banywesherezaho lisansi »).

[377] Ni kimwe no haruguru, urup. 18, reba kandi inyandiko yo mu gifaransa, urup. 21 (« abakozi bacungaga icyo kigega »); Inyandikomvugo y'iburanisha, 30 Kanama, urup.42; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 12-14.

uhagarariye Umuryango utabara imbabare, hamwe n'abagize itsinda rye, perefe, n'itsinda ry'abakozi bari bashinzwe isuku. Abo ba Minisitiri bari bazanye kandi n'abakozi ba za minisiteri bayobora. Muri iyo nama, Gaillard yasobanuye ibikorwa yari yimirije imbere, ari byo guhungisha inkomere no kwandurura imirambo. Perefegitura yerekanye ko imushyigikiye muri ibyo bikorwa. Ibibazo birebana n'ishyirwa mu bikorwa ry'iyo gahunda bimaze gusuzumwa, Umuryango utabara imbabare wiyemeje gutanga lisansi yo gukoresha[378].

Umutangabuhamya ushinjura wiswe BDC

307. Umutangabuhamya wiswe BDC ni Umuhutu, akaba yari umukozi wa Leta kandi yakoreye n'Umuryango utabara imbabare mu Rwanda kuva ku itariki ya 15 Mata 1994[379]. Ku itariki ya 11 Mata, Minisiteri y'Ubuvuzi n'iy'Imirimo ya Leta zatumije inama yabereye ku biro bya Perefegitura y'Umujyi wa Kigali. Muri iyo nama, hafashwe icyemezo cyo kwandurura imirambo yari mu mihanda. Kubera ko ari Perefegitura, ari na Minisiteri y'Imirimo ya Leta, nta n'imwe yari ifite lisansi yari ikenewe muri icyo gikorwa, Philippe Gaillard, Intumwa ya Komite Mpuzamahanga itabara imbabare, yemeye gutanga lisansi muri ibyo bihe by'akaga. Umutangabuhamya yasobanuye ko Leta yari yarabuze lisansi kubera ko ikigega kinini kurusha ibindi mu Rwanda cyo mu Gatsata cyari cyarafashwe na FPR kuva ku itariki ya 10 Mata. Umutangabuhamya ntiyigeze yumva bavuga ko Renzaho yaba yarahaye lisansi abantu bo mu mitwe yitwara gisirikare[380].

[378] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 44-46; Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 7.
[379] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 3, 6, 37, 50; Ikimenyetso gihamya cyUbwunganizi cyahawe nomero 51 (ifishi y'umwirondoro w'Umutangabuhamya). Umutangabuhamya wiswe BDC nta bwo yari umukozi wa Komite Mpuzamahanga itabara imbabare, ahubwo yari umukozi w'Umuryango utabara imbabare w'u Rwanda. Yasobanuye ku mu bihe by'intambara, Umuryango utabara imbabare wo mu gihugu utegekwa na Komite Mpuzamahanga itabara Imbabare, ni ukuvuga rero ko yakoreraga iyo Komite. Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 6, 64.
[380]Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 4-10, 19-20.

Umutangabuhamya ushinjura wiswe PPV

308. Umutangabuhamya wiswe PPV ni Umuhutu, akaba yarakoraga muri polisi ya Perefegitura y'Umujyi wa Kigali. Kuva ku itariki 7 Mata 1994, habayeho isaranganywa rya lisansi. Yavuze ko itangwa rya lisansi ritacungwaga n'Ibiro bya Perefegitura, ko ahubwo Minisiteri y'Ingabo ari yo yari yarafatiriye sitasiyo za lisansi. Ibiro bya Perefegitura, izindi serivisi n'abandi bantu bari batunze imodoka bajyaga kuri Minisiteri y'Ingabo gusaba udupapuro tubaha uruhusa rwo gufata lisansi[381].

Umutangabuhamya ushinjura wiswe PPG

309. Umutangabuhamya wiswe PPG ni Umuhutu, akaba yari umukozi wa Perefegitura y'Umujyi wa Kigali. Ku itariki ya 20 Mata 1994 ni ho yasubiye ku kazi. Avuga ko hagati ya Mata na Nyakanga 1994, Burigadiye wa polisi ari we wari ushinzwe gutanga udupapuro duha abantu uruhusa rwo gufata lisansi[382].

Umutangabuhamya ushinjura wiswe AIA

310. Umutangabuhamya wiswe AIA yari umuporisi wa Perefegitura y'Umujyi wa Kigali. Kuva ku itariki ya 7 Mata kugeza ku ya 4 Nyakanga 1994, yari akuriwe mbere na mbere n'umukonseye bakoranaga buri munsi hafi amasaha 24 kuri 24. Yavuze ko ibyo gutangira udupapuro duhesha abantu lisansi kuri Perefegitura y'Umujyi wa Kigali atabizi. Yahabwaga lisansi na Konseye, na we wabaga yayikuye kuri sitasiyo mu mujyi[383].

[381] Ni kimwe no haruguru. Urup. 78; Inyandikomvugo y'iburanisha, 5 Kamena 2007, urup. 7; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 56 (ifishi y'umwirondoro w'Umutangabuhamya).
[382] Inyandikomvugo y'iburanisha, 18 Kamena 2007, imp. 44-49, 51; Inyandikomvugo y'iburanisha, 19 Kamena 2007, urup. 6; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 65 (ifishi y'umwirondoro w'Umutangabuhamya).
[383]Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 2, 8-10, 59; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 18-19; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 66 (ifishi y'umwirondoro w'Umutangabuhamya). Ubwoko bwe ntibwanditseho.

4.2.3 Isesengura ry'Urugereko

311. Ikibazo cy'ingenzi ni ukumenya niba koko Renzaho yaratanze udupapuro duhesha lisansi Interahamwe, abantu bo mu mitwe yitwara gisirikare, abasirikare n'abajandarume, mu rwego rwo kubafasha gukora ingendo no gushaka ibikoresho. Abahawe bene utwo dupapuro bakaba barishe Abatutsi cyangwa bakabatera ububabare buzahaza umubiri cyangwa mu mutwe, hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994[384]. Ubwunganizi buvuga ko Ibiro bya perefegitura nta bigega bya lisansi byari bifite kandi ko bitigeze bitanga utwo dupapuro cyangwa ngo bicunge itangwa rya lisansi mu buryo ubwo ari bwo bwose.

312. Abatangabuhamya batatu muri batandatu bashinja bavuze ko sitasiyo za lisansi zo muri Perefegitura y'Umujyi wa Kigali zari zarafashwe n'abategetsi. Ubuhamya bwabo bugenda bunyuranya. Umutangabuhamya wiswe GLJ avuga ko sitasiyo zose zari zarafashwe n'Ibiro bya Perefegitura. Umutangabuhamya wiswe UB avuga ko sitasiyo za lisansi zimwe na zimwe ari zo zari zarafashwe n'Ibiro bya Perefegitura, naho izindi zigafatwa n'ingabo. Umutangabuhamya wiswe ALG we asobanura ko habayeho ubwumvikane hagati y'Ibiro bya Perefegitura na sitasiyo ya lisansi ya *Shell*, ko naho ubundi sitasiyo za lisansi zari zarafashwe n'ingabo. Igihe abo batangabuhamya uko ari batatu batangaga ubuhamya mu rukiko, bari bategereje kuburanishwa mu rwego rwa mbere cyangwa se gucirwa urubanza n'Urukiko rw'Ubujurire mu Rwanda. Urugereko ntirushira amakenga ubuhamya bwabo, ariko rusanga babiri muri bo baremeje ko perefegitura yari yarafashe sitasiyo za lisansi.

313. Umutangabuhamya wiswe AFB yavuze ko Renzaho yamutegetse kujya kunganira uwacungaga sitasiyo ya Fina, aho udupapuro duhesha abantu lisansi twabaga twasinywe na perefe twakoreshwaga. Ibyo uwo mutangabuhamya avuga ni byo we ubwe yiboneye kandi bigaragara ko ari ibyo kwizerwa. Uyu mutangabuhamya ntiyavuze ko sitasiyo ya

[384] Inyandiko y'ibirego ikoresha ijambo « *bonds* » … kugira ngo bashobore kujya hirya no hino » (mu gifaransa hakoreshwa « *délivrance de bons* »). Imyamyanzuro mbanzirizarubanza ikoresha amagambo « *coupons* » na « *bonds* », kimwe no gufatira sitasiyo za lisansi, ibika 59-60).

Fina yari yarafashwe n'Ibiro bya perefegitura, ariko kubona Renzaho yaramwoherejeyo bigaragaza ko yari afite ububasha runaka mu isaranganya rya lisansi kuri iyo sitasiyo. Umutangabuhamya ushinjura wiswe PPV avuga ko Minisiteri y'Ingabo yari yarafashe sitasiyo za lisansi, ariko Urugereko ntirwahaye agaciro kanini ubuhamya bwe. Kubera umwanya yari afite n'imirimo yakoraga mu wa 1994, ashobora kuba agerageza kugabanya uruhare rwe n'urwa Perefegitura muri iryo saranganya rya lisansi[385].

314. Urugereko rusanga atari ngombwa gufata umwanzuro ku birebana n'ikibazo cyo kumenya niba Perefegitura yari yarafashe sitasiyo za lisansi muri Perefegitura y'Umujyi wa Kigali ku buryo bwemewe. Nk'uko bisobanuye hano hasi, ibimenyetso byatanzwe bigaragaza neza ko Ibiro bya perefegitura byari bifite nibura ukuntu bicunga isaranganya rya lisansi, bikoresheje udupapuro twaheshaga abantu lisansi[386].

315. Urugereko rwumvise ibimenyetso byinshi ku birebana n'icyo kibazo. Umutangabuhamya wiswe UB yavuze ko udupapuro duhesha abantu lisansi twatangirwaga ku biro bya perefegitura cyangwa mu kigo cya gisirikare cya Kigali. Umutangabuhamya wiswe GLJ yavuze ko umuntu atashoboraga guhabwa lisansi aterekanye agapapuro yahawe n'Ibiro bya Perefegitura, kandi ko Renzaho yari yarashinze Superefe Jean-Baptiste Butera gutanga bene utwo dupapuro. Umutangabuhamya wiswe ALG yashyigikiye ko Butera yari afite ubwo bubasha, nibura igihe Perefe yabaga adahari. Yanavuze ko Renzaho yahaga abantu yishakiye utwo dupapuro tubahesha lisansi (reba hano hasi). Umutangabuhamya wiswe PPG yavuze ko Burigadiye w'ababaporisi yari ashinzwe gutanga udupapuro duhesha abantu lisansi, ariko bitabujije ko twasinywagaho na perefe. Hanyuma, Umutangabuhamya wiswe FB yatanze ubuhamya bw'ibyo yihagarariyeho, bukubiyemo amakuru arambuye kandi yakwemerwa, buvuga ko nibura kuva ku itariki ya

[385] Umutangabuhamya wiswe PPG, Inyandikomvugo y'iburanisha, 19 Kamena 2007, urup. 6.

[386] Urugereko rusanga abatangabuhamya biswe UL na BDC barashyigikiye ubuhamya bwa Renzaho buvuga ko ibigega bya lisansi byo mu Gatsata byari byarafashwe na FPR mu ntangiriro za Mata. Ibyo byatumye abategetsi bihatira gushaka aho lisansi ihagije yaturuka. Birumvikana rero, urebye uko ibintu byari bimeze, ko gufatira sitasiyo za lisansi ari byo byari umuti w'icyo kibazo.

13 Mata kugeza hafi y'itariki ya 3 Gicurasi 1994, hariho udupapuro duhesha abantu lisansi twakoreshejwe kuri sitasiyo ya lisansi nibura imwe muri Perefegitura y'Umujyi wa Kigali, kandi ko twabaga twasinyweho na perefe.

316. Umutangabuhamya wiswe PPV ni we wenyine wavuze ko Ibiro bya Perefegitura atari byo byacungaga isaranganya rya lisansi, ko abakozi bo kuri ibyo Biro na bo bagombaga kujya kuri Minisiteri y'Ingabo gushakayo lisansi, hakubiyemo n'udupapuro tubahesha uruhusa rwo kuyihabwa. Nk'uko byavuzwe hejuru, Urugereko rusanga ubuhamya bwe ntawabushira amakenga, urebye uko ibintu byari byifashe n'imirimo yakoraga.

317. Ibimenyetso byanditse bishimangira ubuhamya bwatanzwe n'abatangabuhamya bashinja muri uru Rukiko. Mu ibaruwa yo ku itariki ya 1 Gicurasi 1994, Renzaho yandikiye Superefe Jean-Baptiste Butera amuhagarika ku murimo w'ubuhuzabikorwa hagati y'ibiro bya perefegitura na Minisiteri y'Ingabo mu rwego rwo guhunika lisansi no kuyicunga. Renzaho yashimangiye ko Butera atagombaga kwanga guha lisansi modoka zahawe uruhusa rwo kuyinywa. Renzaho yemeye ko yasinye iyo baruwa[387]. Iki kimenyetso gihamya gishimangira ibimenyetso byerekana ko Ibiro bya perefegitura ari byo byagenaga ugomba guhabwa lisansi kandi ko Butera ari we wari warahawe inshingano zo gucunga ibirebana na lisansi.

318. Ikindi kintu gikomeye ni inyandiko y'ikiganiro cyanyujijwe kuri radiyo ku itariki ya 18 Kamena 1994, aho Renzaho yagize ati: « Ubwo rero twasabye abashinzwe gahunda yo kwirwanaho kw'abaturage muri za serire na segiteri gutanga impushya zituma abantu bajya hirya no hino, kuko abo bantu ari na bo baza kutureba ngo tubahe lisansi yo gukoresha muri izo modoka »[388]. Kuba iyo nyandiko ari impamo Ubwunganizi ntibubihakana. Aya magambo arumvikanisha neza ko Renzaho yageragezaga korohereza abantu, nibura bamwe na bamwe, guhabwa lisansi na serivisi yayoboraga. Ibi bikaba bivuguruza ibyavuzwe ko Ibiro bya perefegitura nta ruhare byagize mu gutanga lisansi

[387] Ikimenyetso gihamya cya Porokireri cyahawe nomero 34 (ibaruwa yo ku itariki ya 1 Gicurasi 1994 Renzaho yandikiye Butera), cyerekana ko Butera yandikiwe nk'« umuhuzabikorwa hagati ya Perefegitura y'Umujyi wa Kigali na Minisiteri y'Ingabo», kinavuga ibirebana «n'ibigega by'ibiryo n'ibya lisansi, n'uburyo bwo kubicunga ».

[388] Ikimenyetso gihamya cya Porokireri cyahawe nomero 62 (inyandukuro z'ikiganiro cyanyujijwe kuri radiyo ku itariki ya 18 Kamena 1994).

cyangwa udupapuro tuyihesha abantu. Kuba Komite Mpuzamahanga itabara imbabare yaratanze lisansi mu rwego rw'igikorwa cy'isuku nyuma y'inama yo ku itariki ya 11 Mata 1994, ntibibuza perefegitura kuba na yo yaratanze udupapuro duhesha abantu lisansi. Ubwo Renzaho yabazwaga uwatangaga bene utwo dupapuro uwo ari we n'aho twatangirwaga, yasubije ikibazo agikikira kandi mu magambo adasobanutse. Dore nk'urugero, aho kuvuga uwatangaga bene utwo dupapuro uwo ari we n'aho twatangirwaga, yasubije gusa ko bene utwo dupapuro « twariho »[389].

319. Urugereko rushingiye ku bimenyetso bimaze kuvugwa, rusanze Porokireri yaratanze ibimenyetso bihamya ku buryo budashidikanywaho ko Ibiro bya perefegitura byatanze udupapuro duhesha abantu lisansi, nibura kuva hagati muri Mata kugeza mu ntangiriro za Gicurasi 1994.

320. Ikibazo gisigaye ni icyo kumenya niba bene utwo dupapuro twarahawe *Interahamwe*, abantu bari mu mitwe yitwara gisirikare, abasirikare n'abajandarume, bishe Abatutsi cyangwa bakabatera ububabare buzahaza umubiri cyangwa mu mutwe.

321. Umutangabuhamya wiswe ALG yavuze ko Renzaho yahaye lisansi abantu barimo n'Interahamwe. Yavuze kandi ko uwitwa Kigingi, umwicanyi bivugwa ko yahoraga agaragiwe n'Interahamwe, yamweretse agapapuro kamuhesha lisansi amubwira ko amaze kugahabwa na Renzaho. N'ubwo bwose Urugereko rudashira amakenga ubu buhamya, hari aho bushyigikirwa n'ubw'abatangabuhamya biswe AWE na AFB. AWE yemeje ko hari igihe, nyuma y'itariki ya 7 Mata 1994, Renzaho yahaye Perezida w'Interahamwe

[389] Urugero: Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 18; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 12-14. Mu gihe cy'ibaza rinyomoza ku kimenyetso gihamya cya Porokireri cyahawe nomero 34 (ibaruwa yo ku itariki ya 1 Gicurasi 1994), aho Renzaho yagayaga Butera kuba atarahaye imodoka ya ORINFOR lisansi *(Nk'urugero, uyu munsi wimye lisanzi imodoka ya Serivisi ishinzwe isuku n'iya ORINFOR kandi zari mu kazi zoherejwemo)*. Ubwo Renzaho yabazwaga niba perefegitura yarahaga lisansi izindi modoka zitari iza perefegitura, zivuye mu zindi servisi za Leta nka ORINFOR, yabanje gusubiza ati: « Nta kintu nk'icyo nzi….Sinigeze mpura n'ikibazo nk'icyo ». Amaze kwerekwa iyo baruwa, yakomeje gutsimbarara avuga ko Ubuyobozi bw'ingabo ari bwo bwacungaga lisansi kandi ko iyo baruwa itabivuguruza. Yongeyeho ko: « Byashobokaga ko imodoka za Leta ziza kuri perefegitura mu rwego rw'akazi maze zigasaba lisansi. [Butera], nk'umuhuzabikorwa, yagombaga kujya kureba Ubuyobozi bw'ingabo niba bufite lisansi yo guha izo modoka ». Reba kandi Inyandikomvugo y'iburanisha, 30 Kanama, 2007, urup. 38. (Bwana Perezida : « Ese uko ubizi, [Kajuga] yari afite ububasha ku Nterahamwe n'aho zajyaga hose muri Mata 1994 ? Igisubizo: Ba Nyakubahwa, nagira ngo nsabe imbabazi ko ntari busubize icyo kibazo uko bikwiye. Icya mbere, ntabwo numva abantu mwita «Interahamwe » abo ari bo).

litiro 40 za lisansi. Ubwo buhamya busa n'aho bukomoka ku nkuru mbarirano. Ubwo uyu mutangabuhamya yatangaga ubuhamya muri uru Rukiko, yari ategereje kuburana urubanza rwa jenoside, ni yo mpamvu ubuhamya bwe na bwo ntawabushira amakenga. Nyamara ariko, Umutangabuhamya wiswe AFB yatanze ubuhamya atakomoye ku bandi kandi bukwiye kwemerwa, avuga ko nibura kuva hagati muri Mata kugera mu ntangiriro za Gicurasi, hari sitasiyo ya lisansi ya *Fina* yahaga cyane cyane Interahamwe lisansi hakoreshejwe udupapuro Renzaho yabaga yasinyeho. Urugereko rwemeye ko Renzaho yahaga abantu cyangwa udutsiko tw'abantu yihitiyemo, barimo n'Interahamwe, udupapuro tubahesha lisansi.

322. Umutangabuhamya wiswe ALG ni we wenyine wemeje ko hari umuntu byavugwaga ko ari umwicanyi witwa Kigingi wahawe na Renzaho agapapuro kamuhesha lisansi. Nta wundi mutangabuhamya wavuze ko abantu runaka cyangwa abandi bakoze ibyaha bahawe lisansi hakoreshejwe bene utwo dupapuro. Nk'uko byavuzwe haruguru, Urugereko rusanga ubuhamya bwa ALG ntawabushira amakenga kandi ntirushobora kubwemera kuri iki kibazo hatabonetse ibindi bimenyetso bibushyigikira. N'ubwo Interahamwe zitabiriye ubwicanyi mu buryo bugaragara, zigateza Abatutsi ububabare buzahaza umubiri cyangwa mu mutwe muri kiriya gihe cyo kuva muri Mata kugeza muri Nyakanya 1994, Porokireri ntiyagaragaje ko Interahamwe runaka zakoze ibyo byaha zari zahawe lisansi hakoreshejwe udupapuro twasinyweho na Renzaho. Kubera izo mpamvu, Urugereko rusanze bitaragaragajwe ku buryo budashidikanywaho ko Interahamwe, abantu bo mu mitwe yitwara gisirikare, abasirikare, abajandarume bahawe lisansi na Renzaho cyangwa bayihawe abitangiye uruhusa, bishoye mu bikorwa byo kwica Abatutsi cyangwa kubakorera ibikorwa bibazahaza umubiri cyangwa mu mutwe, cyangwa ko Renzaho yatanze udupapuro duhesha abantu lisansi agamije kuborohereza muri ubwo bwicanyi bwibasiye Abatutsi cyangwa muri ibyo bikorwa byo kubazahaza.

4.3 Gufatira imodoka z'abandi bantu

4.3.1 Intangiriro

323. Mu byo Porokireri ashinja Renzaho ko borohoreje abakoze ubwicanyi kujya hirya no hino, harimo ko Ibiro bya Perefegitura yayoboraga byahaye abategetsi ba komine amamodoka. Ibyo biro kandi byatanze imodoka z'abandi bantu rwari rwafashe kugira ngo zikoreshwe mu gikorwa cyo kwandurura imirambo mu mihanda ya Kigali. Hifashishwa ubuhamya bw'abatangabuhamya biswe ALG, UL, UB na GLJ[390].

324. Ubwunganinzi nta cyo bwavuze by'umwihariko ku kirego kivuga ko Renzaho yatanze imodoka cyangwa ko yafashe imodoka z'abandi. Buvuga ko Renzaho yitabiriye igikorwa cyo kwandurura imirambo muri Perefegitura y'Umujyi wa Kigali adafite igitekerezo cyo guhishira ubwicanyi bwari bwabaye, ko ahubwo byari mu rwego rwo kubungabunga ubuzima bwa rubanda. Hifashishwa ubuhamya bw'abatangabuhamya biswe BDC, GLJ, PGL, PPG na UT[391].

4.3.2 Ibimenyetso

Umutangabuhamya ushinja wiswe ALG

325. Umutangabuhamya wiswe ALG ni Umuhutu, akaba yari umukozi ukomeye mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko perefegitura yari ifite inshingano zo gucunga imodoka. Yongeyeho ko perefegitura yari yarahaye komine ye imodoka imwe yo gukoresha, kandi ko rimwe na rimwe yayikoreshaga agiye mu kazi hirya no hino mbere ya Mata 1994[392].

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[390] Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 117, 142, 144-145, 158. Ibyo Umutangabuhamya ushinja wiswe UB yavuze na byo bifite aho bihuriye n'icyo kibazo (reba hano hasi).

[391] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 329-330; 961-984; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, urup. 41.

[392] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 55-56, 64; Ikimenyetso gihamya cya Porokireri cyahawe nomero 67 (ifishi y'umwirondoro w'Umutangabuhamya). Ubwo yatangaga ubuhamya bwe muri uru Rukiko, umutangabuhamya wiswe ALG yari ategereje kuburanishwa mu Rwanda ku birebana n'uruhare yagize mu byabaye mu wa 1994. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 63-64; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, urup. 34.

Umutangabuhamya ushinja wiswe UL

326. Umutangabuhamya wiswe UL ni Umuhutu, akaba yarakoraga muri minisiteri. Yavuze ko ku itariki ya 10 Mata 1994, Renzaho yanyujije kuri radiyo itangazo risaba abakozi ba Leta kwitaba ku biro bya perefegitura. Ku munsi ukurikiyeho, uyu mutangabuhamya yagiye kuri minisiteri afata imodoka yari asanzwe atwara, maze arakomeza ajya ku biro bya perefegitura. Abandi bakozi ba minisiteri na bo ni ko babigenje. Ku biro bya perefegitura yahabonye za kamyo nyinshi na za tingatinga. Yari kumwe n'abandi bantu bari hagati ya 80 na 100 bitabiriye inama yayobowe na perefe. Abenshi mu bari bayirimo bari abashoferi b'amakamyo. Mu bategetsi bari bayitabiriye harimo Perefe wa Perefegitura ya Gisenyi, Minisitiri w'Imirimo ya Leta, Bizimungu wari Minisitiri w'Ubuzima, hamwe na Philippe Gaillard wari uhagarariye Umuryango Mpuzamahanga utabara imbabare[393].

327. UL avuga ko Renzaho yavuze ko imirambo yari inyanyagiye hirya no hino mu mujyi kandi ko umujyi warimo « umwanda », akaba yumva yarashakaga kuvuga ko warimo imirambo. Renzaho yategetse abashoferi b'amakamyo n'aba za tingatinga gucukura ibyobo no kwandurura iyo mirambo. Bizimungu yababwiye ko bagomba guhera ku Bitaro bikuru bya Kigali, ari byo CHK, kugira ngo abazungu batahafata amafoto. Renzaho yari afite imodoka yo mu bwoko bwa Toyota Hilux y'umweru yanditseho: *«Préfecture de la Ville Kigali, PVK »*. Muri iyo nama, Renzaho yashinze uyu mutangabuhamya kujya atwara abandi muri iyo modoka abajyana hirya no hino mu mujyi. Inama yari yatangiye saa tatu n'igice za mu gitondo yamaze nk'isaha[394].

328. Renzaho yashinze Ngerageze, wari umukuru wa serivisi ishinzwe isuku ku rwego rwa perefegitura, guha abashoferi amabwiriza. Ngerageze yategetse uyu mutangabuhamya gucukura ibyobo rusange ku Bitaro bikuru bya Kigali, mu irimbi ry'i Nyamirambo, n'ahandi hantu henshi. Hari kandi umuporisi wari ufite imbunda werekaga uyu

[393] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 50-57, 60-62, 72-75; Ikimenyetso gihamya cya Porokireri cyahawe nomero 65 (ifishi y'umwirondoro w'Umutangabuhamya). Umutangabuhamya wiswe UL yahanaguweho ibyaha byose yaregwaga ku birebana n'ibyabereye mu Rwanda mu wa 1994. Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 51, 71.

[394] Inyandikomvugo y'iburanisha, 9 Mutarama 2007, imp. 58-59, 62-66, 74.

mutangabuhamya aho agomba kujya. Igihe kimwe, uyu mutangabuhamya yabonye ikamyo ya Perefegitura y'Umujyi wa Kigali yari yapfiriye mu nzira yikoreye imirambo, umushoferi wayo yayitaye. Imodoka zo ku Biro bya Perefegitura zakoreshwaga mu gutwara abafungwa zibakura muri Gereza nkuru ya Kigali. Abo bafungwa bajugunyaga imirambo mu byobo rusange byabaga byacukuwe. Abakozi b'Umuryango utabara imbabare, aba Minisiteri y'Ubuvuzi, aba Minisiteri y'imirimo ya Leta hamwe n'aba servisi ya perefegitura ishinzwe isuku bose bitabiriye icyo gikorwa cy'isuku. Uyu mutangabuhamya yabonye imodoka z'Umuryango utabara imbabare zitwaye inkomere n'imirambo. Yamenye ko Umuryango utabara imbabare wari wasabye Renzaho kuwutera inkunga mu gikorwa cyo guhamba imirambo[395].

329. Uyu mutangabuhamya yacukuye ibyobo rusange kugeza ku itariki 22 Mata 1994. Kubera ko hari umukozi mukuru wo muri Minisiteri y'Imirimo ya Leta wari wasabye Renzaho kumuha ibimashini biremereye byo gukoresha i Butare, uyu mutangabuhamya yoherejwe muri ubwo butumwa, ava i Kigali ajya i Butare[396].

Umutangabuhamya ushinja wiswe UB

330. Umutangabuhamya wiswe UB, ni Umuhutu wari umukozi ukomeye mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko ku itariki ya 7 Mata 1994, yabonye imirambo nka 20 muri serire ya Rugunga. Yabashije kugira iyo amenyamo, kandi abo bantu bari Abatutsi. Igihe gito mbere ya saa sita, yahamagaye Renzaho kuri telefoni kugira ngo amubwire ibyo yari amaze kubona. Perefe yamushubije ko iyo mirambo igomba gushyingurwa, noneho amwoherereza ikamyoneti irimo umuporisi wa komini wakoreraga ku biro bya perefegitura. Ubwo uyu mutangabuhamya yohereje iyo modoka mu Rugunga kugira ngo ijyane iyo mirambo mu irimbi ry'i Nyamirambo[397]. Izindi modoka za perefegitura n'iza Minisiteri y'Imirimo ya Leta na zo zarakoreshejwe mu

[395] Ni kimwe no haruguru, imp. 59.61, 61. 63-69, 73-74.
[396] Ni kimwe no haruguru, imp. 68-69.
[397] Umutangabuhamya UB yabanje kuvuga ko Renzaho yohereje « imodoka imwe » (Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 6) noneho nyuma avuga « amamodoka » (Ni kimwe no haruguru, imp. 58-59). Inyandikomvugo yo mu gifaransa ivuga imodoka imwe gusa (Ni kimwe no haruguru, imp. 6, 62), kandi ni iyo nyandiko yo muri urwo rurimi yatoranyijwe.

gutwara imirambo no gucukura imva rusange mu mujyi wa Kigali. Ku itariki ya 10 cyangwa iya 11 Mata, Renzaho yatumije inama ku biro bya perefegitura. UB yagiye muri iyo nama anyuze muri Segiteri ya Gitega, maze abona imirambo y'Abatutsi kuri za bariyeri zari muri iyo segiteri. Hari imodoka zarimo zitwara iyo mirambo[398].

Umutangabuhamya ushinja wiswe GLJ

331. Umutangabuhamya GLJ ni Umuhutu wari umukozi ukomeye mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Ku itariki ya 10 Mata 1994, yabonanye na perefe bari bonyine, noneho perefe amuha ikamyo ya Minisiteri y'Imirimo ya Leta n'amabwiriza yo gukuraho imirambo (mu mihanda y'umujyi wa Kigali) no kuyihamba mu irimbi. Renzaho ntiyamusobanuriye impamvu yari amushinze uwo murimo. Imirambo yakuwe muri buri segiteri. Ntiyari azi abakozi ba Leta bagiye mu gikorwa cyo gutoragura imirambo n'umubare wabo, ariko birumvikana ko atari ba konseye bose bahawe imodoka yo gukora uwo murimo. Hari n'izindi nzego zagize uruhare muri icyo gikorwa. Mu gihe yatwaraga imirambo, yabonye imodoka za CICR [ICRC cyangwa Umuryango Mpuzamahanga Utabara Imbabare] na zo zitwaye imirambo mu mujyi wa Kigali. Ntiyigeze ariko ahabwa amabwiriza na CICR/ICRC. Uyu mutangabuhamya yahagaritse uwo murimo wo gukora isuku nyuma y'iminsi ibiri, perefe amaze kumumenyesha ko icyo gikorwa cyari gukomeza gukorwa n'abakozi b'umujyi[399].

Umutangabuhamya ushinjura wiswe BDC

332. Umutangabuhamya BDC, ni Umuhutu wari umukozi Leta ukomeye, ariko akaba yarakoreye Umuryango Utabara Imbabare kuva ku itariki ya 15 Mata 1994. Mbere y'iyo tariki, yashoboraga kumenya amakuru yaboneraga mu itumanaho rinyuze kuri radiyo,

[398] Ni kimwe no haruguru, imp. 1, 4-6, 8-9, 11-12, 56-59; Ikimenyetso gihamya cya Porokireri n° 69 (ifishi y'umwirondoro). Mu gihe yazaga gutanga ubuhamya, Umutangabuhamya UB yari afungiye muri Gereza Nkuru ya Kigali, ategereje ko Urukiko rw'Ikirenga rufata icyemezo ku bujurire bwe. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-2, 64-65.

[399] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 16-18, 47, 64; Ikimenyetso gihamya cya Porokireri n° 68 (ifishi y'umwirondoro). Igihe cy'ubuhamya bwe, Umutangabuhamya GLJ yari amaze imyaka irenze 12 afungiye mu Rwanda, ategereje kuburanishwa. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 13. N'ubwo uyu mutangabuhamya atatanze ibisobanuro birambuye, yavuze ko « igihe cyose umuntu yageraga ku biro bya perefegitura, yahabwaga imodoka yo kujya gutwara iyo mirambo ». Ni kimwe no haruguru, urup. 17.

ajyanye n'ibyo uwo muryango wakoraga mbere y'iyo tariki. Yasobanuye ko umujyi wa Kigali wari wugarijwe n'icyorezo cyashoboraga guhitana abantu barenze abo imitwe yitwaraga gisirikare yari yarahitanye. Byari ngombwa rero ko imirambo ihambwa byihutirwa[400].

333. Ku itariki ya 10 Mata, Philippe Gaillard, wari uhagarariye CICR i Kigali, yatanze igitekerezo cyo kugirana inama na Minisiteri y'Ubuzima n'iy'Imirimo ya Leta, kugira ngo basuzume ibikorwa byo gufasha abantu. Izo minisiteri zahamagaje inama, yabaye ku itariki ya 11 Mata. Radiyo « yakomeje » gutangaza ko izo minisiteri uko ari ebyiri zihamagarira abakozi bazo kuza mu nama ku biro bya Perefegitura y'Umujyi wa Kigali. Iyo nama yitabiriwe n'abantu bari hagati ya 50 na 80, barimo na Gaillard, Renzaho n'abaminisitiri. Iyo nama yabereye mu cyumba kiberamo inama kuri Perefegitura y'Umujyi wa Kigali. Renzaho nta ruhare yagize mu gutumiza iyo nama, ariko yatanze icyumba cyo kuyikoreramo ku biro bya perefegitura[401]. Uyu mutangabuhamya ntiyari ahari, ariko nyuma yaje kumva ibyayivugiwemo ku buryo burambuye. Ntiyigeze kandi ajyana n'ikamyo yaje gukoreshwa mu gutunda imirambo. Nyuma yaho, perefegitura yageze aho iba ari yo ikora ibikorwa birebana n'isuku mu mujyi[402].

Umutangabuhamya ushinjura wiswe PGL

334. Umutangabuhamya PGL, ni Umuhutu wakoraga kuri Perefegitura y'Umujyi wa Kigali. Yasubiye ku kazi ke ku itariki ya 11 Mata 1994. Guhera icyo gihe, yakomeje kujya ahura n'abakozi ba CICR igihe yabaga atembera mu duce yari ashinzwe. Yaberekaga inkomere, abarwayi n'imirambo, noneho abakozi ba CICR bakabajyana mu modoka zabo. CICR

[400] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 3, 6-7, 37, 50; Ikimenyetso gihamya cy'Ubwunganizi n° 51 (ifishi y'umwirondoro).

[401] Umutangabuhamya BDC yavuze ko atari Renzaho watumije iyo nama ubwo yasubizaga ikibazo gikurikira yari abajijwe n'Avoka wunganira Uregwa: « Mutangabuhamya, hari amakuru waba warabonye icyo gihe avuga ko gukuraho imirambo byari amayeri - cyangwa igikorwa Renzaho yatangije kugira ngo ahishe ingaruka z'ibikorwa bye? » Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 10.

[402] Inyandikomvugo y'iburanisha, 4 Kamena 2007 imp. 4-6, 7-8, 10-11. Umutangabuhamya BDC ntiyasobanuye neza igihe Umuryango Utabara Imbabare wahagarikiye gukora ibirebana n'icyo gikorwa, ariko bishobora kuba ari ahagana mu mpera za Mata 1994.

yari ifite uburyo bwo gushobora guhamba imirambo. Uyu mutangabuhamya yagendaga ku maguru; nta modoka yari afite yo kumufasha gutwara abarwayi cyangwa imirambo[403].

Umutangabuhamya ushinjura wiswe PPG

335. Umutangabuhamya PPG ni Umuhutu, akaba yari umukozi wa Leta. Ku itariki ya 19 Mata 1994, yumvise itangazo ryaciye kuri radiyo ryasabaga abakozi ba Leta bamwe n'abakozi b'Umuryango Utabara Imbabare kujya ku biro bya perefegitura. Yasubiye ku biro bye guhera ku itariki ya 20 Mata, noneho akora umurimo wa gukura imirambo mu mihanda y'umujyi wa Kigali. Umuryango Utabara Imbabare wari warasabye Minisiteri y'Imirimo ya Leta na Minisiteri y'ubuzima ko wayifasha muri icyo gikorwa. Uyu mutangabuhamya avuga ko icyo gikorwa cyihutirwaga cyane kubera ingaruka mbi imirambo itarahambwa yashoboraga kugira ku buzima bw'abantu[404].

336. Umuryango Utabara Imbabare wari washyizeho abakozi bawo bagera ku munani bashinzwe guhagarikira icyo gikorwa. Bahaga amabwiriza PPG n'abandi[405]. Abakozi ba Leta bari muri uwo murimo ntibari barenze nka 30. Bavaga ahantu hamwe bakajya ahandi, ari itsinda rimwe rikorana n'Umuryango Utabara Imbabare, kandi bakoresha imodoka ebyiri gusa. Imwe yari iy'umucuruzi wari wabitse iyo modoka ye ku biro bya perefegitura, indi ikaba yari ikamyo ya MINITRAP. Imirambo yatoragurwaga yahambwaga mu irimbi ry'i Nyamirambo. PPG yari atarigera yumva bavuga ko hariho imva rusange. Iryo tsinda ryakoze uwo murimo w'isuku mu gice cya kabiri cya Mata, muri Gicurasi, noneho rihagarika hagati muri Kamena 1994[406].

[403] Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 15-16, 18, 20; Ikimenyetso gihamya cy'Ubwunganizi n° 61 (ifishi y'umwirondoro).
[404] Inyandikomvugo y'iburanisha, 18 Kamena 2007 imp. 45, 49, 51, 58; Ikimenyetso gihamya cy'Ubwunganizi n° 65 (ifishi y'umwirondoro).
[405] Inyandikomvugo y'iburanisha, 18 Kamena 2007 urup. 52; Inyandikomvugo y'iburanisha, 19 Kamena 2007, urup. 3.
[406] Inyandikomvugo y'iburanisha, 18 Kamena 2007 imp. 52, 55-58. Urugereko ruributsa ko MINITRAP ari Minisiteri y'Imirimo ya Leta.

Umutangabuhamya ushinjura wiswe UT

337. Umutangabuhamya UT ni Umuhutu wari umukozi ukomeye kuri Perefegitura y'Umujyi wa Kigali. Mu buhamya bwe, yavuze ko ishami ry'imirimo rishinzwe imibereho myiza y'abaturage n'umuco ryagiye mu gikorwa cyo gukuraho imirambo no kuyihamba. Ako gashami kakoranaga n'Umuryango Utabara Imbabare mu gushaka uburyo bwo kubuza ko indwara z'ibyorezo zaza zitewe n'imirambo yabaga inyanyagiye hirya no hino, no gushakisha ahantu ho guhamba iyo mirambo. Kubera ko iryo shami nta mikoro ryari rifite, ryasabye inkunga Minisiteri y'imirimo ya Leta, yari ifite imodoka n'ibindi bikoresho byari bikenewe mu gikorwa cyo gukuraho no gushyingura imirambo. Mbere y'uko UT agera kuri perefegiturta ku itariki ya 11 Mata 1994, Umuryango Utabara Imbabare wari waramaze kuvugana na perefe hakoreshejwe telefoni cyangwa ubundi buryo[407].

4.3.3 Isesengura ry'Urugereko

338. Mu Myanzuro nsozarubanza ye Porokireri akomoza gato ku modoka, akavuga ko Renzaho yafashije Interahamwe n'utundi dutsiko twakoze ubwicanyi mu kubona uburyo bagera aho bakoreraga icyaha[408]. Igika cya 13 n'icya 30 by'Inyandiko y'ibirego ntibivuga mu buryo bweruye kuri iki kirego, kandi ntikinavugwa mu Myanzuro mbanziriza rubanza. Birumvikana ko ikoreshwa ry'imodoka ridashobora gushingirwaho mu guhamya Uregwa icyaha. Urugereko rusanga ariko ari ngombwa kuvuga kuri iki kibazo.

339. Icya mbere mu byo Porokireri avuga kiri mu rwego rusange kandi cyerekeye uko abategetsi (mu makomine) bahawe amamodoka. Urugereko rusanga nta mutangabuhamya n'umwe watanze ubuhamya bushinja burebana n'icyo gikorwa cyo gutanga imodoka.

340. Icya kabiri kigibwaho impaka ni ubushobozi ibiro bya perefegitura byari bifite bwo gutanga imodoka zo gutwara abagororwa, kugira ngo bafashe mu gukuraho imirambo mu

[407] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 20, 22, 26, 41-42; Ikimenyetso gihamya cy'Ubwunganizi 47 (ifishi y'umwirondoro).
[408] Imyanzuro nsozarubanza ya Porokireri, ibika 144-145.

mihanda yo muri Kigali no kuyihamba, n'ubushobozi perefegitura yari ifite bwo gufatira imodoka zo mu zindi nzego za Leta. Ubwunganizi bwemera ko Renzaho yagize uruhare mu gukuraho imirambo muri Kigali, bukavuga ariko ko atari agamije guhisha umuryango mpuzamahanga ibimenyetso ku byariho biba. Ibi Ubwunganizi bwabivuze busubiza ibikubiye muri raporo ya Alison Des Forges, umutangabuhamya w'impuguke wahamagajwe na Porokireri[409]. Imyanzuro nsozarubanza ya Porokireri ntivuga kuri iki kibazo, kandi nta cyo Renzaho yabibajijweho mu ibaza rinyomoza.

341. Ibimenyetso bigaragaza ko Renzaho yanyujije itangazo kuri radiyo ku itariki ya 10 Mata 1994, risaba abakozi ba Leta kuza ku biro bya perefegitura. Umunsi ukurikiyeho, hari imodoka nyinshi zihagaze ku biro bya perefegitura. Renzaho yayoboye inama yabereye ku biro bye noneho ategeka abari bayirimo, barimo abakozi bo muri Minisiteri y'Imirimo ya Leta na Minisiteri y'Ubuzima, gukuraho imirambo mu mujyi wa Kigali. Abakozi bo muri serivisi ya perefegitura ishinzwe isuku, abo muri ziriya minisiteri ebyiri na CICR bakoze icyo gikorwa cy'isuku. Imodoka z'ibiro bya perefegitura na zo zakuye abanyururu muri Gereza Nkuru ya Kigali kugira ngo bafashe muri icyo gikorwa. Umutangabuhamya UL yatanze ubuhamya bwo kwizerwa kandi burambuye ku bintu yahagazeho birebana n'iki gikorwa, kandi byinshi mu byo yavuze byemejwe n'abatangabuhamya biswe UB, GLJ, BDC na PPG[410].

342. Urugereko rusanga gukura imirambo mu mihanda ya Kigali byari gutuma umuryango mpuzamahanga wibwira ko ibintu bimeze neza[411]. Ariko kandi, byari no gutuma ingaruka

[409] Ikimenyetso gihamya cya Porokireri n° 94 (Raporo y'impuguke ya Alison Des Forges) urup. 13 (« Nka perefe w'umujyi wa Kigali, Tharcisse Renzaho yari azi neza ko ari ngombwa kugaragaza « isura nziza » y'igihugu, yagirwaga ahanini n'ibyo abanyamahanga babonaga kandi bakumva iyo basuraga umurwa mukuru w'igihugu. Uwahoze ari Minisitiri w'intebe, Kambanda, avuga ko Renzaho yabwiraga abantu kutaganira ku bwicanyi, kandi avuga ko « abaminisitiri bagomba igihe cyose kwerekana isura nziza y'igihugu mu gihe bavugira kuri radiyo aho kuvuga ukuri ku byo babonaga. » Ubwicanyi bumaze gutangira, Renzaho yashyizeho gahunda yo gukora isuku mu mihanda y'umujyi, kubera ko yari azi neza ko ibyo bimenyetso by'ubwicanyi byagaragaraga nabi mu maso y'abanyamakuru n'abanyamahanga basuraga igihugu. Hakoreshejwe imbaraga n'ibintu byinshi kugira ngo ibihumbi by'imirambo bikurweho vuba kandi bihambwe ahantu hadatuwe hanze y'umujyi ». (mu bimaze kuvugwa, amagambo yasubiwemo akomowe ahandi ntiyanditswe).

[410] Nk'uko bivugwa muri II.4.3, CICR yatanze lisansi yakoreshejwe muri icyo gikorwa.

[411] Urugereko rusanga atari ngombwa gusesengura amagambo ngo yaba yaravuzwe na Bizimungu mu nama yo ku itariki ya 11 Mata 1994, nk'uko bivugwa n'umutangabuhamya UL. Bizimungu ntaregwa muri uru rubanza kandi nta bibazo binyomoza uyu mutangabuhamya yabajijwe ku bivugwa ahangaha.

mbi ku buzima bw'abantu zigabanuka. Bityo rero, umuntu ntiyavuga ko guhisha ibyariho biba ari yo mpamvu yonyine ishyize mu gaciro umuntu yabona yatumye imirambo ivanwaho. Kuba CICR ari yo icyo gikorwa yagitekereje kandi ikakijyamo bituma umuntu arushaho kubona ko ikibazo cy'isuku ari kimwe mu bintu bikomeye igitekerezo cy'icyo gikorwa cyashingiyeho[412].

343. Ariko kandi, kiriya gikorwa cyose kigaragaza ko muri Perefegitura y'Umujyi wa Kigali ibintu byakorwaga kuri gahunda, kandi ko hari ubufatanye n'andi mashami y'imirimo ya Leta, hagakoreshwa na radiyo. Ibi rero bigaragaza ko nyuma y'itariki ya 6 Mata 1994, Renzaho yari afite ubushobozi bwo kugenzura abantu n'ibintu yashoboraga kwiyambaza. Ibi bivuguruza igitekerezo cyatanzwe ahandi n'Ubwunganizi, buvuga ko nyuma y'ihanurwa ry'indege ya Perezida, umujyi wa Kigali wari wuzuyemo akavuyo n'akaduruvayo, ko nta muntu wategaga amatwi ubuyobozi, kandi ko perefe yari afite ububasha gusa ku bakozi bo mu biro bya perefegitura[413].

[412] Urugereko rwazirikanye ibivugwa n'Ubwunganizi ko gufata igikorwa cyo gukora isuku nk'amayeri yo kugira ngo umuryango mpuzamahanga utamenya ko hari ubwicanyi, bigaragaza ubushake bwo « kubona ibintu mu buryo bumwe gusa » (ni ukuvuga kwita ku kintu kimwe gusa hakoreshejwe uburyo runaka bwo gukora ipereza cyangwa bushingiye ku gitekerezo kimwe cya Porokireri, ku buryo amakuru abona ayasesengura kandi akayakoresha agusha ku myanzuro runaka »). Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 321, 327-330.

[413] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 346-348, 757-758, 1159, 1269.

5. UBWICANYI BWABEREYE AHANTU HITWA AKAJAGALI, KU ITARIKI YA 8 CYANGWA IYA 9 MATA 1994

5.1 Intangiriro

344. Porokireri avuga ko ku itariki ya 9 Mata 1994 cyangwa hafi yayo, Renzaho, wari wambaye imyenda ya ba ofisiye bakuru mu gisirikare, yayoboye Interahamwe zitwaje intwaro cyangwa yajyanye na zo ahantu hitwa Akajagali, i Kanombe. Izo Nterahamwe zinjiye mu mazu y'Abatutsi noneho zica Abatutsi bayarimo. Porokireri yifashishije umutangabuhamya wiswe DBN[414]. Ubwunganizi buvuga ko ubuhamya bwe butagira ubundi bubushyigikira, atari ubwo kwizerwa. Abatangabuhamya biswe MAI, ABC, VDD na AIA ni bo Ubwunganizi bushingiraho[415].

5.2 Ibimenyetso

Umutangabuhamya ushinja wiswe DBN

345. Umutangabuhamya DBN, ni Umututsi wari umusirikare muri Batayo Parakomando i Kanombe muri Mata 1994. Yari azi Renzaho nk'umwe mu basirikare bo muri iyo batayo mbere y'uko agirwa Perefe wa Perefegitura y'Umujyi wa Kigali. Ku itariki ya 8 cyangwa iya 9 Mata 1994, DBN yavuye mu kigo agemuriye abasirikare. Ahagana saa sita z'amanya, yabonye Renzaho ari mu modoka agana mu gace kitwa Akajagali i Kanombe. Uyu mutangabuhamya yakurikiye imodoka ya Renzaho yo mu bwoko bwa Hilux [*tout terrain/four wheel*], yari itwaye Interahamwe zigera kuri 20 cyangwa 30 zambaye

[414] Inyandiko y'ibirego, ibika 15, 32; Imyanzuro nsozarubanza ya Porokireri, ibika 181-191. Inyandiko y'ibirego ivuga « Kajari », Imyanzuro nsozarubanza ya Porokireri ikoresha ijambo « Kajagari » naho Imyanzuro nsozarubanza y"Ubwunganizi igakoresha ijambo « Akajagari ». Urugereko rurakoresha izina « Akajagari ». Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 26. Reba kandi Urubanza rwa *Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'iremezo *(*reba, nk'urugero, igika 797).

[415] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 583-593. Umutangabuhamya AIA avugwa mu gice rusange gisobanura imyitwarire ya Renzaho mu bintu byabaye mu wa 1994 (igika 1273).

imyenda y'ibitenge isa. Zariho ziririmba, zivuza amafirimbi, zivugira icya rimwe ngo « tubatsembetsembe », bisobanuye ngo « reka dutsembe izi Nyenzi-Inkotanyi »[416].

346. Renzaho yahagaritse imodoka ye ku gahanda kamwe mu Kajagali noneho Interahamwe zivamo. DBN yari atwaye ikamyo nini ku buryo yagombye kuyihagarika inyuma yabo. Perefe ntiyari ahagaze kure y'imodoka ye, kandi yari nko muri metero eshatu uvuye aho ikamyo DBN yari atwaye yari iri. Izo Nterahamwe zari zitwaje amacumu, imipanga n'impiri zinjiye inzu ku yindi, zimenagura imiryango n'amadirishya[417].

347. DBN ntiyashoboraga kubona ibyo Interahamwe zakoreraga muri ayo mazu, ariko kubera ko yari azi ibyariho biba icyo gihe, yabonye ko zariho zihiga Abatutsi. Yari azi Abatutsi bamwe bari batuye muri ayo mazu. Nyuma yaho, uyu mutangabuhamya yabonye Interahamwe zikubitisha ubuhiri abantu batatu, zivuga ko zavumbuye Abatutsi mu mazu, kandi ko zigomba gusaka amazu yose, kabone n'ayari adakinze. Yari nko mu ntera ya metero 5 cyangwa 10 y'aho Interahamwe zari ziri[418].

348. Renzaho yari ahagaze hafi y'imodoka ye, areba ibyariho biba byose. Yigijeyo imodoka ye kugira ngo uyu mutangabuhamya ahite, hanyuma akomeza guhagarara aho hantu. DBN yarakomeje agemura ibiryo, amara nk'iminota 10 aho yari yabigemuye. Yagarutse mu nzira yari yanyuzemo agenda, noneho asanga Interahamwe zikiri hahandi, zigendagenda muri ako gace. Renzaho yari akiri aho n'imodoka ye ihari. DBN ntiyageregeje kumenya uko byagendekeye ba bantu batatu yari yabonye bahondagurwa, ariko yavuze ko « byagaragaraga ko batari bubeho ». Inzu ya Renzaho yari nko muri metero 100 uvuye ku muhanda unyura muri ako gace kitwa Akajagali[419].

[416] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 55-59, 67-69; Ikimenyetso gihamya cya Porokireri n° 74 (ifishi y'umwirondoro). Umutangabuhamya DBN yibwiye ko imodoka ya Hilux Renzaho yarimo yari iya Perefegitura y'Umujyi wa Kigali kubera ko imodoka za Leta zari zifite pulaki ziziranga zitandukanye n'iz'abasiviri.
[417] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 60-61, 70-71. Umutangabuhamya DBN yakoze igishushanyo kigaragaza aho ibyo bintu byabereye. Ikimenyetso gihamya cya Porokireri n° 75 (igishushanyo).
[418] Ni kimwe no haruguru imp. 61, 71.
[419] Ni kimwe no haruguru, imp. 61-62, 66-67.

Renzaho

349. Renzaho yavuze ko ku itariki ya 9 cyangwa iya 10 Mata 1994 atigeze ajya i Kanombe kwica Abatutsi ahantu hitwa Akajagali. Mu gitondo ku itariki ya 8 Mata, yagiye mu nama bise « *Comité de crise* » [Komite y'amahina] yamaze akanya gato, hanyuma hagati ya saa tatu za mu gitondo na saa munani z'amanywa, ajya mu « nama y'umutekano y'umujyi » ku biro bya Perefegitura y'Umujyi wa Kigali. Uwo munsi nyuma ya saa sita yagiye gusura umuryango we i Kanombe, hanyuma agaruka saa kumi n'imwe za nimugoroba. Ku itariki ya 9 Mata saa tanu za mu gitondo, yagiye kuri ambasade ya Zaïre. Nyuma ya saa sita umuryango we wavuye i Kanombe umusanga aho yari ari, noneho abafasha gucumbika muri *Hoteli* Kiyovu[420].

Umutangabuhamya ushinjura wiswe MAI

350. Umutangabuhamya MAI, ni Umuhutu ufite icyo apfana n'umuryango wa Renzaho, wamufashaga mu bucuruzi i Kanombe muri Mata 1994. Yageze kwa Renzaho i Kanombe ku itariki ya 7 Mata 1994, noneho ahaguma umunsi wose ku itariki ya 8 Mata. Uyu mutangabuhamya, wari uryamye kubera uburwayi, ntiyabonye Renzaho mu rugo rwe ku itariki ya 8 Mata; ariko ku itariki ya 9 Mata babonaniye ku biro bya Perefegitura y'Umujyi wa Kigali. Umuryango we wahageze ku isaha itazwi noneho umara mu biro bya Renzaho iminota itageze kuri 30, nyuma yaho urahava uhungira kuri *Hoteli* Kiyovu[421].

Umutangabuhamya ushinjura wiswe ABC

351. Umutangabuhamya ABC, ni Umuhutu ufite icyo apfana n'umuryango wa Renzaho. Yavuze ko uwo muryango wari utuye i Kanombe, ahitwa Akajagali, nko muri kilometero imwe uvuye aho ikigo cya gisirikare cyari muri ako gace. Ku itariki ya 8 Mata 1994, Renzaho yaje iwe nyuma ya saa sita, ahamara igihe gito, ahindura imyenda ye hanyuma

[420] Inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 60-61, 63-64; Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp. 8, 43-44; Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 60-61.
[421] Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 5-7, 11, 15-16, 23; Ikimenyetso gihamya cy'Ubwunganizi n° 76 (ifishi y'umwirondoro).

aragenda, yambaye imyenda ya gisirikare. Iryo joro ntiyagarutse iwe. ABC avuga ko mu ijoro ryo ku itariki ya 8 Mata, Renzaho yagumye ku biro bya Perefegitura y'Umujyi wa Kigali[422].

352. Umunsi ukurikiyeho, ku itariki ya 9 Mata, umuryango wa Renzaho wavuye i Kanombe ugera ku biro bya Perefegitura y'Umujyi wa Kigali ahagana saa sita z'amanywa. Renzaho yaganiriye n'umugore mu gihe kiri hagati y'isaha n'isaha n'igice mbere y'uko umuryango we uhungira kuri Hoteli Kiyovu. Uyu mutangabuhamya yemeje ko MAI yari afite iduka mu Kajagali[423].

Umutangabuhamya ushinjura wiswe VDD

353. Umutangabuhamya VDD, ni Umuhutu ufitanye isano n'umuryango wa Renzaho. Mu buhamya bwe mu rukiko, yavuze ko ku itariki ya 8 Mata 1994, Renzaho yagarutse iwe i Kanombe ahamara igihe gito. Umuryango wa Renzaho wavuye mu rugo ku itariki ya 9 Mata saa sita z'amanywa. Bageze ku biro bya Perefegitura y'Umujyi wa Kigali hagati ya saa sita n'igice na saa saba z'amanywa, baje kureba Renzaho. Renzaho yaganiriye n'umugore we aho ku biro, hanyuma umuryango we ujya kuri Hoteli Kiyovu[424].

Umutangabuhamya ushinjura wiswe AIA

354. Umutangabuhamya AIA yari umwe mu bapolisi b'umujyi wa Kigali. Ku itariki ya 8 Mata 1994, yagiye mu nama yabereye ku biro bya perefegitura yari iyobowe na Renzaho, yatangiye ahagana saa ine za mu gitondo. Ntiyavuze igihe iyo nama yarangiriye cyangwa icyo Renzaho yakoze nyuma yayo, kandi ntiyanavuze aho Renzaho yari ari ku itariki ya 9 Mata[425].

[422] Inyandikomvugo y'iburanisha, 17 Gicurasi 2007, imp. 26-27, 29-30, 34, 39-40 42, 56; Ikimenyetso gihamya cy'Ubwunganizi n° 42 (ifishi y'umwirondoro).
[423] Ni kimwe no haruguru, imp. 40-42, 47.
[424] Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, imp. 5, 9, 17-18; Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, imp. 4, 7.
[425] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 6, 21-24, 35, 51, 54; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 4, 17-18; Ikimenyetso gihamya cy'Ubwunganizi n° 66 (ifishi y'umwirondoro).

5.3 Isesengura ry'Urugereko

355. Umutangabuhamya DBN yavuze ko yabonye Abatutsi bakubitwa n'Interahamwe zari zaherekeje Renzaho ahitwa Akajagali ku itariki ya 8 cyangwa iya 9 Mata. Ni we mutangabuhamya wenyine wavuze kuri ibyo bintu. Ibyo avuga ni ibintu yiboneye n'amaso ye kandi muri rusange ntibihuzagurika ku byerekeye ukuntu Renzaho yazanye Interahamwe mu Kajagali, hanyuma akazirebera zisaka amazu ndetse zinahondagura abantu batatu b'Abatutsi.

356. Mu buhamya bwe, DBN yemeza ko yabonye Renzaho aza mu Akajagari mbere ya saa sita z'amanywa[426] Nyamara ariko, imvugo yahaye abapererezi b'Urukiko muri Gashyantare 2000, ivuga ko Renzaho yahageze saa munani z'amanywa. Uyu mutangabuhamya yasobanuye ko bishoboka ko habaye ikosa ku gihe, ko ariko atibwira ko byari saa munani, kubera ko uwo munsi yari agemuye ibyo kurya, kandi ubundi yabikoraga mu masaa sita, kugira ngo abantu baze gufungura saa munani[427] Urugereko rusanga iki gisobanuro gishyize mu gaciro kandi rusanga igihe kirekire kiri hagati y'ibyo bintu n'igihe cy'ubuhamya bwe gishobora gusobanuro iryo tandukanyirizo.

357. Igiteye ikibazo cyane ni ibintu bidahuye hagati y'ubuhamya bwa DBN muri uru rubanza n'ubwo yatanze mu rubanza rwa *Bagosora na bagenzi be* mu wa 2004, atavuzemo ko yabonye abantu batatu bakubitwa. Yavuze ahubwo ko Interahamwe « zitagize icyo zibona mu mazu » ko « zinjiye muri ayo mazu hanyuma zigasohoka »; kandi ko « nta kindi kintu yabonye zikora »[428]. Abajijwe kuri ibi muri uru rubanza, yemeye ko iyo nkuru y'uko yabonye abantu bakubitwa atayitanze mu buhamya bwe bwa mbere, kubera ko atashakaga ko Renzaho ayimenya mbere y'urubanza rwe. Uyu mutangabuhamya yarongeye asobanura ko kuri we, kurahirira kuvuga ukuri kose imbere y'abacamanza bisobanuye ko avuga ukuri kose gusa « ku bintu birebana n'urwo rubanza atangamo ubuhamya ». Yaravuze ngo « igihe nazaga gutanga ubuhamya, narinzi ko ngomba

[426] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 57, 67.
[427] Ni kimwe no haruguru imp. 67-68; Ikimenyetso gihamya cy'Ubwunganizi n° 17 (ubuhamya bwanditse bwo ku itariki ya 25 Gashyantare 2000).
[428] Ikimenyetso gihamya cy'Ubwunganizi n° 19 (Urubanza rwa *Bagosora na bagenzi be*, Inyandikomvugo y'iburanisha, 1 Mata 2004, urup. 59.

kuvuga gusa ku basirikare bashinjwa muri urwo rubanza – kandi ko nari kuzaza kuvuga kuri Renzaho ahibereye »[429].

358. Urugereko rwemera ko Umutangabuhamya DBN ashobora kuba yaratanze amakuru make ajyanye n'ibyo Renzaho yakoreye mu Kajagali, cyane kubera ko mu rubanza rwa *Bagosora na bagenzi* be, atari kuri Renzaho uyu umutangabuhamya yibandagaho. Ni ibibazo bike cyane bamubajije birebana na Renzaho ku buryo butaziguye. Ibyo ari byo byose, inkuru uyu mutangabuhamya yavuze mu rundi rubanza ntiyirinze kuvuga gusa ku byo Renzaho ashinjwa, ahubwo yemeje neza ko nta kindi kintu yabonye kihakorerwa[430]. Ibi bitandukanye n'ubuhamya yatanze muri uru rubanza ndetse n'imvugo ye yo muri Gashyantare 2000. Igisobanuro atanga ku mpamvu yatumye atavuga iki kintu cy'ingenzi kuri Renzaho gituma Urugereko rushidikanya ku kwizerwa kwe[431].

359. Rumaze gusesengura ibimenyetso bishinjura, Urugereko rusanga bitavuguruza ubuhamya DBN yatangiye mu rukiko ku birebana n'ibivugwa byabaye ahagana saa sita z'amanywa ku itariki ya 8 cyangwa iya 9 Mata 1994. Umutangabuhamya AIA yavuze ko ku itariki ya 8 Mata saa ine za mu gitondo, Renzaho yari mu nama ku biro bya perefegitura, ariko ntiyavuze aho Renzaho yagiye hose amasaha yakurikiyeho kuri uwo munsi cyangwa bukeye bwaho. Umutangabuhamya ABC yavuze ko ku itariki ya 8 Mata, Renzaho yasubiye iwe nyuma ya saa sita kandi ahamara igihe gito. Umutangabuhamya VDD na we yavuze ko ku itariki ya 8 Mata, Renzaho yagarutse iwe akahamara igihe gito, ariko

[429] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 74-75.

[430] Ikimenyetso gihamya cy'Ubwunganizi n° 17 (ubuhamya bwanditse bwo ku itariki ya 25 Gashyantare 2000) urup. 1: « Interahamwe zari mu modoka zaramanutse, zinjira mu mazu y'Abatutsi hanyuma zibicira mu maso ya Renzaho. »

[431] Hari n'ibindi bintu bidahuye bituma umuntu yibaza ku byo umutangabuhamya DBN avuga ko yiboneye n'amaso ye ibyabaye. Mu rubanza rwa *Bagosora na bagenzi be*, yemeje ko Renzaho yatwaraga imodoka ye gahoro kandi ko Interahamwe zahagaritse imodoka gusa zikayinjiramo *zimaze* gusohoka mu mazu: Ikimenyetso gihamya cy'Ubwunganizi n° 19 (Urubanza rwa *Bagosora na bagenzi be*, Inyandikomvugo y'iburanisha, 1 Mata 2004, urup. 60). Muri uru rubanza, uyu mutangabuhamya ntiyavuze ko Interahamwe zasubiye mu modoka; ahubwo ngo avuye kugemura ibiryo, yabonye Renzaho agihagaze aho yari yamusize mu gihe Interahamwe zo zari zikinjira kandi zisohoka mu mazu.

ntavuga igihe yahaziye. Nta n'umwe mu batangabuhamya wabonye Renzaho ku biro bya perefegitura mbere ya saa sita ku itariki ya 9 Mata[432].

360. N'ubwo ariko ibimenyetso bishinjura bijegajega, ubuhamya bwa DBN bukomeza gutera amakenga kandi nta bundi bubushyigikira[433].

361. Kubera iyo mpamvu, Porokireri ntiyashoboye kugaragaza ku buryo budashidikanywaho ko ku itariki ya 8 cyangwa iya 9 Mata 1994, Renzaho yajyanye agatsiko k'Interahamwe zitwaje intwaro ahitwa Akajagali, aho Interahamwe ngo zinjiye mu mazu ku ngufu zigahondagura bikabije cyangwa zikica Abatutsi batatu Renzaho abirebera. Kubera uyu mwanzuro, si ngombwa ko Urugereko rusuzuma ibivugwa n'Ubwunganizi ku birebana no kuba ngo butaramenyeshejwe iby'icyo kirego mu buryo bukwiriye[434].

6. IGITERO CYO KURI CELA, KU ITARIKI YA 22 MATA 1994

6.1 Intangiriro

362. Inyandiko y'ibirego ivuga ko, hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994, Abatutsi babarirwa mu bihumbi bahungiye ku kigo cya *CELA*, mu kigo cya *Saint- Paul* no ku kiriziya ya *Sainte-Famille*, aho hantu hose hakaba hari hegeranye. Ku itariki ya 22 Mata cyangwa hafi yayo, Renzaho, ari kumwe na Konseye Odette Nyirabagenzi, Angeline Mukandutiye wari umuyobozi w'Interahamwe, Padiri Wenceslas

[432] Urugereko rusanga hari ibintu bitandukanye mu buhamya bw'aba batangabuhamya bashinjura: Umutangabuhamya MAI yavuze ko umuryango wamaze ku biro bya perefegitura iminota itageze kuri 30, mu gihe Umutangabuhamya ABC we yasobanuye ko icyo gihe cyari hagati y'isaha n'isaha imwe n'igice. ABC yavuze ko umuryango wagiye kureba Renzaho ku biro bya perefegitura ahagana saa sita z'amanywa, naho Umutangabuhamya VDD avuga ko byari nka saa sita n'igice z'amanywa cyangwa saa saba. Urugereko rusanga ibi bintu bavuga bidatandukanye cyane.

[433] Urugereko rusanga mu rubanza rwa *Bagosora na bagenzi be*, Urugereko rwa Mbere rw'Iremezo rwaranze gushingira ku buhamya bwa DBN aho butari bufite ubundi bubushimangira. Urubanza rwa *Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'iremezo, ibika 856, 862-863, 929, 1462-1463, 1582-1585.

[434] N'ubwo igika cya 15 n'icya 32 by'Inyandiko y'ibirego bivuga gusa ko Abatutsi bishwe, mu Myanzuro mbanziriza rubanza Porokireri avuga ko yamenyesheje Ubwunganizi mu buryo busobanutse ko iki kirego gikubiyemo ibikorwa bitera ubuzahare bw'umubiri cyangwa ubwo mu mutwe. (Imyanzuro mbaziriza rubanza ya Porokireri, ibika 63-65). Nyamara ariko, hashingiwe ku mwanzuro wafashwe mu rubanza rwa *Karera* mu bujurire, imyanzuro mbanziriza rubanza ntishobora gukosora inenge iri mu nyandiko y'ibirego iyo, nk'uko bimeze muri uru rubanza, yatanzwe mbere y'Inyandiko y'ibirego (Imyanzuro mbanziriza rubanza yatanzwe ku itariki ya 31 Ukwakira 2005, naho Inyandiko y'ibirego yahinduwe itangwa ku itariki ya 16 Gashyantare 2006). Reba Inyandiko y'urubanza rwa Karera mu bujurire, igika 368.

Munyeshyaka, abasirikare n'Interahamwe, yategetse ko abagabo b'Abatutsi bagera kuri 60 bavanwa muri CELA. Yanahamagariye abantu kwica abandi bari bibasiwe bari aho hantu, barimo Charles, Wilson na Déglote Rwanga. Bivugwa ko abantu yari akuriye batwaye abo bagabo bakabica. Ku yandi matariki, Renzaho yategetse kandi ahamagarira abantu kwica Abatutsi benshi bari kuri CELA. Porokireri ashingira ku buhamya bw'abatangabuhamya biswe BUO, UI, ACS, ATQ, HAD, ACK na ALG[435].

363. Ubwunganizi buvuga ko Inyandiko y'ibirego idakubiyemo amakuru ahagije kandi ko ibimenyetso bishinja bidafite aho bihuriye n'ibiyivugwamo. Buvuga ko Renzaho yagiye kuri CELA ku itariki ya 22 Mata 1994, ko ariko icyo yari agendereye kwari ugutabara abantu baho bari basumbirijwe. Bushingira ku buhamya bw'Abatangabuhamya biswe WOW, KRG, UT na PPV[436].

6.2 Ibimenyetso

Umutangabuhamya ushinja wiswe BUO

364. Umutangabuhamya wiswe BUO ni Umuhutu, akaba yarinjiye mu mutwe w'Interahamwe zo muri Segiteri ya Rugenge muri Kigali ku itariki ya 8 cyangwa iya 9 Mata 1994, uwo mutwe ukaba wari ufiite icyicaro cyawo gikuru mu rugo rw'umuyobozi wawo ari we Angeline Mukandutiye. Ku itariki ya 21 Mata, uyu mutangabuhamya yabonye Renzaho na majoro Laurent Munyakazi baza kwa Mukandutiye mu rugo bari muri kamyoneti Hilux itukura y'Abajepe. Bari baherekejwe n'abajandarume bagera kuri batandatu. Renzaho, yari yambaye kositimu y'umukara, naho Munyakazi yambaye imyenda ya

[435] Inyandiko y'ibirego, ibika 20-21, 36-38, 45, 49; Imyanzuro isoza yanditse ya Porokireri, ibika 38, 46, 60, 64-65, 102, 166, 238-268, 276, 286, 325, 347-348, 375, 391-406, 512, 515, 518, 524; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 18, 20. Mu ibaruwa Porokireri yandikiye Ubwunganizi ku itariki ya 13 Werurwe, Porokireri yemeye ko nta bimenyetso yatanze birebana n'ibitero byagabwe ku musigiti witiriwe Kadaffi cyangwa birebana n'iyicwa rya James Rwanga, na byo bivugwa mu bika by'Inyandiko y'ibirego byerekeranye n'ibyo bikorwa. Reba na none Inyandikomvugo y'iburanisha, 15 Gashyantare 2008, urup. 11. Porokireri yanemeye ko nta bimenyetso bidashidikanywaho yatanze ku bivugwa byihariye birebana na Emmanuel Gihana, Imyanzuro isoza yanditse ya Porokireri, igika 398.

[436] Imyanzuro isoza yanditse y'Ubwunganizi, ibika 9, 12, 15, 42-43, 52, 116, 119, 124-126, 134, 159, 173-174, 180, 183, 375, 439-529, 876-877, 1080-1086, 1196-1206, 1218-1220, 1276; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (inyandiko yuzuza imyanzuro y'Ubwunganizi mu magambo), ibika 452. 1, 484. 1-3; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 59-61.

gisirikare. Binjiye mu nzu kwa Mukandutiye kugira ngo bavugane na we. Intwaro za gisirikare zarimo, kalashnikovs, amasasu n'amagerenade, byapakuruwe inyuma muri ya kamyoneti bishyirwa mu nzu kwa Mukandutiye. Hanyuma, intwaro 12 zahawe Interahamwe. Mu maso ya Renzaho na Mukandutiye (sic), Mukandutiye « yasabye » abantu bari aho kujya kuri CELA[437].

365. Ubwo uyu mutangabuhamya yageraga kuri CELA, yasanze Munyakazi na Renzaho bahageze kandi Majoro Patrice Bivamvagara, wari umusirikare mukuru mu ngabo z'u Rwanda, yahise ahabasanga. Renzaho yagumye ku muryango wa CELA mu modoka ari kumwe na Munyakazi. Bivamvagara yatanze itegeko ryo gusahura amamodoka yari mu gipango cy'icyo kigo. Abajandarume babiri bari barinze umuryango w'ikigo banze ko Interahamwe zinjira, maze umuyobozi w'Interahamwe witwaga Claude ategeka ko baraswa. Muri icyo gihe, Renzaho, Munyakazi na Bivamvagara bari aho. Nta wundi muntu wishwe. Imodoka enye zibwe muri CELA. Zimwe zambuwe bene zo, izindi bazica insinga kugira ngo bashobore kuzatsa. Izo modoka zajyanywe kwa Mukandutiye mu rugo, nyuma ziza gukoreshwa mu gutwara ababaga bagiye kwicwa cyangwa mu gutwara Interahamwe mu bikorwa byazo[438].

366. Mu gitondo cy'itariki ya 22 Mata, uyu mutangabuhamya yari mu rugo kwa Mukandutiye ari kumwe n'izindi Nterahamwe. Renzaho yahaje mu ijipe ya gisirikare, ari kumwe n'umushoferi n'abasirikare babiri. Konseye Odette Nyirabagenzi yahagereye rimwe na bo. Kamyoneti ebyiri, imwe itwaye majoro Munyakazi na zo zarahaje. Renzaho na Nyirabagenzi binjiye mu nzu kwa Mukandutiye bamarana hafi iminota 15. Basohotse, Mukandutiye yahaye amabwiriza Interahamwe, Renzaho na Nyirabagenzi bari aho, noneho Renzaho azibwira kujya kuri CELA zikahategerereza amabwiriza aza

[437] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 52, 59, 61 (byandukuwe nk'uko byanditswe); Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 2, 36; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 2, 6-8, 11. Ikimenyetso gihamya cya Porokireri cyahawe nomero 73 (ifishi y'umwirondoro). Umutangabuhamya wiswe BUO yahamwe n'icyaha mu Rwanda mu wa 2003 akatirwa igihano cy'igifungo cy'imyaka 15 kubera uruhare yagize muri jenoside. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 56-57; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 40-43. Yari ashinzwe gutanga intwaro, akandika izina rya buri muntu uhawe intwaro n'iyo ahawe iyo ari yo. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 54; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 1, 40.

[438] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 54, 62-63; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 10-11, 13-14, 15 (byandukuwe nk'uko byanditse), 23.

gukurikiraho. Uyu mutangabuhamya yahaye abari aho imbunda imwe yo mu bwoko bwa G3, Kalashnikovs umunani n'imbunda eshatu zo mu bwoko bwa R4; abandi bari bafite intwaro bari bahawe ku munsi ubanziriza uwo. Interahamwe, zirimo Claude, zuriye imodoka ziragenda, kimwe na Renzaho, Nyirabagenzi, Mukandutiye na Munyakazi. Uyu mutangabuhamya yabaze abantu bagombaga gusigara barinze icyicaro cyabo, n'uko ahaguruka yerekeza kuri CELA hagati ya saa mbiri cyangwa saa tatu za mu gitondo[439].

367. Ubwo uyu mutangabuhamya yageraga kuri CELA, yahasanze Renzaho, Mukandutiye, Nyirabagenzi na Majoro Munyakazi. Interahamwe zasohoraga abantu muri CELA zikavangura abagabo, abagore n'abana. Renzaho na Munyakazi bari kumwe na Mukandutiye na Nyirabagenzi ku mbuga ya CELA. Abo bagore bari bazi abaturage bo muri Segiteri ya Rugenge berekanye abantu bagomba gushimutwa. Abandi batoranywaga iyo babaga bafite isura y'Abatutsi. Abantu bari hagati ya 60 na 70, bagizwe ahanini n'igitsina gabo, batoranyijwe mu bandi bantu ijana cyangwa barenga bari bahungiye kuri CELA. Abenshi muri aba bantu bari bahungiye kuri CELA bari Abatutsi bari baturanye n'abari bagabye icyo gitero. Uyu mutangabuhamya nta mujandarume yabonye arinze aho hantu uwo munsi[440].

368. Interahamwe zakubise abo bantu bari bavanguwe mu bandi, zibahatira kwinjira mu mamodoka atatu yarimo minibisi Toyota Hiace na Toyota *double-cabin.* Mu maso ya Renzaho, Mukandutiye yategetse uyu mutangabuhamya na Claude wari umuyobozi w'Interahamwe kujyana ba bantu bavanguwe mu bandi ahantu hitwaga kuri « *CND* », hakaba hari ku nzu ya Straton Iyaremye iri hafi y'ibiro bya Segiteri yaRugenge[441]. Aya

[439] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 55; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 1-3, 11; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 10, 16-18.

[440] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 62; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 3-6; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 16, 19-20, 22-23.

[441] « CND » yari amagambo ahinnye y'Inteko Ishinga Amategeko y'u Rwanda yitwaga mu gifaransa «*Conseil National pour le Développement* » [Inama y'Igihugu Iharanira Amajyambere]. Ku cyicaro cyayo hakaba ariho abasirikare ba FPR bari barashyizwe mbere y'itariki ya 6 Mata 1994, hakurikijwe Amasezerano ya Arusha. Hari abatangabuhamya benshi babitanzeho ubuhamya, nk'urugero, umupererezi w'Urukiko witwa Rajesh Neupane, Inyandikomvugo y'iburanisha, 8 Mutarama 2007, urup. 34; Umutangabuhamya wiswe MW, Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 7-8; Umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 54. Icyakora, icyicaro cy'iyo Nteko Ishinga Amategeko nticyari kiri muri Segiteri ya Rugenge, kandi « CND » ryari izina bahimbaga ahantu hari imva rusange. Reba, urugero, umutangabuhamya wiswe ALG, Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 69, Inyandikomvugo y'iburanisha, 11 Mutarama

mabwiriza yashakaga kuvuga ko aba bantu bari bwicwe. Uyu mutangabuhamya na Claude bagejeje ayo mabwiriza ku zindi Nterahamwe, zarimo Michel Nkeshimana, Gasigwa, na Fidèle (« Castar ») Habimana. Renzaho yahamaze iminota iri hagati ya 40 na 50, ahava abantu bari bavanguwe bamaze kugera mu modoka. Jean Bizimana wari Burugumesitiri wa Komini ya Nyarugenge yahageze abayozi bayoboye icyo gikorwa bamaze kugenda. Rose Murorunkwere, umugore wa Charles Rwanga, yegereye Bizimana, maze arabaza ati : « Abagabo bacu mwabajyanye hehe »? Bizimana yagiye adasubije icyo kibazo[442].

369. Uyu mutangabuhamya yagiye kuri CND n'amaguru. Ari mu nzira ajyayo, yabonye imirambo 15 ya bamwe mu bantu bari bavanywe muri CELA. Mu mirambo harimo iya Charles na Déglote Rwanga, Albert wari umushoferi wa ORINFOR, n'iy'abana babiri ba Pierre Sebushishi. Ubwo uyu mutangabuhamya yahageraga, yahabonye ba bantu bavanywe kuri CELA baraswa bakajugunywa mu cyobo cyari mu nzu gifite ubugari burenze metero ebyiri. Hari abantu babiri basimbukiye muri icyo cyobo kugira ngo bataraswa, hanyuma bakibatereramo gerenade. Nta n'umwe warokotse muri ba bantu bari hagati ya 60 na 70 bavanywe muri CELA kuri uwo munsi. Ubwicanyi bwarangiye

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2007, urup. 54 (abantu bavanywe kuri CELA biciwe ku mva rusange muri Segiteri ya Rugenge Interahamwe zitaga CND); Umutangabuhamya wiswe BUO, Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 9-10; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 23; Ikimenyetso gihamya cya Porokireri cyahawe nomero 6 (Amafoto yafashwe n'umupererezi w'Urukiko Rajesh Neupane), Igitabo cya 2 cy'amafoto, amafoto 8 (ahiswe kuri CND hari hafi y'ibiro bya Segiteri Rugenge, ku nzu y'umugabo witwa Straton Iyaremye); Umutangabuhamya wiswe ACS, Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 41, 70 (Imva rusange yiswe CND yari ku rugo rw'umugabo witwa Iyamuremye); Umutangabuhamya HAD, Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 20 (aho iyo mva rusange yari hitwaga CND kubera ko FPR yigeze gucumbikirwa mu nzu y'Inteko Ishinga Amategeko y'u Rwanda, icyari kigamijwe kikaba kwari ukwirata ku Nyenzi); Umutangabuhamya wiswe UI, Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 68, 73 (yumvise ko impunzi zavanywe kuri CELA zajyanwe kuri CND, kandi yamenye inzu ngo yari imva rusange bajyanagamo ababaga bishwe); Ikimenyetso gihamya cya Porokireri cyahawe nomero 7 (amafoto icyenda), ifoto ya 6, iya 7 n'iya 8 (yerekana hanze y'inzu yarimo icyobo bashyiragamo imirambo y'abishwe).

[442] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 3-4, 5 (byandukuwe uko biri), 6, 7 (byandukuwe uko biri), 8-11; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 21-23; Ikimenyetso gihamya cya Porokireri cyahawe nomero 6 (Amafoto yafashwe n'umupererezi w'Urukiko Rajesh Neupane), igitabo cy'amafoto cya 3, ifoto ya 8.

ahagana saa cyenda z'amanywa. Uyu mutangabuhamya n'izindi Nterahamwe basubiye kwa Mukandutiye mu rugo, maze batanga raporo ko bashoje umurimo bashinzwe[443].

370. BUO ntabwo yabonye Padiri Wenceslas Munyeshyaka kuri CELA ku itariki ya 22 Mata ariko yavuze ko uwo mupadiri yakoraniraga hafi na Mukandutiye. Yatangaga amakuru yafashaga Interahamwe kubona no kwica Abatutsi ahantu hatandukanye, harimo na CELA[444].

Umutangabuhamya ushinja wiswe UI

371. Umutangabuhamya wiswe UI ni Umututsi, akaba yarahungiye kuri CELA ku itariki ya 7 Mata 1994. Yahasanze abandi bantu bagera kuri 200 na bo bari bahahungiye, barimo abagabo, abagore n'abana.. Bitewe n'uko abantu bakomeje kuhaza, ku itariki ya 22 Mata, impunzi zigera kuri 500 zari zimaze kugera kuri CELA. Uyu mutangabuhamya yari yaranditse amazina yabo ku rutonde rw'amazina yari yakoze, akurikije inama impunzi imwe yari yarakoranye n'umuryango urengera uburenganzira bwa muntu yari imaze kubagira[445].

372. Umunsi umwe hagati y'itariki ya 20 n'iya 22 Mata, abasirikare, Interahamwe n'abaturage benshi bagabye igitero kuri CELA. Uyu mutangabuhamya yavuze ko agereranije, icyo gitero cyarimo abantu barenga 600, bakaba bararutaga impunzi ubwinshi. Mbere y'igitero, nta muntu n'umwe wari wariciwe kuri CELA. Ahagana saa tanu z'amanywa, uyu mutangabuhamya yari yihishe mu gice cya kiliziya cyitwa shapele *[chapelle/chapel]* ubwo yumvaga bahamagara izina rye, nyuma bakamubwira ko Renzaho amushakisha. Yavuye muri shapele ari kumwe n'umusirikare n'umuzamu, agenda asanga Renzaho, yari azi kubera kumubona kuri televiziyo no mu manama. Perefe yari ahagaze ku muryango munini wa CELA ari kumwe n'abasirikare bagera kuri 12 n'Interahamwe nyinshi**.** Uyu mutangabuhamya yabonye abajandarume bane muri kamyoneti n'abajepe bari mu

[443] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 52; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 7-12; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 10.
[444] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 21, 28-30.
[445] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 52-54, 57-59, 64; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 2; Ikimenyetso gihamya cya Porokireri cyahawe nomero 86 (ifishi y'umwirondoro).

« modoka yo mu bwoko bwa Iveco » ku muhanda. Renzaho yabwiye Interahamwe zari kumwe na we kudahita zigaba igitero, avuga ko ibyogajuru *(satellites)* bibareba, ko rero bagomba gukorana ibintu ubwenge. Yahaye amabwiriza Interahamwe yo gutoranya abari ku ruhembe mu mpunzi zikabajyana kuri Burigade ya Muhima kugira ngo baburanishwe n'Urukiko rwa gisirikare[446].

373. Renzaho yabajije Umutangabuhamya ibibazo binyuranye, birimo icyo kumenya impamvu yaje kuri CELA, impamvu bahahishe Inyenzi cyangwa Inkotanyi, n'impamvu impunzi zavuye mu ngo zazo. Uyu mutangabuhamya yamusubije ko nta Nyenzi cyangwa Inkotanyi zihishe muri icyo kigo. Muri icyo gihe, Interahamwe zarasakuzaga zitera uyu mutangabuhamya sentiri, zivuga ko abeshya. Yahaye Renzaho urutonde rw'amazina y'impunzi zari kuri CELA, amusobanurira ko bose ari abantu batuye muri ako gace kandi ko bafite indangamuntu[447].

374. Perefe yashyize uyu mutangabuhamya mu maboko y'umusirikare. Uyu musirikare yabwiye UI ko yumvise bavuga ko impunzi zacukuye imyobo muri CELA, ko niba ari byo amwica. Bajyanye ku kibuga, igihe bakiri mu nzira, UI yabwiye wa musirikare ko aza kumuha amafaranga namurwanaho akamukiza. Nta myobo yahabonetse. Nyuma, uwo musirikare yategetse UI gusanga impunzi zageraga kuri 20 zari zipfukamye muri CELA.

375. Wa musirikare yemeye kujyana UI mu kigo cya Saint-Paul. Bavuye kuri CELA baciye ku muhanda munini witwa *Boulevard de l'OUA*. Bageze nko muri metero 50 bavuye kuri CELA bahuye n'itsinda ry'abagore, barimo Rose Rwanga, wavuze ko bategetswe gutaha iwabo. UI yababwiye ko ari ukwigerezaho, nta mutekano bafite. Hari umuntu wabajije uwo musirikare aho amujyanye [UI], noneho umusirikare amusubiza mu gipango cya

[446] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 58-61; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 11-12, 13 (byandukuwe uko biri), 21, 26; Ikimenyetso gihamya cya Porokireri cyahawe nomero 87 (igishushanyo cya CELA). Umutangabuhamya wiswe UI ntabwo yari izi icyo Iveco bisobanura, Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 13-14.

[447] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 59-60; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 14; Ikimenyetso gihamya cya Porokireri cyahawe nomero 87 (igishushanyo cya CELA) (ahari umubare 1 ku gishushanyo ni ho umutangabuhamya wiswe UI yavuganiye na Renzaho (Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 69-70)).

CELA. Uyu mutangabuhamya ntiyarebye mu cyerekezo yari yabonyemo Renzaho, bityo ntiyamenye niba yari agihari[448].

376. Uyu mutangabuhamya yongeye gupfukamishwa hamwe na rya tsinda ry'impunzi, ariko noneho nk'isaha imwe. Interahamwe zahagurukije ku ngufu abari muri iryo tsinda, dore ko umubare wari wiyongereye umaze kugera ku mpunzi 40, kandi hafi ya bose ari Abatutsi. Bashyizwe muri kamyoneti y'umweru yarimo abajandarume no muri minibisi yari itwawe n'umushoferi w'Interahamwe kandi irimo Interahamwe. Munyeshyaka amaze kubona uyu mutangabuhamya ashyizwe muri kamyoneti, yamwatse imfunguzo za CELA undi arazimuha. Abantu bari mu gitero bari hagati ya 10 na 12 bajyanye n'izo mpunzi kuri burigade ya Muhima iri nko mu birometero bibiri uvuye kuri CELA. Uyu mutangabuhamya nta muntu n'umwe yamenye waba wariciwe kuri CELA[449].

377. Izo mpunzi zagejejwe kuri Burigade ya Muhima iri ku muhanda witwa *Avenue de la Justice*, maze zishyirwa mu maboko y'abajandarume 20. Abo bajandarume bazifunze iminota mikeya noneho barazifungura bazishyikiriza Interahamwe. Ahagana saa munani z'amanywa, izo mpunzi zaje kongera gushyirwa mu modoka ya minibisi zirajyanwa, ziherekejwe n'abantu bitwaraga gisirikare bonyine. Uwitwa Charles Rwanga n'abahungu be babiri ari bo Wilson na Déglote, Albert wari umukozi wa ORINFOR, umuhungu wa Sebushishi na Emmanuel Semugomwa bari kumwe n'uyu mutangabuhamya mu modoka. Renzaho ntabwo yari kuri burigade[450].

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[448] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 60-62; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 14-15, 17-18, 24. Umutangabuhamya UI yashyize ikimenyetso cy'imirongo ku gishushanyo cy'ikigo cya CELA yerekana inzira we n'uwo musirikare banyuzemo bava muri CELA banahagaruka, Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 17; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 27 (igishushanyo cya CELA). Ikimenyetso gihamya cya Porokireri cyahawe nomero 87 (igishushano cya CELA) (ahantu hari nomero ya 4 ku gishushanyo ni ho uyu mutangabuhamya yasabwe gupfukama hamwe n'izindi mpunzi (Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, urup. 70)).

[449] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 62, 64-66; inyandikomvugo y'iburanisha 6 Gashyantare 2007, imp. 18-19, 25-26. Umuhungu wa Sebushisi n'abantu babiri bo mu mutwe w'urubyiruko rwa PSD witwaga Abakombozi ni bo Bahutu bonyine umutangabuhamya wiswe UI yamenye mu mpunzi 40 zavanywe muri CELA uwo munsi. Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 65-66.

[450] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 66-68, 74; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 19-20.

378. Izi mpunzi zasubiye mu cyerekezo zari zaturutsemo, zirenga ikigo cya CELA. Zageze ahitwa kuri *Péage*, zihagarikwa kuri bariyeri yari hafi ya resitora yitwa *Ethiopian restaurant*. Ba bantu bo mu mitwe yitwara gisirikare bari baherekeje impunzi babwiye abari bacunze iyo bariyeri ko berekeje iya «CND ». Abari kuri iyo bariyeri basabye ko bahabwa zimwe muri izo mpunzi. Nibura impunzi 10, zirimo Charles Rwanga, zasohowe muri minibisi, zishyirwa ku murongo ku ruzitiro maze zicishwa amasasu. Mu gihe izo mpunzi zicwaga, uyu mutangabuhamya yasohotse muri minibisi ariruka, ariko ahunga yakomeje kugenda yumva urusaku rw'amasasu. Yaje kumenya nyuma ko Emmanuel Semugomwa na we yashoboye gucika abicanyi. Uyu mutangabuhamya yaje kumva na none ko zimwe mu mpunzi zarasiwe mu modoka ko kandi abishwe bose bajugunywe mu cyobo cyari hafi y'ibiro bya Segiteri ya Rugenge. Imirambo y'abishwe imaze gutabururwa, yatumye bamwe muri bo bamenyekana[451].

Umutangabuhamya ushinja wiswe ACS

379. Umutangabuhamya wiswe ACS ni Umututsi, akaba yarahungiye mu kigo cya CELA hashize icyumweru kimwe Perezida Habyarimana apfuye. Ubwo yari kuri CELA, hahungiye abantu bari hagati ya 80 na 100, bose b'Abatutsi. Ku itariki ya 22 Mata 1994, abantu benshi bo muri segiteri ye baje kuri CELA nka saa ine za mu gitondo baje « gutema ibihuru » byari hafi aho, ngo bashakamo Inyenzi. Muri icyo gihe, Renzaho, Angeline Mukandutiye wari Umugenzuzi w'amashuri, Konseye Odette Nyirabagenzi, Burugumesitiri Jean Bizimana, Padiri Wenceslas Munyeshyaka abajandarume, abasirikare n'Interahamwe na bo barahaje. Uyu mutangabuhamya ntiyashoboye kwibuka igihe nya cyo Renzaho yahagereye, ariko hari mbere ya saa sita kandi igikorwa cyo gutema ibihuru cyari kitararangira. Ntabwo yari yigeze abona abajandarume kuri CELA

[451] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 67-69, 72-73; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 21; Ikimenyetso gihamya cya Porokireri cyahawe nomero 7 (amafoto icyenda), ifoto ya 5 (igaragaza aho bariyeri yari iri), ifoto ya 6, iya 7 n'iya 8 (agaragaza hanze h'inzu irimo icyobo imirambo y'ababaga bishwe yashyirwagamo).

mbere y'uko abona abazanye na Renzaho. Perefe yaje mu modoka ya kamyoneti kandi uyu mutangabuhamya yabonye imodoka za burende ebyiri[452].

380. Renzaho yabwiye abari mu cyumba cyo hagati mu kigo cya CELA gusohoka, noneho impunzi ziteranira ku mbuga. Uyu mutangabuhamya yagiye ku murongo hamwe n'abandi bagabo. Abagore n'abana na bo bashyizwe ku mirongo yabo. Renzaho yahereje Mukandutiye urupapuro, amubwira ko atwara uwo ashaka wese. Mukandutiye yasomye amazina yari kuri urwo rupapuro, irya mbere rikaba ryari irya Charles Rwanga, utari aho muri ako kanya. Mukandutiye yabwiye abahungu ba Rwanga ari bo Wilson na Déglote, gushaka se niba bakunda amagara yabo. Nyuma, Interahamwe zaje kumubona zimushyira hamwe n'abandi bagabo. Amazina nka 40 yarahamagawe, muri yo harimo irya Vincent Mugiraneza wari Umututsi. Renzaho yamubwiye kujya ku modoka ye, maze arabikora. Mu yandi mazina yahamagawe harimo Emmanuel Gihana, Albert wakoraga kuri Radio Rwanda, Christophe Safari, Charles Gahima na Rwigamba. Impunzi zavanguwe zajyanywe muri kamyoneti Renzaho yari yajemo. Interahamwe zitwaje intwaro, zarimo abitwa Nkeshimana, Fidèle Castar, Bwanakweri na Faustin Rwagatera, zajyanye n'iyo modoka. Renzaho ntiyakurikiye iyo modoka. Renzaho amaze kuhagera, icyo gikorwa cyamaze amasaha, kirangira gato nyuma ya saa sita gato[453]

381. Muri icyo gikorwa, Renzaho yategetse abagore n'abagabo bagera kuri 20 bari basigaye gusubira iwabo. Nyuma y'ibyo, Renzaho yaragiye, ajyana Mugiraneza. Uyu mutangabuhamya, utari mu bahamagawe, yafashe icyemezo cyo kutajya kwihisha kuri *Sainte-Famille* kubera ko Munyeshyaka wahayoboraga yari yagize uruhare mu gitero cyagabwe kuri CELA. Ubwo rero, uyu mutangabuhamya yasubiye imuhira. Abagumye

[452] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 28, 31, 33 (byandukuwe uko biri), 34-37, 40, 56-57, 60-67; Ikimenyetso gihamya cya Porokireri cyahawe nomero 78 (ifishi y'umwirondoro). Mu nyandiko y'icyongereza habayemo ukwibeshya aho banditse « Wenceslas Rucyaka » kandi ari Padiri Munyeshyaka. Gereranya Inyandikomvugo y'iburanisha, 30 Mutarama 2007, urup. 35 (Icyongereza) n'Inyandikomvugo y'iburanisha, 30 Mutarama 2007, urup. 37 (Igifaransa). Urugereko ruragendera ku nyandiko y'igifaransa.

[453] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 35-42, 61, 66, 68-73, 77-78.

kuri CELA baje kwicwa. Abarokotse kuri CELA bagiye kuri *Sainte-Famille* na bo barahiciwe, n'ubwo atasobanuye uko yabimenye[454].

382. Nyuma yaho, uyu mutangabuhamya yaje kubwirwa n'umuturanyi we ko abajyanwe bishwe, maze imirambo yabo ikajugunywa mu cyobo cya rusange cyari ku nzu y'umugabo witwa Iyaremye. Aha hantu bahitaga « CND ». Uyu mutangabuhamya yamenye ko imwe mu mirambo y'abishwe yashyizwe mu cyobo aho hantu, kuko yari ahibereye ubwo bayitabururaga bigatuma bamenya abo ari bo. Uyu mutangabuhamya ntiyongeye kubona Mugiraneza ukundi[455].

Umutangabuhamya ushinja wiswe ATQ

383. Umutangabuhamya wiswe ATQ ni Umututsi, we n'umuryango we bakaba barahungiye kuri CELA muri Mata 1994. Impunzi zigera kuri 500 zageze kuri CELA hagati y'itariki ya 7 n'iya 22 Mata 1994, kandi hafi ya zose zari Abatutsi. Ku itariki ya 22 Mata hafi ya saa ine za mu gitondo, yabonye abantu benshi b'abasiviri bafite imipanga batema ibihuru hafi y'ikigo cya CELA. Ubwo yasubiraga aho impunzi zari ziri, yabonye Interahamwe ku muryango ifite gerenade mu ntoki ibwira abantu ngo basohoke muri icyo kigo. Uyu mutangabuhamya yasohokanye n'abandi bagore maze abona izindi Nterahamwe ziri kumwe n'umuyobozi wazo, ari we Angeline Mukandutiye, na Konseye Odette Nyirabagenzi[456].

384. Hafi ya saa ine n'igice za mu gitondo, Renzaho na Burugumesitiri Jean Bizimana binjiye mu gipangu cya CELA bagenda n'amaguru bari kumwe n'abajandarume. Uyu mutangabuhamya yanabonye imodoka ebyiri, imwe muri zo ari burende. Ntiyamenye

[454] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 40-42, 69.
[455] Ni kimwe no haruguru. Imp. 40-42, 70-71, 73. Umutangabuhamya wiswe ACS yaketse ko bamwe mu mpunzi biciwe mu nzira bajyanwa kuri CND, ariko nta makuru arambuye yabitanzeho. Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 70, 73.
[456] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 60-64; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 1; Ikimenyetso gihamya cya Porokireri cyahawe nomero 81 (ifishi y'umwirondoro). Umutangabuhamya wiswe ATQ, yibeshye ku izina aho yavuze Odette «Mukandutiye ». Inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 64. Yaje gusobanura nyuma ko yashakaga kuvuga Konseye Odette Nyirabagenzi, wari utuye hafi y'ahari ikigo cy'amashuri abanza cy'umutangabuhamya. Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 1.

Renzaho, ariko yumvise umugore yiyamira avuga ngo Perefe araje. Vincent Mugiraneza, wari hafi y'uyu mutangabuhamya, yasuhuje Renzaho amwibutsa ko biganye. Renzaho yashubije Mugiraneza ko ibyo ari byo byose ari Inyenzi. Interahamwe bitaga Fidèle cyangwa Castar ni yo yavanye Mugiraneza mu zindi mpunzi[457].

385. Renzaho yamaze amasaha agera kuri abiri, ahagararanye na Mukandutiye n'izindi Nterahamwe zari hafi ye. Uyu mutangabuhamya yumvise Fidèle (Castar) avuga ko Renzaho yavuze ko abagore batagomba kwicwa ko ahubwo hagomba kwicwa « abasore n'abagabo ». Abantu bashyizwe mu matsinda atandukanye aho mu gipangu, harimo rimwe ry'abasore ryashyizwe imbere y'amazu mu kigo cya CELA, ari na ryo Mugiraneza yashyizwemo. Itsinda uyu mutangabuhamya yarimo, ryari rigizwe n'abantu bagera ku 10, ryashyizwe hafi y'igaraje, ari byo byatumye bashobora kubona ibyaberaga mu kigo. Buri gihe iyo Interahamwe zabonaga uwo zashakishaga, zariyamiraga. Yibutse ko umugabo witwa Albert bamukuye mu zindi mpunzi. Interahamwe zimaze guhitamo abo zashakaga, Renzaho yasabye abasigaye gutaha iwabo, bityo uyu mutangabuhamya na we ajya iwe[458].

386. Uyu mutangabuhamya yavuze ko abantu biciwe ku cyobo rusange cyaje gutabururwamo imirambo nyuma. Yanumvise amasasu avugira hafi y'iwe, nyuma aza kumva abantu bavuga ko hari impunzi ebyiri zari zavanywe muri CELA ziciwe hafi aho. Nyuma y'aho, uyu mutangabuhamya yumvise na none ko Renzaho yavanye Mugiraneza mu itsinda ry'abantu baje kwicwa nyuma yaho[459].

[457] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 64-65, 66 (byandukuwe uko biri); Inyandikomvugo y'iburanisha, Gashyantare 2007, imp. 2-4.
[458] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 65 (byandukuwe uko biri), 66-67, 69; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 2-4. Umutangabuhamya wiswe ACQ yavuze ko icyatandukanyaga abasirikare n'abajandarume ari uko abasirikare bambaraga ingofero zikoze mu cyuma z'ubururu cyangwa z'icyatsi kibisi, naho abajandarume bakambara utugofero dutukura. Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 2.
[459] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 67-68; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 4.

Umutangabuhamya ushinja wiswe HAD

387. Umutangabuhamya wiswe HAD ni Umututsi wari utuye muri Segiteri ya Rugenge, akaba yarahungiye mu kigo cya CELA hagati y'itariki ya 8 n'iya 10 Mata. Yarahagumye kugeza ubwo icyo kigo cyagabwagaho igitero ku itariki ya 22 Mata 1994. Iminsi mikeya mbere yaho, hafi y'ikigo cya CELA hari hakozwe umuganda. Hari abantu binjiye muri icyo kigo biyita impunzi, ariko abandi bari bakirimo baketse ko bari bazanywe no kuneka umubare w'impunzi zari aho. Ibi byatumye impunzi nyinshi zumva ko hazagabwa igitero. Ku itariki ya 22 Mata, ubwo uyu mutangabuhamya yari mu cyumba, yumvise urusaku rw'abantu bavuga ko Interahamwe zagabye igitero. Izo Nterahamwe zakubitaga abantu zibasohora. Uyu mutangabuhamya yashyizwe hafi y'igaraje iri hafi y'umuryango wa CELA. Renzaho yahageze hafi ya saa sita ari kumwe na Konseye Odette Nyirabagenzi na Angeline Mukandutiye wari umugenzuzi w'amashuri. Hari Interahamwe nyinshi zirimo abitwa Gisagara, Fidèle Castar na Kivide, kandi hari n'abajandarume. Yamenye Renzaho kuko yari yaramubonye kuri televiziyo, kandi Interahamwe zabasabye gutega amatwi Perefe[460].

388. Renzaho yabwiye Interahamwe gushyira abagore n'abana ukwabo, n'abagabo ukwabo. Abasore b'Abatutsi bagera kuri 40 batoranijwe mu bandi. Muri abo batoranijwe mu bandi bagashimutwa harimo Charles Rwanga n'abahungu be babiri Wilson na Déglote, Charles Gahima n'umuhungu we, Christophe Safari na Rwigamba. Mu gihe cyo gucagura abo bantu, umugore wa Charles Rwanga yinginze Renzaho amusaba kurekura abahungu be. Renzaho yamusubije ko iyo baza kuba « bashoboye kubona Rwanga » bari kubarekura. Bose barabajyanye. Renzaho yasabye abagore n'abana gusubira iwabo, abizeza ko umutekano wabo urinzwe, ariko barabyanze bavuga ko byaba ari ukwigerezaho. Iki gikorwa cyamaze amasaha[461].

[460] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 11, 12 (byandukuwe uko biri), 13-14, 18, 21, 29, 32; Ikimenyetso gihamya cya Porokireri cyahawe nomero 82 (ifishi y'umwirondoro). Umutangabuhamya wiswe HAD yavuze ko Renzaho yari kuri CELA ari kumwe n' « umugenzuzi w'amashuri » (Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 12) cyangwa « Angeline » (Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 13). Urugereko ntirushidikanya ko buri gihe uyu Mutangabuhamya aba avuga Angeline Mukandutiye.
[461] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 14-16, 19-21, 30-31.

389. Mbere y'uko impunzi 40 zatoranyijwe zitwarwa, uyu mutangabuhamya yabonye Interahamwe itera gerenade mu itsinda ry'abantu bari mu busitani. N'ubwo atazi niba Renzaho yari akiri aho, yabonye ko ubwo busitani bwari ahantu hitaruye gatoya umuryango winjira muri CELA aho Renzaho yari ahagaze mbere. Abantu bagera ku 100 barimo n'umugabo witwa Gihana barahaguye, bahitanywe n'iyo gerenade[462].

390. Uyu mutangabuhamya yagiye muri disipanseri yari aho mu gipangu, akaba atarabonye imigendere ya ba bantu 40 bari batoranyijwe. Hashize nk'amasaha abiri, kandi amaze kumva amasasu avuga, yabonye Interahamwe zigaruka hanyuma zisahura ikigo cya CELA. Hafi abantu bose, harimo na Renzaho, bari bamaze kuva muri CELA. Uyu mutangabuhamya, ari aho yari yihishe, yabonye Interahamwe zifite urutonde rw'amazina ku rupapuro noneho yumva zivuga ko Rwanga n'abana be bapfuye, ko bityo amazina yabo agomba gusibwa kuri urwo rutonde. Yanumvise ko « Vincent », yibwiye ko ari Vincent Mugiraneza, yajyanywe na Renzaho. Ikiganiro cyabo, cyamwumvishije ko hafi impunzi zose zari zajyanywe zari zishwe, zirasiwe mu nzira. Uyu mutangabuhamya yavuye kuri CELA uwo munsi nka saa cyenda z'amanywa, ajya gushaka ubuhungiro kuri *Sainte-Famille*. Imirambo myinshi y'impunzi zavanywe kuri CELA, yaje gutabururwa mu cyobo rusange kizwi ku izina rya « CND », kiri munsi y'ibiro bya Segiteri ya Rugenge[463].

Umutangabuhamya ushinja wiswe ACK

391. Umutangabuhamya wiswe ACK n'umuryango we bahungiye kuri CELA kuva ku itariki ya 9 kugera ku ya 22 Mata 1994. Ku itariki ya 22 Mata, hagati ya saa ine n'igice na saa tanu z'amanywa, Interahamwe zaje kuri CELA. Renzaho yari ahari uwo munsi, yambaye imyenda ya gisirikare kandi hari n'abajandarume. Uyu mutangabuhamya akomoka mu karere kamwe na Renzaho kandi bari barigeze guhura. Ba Nyumbakumi bari baratemesheje ibihuru byari hafi y'ikigo. Interahamwe zari aho zahamagaye impunzi mu mazina zizisaba kujya guhagarara hafi y'aho Renzaho yari ari. Umugabo n'abana b'uyu

[462] Ni kimwe no haruguru, imp. 20-21, 30-32.
[463] Ni kimwe no haruguru, imp. 6 (byandukuwe uko byanditswe), 17, 20-21, 28, 30, 38-39.

mutangabuhamya barahamagawe. Umugabo yabwiye Renzaho ko bakomoka hamwe, mu gihe umutangabuhamya we yingingaga Renzaho ngo abe ari we bajyana mu mwanya w'abana be. Perefe yamushubije ko aza kumugarurira abana be[464].

392. Renzaho, abajandarume n'Interahamwe basabye abantu batari batoranyijwe gusubira iwabo. Umugabo wari aho ku kigo, ari kumwe na Padiri Wenceslas Munyeshyaka, yabwiye uyu mutangabuhamya ko abafite ubwoba bashobora kujya kuri Sainte-Famille aho gusubira iwabo. Uyu mutangabuhamya yagiyeyo ajyanye n'abantu bo mu muryango we batari batoranyijwe. Ubwo yagendaga, yabonye zimwe muri za mpunzi zari zatandukanyijwe n'izindi ziri aho mu kigo cya CELA zikubitwa. Abantu bo mu muryango we batandukanyijwe n'abandi ntibigeze bagaruka ukundi[465].

Umutangabuhamya ushinja wiswe ALG

393. Umutangabuhamya wiswe ALG ni Umuhutu akaba n'umuyobozi wo mu nzego z'ibanze muri Perfegitura y'Umujyi wa Kigali. Yatanze ubuhamya mu Rukiko avuga ko, nyuma y'itariki ya 7 Mata 1994, Abatutsi bahungiye kuri CELA barengera amagara yabo. Ubwo yari ku biro bya Perefegitura hafi y'itariki ya 20 Mata, hari umuntu uyu mutangabuhamya atakibuka, wamubwiye ko Interahamwwe zagiye kuri CELA kuhatema ibihuru zigamije kuvumbura Inkotanyi. Uyu mutangabuhamya yajyanyeyo n'umuporisi, yumva ko iki gikorwa cyari mu rwego rwo gutegura gutera impunzi zari kuri CELA. Uyu mutangabuhamya yavuze ko akimara kugera kuri CELA, Renzaho yahise ahaza, akaba

[464] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 62-67; Inyandikomvugo y'iburanisha, 6 Werurwe 2007, imp. 59-60; Ikimenyetso gihamya cya Porokireri cyahawe nomero 95 (ifishi y'umwirondoro). Umutangabuhamya wiswe ACK yavuze ko « Renzaho ari we watwaye [Vincent Mugiraneza, w'Umututsi]. Renzaho ni we uzi aho yamushyize ». Nta bisobanuro birambuye yatanze kuri izo mvugo. Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 66.

[465] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 64, 66-67; Inyandikomvugo y'iburanisha, 6 Werurwe 2007, imp. 56-57, 67. Umutangabuhamya wiswe ACK yavuze ko abantu batoranijwe mu bandi bajyanywe mu modoka ebyiri zarimo minibisi yo mu bwoko bwa Nissan Urvan. Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 65-66. Aho ashingira yemeza ibyo ntihasobanutse neza kuko ubuhamya bwe mu Rukiko bugaragaza ko yavuye kuri CELA mbere y'uko aba bantu bavanwa mu kigo. Inyandikomvugo y'iburanisha, 5 Werurwe 2007, urup. 66; Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 67.

akeka ko yari akomotse ku biro bya perefegitura. Burugumesitiri Jean Bizimana na we yari ahari[466].

394. Ari kuri CELA, uyu mutangabuhamya yabonye Angeline Mukandutiye wari umugenzuzi w'amashuri, na Konseye Odette Nyirabagenzi bayoboye Interahamwe zatemaga ibihuru zikoresheje imipanga. Nta mujandarume wari uhari. Yumvise impunzi z'abagore zari kuri CELA zibwira Renzaho ko zifite impungenge kubera umutekano wazo. Ku kibuga cya CELA hari itsinda ry'abasore, bamwe bahagaze, abandi bicaye. Renzaho yafashe icyemezo cy'uko abagore bimurirwa kuri Paruwasi ya Sainte-Famille, iri nko muri metero 200 umuntu avuye kuri CELA. Uyu mutangabuhamya yaherekeje abo bantu. Ubwo itsinda rya nyuma ry'abagore ryageraga kuri Sainte-Famille rivuye kuri CELA, uyu mutangabuhamya yari ahamaze iminota 15. Abo bagore bamubwiye ko hari impunzi Renzaho yashyize mu maboko y'Interahamwe. Hashize nk'iminota 20, Renzaho yamusanze kuri Sainte-Famille. Ubwo yari muri gereza, nyuma y'ibyabaye, uyu mutangabuhamya yabwiwe n'Interahamwe ko za mpunzi zishwe, imirambo yazo igashyirwa mu cyobo rusange cyari muri Segiteri ya Rugenge kizwi ku izina rya «CND »[467].

Renzaho

395. Renzaho yatanze ubuhamya avuga ko, ku itariki ya 22 Mata 1994, umujandarume yamuterefonnye amugezaho ikibazo cy'umutekano cyari kuri CELA. Yabajije uwo mujandarume impamvu atasabye inkunga abamukuriye maze amusubiza ko bahamagaye Koloneli Munyakazi ariko ko ataje. Renzaho, wari kumwe icyo gihe n'abagize komite

[466] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 55-56, 64; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 52-54; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 35-37; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 5, 14-16; Ikimenyetso gihamya cya Porokireri cyahawe nomero 67 (ifishi y'umwirondoro). Ubwo umutangabuhamya wiswe ALG yatangaga ubuhamya mu Rukiko, yari ategereje kuburanishwa mu Rwanda aho ashinjwa jenoside, ariko ku bikorwa bidafitanye isano n'igitero cyagabwe kuri CELA. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, urup. 34.

[467] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 61-62; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 53 (byandukuwe uko biri), 54 (byandukuwe uko biri); Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 38-39; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 14-15.

y'amahina ya Perefegitura, yahise ahamagara Munyakazi amusaba gutabara, ariko Munyakazi yaranze avuga ngo icyo kibazo kireba ubuyobozi bwa gisiviri[468].

396. Nyuma yaho, Renzaho yagiye kuri CELA mu modoka ye yo mu bwoko bwa Renault 21 ari kumwe n'umushoferi we n'abaporisi babiri bamurindiraga umutekano. Yahageze nka saa tatu za mu gitondo, abona itsinda ry'abantu bagera kuri 40 bari bafite imipanga n'imbunda. Abo bantu batemaga ibyatsi banatazura ibiti byari ku gasozi ko mu kigo cya CELA. Yanahabonye abajandarume barindwi cyangwa umunani, kandi hepfo ku ntangiriro y'ako gasozi yahabonye impunzi[469]. Renzaho amaze kuvugana n'umwe mu bajandarume amubaza uko ibintu byifashe, yegereye rya tsinda ry'abantu bafite intwaro kuri ka gasozi ababwira ko ari Perefe w'Umujyi wa Kigali. Iryo tsinda ry'abantu ryaramwegereye ariko ribanje kujijinganya, noneho umuntu atazi asaba abandi gutega amatwi Renzaho[470].

397. Ubwo Renzaho yaganiraga n'abari bahagarariye iryo tsinda batatu, bamubwiye ko baje kuri CELA kubera ikintu cyabaye kigatuma abantu babo babiri cyangwa batatu bicirwa hafi aho. Bakekaga ko abantu bamwe bari muri icyo kigo bari bafite intwaro bakaba barazikoresheje babarasaho. Iryo tsinda ry'abantu ryasabye ko CELA irindirwa umutekano n'abantu bahahora, bitaba ibyo impunzi zikimurirwa ahandi hantu hacunzwe kurushaho. Renzaho yafashe umwanzuro wo kwimurira impunzi kuri Saint-Paul na Sainte-Famille kubera ko nta bajandarume babaga ku buryo buhoraho kuri CELA. Yabwiye ba bantu batatu bari hagarariye abandi ko bujuje inshingano yabo ku birebana n'umuco mboneragihugu, kubera kumugezaho icyo kibazo nk'ushinzwe gucunga umutekano, ko ahasigaye bagomba kuva muri icyo kigo. Yabijeje kandi ko impunzi ziri bwimurirwe kuri Saint-Paul na Sainte-Famille. Ubwo basubiraga mu itsinda bari

[468] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 9-10.
[469] Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 38; Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 24-25, 27; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 23-26. Renzaho yavuze ko yumvise nyuma havugwa ko hari abaporisi batandukanye bamukurikiye aho ibivugwa byabereye ko kandi hari n'abandi bantu bashobora kuba baramukurikiye, ariko ko nta mwanya yabonye wo kumenya abari aho hantu. Anavuga ko icyo gihe yari arangamiye gusa abantu bari bagabye igitero, akaba yaramenye nyuma ko Burugumesitiri Jean Bizimana yari ahari.
[470] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 24-26.

bahagarariye, umwe muri bo yagejeje kuri bagenzi be ibyo Renzaho yababwiye, maze bose barikubura barataha ariko bagenda biguru ntege[471].

398. Renzaho yabwiye zimwe mu mpunzi ko zimurirwa muri Saint-Paul na Sainte-Famille. Yategetse itsinda rya mbere ry'impunzi guhaguruka ahibereye, riherekejwe n'abajandarume. Impunzi zikiri mu nzira, yasubiye ku biro bya perefegitura hafi saa tanu z'amanywa, yibwira ko ibyo kuri CELA byatunganye. Icyo gihe, ntabwo Renzaho yamenye ibyabaye kuri CELA nyuma yaho. Ibivugwa aha yabimenye nyuma abikomoye ahandi, ariko ntiyasobanuye aho ari ho[472].

399. Renzaho yahakanye ibyavuzwe n'abatangabuhamya bashinja bemeje ko yagize uruhare mu gucagura impunzi kuri CELA. Yavuze ko nta mpunzi n'imwe bigeze bavugana, kandi ko atigeze abona umutangabuhamya wiswe UI. Renzaho yavuze kandi ko atari azi abagize umuryango wa Rwanga, ko yumvise ibyabo mu gihe cy'urubanza gusa. Yemeye ko azi Vincent Mugiraneza ariko yavuze ko atigeze amubona kuri CELA ku itariki ya 22 Mata. Renzaho yanavuze ko nta ho yari ahuriye by'umwihariko na Konseye Odette Nyirabagenzi na Angeline Mukandutiye wari umugenzuzi w'amashuri. Nta n'umwe yabonye muri bo, yewe ntiyanabonye Munyeshyaka cyangwa se undi uwo ari we wese mu bantu Inyandiko y'ibirego ivuga ko bari mu gitero cyo ku itariki ya 22 Mata[473].

Umutangabuhamya ushinjura wiswe WOW

400. Umutangabuhamya WOW ni Umuhutu, muri Mata 1994 akaba yari atuye muri Segiteri ya Rugenge hafi ya CELA. Yavuze ko kuva ku itariki ya 7 Mata muri icyo kigo hari impunzi, inyinshi muri zo zikaba zari Abatutsi. Yagemuriraga ibiryo inshuti ze n'abaturanyi be bari bazirimo. Izo mpunzi zari ziganjemo Abatutsi. WOW yavuze ko nta gitero cyigeze kigabwa kuri CELA ku itariki ya 21 Mata. Yanavuze ko imodoka Renzaho

[471] Ni kimwe no haruguru, imp. 27-28; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup. 25. Renzaho yavuze ko byavugwaga ko hari abantu batatu biciwe hafi ya CELA. Iryo tsinda ry'abantu ngo ryaketse ko abari mu kigo ari bo bari babarashe.

[472] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 28-29.

[473] Ni kimwe no haruguru, imp. 26, 29-30, 60 (« Kuki nari kuba mfite aho mpuriye by'umwihariko na [Konseye Odette Nyirabagenzi] kandi hari abakonseye 19 muri Perefegitura y'Umugi wa Kigali? »); Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 25-28.

yatwaraga yari ayizi, ahakana ko uwo munsi Renzaho atigeze agera mu rugo kwa Angeline Mukandutiye[474].

401. Ku itariki ya 22 Mata mu ma saa moya za mu gitondo, ubwo WOW yajyaga ku isoko yanyuze kuri CELA abona hagabwe igitero, abajandarume bagerageza gusubiza inyuma Interahamwe. Yarakomeje ajya ku isoko, agaruka mu ma saa mbiri n'igice za mu gitondo. Umubare w'Interahamwe zari kuri CELA wari wiyongereye kandi zarushijeho kurubira, zivuga ko zishaka Inyenzi zaraye zizirasaho. Abajandarume bakomeje gukoresha « ingufu » bahangana n'izo Nterahamwe. WOW yavuze ko yabonye Interahamwe ziri hagati ya 50 na 60 n'abajandarume batatu, icyo gihe akaba yari ahagaze muri metero ebyiri cyangwa eshatu uvuye aho abo bantu bari bari[475].

402. Renzaho yageze kuri CELA mu gitondo hagati ya saa mbiri n'igice na saa tatu ari kumwe n'abaporisi babiri, abaza Interahamwe uko byagenze, maze agerageza kuzibuza gukomeza icyo gitero zageragezaga kugaba. Amaze kuvugana n'abo bantu bo mu mitwe yitwara gisirikare, barahindukiye bagenda barakaye, bavuga ngo Renzaho na we ubwe ni icyitso. Renzaho yahaye abajandarume amabwirirza yo guhamagara impunzi zikaza mu mbuga maze barazibwira. Perefe yazibwiye ko abajandarume bari buziherekeze bakazijyana kuri Sainte-Famille cyangwa muri Saint-Paul kuko abona kuri CELA nta mutekano ugihari. Mu ma saa ine za mu gitondo, Renzaho amaze kuvugana n'impunzi, yajyanye n'abaporisi babiri mu modoka y'umweru yo mu bwoko bwa Renault 21. WOW yakomeje guhagarara aho ku muhanda gato, abona abajandarumwe baherekeje impunzi ziva kuri CELA, abwira inshuti ze zabaga muri icyo kigo ngo zihangane. Yasubiye mu rugo, bukeye yumva ko ku itariki ya 23 Mata, Interahamwe zarenze ku mabwiriza ya perefe zikica abantu kuri CELA. Ntiyigeze abona Jean Bizimana, Odette Nyirabagenzi,

[474] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 35-36, 40-42, 45, 48, 51, 55; ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 69 (ifishi y'umwirondoro). Umutangabuhamya WOW yafungiwe mu Rwanda aza guhanagurwaho icyaha mu Ukuboza 2002. Yafunguwe muri Mutarama 2003, mu 2005 aza guhunga kuko bari bamutumije kwitaba urukiko Gacaca kandi yarahanaguweho icyaha. Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 48-49, 56-57.

[475] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 41-42, 43 (hasubirwamo ibiri kuri uru rupapuro), 44-45, 48, 55-56.

cyangwa Angeline Mukandutiye. Yumvise bavuga ko abajepe bishe Charles Rwanga ku itariki ya 7 Mata, ariko ntiyabonye umurambo we[476].

Umutangabuhamya ushinjura wiswe KRG

403. Umutangabuhamya KRG ni Umuhutu wari warahungiye kuri CELA ari kumwe n'abantu bo mu muryango we b'Abatutsi. Ku itariki ya 8 Mata yasubiye mu rugo, icyo gihe Konseye Odette Nyirabagenzi akaba yari amaze kubwira impunzi ko urugo bazasanga nta muntu ururimo iyo nzu bazayisenya. Kubera ko KRG yari Umuhutu, kugira aho ajya ntibyamugoraga, bityo buri munsi akaba yarajyaga gusura abantu bo mu muryango we bari muri kiriya kigo[477].

404. Igitero cya mbere KRG yumvise bavuga ni icyabaye ku itariki ya 22 Mata saa tatu za mu gitondo. Umukobwa wakoraga iwe mu rugo yaje yiruka agana mu rugo, amubwira ko Interahamwe zateye kuri CELA. Nyuma y'iminota itanu we n'abandi bantu b'inshuti ze bageze kuri CELA bajyanywe no guhungisha abantu bo mu miryango yabo. Agezeyo, nyina yamubwiye ko Renzaho yirukanye abari bahagabye igitero, impunzi zikaba ari we zikesha kuba zikiriho. Yanamubwiye ko Renzaho yabwiye impunzi ko kuva uwo munsi CELA yari gufungwa kubera ko nta mutekano wari ugihari, ariko ko niba hari imiryango yumvaga nta kibazo cy'umutekano ifite yashoboraga gusubira mu rugo, naho abumvaga nta mutekano bafite bakajya ku bindi bigo nka Sainte-Famille cyangwa Saint-Paul. Icyo gihe biriya byabaga KRG nta Renzaho cyangwa Interahamwe yigeze abona, ariko yumvise bavuga ko Renzaho amaze kubwira impunzi ko zishobora guhitamo kimwe muri biriya bintu ari bwo yahise ava aho kuri CELA[478].

405. KRG yamaze iminota 10 kuri CELA, nka saa tatu n'iminota 20 za mu gitondo yiyemeza kujyana n'abantu bo mu muryango we. Charles Rwanga, abahungu be babiri ari bo

[476] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 37, 43-46, 51-53, 57-58.
[477] Inyandikomvugo y'iburanisha, 7 Kamena 2007, imp. 3-4, 6-13; ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 63 (ifishi y'umwirondoro). Umutangabuhamya KRG yarakurikiranywe arafungwa aregwa urupfu rw'abantu bo mu muryango w'umuturanyi we, ibyabereye kuri CELA, kuri Sainte-Famille, no muri Saint-Paul. Yavuze ko yaje kugirwa umwere ku byaha byose yari akurikiranyweho agafungurwa mu 2003. Inyandikomvugo y'iburanisha, 7 Kamena 2007, imp. 6,12.
[478] Inyandikomvugo y'iburanisha, 7 Kamena 2007, imp. 1-4, 9.

Déglote na Wilson, mushiki wabo Hyacinthe na nyina bagumye aho. Uwo munsi ku gicamunsi mu ma saa cyenda cyangwa saa kumi, bamwe mu bo mu mitwe yitwara gisirikare bari kuri bariyeri babwiye KRG ko uwo munsi Interahamwe zasubiye kuri CELA zikahica abantu barimo Charles Rwanga n'abahungu be. Yanumvise bavuga ko umugore wa Rwanga n'umukobwa we bari bashoboye guhungira kuri Sainte-Famille[479].

Umutangabuhamya ushinjura wiswe UT

406. Umutangabuhamya UT ni Umuhutu wari umukozi muri Perefegitura y'Umujyi wa Kigali, wabonanaga na Renzaho buri munsi, kuva ku itariki ya 11 Mata 1994 kugeza biriya byabaye birangiye. Umunsi umwe atavuze uwo ari wo, Renzaho yamubwiye ko hagati muri Mata 1994 byabaye ngombwa ko ajya kuri CELA kubera ko bari bamuhuruje bamubwira ko hari ikibazo cyihutirwa kandi superefe bakoranaga ubusanzwe wagombaga gukemura ibibazo nk'ibyo akaba atari ahari. Renzaho yamubwiye ko aho kuri CELA icyo gihe « ibintu byose byagenze neza », ariko ko byasabaga gukomeza kubikurikirana. Hashize umunsi umwe cyangwa ibiri bagiranye icyo kiganiro, UT yagiye kuri Sainte-Famille, Padiri Wenceslas Munyeshyaka wari uhashinzwe amumenyesha ko Renzaho yumvikanye n'abo mu mitwe yitwara gisirikare bari bagabye igitero kuri CELA ko impunzi zijyanwa kuri Sainte-Famille ahantu harushijeho kuba umutekano. UT ariko yaje kumenya ko ubwo izo mpunzi zimurirwaga kuri Sainte-Famille hari zimwe muri zo barigishije ntizashobora kugerayo, bikaba binashoboka ko zaba zarishwe[480].

Umutangabuhamya ushinjura wiswe PPV

407. Umutangabuhamya PPV yakoraga mu giporisi cya komini banitaga igipolisi cy'umujyi, muri Perefegitura y'Umujyi wa Kigali. Nimugoroba nyuma y'akazi yakundaga kujya kuri CELA. Yavuze ko muri Mata 1994 umugore w'Umututsikazi wakoraga akazi ko kwakira abantu mu biro bya Renzaho witwaga Astérie Nikuze yahungiye kuri CELA, ngo akaza gusubira ku biro bya perefegitura ku itariki ya 22 Mata. Yasobanuye ko n'ubwo hari

[479] Ni kimwe no haruguru, imp. 5-6, 9.

[480] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 19-20, 22-23, 39, 43, 52, 56; inyandikomvugo y'iburanisha, 25 Gicurasi 2007, urup. 39; ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 47 (ifishi y'umwirondoro).

igihe CELA yigeze kugerwa amajanja bashaka kuyitera, mu by'ukuri uko abyibuka itigeze iterwa. Yumvise bavuga ko Renzaho yagiye kuri CELA ubwo abantu bari yo bari mu kaga bari bamaze kumutabaza, ariko akaba atibuka niba we ubwe ku itariki ya 22 Mata yaragiyeyo. Yavuze ko byamutangaza aramutse yumvise ko Renzaho yatanze itegeko ryo kuvana abantu muri CELA cyangwa kubica, cyangwa ko yakanguriye abantu gukora ibyo bintu, ko ndetse no kuba Renzaho yaba yarabonye ibyo bintu bikorwa byamutangaza, yongeraho ko no kumva ko hariya muri CELA hari umuntu wahiciwe cyangwa wahashimuswe byonyine byamutangaza. Yavuze ko uko abizi nta kintu nk'icyo Renzaho yigeze akora cyangwa ngo akigiremo uruhare, haba kuri CELA cyangwa se ahandi hantu aho ari ho hose[481].

6.3 Isesengura ry'Urugereko

408. Porokireri mu kugaragaza ko ibyo yemeza bikubiye mu Nyandiko y'ibirego ari byo, yatanze ibimenyetso ku bijyanye n'igitero cyagabwe kuri CELA ku itariki ya 22 Mata 1994, abakigabye bagashyira impunzi z'igitsina gabo ukwazo n'iz'igitsina gore ukwazo, bagatwara abagabo bari hagati ya 40 na 70 bakajya kubica. Ikindi kandi, hari umutangabuhamya umwe ushinja wavuze ko ku itariki ya 21 Mata, Renzaho yatanze intwaro nyuma uwo munsi kuri CELA hakaza kugabwa igitero abajandarume babiri bari barinze icyo kigo bakakigwamo. Urugereko rurashidikanya niba biriya byabaye ku itariki ya 21 Mata biri mu byo Uregwa akurikiranyweho mu Nyandiko y'ibirego[482]. Urugereko

[481] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78; inyandikomvugo y'iburanisha, 5 Kamena, imp. 10, 30, 52-53, 56; ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 56 (ifishi y'umwirondoro).

[482] Porokireri mu Myanzuro ye nsozarubanza (ibika 238-239) avuga ko ibyo BUO yavuze mu buhamya bwe by'uko ku itariki ya 21 Mata 1994 hatanzwe intwaro nyuma hakaza kugabwa igitero bikubiye mu gika cya 21 cy'Inyandiko y'ibirego. Ibyo Urugereko si ko rubibona, kuko iki gika kivuga ku kindi gitero cyihariye aho abagabo bagera kuri 60 b'Abatutsi bavanywe kuri CELA. Iki gitekerezo gishimangirwa n'ibikubiye mu Nyandiko b'ibirego iyo umuntu ayisomye azirikana ibintu byose byabaye. Mu gika cya 20 Porokireri avuga ko Abatutsi babarirwa mu bihumbi bahungiye mu bigo binyuranye byo muri Perefegitura y'Umujyi wa Kigali birimo na CELA, naho mu gika cya 37 akavuga ko hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994 izo mpunzi zagiye zigabwaho ibitero binyuranye birimo n'ibyagabwe n'abantu Renzaho yari akuriye. Ibi bika usanga ari byo ibindi bishingiyeho. Igika cya 21, icya 38, icya 45 n'icya 49 by'Inyandiko y'ibirego byo bivuga ibintu mu buryo burushijeho gusobanuka, bigasobanura ko ibyaha Renzaho akurikiranyweho bishingiye ku gitero cyo ku itariki ya 22 Mata cyangwa hafi yayo, aho abasirikare n'Interahamwe batwaye abagabo 60 b'Abatutsi barimo Charles Rwanga, Wilson Rwanga, na Déglote Rwanga, bakabica. Reba *Urubanza rwa Setako*, Icyemezo cyafashwe ku Cyifuzo cy'Ubwunganizi cyanengaga Inyandiko y'ibirego kuba irimo amakosa, ibika 3-5; Inyandiko y'urubanza rwa Gacumbitsi mu rw'Iremezo, igika 176, n'Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 53. Na none kandi mu gika cya 12 cy'Inyandiko

ariko rurasuzuma ubwo buhamya kugira ngo burufashe gusobanukirwa ukuntu ibintu byari byifashe kubera ko igihe ibibuvugwamo byabereye cyegeranye cyane n'itariki ya 22 Mata kiriya gitero cyagabwe muri CELA cyabereyeho[483].

6.3.1 Igitero cyagabwe muri CELA ku itariki ya 21 Mata

409. Umutangabuhamya ushinja wiswe BUO ni we wenyine wavuze ko hafi y'itariki ya 21 Mata 1994, Renzaho na Majoro Laurent Munyakazi bahaye Interahamwe intwaro, mu rugo kwa Angeline Mukandutiye. Bamaze guha izo Nterahamwe intwaro bahise baziha amabwiriza yo kujya kuri CELA, zigaba igitero kuri icyo kigo ziri kumwe na Renzaho, Munyakazi na Majoro Patrice Bivamvagara. Abo bantu bo mu mitwe yitwara gisirikare barashe abajandarume babiri barabica, baniba imodoka muri icyo kigo.

410. Ubwo BUO yazaga gutanga ubuhamya mu Rukiko, yari afunze arangiza igihano cy'imyaka 15 yakatiwe kubera uruhare yagize mu byaha byakozwe muri jenoside[484]. Urugereko rurasuzumana ubuhamya bwe ubwitonzi kubera ko ibyo yavuze ashobora kuba yarabitewe n'inyungu yabivanamo, zishingiye kuri iyo dosiye ye mu Rwanda.

411. Ubuhamya bwatanzwe ku bijyanye n'itangwa ry'intwaro ryabereye mu rugo kwa Mukandutiye ku itariki ya 21 Mata hari aho budahuza. Umutangabuhamya WOW wari utuye hafi yo kwa Angeline Mukandutiye yahakanye ko nta modoka ya Renzaho yigeze abonayo uwo munsi[485]. N'ubwo ubwo buhamya WOW yabutanze mu buryo bwa rusange, butera gushidikanya. Urugereko kandi rwasuzumye ibyo BUO yavuze

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y'ibirego, Porokireri avuga ko kuva hagati mu wa 1993 kugeza ku itariki ya 17 Nyakanga 1994 Renzaho yatanze intwaro azivanye mu nzu ye n'ahandi. Iki gika na cyo usanga kivuga ibintu muri rusange cyane ku buryo kitamenyesha Uregwa mu buryo buhagije ko akurikiranyweho biriya bintu byabaye ku itariki ya 21 Mata. Bitewe n'uko Imyanzuro mbanzirizarubanza yatanzwe mbere y'uko Inyandiko y'ibirego itangwa, ntabwo iyo myanzuro ishobora gukemura ikibazo cy'ibintu by'urujijo bigaragara mu Nyandiko y'ibirego. Inyandiko y'urubanza rwa Karera mu bujurire, igika 368.

[483] Reba *Urubanza rwitiriwe Butare,* Icyemezo ku iyakirwa ry'ibimenyetso, igika 15 (ibimenyetso byerekeye ibintu bitavuzwe mu Nyandiko y'ibirego bishobora kwakirwa bikanasuzumwa iyo ari ingenzi mu kugaragaza ikintu runaka kivugwa mu Nyandiko y'ibirego).

[484] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 56-57; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 40-43.

[485] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup. 48.

rushingiye ku buhamya bwatanzwe ku bindi bintu byabaye, aho bavuga ko Renzaho yatanze intwaro (II.3). Ubwo buhamya ntibushimangira ubwa BUO wavuze ko Renzaho yagize uruhare mu byabereye kwa Mukandutiye ku itariki ya 21 Mata, ndetse hakaba nta n'ubundi buhamya bushimangira buriya bwe.

412. Ku birebana n'igitero bavuga ko cyaje kugabwa kuri CELA uwo munsi, ubuhamya bwa BUO bugaragaramo ibintu bitera gushidikanya niba koko bukwiye kwizerwa. Nk'urugero, muri ubwo buhamya ntagaragaza neza umuntu nyirizina wahaye Interahamwe amabwiriza yo gusahura imodoko zari mu kigo cya CELA[486]. Ubu buhamya bwe ku byerekeye iki gitero nta bundi bugusha hamwe na bwo bwigeze butangwa, n'ubwo muri kiriya gihe hari abatangabuhamya bashinja bahungiye muri kiriya kigo kandi bagombye kuba barabonye kiriya gitero neza. Iki ni ikintu gikomeye. Umutangabuhamya ACS yavuze ko agereranije yageze kuri CELA icyumweru kimwe mbere y'itariki ya 22 Mata, ngo uko abyibuka ku munsi wabanjirije iyo tariki hakaba nta kintu cyabayeyo[487].

413. Urugereko rusanga kuba BUO yari ari mu bagabye kiriya gitero bishobora kuba byaratumye abona byinshi mu byabaye muri CELA kurusha ibyo abari bahahungiye babonye. Ikindi ni uko kuba icyo gihe nta mpunzi bigeze batera na byo bituma byashoboka ko impunzi zitigeze zimenya ibyabaye. Harasiwe abajandarume ariko, ndetse imodoka zimwe baka ba nyirazo imfunguzo barazatsa[488]. Urugereko rusanga byaba bitangaje kiriya gitero kiramutse cyarabaye umutangabuhamya umwe rukumbi muri batandatu bari bahari akaba ari we wenyine ukivugaho. Ikindi kandi, abatangabuhamya ACS, ATQ na UI bahakanye ko muri kiriya gihe nta bajandarume bari barinze

[486] Gereranya n'inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 62-63 (« *Bivamvagara* yatubwiye ko tugomba kugenda tugafata imodoka zari aho mu kigo.») (ni twe twabitsindagiye tubyandika mu nyuguti ziberamye), n'inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 13 (« *Ba*gumye mu modoka, batubwira kujya gusahura imodoka zari muri CELA ».) (ni twe twabitsindagiye tubyandika mu nyuguti ziberamye). Reba kandi ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 16 (ubuhamya bwanditse bwo ku itariki ya 12 Nzeri 2006) ahanditse ngo « Majoro Bivamvagara yasigaye inyuma, adutegeka gufata imodoka zari ziparitse muri CELA… »)

[487] Umutangabuhamya ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 33, 56-57, 62. Umutangabuhamya WOW na we yavuze ko nta gitero azi cyagabwe muri CELA ku itariki ya 21 Mata. Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup. 45.

[488] Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 15 (« Hari n'izindi modoka twambuye ba nyirazo – izo twari dufitiye imfunguzo»).

umutekano muri kiriya kigo, ibyo bigatuma umuntu arushaho kwibaza niba koko hari umujandarume wigeze yicwa nk'uko BUO we abivuga[489].

414. Bityo rero, Urugereko rusanze bitaragaragajwe ku buryo budashidikanywaho ko ku itariki ya 21 Mata 1994 Renzaho yatangiye intwaro mu rugo kwa Angeline Mukandutiye. Ikindi ni uko ibimenyetso byatanzwe bitagaragaza ko uwo munsi hari igitero cyagabwe kuri CELA Interahamwe zikarasa abajandarume babiri zikanasahura imodoka Renzaho ahari.

6.3.2 Igitero cyagabwe muri CELA ku itariki ya 22 Mata

415. Kuba ku itariki ya 22 Mata 1994 cyangwa hafi yayo Renzaho yaragiye kuri CELA no kuba nyuma yaho impunzi z'igitsina gabo zaravanyweyo zikicwa nta we ubihakana[490]. Porokireri avuga ko Renzaho ari we wari umuhuzabikorwa w'abari bagabye icyo gitero barimo Interahamwe ndetse bikaba bishoboka ko harimo n'abasirikare n'abajandarume. Ubwunganizi bwo buvuga ko ahubwo Renzaho yaburijemo igitero Interahamwe zari zigiye kugaba, akabwira impunzi kujya ahantu hari umutekano nko kuri Sainte-Famille cyangwa muri Saint-Paul. Busobanura ko Renzaho amaze kuva kuri CELA ari bwo Interahamwe zahishe abantu, akaba atari we wabizishishikarije ndetse atari anabizi.

416. Uretse buriya buhamya bwavuzwe haruguru bwatanzwe ku bijyanye n'itangwa ry'intwaro ku itariki ya 21 Mata na kiriya gitero cyaje gukurikiraho uwo munsi, Porokireri ashaka no kugaragaza ko Renzaho agomba kuryozwa igitero cyagabwe kuri CELA ku itariki ya 22 Mata. Ashingira ku nama Uregwa yagiranye n'Interahamwe mbere y'uko kiriya gitero gitangira, ibyo yakoze muri kiriya kigo muri kiriya gitondo igitero cyabereyeho, ndetse no kuba byose byararangiye hari impunzi nyinshi zivanywe

[489] Umutangabuhamya ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 62-63; Umutangabuhamya ATQ, inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 2; Umutangabuhamya UI, inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 9.

[490] Abatangabuhamya BUO, ACS, ATQ, HAD na ACK bavuze ku gitero cyagabwe muri CELA ku itariki ya 22 Mata 1994 abakigabye bakavanayo impunzi. Abatangabuhamya ALG na UI bavuze ko icyo gitero cyabaye umunsi umwe cyangwa ibiri mbere cyangwa nyuma y'itariki ya 22 Mata. Renzaho n'abatangabuhamya bashinjura ari bo uwiswe WOW n'uwiswe KRG bo bavuze ko ku itariki ya 22 Mata Renzaho yaburijemo igitero cyari kigiye kugabwa kuri CELA. Urugereko rusanga biriya bintu byarabaye ku itariki ya 22 Mata.

muri CELA zikajyanwa kwicwa. Urugereko rugiye gusuzuma ibimenyetso byerekeye buri cyose muri ibyo Porokireri avuga.

(ii) Inama yabereye mu rugo kwa Angeline Mukandutiye

417. Umutangabuhamya BUO ni we watanze ubuhamya burambuye cyane ku byerekeye ukuntu Renzaho yakoranye n'Interahamwe n'abandi bantu bateye muri CELA ku itariki ya 22 Mata 1994 n'ukuntu icyo gitero bagiteguriye hamwe. Yavuze ko mbere y'icyo gitero Renzaho yaje mu rugo kwa Angeline Mukandutiye wari umugenzuzi w'amashuri akanaba umukuru w'Interahamwe muri ako gace. Icyo gihe perefe yari kumwe na Odette Nyirabagenzi na Majoro Munyakazi. Renzaho na Nyirabagenzi bamaze gukorana inama na Mukandutiye mu nzu ye, bahaye Interahamwe zari aho hanze amabwiriza yo kujya kuri CELA, baziha n'intwaro.

418. Nk'uko byavuzwe haruguru (II.6.3.1), Urugereko rusuzumana ubuhamya bwa BUO ubwitonzi. Nta wundi mutangabuhamya wigeze ashimangira ubuhamya BUO yatanze ku byerekeye ukuntu iki gitero cyateguriwe mu rugo kwa Mukandutiye. Ibyo yavuze ku bijyanye n'uwatanze amabwiriza hariya mu rugo kwa Mukandutiye mbere ya kiriya gitero n'ubwo bitavuguruzanya ariko usanga byagiye bihinduka[491]. Ubuhamya bwe ku bijyanye no kumenya niba Renzaho na Nyirabagenzi barazanye mu modoka imwe ntibusobanutse[492]. Urugereko rusanga ariko uko kunyuranya atari ikintu gikomeye.

419. Nyamara ariko, ukunyuranya kugaragara hagati y'ubuhamya bwa BUO n'ubwa ALG ku bijyanye n'ahantu Renzaho yari ari mbere ya kiriya gitero cyo ku itariki ya 22 Mata

[491] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, urup. 2 (« Igisubizo: Bavuganiye mu nzu, hashize akanya barasohoka, Angeline aduha amabwiriza Odette Nyirabagenzi na Renzaho bahari. Yatubwiye ko tugomba kujya ku kigo cya CELA, ko nitugerayo ari bwo bari budusobanurire neza icyo tugomba gukorayo. Ibyo byavuzwe na Bwana Renzaho Tharcisse »); Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 17 (« Nuko binjira mu nzu ya Angeline bakora inama. Nyuma y'iyo nama badutegetse kugenda tukagaba igitero kuri CELA. Tharcisse Renzaho yashimangiye ko tugomba kugenda twitwaje intwaro zacu. Yari azi ibigiye kuba, kandi akenshi twakurikizaga amategeko duhawe »). Reba kandi ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 14A (ubuhamya bwanditse bwo ku itariki ya 12 Nzeri 2006), urup. 7 (« …Mukandutiye yatubwiye kujya kuri CELA twagerayo tugategereza andi mategeko bari buduhe. Renzaho yadutegetse kujyana intwaro…»).

[492] Gereranya n'inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 1-2 (avuga ko Renzaho na Nyirabagenzi baje mu «modoka » bari kumwe n'abashinzwe kubarinda n'umushoferi) ; n'inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 17 (avuga ko Renzaho yaje mu ijipe ya gisirikare ari kumwe n'abasirikare babiri n'umushoferi), 18 (aho nyuma yaje kugira ati « Ntitwarebye ukuntu Nyirabagenzi yahageze »).

gutera umuntu kurushaho gushidikanya. ALG yagiye kuri CELA avuye ku biro bya perefegitura. Yavuze ko yumva perefe yari ku biro bya perefegitura ubwo inkuru y'ibyo kuri CELA yamugeragaho n'ubwo atabihamya neza, kandi ko ashobora [Renzaho] kuba ari we wamwoherejeyo[493]. Yavuze ko ubwo yageraga kuri CELA, Nyirabagenzi na Mukandutiye ari bo bari bayoboye Interahamwe zari mu gikorwa cyo gutema ibihuru byari bihari[494]. Urugereko rusanga ubu buhamya butera umuntu gushidikanya ku bijyanye no kumenya niba mbere ya kiriya gitero Renzaho yari mu rugo kwa Mukandutiye ari kumwe na Nyirabagenzi akaza no kujyana n'abo bombi kuri kiriya kigo.

420. Urugereko rusanze Porokireri atarashoboye kugaragaza ko Renzaho yagiye mu rugo kwa Angeline Mukandutiye mbere y'igitero cyagabwe kuri CELA ku itariki ya 22 Mata 1994 agategeka Interahamwe zifite intwaro zariyo kujya kuri kiriya kigo.

(ii) Kurobanura Abatutsi bari kuri CELA

421. Nk'uko byavuzwe haruguru, kuba ku itariki ya 22 Mata 1994 Renzaho yaragiye kuri CELA nta we ubihakana. Abenshi mu bari bahungiyeyo bakahaguma kugeza igihe kiriya gitero cyabereye bari Abatutsi[495]. Umutangabuhamya wiswe BUO yavuze ukuntu yabonye Renzaho na Majoro Munyakazi bari mu mbuga ya CELA igihe Angeline Mukandutiye na Odette Nyirabagenzi barobanuraga abantu b'igitsina gabo bari hagati ya

[493] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 53; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 36-38; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 5, 16.
[494] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 53.
[495] Nk'urugero reba umutangabuhamya BUO, inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 3 (avuga ko yabonanye n'impunzi z'Abatutsi mu kigo cya CELA), 4 (« Abenshi muri bo bari Abatutsi… »); Umutangabuhamya ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, urup. 40 (« Jye ndumva yari Umututsi kuko umuryango we bari barawutsembye…Twese abari mu kigo cya CELA twari ubwoko bumwe »); Umutangabuhamya ATQ, inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 60 (« [ku itariki ya 7 Mata] ubwo twajyaga kuri [CELA], twari Abahutu n'Abatutsi bavanze, ariko hashize iminsi mike Abahutu basobanukirwa ibiri kuba bahitamo kwisubirira mu ngo zabo… »), 61 (« Ikibazo : Yee, watubwiye ko ubwo wajyaga kuri CELA hari abantu benshi mwajyanye, bakaba barimo Abahutu n'Abatutsi. Ese no ku itariki ya 21 Mata 1994 ni uko byari bikimeze ? Igisubizo: Nababwiye ko twagezeyo – ko twageze hariya hantu hanyuma mu minsi yakurikiyeho abantu bagatangira gusobanukirwa ibiri kuba maze Abahutu bagatangira kwisubirira mu ngo zabo…nkaba navuga ko ku itariki ya 21 tutari tukiri Abahutu n'Abatutsi bavanze. N'ubwo hari Abahutu bariyo, abo Bahutu bake bari muri CELA bari abataravugaga rumwe n'ubutegetsi, kubera ko kugeza icyo gihe abantu bari bamaze gusobanukirwa ibiri kuba ») ; Umutangabuhamya ALG, inyandikomvugo y'iburanisha, 11 Mutarama 2007, urup. 52 (« Muri rusange abantu bahungiye kuri CELA bari Abatutsi bahungaga kugira ngo baticwa »); Umutangabuhamya WOW, inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup 53 (« Abenshi mu bari bahungiyeyo [muri CELA] bari Abatutsi »).

60 na 70 mu mpunzi zigera ku 100 zari kuri CELA. Umutangabuhamya UI yavuze ko Renzaho yari ahagaze ku muryango wa CELA ari kumwe n'abasirikare nka 12 n'Interahamwe nyinshi. Perefe yabwiye Interahamwe ko zitagomba kugaba igitero ku mpunzi, ko ahubwo zigomba gushakamo ba nyirabayazana zikabajyana kuri burigade ya Jandarumori ya Muhima bakaburanishwa n'urukiko rwa gisirikare. Umutangabuhamya UI baramupfukamishije we n'impunzi zaje kwiyongera zikagera kuri 40 nyuma zikaza kuvanwa aho mu kigo.

422. Umutangabuhamya ACS yavuze ko yabonye Renzaho ari kumwe na Mukandutiye, Nyirabagenzi, Bizimana, Padiri Wenceslas Munyeshyaka, ndetse n'abajandarume, abasirikare, n'Interahamwe. Renzaho yahaye Mukandutiye urupapuro, aramubwira ngo afate uwo ashaka wese. Bahamagaye abantu bagera kuri 40 baburiza ikamyoneti. Umutangabuhamya ATQ yavuze ko igihe impunzi bazicagamo amatsinda harimo n'itsinda ry'abasore, Renzaho yari ahagaze iruhande rwa Angeline Mukandutiye n'izindi Nterahamwe. Yumvise imwe mu Nterahamwe ivuga ko Renzaho yavuze ko abagore batagomba kwicwa, ariko ko bagiye kwica « abasore n'abagabo ». Umutangabuhamya HAD yavuze ko perefe yari kumwe na Nyirabagenzi, Mukandutiye, Interahamwe nyinshi, n'abajandarume. Renzaho yabwiye Interahamwe gufata abagore n'abana zikabatandukanya n'abagabo, icyo gihe abasore b'Abatutsi bagera kuri 40 bakaba bararobanuwe mu zindi mpunzi.

423. Umutangabuhamya ACK yavuze ko yabonye Renzaho ari kumwe n'Interahamwe n'abajandarume ubwo Interahamwe zagendaga zihamagara impunzi zikazibwira kujya guhagara hafi ya Renzaho. Umutangabuhamya ALG yavuze ko Renzaho yageze kuri CELA nyuma ya Mukandutiye na Nyirabagenzi bari bayoboye Interahamwe zari mu gikorwa cyo gutema ibihuru. Yabonye « abasore » mu mbuga ya CELA, bamwe bahagaze abandi bicaye, nyuma aza kumva bavuga ko hari impunzi Renzaho yashumurije Interahamwe.

424. Ibimenyetso bishinja bivuga mu nzego zitandukanye uruhare Renzaho yaba yaragize mu kurobanura impunzi no kuzijyana. N'ubwo usanga hagiye harimo utuntu two kudahuza,

mu buhamya bwatanzwe Renzaho agaragara nk'umuntu w'umuyobozi wari kumwe na Nyirabagenzi na Mukandutiye ubwo impunzi zarobanurwaga. Abatangabuhamya BUO na ACK ahanini bavuze ko Renzaho yayoboraga kiriya gikorwa, ariko yitaruye aho cyaberaga[496]. Abatangabuhamya ACS na HAD bo bavuze ko perefe yagize uruhare rutaziguye muri icyo gitero, akavugana n'impunzi ndetse agaha amabwiriza abari bakigabye[497]. Umutangabuhamya UI na we yavuze ko Renzaho yahaye Interahamwe amabwiriza yo kuvana mu mpunzi abari ku isonga muri zo, akaba kandi yarahase ibibazo uyu mutangabuhamya[498]. Umutangabuhamya ATQ we yavuze ko atigeze yumva Renzaho avuga, ariko ko yumvise Interahamwe zisubiramo amabwiriza yari yazihaye y'uko zitagomba kwica abagore ahubwo zikica « abasore n'abagabo »[499]. Icy'ingenzi kigaragara muri ubu buhamya ni uko Renzaho yari afite umwanya w'ubuyobozi, kandi nibura akaba yarayoboye Interahamwe, bikaba binashoboka ko yari ayoboye

[496] Umutangabuhamya BUO, inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 19-20 (« [Bwana Renzaho na Bwana Munyakazi] bari bahagaze mu mbuga ya CELA, bakaba batarigeze bavugisha impunzi kuko bari baje bafite imigambi mibisha. Bari bazanywe aho no gukora ubwicanyi…Ariko se ubundi impunzi zari kubavugisha zite ko twarimo tuzikubita tuzijyanye kuzica? Impunzi ntizari no gushobora kubegera. Ni twe twari turi iruhande y'izo mpunzi kandi ni na twe twarobanuragamo izagombaga kwicwa. Aha nkaba nagira ngo mbasobanurire ko icyari cyabazanye aho kutari ukuvugisha impunzi, ko ahubwo bari bazanywe no kugenzura igikorwa cyo kurobanura mu mpunzi izagombaga kwicwa. Kuba bari bahari rero si uko hari impuhwe bari bazifitiye ») ; Umutangabuhamya ACK, inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 63-64 (« …Interahamwe zaje aho ku kigo…Hari n'abajandarume na Perefe Renzaho. Bahamagaye abo bana n'abandi bantu babajyana kure. Sinongeye kubabona ukundi…Bagendaga bahamagara abantu bakadusaba kwegera aho Renzaho yari ahagaze… »).

[497] Umutangabuhamya ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 35 (« Igisubizo : …Perefe amaze kugera mu kigo cya CELA, yasabye ko abantu bose bari mu cyumba cy'inama cy'icyo kigo basohoka »), 37 (« Ikibazo : None se mutangabuhamya, bamaze kubatondesha umurongo, hari umuntu waba yaratanze amabwiriza ayo ari yo yose ? Mbega byagenze bite ? Igisubizo: Bamaze kudutondesha umurongo, Perefe Renzaho ubwe ni we watanze amabwiriza, nkaba numva ibyo abyibuka neza. Ni we wari uyoboye icyo gitero. Yari afite urupapuro mu ntoki aruha Mukandutiye wari umugenzuzi w'amashuri muri Komini ya Nyarugenge. Basomye amazina y'abantu yari kuri urwo rutonde, nuko Renzaho aravuga ati « Mufate uwo ari we wese mushaka ») ; Umutangabuhamya HAD, inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 14 (« Ntabwo nari hafi cyane nk'aho abandi bari bari. Ariko nahageze [perefe] arimo avuga ko abantu bagomba kurobanurwa, abagore n'abana bagashyirwa ku ruhande rumwe, abasore na bo bagashyirwa ku rundi »).

[498] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 59 (bavuga ku bibazo Renzaho yabajije umutangabuhamya UI), 59-60 (« Igihe nahageraga, perefe yabwiraga [Interahamwe] kudahita zigaba igitero ku mpunzi. Ndibuka ko yazibwiye ko zitagomba gutiza umwanzi umurindi. Yarimo azibwira ko ibiri gukorwa byose ibyogajuru [*satellites*] bibireba, bityo zikaba zigomba gukorana ubushishozi. Yazihaye amabwiriza, azibwira kurobanura mu mpunzi abari ku isonga muri zo…Yavuze ko abo ba nyirabayazana bagomba kujyanwa kuri burigade ya Muhima bakaburanishwa n'urukiko rwa gisirikare. Mu by'ukuri ariko ibyo ntiyabikoreraga gushaka gukiza ababaga muri kiriya kigo »).

[499] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 65-66 (« Bamaze kuvugana gato, Fidèle yabasize aho [Angeline Mukandutiye, Renzaho, n'Interahamwe] agenda metero nke agana aho twari turi, nuko aravuga ati « Renzaho yavuze ko tutagomba kwica abagabo n'abagore. Tugiye kwica abasore n'abagabo ».)

n'abasirikare n'abajandarume muri biriya bikorwa byakoranywe ubuhanga bigamije kurobanura abagabo b'Abatutsi bagatandukanywa n'abagore n'abana[500].

425. Ubwunganizi bwatanze ibimenyetso bigaragaza ko uwo munsi Renzaho yohereje impunzi kuri Sainte-Famille no muri Saint-Paul agamije kuburizamo igitero Interahamwe zashakaga kugaba muri CELA. Bwanatanze ibimenyetso bigaragaza ko nta ruhare Renzaho yagize mu gitero Interahamwe zaje kugaba ku mpunzi zari zasigaye kuri CELA, ko ndetse atari ahari ubwo icyo gitero cyagabwaga.

426. By'umwihariko, Renzaho n'umutangabuhamya WOW bavuze ko yahanganye [Renzaho] n'Interahamwe zari zakoraniye hariya hantu, zikahava amaze kumvikana na zo, nta muntu n'umwe zitwaye, akabwira impunzi zari zihasigaye kujya kuri Sainte-Famille no muri Saint-Paul, akanafasha muri icyo gikorwa cyo kuzimurirayo. Umutangabuhamya KRG yavuze ko yageze kuri CELA ku itariki ya 22 Mata nyuma gato ya saa tatu za mu gitondo, agasangayo nyina. Nyina yamubwiye ko Renzaho yirukanye Interahamwe, akabwira impunzi ko zishobora gusubira mu ngo zazo cyangwa zikajya kuri Sainte-Famille cyangwa muri Saint-Paul. KRG yongeyeho ko ubwo yageraga kuri CELA nyuma gato ya saa tatu za mu gitondo nta Nterahamwe zariyo, akaba yarabonyeyo Charles Rwanga, umugore we, abahungu be n'abakobwa be. Umutangabuhamya UT yavuze ko yumvise abantu bavuga ko Renzaho yashoboye gufasha mu gikorwa cyo kwimurira impunzi kuri Sainte-Famille, n'ubwo yumvise bavuga ko hari zimwe muri zo zafashwe zikajyanwa bikaba bishoboka ko zishwe.

427. Ibikubiye muri ubu buhamya bihuje n'ibyavuzwe n'abatangabuhamya bashinja. Umutangabuhamya ALG yavuze ko abagore bari kuri CELA bajyanywe kuri Sainte-Famille nyuma y'icyemezo Renzaho yari amaze gufata, kandi ko nta wundi muntu yigeze abona ajyanwa. Abatangabuhamya ACK na UI na bo bavuze ko abagore bari bavuye kuri CELA, ACK anongeraho ko yagiye kuri Sainte-Famille nta muntu n'umwe abagabye igitero baratwara. Nyamara ariko, ubuhamya bw'abatangabuhamya bashinjura

[500] Abatangabuhamya BUO, ACS, HAD, ATQ, UI, na ACK bavuze ko hari Interahamwe n'abajandarume, kandi ko bose bagize uruhare muri kiriya gitero. Abatangabuhamya ACS na UI na bo bavuze ko abasirikare bakigizemo uruhare.

ntibuvuguruza ku buryo bugaragara ubw'abashinja bugaragaza ko ubwo Renzaho yategekaga zimwe mu mpunzi kugenda, by'umwihariko abagore, yarimo no gukorana n'abari bagabye icyo gitero barobanuraga abagabo babatandukanya n'abagore. Ubwo buhamya bw'abatangabuhamya bashinja ni bwinshi, bukwiye kwizerwa, kandi ahanini burahuza.

428. Urugereko rufite amakenga ku buhamya bwa Renzaho. Iyo ubusuzumye ugeraranya n'ibimenyetso byose byatanzwe muri uru rubanza, usanga nta wakwemera ko ari ukuri. Uretse ibimenyetso bitaziguye bigaragaza uruhare yagize mu gikorwa cyo kurobanura impunzi kuri Sainte-Famille, hari n'ibimenyetso biziguye bishimangira umwanzuro w'uko uwo munsi Renzaho yagize uruhare mu gikorwa cyo kurobanura impunzi zari kuri CELA kandi akemera ko kiba. Nk'urugero, yavuze ko yatabaye ahantu abasiviri bitwaje intwaro bakuragaho ibihuru byari bikikije ikigo impunzi zari zakoraniyemo. Nyamara hari hashize ibyumweru bitageze no kuri bibiri ahamagariye abaturage ku mugaragaro kwitabira icyo gikorwa kugira ngo bashobore guhangana n'Inyenzi[501].

429. Umutangabuhamya WOW yashimangiye ibyo Renzaho yavuze mu buhamya bwe by'uko yashoboye gutuma abagabye ibitero bava hariya hantu, Renzaho akaba yaragiye nta mpunzi n'imwe bari batwara. Urugereko ruributsa ko ubwo WOW yazaga gutanga ubuhamya yari yaravuye mu Rwanda yarahunze nyuma y'uko bamuhamagaje ngo yitabe urukiko Gacaca. Yasobanuye ko yari yaragizwe umwere n'inkiko zisanzwe akaba atarashakaga kuburanishwa n'inkiko zigenzurwa n'abaturage[502]. Ni we mutangabuhamya wenyine wavuze ko Renzaho yahagaritse igitero Interahamwe zari zagabye. Ikindi kandi, ibyo yavuze by'uko Mukandutiye, Nyirabagenzi na Bizimana batari bahari ubwo kiriya gitero cyabaga binyuranye cyane n'ibyo abandi batangabuhamya benshi bavuze, aha Urugereko rukaba rusanga uko kudahuza n'abandi bitera umuntu gushidikanya niba ubuhamya bwe kuri iki kibazo bukwiye kwizerwa.

[501] Ikimenyetso gihamya cyatanzwe na Porokireri cyahawe nomero 50 (inyandikomvugo y'ikiganiro Renzaho yagiranye na Radiyo Rwanda ku itariki ya 12 Mata 1994) urup. 9 (« Nagira ngo mbasabe ko kuva ubu abatuye muri buri gace bakwishyira hamwe bagakora umuganda mu gace batuyemo, bagatema ibihuru bihari, bagashakashaka mu mazu adatuwe no mu bishanga bibegereye ngo barebe ko nta Nyenzi zihishemo. Bagomba gutema ibyo bihuru, bagashakashaka mu miferege no mu mazu yarenzwe n'ibyatsi »).
[502] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 48-49, 56-57.

430. Byongeye kandi, ibyo abatangabuhamya biswe KRG, UT, na PPV bavuze ku bijyanye n'ibyo Renzaho yakoze kuri CELA ni ibyo bumvanye abandi, bikaba nta gaciro kanini byahabwa, nta n'icyo bigabanya ku byo Porokireri avuga[503]. Nk'urugero, ubuhamya bwa KRG bugusha hamwe n'ubwa Renzaho n'ubwa WOW. Nyamara iyo ubugereranije n'ubwatanzwe n'abatangabuhamya bashinja bavuga ibyo bihagarariyeho, usanga budatera umuntu gushidikanya ko ibyo Porokireri avuga ari ukuri.

431. Urugereko rumaze kugaragaza ibibazo biri mu buhamya bw'abatangabuhamya bashinjura, rukaba ariko rwemera ko n'abatangabuhamya bashinja hari ibintu usanga badahurizaho. Nk'urugero, bagiye bavuga ibintu bitandukanye ku bijyanye n'ibyavuzwe n'abantu bakomeye mu gihe biriya bintu byabaga[504]. Ubuhamya bwabo ku bijyanye n'abantu bari kumwe na Renzaho kuri CELA na bwo usanga bugenda buhindagurika[505]. Urugereko ariko rusanga ibyo bintu badahurizaho bidakomeye, bikaba bishobora kuba byaratewe n'uko bashobora kuba bari ahantu hatandukanye ubwo biriya bintu by'akajagari kandi bitera guhahamuka byabaga, cyangwa bigaterwa n'uko hashize igihe bibaye.

432. Hari utundi tuntu tw'ingenzi cyane usanga ukwizerwa kwatwo kugerwa ku mashyi. Nk'urugero, mu ibazwa ry'ingenzi, umutangabuhamya BUO ntiyigeze ahingutsa ko Majoro Munyakazi yari mu rugo kwa Mukandutiye cyangwa ko nyuma yaho yari aho kiriya gitero cyaje kugabwa cyabereye. Nyamara ubwo yabazwaga ibibazo binyomoza,

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[503] By'umwihariko, umutangabuhamya PPV mu buhamya bwe agerageza kwihunza kiriya gitero. Ibyo yavuze by'uko ngo atari kuri CELA bivuguruza ibyo Renzaho yavuze mu buhamya bwe bwanditse bwo muri Mata 1997. Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 22-23; ikimenyetso gihamya cyatanzwe na Porokireri cyahawe nomero 114 B (ubuhamya bwanditse bwo ku itariki ya 29 Mata 1997), imp. 11-12.

[504] Urugereko rwasuzumye ibyo bintu abatangabuhamya bagenda badahurizaho, ariko hano ntiruri bubivugeho ku buryo bweruye kubera ko bishobora gutuma umwirondoro w'abatangabuhamya barindiwe umutekano umenyekana.

[505] Gereranya ibyavuzwe n'umutangabuhamya BUO, inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 3-4, 7; Inyandikomvugo y'iburanisha, 29 Mutarama, urup. 22 (avuga ko Burugumesitiri Jean Bizimana yahageze Renzaho yagiye) n'ibyavuzwe n'abatangabuhamya ALG, inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 37 (Bizimana yageze kuri CELA mbere ya Renzaho, igihe Renzaho yari ahari na we akaba yari ahari), ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, urup. 42 (Bizimana yari ahari ari kumwe na Renzaho), ATQ, inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 64 (Renzaho na Bizimana binjiye mu gipangu cya CELA bari kumwe bagenda n'amaguru); gereranya ibyavuzwe n'abatangabuhamya UI, inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 64-65, ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 35, 68, ACK, inyandikomvugo y'iburanisha, 5 Werurwe 2007, urup. 61 (Padiri Wenceslas Munyeshyaka yari kuri CELA) n'ibyavuzwe n'umutangabuhamya BUO, inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 21 (ntiyigeze abona Munyeshyaka).

yavuze ko uwo mumajoro yari aho hantu hombi[506]. Nta wundi mutangabuhamya wigeze avuga ko Munyakazi yari aho hantu.

433. Umutangabuhamya HAD ni we wenyine wavuze ko hari gerenade yatewe mu itsinda ry'impunzi zari mu kigo cya CELA. Ubu buhamya bwe yabusubiyemo kandi mu ibaza rinyomoza bahereye ku buhamya bwanditse yahaye abapererezi b'Urukiko muri Kanama 2000. Muri ubwo buhamya yavuze ko hari gerenade yatewe mu « itsinda ry'abagabo ikicamo hafi 100 ». Ubuhamya bwe ku bijyanye n'iyo gerenade avuga yatewe ntibusobanutse, umuntu wenyine yashoboye kuvuga mu bapfuye icyo gihe akaba ari Gahima[507]. Ukwizerwa k'ubu buhamya kugerwa ku mashyi, cyane cyane iyo umuntu azirikanye ko abatangabuhamya bashinja, bo bashobora kumenya neza uko ibintu byagenze, nta kintu na kimwe bigeze bavuga kibushimangira. Ikindi kandi, Urugereko rusanga umutangabuhamya ACS mu buhamya bwanditse bubiri yahaye abategetsi bo mu Rwanda atarigeze avuga ko Renzaho hari uruhare yagize muri kiriya gitero cyagabwe kuri CELA[508].

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[506] Gereranya inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 1-2 (Renzaho yageze kwa Mukandutiye ari kumwe na Nyirabagenzi, abari bashinzwe kumurinda, n'umushoferi. Umutangabuhamya ntiyigeze avuga Munyakazi), imp. 3-5, 7 (yavuze ko Renzaho yari ari kumwe na Mukandutiye na Nyirabagenzi, asobanura n'ukuntu Jean Bizimana yageze kuri CELA, ariko ntiyavuga Munyakazi), n'inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 16 (yavuze ko Munyakazi yari kumwe na Renzaho ubwo kiriya gitero cyagabwe kuri CELA cyabaga, avuga ko ibyo yabivuze mu ibaza ry'ibanze, ndetse ko biri no mu buhamya bwanditse yatanze mbere), 17 (avuga ko mbere y'icyo gitero Munyakazi yaje kwa Mukandutiye ari mu modoka y'ikamyoneti), 19 (Munyakazi yari kumwe na Renzaho mu mbuga ya CELA mu gikorwa cyo kurobanura impunzi). Reba kandi ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 14A (ubuhamya bwanditse bwo ku itariki ya 12 Nzeri 2006), urup. 7 (avuga ko Munyakazi yari kuri CELA ariko ntavuge ko mbere yaho yari kwa Mukandutiye).

[507] Ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 25B (ubuhamya bwanditse bwo ku itariki ya 22 Kanama 2000), urup. 3; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup. 30-32.

[508] Muri Mata 1998 no muri Werurwe 2003, umutangabuhamya ACS yakorewe inyandikomvugo z'ibazwa ebyiri n'abayobozi bo mu Rwanda, izo nshuro zombi ntiyigeze avuga ko Renzaho hari uruhare yagize mu gitero cyo kuri CELA. Ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 20C (ubuhamya bwanditse bwo ku itariki ya 27 Mata 1998); ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 21C (ubuhamya bwanditse bwo ku itariki ya 20 Werurwe 2003). By'umwihariko, ubuhamya bwanditse bwo muri Mata 1998 (urup.2) bukubiyemo urutonde rw'abantu 18 barimo na Odette Nyirabagenzi, ACS avuga ko « bishe abantu mu duce twinshi ari two kuri CELA… ». Rugikubita umuntu ahita abona ko uyu mutangabuhamya atigeze ahingutsa kiriya gitero cyangwa ngo avuge ko Renzaho yari akirimo. Ubwo yabazwaga muri Mata 1998, bamubajije ibibazo bikurikira : « Ikibazo : Ko waje hano kuri parike uragenzwa n'iki ? Igisubizo : Hari abantu bakoze ibyaha naje gutangaho ubuhamya nshinja. Ikibazo : Ni ba nde ? » Ibi bibazo bamubajije byari ibibazo bisaba ibisobanuro, bikaba byaramuhaga uburenganzira busesuye bwo kuba yavuga kuri kiriya gitero cyo kuri CELA no ku ruhare Renzaho yaba yarakigizemo. Yasobanuye ko buriya buhamya bwanditse yahaye abayobozi bo mu Rwanda bwarebanaga n'inama za Komite y'amahina [*Comité de crise*] n'ibyaha Renzaho atagizemo uruhare. Inyandikomvugo

434. Urugereko rusanga kuba muri ibi bice by'ubuhamya bw'abatangabuhamya bashinja hagiye harimo utubazo nta cyo bigabanya ku bintu by'ingenzi birebana na kiriya gitero, rukaba rusanze byaragaragajwe ku buryo budashidikanyaho ko ku itariki ya 22 Mata 1994 Renzaho yari kuri CELA. Rushingiye ku bimenyetso bitaziguye n'ibiziguye byatanzwe, rusanga umwanzuro wonyine ushyize mu gaciro ushoboka ari uko Renzaho ubwe yategetse Interahamwe gukora igikorwa cyari kigambiriwe cyo kurobanura abagabo b'Abatutsi bakabatandukanya n'abagore n'abana, cyangwa agaha Interahamwe iryo tegeko abinyujije kuri Angeline Mukandutiye na Odette Nyirabagenzi.

435. Ku bijyanye n'abandi bantu bakomeye bavugwa ko bari bahari, Urugereko rurashidikanya ku miterere n'ingano by'uruhare rwa Padiri Wenceslas Munyeshyaka. N'ubwo umutangabuhamya BUO yavuze ko muri rusange Munyeshyaka yorohereje Interahamwe gukora ibyaha zakoze, ntiyigeze amubona kuri CELA ku itariki ya 22 Mata. Urugereko rusanga na Renzaho yarahakanye ko Munyeshyaka yari ahari. Ikindi ni uko abatangabuhamya UI, ACS, na ACK nta bisobanuro bihagije batanze ku byerekeye imiterere y'uruhare bivugwa ko Padiri Munyeshyaka yagize cyangwa ingaruka kuhaba kwe kwaba kwaragize. Naho ku byerekeye Jean Bizimana wari Burugumesitiri wa Komini ya Nyarugenge, ubuhamya bwa BUO, ACS, ATQ, na ALG bugaragaza ko ku itariki ya 22 Mata yari kuri CELA[509], ariko na we imiterere y'uruhare rwe n'ingaruka kuhaba kwe kwagize ntibisobanutse.

(ii) Itwarwa n'iyicwa ry'impunzi

436. Urugereko rurabanza gusuzuma ibijyanye n'ukuntu impunzi zavanywe kuri CELA. Abatangabuhamya UI na HAD bavuze ko impunzi nka 40 zavanywe kuri CELA ku gahato. UI yongeyeho ko uretse batatu gusa abandi bose bari Abatutsi, naho HAD

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y'iburanisha, 30 Mutarama 2007, imp. 75-76. Urugereko rwemeye ko uyu mutangabuhamya ashobora kuba yaratekereje ko iryo perereza ryakorwaga yatanzemo ubuhamya ntaho ryari rihuriye n'ibya Renzaho, rukaba rusanga iki gisobanuro gishyize mu gaciro.

[509] Ibyo umutangabuhamya WOW yavuze by'uko ngo ubwo kiriya gitero cyabaga Burugumesitiri Jean Bizimana atari ahari ntibitera umuntu ushyira mu gaciro gushidikanya ko yari ahari. Ibyo Urugereko rubyemeza rushingiye ku bindi bimenyetso byatanzwe birimo n'ubuhamya bwa ALG.

asobanura ko bari abasore b'Abatutsi bakiri bato[510]. Umutangabuhamya ACS yavuze ko yumvise bahamagara amazina y' abantu nka 40[511]. Umutangabuhamya BUO yavuze ko agereranije hajyanywe impunzi ziri hagati ya 60 na 70, naho ACK avuga ko hajyanywe abantu 20, ariko asobanura ko yahavuye batarajyana abari bamaze kurobanurwa[512]. Umutangabuhamya ATQ yavuze ko agereranije icyo gitero cyahitanye abasore bari hagati ya 80 na 100[513]. Urugereko rusanga aba batangabuhamya baragiye ahanini bahuza mu mibare batanze, kandi biragaragara neza ko bakwiye kwizerwa.

437. Ku bijyanye no kumenya abantu bishwe abo ari bo, umutangabuhamya ACS yavuze ko Angeline Mukandutiye yahamagaye Charles Rwanga, Vincent Mugiraneza, Emmanuel Gihana, Albert wakoraga kuri Radiyo Rwanda, Christophe Safari, Charles Gahima, na Rwigamba. Umutangabuhamya ATQ yavuze ko yibuka ko umugabo witwaga Albert ari mu bo Interahamwe zarobanuye mu bandi. Umutangabuhamya HAD yavuze ko hajyanywe Charles Rwanga, abahungu be babiri ari bo Wilson na Déglote, Charles Gahima n'umuhungu we, Christophe Safari, na Rwigamba. Umutangabuhamya UI yavuze ko Charles Rwanga n'abahungu be babiri ari bo Wilson na Déglote, Albert wakoraga muri ORINFOR, umuhungu wa Sebushishi na Emmanuel Semugomwa, bose bari kumwe na we ubwo impunzi zajyanwaga kuri CND, ariko akaza kumva ko Semugomwa yatorotse. Umugabo w'umutangabuhamya ACK na bamwe mu bana be babashyize mu mubare w'abagomba kuvanwa mu bandi, akaba atarongeye kubabona ukundi. Umutangabuhamya BUO yavuze ko ubwo yajyaga kuri CND yabonye umurambo wa Charles Rwanga, uwa Déglote Rwanga, uwa Albert wari umushoferi muri ORINFOR, n'iy'abana babiri ba Pierre Sebushishi. Aha na none usanga aba batangabuhamya bagenda bahuza mu byo bavuga kandi ugasanga ubuhamya bwabo

[510] Umutangabuhamya UI, inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 64-65 ; Umutangabuhamya HAD, inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 14-15.
[511] Umutangabuhamya ACS, inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 40-41, 59-61, 71-73.
[512] Umutangabuhamya BUO, inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 3-6, 10 ; inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 10, 20; Umutangabuhamya ACK, inyandikomvugo y'iburanisha, 5 Werurwe 2007, urup. 65.
[513] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 68.

bukwiye kwizerwa. Ikindi kandi, usanga banahuriza ku byo bavuze ku byerekeye imiterere y'imodoka zajyanye impunzi[514].

438. Hari ibimenyetso byatanzwe n'Ubwunganizi bigamije kwerekana ko Charles Rwanga n'abahungu be babiri batari mu bantu bavanywe kuri CELA uriya munsi. By'umwihariko, umutangabuhamya WOW yavuze ko yumvise bavuga ko Rwanga yishwe ku itariki ya 7 Mata, ni ukuvuga hasigaye nk'ibyumweru ngo kiriya gitero kibe. Kubera ariko ko uyu mutangabuhamya atabonye icyo gitero kivugwa ko cyagabwe ku itariki ya 7 Mata ndetse na nyuma akaba atarabonye umurambo wa Charles Rwanga, ubuhamya bwe nta gaciro gakomeye bufite[515]. Umutangabuhamya ACK bamubajije icyo avuga ku rubanza rwa Alphonse Macumi rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwo mu Rwanda aho urwo rukiko rwanzuye ko Macumi « yicishije Charles Rwanga n'abana be…abavanye kuri Sainte-Famille »[516]. ACK yakomeje kwemeza ko abo bantu babavanye kuri CELA batabavanye kuri Sainte-Famille, avuga ko iki gice cy'urubanza atari cyo kandi ko cyatanzwe n'abandi bantu batari we[517]. Urugereko rusanga ibisobanuro bye bishyize mu gaciro[518].

439. Ubuhamya burimo ubw'abatangabuhamya bahagaze ku byabaye barimo BUO, UI, ACS, na HAD bugusha hamwe, bukaba bugaragaza ko, muri kiriya gitero cyo ku itariki ya 22 Mata, Charles Rwanga n'abana be ari bo Wilson na Déglote bari mu bantu b'igitsina gabo barobanuwe bakavanwa kuri CELA[519]. Charles Rwanga yiciwe mu nzira ubwo impunzi zajyanwaga kuri CND. Umutangabuhamya UI yavuze ko impunzi zabanje kujyanwa kuri burigade ya Jandarumori ya Muhima zigafungirwayo umwanya muto,

[514] Abatangabuhamya UI na BUO bavuze ko impunzi zajyanywe muri minibisi no mu ikamyoneti. (Umutangabuhamya BUO yavuze imodoka eshatu ariko ebyiri zonyine ni zo yasobanuye uko zari ziteye.) Umutangabuhamya ACK yavuze ko impunzi bazurije imodoka ebyiri, imwe ikaba yari minibisi yo mu bwoko bwa Nissan Urvan. Umutangabuhamya ACS yavuze ko impunzi bazijyanye mu modoka y'ikamyoneti.

[515] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 52-53.

[516] Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 59; ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 40 (ibice by'inyandiko y'urubanza rwaciwe n'Urukiko rwa Mbere rw'Iremezo rwo mu Rwanda (ni twe twabishimangiye tubishyira hagati y'utwuguruzo n'utwugarizo).

[517] Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 60.

[518] Umutangabuhamya ushinjura wiswe KRG yavuze ko yabonye Rwanga n'abahungu be kuri CELA ubwo yahavaga mu ma saa tatu n'iminota 20 za mu gitondo, ariko nyuma akaza kumva ko babajyanye bakabica.

[519] Inyandiko y'ibirego ya Munyeshyaka n'izindi nyandiko ziyiherekeje zavuzweho mu kindi gice (1.2.2) na zo ntizitera umuntu gushidikanya ku kuri kw'ibimenyetso byatanzwe na Porokireri.

nyuma bakazishumuriza Interahamwe zikazijyana mu modoka ya minibisi. Yavuze ko mu nzira impunzi zigera ku 10 zirimo Charles Rwanga zafatiwe kuri bariyeri yari hafi ya resitora y'Abanyetiyopiya ahitwa kuri *Péage* zikicwa. Urugereko rwemeye ubwo buhamya bwe. Umutangabuhamya BUO yavuze ko yabonye umurambo wa Charles Rwanga n'uwa Déglote Rwanga mu nzira yerekeza ku cyobo rusange bitaga CND, yongeraho ko mu mpunzi zose zajyanywe nta n'imwe yarokotse.

440. Urugereko rusanze impunzi zigera kuri 40, ziganjemo abagabo b'Abatutsi, zarakuwe kuri CELA ku itariki ya 22 Mata 1994. Mu bajyanywe harimo Charles Rwanga n'abahungu be babiri ari bo Wilson Rwanga na Déglote Rwanga, Charles Rwanga na Déglote Rwanga bakaba bari mu bantu biciwe mu nzira[520]. Interahamwe zishe impunzi zose zitari ziciwe mu nzira cyangwa ngo zishobore gutorokera hariya hantu[521].

441. Nta muntangabuhamya n'umwe wigeze yumva Renzaho yerura ngo atange itegeko iryo ari ryo ryose ryo kwica bariya bagabo bari barobanuwe mu mpunzi zari kuri CELA. Umutangabuhamya BUO ariko yavuze ko iryo tegeko ryatanzwe na Mukandutiye mu buryo buteruye ubwo yatangaga amabwiriza yo kujyana impunzi kuri CND, kandi atanga ayo mabwiriza Renzaho akaba yari ahari[522]. Ubuhamya bwa ATQ na bwo bwerekana ko muri kiriya gihe cyo kurobanura impunzi Interahamwe zumvise ko abagabo bari bwicwe[523]. Umutangabuhamya UI yavuze ko Renzaho yategetse ko abagabo bajyanwa kuri Jandarumori ya Muhima, ko nta CND yigeze avuga. Aya mabwiriza ariko agaragaza

[520] Urugereko rusanze kuba umutangabuhamya UI yaravuze ko hishwe abantu nibura 10 mu gihe umutangabuhamya BUO we yavuze ko yabonye imirambo 15 ubwo yari mu nzira ajya kuri CND atari ikibazo gikomeye. Iryo tandukaniro ni rito, imibare abatangabuhamya batanze kwari ukugereranya, kandi ubwo UI yahungaga ava aho biriya bintu byaberaga abantu bari bakicwa bunyamaswa na minibisi itaragera kuri CND, bityo bikaba bishoboka ko umubare w'abishwe ushobora kuba urenga uriya yavuze.

[521] Mu kuvuga ko « nta muntu n'umwe washoboye gucika », umutangabuhamya BUO yashakaga kuvuga impunzi yabonye zicwa amaze kugera kuri CND. Inyandikomvugo y'iburanisha, 26 Mutarama 2007, urup. 10. Urugereko rusanga ibi bitavuguruzanya n'ubuhamya bwa BUO wavuze ko we n'undi muntu bashoboye gucika ubwo bari mu nzira bajya kuri CND.

[522] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, urup. 5 (« Icyemezo cyahise gifatwa ako kanya ko hari abantu bagomba kurobanurwa mu bandi bakajyanwa kwicwa. Batubwiye ko tugomba kubajyana ahantu hitwa kuri CND, kandi izo nyuguti CND twari tuzi icyo zisobanura, nuko turabikora. Ibimenyetso birahari. ...Ubwo baduhaga amabwiriza yo kujyana abo bantu kuri CND, Angeline Mukandutiye yari kumwe na Renzaho Tharcisse. Iryo tegeko ritangwa bari kumwe, bityo rero Renzaho akaba yari ahari. Yahavuye ayo mabwiriza amaze gutangwa. Ni ibintu byari byateguwe bari babanje kuvuganaho »).

[523] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 65-66 (ubwo impunzi zarobanurwaga, hari Interahamwe yavuze iti « Renzaho yavuze ko tutagomba kwica abagabo n'abagore. Tugiye kwica abasore n'abagabo ».)

ukwigengesera kugamije guhishira ibyakorwaga, ni ukuvuga « igitero », kugira ngo abantu batamenya ibiba[524].

442. Urugereko rusanga ibimenyetso byatanzwe na Porokireri bigaragaza ko intego y'ibanze ya kiriya gikorwa kwari ugutsemba abagabo b'Abatutsi bari mu kigero cy'imyaka y'abashobora kwitabira urugamba. Kuba abatangabuhamya bataragiye bahuriza ku magambo nyirizina Renzaho yakoresheje nta cyo bivuze. Ikindi kandi, Urugereko rusanga ibyo umutangabuhamya UI yavuze by'uko impunzi bazijyanye kuri burigade ya Jandarumori ya Muhima aho guhita bazijyana ku cyobo rusange bidasobanura ko umugambi wo kwica abagabo waje uhutiyeho Renzaho atabishishikarije ababikoze cyangwa atabizi, ukaba waracuzwe nyuma y'aho babajyaniye. Impunzi zavanywe kuri Jandarumori vuba na bwangu bazishumuriza Interahamwe nyuma ziza kuzica.

443. Urugereko rusanga umwanzuro wonyine ushyize mu gaciro ari uko hatanzwe amategeko yo kwica impunzi z'igitsina gabo zari zavanywe kuri CELA. Kubera umwanya w'ubuyobozi Renzaho yari afite igihe biriya bintu byakorwaga, Urugereko rusanze umwanzuro wonyine ushyize mu gaciro ari uko Renzaho ari we watanze ayo mategeko.

7. UBWICANYI BWO MURI KOMINI YA NYARUGENGE, 28 MATA 1994

7.1 Intangiriro

444. Porokireri avuga ko ku itariki ya 28 Mata 1994 cyangwa hafi yayo, Renzaho yategetse Interahamwe kujya muri Komini ya Nyarugenge gushakisha no kwica Abatutsi icyenda barimo Francois Nsengiyumva, Rutiyomba, Kagorora n'abahungu be babiri ari bo Emile

[524] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 59-60, (« Ubwo nahageraga, perefe yarimo ababwira ko batagomba guhita bagaba igitero ku mpunzi. Ndanibuka ko yababwiye ko batagomba gutiza umwanzi umurindi. Yarimo ababwira ko ibyogajuru [*satellites*] biri kureba buri kintu cyose gikorwa, bityo bakaba bagomba gukorana ubushishozi. Yabahaye amabwiriza, ababwira kurobanura mu mpunzi ba nyirabayazana. Ni iryo jambo yakoresheje. Yavuze ko abo ba nyirabayazana bagomba kujyanwa kuri burigade ya Muhima bakaburanishwa n'urukiko rwa gisirikare. Mu by'ukuri ariko, ibyo ntiyabikoreraga gushaka gukiza impunzi zabaga muri kiriya kigo »), 61.

na Aimable. Interahamwe zishe Abatutsi benshi harimo n'abo batanu. Porokireri yifashisha ubuhamya bw'abatangabuhamya biswe GLE na MW[525].

445. Ubwunganizi burabihakana, bukavuga ko Renzaho atategetse ko icyo gitero kigabwa, cyangwa ngo ashishikarize abantu kugikora, ndetse ko atanamenye ko cyabayeho. Umutangabuhamya wiswe GLE ni we wenyine wavuze kuri icyo gitero, ubuhamya bwe bukaba butakwizerwa kandi buvuguruzwa n'ubw'umutangabuhamya wiswe HIN[526].

7.2 Ibimenyetso

Umutangabuhamya ushinja wiswe GLE

446. Ku munsi wakurikiye itariki Perezida yapfuyeho, umutangabuhamya wiswe GLE wo mu bwoko bw'Abatutsi yahungiye mu rugo rw'uwitwa Elie Munyankinde, wari umusirikare mu ngabo z'u Rwanda. Ahagera yahasanze abandi Batutsi barenga icumi barimo abagabo n'abagore. Ku itariki ya 28 Mata 1994, Interahamwe zaje muri urwo rugo. Umwe mu Nterahamwe yinjiye afite imbunda, izindi ziguma hanze; icyo gihe umutangabuhamya akaba yari ari mu cyumba cy'uruganiriro. Mu nzu imbere hiciwe Abatutsi batanu ari bo François Nsengiyumva, Rutiyomba, Kagorora n'abana be babiri ari bo Emile na Aimable. Umusirikare wari uri aho yinginze abagabye igitero abasaba kureka abagore n'abana, bituma abagabo ari bo bonyine bicwa. Umutangabuhamya ntiyakurikiranye iyicwa ry'abantu bari hanze. Interahamwe zateye no kwa Gakwandi wari utuye hepfo kuri uwo muhanda, maze uwo Gakwandi n'abana be baricwa[527].

447. Nyuma y'ubwo bwicanyi bwabereye mu nzu kwa Munyankinde, umutangabuhamya yasohotse hanze mu rugo, abona Interahamwe yitwa Leonard Bagabo yereka abasiviri bari kumwe na yo urupapuro. Iyo Nterahamwe yavugaga ko urwo rupapuro rwasinyweho

[525] Inyandiko y'ibirego, ibika 46, 50; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 407-417. Izina rya nyir'urugo ryandukuwe mu buryo bubiri: «Munyankinde » na «Munyankindi». Kugira ngo hirindwe iyo myandikire inyuranye, muri uru rubanza harandikwa « Munyankinde ».

[526] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 568-582.

[527] Inyandikomvugo y'iburanisha, 31 Mutarama 2007 imp. 1-5; Ikimenyetso gihamya cya Porokireri cyahawe nomero 79 (ifishi y'umwirondoro). Umutangabuhamya wiswe GLE ntiyavuze mu buryo bweruye umunsi urugo rwa Gakwandi rwagabiweho igitero, ariko ukurikije uko ibintu byagenze usanga na rwo rwaratewe ku itariki ya 28 Mata 1994.

na Renzaho hamwe n'umugenzuzi w'amashuri witwa Angeline Mukandutiye wari umukuru w'Interahamwe muri ako gace. Umutangabuhamya yabonye urwo rupapuro ariko ntiyabashije gusoma ibyari byanditseho. Hari aho umutangabuhamya yakoresheje ijambo « ilisiti » ashaka kuvuga urwo rupapuro[528].

448. Nyuma y'icyo gitero, imirambo yajugunywe mu cyobo cyari hafi aho cyacukuwe n'abaturage batuye muri ako gace. Umutangabuhamya n'abandi bagore barokotse icyo gitero bavuye mu rugo rwa Munyankinde, babona imirambo iri gushyingurwa aho hantu, harimo n'iy'abantu bari biciwe kwa Gakwandi. Muri icyo gihe umutangabuhamya yari ahagaze aho, umujepe yaje kubara iyo mirambo, maze aravuga ngo umutangabuhamya n'abandi bagore na bo bagomba kujugunywa muri icyo cyobo[529].

449. Icyo gihe, umugabo wa GLE yari ahantu hatari kure yo kwa Munyankinde. Nyuma y'igitero, Interahamwe zahamagaye uwo mugabo we, maze umutangabuhamya abona Bagabo azunguje rwa rupapuro, hanyuma umugabo bamujyana mu modoka yarimo Interahamwe zitwaje imipanga, imbunda, n'inkota. Icyo gihe kandi, uwo mugabo we yari yakubiswe inkota yakomeretse. Intambara irangiye, umutangabuhamya yaje kumva ko umugabo we bamushyiriye Odette Nyirabagenzi akicishwa icumu. Hashize iminsi ibiri igitero cyo kwa Munyankinde kibaye, umutangabuhamya yahungiye ku kigo cya *Saint-Paul*[530].

<u>Umutangabuhamya ushinja wiswe MW</u>

450. Umutangabuhamya wiswe MW ni Umututsikazi, akaba yarahungiye ku kigo cya *Saint-Paul* ku itariki ya 12 Mata 1994. Ku itariki ya 24 Mata, Interahamwe zirenga 20 zagabye igitero kuri icyo kigo. Umutangabuhamya yabonye Interahamwe zifata impunzi indwi zizijyana muri kamyoneti. Uwari ukomeye muri icyo gitero yari Léonard Bagabo, wari umuyobozi wa serire y'umutangabuhamya. Léonard Bagabo, wari ufite intwaro, yageregeje gutwara umutangabuhamya n'abagize umuryango we ku ngufu, ariko

[528] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 4-5, 9.
[529] Ni kimwe no haruguru, urup. 6.
[530] Ni kimwe no haruguru, imp. 5-6, 8-9.

abibuzwa n'undi muntu wabyitambitsemo. Umutangabuhamya yaje kumva ko izo mpunzi indwi ziciwe ahantu hitwaga *CND* muri Segiteri ya Rugenge[531].

Renzaho

451. Ubwo Renzaho yabazwaga niba yaragabye igitero kwa Munyankinde ku itariki ya 28 Mata 1994 kandi agahamagarira abantu kukijyamo, yasubije ko atigeze agera kwa Munyankinde na rimwe, ndetse ko atazi n'aho yari atuye, akaba rero atarategetse ko urugo rwe ruterwa cyangwa ngo ayobore igitero cyahagabwe[532].

Umutangabuhamya ushinjura wiswe HIN

452. Umutangabuhamya ushinjura wiswe HIN wo mu bwoko bw'Abahutu, yavuze ko igitero cyagabwe kwa Elie Munyankinde cyaguyemo abantu 42. Uyu mutangabuhamya yavuze ko nta makuru yamugezeho avuga ko Renzaho yari muri icyo gitero. Uwo mutangabuhamya ntiyari ahibereye ubwe, ariko yumvise ibyerekeye icyo gitero mu mwaka wa 2006 kubera ko yaregwaga mu rubanza rwa Cacaca rwerekeranye n'icyo gitero, akaba yararwise gusa urubanza rwa Bagabo nta bindi bisobanuro birambuye arutanzeho[533].

[531]Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 2, 5-9, 24, 28; Ikimenyetso gihamya cya Porokireri cyahawe nomero 83 (ifishi y'umwirondoro). Umutangabuhamya wiswe MW yavuze kandi ko Angeline Mukandutiye yari Umugenzuzi w'amashuri muri Komini ya Nyarugenge, umuyobozi w'Interahamwe, n'umuyobozi muri MRND. Ni kimwe no haruguru, imp. 4, 27.

[532] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 61.

[533] Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, imp. 57-61; Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 18-19; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 73 (ifishi y'umwirondoro). Hari aho umutangabuhamya wiswe HIN yitiranyije amazina ya Bagabo na Elie Munyankinde bituma yibeshya avuga « Bagabo Elie » (Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, urup. 59). Yasobanuye ko urwo rubanza muri Gacaca rwatangiye mu wa 2003, rugacibwa mu bujurire mu wa 2006. Umutangabuhamya kandi yagize uruhare mu muhango w'ikusanyamakuru ku birebana n'urwo rubanza. Hakurikijwe icyemezo cyafashwe ku itariki ya 14 Kamena 2007 ku cyifuzo cy'Ubwunganizi cyasabaga Urugereko gufata ingamba zihariye zo kubungabunga umutekano w'umutangabuhamya wiswe HIN (Urugereko rwa Mbere rw'Iremezo), umwirondoro w'uwo mutangabuhamya wagizwe ibanga, umenyeshwa Porokireri hasigaye iminsi 10 gusa kugira ngo umutangabuhamya atange ubuhamya mu rukiko.

7.3 Isesengura ry'Urugereko

453. Umutangabuhamya ushinja wiswe GLE ni we wenyine wavuze ku gitero cyagabwe kwa Elie Munyankinde ku itariki ya 28 Mata 1994. Uwo mutangabuhamya yatanze inkuru y'ibyo yahagazeho kandi idahuzagurika, isa n'iyakwemerwa. Mu buhamya bwe bwanditse yahaye abapererezi b'Urukiko muri Gicurasi 2000, yavuze ko yahungiye kuri *Saint-Paul* igitero kivugwa kimaze ibyumweru bibiri kibaye, ariko mu buhamya yatangiye imbere y'Urugereko yavuze ko icyo gitero cyari kimaze iminsi ibiri kibaye. Babimubajijeho, umutangabuhamya yatsindagiye ko haciyemo iminsi ibiri, kandi ko atari kubona aho aba ari mu gihe kinini gutyo cy'ibyumweru bibiri[534]. Urugereko rusanga kunyuranya kuri hagati y'ubuhamya bwanditse n'ubwatangiwe mu rukiko kudakomeye, bikaba bishoboka ko kwakomotse ku ikosa ryabaye mu gihe umutangabuhamya yabazwaga n'abapererezi b'Urukiko.

454. Urugereko rwemera ubuhamya bwatanzwe n'uyu mutangabuhamya buvuga ko ku itariki ya 28 Mata, Interahamwe zishe Abatutsi benshi mu rugo rwa Munyankinde barimo François, Rutiyomba, Kagorora n'abana be babiri ari bo Aimable na Emile. Urugereko rusanga kandi igihe igitero cyabaga, Interahamwe yitwa Leonard Bagabo yari iri mu mbuga y'urwo rugo[535]. Mu buhamya bwe, umutangabuhamya wiswe MW yashimangiye ko Leonard Bagabo yari umuyobozi w'Interahamwe.

455. Urugereko rusanga icyo gitero ari cyo umutangabuhamya wiswe HIN yavuzeho. N'ubwo uwo mutangabuhamya nta tariki nyayo yatanze, kuba avuga urugo rwa Munyankinde n'izina rya Bagabo bishimangira ubuhamya bwa GLE. Kuba GLE yaravuze ko muri icyo gitero hishwe abantu icyenda naho HIN akavuga ko hiswhe abantu 42, nta cyo bitwaye ukurikije uko ibintu byari biteye. GLE ashobora kuba yaravugaga abantu yabonye biciwe mu nzu, naho HIN akaba yaratanze umubare w'abapfuye bose hamwe akurikije ibyo yamenyeye mu manza za Gacaca.

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[534] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 6, 8-9.

[535] Ubuhamya bw'umutangabuhamya wiswe GLE ku birebana n'igitero cyagabwe mu rugo rwa Gakwandi ntibuvugwa mu buryo bweruye mu nyandiko y'ibirego. Uko uwo mutangabuhamya yamenye ibyerekeye icyo gitero, uko cyagenze n'abagikoze ntibisobanutse. Kubera ibyo, Urugereko nta mwanzuro rufata kuri icyo gikorwa.

456. Ikibazo cy'ingenzi ni ukumenya niba Renzaho yaragize uruhare muri icyo gitero. Umutangabuhamya wiswe GLE nta makuru yatanze ku byari bikubiye mu rwandiko rwavuzwe Bagabo yari afite, uretse ko hari aho yavuze ko rwariho « urutonde », akaba yaranatanze ubuhamya bushingiye ku nkuru mbarirano avuga ko rwariho sinyatiri ya Renzaho n'iya Mukandutiye. We ubwe ntiyabonye ibyari byanditse muri urwo rwandiko, kandi ntiyasobanuye icyo yahereyeho avuga ko rwariho « urutonde ». Kubera ibyo, ubuhamya bwe ntibuhagije kwemeza ko urwandiko Bagabo yari afite rwariho urutonde rw'amazina y'abantu bagombaga kwicwa, rwasinyweho na Renzaho[536].

457. Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko ku itariki ya 28 Mata 1994 cyangwa hafi yayo Renzaho yategetse Interahamwe gushakisha no kwica Abatutsi icyenda. Na none kandi, ibyabaye bivugwa ntibisobanutse bihagije ku buryo byagaragaza uburyozwacyaha bwa Renzaho nk'uwari ukuriye abandi.

8. IYIRUKANWA RY'ABAYOBOZI BATARI INTAGONDWA, MU MPERA ZA MATA 1994

8.1 Intangiriro

458. Porokireri avuga ko ku itariki ya 30 Mata 1994 cyangwa hafi yayo, Renzaho yirukanye abayobozi barimo Célestin Sezibera wari Konseye wa Segiteri, kubera ko yakekaga ko uwo Sezibera adashyigikiye ubwicanyi bwibasiraga Abatutsi. Renzaho yaba yarasimbuje Sezibera undi muntu wari ushyigikiye ubwo bwicanyi. Porokireri yifashisha ubuhamya bw'abatangabuhamya biswe GLJ, ALG na UB[537].

459. Ubwunganizi buvuga ko Sezibera yirukanywe azira ko yataye akazi. Buvuga kandi ko Renzaho nta ruhare yagize mu iyirukanwa ry'abo bantu, kandi ko ibivugwa kuri iki

[536] Mu gufata uyu mwanzuro, Urugereko rwazirikanye ibindi bimenyetso bivuga ko hari andi malisiti yaba yarasinyweho na Renzaho.

[537] Inyandiko y'ibirego, ibika 17, 35; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 216-237, 360-379. Inyandiko y'ibirego ivuga no ku iyirukanwa rya Konseye Jean-Baptiste Rudasingwa. Mu ibaruwa ye yo ku itariki ya 13 Werurwe 2007 yandikiye Ubwunganizi ndetse no mu myanzuro ye nsozarubanza yanditse, igika 227, Porokireri yemeye ko nta kimenyetso na kimwe yatanze ku birebana n'iryo yirukanwa.

kibazo bidasobanuse neza. Ubwunganizi bwifashisha ubuhamya bw'abatangabuhamya biswe AIA, PPV, PPO, UT, PGL, VDD na MAI[538].

8.2 Ibimenyetso

Umutangabuhamya ushinja wiswe GLJ

460. Umutangabuhamya wiswe GLJ ni Umuhutu, akaba yari mu nzego z'ubuyobozi muri Perefegitura y'Umujyi wa Kigali, muri Mata 1994. Yatanze ubuhamya buvuga ko mu kwezi k'Ukwakira 1990, Célestin Sezibera wari Konseye wa Segiteri ya Nyamirambo, yakozweho iperereza akekwa kuba icyitso cy'umwanzi, ariko ko yakomeje imirimo ye. Icyo gihe yatungwaga agatoki ko ari Umututsi. Byongeye kandi, bamwe mu bantu bo mu muryango we bakaba muri icyo gihe bari hanze y'igihugu[539].

461. Muri Mata 1994, Sezibera yatanze za raporo zaba izanditse cyangwa izo mu magambo, azigeza kuri Renzaho, Burugumesitiri wa Komini ya Nyarugenge ari we Jean Bizimana, n'ubuyobozi bwa perefegitura muri rusange. Muri izo raporo yasobanuraga ko Abatutsi bibasiwe. Yavuze by'umwihariko ko Interahamwe yitwa Kigingi, hamwe n'abaporisi n'abajandarume bishoye mu bwicanyi bwakorewe muri Segiteri ya Nyamirambo. Izo raporo zisa n'aho ntacyazivuyemo, kandi ubwicanyi bwarakomeje. Urwego rw'igipolisi rwayoborwaga na Perefe. Umunsi umwe, abajandarume bohereje abantu bo gutera inkunga ahantu umuryango umwe wari wagize ikibazo, ariko bamubwira ko ubutaha agomba kujya ahamagara Perefe. Sezibera yamaze iminsi ibiri mu kwezi kwa Mata yandurura imirambo muri Segiteri ya Nyamirambo ayijyana mu irimbi[540].

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[538] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 609-688; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (inyandiko yuzuza imyanzuro nsozarubanza mu magambo y'Ubwunganizi), igika. 613.1.

[539] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 13, 14-15 (nta gisobanuro cyatanzwe cyerekana ko kuba hari abantu bo mu muryango we babaga mu mahanga byaratumye akekwa amababa; Umutangabuhamya wiswe GLJ ahakana ko yari umuyoboke wa *FPR*), 16, 20, 23, 33, 45, 58; Ikimenyetso gihamya cya Porokireri cyahawe nomero 68 (ifishi y'umwirondoro). Ubwo yatangaga ubuhamya mu Rukiko, umutangabuhamya wiswe GLJ yari amaze imyaka irenga 12 afungiye mu Rwanda, kandi urubanza rwe rwari rutaratangira kuburanishwa. Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 23, 62-63.

[540] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 22, 24-25, 29-30, 35-36, 47-48, 52-55. Kigingi (hamwe na hamwe mu nyandikomvugo y'iburanisha bamwita Kagingi) yarafashwe afungirwa mu kigo cya gisirikare umunsi

462. Umutangabuhamya yari mu nama yo ku itariki ya 30 Mata 1994. Muri iyo nama, Burugumesitiri Bizimana yahaye Sezibera ibaruwa Renzaho yasinye ku itariki ya 29 Mata, iyo baruwa ikaba yaravugaga ko Perefe asezereye Sezibera ku mirimo ye kubera ko « atabashije kubungabunga umutekano ». Burugumesitiri yasabwaga kubahiriza icyo cyemezo ako kanya. Ahagana muri icyo gihe kandi, Renzaho yirukanye Resiponsabure wa Serire witwa Kanimba, asimburwa n'uwitwa Habimana[541].

463. Umutangabuhamya yabonye ibaruwa yirukanaga Sezibera ku kazi, kandi yumvise ko amagambo ayirimo ashatse kuvuga ko Konseye yirukanywe kubera ko akekwaho kuba Umututsi. Umutangabuhamya yatanze impamvu nyinshi zituma atekereza ibi. Icya mbere, ubusanzwe Abanyarwanda bakoresha imvugo iziguye. Icya kabiri, Kanimba yavanywe ku mirimo ye azira ko ari Umututsi. Kubera ko mu wa 1990 Sezibera yari yaraketswe amababa, umutangabuhamya yatekereje ko Konseye yaba yirukaniwe impamvu imwe na Resiponsabure wa Serire. Icya gatatu, abantu benshi bari banditse amabaruwa basaba ko Sezibera yakwirukanwa, bamutunga agatoki ko ari Umututsi, icyitso, banavuga ko « atabemerera gukora uko bikwiye ». Bavugaga kandi ko yanze kubaha intwaro, ahubwo akarenga akagemurira ibiribwa abantu bihishe. Mu binubaga harimo Abaresiponsabure ba Serire babiri. Umutangabuhamya yavuze ko indangamuntu ya Sezibera yari yanditsemo inyuguti ya « H », ariko muri kiriya gihe abicanyi bashakaga buri gihe urwitwazo, ku buryo n'abafite indangamuntu z'Abahutu batabareberaga izuba[542].

464. Jérémie Kaboyi, wari umuyoboke wa MRND, yasimbuye Sezibera ku itariki ya 30 Mata, kandi yagumye kuri uwo mwanya wa konseye kugera ubwo Kigali yafatwaga na FPR muri Nyakanga 1994. Amaze iminsi itatu ashyizwe kuri uwo mwanya, Kaboyi yajyanye

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umwe, hanyuma ariko ararekurwa akomeza ubwicanyi. GLJ ntiyamenye uwatanze itegeko ryo kumufata. Ni kimwe no haruguru, urup. 55.

[541] Ni kimwe no haruguru imp. 18-19, 30, 31 (inama yo ku itariki ya 30 Mata 1994 yabereye « mu gace k'iwacu »), 61. Urugereko rusanga gucikamo ibice kw'ishyaka rya MDR hakabaho igice cya MDR-Pawa n'igice cya Faustin Twagiramungu bivugwa mu kimenyetso gihamya cya Porokireri cyahawe nomero 94A (Jenoside mu Mujyi wa Kigali, Igitekerezo cy'impuguke, Alison Des Forges), urup. 6.

[542] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp. 31-32, 61.

na Kigingi n'izindi Nterahamwe mu gitero cyagabwe hafi y'urugo rw'umutangabuhamya kigahitana abantu 16[543].

Umutangabuhamya ushinja wiswe ALG

465. Umutangabuhamya wiswe ALG ni Umuhutu, akaba yari umuyoboke w'ishyaka rya MRND, n'umuyobozi mu nzego z'ibanze muri Komini ya Nyarugenge, muri Perefegitura y'Umujyi wa Kigali. Uyu mutangabuhamya yavuze ko guhera muri Werurwe 1994, Emmanuel Kanyandekwe wari Konseye wa Segiteri ya Nyakabanda atari abanye neza na Renzaho. Kanyandekwe yabwiye umutangabuhamya ko ibyo byatewe n'uko yari umuyoboke w'ishyaka rya MDR, igice cya Twagiramungu. Abatari mu bice byitwaga pawa bashinjwaga ko ari Inkotanyi, bakihisha kugira ngo baticwa. Kanyandekwe « yasaga » n'uwihisha, atagaragara mu ruhame kenshi[544].

466. Ku itariki ya 13 Mata, Renzaho yategetse Jean Bizimana wari Burugumesitiri wa Komini ya Nyarugenge kwerekana konseye mushya wa Segiteri ya Nyakabanda ari we Grégoire Nyirimanzi. Perefe yari amaze kumushyiraho kugira ngo asimbure Kanyandekwe. Ku munsi wakurikiyeho, Bizimana yakoze uko Renzaho yari yabitegetse. Konseye mushya ntiyari yaragize isura nziza ubwo yari Resiponsabure muri Serire ya Nyakabanda, ariko yari yaragaragaye mu bwicanyi nk'Interahamwe ikomeye[545].

467. Uyu mutangabuhamya yavuze ko Evariste Gasamagera, wari Burugumesitiri wa Komini ya Kicukiro, na we yirukanywe na Renzaho mbere ya Nyakanga 1994, ko kandi na we muri icyo gihe atagaragaraga mu ruhame. Umutangabuhamya ntiyabashije kwibuka izina

[543] Ni kimwe no haruguru, imp. 30-31, 37.
[544] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 56, 62-63; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 13-14, 34; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, urup. 22; Ikimenyetso gihamya cya Porokireri cyahawe nomero 67 (ifishi y'umwirondoro). Umutangabuhamya wiswe ALG yafatiwe mu Rwanda muri Mata 1998, arekurwa by'agategenyo muri Nyakanga 2005, ubwo yatangaga ubuhamya Arusha akaba yari agitegereje kuburanishwa. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 64-65.
[545] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 62; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 32-34.

ry'uwamusimbuye, ariko yibutse ko yari umuhungu wa Konseye wa Segiteri ya Kacyiru[546].

468. Konseye Célestin Sezibera yari akuriwe na Burugumesitiri Jean Bizimana. Umutangabuhamya yavuze ko Renzaho yirukanye Sezibera mbere ya Nyakanga 1994 akamusimbuza Jérémie Kaboyi, ariko ntiyabashije gutanga itariki nyayo byabereyeho. Umutangabuhamya ntiyamenye impamvu yatumye Sezibera yirukanwa. Mu gihe gito yamaze ku mwanya wa konseye, Kaboyi yagiye mu gitero cyo kwica Abatutsi ari kumwe n'abo yayoboraga[547].

469. Umunsi wakurikiye uwo umugabo witwa Habyarimana bahimbaga Kigingi n'agatsiko ke bisheho abantu 24, Sezibera yatabaje Bizimana. Bizimana amaze kumenyesha Renzaho ibyo Kigingi yakoze, Renzaho yahamagaje Kigingi mu biro bye. Ubwo Kigingi yahavaga aherekejwe n'Interahamwe ze, yabonye umutangabuhamya maze amwihaniza amubwira ngo yitonde, asa n'uvuga ko Bizimana yaba ari icyitso cy'Inkotanyi (II.4.2)[548]. ALG yibutse ko umunyamabanga wa Renzaho yari umugore witwa Astérie, ariko ntiyavuze ubwoko bwe[549].

Umutangabuhamya ushinja wiswe UB

470. Umutangabuhamya wiswe UB ni Umuhutu, akaba yari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yavuze ko mu wa 1994 hari abakozi ba Leta bo kuri Perefegitura birukanywe bazira gusa ko bitwaga Abatutsi. Impushya zo gutura n'indangamuntu zatangirwaga ku biro bya za segiteri zagaragazaga ubwoko, kandi ayo makuru abategetsi bashoboraga kuyabona[550].

[546] Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 49-50.
[547] Ni kimwe no haruguru, imp. 48-50.
[548] Ni kimwe no haruguru imp. 56-57.
[549] Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 36-37.
[550] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-2, 8-9, 47-48; Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 18; Ikimenyetso gihamya cya Porokireri cyahawe nomero 69 (ifishi y'umwirondoro). Ubwo yatangaga ubuhamya mu Rukiko, umutangabuhamya wiswe UB yari afungiye mu Rwanda amaze imyaka umunani ategereje icyemezo ku bujurire bwe bwa kabiri ku rubanza rwamukatiye igihano cyo kwicwa mu mwaka wa 1997 kubera icyaha cya jenoside. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-4.

471. Ku itariki ya 30 Mata, Sezibera wari Konseye wa Segiteri ya Nyamirambo yarirukanywe aranasimburwa, n'ubwo mbere yaho yari yarashyikirijwe intwaro kimwe n'abandi bakonseye. Kanyandekwe wari Konseye wari Segiteri ya Nyakabanda, akaba n'Umututsi, yasezerewe hagati y'itariki ya 15 n'iya 20 Mata, asimburwa n'umuntu washyizweho na Perefe[551].

472. Perefe yari afite ububasha bwo guhagarika ku kazi abakozi ba Leta bose bo muri Perefegitura, kandi ni we wenyine wari ufite ububasha bwo kwirukana abaporisi. Umutangabuhamya ubwe yiboneye abaporisi b'Abatutsi bo muri Perefegitura y'Umujyi wa Kigali basezererwa ku kazi ubwo ubwicanyi bwibasiye Abatutsi bwari butangiye muri Mata 1994. Umutangabuhamya yibwiye ko Perefe ari we wabasezereye. Umuporisi w'Umututsi witwa Hakorimana yarirukanywe, amaze kwamburwa intwaro abandi bapolisi bo muri Serire baramwishe. Sezirahiga wari wungirije Konseye wa Segiteri ya Kimisagara na we yirukanywe muri ubwo buryo aranicwa. Sezirahiga na Hakorimana basezerewe bombi mu cyumweru cya kabiri cyakurikiye urupfu rwa Perezida rwabaye muri Mata 1994. Bamwe mu baje gushakira ubuhungiro ku biro bya perefegitura na bo barahirukanywe, nyuma baza kwicwa[552].

Renzaho

473. Renzaho yemeye ko Célestin Sezibera yavanywe ku mwanya wa Konseye wa Segiteri ya Nyarugenge [sic] mu mpera za Mata 1994, hashingiwe ku Itegeko ryo ku itariki ya 23 Ugushyingo 1963, rigena imitegekere ya komini[553]. Yasimbuwe ku mwanya we kubera ko yari « yarahisemo kujya mu bwihisho ubwo imirwano yagendaga isatira segiteri ye ».

[551] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 10-11 (abandi ba konseye babiri, uw' i Gikondo n'uwo muri Kagarama basimbuwe nyuma y'itariki ya 6 Mata 1994 kubera ko bari bishwe); Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 15. Umutangabuhamya wiswe UB yavuze kandi ko ubwo Renzaho yatangiraga imirimo ye mu mwaka wa 1990, mu gikorwa cyo gufata no gufunga abantu cyabaye icyo gihe, yirukanye bamwe mu bakonseye abaziza ko ari Abatutsi. Inyandikomvugo y'iburanisha, 24 Mutarama 2009, urup. 16.

[552] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 7-8, 49. Umutangabuhamya wiswe UB yasobanuye ko atiyiciye Hakorimana ubwe, ariko kubera ko yari mu itsinda ry'abaregwa bo mu rwego rwa mbere (rurimo abayobozi), yahamijwe icyaha cyo kumwica (Inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 62). Mu kwirinda gukoresha imyandikire inyuranye y'izina rimwe, Urugereko rwahisemo kwandika Hakorimana, aho kwandika Hakolimana nk'uko biri hamwe na hamwe mu nyandikomvugo z'iburanisha.

[553] Ikimenyetso gihamya cya Porokireri cyahawe nomero 9 (Amategeko akoreshwa kenshi mu Rwanda, Igitabo cya II).

Burugumesitiri Bizimana ni we wafashe icyemezo cyo kumusimbura. Kubera ko Sezibera « atabonekaga ku kazi», Renzaho yemeye icyo cyemezo, ariko ntiyibukaga izina rya Jérémie Kaboyi, cyangwa se niba ari we wasimbuye Sezibera[554].

474. Renzaho avuga ko yemera icyemezo cyo gusimbura Sezibera, yakoresheje ububasha yari afite bwo « kugenzura ibikorwa by'abategetsi ba komini ». Aho byashobokaga, yasimbuye abakonseye bapfuye hagati ya Mata na Nyakanga 1994, yemeza ibyakozwe na ba burugumesitiri barebwaga n'ikibazo[555]. Renzaho ntiyabashije kwibuka amazina y'abaporisi bo muri Perefegitura y'Umujyi wa Kigali, ndetse nta bwo yari azi uwitwa Hakorimana, cyangwa icyemezo yaba yarafashe cyo kumwirukana. Yakomeje ahakana ko atazi Resiponsabure wa Selire witwa Kanimba[556].

Umutangabuhamya ushinjura wiswe AIA

475. Mu gihe ibivugwa byabaga, umutangabuhamya wiswe AIA yakoranaga n'umwe mu bakonseye ku buryo bwa hafi. Uyu mutangabuhamya yibwira ko Konseye Karekezi ari we wicishije umuporisi witwa Etienne Hakorimana. Ku itariki ya 8 Mata 1994, Karekezi yayoboye inama yabwiriyemo Umuresiponsabure wa Serire ko atumva ukuntu umuporisi w'Umututsi witwa Hakorimana akiriho, kandi ngo yari afite uruhare mu gutoza abana b'Abatutsi gukoresha intwaro. Hashize igihe gito, Hakorimana yishwe n'abasirikare bafatanyije n'Interahamwe. Umutangabuhamya yumvise inkuru y'urupfu rwe ahagana ku itariki ya 12 Mata, ariko yemeza ko kugeza ku munsi Hakorimana yishweho, yari atarirukanwa ku kazi[557].

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[554] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 60; Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 22-23.

[555] Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 22, 23 («Nemeraga ibyakozwe cyangwa ingamba zafashwe na ba burugumesitri »). Inyandiko yo mu rurimi rw'igifaransa (Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 24): « Nemeye ibyo ababurugumesitiri babaga bakoze »), 25-26.

[556] Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 43; Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 23.

[557] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 1, 6, 21-27; 46; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, urup. 1; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 66 (ifishi y'umwirondoro). Umutangabuhamya wiswe AIA yabarijwe ibibazo kuri Burigade ya Nyamirambo ku byo yakoze muri kiriya gihe, afungirwa muri kasho mu gihe cy'ukwezi hakorwa iperereza, hanyuma arafungurwa. Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 46.

476. Umunsi umwe, Konseye Célestin Sezibera yabonaniye kuri Sitasiyo ya Petrorwanda n'uwitwa Gervais Dusabemungu wakoraga mu biro bishinzwe amategeko kuri Perefegitura y'Umujyi wa Kigali. Aho ku biro bya Perefegitura y'Umujyi wa Kigali, byari bizwi ko Dusabemungu atavugaga rumwe n'ishyaka rya MRND kandi ko yayobotse FPR. Karekezi yabimenyesheje Burugumesitiri Bizimana, na we amusaba gutanga igitekerezo ku muntu wasimbura Sezibera n'uwasimbura Konseye Kanyandekwe wa Segiteri ya Nyakabanda. Nta wigeze avuga ko icyo kibazo kigomba kugezwa kuri Perefe. Karekezi yagiye gushaka ababasimbura. Karekezi yajyanye Grégoire Nyirimanzi kuri perefegitura maze amwereka Bizimana. Bizimana yabwiye Grégoire ati: « ubwo ugiye kuyobora Segiteri ya Nyakabanda, ugomba gukorana ubushishozi[558].

Umutangabuhamya ushinjura wiswe PPV

477. Umutangabuhamya wiswe PPV ni Umuhutu, akaba yarakoraga muri Polisi y'Umujyi. Iyo polisi yagenzurwaga mbere na mbere na Perefe. Uyu mutangabuhamya yasobanuye ko mbere y'itariki ya 6 Mata 1994, Perefegitura y'Umujyi wa Kigali yakoreshaga abaporisi 264, batandatu muri bo cyangwa hasi yabo bakaba bari Abatutsi. Ku itariki ya 7 Mata, abaporisi 40 bonyine ni bo baje ku biro bya Perefegitura. Benshi mu bapolisi ntibashoboraga kuhagera, abandi bari batorotse akazi cyangwa batinye umukwabu, abandi bakaba bari barabujijwe kugira aho bajya n'abaturage bari bakeneye ko babarindira umutekano, abandi rero barishwe[559].

478. Uyu mutangabuhamya ntiyari azi neza umubare w'Abatutsi bari muri bariya 40 baje kuri Perefegitura, ariko yavuze ko Burigadiye wa polisi yategetse abaporisi b'Abatutsi gukorera ku biro bya Perefegitura kugera ku itariki ya 3 Nyakanga kubera ko gukorera hanze y'ibiro bya Perefegitura byari kubaviramo akaga. Umutangabuhamya ntiyamenye niba hari uwapfuye mu bapolisi baje kuri perefegitura. Haba ku itariki ya 7 Mata cyangwa nyuma yayo, uwitwa Hakorimana n'uwitwa Sezirahiga ntibageze kuri

[558] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 37-40.
[559] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78; Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 2-4, 34-36, 46; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 56 (ifishi y'umwirondoro).

perefegitura, kandi umutangabuhamya ntiyongeye kubabona mu gihe ibivugwa byabaga; akaba akeka ko Hakorimana yaba yariciwe kuri bariyeri mu gihe cya jenoside[560].

479. Mu bakozi 40 bakoreraga ku biro bya Perefegitura, umutangabuhamya yibukamo batatu cyangwa bane b'Abatutsi. Astérie Nikuze ni Umututsikazi kandi yari ashinzwe kwakira abantu kuri perefegitura, yarahagumye kugera mu ntangiriro za Nyakanga. Gervais Gasamagera ni Umututsi, akaba yari umukozi wunganiraga umusuperefe mu mirimo ye. Renzaho yigeze kohereza umutangabuhamya gushaka Gasamagera mu rugo iwe i Nyamirambo ariko ntiyamubona kubera ko yari yihishe. Nyuma yaho, umutangabuhamya yaje kumva ko Gasamagera yari yakubiswe cyane n'ubwo atari yapfuye. Umutangabuhamya yavuze kandi ko hari abandi bakozi babiri b'Abatutsi yari azi bakoraga mu ishami rishinzwe imari, bagumye ku biro bya perefegitura mu gihe ibivugwa byabaga[561].

Umutangabuhamya ushinjura wiswe PPO

480. Umutangabuhamya wiswe PPO ni Umuhutu, akaba yari umukozi ku biro bya Perefegitura y'Umujyi wa Kigali. Avuga ko Astérie Nikuze cyangwa Karkuzie [sic] (ntiyabashije kwibuka izina bwite rye) yari ashinzwe kwandikisha imashini no gushyingura inyandiko, mu biro bya Perefegitura. Umutangabuhamya ntiyavuze ubwoko bwa Nikuze[562].

Umutangabuhamya ushinjura wiswe UT

481. Umutangabuhamya wiswe UT ni Umuhutu, akaba yari umukozi wo mu buyobozi ku biro bya Perefegitura y'Umujyi wa Kigali. Yavuze ko Interahamwe zari kuri za bariyeri kenshi zavugaga amazina y'abakonseye batatu (Amri Karekezi, Rose Karushara na Odette Nyirabagenzi) babateye inkunga cyangwa babashishikarije gukora amabi. Abo bakonseye ntibirukanywe na Perefe, ariko muri icyo gihe nta mwanya abantu bari bafite

[560] Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 3-4, 35-38, 40-41.
[561] Ni kimwe no haruguru, imp. 9-10, 55-58.
[562] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, urup. 63; Inyandikomvugo y'iburanisha, 5 Nyakanga 2007, imp. 1, 4, 7; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 71 (ifishi y'umwirondoro).

wo gushyiraho cyangwa kwirukana uwo ari we wese. Muri icyo gihe na none, umutangabuhamya yumvise inkuru y'iyirukanwa rya Konseye Célestin Sezibera ryabaye ku itariki ya 30 Mata 1994 cyangwa hafi yayo. Yavuze ko niba iryo yirukanwa ryarabayeho ryaba ryaratewe n'uko hari hashize igihe kirekire uwo mukonseye adakora, n'ubwo adasobanura uko icyo gihe cyanganaga. Yavuze ko perefe yari afite ububasha bwo kwirukana umuntu cyangwa nibura kumuhagarika by'agateganyo, kandi ko yashoboraga guhagarika by'agateganyo uwo ari we wese, igihe icyo ari cyo cyose[563].

482. Mu gihe ibivugwa byabaga, hari igihe cyageze Burgumesitiri wa Komini ya Kicukiro, Evariste Gasamagera « ntiyongera kugaragara », abantu bakaba baravugaga ko yabuze. Umutangabuhamya yibutse kandi ko hari ubwo umukozi wari ushinzwe kwakira abantu kuri Perefegitura utashoboye kugaruka ku kazi, maze Astérie wari usanzwe ahakora akamusimbura. Umutangabuhamya ntiyavuze ubwoko bwa Astérie. Hagati y'itariki ya 11 Mata n'iya 4 Nyakanga, abantu bagera ku ijana biganjemo Abatutsi bahungiye ku biro bya Perefegitura[564].

Umutangabuhamya ushinjura wiswe PGL

483. Umutangabuhamya wiswe PGL ni Umuhutu, akaba yari umukozi wo mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yibutse ko umushoferi wa Renzaho yari umugabo witwa Gaspard ariko ntiyavuze ubwoko bwe. Uyu mutangabuhamya yavuze ko kuri Perefegitura hari abakozi benshi b'Abatutsi, akaba yaribukaga by'umwihariko bamwe mu bakozi b'Abatutsi bo mu rwego rwo hejuru nk'uwayoboraga Ishami rishinzwe amategeko, Gervais Dusabemungu. Umunyamabanga wa Renzaho, ari we Astérie Nikuze, na we ni Umututsikazi. Uyu mutangabuhamya ntiyabashije kwibuka amazina y'abandi. Renzaho yafataga kimwe abakozi bose yayoboraga[565].

[563] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 20-22, 23-24, 39, 47-49; Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 11, 23-25; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 47 (ifishi y'umwirondoro).
[564] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 25-26, 47, 57-59.
[565] Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 15, 21-25; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 61 (ifishi y'umwirondoro).

Umutangabuhamya ushinjura wiswe VDD

484. Umutangabuhamya wiswe VDD ni Umuhutu ufitanye isano na Renzaho. Yavuze ko Renzaho atakoraga ivangura, ko abakozi bamukoreraga bari bafite ababyeyi b'Abatutsi cyangwa b'Abahutu, ko ndetse n'uwari umunyamabanga we, ari we Astérie, ari Umututsikazi. Ibyabaye mu mwaka wa 1990 ntibyatumye imyitwarire ya Renzaho ku bantu bo mu muryango we b'Abatutsi ihinduka[566].

Umutangabuhamya ushinjura wiswe MAI

485. Umutangabuhamya wiswe MAI ni Umuhutu ufitanye isano na Renzaho. Yavuze ko Perefe yafataga kimwe Abatutsi n'Abahutu bo mu muryango we. Abantu bo muri ubwo bwoko bwombi bahungiye kwa Renzaho, kandi umugore we yarabagaburiraga[567].

8.3 Isesengura ry'Urugereko

486. Porokireri avuga ko igihe ibivugwa byabaga mu wa 1994, Renzaho yirukanye ku myanya yabo abayobozi batari intagondwa, akabasimbuza abari bashyigikiye ubwicanyi bwibasiye Abatutsi. Porokireri yibanda ku iyirukanwa rya Célestin Sezibera wari Konseye wa Segiteri ya Nyamirambo, wasimbuwe na Jérémie Kaboyi. Porokireri yemeza ko ibyo avuga bishyigikirwa n'izindi ngero, ngo ibyo bikaba bigaragaza imyitwarire runaka Uregwa yari asanganywe. Ubwunganizi buhakana ko Renzaho yari inyuma y'iyirukanwa rya Sezibera, bukavuga ahubwo ko uburyo Renzaho yafataga Abatutsi n'abayobozi batari intagondwa bugaragaza ko ibyo Porokireri avuga nta shingiro bifite.

487. Urugereko ruributsa ko abatangabuhamya bashinja batatu biswe GLJ, ALG na UB ari bo bavuze ku iyirukanwa n'isimburwa, kandi ko bose bashinjwe ibyaha mu Rwanda. Ubuhamya bwabo rero hakaba ntawabushira amakenga kubera ko bushobora kuba bwaratewe no gushaka kugira icyo abyungukiramo.

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[566] Inyandikomvugo y'iburanisha, 18 Gicurasi 2007, urup. 7; Inyandikomvugo y'iburanisha, 22 Gicurasi 2007, urup. 18; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 43 (ifishi y'umwirondoro).

[567] Inyandikomvugo y'iburanisha, 22 Kanama 2007, imp. 5-6, 15-16; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 76 (ifishi y'umwirondoro).

488. Urugereko rwemera ubuhamya bwatanzwe na GLJ buvuga ko hari ibaruwa yo ku itariki ya 29 Mata 1994 yasinyweho na Renzaho. Dushyize ku ruhande ikibazo cyo kumenya niba yari ibaruwa yirukana cyangwa yemera iyirukanwa (reba ibivugwa hepfo), ikigaragara ni uko iyo baruwa yavuyemo ukwirukanwa k'uyu mutangabuhamya. Renzaho yavuze mu buhamya bwe ko yemeye iyirukanwa rya Konseye kubera ko atabonekaga ku kazi, naho GLJ we akavuga ko iyo baruwa yavugaga ko Sezibera atari akibashije kubungabunga umutekano. Rutitaye ku magambo yakoreshejwe, Urugereko rusanga impamvu nyayo yo kwirukanwa kwa Sezibera ari uko yakekwagaho kuba adashyigikiye ubwicanyi bwibasiye Abatutsi, cyangwa se ko atagaragazaga umurava uhagije muri icyo gihe ubwicanyi bwakomezaga gukorwa.

489. Urugereko rwafashe uyu mwanzuro kubera impamvu zinyuranye. Ubuhamya bwa GLJ ntibuhuzagurika, burimo amakuru arambuye kandi yakwemerwa. Ushyize ku ruhande ibyerekeye kuba Sezibera, wari Umuhutu, yarakekwagaho kuba Umututsi, ibimenyetso bigaragaza ko yafatwaga nk'aho yashoboraga kuba ari icyitso cy' « umwanzi ». Ubuhamya bwa GLJ buvuga ko Sezibera yashyikirizaga Perefe na Burugumesitiri Bizimana raporo ku bwicanyi, bushimangirwa n'ubw'umutangabuhamya wiswe ALG wari uzi ko GLJ yakoze raporo nk'iyo ubwo Interahamwe yitwa Kigingi yari imaze kwica abantu 24. Icyo Renzaho yakoze ni uko yahamagaje Kigingi mu biro bye gusa. Ikindi kandi, umutangabuhamya ushinjura wiswe AIA yavuze ko ku itariki itazwi neza mbere y'uko Sezibera yirukanwa, abantu bamubonye mu ruhame ari kumwe n'umuntu wari uzwiho kuba ataravugaga rumwe n'ishyaka rya MRND no kuba yari umuyoboke wa FPR. Ibyo byamenyeshejwe Burugumesitiri[568].

490. Urugereko rwasuzumye ubuhamya bwa GLJ buvuga ko mu ntangiriro za Mata 1994, Sezibera yitaga ku mirimo ye y'ubuyobozi nka konseye ashishikaye. Nk'urugero, yagiye mu nama yabaye ku itariki ya 16 cyangwa iya 17 Mata, n'indi yabaye hafi y'itariki ya 28

[568] N'ubwo Urugereko rwemera bimwe na bimwe mu buhamya bw'umutangabuhamya wiswe AIA, ruributsa ko hari indi bice by'ubwo buhamya bishidikanywaho ku buryo bukomeye. Nk'urugero: mu ibaza rinyomoza, AIA yahinduye bimwe mu bisubizo yari yatanze mu ibazwa ry'ibanze, arivuguruza, yemera ko imbere y'inzego z'ubutegetsi mu Rwanda yatanze ubuhamya butari ukuri, kandi ko mu Rukiko yatanze ubuhamya budahuje n'ubwanditse yatanze mbere.

Mata; yatwaye cyangwa yanduruye imirambo ahagana ku itariki ya 10 n'iya 11 Mata; kandi yakomeje gutanga za raporo kugeza yirukanwa. Renzaho avuga ko mu mpera za Mata, Sezibera yari amaze ibyumweru bigera kuri bibiri ataboneka ku kazi, naho umutangabuhamya wiswe UT we yumvise bavuga ko Sezibera atari agikora. N'iyo umuntu yakwemera ko Sezibera atabonekaga ku kazi rimwe na rimwe, ibyo ntibitesha agaciro ubuhamya bushinja buvuga ko yirukanywe azira ko yafatwaga nk' « umuntu utari intagondwa »[569].

491. Urugereko rwazirikanye kandi ubuhamya buvuga ko umuntu wasimbuye Sezibera, ari we Jérémie Kaboyi, yaje nyuma gukorana n'Interahamwe mu bwicanyi. Umutangabuhamya wiswe GLJ n'uwiswe ALG bavuze bombi ko nyuma yo kugirwa konseye, Kaboyi yagiye mu gitero cyo kwica Abatutsi. Nyamara ariko, nta mu batangabuhamya n'umwe wavuze by'umwihariko ko Kaboyi yahawe uwo mwanya kubera ko yari azwiho gushyigikira ubwicanyi bwibasiye Abatutsi.

492. Ubwunganizi buvuga ko Renzaho yagize uruhare ruto cyane mu gikorwa cyo kwirukana, ko icyo yakoze cyonyine ari ukwemeza icyemezo cya Burugumesitiri Bizimana. Ubwunganizi bwifashisha ingingo ya 10 *bis* y'Itegeko rigenga imitegekere ya komini ryo ku itariki ya 23 Ugushyingo 1963[570]. Iyi ngingo iteganya uburyo bukurikizwa mu

[569] Renzaho, Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 38 (« Konseye wasimbuwe mbere y'abandi ni uwa Segiteri ya Nyamirambo, uwamusimbuye yashyizweho na Burugumesitiri wa Komini ya Nyarugenge. Nemeye icyo cyemezo kubera ko uwo mukonseye yari amaze ibyumweru birenga bibiri ataboneka ku kazi, kandi ku biro bya Perefegitura twakiriye itsinda ry'abantu binubiraga ko nta muyobozi wa Segiteri bari bafite kandi iyo Segiteri yari yugarijwe n'intambara, kubera ko byari mu mpera za Mata »); Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 22 (« [Sezibera] yasimbuwe gusa kubera ko yahisemo kujya mu bwihisho igihe imirwano yagendaga isatira Segiteri ye, hanyuma abaturage baza [kwibariza] kuri perefegitura […]. Nemeye ko asimburwa kubera ko atabonekaga ku kazi »); Umutangabuhamya wiswe UT, Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, urup. 24 (« Numvise inkuru y'iyirukanwa ry'uyu mukonseye utari agikora. Niba iri yirukanwa ryarabayeho byarumvikanaga kubera ko uwo mukonseye yari amaze igihe kirekire adakora »).

[570] Ikimenyetso gihamya cya Porokireri cyahawe nomero 9 (Amategeko akoreshwa kenshi mu Rwanda, Igitabo cya II). (« Umujyanama utagishoboye gutunganya imirimo ashinzwe ayivanwaho. Ukuvanwa ku murimo gukorwa kuri ubu buryo : Burugumesitiri akora raporo irambuye yerekana ko umujyanama atagishoboye kuyobora segiteri akabimenyesha Inama ya Komini na nyir'ubwite amusaba kwiregura mu nyandiko mu gihe kitarenze iminsi cumi n'itanu. Burugumesitiri ashyikiriza ikibazo Komite ya komini ikagira icyo ikivugaho imaze gusuzuma raporo ye n'ingingo za nyir'ukwiregura. Raporo iherekejwe n'urwandiko rusaba ko umujyanama avanwa ku murimo, imyiregurire y'umujyanama kimwe n'icyifuzo cya Komite ya Komini byohererezwa Perefe. Perefe ashyikiriza icyo kibazo Komite ya Perefegitura ikagira icyo ikivugaho.
Ikibazo kiva mu ntera kijya mu yindi iyo ingingo za nyir'ukwiregura zidafite ishingiro.
Ibyemezo bifatwa kuri buri ntera ntibishobora kunyuranya n'ibyafashwe n'inzego zabisuzumye.

kwirukana ari bwo ubu bukurikira : Burugumesitiri asabwa gukora raporo yerekana ko konseye atagishoboye gukora umurimo we, maze ikibazo akagishyikiriza Komite ya Komini na yo ikoherereza Perefe icyo igitekerezaho. Komite ya perefegitura na Minisiteri y'Ubutegetsi bw'Igihugu zigira kandi uruhare muri icyo gikorwa. Ubwunganizi buvuga ko ingingo ya 10 *bis* igaragaza uruhare rukomeye rwa Burugumesitiri muri icyo gikorwa.

493. Mu buhamya bwe, Renzaho yavuze ko iyirukanwa ryakozwe « hakurikijwe uburyo buteganywa n'itegeko ryo mu wa 1963 » kandi ko, yemera ko Sezibera asimburwa, yakoresheje gusa ububasha yari afite bwo « kugenzura ibikorwa by'abategetsi ba komini »[571]. Nyamara ariko, nta kimenyetso cyatanzwe kigaragaza ko ibiteganywa n'amategeko byose byubahirijwe. Nk'urugero, nta mutangabuhamya wigeze avuga Komite ya Perefegitura cyangwa Minisiteri, kandi ukurikije ingingo ya 10 *bis* Minisiteri ari yo « ifata icyemezo yerekana impamvu ari cyo ifashe ». Urugereko ntirwemera ko inzira iteganywa n'amategeko yaba yarakurikijwe mu bihe bidasanzwe byo muri Mata 1994[572]. Nyamara ariko, nta we uhakana ko Renzaho yafashe icyemezo ku birebana no kwemera cyangwa kutemera iryo yirukanwa. Ibyo bikaba bigaragarira kandi mu buhamya bwa Renzaho n'ubw'abatangabuhamya biswe GLJ na ALG.

494. Abatangabuhamya bashinja bavuze babitsindagira ku birebana n'ububasha bwa Perefe muri rusange muri ibyo bibazo, ariko ntiberekanye neza uwatangiye iyo dosiye yo kwirukana. ALG yavuze ko atamenye impamvu y'iyirukanwa rya Sezibera. Urugereko rusanga aya magambo atangaje urebye umwanya uyu mutangabuhamya yari afite, ibyo bikaba bitera kwibaza niba ibyo uyu mutangabuhamya avuga byakwizerwa. UB nta buhamya yatanze bwerekeye uko idosiye irebana n'iryo yirukanwa yatangiye. GLJ yavuze abitsindagira ibirebana n'uruhare rwa Renzaho, maze yemeza ko uruhare rwa

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Dosiye yose yohererezwa Minisitiri ushinzwe Ubutegetsi bw'Igihugu akaba ari we ufata icyemezo yerekana impamvu ari cyo afashe »).

[571] Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 22-23.

[572] Ingingo ya 10 *bis* y'Itegeko ryo ku itariki ya 23 Ugushyingo 1963 ntisaba by'umwihariko ko perefe asinya ibaruwa yo kwirukana, kandi nta mutangabuhamya wavuze ko Renzaho yasinye ibaruwa yirukana Sezibera mu izina rya Komite. Ikindi kandi, ingingo ya 10 ivuga ko konseye urebwa n'ikibazo yiregura kuri iyo dosiye yo kumwirukana, kandi nta buhamya bwatanzwe bugaragaza ko Sezibera yahawe urubuga rwo kwiregura.

Burugumesitiri Bizimana rwabaye gusa urwo gushyira icyemezo mu bikorwa[573]. Nyamara ariko, mu buhamya yahaye inzego z'ubutabera mu Rwanda muri Gashyantare 2000, uyu mutangabuhamya yavuze ko Burugumesitiri ari we watangiye idosiye y'iryo yirukanwa[574]. Urugereko ruzirikana ko iryo bazwa ryabereye mu Rwanda ryibandaga kuri Jean Bizimana, atari kuri Renzaho. Nyamara ariko, ikigaragara muri iryo bazwa ni uko uyu mutangabuhamya yatsindagiye mu buryo busobanutse neza uruhare rwa Burugumesitiri nk'umutegetsi watangije dosiye y'iryo yirukanwa, naho mu buhamya yatangiye mu Rukiko akaba yaravuze ko Renzaho ari we byakomotseho. Uku guhinduranya imvugo ku wagize uruhare rw'ibanze bitera kwibaza.

495. Umutangabuhamya ushinjura wiswe AIA na we yavuze abitsindigira uruhare rwa Burugumesitiri Bizimana muri icyo gikorwa. Yavuze ko Konseye Karekezi yahaye Bizimana amakuru kuri Sezibera, noneho Bizimana agasaba Karekezi gushakisha uwasimbura Sezibera. N'ubwo hari ibibazo ku birebana n'ukwizerwa k'uyu mutangabuhamya, ubuhamya bwe bushyigikira ibivugwa ko Bizimana ari we wagize uruhare rukomeye mu gutangiza dosiye y'iryo yirukanwa. Ku birebana n'uruhare rwa Renzaho n'urwa Bizimana mu iyirukanwa rya Sezibera, Urugereko rusanga uruhare rwa buri wese muri icyo gikorwa rudasobanutse.

496. Hariho kandi gushidikanya ku birebana n'icyemezo cyashyizeho Jérémie Kaboyi, asimbura Sezibera. ALG ni we wenyine watanze ubuhamya buvuga ko Renzaho yashyizeho Jérémie Kaboyi, asimbura Sezibera. Urugereko rusanga ariko ALG afite inyungu yo kuvuga ko icyemezo cyo gusimbura Sezibera cyaturutse kuri Renzaho, bityo Urugereko rukaba rudashingira ku nkuru ye idafite ubundi buhamya buyishimangira kuri icyo kibazo. Nta n'ubundi buhamya bwihariye bwerekeranye n'iki kibazo buriho. Ubuhamya bwerekeye ishyirwaho n'isimburwa ry'abandi bayobozi buvugwa hepfo mu magambo make ntibushimangira bihagije ibivugwa kuri iki kibazo. Kubera izo mpamvu,

[573] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, urup. 31.

[574] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 6 (Inyandikomvugo y'ibazwa yo ku itariki ya 9 Gashyantare 2000): « Konseye mushya ntiyazaga mu nama. Nyamara nashinjwaga kutabungabunga umutekano, gushishikariza abaturage umutekano [*sic*] no kutaburizamo ishimutwa ry'abantu ku Mumena ryakorwaga n'Inkotanyi. Burugumesitiri nta kuntu yari kuba atazi ko nashinjwaga ibyo birego. Uko mbibona ni we wakoreye perefe raporo kugira ngo nirukanwe ku murimo wanjye ».

Porokireri ntiyagaragaje ku buryo budashidikanywaho ko Renzaho ari we wafashe icyemezo cyo gushyiraho Kaboyi, asimbura Sezibera[575].

497. Urugereko rwazirikanye ibimenyetso bishinja bivuga ko iyirukanwa rya Sezibera ari kimwe mu bigaragaza imyitwarire runaka uwamwirukanye yari asanganywe. Hari izindi ngero eshatu ku birebana n'isimburwa ry'abayobozi batari intagondwa cyangwa bafatwaga gutyo: havugwa ko Konseye Kanyandekwe yasimbujwe Grégoire Nyirimanzi wari Interahamwe ikomeye yagaragaye mu bwicanyi[576] ; Evariste Gasamagera wari Burugumesitiri wa Komini ya Kicukiro yarirukanywe[577] ; na ho Resiponsabure wa Serire witwa Kanimba yasimbujwe uwitwa Habimana[578]. Nyuma, mu iburanisha haje kugaragara ibindi bimenyetso byerekeye kwirukana, gusimbura, kubungabunga umutekano, cyangwa gufata kimwe abandi bakozi n'imiryango yabo, by'umwihariko abaporisi b'Umujyi wa Kigali b'Abatutsi. Ibyo bimenyetso ariko nta cyo bihindura ku mwanzuro w'Urugereko uvugwa haruguru ku birebana na Célestin Sezibera.

498. Urugereko rusanze mu mpera za Mata 1994, Renzaho yaremeye iyirukanwa rya Konseye Célestin Sezibera wafatwaga nk'umuntu utari intagondwa kandi utari ushyigikiye ubwicanyi muri Perefegitura y'Umujyi wa Kigali. Nyamara ariko, nta buhamya buriho

[575] Ingingo ya 7 n'iya 8 y'itegeko ryo ku itariki ya 23 Ugushyingo 1963 zivuga ko abajyanama ba komini batorwa, kandi ko perefe ari we ufite inshingano yo kuyobora amatora y'abajyanama ba komini. Ntaho bavuga gushyiraho cyangwa kwemeza abakonseye. Ikimenyetso gihamya cya Porokireri cyahawe nomero 9 (Amategeko akoreshwa kenshi mu Rwanda, Igitabo cya II). Ubuhamya bwa Renzaho bugaragaza ko uwaje ku mwanya wa kabiri mu matora ari we ushyirwaho. Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 38 (« Ku birebana na Konseye wa Segiteri ya Nyakabanda, yahunze mu ntangiriro, rugikubita. Inzira ziteganywa zo kumusimbura zaba zarakurikijwe hashyirwaho uwamukurikiye mu majwi mu matora y'abakonseye. Burugumesitiri rero ni we washyizeho abasimbura abakonseye, icyo nakoraga gusa kwari ukwemera icyemezo cye»).

[576] Umutangabuhamya wiswe ALG yavuze ko Renzaho yagize uruhare mu isimburwa rya Kanyandekwe ariko ntiyasobanuye uwamwirukanye. Ubuhamya bwe buvuga ko perefe ari we washyizeho Nyirimanzi bwashimangiwe n'umutangabuhamya wiswe UB. Umutangabuhamya ushinjura wiswe AIA we yavuze ariko ko Bizimana ari we watanze igitekerezo ko Karekezi yashaka usimbura Kanyandekwe, kandi ko atigeze yumva hari ushyira perefe muri iyo gahunda. Nk'uko byavuzwe haruguru, umutangabuhamya wiswe ALG afite inyungu mu kwemeza ko Renzaho ari we wirukanye akanasimbura Sezibera na Kanyandekwe, Urugereko rukaba rusanga ubuhamya bwe nta gaciro kanini bufite. Ibimenyetso ku birebana n'ibi byabaye ntibusobanutse.

[577] Urugereko rwemera ubuhamya bwa ALG buvuga ko burugumesitiri Evariste Gasamagera yirukanywe kandi ko atagaragaye mu ruhame muri kiriya gihe cyabanjirije iyirukanwa rye. Umutangabuhamya wiswe UT na we yavuze ko hari igihe mu ntambara byavuzwe ko Gasamagera yabuze. Nta buhamya butaziguye ariko bugaragaza ko Renzaho yafashe icyemezo cyo kwirukana Gasamagera, cyangwa se ko yemeye icyemezo cyo kumwirukana cyangwa kumusimbura. Nta n'ubuhamya bugaragaza ko Gasamagera yabarirwaga mu bantu batari intagondwa, cyangwa ko yasimbujwe umuntu wari ushyigikiye ubwicanyi.

[578] Bisa nk'aho nta buhamya buriho ku birebana no kuba Kanimba yarasimbujwe Habimana.

bugaragaza ko Renzaho ari we washyizeho Konseye mushya ari we Jéremie Kaboyi, wagiye mu bwicanyi akimara gutangira imirimo ye. Nta n'ubwo bisobanutse niba igitekerezo cyo kwirukana no gusimbura Sezibera cyaraturutse kuri Renzaho, cyangwa niba cyaravuye mu nzego z'ubuyobozi zo hasi. Urugereko rusanze ibimenyetso birebana n'imyitwarire ya Renzaho bidahagije kumuhamya icyaha.

499. Kubera uyu mwanzuro w'Urugereko, si ngombwa gusuzuma ibivugwa n'Ubwunganizi ko butamenyeshejwe icyo kirego mu buryo bukwiye.

9. IKIGO CYA SAINT-PAUL, KUVA MURI MATA KUGEZA MURI KAMENA 1994

9.1 Intangiriro

500. Inyandiko y'ibirego ivuga ko ku itariki ya 14 Kamena 1994 cyangwa hafi yayo, Renzaho ari kumwe na Odette Nyirabagenzi na Angeline Mukandutiye, Interahamwe, abasirikare n'abajandarume, yategetse ko abana b'abahungu b'Abatutsi 60 bari ku kigo cya Saint-Paul bahavanwa kandi bakicwa. Muri rusange, hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994, abantu Renzaho yari akuriye bateguye kandi bagaba ibitero ahantu hatandukanye hari hahungiye Abatutsi mu mujyi wa Kigali, harimo n'ikigo cya Saint-Paul. Renzaho nta ngamba yafashe zo kuburizamo ibyo bikorwa cyangwa guhana ababikoze. Ibyo ni byo bikubiye mu buhamya bw'Abatangabuhamya biswe KZ, ALG, BUO, MW, UI na GLE[579].

501. Ubwunganizi ntibuhakana ko hari igitero cyagabwe kuri *Saint-Paul* ku itariki ya 14 Kamena 1994, ariko buvuga ko Renzaho nta ruhare na rumwe yakigizemo. Bushingira ku buhamya bwa UT, PER, BDC na WOW[580].

[579] Inyandiko y'ibirego, ibika 20, 22, 36, 37, 39 na 57 ; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 38, 46, 60, 64, 149-150, 269-299, 322, 325, 335-336, 347, 349, 378, 411, 460-472 na 512 ; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 11-12, 18, 20-21.

[580] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 354-412,1080-1086; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 61-62 ; Inyandikomvugo y'iburanisha,15 Gashyantare 2008, urup. 4.

9.2 Ibimenyetso

Umutangabuhamya ushinja wiswe KZ

502. Umutangabuhamya wiswe KZ ni Umuhutu, akaba yari afite umwanya w'ubuyobozi mu kigo cya Saint-Paul i Kigali, kuva hagati muri Mata kugeza ku itariki ya 17 Kamena 1994. Yemeje ko abantu bakuru bagera nko ku gihumbi, biganjemo Abatutsi, bahungiye kuri icyo kigo muri Mata 1994. Intambara ijya kurangira, umubare wabo wari wariyongereye ku buryo bageraga nko ku 1.500[581].

503. Uyu mutangabuhamya avuga ko Padiri Wenceslas Munyeshyaka, yari azi kuva mu wa 1984, yakoze ibishoboka byose kugira ngo impunzi zigire imibereho itari mibi. Munyeshyaka yari ashinzwe umutekano w'mpunzi kuri Saint-Paul no kuri Sainte-Famille. Guhera ku itariki ya 21 Mata, yabashije kubona abajandarume bane bo kurinda umutekano kuri Saint-Paul. Ariko rero, abo bajandarume ntibashoboraga kurengera impunzi no guhangana n'amagana y'Interahamwe zagabaga ibitero kuri icyo kigo. Undi mupadiri wo kuri *Saint-Paul*, witwa Munyazikwiye, yasabye inkunga Perefegitura y'Umujyi wa Kigali. Perefe ntiyakiriye neza icyo cyifuzo, uretse gusa ko yashinze Aloys Simpunga, wari Superefe ushinzwe imibereho myiza y'abaturage, gukorana n'icyo kigo. Uyu musuperefe kandi koko yaragifashije[582].

504. By'umwihariko, hari ibitero bine simusiga byagabwe kuri *Saint-Paul*, kandi bitatu muri byo byahitanye abantu. Abicanyi bazaga bafite amalisiti noneho bakayagereranya n'ayari yanditse mu bitabo byo ku kigo. Bigitangira, bashakaga abantu runaka, ariko nyuma yaho bibasiye impunzi zose zari zifite isura y'Abatutsi[583].

[581] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 2, 9-10, 21, 36 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero P72 (ifishi y'umwirondoro). Umubare wa 1.500 utangwa hatabariwemo abana bari aho. KZ yerekanye aho Saint-Paul yari ihereye ku kimenyetso gihamya cya Porokireri cyahawe nomero P4 (igishushanyo cyerekana CELA, Saint-Paul na Sainte-Famille). Hari ibintu bimwe na bimwe byahindutse aho hantu kuva mu wa 1994, ariko uyu mutangabuhamya yanavuze uko aho hantu hari hateye mu gihe ibivugwa byabaga. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 4-8.
[582] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 11-13, 17, 30, 37, 45-46.
[583] Ni kimwe no haruguru, imp. 14-15, 27-28, 49-51.

505. Igitero cya mbere gikomeye cyagabwe muri Mata, mbere y'uko abajandarume baza kuri *Saint*-Paul. Interahamwe zigera kuri 50 zari kumwe n'abaturage b'abasiviri bagera ku 150 bo muri Selire ya Rugenge n'iya Muhima zaje zivuga ko zizanywe no gukora umuganda. Ibihuru n'intoki zari hafi aho byari byatemwe n'abantu bagera kuri 200 bayobowe na ba Resiponsabure b'amaselire na ba Nyumbakumi. Hari umuntu umwe basanze ahihishe hanyuma baravuga ngo ni Inkotanyi. Nyuma yo gutema ibihuru, abo baturage basubiye mu maselire yabo, ariko Interahamwe zashimuse abantu barindwi cyangwa umunani mu kigo mbere yo kugenda. Abo bantu bashimuswe batyo nta wongeye kubaca iryera, ku buryo uyu mutangabuhamya yibwiye ko bishwe[584].

506. Igitero cya kabiri, cyabaye mu ntangiriro za Gicurasi, cyagabwe n'abasirikare bari kumwe n'Interahamwe. Uyu mutangabuhamya akaba yarumvise ko abo basirikare bari abo muri batayo Muvumba. Babanje gutera ibyuka bihuma amaso mu kigo kugira ngo impunzi zisohoke. Abo basirikare bavugaga ko bashakisha abantu bitwaje intwaro muri izo mpunzi kubera ko ngo abaturage bo muri Segiteri ya Rugenge bari bavuze ko hari abantu bahungiye muri Saint-Paul bararaga babarasaho. KZ hamwe n'umujandarume basobanuriye abo basirikare ko nta mpunzi n'imwe ifite intwaro muri icyo kigo kandi kandi ko nta mwanzi warimo. N'ubwo abo basirikare bari barakaye kandi batangiye kwibasira Abatutsi, bemeye ibisobanuro by'uyu mutangabuhamya noneho baragenda[585].

507. Nyuma y'icyo gitero, ariko na none mu ntangiriro za Gicurasi, uyu mutangabuhamya yatelefonnye kuri perefegitura avugana na Renzaho maze amumenyesha ko Interahamwe zitahwemaga kugaba ibitero kuri Saint-Paul. Perefe yamusubije ko bagomba kubwira impunzi zigasubira iwazo. Uyu mutangabuhamya yasobanuriye perefe ko izo mpunzi nta mutekano zagira zisubiye iwazo, noneho perefe aramusubiza ngo : « Niba udashaka

[584] Ni kimwe no haruguru, imp. 13-15, 18, 44-45. KZ yasobanuye ko abayobozi bari basabye ahantu hose hazakira impunzi kwandika amazina y'abazaga bose, bakayashyikiriza inzego zishinzwe umutekano, hagamijwe gukumira abacengezi. Ni kimwe no haruguru, urup. 21

[585] Ni kimwe no haruguru, imp. 14-16.

kumva ibyo nkubwira…nta cyo bimbwiye ! ». Ubwo perefe « yahise akubitaho telefoni», bisa n'aho arakajwe n'uko amabwiriza ye atubahirijwe[586].

508. Ku itariki itazwi muri Kamena, hari ikindi gitero cyagabwe mu masaa tatu za mu gitondo. Cyakozwe n'Interahamwe zari ziyobowe n'abantu batazwi – abakonseye n'umuntu wari uhagarariye perefe. Abakigabye, bageraga kuri 300 kandi bari bitwaje intwaro, babwiye uyu mutangabuhamya ko bafite amalisiti y'abantu bagomba kujyana. Buri segiteri mu ziri hafi ya Saint-Paul, ni ukuvuga Segiteri ya Muhima n'iya Rugenge, yari ifite lisiti yayo yihariye kandi umutangabuhamya yabonye ayo malisiti yombi. Abenshi mu bantu bari kuri ayo malisiti bari kuri Saint-Paul kandi baturukaga muri ayo masegiteri abiri. Amazina ya ba bagabo barindwi bashimuswe mu gitero cyabanjirije icyo na yo yari kuri ayo malisiti[587].

509. Abo bantu bamaze kwereka uyu mutangabuhamya ayo malisiti, yabasabye ko bamwereka manda yo gufata, maze bajyana n'umujandarume kuyishaka. Hagati aho, uyu mutangabuhamya yagiye kuburira impunzi yari yabonye amazina yazo kuri lisiti kugira ngo zihishe. Hashize nk'igice cy'isaha, ba bantu bagarukanye manda yo gufata ariko noneho bari kumwe na Liyetona Iradukunda, wari wambaye ingofero itukura y'abajandarume. Iyo manda yo gufata yari yanditse ku rupapuro rwari rusanzwe rucapweho hejuru amagambo « Perefe wa Perefegitura y'Umujyi wa Kigali », kandi yasabaga uyu mutangabuhamya kureka Iradukunda akajyana abantu bari kuri lisiti kuri burigade ya Nyarugenge kugira ngo bahabarizwe. Iyo manda yari yasinywe na Jean Bizimana ariko isinya ye ibanjirijwe n'inyuguti « *PO* » bivuga « *par ordre* » mu magambo arambuye y'igifaransa, bisobanura ko yasinye mu mwanya wa perefe. Uwo

[586] Ni kimwe no haruguru, imp. 17 (« hanyuma akubitaho telefoni. … Mbere y'intambara, i Kigali, abantu bakundaga kuvuga ikinyarwanda, ariko abize rimwe na rimwe bavangaga ikinyarwanda n'igifaransa. Ariko amagambo... interuro « *je m'en fous* », ni ukuvuga ngo nta cyo bimbwiye, perefe yakoresheje yari mu gifaransa, nta bwo yari mu kinyarwanda »), 30, 38. KZ yasobanuye ko telefoni yo kuri Saint-Paul yakoraga nibura kugeza igihe yahaviriye, ni ukuvuga ku itariki ya 17 Kamena 1994. Abapadiri bashoboraga guhamagara bakoresheje telefoni no kuyitaba, ariko nimero zatangirwaga n'umubare 8 ntizitabaga. Ni kimwe no haruguru, urup. 30.

[587] Ni kimwe no haruguru, imp. 14, 18, 21.

Bizimana yari Burugumesitiri wa Komine ya Nyarugenge. Iradukunda yabwiye uyu mutangabuhamya ko perefe atari ahari[588].

510. Mu gihe bamwe mu bari bagabye igitero bari basigaye ku muryango munini w'ikigo, Iradukunda n'abandi 30 cyangwa 40 binjiye mu byumba bari kumwe n'uyu mutangabuhamya hanyuma bahamagara amazina 40 cyangwa 50 yari kuri lisiti. Interahamwe zarakajwe no kubona nta muntu n'umwe witabye. Ubwo, zarobanuye impunzi noneho zisohora abari bafite isura y'Abatutsi, zibashyira ku murongo imbere y'inzu. Iradukunda yitegereje uko ibintu byari byifashe, amaze kubona ko nta kuntu yari kubuza Interahamwe gutwara impunzi ava aho ku kigo. Icyo gihe ni bwo babandi bari basigaye hanze bageraga nko kuri 200 biroshye mu kigo cya Saint-Paul. Bafashe abasore n'abagabo b'ibikwerere babarirwa hagati ya 30 na 50 maze barababoha barabajyana[589].

511. Hari umuntu umwe muri abo bashimuswe abagabye igitero bagiriye ikigongwe, waje kubwira uyu mutangabuhamya ko yumvise amasasu avuga ubwo bicaga izo mpunzi. Jean-Pierre, umwe mu bagabo bari bashimuswe, yagarutse saa kumi n'ebyiri za nimugoroba noneho abwira uyu mutangabuhamya ko we n'abandi bajyanywe ku biro bya segiteri ya Rugenge. Bahageze, we baramurekuye kuko yari Umuhutu. Jean-Pierre yavuze kandi ko ubwo yari mu nzira agaruka, yabonye Renzaho kuri Hoteli Pan Africa ari kumwe na Angeline Mukandutiye biyakira, kandi bashimagizanya ko bashoboye kwica abanzi[590].

512. Igitero cya kane cya simusiga cyabaye ku itariki ya 17 Kamena hagati ya saa mbiri na saa tatu za mu gitondo. Mu ijoro ryo ku itariki ya 16 Kamena rishyira iya 17 Kamena, FPR (ari yo « Inkotanyi ») yaje kuri Saint-Paul hanyuma mu rukerera ihungisha abenshi mu mpunzi zigera nko ku 1.500 z'abantu bakuze bari aho, ihasiga abagera nko kuri 50. Bukeye bwaho, uyu mutangabuhamya yumvise bavuga ko umujandarume wagerageje

[588] Ni kimwe no haruguru, urup. 18-21, 30, 39, 44. Inyuguti *« PO »* zisobanura mu gifaransa *« par ordre »,* ni ukuvuga mu mwanya w'undi muntu. Reba na none Inyandikomvugo y'iburanisha mu gifaransa, urup. 22.
[589] Ni kimwe no haruguru, imp. 21 - 25.
[590] Ni kimwe no haruguru, imp. 23-24, 40. KZ yavuze ko Angeline Mukandutiye yari Umugenzuzi w'amashuri muri Komine ya Nyarugenge, n'umuyobozi mu ishyaka MRND.

guhangana na FPR yishwe[591]. Mu gitondo cyo ku itariki ya 17 Kamena, Interahamwe zaraje noneho zishaka kwica abapadiri bari baracumbikiye izo mpunzi. Izo Nterahamwe zishe bamwe mu bantu 50 batari bahungishijwe ninjoro. Uyu mutangabuhamya yabonye imirambo ibiri, ariko yaje kumva bavuga ko hari abandi bantu bari biciwe munsi y'ikigo. Ntiyatinyutse kongera gutelefona Renzaho amusaba gutabara kubera ko yibukaga ikiganiro bari baherutse kugirana. Nyamara ariko, Padiri Munyazikwiye, wari wariganye na Renzaho, yatelefonnye Renzaho amumenyesha ko ikigo cya Saint-Paul cyatewe. Renzaho yamusubije ko abapadiri bose ari ibyitso kubera ko bacumbikiye Inkotanyi n'ibyitso byazo. Abapadiri bahunze Saint-Paul uwo munsi, nyuma yaho uyu mutangabuhamya yaje kumva ko bamaze kugenda hari izindi mpunzi zishwe[592].

513. Uyu mutangabuhamya avuga ko yahuye na Renzaho, wari kumwe n'abasirikare ba MINUAR, ahagana saa kumi n'imwe n'igice cyangwa saa kumi n'ebyiri z'umugoroba w'ijoro FPR yaje gutwaramo impunzi kuri Saint-Paul. Yasezeranyije impunzi kuzijyana aho zishaka, haba mu gice cyagenzurwaga na Leta cyangwa icyagenzurwaga na FPR[593].

Umutangabuhamya ushinja wiswe ALG

514. Umutangabuhamya wiswe ALG ni Umuhutu, akaba yari umuyobozi muri Perefegitura y'Umujyi wa Kigali kugeza muri Nyakanga 1994. Yemeje ko urwego rwa polisi rwonyine Umujyi wa Kigali wari ufite rwakoreraga ku biro bya perefegitura. Iyo Burugumesitiri uyu n'uyu yashakaga kugira umuntu afata, yabigezaga ku kuri polisi y'Umujyi no kuri perefe. Ba burugumesitiri nta burenganzira bari bafite bwo gusinya manda yo gufata, ariko umwe mu bakuru b'imirimo bo mu nzego z'imirimo za perefegitura uwo ari we wese, yashoboraga gusinya inyandiko mu mwanya wa perefe iyo yabaga adahari[594].

[591] Ni kimwe no haruguru, imp. 14, 25-28, 39-41, 44.
[592] Ni kimwe no haruguru, imp. 26-29. KZ ntiyari azi ipete rya buri wese muri abo basirikare bombi.
[593] Ni kimwe no haruguru, imp. 26, 38, 40-41.
[594] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 55-56, 59, 63; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 11-12; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 17, 22 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero P67 (ifishi y'umwirondoro). Mu gihe yatangaga ubuhamya bwe mu Rukiko, ALG

515. Uyu mutangabuhamya yari amaze iminsi atabona Renzaho kugeza ku itariki ya 13 Kamena 1994. Uwo munsi ntiyari azi aho perefe yari ari, ariko yumvise bavuga ko yari yaragiye i Cyangugu kureba umuryango we. Uyu mutangabuhamya yahakanye ko atitwaje ko Renzaho atari ahari kugira go akore ibyaha. Iyo perefe yabaga adahari, yasimburwaga na Jean-Baptiste Butera wari umukuru wa serivisi ishinzwe politiki, ubutegetsi n'amategeko muri Perefegitura y'Umujyi wa Kigali. Uyu mutangabuhamya yagerageje kandi kuvugana na Jean-Baptiste Butera ku itariki ya 13 n'iya 14 Kamena, ariko ntibyamukundiye[595].

516. ALG yemeje ko ku itariki ya 13 Kamena, ahagana saa kumi z'igicamunsi, Konseye Odette Nyirabagenzi yamubwiye ko Interahamwe ziteguraga kugaba igitero kuri Saint-Paul ku munsi ukurikiyeho, zitwaje amalisiti y'impunzi zakomokaga muri Segiteri ya Rugenge n'iya Muhima, zitaga abasirikare ba FPR. Icyo kiganiro bakigiranye kuri telefoni, ubwo uyu mutangabuhamya yari kuri perefegitura. Konseye yamusobanuriye ko iyo lisiti yariho amazina umunani cyangwa icyenda y'abasirikare ba FPR kandi ko yari yagerageje guhamagara Renzaho kugira ngo amumenyeshe iby'icyo gitero, ariko bikamunanira. Bizimana, wari aho igihe icyo kiganiro cyabaga, yabwiye Konseye Odette ko igihe cy'icyo gitero atazaba ahari kubera ko umugore we yari yashyizwe muri materinite. Icyo yakoze ahubwo ni ukwandikira Komanda wa burigade amusaba kugira icyo yakora kugira ngo aburizemo umugambi w'Interahamwe wo kugaba igitero ku kigo cya Saint-Paul ku munsi wakurikiyeho, ni ukuvuga ku itairki ya 14 Kamena. Muri iyo barwa, Bizimana yasabaga komanda kubuza Interahamwe gushimuta impunzi, ko ahubwo agomba guhamagaza izo mpunzi, akazibariza ubwe[596].

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yari ategereje kuburanishwa mu Rwanda kubera uruhare rwe mu byabaye mu wa1994, hakubiyemo n'icyo gikorwa kivugwa. Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64.

[595] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 67 ; Inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 10-11 30; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, urup. 31. ALG yavuze ko mu yandi maperefegitura, abakuru b'imirimo bitwaga ba superefe.

[596] Inyandikomvugo y'iburanisha,10 Mutarama 2007, imp. 65-66, 69 ; Inyandikomvugo y'iburanisha, 12 Mutarama 2007, imp. 35-36 ; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 19, 21-22, 25.

517. Umunsi ukurikiyeho, ku itariki ya 14 Kamena, ahagana saa mbiri cyangwa saa tatu za mu gitondo, umunyamabanga wa perefe yagejeje kuri Jean Bizimana ubutumwa bwa padiri Célestin Hakizimana wo ku kigo cya Saint-Paul. Uwo mupadiri yari yagerageje gutelefona perefe atabaza kuko Interahamwe zarimo zigaba igitero kuri icyo kigo. Uyu mutangabuhamya yageze kuri Saint-Paul hagati ya saa tatu na saa ine za mu gitondo. Jean Bizimana yari ahari. Interahamwe nyinshi zari zakoraniye muri icyo kigo no hanze yacyo. Izari hanze zari zirakaye cyane zishaka kwinjira imbere. Uwo munsi nta muyobozi wa perefegitura n'umwe winjiye mu kigo cya Saint-Paul. Uyu mutangabuhamya ntiyabonye padiri Hakizimana aho hantu, ariko avuga ko bishoboka ko yari ahari[597].

518. Amaze kugera ku muryango munini wa Saint-Paul, ALG yumvise ihoni noneho akebutse abona inyuma ye Renzaho ari mu modoka. Renzaho yarembuje Jean Bizimana maze amubaza ibyarimo kuba. Bizimana yamusobanuriye ukuntu yari yamenye ko igitero kigiye kuba. Renzaho yasaga n'udatangajwe n'uko ibintu byari bimeze cyangwa n'amagambo ya Bizimana. Renzaho yabwiye Bizimana ngo nagende ajye kwita ku mugore we. Bizimana amaze kugenda, uyu mutangabuhamya yabonye Interahamwe zari hanze zijya kuramutsa perefe. Ubundi zari zarakaye, ariko noneho zari zituje kandi zishimiye kubona Renzaho, wahaye umukono zimwe muri zo. ALG yavuye aho hantu Interahamwe zikiramutsa perefe[598].

519. Nyuma y'ibyabaye, uyu mutangabuhamya yafungiwe muri gereza ya Kigali hamwe n'Interahamwe zari muri icyo gitero. Zamubwiye ko Renzaho yagiye, noneho zigatangira gushimuta impunzi zigera kuri 40 zari kuri Saint-Paul. Zatsinze izo mpunzi ahantu ziciraga abantu hari harahawe izina rya CND, hafi y'ibiro bya Segiteri ya Rugenge. N'ubwo Renzaho yasaga mbere nk'ugaragaza ko ashobora gukemura icyo kibazo, uyu mutangabuhamya yaje gusanga ahubwo ari we washumurije Interahamwe impunzi[599].

[597] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 66-67; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 17-19, 21, 24.
[598] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 66-69; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 17, 25.
[599] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 69-70; Inyandikomvugo y'iburanisha, 15 Mutarama 2007, imp. 18, 24 - 25.

520. Ku itariki ya 17 Kamena, nyuma y'igitero FPR yagabye kuri Saint-Paul, Interahamwe zagabye igitero kuri Saint-Paul no kuri Sainte-Famille. Ibyo bitero byahitanye abantu benshi. Kubera ko yari amaze iminsi ine i Gitarama, icyo gitero cyabaye uyu mutangabuhamya adahari. Yagarutse i Kigali ku itariki ya 18 Kamena, nimugoroba[600].

Umutangabuhamya ushinja wiswe BUO

521. Umutangabuhamya wiswe BUO ni Umuhutu, akaba yarinjiye mu mutwe w'Interahamwe zo muri Segiteri ya Rugenge ku itariki ya 8 cyangwa iya 9 Mata 1994. Uwo mutwe wari ufite icyicaro cyawo ku mukuru wawo, ari we Angeline Mukandutiye. BUO yagumye muri uwo mutwe kugeza muri Nyakanga 1994[601].

522. Uyu mutangabuhamya yavuze ko kuri Saint-Paul hagabwe ibitero bibiri bikomeye Renzaho yarimo. Icya mbere cyabaye muri Gicurasi. Angeline Mukandutiye na Konseye Odette Nyirabagenzi bemeje ko Abatutsi bamwe bashakishwaga n'Interahamwe bagombaga gukurwa kuri Saint-Paul bakicwa. Mukandutiye yari yari yaragejeje uwo mugambi ku Nterahamwe. Kugira ngo babashe kugera kuri abo bantu bashakaga gushimuta, bagombaga kwitwaza ko hari Inyenzi zihishe muri Saint-Paul zarasaga kuri bariyeri ninjoro. Interahamwe zigera kuri 50 hamwe n'abaturage bo muri ako gace baje gutema ibihuru byari aho hantu kugira ngo bashakishe Inyenzi zashoboraga kuba zihihishe[602].

523. Angeline Mukandutiye na Odette Nyirabagenzi bari kuri Saint-Paul ubwo icyo gitero cyagabwaga muri Gicurasi. Uyu mutangabuhamya yabonye Mukandutiye afite ilisiti mu ntoki, ndetse yibukagamo n'amazina ane, n'ubwo atibuka umubare wose w'abantu bari kuri iyo lisiti. Abo bagore bombi ntibumvikanaga ku mubare w'abantu bagombaga kwicwa. Nyirabagenzi we yashakaga ko impunzi zose zari kuri Saint-Paul zicwa, mu gihe Mukandutiye we yashagaga ko hicwa gusa abari kuri lisiti. Renzaho yageze kuri Saint-

[600] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, imp. 69-70.
[601] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 10, 52, 54-58; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 36-38; Ikimenyetso gihamya cya Porokireri cyahawe nomero P73 (ifishi y'umwirondoro). BUO yahamwe n'icyaha akatirwa igihano cy'igifungo cy'imyaka 15 kubera uruhare yagize muri jenoside.
[602] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 12, 14-16.

Paul ahagana mu ma saa tanu z'amanywa afite urupapuro rusa n'urwo Mukandutiye yari afite. Yahamaze nk'iminota 10, ashyigikira icyifuzo cya Mukandutiye, hanyuma ahita agenda. Abo bagore bahise babwira Interahamwe ko zigomba gufata gusa abantu bari kuri lisiti[603].

524. Interahamwe zarobanuye Abatutsi bari kuri lisiti noneho zibinjiza ku ngufu mu modoka zari aho. Kurobanura abo Batutsi mu zindi mpunzi ntibyagoranye kubera bari abaturanyi b'abagabye igitero kandi baziranye. Hashimuswe Abatutsi benshi, ariko uyu mutangabuhamya ntiyavuze umubare wabo. Emmanuel Rukundo n'indi mpunzi yari kuri Saint-Paul binjijwe mu modoka yihariye babajyana kwa Rukundo, aba ariho babicira. Nyuma y'ishimutwa rya Rukundo, Mukandutiye yasubiye iwe. Interahamwe zavuye kuri Saint-Paul mu mamodoka, hanyuma zigenda zicira izo mpunzi mu nzira. Uyu mutangabuhamya yavuze ko «hari imirambo ahantu hose»[604].

525. Igitero cya kabiri gikomeye cyagabwe muri Kamena 1994, ku munsi ukurikiye uwo FPR yari yahungishirijeho Abatutsi ibavana kuri Saint-Paul no kuri Sainte-Famille. Liyetona umwe witwa Cadence, uyu mutangabuhamya yavuze ko « yahoze mu ngabo za kera », yasabye Interahamwe kujya kuri Saint-Paul no kuri Sainte-Famille. Izo Nterahamwe zagombaga gushakisha no kwica Inyenzi zashoboraga kuba zikiri aho hantu, hamwe « n'ibyito » byazo, uyu mutangabuhamya akaba avuga ko ibyo byasobanuraga Abatutsi. Igitero cyagabwe kuri Saint-Paul saa moya za mu gitondo n'abantu bagera ku 180, bafashijwe n'impunzi z'Abahutu zari kuri Sainte-Famille. Abajandarume na bo bakigizemo uruhare, bayobowe na Majoro Bivamvagara. Majoro Munyakazi, Liyetona Cadence, Nyirabagenzi na Mukandutiye bari kumwe n'Interahamwe. Abicanyi bavumburaga Abatutsi bose bashoboraga kubona bakabica. Umutangabuhamya ntiyatanze umubare w'abahaguye. Yumvise ko hari imirambo yatawe ku cyobo rusange cyari cyariswe CND, ku nzu ya Iyaremye Straton,mu gihe hari izindi mpunzi « zaguye mu mayira ». Uyu mutangabuhamya yiboneye Renzaho aza kuri Saint-Paul impunzi

[603] Ni kimwe no haruguru, imp. 13, 17-19.
[604] Ni kimwe no haruguru, imp. 12-14, 16, 19-20.

z'Abatutsi zimaze kwicwa. Imirambo yari inyanyagiye ahantu hose. Renzaho nta cyo yabivuzeho nta n'icyo yabikozeho[605].

Umutangabuhamya ushinja wiswe MW

526. Umutangabuhamya wiswe MW ni Umututsikazi, akaba yarahungiye kuri Saint-Paul ku itariki ya 12 Mata 1994. Yavuze ko hari abajandarume babiri, ariko ko batashoboraga gukumira abantu bitwaraga gisirikare. Icyo kigo cyagabweho ibitero inshuro zinyuranye. Muri ibyo bitero, harimo bibiri byashimuse impunzi. Igitero cya mbere cyabaye ku itariki ya 24 Mata. Abantu benshi bitwaraga gisirikare baje hagati ya saa ine na saa sita z'amanywa. MW ntiyavuze uko banganaga, ariko yavuze ko Interahamwe zigera nko kuri 20 zinjiye muri dorutwari zikahashimuta abantu barindwi. Izo Nterahamwe zavuye aho nko mu saa sita cyangwa saa sita n'igice z'amanywa. Uyu mutangabuhamya yabonye ikamyoneti itariho ihema iva ku kigo ipakiyemo impunzi. Célestin Hakizimana, wari umupadiri wo kuri Saint-Paul, n'abanyezamu ba Saint-Paul bamubwiye nyuma ko izo mpunzi indwi ziciwe ahantu hari hariswe CND, hafi y'ibiro bya segiteri ya Rugenge. Nyuma yaho izindi mpunzi zaje kumenya amazina y'abari bashimuswe. Babiri muri bo bari Abahutu bajyaga banenga Guverinoma naho uwa gatatu yari Umututsi. Uyu mutangabuhamya yumvise bavuga ko Burugumesitiri Jean Bizimana yaje kuri Saint-Paul ku itariki ya 24 Mata akabwira Hakizimana ko umutekano w'impunzi zari zashimuswe uzarindwa, ko ntacyo zagombaga kuba[606].

527. Ku itariki ya 14 Kamena, hagati ya saa tatu na saa ine za mu gitondo, muri Saint-Paul haje ikindi gitero kihashimuta abasore bagera kuri 60. Abajandarume babiri barindaga icyo kigo bahamagaye Padiri Hakizimana bakibona Interahamwe zirenga 50 zije, zitwaje

[605] Ni kimwe no haruguru, imp. 12, 25-30. BUO yavuze ko Saint-Paul na Sainte-Famille byasaga n'aho biri ahantu hamwe. Inyandikomvugo y'iburanisha, 26 Mutarama 2007, urup. 31. Ubwo FPR yahungishaga impunzi zari kuri Saint-Paul muri Kamena, «Inkotanyi ebyiri» na bamwe mu Batutsi bahungishwaga barishwe. Ni kimwe no haruguru, imp. 26-27.

[606] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 5-9, 23, 28. MW yavuze kandi ku kindi gitero cyabaye ku itariki ya 24 Mata 1994. Cyagabwe n'abasirikare bari hagati ya 10 na 20, ariko kiza gukumirwa na Padiri Célestin Hakizimana. Ni kimwe no haruguru, imp. 6, 9-11. Muri rusange, MW yasobanuye ko, mu gihe cyose cy'intambara, Hakizimana yagerageje kumvikana n'abayobozi b'abasiviri kugira ngo bamufashe kurinda umutekano w'abantu yari ashinzwe. Ni kimwe no haruguru, urup. 14. Yashimagiye ko abajandarume bambaraga utugofero dutukura naho abasirikare bakambara utw'umukara. Ni kimwe no haruguru, urup.26.

ilisiti y'abantu. Padiri yabwiye izo Nterahamwe ko iyo lisiti itariho sinyatire, bityo ikaba nta gaciro yari ifite. Umwe mu bajandarume yajyanye n'izo Nterahamwe kugira ngo bashake umutegetsi w'umusirikare wabibafashamo. Nyamara ariko, uwo mujandarume yagarutse kuri Saint-Paul ari wenyine hanyuma abwira uyu mutangabuhamya ko ba ofisiye yavuganye na bo banze gusinya iyo lisiti. Hashize nk'isaha imwe n'igice, Interahamwe zaragarutse, noneho zariye karungu, zitangira kurobanura impunzi, zihitamo izifite imyaka iri hagati ya 16 na 35. Umugabo wa MW na musaza we bari muri abo bacaguwe mu zindi mpunzi[607].

528. MW yagerageje kwinginga umwe muri abo bantu bitwaraga gisirikare kugira ngo akize bene wabo, ariko yamusubije ko izina rya musaza we riri kuri lisiti kandi yarayimweretse. MW Ntiyabashije kureba amazina yose yariho cyangwa ngo abone koko ko izina rya musaza we ryariho. Icyo yabashije kubona ni uko hariho kashe ya Leta kandi handitseho amagambo « Perefe w'Umujyi wa Kigali », hariho na sinyatiri. Hagaragaraga izina ritangiwe na « Re », ariko ibindi byari bihishwe na kashe yari iteyeho. MW yumvaga nta gushidikanya ko ryari izina rya Perefe w'Umujyi wa Kigali, Renzaho. Umugabo we yemerewe kugaruka muri dorutwari kubera ko imwe mu Nterahamwe yasanze afite indangamuntu yanditsemo ko ari Umuhutu, ariko musaza we yarashimuswe, ntiyongeye kumubona. Nyuma yaho yaje kumenya amazina y'impunzi zari zashimuswe kandi yumvise bavuga ko ziciwe muri segiteri ya Rugenge, ku cyobo rusange cy'ahantu hari hariswe « CND »[608].

529. Ku itariki ya 16 Kamena, MW yabonye Renzaho aza kuri Saint-Paul hagati ya saa tatu na saa tanu z'amanywa. Perefe yari kumwe na Konseye wa Segiteri ya Rugenge ari we Odette Nyirabagenzi, Interahamwe nyinshi, n'abasirikare ba MINUAR. Muri icyo gihe byari bisanzwe kubona abayobozi b'abasiviri baherekejwe n'abantu bitwara gisirikare. Uyu mutangabuhamya yarebeye mu idirishya noneho abona Renzaho avugana na Padiri Hakizimana. Izindi mpunzi zamubwiye ko baganiraga ukuntu MINUAR yahungisha impunzi. Mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena, hagati ya saa saba na saa

[607] Ni kimwe no haruguru, imp. 11-13, 15.
[608] Ni kimwe no haruguru, imp. 7-8, 14-15, 19-20, 28.

cyenda z'igicuku, ingabo za FPR zahungishije MW hamwe n'izindi mpunzi zibajyana ku maguru mu gace kari mu maboko ya FPR. Muri icyo gikorwa yumvise ibintu biturika yumva n'urusaku rw'amasasu. Hapfuye impunzi zigera kuri 20 n'umusirikare umwe wa FPR barashwe[609].

Umutangabuhamya ushinja wiswe UI

530. Umutangabuhamya wiswe UI ni Umututsi, akaba yarahungiye ku kigo cya *Saint-Paul* cyayoborwaga na Padiri Célestin Hakizimana hafi y'itariki ya 22 Mata 1994. Ku itariki ya 14 Kamena, UI yahabonye Konseye Odette Nyirabagenzi ari kumwe n'Interahamwe, kandi yari afite ilisiti. Icyo gihe hashimuswe abasore bagera kuri 50 bajyanwa kwicwa. Uwo munsi, uyu mutangabuhamya yagumye mu cyumba cye, ntiyasohotse. Yagumye kuri Saint-Paul kugeza ku itariki ya 16 Kamena, ubwo, nk'uko abivuga, « Inkotanyi » zahungishaga impunzi hafi ya zose[610].

Umutangabuhamya ushinja wiswe GLE

531. Umutangabuhamya wiswe GLE ni Umututsikazi, akaba yari yarahungiye ku kigo cya Saint-Paul mu mpera za Mata cyangwa mu ntangiriro za Gicurasi 1994. Yarahagumye kugeza ubwo rimwe ninjoro Inkotanyi zahazaga zikamuhungisha hamwe n'izindi mpunzi. Hafi y'itariki ya 13 Kamena, hasigaye iminsi itatu ngo Inkotanyi zize, Interahamwe zaje zambaye iniforume yazo kuri icyo kigo noneho zirobanura mu mpunzi abasore bamwe zirabica. Ubwo abagabye igitero bashimutaga abo basore, GLE we yagumye mu cyumba mu kigo. Yashimiye cyane uwari ushinzwe icyo kigo ari we

[609] Ni kimwe no haruguru, imp. 16-18, 28. MW yaje nyuma kubwirwa n'izindi mpunzi ko mu nama, perefe yari yavuze ko MINUAR izahungisha impunzi zo kuri Saint-Paul nyuma y'izo kuri Sainte-Famille. Yasobanuye ko abantu bose bari bazi ko impunzi zo kuri Saint-Paul zari zigizwe n'Abahutu cyangwa Abatutsi bahigwaga n'abicanyi, naho izo kuri Sainte-Famille, zikaba zari zivanze : zimwe zahungaga abantu bitwaraga gisirikare, izindi zikaba zaraturutse ahantu haberaga imirwano hari mu maboko ya FPR. Impunzi zo kuri Saint-Paul zagerageje gusaba zikomeje ko zahungishwa mbere kubera ko ari zo zari mu kaga gakomeye kurushaho, ariko perefe yaranze yemeza ko zizahungishwa nyuma y'izindi. Ni kimwe no haruguru, imp. 16-17.

[610] Ni kimwe no haruguru, imp. 58-59, 69, 75; Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 7; Ikimenyetso gihamya cya Porokireri cyahawe nomero P86 (ifishi y'umwirondoro).

Célestin Hakizimana, utaratereranye impunzi ahubwo akana yari yiteguye gupfana na zo. GLE avuga ko iyo aza kuguma iwe ntahungire kuri Saint-Paul, aba yarishwe[611].

Renzaho

532. Renzaho yari azi ko kuri Saint-Paul hari impunzi, kandi ni hamwe mu hantu yashoboye kubona inkunga y'abajandarume. Yasobanuye ko kubera ko byari biruhije kubona abajandarume bahoraho bo kurinda umutekano kuri CELA, yasabye ko impunzi zimurirwa kuri Saint-Paul no kuri Sainte-Famille[612].

533. Superefe Aloys Simpunga, umwe mu bari bungirije Renzaho, yari ashinzwe ahantu hatandukanye, harimo na Saint-Paul. Kubera za raporo za Simpunga yabonaga, Renzaho yari azi ko Célestin Hakizimana ariwe mupadiri wari ushinzwe Saint-Paul naho padiri Wenceslas Munyeshyaka akaba yari ashinzwe Sainte-Famille. Yari azi kandi ko Munyeshyaka yashyiraga ibiribwa impunzi zirimo n'izo kuri Saint-Paul, kandi ko yahamagariraga imiryango y'abagiraneza kuzitaho; ariko yari atarigera abonana na Muneyshyaka[613].

534. Renzaho yavuze ko yasabye kenshi ko abasirikare ba MINUAR boherezwa kurinda Saint-Paul na Sainte-Famille, ariko ko ntacyo byatanze. N'ubwo hari abajandarume aho hantu habiri kuva ku itariki ya 9 Mata 1994, umubare wabo ntiwari uhagije. Bayoborwaga na Iradukunda. Urebye, ikibazo cy'umubare w'abajandarume bari aho hantu nta cyo cyari kivuze kubera ko ahaberaga imirwano hatari hafi cyane, kandi abajandarume bari bahari bari bahagije kuhagenzura no gutabaza haramutse habaye ingorane. Renzaho yavuze ko hari ibikorwa by'intambara byakorewe aho hantu hombi, by'umwihariko ibisasu byaharashwe ku itariki ya 12 n'iya 16 Mata, itariki ya 1 n'iya 3

[611] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 2, 6-8; Ikimenyetso gihamya cya Porokireri cyahawe nomero P79 (ifishi y'umwirondoro).
[612] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 8, 28, 32-34; Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 19. Renzaho yemeye ibikubiye mu kimenyetso gihamya cy'Ubwunganizi cyahawe nomero D103 (Henry Kwami Anyidoho: *Guns Over Kigali* (1997) [Imbunda muri Kigali], kivuga ku rupapuro rwa 89 n'urwa 90 ku ruzinduko rwakozwe kuri Saint-Paul na Sainte-Famille ku itariki ya 16 Kamena 1994.
[613] Inyandikomvugo y'iburanisha, 29 Kanama 2007, 34, 36-37, 49 ; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 31-32, 36-37, 49.

Gicurasi ndetse no mu ijoro ryo ku itariki ya 16 rishyira iya 7 Kamena. Ku itariki ya 17 Kamena, hafi ya saa tanu z'amanywa, ni bwo yamenye ko impunzi zari zaraye zikuwe kuri Saint-Paul[614].

535. Renzaho yavuze ko nta lisiti n'imwe yigeze akora hagati ya Mata na Nyakanga 1994 kandi ko atigeze amenya ko hari umuntu waba warateguye ilisiti y'abantu bagombaga gufatirwa kuri Saint-Paul ku itariki ya 14 Kamena. Yavuze ko nta mabwiriza ayo ari yo yose yahaye Burugumesitiri Jean Bizimana yo kugira uwo afata ku itariki ya 14 Kamena. Nyuma yaho ni bwo yumvise bavuga ko Nyirabagenzi, wari Konseye wa segiteri, yabwiye Bizimana ku mugoroba w'itariki ya 13 Kamena, ko kuri Sainte-Famille hashobora kuzagabwa igitero bukeye. Renzaho yibwira ko Bizimana ashobora kuba yarandikiye jandarumori ayisaba kuburizamo icyo gitero, kuko iyo atabikora abajandarume ntibaba baratabaye. Umu ofisiye wari ushinzwe icyo kibazo yageze kuri Saint-Paul azanye n'abajandarume bake, noneho yifashisha bamwe mu mbaga y'abantu bari aho gushakisha impunzi zari kuri lisiti. Nyamara ariko, izo mpunzi zashakishwaga ntizabonetse, noneho bituma imbaga y'abantu bari aho bigira indakoreka. Ofisiye wari ushinzwe icyo gikorwa yabuze ubutwari bwo guhosha ibyo bintu no gutabaza, ahubwo ahitamo kwigendera[615].

536. Ku itariki ya 14 Kamena, Renzaho yari i Cyangugu hamwe n'umuryango we, akaba yarahavuye muri icyo gitondo hagati ya saa mbiri na saa tatu za mu gitondo asubira i Kigali. Amaze kugaruka, ku itariki ya 15 Kamena nimugoroba, ni bwo yabwiwe n'impunzi zari kuri perefegitura ko hari abantu bari bashimutiwe kuri Saint-Paul ku itariki ya 14 Kamena. Yavuze ko impunzi zashyiraga Bizimana mu majwi zivuga ko atabyitwayemo neza[616].

537. Burugumesitiri Jean Bizimana yemereye Renzaho ko hari ibintu byabereye kuri Saint-Paul koko, ariko nta makuru arambuye yamuhaye. Nyuma yaho, Superefe Aloys

[614] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 34-35, 38-39 ; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup. 31.
[615] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 39-40.
[616] Inyandikomvugo y'iburanisha, 29 Kanama 2007, 19, 41-42; Inyandikomvugo y'iburanisha,3 Nzeri 2007, imp. 26-29, 30.

Simpunga yabwiye Renzaho ko yagiye kuri Saint-Paul icyo gihe, kandi ko yababajwe n'uko Burugumesitiri atari ahari ibyo bintu biba. Renzaho yumvise ko abasore bashimuswe banjyanwe ahandi hantu bakicwa. Yasomye kandi amakuru ajyanye n'ibyo mu nyandiko imwe ya MINUAR. Uko Renzaho abivuga, iperereza ryakozwe n'Umuryango w'Abibumbye kuri icyo gikorwa nta cyo ryatanze. Ku kibazo cyo kumenya impamvu ba burugumesitiri na ba konseye batatawe muri yombi, Renzaho yasubije ko inzego z'ubutabera zitari zigikora kandi ko nta gihe n'uburyo yari afite byo gutanga ibihano[617].

538. Ku itariki ya 16 Kamena 1994 nyuma ya saa sita, Renzaho yagiye kuri *Saint-Paul* ari kumwe n'uwari uhagarariye CICR, na Komanda wungirije wa MINUAR ari we Jenerali Anyidoho. Bijeje impunzi zari aho hantu hombi ko igikorwa cyo kuzihungisha, cyari kimaze iminsi cyarahagaritswe, kizasubukurwa bukeye. Nyuma yaho Renzaho yaragiye. Nyuma y'amasaha abiri, muri uwo mugoroba, FPR yamishagiye ibisasu aho hantu. Renzaho avuga ko impunzi 1.800 zahungishijwe, ko ariko hari n'abandi bantu benshi baguye muri icyo gitero. Nk'urugero, Abahutu bari aho bicishijwe bayoneti n'ibyuma. Icyo gitero cyahagaze ku itariki ya 17 Kamena mu rukerera[618].

539. Renzaho yavuze ko nta muntu n'umwe wigeze amutelefona amusaba gutabara kuri *Saint-Paul*. Yavuze ko Padiri Paulin Munyazikwiye atamuhamagaye kuri telefoni mu gitondo cyo ku itariki ya 17 Kamena, ariko yemeye ko yari amuzi neza kandi ko bari bariganye. Iyo aza kubona iyo telefoni, ntaba yaranze gutabara kuri *Saint-Paul*. Ntiyabaga ari ku biro bya Perefegitura y'Umujyi wa Kigali igihe cyose, kandi hari abandi bantu bashoboraga kugezwaho icyifuzo nk'icyo. Ubusanzwe, ikibazo nka kiriya cyagombaga kubanza kwakirwa n'ubunyamabanga bwa perefegitura, noneho kigasuzumwa n'Akanama k'amahina (*comité de crise)* kashyizweho nyuma y'itariki ya 7

[617] Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 30-31, 42-43.
[618] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 29, 32-33.

Mata 1994, hanyuma hagashakwa umukozi wari ubishinzwe cyangwa superefe Simpunga akagira icyo akora[619].

Umutangabuhamya ushinjura wiswe UT

540. Umutangabuhamya wiswe UT ni Umuhutu, akaba yari umukozi wo mu buyobozi muri Perefegitura y'Umujyi wa Kigali. Yavuze ko yavuganaga na Renzanho buri munsi - mu gitondo, nyuma ya saa sita na nimugoroba, kuva ku itariki ya 11 Mata 1994 kugeza intambara irangiye. Icyo gihe, yari azi aho impunzi zari zarateraniye noneho akazigezaho imfashanyo. Renzaho yamuhaga amabwiriza, hanyuma na we akamuha raporo y'ahantu impunzi yabaga yasuye zabaga ziri. Perefe yamuhaga amazina y'abantu yagombaga kureba no gufatanya nabo[620].

541. Hafi y'itariki ya 18 Mata, uyu mutangabuhamya yavanye abantu bari bateraniye ku Bitaro bikuru bya Kigali (*CHK*) abajyana kuri *Sainte-Famille* no kuri *Saint-Paul*. Nta bapolisi cyangwa abajandarume bahagije bari bahari bo kubungabunga umutekano w'ahantu impunzi zabaga ziri. Renzaho ntiyashoboraga kubona inkunga yifuzaga. Yahamagaye inshuro nyinshi abayobozi ba jandarumori ariko biba iby'ubusa, kuko bamubwiraga ko abajandarume bagiye ku rugamba gufasha ingabo. Inkunga yonyine babonye ni iya Liyetona Sekamana n'abajandarume bane cyangwa batanu barindaga umutekano igihe cyose kuri *Sainte-Famille*[621].

542. Ikigo cya *Saint-Paul* ni kimwe mu by'ingenzi byakiraga impunzi. Uyu mutangabuhamya yakoranye na Padiri Célestin Hakizimana wari ushinzwe icyo kigo. Yagiye kuri *Saint-Paul* inshuro eshatu : mu mpera za Mata, mu minsi 15 ya mbere ya Gicurasi no hagati

[619] Ni kimwe no haruguru, imp. 36-39. Nyuma y'itariki ya 7 Mata 1994, Renzaho yagizwe umwe mu bagize Akanama k'amahina (*Comité de crise*) kari gashinzwe gukemura ibibazo byariho, bitewe n'uko nta Guverinoma y'agateganyo yariho. Renzaho avuga ko inshingano y'ingenzi ako kanama kari gafite, yari iyo kugirana imishyikirano n'amashyaka ya politiki, no kugenzura uko ibintu byifashe mu mitwe ya gisirikare mu rwego rwo kureba niba ba komanda b'iyo mitwe bashyiraho disipuline. Inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 57 – 59, 54-55.

[620] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, urup. 20; ikimenyetso gihamya cy'Ubwunganizi No. D47 (Ifishi yumwirondoro).

[621] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 7, 19, 29, 32-33, 43-44; Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 35, 38-39.

y'itariki ya 12 n'iya 15 Kamena. Yahajyaga abisabwe, ubundi akajyayo abyibwirije, kandi yasuraga aho hantu aherekejwe n'abaporisi babiri cyangwa batatu. Ntabwo Renzaho yigeze ahagera na rimwe, ariko yatumagayo uyu mutangabuhamya akamugirayo. Ibyo yahakoze byose byari mu izina rya perefe, yaba afite amabwiriza runaka cyangwa nta yo yabonye. Nyuma y'itariki ya 16 Kamena, uyu mutangabuhamya yagiye kwita ku bibazo by'umuryango we i Cyangugu. Yagarutse mu ijoro ryo ku itariki ya 20 Kamena[622].

543. Ahagana hagati muri Kamena, nka saa munani z'amanywa, uyu mutangabuhamya yagiye kuri *Saint-Paul* amaze kumenya ko hari igitero kigiye kuhagabwa. Yahasanze abantu bitwaraga gisirikare bafite ilisiti y'abantu bashakaga gushimuta. Iyo lisiti yari yasinywe na Burugumesitiri Jean Bizimana kandi yariho na kashe nyakuri. Interahamwe zafungiye uyu mutangabuhamya muri *Saint-Paul* kugeza saa kumi n'ebyiri za nimugoroba, zivuga ko atari ahagarariye ubuyobozi nyakuri, ni ukuvuga mu myumvire yazo ubwazigenzuraga. Yashoboye kumvikana na zo hanyuma « bigeze aho ibintu bisubira mu buryo ». Uyu mutangabuhamya yabwiye Renzaho ko *Interahamwe* zamweretse urwandiko rwo mu rwego rw'ubutegetsi rwari rwatanzwe na Bizimana. Nyuma y'aho aviriye i Cyangugu, yaje kumenya ko perefe yatonganyije bikomeye Bizimana kubera ibyo yari yakoze[623].

Umutangabuhamya ushinjura wiswe PER

544. Umutangabuhamya wiswe PER ni Umuhutu, akaba muri Mata 1994 yari mu biruhuko muri *Saint-Paul* anahakora. Ku itariki ya 6 Mata, ubwo yari hafi kurangiza igihe yagombaga kuhamara, intambara yarakomeye ku buryo atashoboye kugenda, bituma ahaguma kugeza ku itariki ya 18 Kamena. Uyu mutangabuhamya yakoze ibikorwa byo gufasha imbabare kuri *Saint-Paul*. Guhera ku itariki ya 10 Mata na nyuma yayo, yafatanyije kandi bya hafi na Padiri Wenceslas Munyeshyaka bafasha impunzi nyinshi zari kuri *Sainte- Famille*; Munyeshyaka akenshi yabaga ari we mupadiri wenyine uhari.

[622] Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 5-7, 39.
[623] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 47-51; Inyandikomvugo y'iburanisha, 25 Gicurasi 200, urup. 24.

Saint-Paul na *Sainte-Famille* byari byegeranye cyane, bitandukanyijwe n'urukuta rufite uturyango tubiri[624].

545. Aloys Simpunga, wari Superefe ushinzwe imibereho myiza y'abaturage muri Perefegitura y'Umujyi wa Kigali, yafashaga *Saint-Paul* ayiha ibiryo, amazi n'imiti. N'ubwo uyu mutangabuhamya yararaga kuri *Saint-Paul*, buri gitondo mu masaa ine cyangwa saa tanu yajyaga kuri *Sainte-Famille* gufasha Munyeshyaka, hanyuma akagaruka kuri *Saint-Paul* ahagana saa cyenda cyangwa saa kumi z'igicamunsi. *Saint-Paul* na *Sainte-Famille* byari byegeranye cyane, bitandukanyijwe gusa n'urukuta rufite uturyango tubiri. Uyu mutangabuhamya yagiye i Gitarama ku itariki ya 13 Kamena, agaruka i Kigali mu gitondo ku itariki ya 15 Kamena[625].

546. Muri Mata, abantu bari kuri *Saint-Paul*, harimo n'impunzi, batemye ibihuru n'urutoki byari mu gipangu babisabwe n'abantu bitwaraga gisirikare. Nta muntu uyu mutangabuhamya yabonye ashimutwa icyo gihe, kandi Interahamwe ntizinjiye mu gipangu. Ariko mu ntangiriro za Gicurasi, zateye umuzamu, zimurusha imbaraga hanyuma zifungura urugi rw'igipango ku ngufu. Zavugaga ko zoherejwe na Angeline Mukandutiye gushaka umugabo witwaga Rukundo. Zimaze kuvugana gato na Padiri Célestin Hakizimana, zajyanye na we gushaka Rukundo maze zimusohoramo hamwe n'izindi mpunzi enye cyangwa eshanu. Zinjije abo bantu mu modoka ya Hilux ku ngufu zihita zibatwara[626].

547. Uyu mutangabuhamya yabonye Renzaho ku itariki ya 16 Kamena gusa. Perefe yageze kuri *Saint-Paul* ari kumwe n'abayobozi ba MINUAR n'aba *Croix-Rouge*, avugana na Padiri Hakizimana, arangije aragenda. Uyu mutangabuhamya ntiyavuganye na we. FPR yaje kuri *Saint-Paul* guhungisha Abatutsi mu ijoro ryo ku itariki ya 16 Kamena. Mu mirwano yahabereye haguyemo abajandarume babiri. Mu gitondo cy'itariki ya 17 Kamena, hari akaduruvayo kuri *Saint-Paul*. Interahamwe zaraje maze zibonye ko FPR

[624] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 27-29, 31-33, 38, 49, 51, 58, 62-63;Ikimenyetso gihamya cy'Ubwunganizi No. 80 (Ifishi yumwirondoro).
[625] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 31-32, 50-53, 55.
[626] Ni kimwe no haruguru, imp. 35-37, 51, 56, 59.

yaraye itwaye impunzi zirya karungu, hanyuma zisahura icyo kigo mbere yo kujya kuri *Sainte-Famille* nka saa tatu za mugitondo. Mu gitondo cya kare ku itariki ya 17 Kamena, uyu mutangabuhamya yavuye kuri *Saint-Paul* ahungira kuri *Sainte-Famille*[627].

548. PER avuga ko telefoni yo kuri *Saint-Paul* yakaswe mu mpera za Mata cyangwa mu ntangiriro za Gicurasi, kandi ntiyakoraga kugeza igihe yahaviriye ku itariki ya 17 Kamena. Ntiyigeze rero ikoreshwa mu gusaba abategetsi inkunga kubera ko we na Munyeshyaka bashoboye gukumira ibitero ubwabo no kubera ko na Simpunga yazaga kubareba kenshi. Uyu mutangabuhamya ntiyigeze akoresha iyo telefoni hagati y'itariki ya 6 Mata na Nyakanga 1994[628].

549. PER ntiyigeze abona Renzaho ari kumwe na Konseye Odette Nyirabagenzi hamwe na Angeline Mukandutiye wari Umugenzuzi w'amashuri abanza, kandi ntazi niba abo bantu barigeze bahura na Renzaho. Nta n'umuntu yumvise avuga ko Renzaho hari icyo yari ahuriyeho na bo. Na none kandi, uyu mutangabuhamya ntiyigeze yumva ko Renzaho yaba yarabonanye na Padiri Wenceslas Munyeshyaka[629].

Umutangabuhamya ushinjura wiswe BDC

550. Umutangabuhamya wiswe BDC ni Umuhutu, hakaba hari umuryango utagengwa na Leta yakoreraga mu Mujyi wa Kigali, ashinzwe kugenzura ibikorwa by'uwo muryango byo gufasha impunzi zari kuri *Saint-Paul* na *Sainte-Famille*. Yemeye ko iyo Abatutsi babaga ari benshi nk'uko bari bameze kuri *Saint-Paul* n'ahandi nk'aho, umutekano wabo wabaga mwiza kurusha iyo babaga bari mu ngo zabo. Yatanze urugero avuga ko atashoboraga kuba yabwira Abatutsi bari bahungiye kuri *Sainte-Famille*, mu ntangiriro za Gicurasi, gusubira iwabo, kubera ko muri icyo gihe mu mujyi wose hari bariyeri buri metero 500. « Baba Abatutsi cyangwa bataba bo », kuva aho byari kuba ari ukwiyahura. Kugira aho

[627] Ni kimwe no haruguru, imp. 34-35, 39-40, 46, 52-54.
[628] Ni kimwe no haruguru, imp. 38-39, 41, 43, 57.
[629] Ni kimwe no haruguru, imp. 33-35, 62.

umuntu ajya byari ikibazo gikomeye ndetse no ku bantu bari bafite uburyo cyangwa ubushobozi bwo kugenda[630].

Umutangabuhamya ushinjura wiswe WOW

551. Umutangabuhamya wiswe WOW ni Umuhutu, akaba yari atuye muri Segiteri ya Rugenge hafi y'inyubako ya CELA muri Mata 1994. Yamaze iminsi mike akora kuri bariyeri ariko atabishaka, ari ukugira ngo gusa atava aho acibwa ihazabu cyangwa yitwa icyitso cya FPR. Yibutse ko Inkotanyi zatwaye impunzi zizikura kuri *Saint-Paul* no kuri *Sainte-Famille*. Interahamwe zararakaye noneho zigaba ibitero aho hantu hombi, ziyobowe na Angeline Mukandutiye wari Umugenzuzi w'amashuri hamwe na Odette Nyirabagenzi wari Konseye wa Segiteri. Uyu mutangabuhamya ntiyari aho hantu ibyo bitero biba kandi ntiyigeze yumva bavuga ko Renzaho yari abirimo[631].

9.3 Isesengura ry'Urugereko

552. Porokireri yatanze ibimenyetso birebana n'ibitero bine by'ingenzi byagabwe kuri *Saint-Paul* guhera muri Mata, icya nyuma kikaba cyaragabwe ku itariki ya 17 Kamena 1994. N'ubwo Urugereko rusesengura ibimenyetso rubikomatanyirije hamwe, rurasuzuma ariko na buri gitero ukwacyo kandi hakurikijwe ukuntu byagiye bikurikirana.

9.3.1 Igitero cyo mu mpera za Mata

553. Porokireri yahamagaje Abatangabuhamya babiri babonye ibintu neza, batanze ubuhamya batakomoye ku bandi kandi bwakwizerwa ku birebana n'igitero cyagabwe kuri *Saint-Paul* mu mpera za Mata 1994. Umutangabuhamya wiswe KZ yavuze ku byabaye nyuma y'itemwa ry'ibihuru byari hafi y'ikigo. *Interahamwe* zigera kuri 50 zagabye icyo gitero

[630] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 4; Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 14, 59-61; Ikimenyetso gihamya cy'Ubwunganizi No. 51 (Ifishi y'umwirondoro). Uyu mutangabuhamya ntiyavuze ubwoko bwe ariko yavuze ko indangamuntu ye yari yanditsemo inyuguti « H ». Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 12-13.

[631] Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 35-36, 39, 46, 48-49, 51, 53, 57; Ikimenyetso gihamya cy'Ubwunganizi No. 69 (Ifishi yumwirondoro). Umutangabuhamya wiswe WOW yafungiwe mu Rwanda, agirwa umwere mu Ukuboza 2002, hanyuma arekurwa muri Mutarama 2003. Yahunze u Rwanda mu wa 2005 kubera ko yasabwe kwitaba urukiko Gacaca hatitaweho ko yari yaragizwe umwere. Inyandikomvugo y'iburanisha, 4 Nyakanga 2007, imp. 48-49, 56-57.

hanyuma zishimuta abantu barindwi cyangwa umunani. Yibwiye ko bishwe. Umutangabuhamya wiswe MW yashyigikiye ubu buhamya avuga ko ku itariki ya 24 Mata, hagati ya saa ine na saa sita z'amanywa, abantu benshi bitwaraga gisirikare baje kuri *Saint-Paul*. Abagera kuri 20 muri bo binjiye mu nzu yo kuraramo[*dormitory/ dortoir]* yari aho hantu maze bahavana impunzi indwi[632].

554. Umutangabuhamya wiswe BUO yavuze ku gitero cyabaye muri Gicurasi. Ubuhamya bwe burimo amakuru ahuje n'akubiye mu bwatanzwe na KZ na MW ku gitero cyagabwe mu mpera za Mata[633]. By'umwihariko, BUO yavuze ko icyo gitero cyagabwe n'Interahamwe zigera kuri 50, ko cyabaye ahagana saa tanu za mu gitondo, kandi ko abari mu gitero bashimuse Abatutsi bakajya kubicira ahantu hatandukanye. Ikindi kandi, yasobanuye ko Interahamwe zari zasabye abaturage gutema ibihuru hafi aho kugira ngo Inyenzi zitabyihishamo. Nta wundi mutangabuhamya wavuze ko ibihuru byatemwe muri Gicurasi[634]. Ubuhamya bwatanzwe ku gitero cyagabwe kuri CELA ku itariki ya 22 Mata, bugaragaza ko ibihuru byari hafi y'ibyo bigo byombi byatemwe muri Mata aho kuba muri Gicurasi (II.6). Hanyuma kandi, ubuhamya bwa BUO ku birebana n'uko icyo gitero cyari kimeze butandukanye cyane n'ubwatanzwe na KZ ku gitero kimwe cyabaye muri Gicurasi, cyitabiriwe n'Interahamwe n'abasirikare, hagakoreshwa ibyuka bihuma amaso, kandi ntihagire n'impunzi n'imwe ishimutwa.

555. Ruzirikana ko BUO ashobora kuba yaravugaga ku birebana n'igitero cyabaye muri Mata, Urugereko rusanga mu buhamya bwe avuga ko icyo gitero cyari kiyobowe na Angeline Mukandutiye wari Umugenzuzi w'amashuri hamwe na Odette Nyirabagenzi wari

[632] Umutangabuhamya wiswe KZ ntiyasobanuye neza aho Interahamwe zakuye impunzi, kandi nta cyo yavuze kuri dorutwari. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 14, 18.

[633] Ubuhamya bwa BUO busa n'ubunyuranya bikomeye n'ubwa KZ watanze amakuru yo kwizerwa ku gitero cyabaye muri Gicurasi, kivugwa hepfo. Ibisobanuro bya Porokireri ntibyerekana niba igitero cyo muri Gicurasi cyavuzwe na BUO ari kimwe n'icyabaye muri Mata cyavuzweho na KZ na MW, cyangwa se niba bitandukanye. Reba Imyanzuro mbanzirizarubanza ya Porokireri, ibika 78-83; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 269-299; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 11-12, 18, 20-21 (imyanzuro nsozarubanza mu magambo). Ubwunganizi bwavuze ko ubuhamya bwa BUO ku gitero cyo muri Gicurasi butavugwa mu Nyandiko y'ibirego. Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 61-62.

[634] Umutangabuhamya ushinjura wiswe PER na we yavuze ko ibihuru byari hafi ya *Saint-Paul* byatemwe muri Mata 1994 bisabwe n'abantu bitwaraga gisirikare. Yavuze ko atigeze amenya niba hari umuntu n'umwe waba warashimuswe icyo gihe.

Konseye wa Segiteri. Yavuze kandi ko Renzaho yageze aho hantu mbere gato y'uko igitero gitangira kandi ko yari yitwaje ilisiti, ari na yo yifashishijwe mu kurobanura Abatutsi baje kwicwa nyuma yaho. Ibyo BUO avuga ko bariya bantu batatu bagize uruhare muri icyo gitero nta bundi buhamya bubishyigikira.

556. Urugereko ruribwira ko uyu mutangabuhamya wari Interahamwe kandi wari muri icyo gitero, yari afite uburyo abona neza ibintu muri rusange kurusha nka MW, wari impunzi y'Umututsi. Ibi bishobora kuba ari byo byatumye ashobora kubona abantu uriya MW atashoboye kubona. Ariko kandi, umuntu ntiyakwirengagiza ko Umutangabuhamya wiswe KZ, w'Umuhutu, washoboraga kugenda aho hose kuri *Saint-Paul* nta nkomyi, nta n'umwe muri abo bantu yabonye, by'umwihariko Renzaho.

557. Ubukana bw'icyo gitero n'ukuntu cyari kuri gahunda, bigaragaza ko cyari cyapanzwe, ku buryo umuntu yabona ko abategetsi, barimo na perefe, bashobora kuba barabigizemo uruhare. Ikindi kandi, ku itariki ya 12 Mata, Renzaho yatanze ikiganiro kuri Radio Rwanda, asaba ko « hakorwa umuganda hirya no hino wo gutema ibihuru » kugira ngo Inyenzi zitabyihishamo[635]. N'ubwo ubu buhamya bushobora gutuma umuntu yacukumbura akabona ko Renzaho cyangwa abo yari akuriye mu buryo budashingiye ku mategeko bashobora kuba baragize uruhare muri icyo gitero cyagabwe muri *Saint-Paul*, kuba nta bundi buhamya bwakwizerwa bw'umuntu wabihagazeho buhari, bituma ntawahamya ko uwo ari wo mwanzuro wonyine ushyize mu gaciro ushobora kugerwaho. Ni ngombwa kwibutsa ko ubuhamya bwa BUO bugomba kwitonderwa kuko yahamwe n'icyaha agahanishwa igifungo cy'imyaka 15 kubera uruhare rwe mu byabaye icyo gihe. Kubera izo mpamvu, Urugereko ntirwemeye ubuhamya bwe ku birebana n'uruhare rwa Renzaho, Mukandutiye na Nyirabagenzi muri icyo gitero, mu gihe nta bundi buhamya bw'umuntu wabihagazeho bushyigikira ubwe.

558. Umutangabuhamya wiswe KZ yavuze ko ba Resiponsabure b'amaselire na ba Nyumbakumi bagize uruhare mu gutema ibihuru. Porokireri yemeza ko Renzaho yari

[635] Ikimenyetso gihamya cya Porokireri N° 50 (Inyandukuro y'ikiganiro cyahise kuri Radio Rwanda, 12 Mata 1994, urup. 9.

afite ububasha kuri abo bantu bose[636]. Ikiganiro Renzaho yagiriye kuri radiyo asaba ko ibikorwa nk'ibyo biba gishobora kwerekana ko ibyakorwaga na Renzaho n'abayobozi b'ibanze byari bifite gihuza. Nyamara ariko, kubera ko nta yandi makuru y'inyongera ariho yerekana aho Renzaho yari ahuriye na kiriya gikorwa, uyu si wo mwanzuro wonyine ushyize mu gaciro ushobora kugerwaho. Hari kandi n'ibibazo byo kumenya niba kuba abasiviri barakoze icyo gikorwa ari icyaha. Nta we uzi niba abo baturage bari Interahamwe, kandi muri rusange bavuga ko iyo bamaraga gutema ibihuru bisubiriraga iwabo. Ntibyagaragajwe ku buryo budashidikanywaho ko bari bazi cyangwa bagombye kuba bari bazi ko nibamara gutaha, igikorwa cyabo cyo gutema ibihuru kuri *Saint-Paul* cyashoboraga gutuma abantu bajonjorwa, bagashimutwa kandi bakicwa. Hanyuma kandi, ntibisobanutse niba igikorwa cyo gutema ibihuru cyarabaye inkunga ikomeye mu iyicwa ry'abo bantu.

559. Urugereko rusanga hari igitero cyagabwe kuri *Saint-Paul* mu mpera za Mata, kandi icyo gihe hari impunzi indwi cyangwa umunani zari aho zashimuswe. Icyo gitero cyakozwe n'Interahamwe. Urugereko rwazirikanye ko mu bitero byagabwe kuri CELA no kuri *Sainte-Famille*, Renzaho yakoranye n'ababigabye b'abasiviri, barimo n'*Interahamwe* (II.6 na 11). Rwasuzumye kandi ibimenyetso bivuga ku ruhare yaba yaragize muri gahunda yo kwirwanaho kw'abaturage *(civil defense / défense civile*) n'ibikorwa bye bijyanye no gushinga za bariyeri no gukwirakwiza intwaro mu basivili (II.2 na 3). Ibi bigaragaza ko hari igihe Renzaho yabaga afite ububasha ku bantu bitwaraga gisirikare b'abasiviri, barimo n'*Interahamwe*. Ibyo ari byo byose, Urugereko ntirwemera ko yabaga abafiteho ububasha ku buryo buhoraho igihe cyose. Ikimenyetso cyatanzwe kivuga ko yari muri kiriya gitero ntigifite ibindi bigishyigikira, ku buryo bituma umuntu yibaza ibibazo byinshi ku ruhare yaba yarakigizemo[637]. Kubera ibyo, Urugereko rurashidikanya ko abishoye muri icyo gitero ari abantu Renzaho yari akuriye icyo gihe cyangwa ko

[636] Imyanzuro nsozarubanza yanditse ya Porokireri, igika 54.

[637] Na none kandi, Urugereko rusanga bitaragaragajwe ku buryo budashidikanywaho ko Odette Nyirabagenzi na Angeline Mukandutiye bafatanyije n'abagabye icyo gitero.

yabagenzuraga nyabyo. Ibimenyetso ntibigaragaza uruhare rwa Renzaho muri buriya bwicanyi[638].

9.3.2 Igitero cyo muri Gicurasi

560. Umutangabuhamya wiswe KZ yavuze ko mu ntangiriro za Gicurasi, abasirikare bo muri batayo Muvumba bateye kuri *Saint-Paul* bakoresheje ibyuka bihuma amaso. Bahavuye nta muntu bashimuse. KZ yongeyeho ko icyo gihe «nta muntu n'umwe wahohotewe, habe na gato»[639]. Na none, mu ntangiriro za Gicurasi, KZ yahamagaye ku biro bya perefegitura akoresheje telefoni avugana na Renzaho, amusaba kubatabara kubera ibitero by'Interahamwe kuri *Saint-Paul*. Renzaho yamubwiye ko agomba kohereza impunzi iwazo, noneho uyu mutangabuhamya amubwiye ko zitashoboraga kuhava kubera ko nta mutekano wariho, Renzaho ahita akubitaho telefoni.

561. Renzaho yarabihakanye, avuga ko iyo telefoni nta yo yigeze yakira. Umutangabuhamya ushinjura wiswe PER, utaramaze igihe kirekire kuri *Saint-Paul* muri ibyo bihe, yavuze ko telefoni yo kuri *Saint-Paul* itakoraga kuva mu mpera za Mata cyangwa mu ntangiriro za Gicurasi kugeza ku itariki ya 17 Kamena. Ariko we ntiyigeze agerageza kuyikoresha atabaza.

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[638] Urugereko rurashidakanya niba Renzaho yaba yaramenyeshejwe ikirego kijyanye n'iki gitero mu buryo bukwiye. Igika cya 23 n'icya 39 by'Inyandiko y'ibirego bivuga ku bitero byabaye kuri *Saint-Paul* muri Kamena 1994. N'ubwo umuntu yavuga ko igitero cyo muri Mata kivugwa mu gika cya 20 n'icya 37, ibi ni ibika bya rusange (nta na kimwe muri byo gishinja Renzaho kuba yarakoze kimwe mu bikorwa bivugwa mu Ngingo ya 2 ya Sitati) byakoreshejwe kugira ngo bisobanure ibirego byihariye. Reba *Urubanza rwa Setako,* Icyemezo ku nenge ziri mu nyandiko y'ibirego; *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu rw'iremezo, igika 176 ; *Urubanza rwa Gacumbitsi,* Inyandiko y'urubanza mu bujurire, igika 53. Inyandiko y'ibirego uyifashe mu buryo bwaguye, ugasomera hamwe igika cya 20 n'ibika rusange bya 11 na 12, cyangwa igika cya 37 hamwe n'ibika rusange bya 28, 29 na 33, wabona ko ibyo bika bimenyesha uregwa ko ashinjwa ibyaha bivugwa mu gika cya 20 n'icya 37. Nyamara ariko, igihe kiri hagati y'itariki ya 7 Mata n'iya 17 Nyakanga, - mu gika cya 20 n'icya 37 - ni kirekire cyane kandi mu bindi bika ntihavugwa igihe kirushijeho kuba kigufi. Incamake y'ubuhamya KZ azatanga ikubiye mu Myanzuro mbanzirizarubanza ya Porokireri igaragaza ko Porokireri yagombye kuba yaravuze ku gihe icyo gitero cyagabiwe no ku miterere yacyo mu buryo busobanutse kurusha uko yabikoze. Reba urup. 71 (« Muri Mata hagati, agatsiko k'abasiviri kari kayobowe n'abaserire kagiye kuri *Saint-Paul* noneho kahashimuta abantu barindwi biciwe hafi y'ibiro bya segiteri ya Rugenge »). Imyanzuro mbanzirizarubanza yatanzwe ku itariki ya 31 Ukwakira 2005, naho Inyandiko y'ibirego yemejwe ku itariki ya 16 Gashyantare 2006. Uko ibintu bimeze, ntabwo Imyanzuro mbanzirizarubanza yakosora inenge iri mu Nyandiko y'ibirego yatanzwe nyuma (kandi igomba kugaragaza ibikorwa byose by'ingenzi). Reba *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 368.

[639] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 16.

562. Urugereko runyuzwe n'ubuhamya bwa KZ ku birebana n'uko telefoni yakoraga. Ubuhamya bwe ntibuhuzagurika, burimo amakuru arambuye kandi n'ubwo kwizerwa. Kuba Renzaho ahakana ko KZ atamuhamagaye kuri telefoni amubwira iby'ibitero by'Interahamwe ntibituma ubuhamya bwa KZ bushidikanywaho. Ubuhamya bwa PER wavuze ko telefoni yo kuri *Saint-Paul* itakoraga na bwo nta gaciro kagaragara bufite ugereranyije n'ubwa KZ.

563. Nyamara ariko, ibimenyetso byatanzwe kuri iki gitero ntibyerekana ko Renzaho yakigizemo uruhare rutaziguye, kandi ntibyerekana ko hari imyifatire mibisha runaka yagize ashobora kuryozwa. Urugereko ruri bugaruke ku myanzuro yarwo irebana n'ikiganiro cyo kuri telefoni mu gihe ruza kuba rusuzuma ibitero byakurikiyeho.

9.3.3 Igitero cyo ku itariki ya 14 Kamena

564. Nta wuhakana ko hari igitero cyagabwe ku kigo cya *Saint-Paul* ku itariki ya 14 Kamena 1994. Abantu barenga 1.000 biganjemo Abatutsi bari bahahungiye, nk'uko bivugwa n'Umutangabuhamya wiswe KZ wari ufite amakuru yuzuye ku bintu byabaga. Abamutangabuhamya biswe KZ, ALG na MW bavuze ko abantu bitwaraga gisirikare bageze kuri icyo kigo mu gitondo. Ibimenyetso byatanzwe bivuga ko abagabye icyo gitero babarirwaga mu magana[640].

565. Nyuma yaho Interahamwe zarobanuye abantu zabonaga basa n'Abatutsi. Abagabo bagera kuri 50 bakuwe kuri *Saint-Paul*[641]. KZ, ALG na MW bose bumvise ko abo bantu bashimuswe bishwe, kandi ALG na MW bumvise ko abo bantu biciwe hafi y'icyobo rusange cyitwaga « CND ». Na none kandi, Abatangabuhamya biswe UI na GLE bavuze

[640] Umutangabuhamya wiswe KZ yavuze ko agereranyije, bigitangira *Interahamwe* zageraga kuri 300, ko ariko nyuma yaho muri icyo gitondo hiyongeyeho nk'izindi 200 zari zitegereje hanze ya *Saint-Paul*.

[641] Umubare wagereranyijwe w'abantu batwawe ugenda uhinduka, reba Umutangabuhamya wiswe KZ (*Interahamwe* zaboshye abasore n'abagabo b'ibikwerere babarirwa hagati ya 30 na 50 maze zirabajyana), Umutangabuhamya wiswe MW (hatwawe abantu babarirwa hagati ya 56 na 60), n'Umutangabuhamya wiswe UI (hatwawe abasore 50).

mu buryo bwa rusange ko abantu batwawe bishwe, ibi bikaba bishimangirwa na raporo ya MINUAR yakozwe icyo gihe[642].

566. Ikibazo cy'ingenzi Urugereko rufite ni icyo kumenya niba Renzaho yaragize uruhare muri iki gikorwa. Nta kimenyetso kigaragaza ko yategetse ko abasore bakurwa aho hantu. Nyamara ariko, Porokireri asaba Urugereko kwemeza ko yabigizemo uruhare ashingiye ku mpamvu zikurikira: hari urwandiko rwo gufata ruriho ikashe ya Perefegitura umujandarume yeretse KZ; Renzaho yari kuri *Saint-Paul* mu gitondo cy'itariki ya 14 Kamena; Renzaho ntiyabujije Interahamwe gushimuta impunzi z'Abatutsi kandi byaragaragaraga ko zashakaga kubikora. Urugereko ruraza kuvuga kuri izi ngingo imwe ku yindi mu gihe ruza kuba rusesengura ibimenyetso muri rusange.

(i) Amalisiti n'Urwandiko rufata cyangwa kimwe muri ibyo byombi

567. KZ avuga ko Liyetona Iradukunda wo muri Jandarumori n'Interahamwe bari bafite ilisiti yanditseho « *PO* », bivuga ko uwayisinye yabikoze mu mwanya w'undi muntu. Iyo lisiti ikaba yari yasinywe na Jean Bizimana wari Burugumesitiri wa Komine ya Nyarugenge. Abantu bari kuri iyo lisiti bagombaga gufatwa bakajya kubarizwa kuri Burigade ya Jandarumori ya Nyarugenge. Umutangabuhamya wiswe MW, umwe mu mpunzi zari ku kigo cya *Saint-Paul,* yavuze ko iyo lisiti yakoreshwaga n'abantu bitwaraga gisirikare kugira ngo bamenye abo bagombaga gukura kuri icyo kigo, ko kandi yari yanditseho amagambo « Perefe w'Umujyi wa Kigali ». Yabonye kandi n'inyuguti « Re » zitangira izina ariko ikindi gice cy'iryo izina kikaba cyari gihishwe na kashe. Umutangabuhamya ushinjura wiswe UT, wageze kuri *Saint-Paul* ahagana saa munani z'amanywa, yabonye abantu bitwaraga gisirikare bafite ilisiti yanditseho abantu bagombaga kuvanwa aho. Iyo lisititi ikaba yari yashyizweho umukono na Jean Bizimana kandi iriho kashe ya perefegitura nyayo. Ubuhamya bwa ALG wiboneye ibyabaye buvuga ko Bizimana yanditse ibaruwa ku itariki ya 13 Kamena 1994 asaba Komanda wa Burigade ya

[642] Ikimenyetso gihamya cya Porokireri No 40 (Raporo y'akazi ya MINUAR, 15 Kamena 1994), igika cya 1 (« nk'uko mubizi, biragaragara ko abana bagera kuri 40 biciwe kuri *Saint-Paul* ejo… »). Urugereko rusanga igika cya 1 (m) kivuga ko ibyo bintu byabereye kuri *Sainte-Famille*. Birasa n'ikosa rishobora kuba ryaratewe n'uko *Sainte-Famille* yegeranye cyane na *Saint-Paul*.

Nyarugenge gukusanya abari bateraniye kuri *Saint-Paul* akajya kubabariza kuri Jandarumori, kugira ngo aburizemo igitero Interahamwe ziteguraga kugaba kuri *Saint-Paul* ku itariki ya 14 Kamena[643].

568. Urugereko ruremera ibintu by'ingenzi bikubiye mu buhamya bwavuzwe haruguru, aho buvuga ko nibura umujandarume umwe, ari kumwe n'*Interahamwe,* yagiye kuri *Saint-Paul* ku itariki ya 14 Kamena[644]. Bari bitwaje urwandiko ruriho kashe ya Perefegitura kandi rwashyizweho umukono na Jean Bizimana wari Burugumesitiri wa Komine ya Nyarugenge. Urwo rwandiko rwariho amazina y'abantu bagombaga kujyanwa kuri Burigade ya Jandarumori ya Nyarugenge. Uwo mujandarume yavuye aho igikorwa cyo kurobanura abantu kigikomeza, hanyuma Interahamwe ziza kuhakura abantu bari hagati ya 30 na 60 bakekwagaho kuba Abatutsi, zirabica.

(ii) Kuba Renzaho yari kuri Saint-Paul

569. Ubuhamya bwa ALG wavuze ko Renzaho yari ku kigo cya *Saint-Paul* muri icyo gitondo mbere y'uko igitero kigabwa ni cyo kimenyetso gikomeye gishinja Uregwa. Kuba nta wundi mutangabuhamya wavuze ko Renzaho yari kuri *Saint-Paul* uwo munsi ubwabyo ntibituma umuntu yashidikanya ku byo ALG yabonye. Ahantu yari hanze y'icyo kigo mbere y'igitero hashobora kuba haratumye abona neza abari mu gitero kurusha Abatangabuhamya biswe KZ, MW na UT. Nyamara ariko, ubwo yatangaga ubuhamya bwe, ALG yari agitegereje kuburanishwa ku cyaha cya jenoside mu Rwanda, kandi mu byo ashinjwa harimo uruhare ashobora kuba yaragize, nk'umuyobozi, muri ubu bwicanyi[645]. Kubera ko bishoboka cyane ko uyu mutangabuhamya yaba yarageregeje kwiregura mu rubanza rwe mu Rwanda agereka urusyo kuri Renzaho, Urugereko rusanga ubuhamya bwe ntawabushira amakenga kandi rutabwemera hatabonetse ibindi bimenyetso bibushyigikira.

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[643] Ubwunganizi ntibuhakana ko hari igitero cyagabwe kuri *Saint-Paul* ku itariki ya 14 Kamena 1994; ko hari ilisiti y'abantu bagombaga kwicwa yahererekanyijwe kuri *Saint-Paul*; kandi ko iyo lisiti yari iriho kashe ya Perefegitura y'Umujyi wa Kigali. Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 357, 380.

[644] Urugereko rwemera ko ukunyuranya guto ku birebana n'itariki y'igitero gushobora kuba kwaratewe n'igihe kirekire gishize ibivugwa bibaye ndetse n'ukuntu ibyo bintu byahahamuye abantu.

[645] Inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 64; Ikimenyetso gihamya cy'Ubwunganizi No. 4 (Dosiye y'urubanza rw'Umutangabuhamya wiswe ALG, mu Rwanda).

570. KZ ni we wenyine watanze ubuhamya buvuga ko Renzaho yagize uruhare muri iki gitero. By'umwihariko, yumvise bavuga ko Renzaho yari kumwe n'abicanyi na Angeline Mukandutiye barimo biyakira kuri Hoteli Pan Africa. N'ubwo hari ahandi Urugereko rwasanze KZ ari Umutangabuhamya wo kwizerwa, ubu buhamya bwe bushingiye ku nkuru mbarirano ntibugaragaza rwose ko Renzaho yagize uruhare muri kiriya gitero kandi ntibushyigikira bihagije ubuhamya bwa ALG.

(iii) Uburyozwacyaha bwa Renzaho kubera ibyakozwe n'abandi

571. Ku birebana n'abantu bari mu gitero, ubuhamya bwerekana ko Interahamwe, zizwi kandi nk'abantu bitwaraga gisirikare, ari zo zari nyinshi mu bagabye igitero bajonjoraga impunzi, bakazijyana kuzica. Nk'uko byavuzwe mbere ku birebana n'igitero cyagabwe kuri *Saint-Paul* muri Mata (II.9.3.1), Urugereko rwitaye ku buhamya burambuye burebana n'ukuntu Renzaho yahuzaga ibikorwa by'abicanyi b'abasiviri n'ububasha yari abafiteho. Ntirwemera ariko ko igihe cyose kandi mu buryo buhoraho yari afite ububasha ku Nterahamwe cyangwa ku bandi bantu b'abasiviri bitwaraga gisirikare. Ibimenyetso bigaragaza ko Renzaho yagize uruhare mu gitero cyo ku itariki ya 14 Kamena ni bike cyane ku buryo umuntu yibaza koko niba yari akirimo. Ikindi kandi, Urugereko ntirwemera rwose ko abari muri icyo gitero icyo gihe ari abantu yari akuriye mu kazi, cyangwa se ko yabagenzuraga nyabyo. Ibimenyetso byatanzwe ntibyabashije kwerekana ko Renzaho yaryozwa icyaha hashingiwe ku byakozwe n'abagabye icyo igitero.

572. Umutangabuhamya wiswe UI yabonye Konseye Odette Nyirabagenzi ari kumwe n'Interahamwe afite ilisiti mu ntoki ubwo igitero cyagabwaga ku itariki ya 14 Kamena. KZ yatangiye kuvuga kuri icyo gitero asobanura ko Interahamwe zari ziyobowe « n'abakonseye atashoboye kumenya ». Ubuhamya bwa ALG bwerekana ko Nyirabagenzi, nibura yavuganaga n'Interahamwe bategura igitero, banifashisha amalisiti y'abantu bakomokaga muri Segiteri ya Rugenge n'iya Muhima. Ubuhamya bwe bushyigikirwa n'ubwa KZ wavuze ko Interahamwe zabanje kuza zitwaje amalisiti y'abantu bo muri Rugenge na Muhima. Nyamara ariko, ALG nta bategetsi bandi bo mu nzego z'ibanze yavuze bari kumwe na we kuri *Saint-Paul* ku itariki ya 14 Kamena, uretse

Jean Bizimana na Renzaho. UT na we ntiyavuze ko ubwo igitero cyagabwaga kuri *Saint-Paul* hari abandi bayobozi b'ibanze bari bahari, uretse we.ubwe

573. Ibimenyetso ku birebana na Odette Nyirabagenzi n'abandi bakonseye ni bike. UI yavuze ko Nyirabagenzi yari afite ilisiti mu ntoki. Ibyo Umutangabuhamya KZ yavuze birebana n'ibikorwa by'abakonseye batazwi ntibisobanutse neza. N'ubwo Urugereko ruzi neza uruhare rwa Nyirabagenzi mu bindi bikorwa byabaye, biragoye kwemeza ko yagize uruhare runaka muri ibi bikorwa[646]. Uretse n'ibimaze kuvugwa kuri iki kibazo, ibimenyetso byatanzwe ntibisobanutse neza ku birebana n'uburyozwacyaha bwa Renzaho.

574. Nta kimenyetso cyerekana ko Renzaho yateye inkunga mu bikorwa bya konseye uwo ari we wese ushobora kuba yari mu gitero cyo ku itariki ya 14 Kamena. N'ubwo Renzaho nta bubasha bushingiye ku mategeko (*de jure*) yari afite ku bakonseye, hari ibimenyetso byerekana ko yakoraga nk'aho abafiteho ububasha adakomora ku mategeko (*de facto*) (III). Yayoboye inama zajemo abakonseye muri Mata hanyuma abaha amabwiriza yo gushinga amabariyeri no kujya gufata intwaro zo gukwirakwiza mu baturage (II.2 na 3). Renzaho yahagarikiye Nyirabagenzi mu gitero cyo ku itariki ya 22 Mata kuri CELA no mu cyo ku itariki ya 17 Kamena kuri *Sainte-Famille* (II.6 na 11). Nyamara ariko, ku birebana n'igitero cyagabwe kuri *Saint-Paul* ku itariki ya 14 Kamena, ubuhamya bushinja ntibwerekana aho Renzaho ahuriye n'ibikorwa byabaye mbere biganisha kuri icyo gitero. N'ubwo ku itariki ya 13 Kamena ALG yumvise Odette Nyirabagenzi avuga ko Interahamwe zateguraga kugaba igitero kuri *Saint-Paul*, yabwiye uyu mutangabuhamya ko atashoboye kuvugana na Renzaho. ALG, wakoreraga ku biro bya Perefegitura muri icyo gihe, na we yavuze ko kugeza ku itariki ya 13 Kamena, yari amaze iminsi myinshi atabona Renzaho. Kandi koko, inyandiko yakorewe mu biro bya MINUAR yo ku itariki ya 14 Kamena, ivuga ko « Perefe yari amaze igihe adahari » kandi ko bibwira ko Renzaho ashobora kuba ataramenye ibyabereye kuri *Sainte-Famille* yegeranye cyane na

[646] Urugereko rwazirikanye imyanzuro yarwo ijyanye n'imyitwarire ya Nyirabagenzi kuri CELA no kuri *Sainte-Famille* (II.6 and 11).

Saint-Paul, umunsi wabanjirije uwo[647]. Kuba Renzaho atari ahari kugeza nibura umunsi wabanjirije uw'igitero no kuba nta wuzi igihe yagarukiye i Kigali, bituma umutu yibaza niba Renzaho yaramenye igitero cyabaye ku itariki ya 14 Kamena.

575. Ikindi kandi, ubuhamya ku bintu byabaye nyuma y'igitero butuma umuntu ashidikanya ku byo Renzaho yari azi. Nta buhamya butaziguye bwerekana ko Renzaho yari azi ko abakonseye, barimo na Nyirabagenzi, bagize uruhare muri icyo gitero. Ubuhamya bwa MW buvuga ko Renzaho yageze kuri *Saint-Paul* ku itariki ya 16 Kamena ari kumwe na Nyirabagenzi, umuntu ashobora kubufata nk'ikimenyetso kiziguye gihamya ko Renzaho yari azi ibikorwa bya Nyirabagenzi muri icyo gihe, nyamara ariko nta bundi bubushyigikira. KZ yavuze ko Renzaho yari kumwe n'abasirikare ba MINUAR. Renzaho yavuze ko yagiye kuri *Saint-Paul* ari kumwe na Komanda wungirije wa MINUAR hamwe n'abayobozi ba CICR, kandi n'Umutangabuhamya wiswe PER ni ko yabivuze. Urugereko ruraziriкana imyanzuro yarwo ivuga ko KZ yari yaramenyesheje Renzaho iby'igitero cy'Interahamwe muri Mata kimwe n'ibimenyetso birebana n'igitero cyagabwe kuri *Sainte-Famille* ku itariki ya 17 Kamena. Nyamara ariko, mu bimenyetso byatanzwe nta kigaragaza ko Renzaho yari azi cyangwa ko yagombaga kumenya ko Nyirabagenzi cyangwa undi mukonseye uwo ari we wese yagiye muri icyo gitero.

576. Ku birebana n'uruhare rwa Jean Bizimana wari Burugumesitiri wa Komine ya Nyarugenge, Urugereko rusanga KZ yaravuze kandi ko Interahamwe zari ziyobowe n'umuntu atamenye « wari uhagarariye Perefe ». Ntibisobanutse niba uyu mutangabuhamya yaravugaga Bizimana. Ariko rero, ubuhamya bwa ALG bugaragaza nta gushidikanya ko Bizimana yari kuri *Saint-Paul* mbere y'igitero. Ikindi kandi, ubuhamya bwa KZ, ALG na UT, by'umwihariko, bugaragaza ko hari urwandiko rwavuye kuri Perefegitura rwasinyweho na Bizimana, urwo rwandiko rukaba rwari rukubiyemo amabwiriza avuga ko hari abantu bagombaga gukurwa kuri *Saint-Paul* bakajyanwa kuri Burigade ya Jandarumori ya Nyarugenge. Kubera rero ko Bizimana yari Burugumesitiri wa Komini ya Nyarugenge, Renzaho yari amufiteho ububasha bushingiye ku mategeko (*de jure*) (III). Kuba nyuma yaho Renzaho yarabwiwe iby'icyo gitero, kandi urwandiko

[647] Ikimenyetso gihamya cya Porokireri No. 40 (Inyandiko yo mu kazi ya MINUAR, 15 Kamena 1994), igika 1 (n).

rwatanzwe na Bizimana rukaba ari rwo rwagendeweho mu kurobanura impunzi, bigaragazwa kuri bimwe n'ubuhamya bwa UT aho avuga ko ibyo bintu yabimenyesheje Renzaho.

577. Nyamara ariko, ibimenyetso bishinja birimo urujijo ku birebana no kumenya niba Bizimana yarakoze icyaha Renzaho ashobora kuryozwa nk'uwari umukuriye[648]. Umutangabuhamya wiswe ALG yemeje ko urwandiko Bizimana yandikiye kuri perefegitura rwari rugamije kuburizamo igitero cyagombaga kugabwa kuri *Saint-Paul*. Birumvikana ko ALG afite impamvu zituma atanga ubuhamya bushinjura Bizimana ku bijyanye n'iki gitero, ariko ubuhamya bwe bwemejwe n'ubundi buvuga ko hari urwandiko rwasinywe na Bizimana rwazanywe n'umujandarume utarakoranaga byanze bikunze n'*Interahamwe*, butuma umuntu yibaza igitekerezo cyari cyihishe inyuma y'urwo rwandiko n'uruhare rwagize muri icyo gitero. Umutangabuhamya wiswe KZ yasobanuye ko Liyetona Iradukunda wo muri Jandarumori hamwe n'*Interahamwe* bagarutse bitwaje ilisiti yasinywe na Bizimana. Nyamara ariko, Iradukunda yarigendeye, amaze kubona ko ataza gushobora kubuza *Interahamwe* gushimuta impunzi. Ubu buhamya buragaragaza ko abajandarume batakoranaga byanze bikunze n'*Interahamwe* zaje nyuma kwica abo zari zashimuse, ko ahubwo bashakaga kubuza ko abantu bagwa mu kaga.

578. Ni yo mpamvu Urugereko rudashobora gufata umwanzuro wemeza ko ilisiti yasinywe na Bizimana yateguwe hagamijwe kurobanura Abatutsi bari kuri *Saint-Paul* no kubica, cyangwa se ko yabikoze azi ko igikorwa cye kiza gutiza umurindi iyicwa ry'abo bantu. Ikindi kandi, kuba ibimenyetso bishinja bidasobanutse neza ku birebana n'uruhare nyarwo rwa Bizimana mu kurobanura impunzi no kuzica, bituma habaho ugushidikanya mu kumenya niba kuba Bizimana yari aho hantu cyangwa yarasinye urwo rwandiko byaragize uruhare rugaragara mu bwicanyi bwakurikiyeho.

[648] Urugereko rukoresha ijambo « yakoze » mu buryo bwaguye ryakumvikanamo, ni ukuvuga gukora ibyaha ibyo ari byo byose n'imiterere y'uburyozwacyaha yerekeranye n'iki gikorwa. Reba *Urubanza rwa Blagojević na Jokić,* Inyandiko y'urubanza mu bujurire, ibika 283-284.

579. Bityo rero, Urugereko rusanze ibimenyetso byatanzwe bidahagije kugaragaza uburyozwacyaha bwa Renzaho ku birebana n'igitero cyagabwe kuri *Saint-Paul* ku itariki ya 14 Kamena.

9.3.4 Igitero cyo ku itariki ya 17 Kamena

580. Ubuhamya bw'Abatangabuhamya bahagaze ku bintu, ari bo KZ na BUO, hamwe n'ubw'Abatangabuhamya bashinjura biswe PER na WOW, buvuga ko mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena 1994, abasirikare ba FPR batwaye abantu benshi mu bari bahungiye kuri *Saint-Paul*. KZ yavuze ko Interahamwe zagabye igitero kuri *Saint-Paul* ku itariki ya 17 Kamena, zikahatsinda impunzi 50 zari zahasigaye. BUO, na we wari aho hantu, yasobanuye ko Interahamwe zagabye icyo gitero zari ziyobowe n'umumajoro witwa Bivamvagara, Munyakazi, umuliyetona witwa Cadence wari waravuye mu gisirikare, Konseye Odette Nyirabagenzi na Angeline Mukandutiye. Abagabye igitero basohoye Abatutsi bari basigaye aho hantu barabica. PER na we yavuze ko abantu bitwaraga gisirikare baje kuri *Saint-Paul* mu gitondo cy'itariki ya 17 Kamena noneho bagatangira gusahura. Ikindi kandi, Umutangabuhamya ushinja wiswe ALG n'Umutangabuhamya ushinjura wiswe WOW bavuze ko bumvise bivugwa ko *Interahamwe* zagabye igitero kuri *Saint-Paul* (no kuri *Sainte-Famille*) ubwo FPR yari imaze kuvana impunzi kuri *Saint-Paul*, ariko bo ntibari bahari.

581. Urugereko rwemera ko ku itariki ya 17 Kamena, ubwo FPR yari yaraye ivanye impunzi kuri *Saint-Paul*, *Interahamwe* cyangwa abantu bitwaraga gisirikare bishe impunzi zari zahasigaye zakekwagaho kuba Abatutsi. Nk'uko rwabyemeje ku birebana n'igitero cyo ku itariki ya 14 Kamena (II.9.3.3), Urugereko ntirwemera ko Renzaho yari afite ububasha igihe cyose kuri utwo dutsiko, kandi ibimenyetso ntibisobanura neza uko yaryozwa igitero utwo dutsiko twagabye ku itariki ya 17 Kamena.

582. Umutangabuhamya wiswe BUO ni we wenyine wavuze ko Renzaho yaje kuri *Saint-Paul* kandi ko Bivamvagara, Munyakaze, Cadence, Nyirabagenzi na Mukandutiye bari muri icyo gitero. Mu buhamya bwe, asobanura ko Renzaho yaje kuri *Saint-Paul* hari imirambo inyanyagiye ahantu hose, ariko ntiyagira icyo akora. Ku rundi ruhande kandi,

Umutangabuhamya wiswe KZ yavuze ko umupadiri witwa Paulin Munyazikwiye, wari wariganye na Renzaho, yahamagaye Renzaho kuri telefoni akamubwira iby'icyo gitero. Renzaho ngo yaba yaramusubije ko abapadiri ari ibyitso kubera ko bacumbikiye *Inkotanyi* n'ibyitso byazo.

583. Ibimenyetso bishinja bivuga ko Renzaho yari kuri *Saint-Paul* akaba kandi yaritabye telefoni ari mu biro bye mu gihe icyo gitero cyarimo kuba, bituma umuntu yibaza niba ubuhamya kuri ibyo byabaye ari ubwo kwizerwa. Ikindi kandi, Urugereko ntirushira amakenga ubuhamya bwa BUO, kandi ntirwemera amakuru arambuye atanga ku bantu runaka bari mu gitero mu gihe nta bindi bimenyetso biyashyigikira. Urugereko ntirwibwira ko imyanzuro yarwo ku birebana n'igitero cyagabwe kuri *Sainte-Famille* uwo munsi ihagije ubwayo gushyigikira ubuhamya bwa BUO bwerekeranya n'igitero cyagabwe kuri *Saint-Paul*[649].

584. Urugereko rusanze ibimenyetso byatanzwe bidahagije kugaragaza uburyozwacyaha bwa Renzaho ku birebana n'igitero cyagabwe kuri *Saint-Paul* ku itariki ya 14 Kamena.

[649] Kubera impamvu zavuzwe ku birebana n'igitero cyabaye kuri *Saint-Paul* muri Mata, Urugereko rurashidikanya na none ko Renzaho yamenyeshejwe mu buryo bukwiye ikirego kijyanye n'igitero cyagabwe aho hantu ku itariki ya 17 Kamena 1994. Ikindi kandi, ntirwemera ko ibisobanuro bitangwa mu gika cya 23 n'icya 40 by'Inyandiko y'ibirego ku birebana n'igitero cyo kuri *Sainte-Famille* ku itariki ya 17 Kamena bihagije. N'ubwo *Saint Paul* na *Sainte-Famille* byegeranye cyane, Porokireri yahisemo gutandukanya ibirego bijyanye n'ibitero byo kuri *Saint Paul* n'ibyo kuri *Sainte-Famille*. Umuntu rero ashobora kwibaza niba ingingo zatanzwe zisobanutse neza mu gihe Inyandiko y'ibirego itandukanya ibitero byagabwe aho hantu hombi. Hanyuma, incamake y'ubuhamya KZ yagombaga gutanga yometse ku Myanzuro mbanzirizarubanza ya Porokireri yerekana ko Porokireri yagombye kuba yararushijeho kugaragaza ukuntu ibintu byagiye bikurikirana mu gihe kurusha uko yabikoze. Imyanzuro mbanzirizarubanza, urup. 71 (« Mu ijoro ryo ku itariki ya 16 Kamena, abasirikare ba FPR bahungishije impunzi zose zari kuri *Saint-Paul* uretse 40 muri zo. Umunsi ukurikiyeho, Interahamwe zagiye kuri *Saint-Paul* kwibasira impunzi zari zahasigaye. Umwe mu bapadiri yahamagaye Renzaho kuri telefoni amusaba kugira icyo yakora kugira ngo icyo gitero gihagarare. Renzaho yanze kugira icyo akora ahubwo abwira uwo mupadiri ko akorana n'umwanzi »). Imyanzuro mbanzirizarubanza yatanzwe ku itariki ya 31 Ukwakira 2005, hanyuma Inyandiko y'ibirego yemezwa ku itariki ya 16 Gashyantare 2006. Uko ibintu bimeze, Imyanzuro mbanzirizarubanza ntishobora gukosora inenge iri mu Nyandiko y'ibirego yatanzwe nyuma (kandi ni yo igomba kugaragaza ibikorwa byose by'ingenzi). Reba *Urubanza rwa Karera,* Inyandiko y'urubanza mu bujurire, igika 368.

10. IYICWA RYA ANDRÉ KAMEYA, 15 KAMENA 1994

10.1 Intangiriro

585. Porokireri avuga ko ku itariki ya 15 Kamena 1994 cyangwa hafi yayo, Renzaho yategetse Konseye Odette Nyirabagenzi kwica André Kameya, umunyamakuru wanengaga Guverinoma y'agateganyo. Odette Nyirabagenzi, aherekejwe n'Interahamwe, yashakishije André Kameya aramubona, maze aramwicisha nk'uko Renzaho yari yabitegetse. Hifashishwa ubuhamya bw'abatangabuhamya biswe BUO na AWN[650].

586. Ubwunganizi buvuga ko bwabangamiwe n'uko Inyandiko y'ibirego idasobanutse ku birebana n'itariki André Kameya yishweho, aho yiciwe, n'abamwishe. Byongeye kandi, uburyo yishwemo ntibwatangiwe gihamya[651].

10.2 Ibimenyetso

Umutangabuhamya ushinja wiswe BUO

587. Umutangabuhamya ushinja wiswe BUO ni Umuhutu, akaba yari umuyobozi w'Interahamwe muri Segiteri ya Rugenge. Guhera hafi y'itariki ya 8 Mata 1994, yakoranye na Angeline Mukandutiye wari inshuti y'umuryango we. Angeline Mukandutiye yari umukuru w'Interahamwe zari zifite icyicaro gikuru cyazo mu rugo rwe. Konseye Odette Nyirabagenzi yari inshuti ya Mukandutiye kandi yaramusuraga iwe mu rugo[652].

588. Mu gihe ibivugwa byabaga, kujya gushaka Abatutsi bo kwica ku kiliziya ya *Sainte-Famille* byari ibintu bisanzwe ku Nterahamwe. Umunsi umwe muri Mata cyangwa

[650] Inyandiko y'ibirego, ibika 47 na 51; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 418-429. Igika cya 129 cy'imyanzuro mbanzirizarubanza ya Porokireri kivuga ko André Kameya yari umwanditsi mukuru w'ikinyamakuru Rwanda Rushya, akaba na Visi-Perezida w'ishyaka *Parti Libéral.*

[651] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika. 108, 116, 182, 185, 530-567.

[652] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 52-55; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 2, 36-37; Ikimenyetso gihamya cya Porokireri cyahawe nomero 73 (ifishi y'umwirondoro). Umutangabuhamya wiswe BUO yafunzwe mu Rwanda guhera mu wa 1994. Mu wa 2003, yakatiwe igihano cy' igifungo cy'imyaka 15; Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 57.

Gicurasi, Angeline Mukandutiye yategetse uyu mutangabuhamya n'abandi bantu kujya ku kiriziya ya *Sainte-Famille* gushakisha Abatutsi barokotse. Igihe uyu mutangabuhamya yari imbere mu kiriziya, umugabo witwa Michel yinjiranye ifoto ya André Kameya abwira buri wese kumushakisha. Uyu mutangabuhamya ntiyari azi Kameya. Yabajije Michel uwamutegetse gushakisha Kameya, Michel amusubiza ko ari Odette Nyirabagenzi[653].

589. Kameya bamukuye mu kiriziya mu zindi mpunzi. Uyu mutangabuhamya yashatse kumenya uwo bamushyira, maze ajya kuvugana na Nyirabagenzi wari mu modoka ye afite mu kiganza urupapuro rwandikishije intoki. Nyirabagenzi yeretse uyu mutangabuhamya urwo rupapuro, maze abonaho izina rya Kameya. Uyu mutangabuhamya ntiyashoboye kubona andi mazina, ariko yabonye izina n'isinya bya Renzaho hasi ku rupapuro. Kuri urwo rupapuro kandi hari handitseho ibindi bintu uyu mutangabuhamya atabashije gusoma. Uyu mutangabuhamya nta wundi muntu yabonye Nyirabagenzi yereka ibyari muri iyo nyandiko. Kameya rero bamwinjije ku ngufu mu modoka ya Nyirabagenzi, maze iragenda[654].

590. Uyu mutangabuhamya ntiyabonye Kameya yicwa, ariko akeka ko yapfuye kubera izi mpamvu: Nyirabagenzi yari umwicanyi, kandi byari nk'itegeko ko Interahamwe zica Abatutsi zafashe aho kubafunga; ikindi kandi André Kameya ntiyongeye kuboneka ukundi[655].

Umutangabuhamya ushinja wiswe AWN

591. Umutangabuhamya wiswe AWN ni Umututsikazi wo muri Segiteri ya Rugenge. Urugo rwe rumaze guterwa n'Interahamwe ku itariki ya 19 Mata 1994, yahungiye mu rugo rwa Konseye Odette Nyirabagenzi wari warigeze kuba inshuti ya nyina. Nyirabagenzi yamwemereye kuhaba igihe kingana nk'ukwezi akora imirimo yo mu rugo. Byaje kuba

[653] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 54; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 20-22; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 26, 32-33.
[654] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 22-23; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 26, 32-33.
[655] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 23-24.

ngombwa ko uyu mutangabuhamya ahava hagati muri Gicurasi kubera ko yatonganye na murumuna/mukuru wa Nyirabagenzi. Umunsi umwe, ubwo yari mu gikoni atetse, uyu mutangabuhamya yumvise Nyirabagenzi avuga ko nyuma y'igihe bari bamaze bashakisha umunyamakuru André Kameya, baje kumuvumbura mu mazu y'ikinyamakuru Kinyamateka. Interahamwe zabanje gukorera Kameya ibikorwa by'urugaraguro mbere yo kumwica[656].

Umutangabuhamya ushinja wiswe KZ

592. Umutangabuhamya wiswe KZ ni Umuhutu, akaba yarabaga mu kigo cya *Saint-Paul* igihe ibyo mu wa 1994 byabaga. Yasobanuye ko Kinyamateka cyari ikinyamakuru cya kiriziya gatolika, ibiro byacyo bikaba byari munsi ya *Saint-Paul*. *Saint-Paul*, *Sainte-Famille* na *CELA* byari ibigo byegeranye[657].

Renzaho

593. Renzaho yavuze ko nta cyo yigeze amenya cyerekeye uko André Kameya yazimiye. Yavuze ko nta sano yihariye yari afitanye na Odette Nyirabagenzi wari umwe mu bakonseye 19 bo muri Perefegitura y'Umujyi wa Kigali[658].

10.3 Isesengura ry'Urugereko

594. Porokireri ashingira ku batangabuhamya babiri. Umutangabuhamya wiswe BUO yabonye ishimutwa rya André Kameya ariko ntiyamubonye yicwa, naho umutangabuhamya wiswe AWN we yumvise Nyirabagenzi avuga ko Kameya yabonetse kandi ko yishwe.

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[656] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 30-33, 34 (« Kandi ukurikije ijwi yabivuganye, mu by'ukuri Interahamwe zari zanyuzwe n'uburyo zakoze icyo gikorwa. Kubera ko uwahohotewe zamwishe urubozo zimaze kumuca amaguru n'amaboko »), 35, 42, 46; Ikimenyetso gihamya cya Porokireri cyahawe nomero 84 (ifishi y'umwirondoro).

[657] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 2-3, 5-6, 10, 35; Ikimenyetso gihamya cya Porokireri cyahawe nomero 72 (ifishi y'umwirondoro). Umutangabuhamya wiswe KZ bamweretse ikimenyetso gihamya cya Porokireri cyahawe nomero 4, kigizwe n'ikarita igaragaraho mpande enye yanditseho « Inzu y'ikinyamakuru *Kinyamateka* » iruhande rw'ibyumba by'ibiro bya *Saint-Paul*. Uyu mutangabuhamya yasobanuye ko nyuma y'intambara ari ho icyo kinyamakuru kimuriye ibiro byacyo ahongaho. Mu wa 1994 bikaba byari « hirya yaho mbere y'uko umuntu agera ku kigo cya *Saint-Paul* »; Inyandikomvugo y'iburanisha, 25 Mutarama 2007, urup. 5.

[658] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 60.

Urugereko rusuzumana amakenga ubuhamya bwa BUO kubera ko yari umuyobozi w'Interahamwe wahamijwe icyaha. Ubuhamya bwa AWN bushingiye ku nkuru mbarirano, kandi nta bundi bushimangira ku buryo bwuzuye. Nyamara ariko, Urugereko rwemera ko Kameya yishwe. Ibi byemezwa n'ibimenyetso bigizwe n'inyandiko, amashusho cyangwa amajwi no kuba kuva icyo gihe atarongeye kuboneka[659].

595. Mu Nyandiko y'ibirego havugwamo ko « ku itariki ya 15 Kamena 1994 cyangwa hafi yayo » ari bwo Kameya yavumbuwe akicwa. Mu myanzuro mbanzirizarubanza na ho, Porokireri yemeza ko kuri iyo tariki Kameya yashimuswe n'Interahamwe avanywe kuri *Saint-Paul,* kandi ko ku itariki ya 16 Kamena cyangwa hafi yayo Nyirabagenzi yagiye kuri *Saint-Paul* agatangaza ko Kameya yabonetse kandi ko yishwe. Umutangabuhamya wiswe BUO we avuga ko Kameya yashimuswe muri Mata cyangwa Gicurasi. Nyamara ariko, mu buhamya bwe bwanditse yahaye abaperererezi b'Urukiko muri Nzeri 2006, yavuze ko hari « muri Kamena 1994 »[660]. Umutangabuhamya wiswe AWN we yumvise abantu bavuga ko Kameya yishwe hagati y'itariki ya 19 Mata no hagati mu kwezi kwa Gicurasi 1994[661]. Biragaragara ko ubuhamya bwatanzwe mu gihe cy'iburanisha bwagiye butandukana n'ibivugwa mu Nyandiko y'ibirego ku birebana n'itariki Kameya yiciweho.

596. Aho Kameya yashimutiwe n'aho yiciwe ntihasobanurwa mu Nyandiko y'ibirego. Imyanzuro mbanzirizarubanza ivuga ko yavanywe kuri *Saint-Paul*, umutangabuhamya wiswe BUO akavuga ko yavanywe kuri *Sainte-Famille*, naho umutangabuhamya wiswe

[659] Umutangabuhamya wiswe BUO, Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 23 (« Nababwiye uko byagendekeraga abantu bafashwe —Abatutsi bakurwaga mu bandi Batutsi. Twarabicaga. Ntitwabafungaga. Iyo baza gufungwa twari kongera kubabona. Bityo rero, uwo muntu ntashobora kuba yari yahishwe. Yarishwe. Kandi abishwe bashyinguwe ahantu hazwi neza »), 24 (« Oya. Sinabonye yicwa. Nzi ariko ko uwamutwaye yari umwicanyi –kimwe nanjye, kubera ko ari we wantegetse kwica abandi bantu »); Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 15 (Raporo ya *Reporters Sans Frontières*), urup. 21, ivugwamo ko Kameya yishwe n'Interahamwe ku itariki ya 15 Kamena 1994.

[660] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 14 (ubuhamya bwanditse bwo ku itariki ya 12 Nzeri 2006), urup. 9.

[661] Umutangabuhamya wiswe AWN yasobanuye ku buryo bwumvikana ko atazi neza igihe ibindi bintu bimwe na bimwe byabereye, ariko amakuru arebana n'igihe yabereye mu rugo rwa Nyirabagenzi n'ukuntu yumvise inkuru y'urupfu rwa Kameya yayatanze atajijinganya. Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, urup. 46.

AWN we akaba yarumvise bavuga ko yavumbuwe mu biro bya Kinyamateka[662]. Uku guhuzagurika kuri iyo ngingo ntigukomeye. Ibimenyetso byatanzwe bigaragaza ko mu wa 1994 ibiro by'icyo kinyamakuru na *Sainte-Famille* byari byegeranye.

597. Mu Nyandiko y'ibirego havugwamo ko Renzaho yategetse Odette Nyirabagenzi kwica Kameya. Porokireri ashingira ku buhamya bwa BUO uvuga ko ku munsi Kameya yashimusweho yabonye Nyirabagenzi afite mu ntoki urupapuro rwandikishije intoki ruriho izina rya Kameya hamwe n'izina na sinyatiri bya Renzaho. Uyu mutangabuhamya nta yandi mazina yabonye. Ntibisobanutse niba urwo rupapuro rwari ibaruwa, ilisiti, cyangwa se ubundi bwoko bw'inyandiko. Umutangabuhamya kandi ntiyabashije gusoma urwo rupapuro, nta n'ubwo byagaragajwe ku buryo busobanutse neza ko urwo rupapuro rwari rwanditsemo itegeko ryo kwica Kameya.

598. Nta bindi bimenyetso byerekana ko Renzaho yagize uruhare muri iryo yicwa. Nk'uko byavuzwe haruguru, ibyerekeye icyo kintu cyabaye birimo urujijo. Urugereko rusanga rero Porokireri ataragaragaje ku buryo budashidikanywaho ko ku itariki ya 15 Kamena 1994, Renzaho yategetse Konseye Odette Nyirabagenzi kwica André Kameya. Kubera uyu mwanzuro, si ngombwa gusuzuma ikibazo kirebana n'imenyeshwa ry'icyo kirego mu buryo bukwiye.

11. *SAINTE-FAMILLE,* 17 KAMENA 1994

11.1 Intangiriro

599. Porokireri avuga ko ku itariki ya 17 Kamena 1994 cyangwa hafi yayo, ubwo Tharcisse Renzaho yari hamwe na Odette Nyirabagenzi na Angeline Mukandutiye yategetse, ahamagarira cyangwa ku bundi buryo afasha kandi ashishikariza abasirikare, abantu bo mu mitwe yitwara gisirikare n'abaporisi ba Komine gutera impunzi z'Abatutsi ku kiriziya ya *Sainte-Famille*. Abenshi muri abo Batutsi barishwe. Iki gitero cyahitanye Abatutsi

[662] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 15 (Raporo ya *Reporters Sans Frontières*), urup. 21, na cyo kivugwamo ko Kameya yavanywe ku biro bya Kinyamateka. Bamweretse iyi raporo, BUO yakomeje kwemeza ko uko yabivuze ari byo byo. Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 33-36.

nibura 17, kandi cyari icyo kwihimura kubera igitero FPR yari yaraye igabye ku kigo cya *Saint-Paul*. Porokireri ashingira ku buhamya bw'abatangabuhamya biswe KZ, AWX, AWO, ACK, HAD, ATQ, BUO no ku bwa Corinne Dufka[663].

600. Ubwunganizi ntibuhakana ko ku itariki ya 17 Kamena kuri *Sainte-Famille* hagabwe igitero. Nyamara ariko, bwifashisha ubuhamya bw'abatangabuhamya biswe PER, TOA, BDC na RCB-2 mu kugaragaza ko Renzaho atari muri icyo gitero, ko ntaho ahuriye n'abagabye icyo gitero, kandi ko abatangabuhamya bashinja bahuzagurika, n'inkuru zabo zikaba zivugurazanya[664].

11.2 Ibimenyetso

Umutangabuhamya ushinja wiswe KZ

601. Umutangabuhamya wiswe KZ ni Umuhutu, akaba yarakoraga mu kigo cya *Saint-Paul* muri Mata 1994. Muri kariya gace hari ahantu hane hakiraga impunzi, harimo kiriziya yari hafi aho yitwa *Sainte-Famille*. Iyo kiriziya yayoborwaga na Padiri Wenceslas Munyeshyaka wari ushinzwe umutekano n'ibiribwa. Munyeshyaka yari afite inshuti mu bajandarume, bituma ahagana mu cyumweru cya gatatu cya Mata 1994 ashobora guhabwa abajandarume batatu bo kurinda kiriziya ya *Sainte-Famille.* Munyeshyaka kandi yakoranaga na superefe Aloys Simpunga mu rwego rwo gushakira impunzi ibiribwa. N'ubwo guhera ku itariki ya 7 Mata kugera ku ya 17 Kamena uyu mutangabuhamya atabaga ari hamwe na Munyeshyaka buri munsi, yashoboye kubona ko uwo mupadiri yakoraga ibishoboka byose kugira ngo impunzi zigire imibereho myiza. Muri rusange uyu mutangabuhamya ntiyifuzaga gutanga ubuhamya ku byo Munyeshyaka yakoze usibye ibyo yiboneye we ubwe[665].

[663] Inyandiko y'ibirego, ibika. 20, 23, 36-37, 40, 58, 59-60; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika. 300-322; 459, 472-488; 495; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 6, 11-13, 21.
[664] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika. 413-438; 519-520; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (Inyandiko y'Ubwunganizi yuzuza imyanzuro nsozarubanza bwatanze mu magambo), ibika. 437.1-437.4; Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 60-64.
[665] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 2, 6, 10, 11-13, 33-37, 39, 45-47; Ikimenyetso gihamya cya Porokireri cyahawe nomero 72 (ifishi y'umwirondoro). Ahantu hane havuzwe n'umutangabuhamya wiswe KZ

602. Uyu mutangabuhamya yavuze ko *Sainte-Famille* na *Saint-Paul* hatewe hombi ku itariki ya 17 Kamena. Yirinze gutanga amakuru arambuye kuri *Sainte-Famille*. Avuga ku birebana no gusambanya ku gahato yaragize ati: « Nihaye kuvuga ibyabereye kuri *Sainte-Famille* naba mbeshya. Nari kuri *Saint-Paul*, nkaba nshobora gusubiza ibibazo birebana n'ibyabereye muri icyo kigo gusa »[666].

Umutangabuhamya ushinja wiswe AWX

603. Umutangabuhamya wiswe AWX ni Umututsikazi. Yavuze ko yavuye iwabo mu rugo ku itariki ya 10 cyangwa iya 11 Mata 1994, agahungira kuri *Sainte-Famille* kugeza intambara irangira. Mu mpunzi harimo Abatutsi n'abandi bantu. Padiri Munyeshyaka yabaga kuri *Sainte-Famille*. Ahagana ku itariki ya 18 Kamena, uyu mutangabuhamya yavuye kuri *Sainte-Famille* ajya gushaka amazi kuri *CELA* yari hepfo ya *Sainte-Famille* ariko hafi cyane nk'ahantu h'urugendo rw'iminota ine n'amaguru. Abasirikare baje kuri *Sainte-Famille* kuri uwo munsi baharasa abantu benshi. Uyu mutangabuhamya yavuze ko yahabonye Renzaho ahagararanye n'abasirikare. Renzaho ngo yavuganaga n'abantu batwaraga imirambo ku ngorofani. Uyu mutangabuhamya yavuze kandi ko yabonye umurambo wa murumuna/mukuru we ku ngorofani. Umutangabuhamya atekereza ko ibi byabaye ku munsi wakurikiye uwo Inkotanyi zatwayeho impunzi zo ku kigo cya *Saint-Paul*. Interahamwe zagabye icyo gitero kubera ko zari zarakaye. Zari zambaye imyenda ya gisirikare zisa n'abasirikare[667].

Umutangabuhamya ushinja wiswe AWO

604. Umutangabuhamya wiswe AWO ni Umututsikazi, akaba yarabaga i Kigali muri Mata 1994. Icyo gihe yari atwite inda y'amezi umunani. Nyuma y'ihanurwa ry'indege ya

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ni *Saint-Paul*, *CELA*, ikigo cy'Ababikira ba Mutagatifu Tereza w'i Calcutta na *Sainte-Famille*. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 33-34.

[666] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 33-34, 42, 44, 45 (byandukuwe uko byanditse).

[667] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 28-29, 31-33, 35, 39, 42-44; Ikimenyetso gihamya cya Porokireri cyahawe nomero 89 (ifishi y'umwirondoro). Umutangabuhamya wiswe AWX yavuze ko yari yarabonye Renzaho kuri *Sainte-Famille* mbere « hafi » y'itariki ya 24 Gicurasi 1994, mbere y'uko ajyanwa gusambanywa ku gahato (II.13). Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 29-30.

Perezida ku itariki ya 6 Mata 1994, we n'abana be bahungiye mu kigo cy'imfubyi cyayoborwaga n'ababikira ba Mutagatifu Tereza w'i Calcutta cyari cyegeranye n'urugo rwe. Uyu mutangabuhamya ntiyibuka itariki, ariko akeka ko hari hashize nibura iminsi ibiri cyangwa irenga indege ihanutse[668].

605. Mu ntangiriro za Kamena 1994 cyangwa hagati muri uko kwezi, uyu mutangabuhamya yagiye kuri kiriziya ya *Sainte-Famille*[669]. Ahamaze iminsi mike, FPR yaraje itwara zimwe mu mpunzi zo kuri *Saint-Paul* mu ijoro[670]. Mu gitondo cy'umunsi wakurikiyeho, uyu mutangabuhamya yabonye Renzaho, Odette Nyirabagenzi na Angeline Mukandutiye baza kuri *Sainte-Famille* mu ma saa tanu bafite za masotera. Barakontoroye kugira ngo bamenye abasigaye abo ari bo, hanyuma baragenda. Nyuma yaho, uyu mutangabuhamya yumvise Padiri Wenceslas Munyeshyaka abwira impunzi ngo « zitegure roho zazo kubera ko igihe kigeze » kandi ko impunzi « zikwiye kwiyeza ». Yasomye misa, hanyuma arigendera. Ahagana saa tanu z'amanywa, Interahamwe nyinshi zagabye igitero kuri *Sainte-Famille* zihica abantu benshi. Abasore ni bo bibasiwe by'umwihariko kugira ngo batava aho bajya mu duce twafashwe na FPR[671].

606. Impunzi zategetswe gusohoka mu kiriziya zikerekana indangamuntu zazo. Icyo gihe, uyu mutangabuhamya yabonye Renzaho wari ahantu hirengeye areba inzu ya kiriziya hasi, hanyuma abwira Interahamwe ngo « zice abantu benshi ». Interahamwe zaramanutse

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668 Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 3-7, 16-17; Ikimenyetso gihamya cya Porokireri cyahawe nomero 91 (ifishi y'umwirondoro).

669 Umutangabuhamya wiswe AWO ntiyashoboye kuvuga igihe yagereye kuri *Sainte-Famille*, ariko ukurikije uko byari byifashe bigaragara ko hari mu gice cya nbere cy'ukwezi kwa Kamena 1994. Reba inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 8-9, 10, 19. Umutangabuhamya yageze kuri *Sainte-Famille* « intambara iri hafi kurangira », iminsi mike mbere y'uko FPR itwara impunzi izivanye kuri *Saint-Paul*. Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 12 (uko byanditse), 23.

670 Igihe ibi bivugwa byabaga, umutangabuhamya wiswe AWO yari ameze nabi haba ku mubiri ndetse no mu mitekerereze, akaba atarashoboye kwibuka neza itariki igitero cyabayeho. AWO yibuka ariko ko nyuma yaho gato FPR yafashe igihugu. Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, urup. 14 (« Intambara yari hafi kurangira, wenda muri Nyakanga, kubera ko hashize igihe gito Inkotanyi zigatsinda. Igihe bicaga aba bantu bose Inkotanyi zari zarageze i Gikondo, kuri Rebero n'i Remera »). Mu ibaza rinyomoza, uyu mutangabuhamya yibutse ko jyavuze ko igitero gishobora kuba cyarabaye muri Nyakanga, « kubera ko ubwo Inkotanyi zagabaga igitero ku kigo cya *Saint-Paul* intambara yari hafi kurangira ». Ni kimwe no haruguru, urup. 23.

671 Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 12-14, 20, 23, 26. Umutangabuhamya wiswe AWO yakoresheje ijambo « hafi » ya saa tanu z'amanywa, avuga igihe Renzaha yahagereye, n'igihe igitero cyatangiriye. Yavuze ko Angeline Mukandutiye yari yarakomeje kujya abwira Renzaho ko mu kiriziya ya *Sainte-Famille* hari Inyenzi ziteza ibibazo. Igihe ibi byabereye cyangwa uko umutangabuhamya yabimenye ntibigaragara. Ni kimwe no haruguru, urup. 12.

zijya ku kiriziya maze zitangira kwica. Byageze aho Renzaho arazibwira ati « Murekere aho kwica. *Inyenzi* zose twazishe; naho mwebwe bagore, mukome amashyi kubera ko Inyenzi bamaze kuzitsemba ». Abagore bakomye amashyi kugira ngo bucye kabiri[672].

607. Abantu barenga 100 baguye muri iki gitero. N'ubwo AWO atashoboraga kubona inyuma ya kiriziya, yavuze ko aho hantu hiciwe abantu barenga ijana. Ibyo birangiye, Renzaho n'Interahamwe barahavuye baragenda. Imirambo yamaze iminsi aho. Padiri Munyeshyaka yategetse impunzi kwandurura imirambo, avuga ko ababyitabira Renzaho azabahemba kandi azatanga uruhushya rwo kubimurira mu gace ka Kabuga. Abantu bavugaga ko imirambo igomba kwandururwa kugira ngo abasirikare ba MINUAR batayibona. Imirambo yashyizwe ku ihema mu igaraji ry'abapadiri. Nyuma yaho, abasore bari barabashije kwihisha mu busitani no mu bigega by'amazi kugeza icyo gihe batwawe mu madoka bicirwa ahandi hantu. Uyu mutangabuhamya ntiyavuze uwabatwaye, ariko yavuze ko ibitero nk'ibyo byahagaze FPR imaze gufata igihugu[673].

Umutangabuhamya ushinja wiswe ACK

608. Umutangabuhamya wiswe ACK ni Umututsikazi, akaba ku itariki ya 22 Mata 1994 yarahungiye ku kiriziya ya *Sainte-Famille* ari kumwe n'umukobwa we hamwe na mubyara w'umukobwa we. Padiri Wenceslas Munyeshyaka ni we wari ushinzwe iyo kiriziya kandi yabaga aho. Ku kiriziya hari impunzi nyinshi. Interahamwe zarahazaga zigacunaguza impunzi. Impunzi zagiraga ubwoba zikiyambaza Munyeshyaka, ariko we yabanaga neza n'Interahamwe ndetse agakomeza kuzireka zikinjira, akaziganiriza kenshi, ndetse akazemerera kwinjira mu biro bye[674].

609. Ku itariki ya 16 Kamena, Inkotanyi zaje kuri *Saint-Paul* gushakayo impunzi. Mu gitondo cyo ku itariki ya 17 Kamena, uyu mutangabuhamya yumvise Munyeshyaka avuga ko

[672] Ni kimwe no haruguru, urup. 26. Ubuhamya bwa AWO ntibusobanura niba igihe cyose igitero cyamaze Renzaho yari ahitaruye areba ku kiriziya.
[673] Ni kimwe no haruguru, imp. 13, 14 (inyandikomvugo yo mu rurimi rw'igifaransa igaragaza neza ko uvugwa ari Renzaho), 23-25.
[674] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 62-63, 65-67, 69-70; Ikimenyetso gihamya cya Porokireri cyahawe nomero 95 (ifishi y'umwirondoro).

FPR yatwaye Abatutsi ariko ko Abahutu bapfuye, kandi ko ibyari gukurikiraho byari kuba ari ingaruka z'ibyo « bene wabo » w'impunzi bari bakoze[675].

610. Ku itariki ya 17 Kamena hafi ya saa tanu za mu gitondo, Interahamwe zageze kuri *Sainte-Famille* zitangira kurasa abantu nta kuvangura. Impunzi nyinshi zirimo n'umukobwa w'uyu mutangabuhamya zarishwe. Uyu mutangabuhamya yagerageje guhunga ava mu kigo. Ageze muri metero nke uvuye ku marembo, nko kuri metero 25 cyangwa 30 uvuye ku muryango wa kiriziya, abona Renzaho ahagaze hafi y'ikigega cy'amazi akikijwe n'Interahamwe nyinshi. Nyuma yaho ifirimbi yaravuze maze Interahamwe zihagarika igikorwa cyazo. Imirambo yashyizwe kuri za burankari maze ihishwa mu igaraji[676].

611. Ku munsi wakurikiyeho, ni ukuvuga ku itariki ya 18 Kamena, abasore bagera kuri 12 basimbutse uruzitiro binjira mu kiriziya. Umutangabuhamya ntiyavuze impamvu yabibateye. Bukeye bwaho, Angeline wari Umugenzuzi w'amashuri yazanye na Munyeshyaka mu biro bya paruwasi, baravugana, hanyuma atwara ba basore 12 kandi ntibongeye kuboneka. Nyuma, uyu mutangabuhamya yavuze ko uwo munsi Angeline yazanye na Koloneli Munyakazi hamwe na Nyirabagenzi, maze Munyakazi agafata ba bagabo 12[677]. Uyu mutangabuhamya yagumye kuri *Sainte-Famille* kugeza ku itariki ya 24 Kamena 1994[678].

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[675] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, imp. 70, 71 (« Padiri yavuze ko ingabo za FPR zajyanye Abatutsi, ariko ko Abahutu bapfuye. Yongeyeho ko ibizakurikiraho byose ari ingaruka z'ibyo bene wacu bakoze »).

[676] Ni kimwe no haruguru, imp. 70-71; Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 64.

[677] Inyandiko yo mu rurimi rw'icyongereza n'iyo mu rurimi rw'igifaransa ntizisobanutse neza. Inyandikomvugo y'iburanisha [mu cyongereza], 5 Werurwe 2007, urup. 72 igira iti: « Hashize iminsi ibiri, uwitwa Angeline wari Umugenzuzi w'amashuri – ndagira kandi ngo mbabwire ko ba basore bari 12 – cyangwa ku munsi wakurikiyeho ni ho *Angeline Munyakazi* (sic) na padiri baje mu biro. N'ubwo ntazi ibyo bavuganye, ariko bahamagaye ba basore, hanyuma *Munyakazi arabajyana* [Icyitonderwa cy'umusemuzi : Inyandiko y'icyongereza ikoresha ijambo « her », ryerekana ko Munyakazi watwaye abo basore ari umugore], kandi abo basore ntibongeye kugaruka ». Inyandikomvugo yo mu rurimi rw'igifaransa igira iti: « *Cyangwa ahubwo bukeye bwaho ni ho Angéline Munyakazi na Padiri baje mu biro. N'ubwo ntamenye icyo bavuganye ariko bahamagaje abo basore, Munyakazi arabajyana* [Icyitonderwa cy'umusemuzi: Inyandiko y'igifaransa ikoresha ijambo « lui», ryerekana ko Munyakazi watwaye abo basore ari umugabo], *kandi abo basore ntibigeze bagaruka* ». Ni kimwe no haruguru, urup. 79. Biragaragara ko muri izi nyandiko zombi hari ikintu kibura hagati y'izina rya « Angeline » n'irya « Munyakazi ». Ibi byerekanwa n'Inyandikomvugo y'iburanisha, 6 Werurwe 2007, urup. 66, ahagira hati: « Nababwiye ko *Munyakazi yahageze nyuma y'itariki ya 17, kandi ko yari kumwe na Angeline*. Bavuze ko mu ijoro ribanza hari abantu bari babarasheho. Ariko mu by'ukuri bashakaga kuvuga ba basore 12 bari buriye urukuta. Padiri akimara kubazana no kubamwereka, Munyakazi yahereyeko abajyana » (Ni twe twabitsindagiye mu nyuguti ziberamye). Urugereko rwemera ko

Umutangabuhamya ushinja wiswe HAD

612. Umutangabuhamya wiswe HAD ni Umututsikazi wigaga amashuri yisumbuye, akaba yarahungiye ku kiriziya ya *Sainte-Famille* ku itariki ya 22 Mata 1994 hafi ya saa cyenda z'amanywa. Icyo gihe ku kiriziya hari impunzi nyinshi zarimo umugore wa Rwanga, n'umukobwa we Hyacinthe Rwanga. Imbere mu kiriziya hari amatsinda y'impunzi abiri atandukanye. Itsinda ry'uyu mutangabuhamya ryari hafi ya alitari ahantu bitaga « CND » kandi ryari rigizwe n'Abatutsi. Abo nta mazi cyangwa ibiribwa bari bafite, kandi buri gihe abajandarume, Interahamwe hamwe n'impunzi zo mu bwoko bw'Abahutu zarabacungaga. Aho ni ho Padiri Munyeshyaka yategetse umutangabuhamya kwihisha. Irindi tsinda ry'impunzi ryabaga ahitwaga *« Camp hutu »* [inkambi y'Abahutu], hakaba hararangwaga umutekano urushije ahamaze kuvugwa[679].

613. Ku itariki ya 17 Kamena, habaye igitero kuri kiriziya ya *Sainte-Famille* maze impunzi zarimo Hyacinthe ziricwa. Muri icyo gitondo mbere ya saa sita, abantu babwiye uyu mutangabuhamya n'izindi mpunzi ko perefe ari mu kigo cya kiriziya. Basohotse hanze kujya kureba, bamubona agendana na Padiri Munyeshyaka berekeza kuri « *procure* ». Icyo gihe Padiri yari afite ilisiti mu ntoki. Mbere yaho, uyu mutangabuhamya yari yarabonye Renzaho ku kigo cya CELA. Hari ubwo Perefe na Padiri bavuye mu kigo. Uyu mutangabuhamya ntiyongeye kubona Renzaho uwo munsi, ariko yavuze ko amaze kugenda yashumurije impunzi « imbwa ze ». Uwo munsi umutangabuhamya yabonye n'abandi bayobozi mu kigo, barimo Odette Nyirabagenzi wari Konseye wa segiteri ya Rugenge, na Angeline Mukandutiye wari Umugenzuzi w'amashuri[680].

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umutangabuhamya wiswe ACK yavuze mu buhamya bwe mu rukiko ko Munyakazi na Angeline Mukandutiye bagiye ku biro bya paruwasi nyuma y'itariki ya 17 Kamena 1994, bari kumwe na Nyirabagenzi.

[678] Inyandikomvugo y'iburanisha, 5 Werurwe 2007, urup. 67; Inyandikomvugo y'iburanisha, 6 Werurwe 2007, imp. 65-66, 71-72.

[679] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 11, 17, 21-22, 33-34; Ikimenyetso gihamya cya Porokireri cyahawe nomero 82 (ifishi y'umwirondoro).

[680] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 12-14, 22-26, 35. Umutangabuhamya wiswe HAD nta bisobanuro birambuye yatanze ku birebana na « *procure* », ariko Urugereko rusanga iri jambo ubusanzwe rivuga

614. Interahamwe zinjiye mu kigo cya kiriziya. Imwe muri zo yasomye amazina yari kuri ya lisiti Padiri Munyeshyaka yari afite mu ntoki mbere, abahamagawe bicirwa mu busitani bwa kiriziya. Hari n'abantu batari kuri iyo lisiti bishwe. Nyuma yaho, Interahamwe zinjiye imbere mu kiriziya zitangira kurasa ku mpunzi. Zarashe ku bantu bakomeretse bari hafi ya alitari, ndetse n'ishusho ya Bikira Mariya na yo ziyirasaho kubera ko ngo « ari Umututsikazi ». Nyuma y'ubwo bwicanyi, Interahamwe zavuze ko zirimo kwihimura kubera ko mu ijoro ryabanjirije uwo munsi FPR yari yatwaye zimwe mu mpuzi z'Abatutsi mu kigo cya *Saint-Paul,* ikica Abahutu[681].

615. Ku munsi wabanjirije icyo gitero, ni ukuvuga ku itariki ya 16 Kamena, Munyeshyaka yari yumvishije Hyacinthe Rwanga ko yakora ilisiti y'abantu, amubwira ko *MINUAR* izatwara abo azaba yashyize kuri iyo lisiti. Uyu mutangabuhamya yamufashije gutegura iyo lisiti. Yabashije rero kumenya urupapuro iyo lisiti yari yanditseho igihe yabonaga Munyeshyaka arufite mu ntoki ku itariki ya 17 Kamena. Ikindi kandi, uburyo abahamagawe bakurikiranaga ni na ko bakukiranaga kuri lisiti yari yakoze; hafi ya bose barishwe. Izina rya mbere umutangabuhamya yari yanditse kuri iyo lisiti ryari irya Hyacinthe. Interahamwe zaramushakishije zimurasa mu mutwe. Zigeze ku izina rya nyina kuri iyo lisiti, zivuga ko ashobora gusigara kubera ko abana be bari bamaze gupfa[682].

616. Icyo gitero cyamaze umunsi wose, kandi cyahitanye abantu benshi. Nyuma yaho haje umuporisi avuga ko kwica Abatutsi bose bidashoboka. Uwo mupolisi yasabye Abahutu bose kuva ahongaho, avuga ko kiriziya izasenywa. Abagabye igitero bumvise ko abasirikare ba MINUAR bagiye kuza aho, barashe mu kirere maze barikubura baragenda,

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ibiro cyangwa icumbi ry'« *umucungamutungo* ». « *Procure* » yari mu kigo cya kiriziya, hagati y'iduka n'ubusitani, hafi y'ipompo ya lisansi. Ni kimwe no haruguru, urup. 27.

[681] Ni kimwe no haruguru, imp. 22-25, 35-36.

[682] Ni kimwe no haruguru, imp. 23-25, 35-36 (avuga ko nyina wa Hyacinthe n'ubwo yari kuri lisiti bamuretse kubera ko abana be bari bishwe).

ubwo hari ku mugoroba. Ku itariki ya 17 Kamena Abasirikare ba MINUAR ntibahageze. Ku munsi wakurikiyeho, imirambo yarunzwe hamwe[683].

617. Uyu mutangabuhamya yabonye Munyakazi hashize umunsi umwe cyangwa ibiri igitero kibaye, aje kuri *Sainte-Famille* guhungisha abantu bamwe na bamwe. Uyu mutangabuhamya ntiyibuka ko yaba yaramubonye ku munsi igitero cyabayeho, ariko yumvise abantu bavuga ko yari ahari. Kubera ko uyu mutangabuhamya atari asanzwe azi uko Munyakazi asa nta bwo yari kumumenya. Ku itariki ya 20 Kamena ni ho uyu mutangabuhamya yavuye kuri *Sainte-Famille* ajya mu gice cyagenzurwaga na FPR[684].

Umutangabuhamya ushinja wiswe ATQ

618. Umutangabuhamya wiswe ATQ ni Umututsikazi, akaba yarahungiye ku kiriziya ya *Sainte-Famille* hafi y'itariki ya 16 cyangwa iya 17 Gicurasi 1994. Aho kuri *Sainte-Famille* yabaga mu ihema ryari ahantu hegutse hanze ya kiriziya. Hafi y'itariki ya 16 Kamena hagati ya saa tatu na saa ine za mu gitondo ku munsi wakurikiye uwo Inkotanyi zatwayeho zimwe mu mpunzi zo mu kigo cya *Saint-Paul*, uyu mutangabuhamya yabonye Renzaho ahagararanye na Padiri Munyeshyaka. Uyu mutangabuhamya yari yasohotse mu ihema ubwo yabonaga Perefe. Icyo gihe Renzaho yari yambaye imyenda ya gisirikare n'amataratara. Umutangabuhamya ntiyari asanzwe amuzi, ariko undi muntu yamutunze agatoki avuga ati: « Uriya ubona hariya ni Renzaho, akacu kashobotse ». Renzaho yarahavuye, noneho nyuma y'iminota itanu Interahamwe ziba zirahageze, zitangira kurasa mu kivunge cy'abantu. Uyu mutangabuhamya yumvaga amasasu impande zose, n'uko yikinga mu ihema. Icyo gitero cyamaze akanya kandi cyahitanye abantu benshi. Interahamwe yategetse uyu mutangabuhamya gusanga itsinda ry'impunzi ryari rigizwe ahanini n'abagore n'abana. Ubwo yerekezaga aho iryo tsinda ryari hafi y'icyumba

[683] Ni kimwe no haruguru, imp. 25, 27, 37-38. Umutangabuhamya wiswe HAD yasobanuye ko abantu biciwe ku kibuga, ku ngazi ziva kuri *Procure* zigana ku macumbi y'abapadiri, mu busitani, n'imbere mu kiriziya. Ni kimwe no haruguru, urup. 27.
[684] Ni kimwe no haruguru, imp. 21-22, 35.

cy'abapadiri, yabonye imirambo myinshi. Nyuma yaho gato urusaku rw'amasasu rwarahagaze[685].

619. Hafi ya saa sita cyangwa ya saa saba z'amanywa, Renzaho yagarutse ari kumwe n'abandi basirikare n'umujandarume witwa Karemera wari ushinzwe umutekano kuri kiriziya ya *Sainte-Famille*. Bahagaze ku irembo. Icyo gihe uyu mutangabuhamya yari yicaye ku ibaraza. Renzaho yavuganye n'Interahamwe ebyiri, imwe yitwa Sese Seko n'indi yitwa Cimba, maze nyuma yaho na zo zibwira izindi Nterahamwe ziti: « Muzeheze ategetse ko turekera aho, abakiri bazima bazicwa igihe kigeze ». Seso Seko yarashe mu kirere, abwira impunzi ko izikiri nzima zigira Imana, maze azitegeka gukomera Interahamwe amashyi kubera ibyo zari zimaze gukora. Kubera ko mu Kinyarwanda « Muzehe » ari ijambo rigaragaza icyubahiro, uyu mutangabuhamya yumvise ko bagomba kuba baravugaga Renzaho kuko ari we muntu urusha abandi icyubahiro wari aho[686].

620. Ku munsi wakurikiyeho, abasirikare ba MINUAR baje gutwara impunzi, ariko Munyeshyaka yanga ko binjira kubera ko hari imirambo myinshi cyane mu kigo. Bukeye, cyangwa hafi y'itariki ya 18 Kamena, uyu mutangabuhamya yabonye na none Perefe aza hafi ya saa kumi n'imwe cyangwa saa kumi n'ebyiri z'igicamunsi. Amaze kuhava, abasore banduruye imirambo bayijyana muri « *procure* »[687].

Umutangabuhamya ushinja wiswe BUO

621. Umutangabuhamya wiswe BUO ni Umuhutu, akaba yari mu mutwe w'Interahamwe zari zifite icyicaro gikuru cyazo mu rugo rwa Angeline Mukandutiye, wari umuyobozi w'uwo mutwe. Interahamwe zirimo uyu mutangabuhamya zagabye igitero ku kiriziya ya *Sainte-Famille* inshuro nyinshi. Igitero gikomeye kurusha ibindi cyagabwe muri Kamena aho ku kiriziya no ku kigo cya *Saint-Paul,* kandi cyahitanye impunzi nyinshi. Uyu mutangabuhamya ntiyabashije kwibuka neza itariki cyabereyeho. Icyo gitero cyagabwe

[685] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 67-69; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 5-7; Ikimenyetso gihamya cya Porokireri cyahawe nomero 81 (ifishi y'umwirondoro).
[686] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 69; Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 1, 5, 7.
[687] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 6-8.

kubera igikorwa cyo gutwara impunzi kuri *Saint-Paul* no kuri *Sainte-Famille* cyari cyakozwe na FPR ku munsi wabanjirije uwo. Bukeye FPR yaraye itwaye izo mpunzi, umuliyetona witwa Cadence yabwiye Interahamwe ko zigomba kujya kuri *Sainte-Famille* gushakayo Inyenzi n'ibyitso byazo. Uyu mutangabuhamya yasobanuye ko Cadence akoresha ijambo « ibyitso » yashakaga kuvuga Abatutsi[688].

622. Abagabye icyo gitero bari bageze ku 180. Abategetsi bari aho igitero kiba barimo Renzaho, Munyakazi, Bivamvagara, Liyetona Cadence, hamwe n'abayobozi b'Interahamwe ari bo Angeline Mukandutiye na Odette Nyirabagenzi. Uyu mutangabuhamya ntiyasobanuye niba aba bategetsi bari kuri kiriziya ya *Sainte-Famille* cyangwa niba bari ku kigo cya *Saint-Paul,* cyangwa se niba bari hombi. Yavuze ariko ko aho hantu hombi hari hegeranye cyane[689].

623. Igitero cyo ku kiriziya ya *Sainte-Famille* no kuri *Saint-Paul* cyatangiye hafi ya saa moya za mu gitondo. Abagabye igitero babanje kujya kuri *CELA* no kuri *Saint-Paul* mbere yo gukomeza bagana kuri *Sainte-Famille*. Liyetona Cadence na Perezida w'itsinda ry'Interahamwe zo muri Rugenge uyu mutangabuhamya yabagamo, witwa Claude kandi wahoze ari umuliyetona, bategetse abagabye igitero kurasa mu kivunge cy'impunzi batavangura. Kubera ko abo bombi bamutegekaga, uyu mutangabuhamya yagombaga gukurikiza amabwiriza yabo. Uyu mutangabuhamya we ntiyigeze arashisha imbunda ye kubera ko hari abandi yari ayoboye barasaga. Yashoboye kumenya umurambo wa Hyacinthe, wari umukobwa wa Charles Rwanga[690].

624. BUO yavuze ko yahabwaga amabwiriza na Mukandutiye, kandi ko « muri kiriya gihe », Mukandutiye na Odette Nyirabagenzi bari bashyigikiwe na Perefe. Uyu

[688] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 52, 54-57; Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 26-28, 36; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 25, 28, 38; Ikimenyetso gihamya cya Porokireri cyahawe nomero 73 (ifishi y'umwirondoro). Umutangabuhamya wiswe BUO yahamijwe icyaha mu Rwanda mu wa 2003, akatirwa igihano cy'igifungo cy'imyaka 15 kubera uruhare rwe muri jenoside. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 56-57.

[689] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 12, 25-28, 31 (*Saint-Paul* na *Sainte-Famille* « ni nk'aho ari ahantu hamwe »); Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 25.

[690] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 2, 28-32, 35, 54; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, imp. 30-32. Ahavugwa « Yacinthe » mu nyandikomvugo y'iburanisha, biragaragara neza ko baba bashaka kuvuga Hyacinthe Rwanga.

mutangabuhamya yitaga Renzaho « umutware w'umutware wanjye ». Ikindi kandi, Padiri Wenceslas Munyeshyaka yakoranaga cyane na Renzaho, cyane cyane ku byerekeye uko ibintu byari byifashe kuri *Sainte-Famille*. Uwo mupadiri yanakoranaga n'Interahamwe, agaha Angéline Mukandutiye wari inshuti ye ikomeye amakuru yerekeye Abatutsi bari kuri *Sainte-Famille* n'ahandi. Interahamwe zifashishaga ayo makuru mu gushakisha Abatutsi. Munyeshyaka kandi yahaga ibiribwa Interahamwe zabaga ziri mu bitero, akanazemerera kwinjira mu kigo cya *Sainte-Famille*[691].

625. Uyu mutangabuhamya yari amaze iminota nka 30 kuri *Sainte-Famille* ubwo Renzaho yahageraga, ubwicanyi bumaze guhagarara. Perefe yamaze hafi isaha ku kiriziya avugana na Munyeshyaka, Nyirabagenzi na Mukandutiye, ahagaze hafi y'ikigega cy'amazi na sakirisitiya muri metero zigera kuri eshanu uvuye aho uyu mutangabuhamya yari ari. Renzaho yitegereje imirambo itatu yari imbere ye. Hose hari huzuye imirambo, maze atanga imodoka zo kuyitwara. Uyu mutangabuhamya avuga ko Renzaho ari we mutegetsi usumba abandi wari aho, ko kandi ibyabaga byose yabaga abizi[692].

Umutangabuhamya ushinja witwa Corinne Dufka

626. Uyu mutangabuhamya ni Umunyamerika, akaba yari umunyamakuru ufotora wakoreraga ibiro by'itangazamakuru *Reuters* mu wa 1994. Muri Gicurasi uwo mwaka, yasuye u Rwanda inshuro eshatu. Muri izo nzinduko, yasuye kiriziya ya *Sainte-Famille* inshuro eshatu afotora impunzi zari aho. Asura *Sainte-Famille* bwa mbere hari hagati y'itariki ya 18 n'iya 20 Gicurasi. Ntibyari byoroshye kugera ku kiriziya kuko yagombaga kunyura kuri bariyeri yari irinzwe n'abantu bambaye imyenda ya gisiviri. Uyu mutangabuhamya yabonanye na Padiri Wenceslas wamuhaye uruhushya rwo gufata amafoto imbere mu kiriziya. Uyu mutangabuhamya yavuganye igihe gito na bamwe mu mpunzi zirenga 900

[691] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 30-31, 33, 35; Inyandikomvugo y'iburanisha, 29 Mutarama 2007, urup. 30.
[692] Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 30 (Munyakazi « yavanye abantu bamwe kuri paruwasi ya *Sainte-Famille* », ndetse « hari n'imirambo yatwaye»), 32-33.

zari aho. Zasaga n'izifite umutima uhagaze kandi zacitse intege cyangwa zitinya kuvuga. Benshi muri izo mpunzi bari ku kibuga kiri inyuma ya kiriziya[693].

627. Uyu mutangabuhamya asura *Sainte-Famille* bwa kabiri ku itariki ya 29 cyangwa iya 30 Gicurasi, hari habaye inama y'impunzi zose. Na none wabonaga zihangayitse kandi zifite impungenge. Icyo gihe yabonye abantu batatu cyangwa bane bagendagenda hafi ya kiriziya, akaba yaraketse ko ari abajandarume. Mu ruzinduko rwe rwa mbere ntiyari yababonye[694].

Renzaho

628. Renzaho yavuze ko yabashije kubona abajandarume bake bo kurinda kuri *Sainte-Famille*, n'ubwo muri rusange abajandarume batari benshi. Abo bajandarume bashyizwe aho kuri *Sainte-Famille* guhera hafi y'itariki ya 9 Mata 1994, bakaba barimo n'umwofisiye ubayoboye witwa Iradukunda. Kubera ko hari kure bihagije y'aho imirwano yaberaga, aba bajandarume bake bari abo gucunga umutekano, iyo haramuka havutse ikibazo gikomeye bakaba barashoboraga gusaba inkunga kugira ngo bahangane n'icyo kibazo[695].

629. Renzaho avuga ko yagiye kuri *Sainte-Famille* inshuro imwe gusa ku itariki ya 16 Kamena nyuma ya saa sita z'amanywa ari kumwe na Jenerali Anyidoho wo muri MINUAR, n'abahagarariye Komite Mpuzamahanga y'Umuryango Utabara Imbabare, abanyamakuru ndetse n'abandi bantu. Igihe bari kuri Sainte-Famille, banyuze mu mpunzi bagerageza kuzirema agatima, banazibwira ko igikorwa cya *MINUAR* cyo guhungisha abantu cyari cyahagaritswe cyari gusubukurwa bukeye bwaho[696].

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[693] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 1-3, 5-6, 8-9, 12-14, 17-19; Ikimenyetso gihamya cya Porokireri cyahawe nomero 76 (ifishi y'umwirondoro); Ikimenyetso gihamya cya Porokireri cyahawe nomero 77 (amafoto 33 yafotowe na Corinne Dufka). Umutangabuhamya yasobanuye ko amafoto 17-20 yayafotoye ku ruzinduko rwa mbere yagiriye kuri *Sainte-Famille* hagati y'itariki ya 18 n'iya 20 Gicurasi (Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 6-8); amafoto 15-16 na 21-23 ku ruzinduko rwe rwa kabiri, ahagana ku itariki ya 29 cyangwa 30 Gicurasi (urup. 14); n'amafoto 26-32 muri Kamena 1994 (urup. 15).

[694] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, imp. 6, 14-16, 18, 19.

[695] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 8, 35-37.

[696] Ni kimwe no haruguru, imp. 33-34. Renzaho yavuze ko gahunda yo guhungisha abantu yari yarasubitswe kubera ko FPR yari yararashe ku modoka za *MINUAR*.

630. Urwo ruzinduko rumaze amasaha abiri rurangiye, ni ukuvuga mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena, FPR yarashe ibisasu byinshi kuri *Saint-Paul* no kuri *Sainte-Famille*. Renzaho yavuze ko impunzi 1.800 zavanywe ahongaho abandi bantu beshi bakicirwa cyane cyane kuri *Saint-Paul* no ku kigo cy'amashuri abanza. Icyo gitero cyarangiye ku itariki ya 17 Kamena mu rukerera, Renzaho akimenya uwo munsi mu ma saa tanu z'amanywa. Renzaho yasobanuye ko ingabo za FPR zishe abantu muri icyo gitero zagabye kuri *Saint-Paul,* « uretse gusa bene wazo zatwaye »[697].

631. Aloys Simpunga, wari wungirije Renzaho, yari ashinzwe gukurikirana ibyo kuri *Sainte-Famille*, ahasura buri munsi kandi « anagirana imishyikirano n'abaho buri gihe ». Ku kiriziya hari ahantu hakomeye kubera ko hari impunzi zigera ku 18.000. Abajijwe ibyabereye kuri *Sainte-Famille* bikomeye yabwiwe icyo gihe, Renzaho yavuze ko « ibibazo ntawashoboraga kubihunga, ariko ko bashoboraga kubyirinda ». FPR yarasaga ibisasu aho hantu buri gihe. Yaharashe ibisasu ku itariki ya 12 no ku ya 16 Mata, ku ya 1 no ku ya 3 Gicurasi, no mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena. Renzaho yifuje ko MINUAR ishyiraho umutwe w'ingabo zayo kuri *Saint-Paul* no kuri *Sainte-Famille* ikanahazamura ibendera ryayo kugira ngo FPR ibone ko aho hantu hari impunzi maze isigeho kuharasa ibisasu, ariko uwo mutwe nta wo MINUAR yashyizeho[698].

632. Simpunga yabwiye Renzaho ko Padiri Wenceslas Munyeshyaka – umupadiri w'umusore – yari ashinzwe *Sainte-Famille*. Renzaho ntiyari umuzi ubwe. Munyeshyaka ariko yigeze kumuhamagara rimwe kuri telefone ku itariki ya 10 Mata, amubwira ko Abatutsi bahunga uduce twafashwe na FPR bari baje kuri *Sainte-Famille* bashaka ubuhungiro, bakaba kandi bari barakajwe n'uko aho hantu hamaze kugibwa n'izindi mpunzi. Kubera iyo telefoni, Renzaho yoherejeyo « umuporisi umwe cyangwa babiri ». Nyuma yaho, uwo

[697] Ni kimwe no haruguru. urup. 33; Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 31-32, 33 (aho bavuga Ikimenyetso gihamya cya Porokireri cyahawe nomero 63 (inyandukuro y'ikiganiro cyanyuze kuri Radio Rwanda ku itariki ya 18 Kamena 1994), urup. 6 (« Ikibazo.: Dore ibyo wavuze Bwana Renzaho: « Reba ibyabaye i Kabgayi na hano ku kigo cya *Saint-Paul* aho bishe abantu bakanakomeretsa abandi benshi. Ahongaho bishe abaturage, uretse bene wabo batwaye ». Ibyo ni byo wavuze ku itariki ya 18 Kamena, si byo se, Bwana Renzaho? Igisubizo.: Ni byo. Ikibazo.: Iyo uvuga « bene wabo » uba uvuga Abatutsi, si byo se? Igisubizo.: Ni byo »).

[698] Inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 7; Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 34-36, 38.

mupadiri yasabye imodoka yo gutwara ibiribwa, Renzaho ategeka ko ahabwa imwe mu makamyo yo kuri perefegitura [699].

Umutangabuhamya ushinjura wiswe PER

633. Umutangabuhamya PER ni Umuhutu, muri Mata 1994 akaba yari ari mu biruhuko afite akorera mu Kigo cya Saint-Paul. Ku itariki ya 6 Mata igihe yagombaga kuhamara cyendaga kurangira, ariko kubera ko icyo gihe intambara yarushijeho gukaza umurego, yagumyeyo kugera ku itariki ya 18 Kamena. Yakoze ibikorwa by'ubutabazi aho muri Saint-Paul, nyuma kuva ku itariki ya 10 Mata akajya afasha Padiri Wenceslas Munyeshyaka kwita ku mpunzi nyinshi zari zahungiye kuri Sainte-Famille, yegeranye na Saint-Paul. Ibyo bigo byombi byari bifatanye, bitandukanijwe gusa n'urukuta rwari rufite inzugi ebyiri nto. Iyo PER aza kunyura mu muhanda wazengurukaga urwo rukuta, byari kumusaba kunyura kuri bariyeri yari irinzwe n'abo mu mitwe yitwara gisirikare. Hafi aho muri ako gace kandi hari n'izindi bariyeri[700].

634. PER yajyaga kuri Sainte-Famille buri munsi hagati ya saa ine na saa tanu za mu gitondo, akagumayo kugera saa cyenda cyangwa saa kumi z'igicamunsi, ndetse rimwe na rimwe akirirwayo umunsi wose. Yavuze ko yumva impunzi zari ziriyo zarabonaga ko akorana bya hafi na Munyeshyaka, akenshi Munyeshyaka akaba ari we mupadiri wenyine wabaga uhari. Aho ku kiliziya hari impunzi zirenga 18.000. Aloys Simpunga wari superefe ushinzwe imibereho myiza y'abaturage muri Perefegitura y'Umujyi wa Kigali yafashaga PER na Munyeshyaka, akazanira impunzi ibiribwa, amazi, n'imiti. Aho kuri Sainte-Famille igihe PER yari ahari hari harashyizwe abajandarume batanu. Nta basirikare yigeze ahabona muri Gicurasi 1994[701].

635. Muri icyo gihe PER yamaze muri Saint-Paul no kuri Sainte-Famille nta muntu yigeze yumva avuga izina rya Renzaho. Aloys Simpunga ni we wakurikiranaga ibibazo bireba perefegitura. PER yabonye Renzaho inshuro imwe gusa, icyo gihe hakaba hari ku itariki

[699] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 36-37, 49-50.
[700] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 27-29, 31-33, 38, 47, 51, 57-58, 61-63; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 80 (ifishi y'umwirondoro).
[701] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 38, 42-45, 49-50.

ya 16 Kamena ubwo Renzaho yari yaje muri Saint-Paul ari kumwe n'abasirikare bo mu mutwe wa MINUAR n'abakozi b'Umuryango Utabara Imbabare. Mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena, FPR yateye muri Saint-Paul ihungisha zimwe mu mpunzi z'Abatutsi zari zihari. Bukeye nko mu ma saa tatu za mu gitondo abo mu mitwe yitwara gisirikare barahageze, bumvise iyo nkuru barabisha, bituma basahura Saint-Paul banagaba igitero kuri Sainte-Famille aho PER yari yahungiye. Impunzi ntizashoboye gusubiza icyo gitero inyuma, Munyeshyaka ajya gutabaza nko mu ma saa ine za mu gitondo agaruka ari kumwe n'abasirikare. Perefe ntiyari kumwe na bo. Abo basirikare birukanye abari bateye aho kuri Sainte-Famille, umutekano uragaruka, ariko zimwe mu mpunzi zikaba zari zamaze kwicwa. Ku itariki ya 17 Kamena, PER yiriwe mu gipadiri ari kumwe na Munyeshyaka. Kuri iyo tariki ntiyigeze abona Renzaho, Nyirabagenzi, cyangwa Mukandutiye aho kuri Sainte-Famille. Yavuye i Kigali ku itariki ya 18 Kamena, akaba atarigeze asubirayo[702].

Umutangabuhamya ushinjura wiswe TOA

636. Umutangabuhamya TOA ni Umututsi, kuva ku itariki ya 10 Mata kugera mu ntangiriro za Kamena 1994 akaba yari yarahungiye kuri Sainte-Famille. Mu nzira ava iwe yanyuze kuri bariyeri eshatu, iya nyuma ikaba ari iyari iri nko muri metero 150 uvuye ku kiriziya. Kuri Sainte-Famille hari nk'impunzi 500, muri Mata zariyongereye zigera nko ku 1.000, naho muri Kamena zikaba zarageraga nko ku 4.000. Padiri Munyeshyaka n'abamufashaga ni bo bazakiraga. TOA yinjiye imbere mu kiliziya afata akanya iburyo bwa aritari. Ikigereranyo cy'umubare w'impunzi yavuze yagitanze ashingiye ku zo yashoboye kubona imbere mu kiliziya no mu busitani bwayo. Munyeshyaka yahaga izo mpunzi ibiribwa avanye mu bigega bye, naho Umuryango Utabara Imbabare ukazitaho ku bibazo byo mu rwego rw'ubuzima. Nta muyobozi n'umwe TOA yigeze abona ahaza,

[702] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 34-35, 38-42, 52-53, 55-56, 64.

izindi mpunzi ariko zikaba zaramubwiye ko superefe yahaje ari kumwe n'abakozi bo mu Muryango Utabara Imbabare azanye ibiribwa[703].

637. Mu ijoro ryo ku itariki ya 16 rishyira iya 17 Kamena, impunzi zari kuri Sainte-Famille zakanguwe n'urusaku rw'amasasu. Mu gitondo nko mu ma saa mbiri, Interahamwe zaraje zinjira mu rupangu rwa kiliziya, zirasa. TOA n'umuryango we bahungiye imbere mu kiliziya baba ari ho baguma mu gihe icyo gitero cyamaze nk'iminota iri hagati ya 20 na 30 cyabaga. Nyuma abasirikare baraje babwira TOA ko igitero cyarangiye. Uwo munsi abakozi b'Umuryango Utabara Imbabare bavanyeho imirambo banita ku nkomere. Muri icyo gitero TOA ntiyigeze abona Padiri Munyeshyaka, ariko akaba yaramubonye nyuma ya saa sita cyarangiye ariho agerageza guhumuriza abantu. N'ubwo we atigeze abona Renzaho kuri Sainte-Famille mu gihe cyose yahamaze, yumvise izindi mpunzi zivuga ko perefe yahaje ku itariki ya 16 Kamena ari kumwe n'abasirikare ba MINUAR. Bukeye mu gitondo bamenye ko Inkotanyi zakuye impunzi muri Saint-Paul zikazijyana. TOA asanga abagabye kiriya gitero cyo ku itariki ya 17 Kamena ari icyo cyabibateye[704].

Umutangabuhamya ushinjura wiswe BDC

638. Umutangabuhamya BDC ni Umuhutu, akaba yari umukozi wa Leta ukomeye. Yakoreraga umuryango utagengwa na Leta agenzura itsinda ry'abakozi b'Umuryango Utabara Imbabare bashinzwe ibikorwa by'ubutabazi bakoreraga kuri Sainte-Famille ku buryo buhoraho kuva muri Gicurasi hagati kugera mu ntangiriro za Nyakanga 1994. Byari akamenyero ko buri munsi iryo tsinda ry'abakozi b'Umuryango Utabara Imbabare ryandika ibyabereye aho byose, BDC akaba yarahabwaga raporo ya buri munsi. Abo

[703] Inyandikomvugo y'iburanisha, 6 Nzeri 2007, imp.3, 5-7, 11, 17; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 111 (ifishi y'umwirondoro). Umutangabuhamya TOA yanavuze ko ku itariki ya 22 Mata, abari mu bitero bambaye imyenda y'Interahamwe binjiye muri Sainte-Famille bagashimutamo impunzi hagati ya 10 na 15 bashakaga. TOA yabonye izo mpunzi bazinjiza mu modoka ku gahato barazijyana. Nyuma yaho, abajandarume baje aho kurinda umutekano, kuva icyo gihe impunzi zari zihari ntizongera guterwa. Mu ntangiriro za Gicurasi 1994, FPR yarashe igisasu cyaje giturutse mu duce twa Gisozi kigwa kuri Sainte-Famille. Inyandikomvugo y'iburanisha, 6 Nzeri 2007, imp. 7-9, 15-16.

[704] Inyandikomvugo y'iburanisha, 6 Nzeri 2007, imp. 9-10, 15.

bakozi ntibigeze bamubwira ko Renzaho yahageze cyangwa ko hari ubwicanyi yakoze cyangwa yagenzuye, akaba nta n'ahandi yabyumvise[705].

639. Ku itariki ya 1 Gicurasi, kuri Sainte-Famille harashwe ibisasu bihitana abantu bari hagati ya 10 na 15. Abanyamakuru ba *Radio France [internationale]* baje aho babaza Munyeshyaka ibibazo, icyo gihe akaba ataravuze neza inyeshyamba za FPR. Kuva icyo gihe izo nyeshyamba zatangiye kumwibasira. Ku itariki ya 17 Kamena kare mu gitondo, abakozi b'Umuryango Utabara Imbabare babyutse bafasha abantu bari bakomerekeye kuri Sainte-Famille**,** nyuma y'igikorwa cyo guhungisha abantu bari bahari cyakozwe n'abo BDC yise « umutwe w'abakomando kabuhariwe »[706].

640. BDC yabonye Renzaho kuri Sainte-Famille inshuro imwe gusa. Renzaho na BDC bajyanyeyo nko ku itariki ya 16 Kamena bari kumwe n'abasirikare ba MINUAR n'abakozi ba Komite Mpuzamahanga y'Umuryango Utabara Imbabare (ICRC), bari mu bagize intumwa zari ziyobowe na Jenerali Anyidoho. Uyu mutangabuhamya ntiyashoboye kuvuga niba Renzaho yaba yaragarutse kuri Sainte-Famille ku itariki ya 17 Kamena. BDC yari amaze imyaka irenga 20 azi Renzaho, bakaba bari inshuti kuva mu 1986. Hagati y'itariki ya 15 Mata n'intangiriro za Nyakanga yabonanye na Renzaho inshuro zirenze 10. Rimwe na rimwe Perefe yambaraga imyenda ya gisiviri, ariko akenshi yabaga yambaye iy'abasirikare. Muri kiriya gihe Renzaho yabwiraga BDC ibyo yabaga akora n'ibibazo yahuraga na byo. BDC yajyaga mu biro bya perefe uko ashatse. Padiri Munyeshyaka ntiyari aziranye na Renzaho, ariko kimwe n'abandi bose akaba yari azi uwo ari we. Munyeshyaka yafashije cyane mu bikorwa by'ubutabazi muri Perefegitura y'Umujyi wa Kigali, akaba yaravuye kuri Sainte-Famille ku itariki ya 5 Nyakanga[707].

[705] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 3-4, 21-23, 37, 68-69; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 51 (ifishi y'umwirondoro).
[706] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 21-25, 70. Ni kimwe no haruguru, imp. 79-80 (mu gifaransa) bigaragara neza ko uwabajijwe ibibazo ari Munyeshyaka.
[707] Ni kimwe no haruguru, imp. 3-8, 18, 21-25, 34-36, 40, 50, 61, 65, 68-70.

Umutangabuhamya ushinjura wiswe RCB-2

641. Umutangabuhamya RCB-2 ni Umuhutu, muri Mata 1994 akaba yari umujandarume wo mu rwego rwo hasi akorera muri Perefegitura y'Umujyi wa Kigali. Yavuze ko perefe nta mategeko yahaga abajandarume. Kuva mu mpera za Gicurasi kugera mu ntangiriro za Nyakanga, RCB-2 yakoraga amarondo mu gace Paruwasi y'Umuryango Mutagatifu iherereyemo. Ku itariki ya 17 Kamena mu ma saa kumi cyangwa saa kumi n'imwe za mu gitondo ubwo yari ari ku irondo yumvise urusaku rw'amasasu ruvugira kuri Sainte-Famille. Mu ma saa kumi n'ebyiri za mu gitondo we n'abandi bajandarume batatu bagiyeyo. Yahamaze nk'isaha n'igice, ahabona imirambo iri hagati ya 15 na 20 n'inkomere nyinshi. Abaturage baho bababwiye ko ingabo za FPR zaje zikarasa abaturage bo muri ako gace zikanashimuta abantu bamwe. Abenshi mu bari bapfuye bene wabo bari bamaze kubashyingura. RCB-2 yatekereje ko muri ubwo bwicanyi hari hakoreshejwe za gerenade. Muri icyo gitondo ntiyigeze ahabona Renzaho[708].

642. RCB-2 yahavuye mu ma saa moya n'igice za mu gitondo, asigayo umwe muri bagenzi be[709]. Icyo gihe ntiyongeye kugaruka kuri Sainte-Famille, ariko hagati ya saa munani z'amanywa na saa kumi n'ebyiri z'umugoroba yohereje abandi bajandarume kuri iyo kiliziya kugira ngo barebe uko ibintu byifashe. Inyinshi mu mpunzi zari zahavuye. Nta n'umwe muri abo bajandarume wigeze amubwira ko uwo munsi Renzaho yagiye kuri Sainte-Famille, akaba nta n'igitero yigeze yumva bavuga ko cyahagabwe nyuma uwo munsi[710].

643. Mu minsi yakurikiyeho, RCB-2 yakomeje kujya acunga umutekano muri ako gace gakikije kiriziya. Yahazengurukaga hagati ya saa kumi n'ebyiri na saa ine za mu gitondo,

[708] Inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 61, 66-67; inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 1-6, 11-12; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 59 (ifishi y'umwirondoro).
[709] Mu nyandiko y'icyongereza no mu y'igifaransa handitse ko umutangabuhamya RCB-2 yavuze ko yasizeyo « abajandarume » aho kuba umujandarume umwe gusa, ariko wakurikirana uko byagenze ugasanga yarashatse kuvuga umujandarume umwe. Inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 4 (mu nyandiko y'icyongereza); ni kimwe no haruguru, urup. 8 (mu nyandiko y'igifaransa).
[710] Ni kimwe no haruguru, imp. 3-4, 11-12.

naho guhera saa munani z'amanywa kugera saa kumi n'imwe cyangwa saa kumi n'ebyiri za nimugoroba akoherezayo abandi bajandarume. Ntiyigeze abona Renzaho na rimwe hagati y'itariki ya 7 Mata n'intangiriro za Nyakanga. Iyo muri bariya bajandarume yari akuriye hagira ubona Renzaho yari kubimubwira. RCB-2 yemeye ariko ko iyo perefe aza gukenera kwitabaza jandarumori atari we yari kugezaho icyo kibazo, ko ahubwo yari kureba abamukuriye. Yavuze ko iby'abajandarume boherejwe kuri Paruwasi Sainte-Famille iminsi mike mbere y'itariki ya 14 Kamena 1994 nta byo azi, yemeza akomeje ko iyo ibyo biza kuba byarabaye aba yarabimenye[711].

11.3 Isesengura ry'Urugereko

644. Kuva muri Mata 1994, abantu benshi bahungiye kuri Paruwasi Sainte-Famille muri Perefegitura y'Umujyi wa Kigali. Umubare wabo wagiye wiyongera uko iminsi yahitaga, muri Kamena hagati bakaba bararengaga 1.000. Ku itariki ya 17 Kamena, Interahamwe zagabyeyo igitero, abantu benshi baricwa[712]. Ibimenyetso byatanzwe bigaragaza ko abagabye icyo gitero bihoreraga kuri FPR yari yahungishije bamwe mu Batutsi bari bari kuri Sainte-Famille umunsi umwe mbere y'aho, icyo gihe hakaba hari Abahutu bishwe[713].

645. Biragaragara ko kiriya gitero abambere cyari cyibasiye ari Abatutsi. Umutangabuhamya BUO wahoze ari Interahamwe yavuze ko bari babahaye amabwiriza yo gushakisha

[711] Ni kimwe no haruguru, imp. 4-5, 11.

[712] Umutangabuhamya Corrine Dufka yavuze ko agereranije, muri Gicurasi hagati impunzi zari ziri kuri Sainte-Famille zarengaga 900, naho umutangabuhamya TOA yavuze ko mu mpera za Mata hari impunzi 1.000, muri Kamena 1994 ngo zikaba zari 4.000. Ibyo umutangabuhamya wiswe PER yavuze by'uko izo mpunzi zageraga ku 18.000 bigaragara ko ari ugukabya. Igitero kirangiye, umutangabuhamya wiswe AWO yabonye imirambo y'abantu 100, akavuga ko hari abandi benshi bari biciwe inyuma ya kiriziya. Abatangabuhamya biswe ACK, HAD, ATQ na BUO bose bavuze ko haguye abantu benshi. Ibimenyetso byatanzwe bigaragaza ko hashobora kuba haraguye abantu babarirwa mu magana.

[713] Umutangabuhamya wiswe BUO ni umwe mu bari bagabye igitero, akaba yaremeje ko iyo ari yo mpamvu yabateye kukigaba. Hari n'impunzi enye zabyemeje, ari zo: umutangabuhamya wiswe AWX (Interahamwe zari zarakaye kubera ko FPR yari yahungishije impunzi izivanye kuri Saint-Paul mu ijoro ryabanjirije kiriya gitero); umutangabuhamya wiswe ACK (Munyeshyaka yavuze ko icyatumye icyo gitero kigabwa ari uko FPR yajyanye Abatutsi kandi Abahutu bari bishwe); umutangabuhamya wiswe HAD (ku itariki ya 17 Kamena yumvise abari bagabye igitero bigamba ko bihoreye kubera ko Abatutsi bari bishe Abahutu); n'umutangabuhamya wiswe AWO (abasore bari kuri Sainte-Famille ni bo bibasiwe by'umwihariko kugira ngo bababuze kujya mu duce twagenzurwaga na FPR). Renzaho yemeje ko biriya FPR yakoze kuri Saint-Paul byabaye mbere y'igitero cyagabwe kuri Sainte-Famille ku itariki ya 17 Kamena.

Inyenzi n'« ibyitso » byazo, bikaba byarashakaga kuvuga Abatutsi. Umutangabuhamya HAD yavuze ko hari Interahamwe yarashe ishusho ya Bikira Mariya ivuga ko ngo ari Umututsikazi. Hari n'umuporisi waje aho, HAD yumva avuga ko ngo bidashoboka kwica Abatutsi bose. Umutangabuhamya AWO yavuze ko abasore ari bo bari bibasiwe by'umwihariko kugira ngo bababuze kujya mu duce twagenzurwaga na FPR. Kuba kandi icyo gitero cyari cyagabwe ari uburyo bwo kwihorera nyuma y'ibyo FPR yari yaraye ikoze na byo byerekana ko abari bakigabye bari bibasiye Abatutsi.

646. Ikibazo cy'ingenzi ni ukumenya niba Renzaho yaragize uruhare muri icyo gitero. We arabihakana, akavuga ko yasuye Sainte-Famille ku itariki ya 16 Kamena gusa, ari kumwe n'abasirikare ba MINUAR n'abahagarariye Umuryango Utabara Imbabare. Abatangabuhamya batandatu bashinja bavuga ko bamubonye kuri Sainte-Famille ku itariki ya 17 Kamena[714]. Ibyo bavuga ni ibyo babonye mbere y'uko icyo gitero kiba, igihe cyendaga kurangira, cyangwa se nyuma yacyo.

647. Batatu muri abo batangabuhamya bavuze ko babonye Renzaho mbere y'uko icyo gitero gitangira. Umutangabuhamya AWO yavuze ko yamubonye ahagera mu masaa tanu za mu gitondo, nyuma agahagarara ahantu hirengeye haruguru ya kiriziya agaha Interahamwe amabwiriza yo kwica « abantu benshi »[715]. Umutangabuhamya ATQ yavuze ko bwa mbere yamubonye ku kiriziya ari kumwe na Padiri Munyeshyaka mu ma saa tatu cyangwa saa ine za mu gitondo, akahava hasigaye iminota itanu ngo igitero gitangire. Umutangabuhamya HAD yamubonye mbere ya saa sita agendana na Munyeshyaka wari witwaje ilisiti mu ntoki. Uwo munsi yamubonye rimwe gusa, ariko avuga ko yategetse « imbwa ze » kugaba gitero. Urugereko rurasanga kuba aba batangabuhamya bataraboneye Renzaho igihe kimwe cyangwa kuba badahuza ku bijyanye n'igihe kiriya gitero cyatangiriye bitatuma ubuhamya bwabo butemerwa. Ibyo bagiye bavuga byari ukugereranya, bakaba baramubonye ku bihe bitandukanye muri kiriya gihe biriya bintu bitera ihahamuka byabaga, kandi kuva mu 1994 kugeza igihe

[714] Umutangabuhamya wiswe ACK yavuze ko yabonye Renzaho ku itariki ya 18 Kamena 1994, ariko wakurikirana neza uko ibivugwa byagenze ugasanga yaribeshye ku itariki ahubwo yarashakaga kuvuga umunsi wabanjirije uwo.
[715] Inyandikomvugo y'iburanisha, 7 Gashyantare, urup. 13 («Renzaho yari ahantu hirengeye ahavugwa, abwira Interahamwe ngo nizice – zice abantu benshi. Naho twe [abagore] akatubwira ngo nidukome amashyi»).

batangiye ubuhamya hari hashize imyaka. Umuntu asuzumye ubuhamya bwabo uko ari batatu mu rwego rw'uko ibintu byagenze, ikigaragara ni uko Renzaho yari ari kuri Sainte-Famille mu gihe runaka mbere ya saa sita.

648. Umutangabuhamya BUO yavuze ko igitero cyagabwe kuri Saint-Paul no kuri Sainte-Famille cyatangiye mu ma saa moya za mu gitondo. Iyi saha avuga haba hari hakiri kare cyane ugereranije n'iyo abatangabuhamya AWC, ATQ na HAD bavuze. Kuba aho hantu hombi hari hegeranye ariko byo bikaba ntawe ubijyaho impaka, kandi BUO yavuze ko abari bagabye icyo gitero na we yarimo babanje gutera kuri Saint-Paul mbere yo kujya kuri Sainte-Famille. Urugereko rusanga ibyo avuga bitavuguruza ibyo ziriya mpunzi eshatu zavuze. Ikindi ni uko n'ubwo Urugereko rutemeye ubuhamya bwa BUO ku bijyanye n'igitero cyagabwe kuri Saint-Paul ku itariki ya 17 Kamena, by'umwihariko aho avuga ko Renzaho yari ahari ndetse akanagira uruhare muri icyo gitera (II.9), kuba ubuhamya bwe ku bijyanye no kuba Renzaho yari ari kuri Sainte-Famille ku itariki 17 Kamena hari ubundi bugusha hamwe na bwo bituma ubuhamya bwe hano bwafatwaho ukuri.

649. Turebye noneho ibyerekeye ibyo abatangabuhamya babonye kiriya gitero cyenda kurangira cyangwa nyuma yacyo, AWO yavuze ko Renzaho yategetse abari bagabye icyo gitero guhagarika ubwicanyi muri aya magambo « Inyenzi zose twazishe ». Nyuma y'icyo gitero kandi yabwiye impunzi z'abagore gukoma amashyi, nuko zirabikora. ACK yavuze ko yabonye Renzaho mu gihe ubwicanyi bwari bugikomeza. Icyo gihe ngo Renzaho yari ahagaze hafi y'ikigega cy'amazi ku muryango wa kiriziya akikijwe n'Interahamwe. Nyuma baje kuvuza ifirimbi igitero kirahagarara. HAD yavuze ko icyo gitero cyarangiye abari bakigabye barashe mu kirere. ATQ yabonye Renzaho mu ma saa ine za mu gitondo icyo gitero cyenda kurangira, icyo gihe akaba yarahaga abari bakigabye amabwiriza yo kugihagarika. Kimwe n'umutangabuhamya HAD, ATQ na we yavuze ko igitero cyahagaze ubwo Interahamwe zarasaga mu kirere. Kimwe na AWO kandi, na we yavuze ko abari bamaze kurokaka ubwo bwicanyi babasabye gutanga amashyi. BUO yabonye Renzaho igitero kikirangira areba imirambo kandi avugana na Munyeshyaka.

650. Muri rusange, ubu buhamya bwatanzwe ku byerekeye ukuntu kiriya gitero cyarangiye usanga muri rusange budahuzagurika. Nk'urugero, kuba hari abatangabuhamya babiri bavuze ko ikimenyetso cyatanzwe cyo guhagarika icyo gitero ari uko barashe ntibivuguruza ibyavuzwe n'undi mutangabuhamya wemeje ko we ahubwo yibuka ko bavugije ifirimbi. Aha Urugereko rukaba rwibutsa ko muri icyo gihe igitero cyabaga hari hagiye haraswa amasasu ku buryo isasu ryarashwe igitero kirangiye byanze bikunze umuntu atari guhita yumva ko ari ikimenyetso gitanzwe. Ni kimwe n'uko ibyo umutangabuhamya HAD yavuze by'uko abari bagabye icyo gitero bumvise ko MINUAR yenda kuhagera bakagihagarika na byo bidahabanye n'ubuhamya bwatanzwe buvuga ko Renzaho yatanze itegeko ryo guhagarika ubwicanyi. Kuba abantu bari bari ahantu hatandukanye bishobora gutuma umuntu yumva impamvu yatumye baragiye babona ibintu ku buryo butandukanye.

651. Hari kandi n'ibimenyetso bigaragaza ko Renzaho yagize uruhare mu gikorwa cyo gukuraho imirambo y'abari bishwe. Umutangabuhamya AWX yavuze ko Renzaho yari ahari igihe batundaga imirambo bakoresheje ingorofani. Ngo Renzaho yavuze ko iyo mirambo igomba guhambwa vuba na bwangu kugira ngo abazungu batayibona. Mu buhamya yatanze mu Rukiko, ATQ yavuze ko yabonye Renzaho ku kiriziya ku munsi wakurikiye itariki ya 17 Kamena mu ma saa kumi n'imwe cyangwa saa kumi n'ebyiri za nimugoroba. Renzaho amaze kugenda, abasore bavanyeho imirambo bayishyira muri « *Procure* ». BUO yabonye Renzaho ubwicanyi bumaze guhagarara igihe « imirambo yari ikinyanyagiye aho hirya no hino ». Interahamwe zasohokanye imirambo itatu zinyura imbere ya Renzaho, ntiyagira icyo avuga. Yatanze imodoka zo kuvanaho imirambo. Umutangabuhamya AWO yavuze ko Munyeshyaka yasezeranije abantu ko Renzaho azahemba abazavanaho iyo mirambo. Iyo mirambo yari myinshi, ikaba yaramaze aho hantu iminsi.

652. Urugereko rusanze muri rusange ubuhamya bw'abatangabuhamya bashinja budahuzagurika. Ahenshi kandi usanga buhuje n'ubuhamya bwanditse abo batangabuhamya bari barahaye abapererezi b'Urukiko. Hari ibibazo bijyanye no kumenya niba ubuhamya bwabo bukwiye kwemerwa bisaba kugira icyo bivugwaho. Icya

mbere ni uko umutangabuhamya BUO yari afunze akurikiranyweho uruhare yagize muri jenoside, bityo ubuhamya bwe bukaba bugomba gusuzumanwa ubushishozi. Ubuhamya bwe ariko ku bijyanye n'igitero cyo kuri Sainte-Famille cyo ku itariki ya 17 Kamena no ku kuba Renzaho yari ahari usanga bukwiye kwizerwa, bukaba ndetse bunashimangirwa n'ubw'abandi batangabuhamya[716]. Icya kabiri, Urugereko rwemera igisobanuro ACK yatanze agaragaza impamvu yatumye atavuga ko Renzaho yari ari kuri Sainte-Famille ubwo yatangaga ubuhamya kuri Munyeshyaka mu manza zo mu Rwanda muri Gashyantare 1996[717]. Icya gatatu, kuba HAD yaba yaragiye kuri Sainte-Famille ari kumwe n'abo mu muryango we cyangwa yarahabasanze si impamvu yatuma ubuhamya bwe bukemangwa[718].

653. Urugereko rurasuzuma kandi ingingo zihariye zirebana n'abandi batangabuhamya babiri. Umutangabuhamya AWX ntiyigeze abona igitero cyo kuri Sainte-Famille, ariko igihe cyabaga akaba yari ari mu nzu iri hafi aho, arimo asambanywa ku gahato. Umunsi yabonye umurambo wa mukuru we uri ku ngorofani ni na wo yaboneyeho Renzaho avuga ko imirambo igomba guhambwa. Mu buhamya bwe mu Rukiko, yavuze ko ibyo byabaye hafi y'itariki ya 18 Kamena. Mu buhamya bwe bwanditse yatanze muri

[716] Umutangabuhamya BUO yavuze ko yinjiye mu Nterahamwe muri Mata 1994. Mukuru we wari warahoze akorana na Angeline Mukandutiye yarishwe, bityo ngo Mukandutiye amusabye kujya mu Nterahamwe yumva atakwanga. Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 52-53. Nyuma ariko yaje kuvuga ko mukuru we yavuye mu Rwanda muri Mata, uwishwe ahubwo akaba ari murumuna we, wishwe muri Gicurasi. Bamusabye gusobanura impamvu y'uko kwivuguruza, yashubije ko agomba kuba atisobanuye neza cyangwa bakaba batumvise neza ibyo yavuze. Inyandikomvugo y'iburanisha, 26 Mutarama 2007, imp. 36-38. Urugereko rusanga uko kwivuguruza kutatuma ubuhamya yatanze kuri Renzaho bukemangwa.

[717] Ikimenyetso gihamya cy'ubwunganizi cyahawe nomero 41 (inyandikomvugo y'ibazwa ry'uregera indishyi, yo ku itariki ya 14 Gashyantare 1996). Umutangabuhamya ACK bamubajije impamvu mu buhamya bwanditse yatanze mbere atavuzemo Renzaho, yashubije ati « Muri iyi nyandiko navugaga ku bijyanye na Munyeshyaka, bityo nkaba ntaragombaga kuvuga kuri Renzaho, kubera ko ntari nzi aho aherereye. » Inyandikomvugo y'iburanisha, 6 Werurwe 2007, imp. 63-64. Urugereko rusanze muri icyo gice cy'ubuhamya bwe bwanditse cyerekeye itariki ya 17 Kamena 1994 yibanda ku buryo bugaragara ku ruhare Munyeshyaka yagize mu bundi bwicanyi bwihariye, bityo rukaba rwemeye ibisobanuro yatanze ku cyamuteye kutavugamo Renzaho.

[718] Umutangabuhamya HAD yavuze ko abantu bo mu muryango we yabasanze kuri Sainte-Famille ubwo yahungiragayo, mu gihe Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 25 (ubuhamya bwanditse yahaye abapererezi ku itariki ya 9 Ukuboza 2000) kigaragaza ko yagezeyo ari kumwe na nyirasenge/nyinawabo [Icyitonderwa cy'umusemuzi: Ntibisobanutse niba ari nyirasenge cyangwa nyinawabo] na babyara be [Icyitonderwa cy'umusemuzi : Ntibisobanutse niba ari babyara be/basaza be bo kwa nyinawabo/basaza be bo kwa sewabo/abakobwa bo kwa sewabo/abakobwa bo kwa nyina wabo/ abakobwa n'abahungu bo kwa sewabo/abakobwa n'abahungu bo kwa nyinawabo]. Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 33-34. Umutangabuhamya yavuze ko hashobora kuba harabayeho ikibazo cyo kutumvikana neza n'umuntu wanditse ubuhamya bwe kubera ko batakoreshaga ururimi rumwe, Urugereko rukaba rwemeye icyo gisobanuro cye.

Gashyantare 2005, yavuze ko yabonye umurambo wa mukuru we iminsi ibiri nyuma y'itariki ya 25 Kamena. Urugereko rwemeye ko uyu mutangabuhamya yagize ibibazo byo kwibuka amatariki, cyane cyane iyo umuntu azirikanye ko ibintu yanyuzemo ari ibintu bitera gahahamuka[719]. Mu gice cy'ubwo buhamya kivuga ku kuntu yabonye uriya murambo nta zina rya Renzaho rivugwamo, we ariko akaba yaravuze ko iryo zina yaribwiye abapererezi. Urugereko rusanga uko kudahuza nta ngaruka gufite ku kwemerwa k'ubuhamya bwe[720].

654. Mbere, umutangabuhamya ATQ yabanje kuvuga ko yabonye Renzaho kuri Sainte-Famille inshuro ebyiri. Ubwunganizi bumubwiye ko mu buhamya bwanditse yatanze muri Kanama 2000 yavuze ko yamubonye inshuro eshatu mu minsi itatu arabihakana, avuga ko yamubonye kuri Sainte-Famille inshuro enye ku matariki atatu atandukanye. ATQ yanavuze ko yumva yamubonye muri Kamena igihe yari atambutse ajya kuri Saint-Paul, nyuma akongera kumubona inshuro ebyiri kuri Sainte-Famille, zose hamwe zikaba inshuro eshatu. Urugereko rurasanga uko guhuzagurika kwaratewe no kutumvikana neza n'abapererezi, rukaba rutabirenganyiriza umutangabuhamya[721].

655. Nyuma yo gusuzuma ibimenyetso byatanzwe na Porokireri, Urugereko rugiye gusuzuma ubuhamya bw'abatangabuhamya bashinjura, bose bavuze ko batigeze babona Renzaho mu gitero cyo ku itariki ya 17 Kamena. Urugereko rusanga ubuhamya bwabo nta gaciro kanini bufite. Umutangabuhamya PER yavuze ko mu gihe cyose kiriya gitero cyabaga yari yihishe mu gipadiri, ibyo bikaba bisobanura impamvu atashoboye kubona

[719] Umutangabuhamya ATQ yasobanuye ko kubera ukuntu ibintu byari byifashe muri icyo gihe atibuka itariki nyayo ariko ukwezi ko akaba akwibuka neza. Hari ahagana muri Kamena hagati aho kuba mu mpera z'uko kwezi, kuko ibivugwa byabaye hasigaye iminsi irenga icumi ngo Inkotanyi zifate Kigali na we asubire iwabo. Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 35, 37 (« Murabizi ko mu bintu nk'ibyo bitoroshye kwibuka amatariki. Nta matariki twari kwandika mu gihe barimo badushyiraho ibikangisho batubwira ko bagiye kutwica », 38 ; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 30 (ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005).

[720] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 40-41; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 30 (ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005). Muri ubwo buhamya, iby'uko yabonye umurambo wa mukuru we ku ngorofani babivugaho mu magambo make cyane. Izina rya Renzaho barivuga mbere yo kuvuga ibi byabaye na nyuma yo kubivuga, bikaba bigaragara ko yamubonye inshuro nyinshi.

[721] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, urup. 68; inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp. 4-7; Ikimenytso gihamya cy'Ubwunganizi cyahawe nomero 24 (ubuhamya bwanditse bwo ku itariki ya 9 Ukuboza 2000).

Renzaho[722]. Nta n'ubwo yigeze abona Odette Nyirabagenzi cyangwa Angeline Mukandutiye, mu gihe hari abandi batangabuhamya bavuze ko bari bahari. Ikindi ni uko ku bijyanye n'igihe kiriya gitero cyatangiriye n'igihe cyarangiriye, PER atahuje n'abandi batangabuhamya na bo babyiboneye, kuko we yavuze ko cyatangiye saa tatu za mu gitondo kikarangira mu ma saa ine za mu gitondo, kandi ko Munyeshyaka yashoboye kugisubiza inyuma ahamagaye abasirikare. Urugereko ruributsa ko PER yakoranye cyane na Munyeshyaka.

656. Umutangabuhamya TOA yari yihishe mu kiriziya igihe kiriya gitero cyabaga, bityo akaba atarashoboraga kubona ibyaberaga hanze. Urugereko rusanze ubuhamya bwe nta gaciro kanini bufite. Ku itariki ya 17 Kamena, Umutangabuhamya BDC ntabwo yari ari kuri Paruwasi y'Umuryango Mutagatifu. N'ubwo itsinda ry'abakozi bo mu buvuzi yayoboraga ryari rihari, akajagari kari gahari no kuba kiriya gitero cyari rutura bigaragaza ko bashobora kuba batarashoboye kwitegereza ibintu byose bijyanye na cyo ngo babikoreho raporo, harimo n'uruhare Renzaho yaba yarakigizemo. By'umwihariko, kubera ko bari bahugiye mu kuvura inkomere imbere mu kiriziya, bashobora kuba batarashoboye kubona ibyabereye hanze byose. Bityo rero, ubu buhamya na bwo nta gaciro kanini bufite[723].

657. Ku itariki ya 17 Kamena, umutangabuhamya RCB-2 ntabwo yari kuri Sainte-Famille, ariko ngo yumvise urusaku rw'amasasu ruvugirayo mu ma saa kumi cyangwa saa kumi n'imwe za mu gitondo, anagezeyo saa kumi n'ebyiri za mu gitondo abona imirambo nyuma y'igitero FPR yari yahagabye. Yahamaze isaha imwe n'igice gusa. Nta wundi mutangabuhamya wigeze abonayo Renzaho kare kare saa moya n'igice, bityo ubu buhamya bwe bukaba nta gaciro kanini bufite. RCB-2 yabaye nk'uhakana ko kiriya gitero cyagabwe ku Batutsi bari kuri Sainte-Famille cyabayeho.[724] Yanavuze ko nta

[722] Inyandikomvugo y'iburanisha, 23 Kanama 2007, urup. 55 (« Ikibazo : Ni ukuvuga rero ko kuva abo bantu bo mu mitwe yitwara gisirikare bahageze kugeza igitero kirangiye wari uri mu gipadiri. Tubifate gutyo ? Igisubizo: Ni byo, nari nihishe mu gipadiri ».)

[723] Hari n'ibindi bibazo byerekeye ubuhamya BDC yatangiye mu Rukiko. Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 37-41. Urugereko rusanga atari ngombwa kubivugaho hano.

[724] Inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 11(« Ikibazo: Ndavuga rero kiriya gihe wari umaze kuhava, nyuma ya saa moya n'igice za mu gitondo. Baba barakubwiye iby'igitero abo mu mitwe yitwaraga

bariyeri n'imwe yigeze abona kuva muri Mata kugera muri Nyakanga 1994. Urugereko rusanga aya magambo adasanzwe kubera ko hari ibimenyetso simusiga bigaragaza ko ibyo avuga atari ukuri (Reba haruguru na II.2)[725].

658. Urugereko rumaze gusuzuma ibimenyetso byose kandi ruzirikanye ko ubuhamya abatangahamya bashinjura batangiye mu Rukiko bijegajega, rusanze Porokireri yaragaragaje ku buryo budashidikanywaho ko ku itariki ya 17 Kamena 1994 mbere ya saa sita, Renzaho yari kuri Paruwasi Sainte-Famille mbere y'igitero cyahagabwe. Yahaye Interahamwe amabwiriza yo kwica « abantu benshi » nyuma aza kuzitegeka guhagarika icyo gitero. Yari anahari kandi ubwo imirambo yavanwagaho.

659. Hari ibimenyetso simusiga bigaragaza ko ari Interahamwe zagabye icyo gitero. Urugereko rushingiye ku buhamya bwa KZ, HAD, ATQ, Dufka, PER na TOA, rwemeye ko kuri Sainte-Famille hari abajandarume, ariko bikaba bitaragaragajwe ko bagize uruhare mu gitero cyahabereye ku itariki ya 17 Kamena. Ikindi kandi, n'ubwo HAD yavuze ko hari umuporisi waje akavuga ko bidashoboka kwica Abatutsi bose, ibyo ntibisobanura ko uwo mupolisi cyangwa abaporisi muri rusange bagize uruhare muri icyo gitero. Nta n'ubwo byagaragajwe kandi ko abasirikare bari mu bagabye icyo gitero[726].

660. Ubu noneho Urugereko rugiye gusuzuma uruhare rw'abandi bantu bakomeye bavugwa ko bari bahari ubwo icyo gitero cyabaga. Rwemeye ubuhamya bw'abatangabuhamya babyiboneye ari bo AWO, HAD na BUO, bose bakaba baravuze ko ku itariki ya 17 Kamena, Odette Nyirabagenzi na Angeline Mukandutiye bari bari kuri Sainte-Famille.

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gisirikare n'abajandarume bagabye ku mpunzi z'Abatutsi zari ziri kuri Sainte-Famille? Igisubizo: Nta muntu wigeze ambwira ayo makuru, kandi n'icyo gitero nta cyigeze kibaho »). Birashoboka ko RCB-2 nk'umuntu wari umujandarume yashatse gupfobya uruhare urwo ari rwo rwose abajandarume baba baragize.

[725] Umutangabuhamya RCB-2 yavuze ko muri Kamena 1994 yacungaga umutekano muri kariya gace gakikije Sainte-Famille. Mbere yabanje kuvuga ko yabonye imirambo, kandi ko atayibonye gusa hafi ya za bariyeri, ahubwo ko yayibonye n'ahandi. Nyuma aza kwivuguruza avuga ko kuva muri Mata kugera muri Nyakanga 1994 nta mirambo yigeze abona kuri za bariyeri, ndetse ahubwo ko nta na bariyeri n'imwe yigeze abona. Inyandikomvugo y'iburanisha, 6 Kamena 2007, imp. 6-10.

[726] Urugereko ruributsa ko umutangabuhamya ATQ yavuze ko Renzaho yahageze ari kumwe n'abandi basirikare n'umujandarume, umutangabuhamya TOA na we akaba yaravuze ko abasirikare baje kumubwira ko igitero cyarangiye.

AWO yavuze ko abo bagore bombi bahagereye rimwe na Renzaho, hakaba ariko nta wundi mutangabuhamya washyigikiye iyo nkuru. Nta bimenyetso nyirizina byatanzwe bigaragaza ko abo bantu bombi bari bahari ubwo Renzaho yatangaga amabwiriza yo gutangira ubwicanyi cyangwa kubuhagarika. BUO ariko yavuze ko bari mu bayobozi bari bahari ubwo kiriya gitero cyabaga, anatanga ingero z'ibintu bagiye bafatanya na Renzaho gukora (II.3, 6 na 9). Muri rusange, yavuze ko « muri kirya gihe » Mukandutiye yamuhaye amabwiriza. Urugereko ariko rwasuzumanye ubwitonzi ubuhamya bwe ku byerekeye ibyo Nyirabagenzi na Mukandutiye bakoze no ku mikoranire yabo na Renzaho. Rusanze mu by'ukuri bariya bagore babiri bari bari ku kiriziya kuri uriya munsi igitero cyagabweho ndetse bakaba baranakigizemo uruhare. N'ubwo Urugereko ari uko rubibonye ariko, intera y'imikoranire yabo na Renzaho n'iy'uruhare rwabo muri kiriya gitero ntizisobanutse. By'umwihariko, nta kigaragaraza neza ko bari bahari ubwo Renzaho yatangaga amategeko yo gutangira kiriya gitero cyangwa kugihagarika, cyangwa ko mbere y'uko icyo gitero kiba Renzaho yari yagiteguranye na bo.

661. Ku byerekeye Padiri Munyeshyaka, biragaragara ko kuva muri Mata kugera muri Nyakanga ubwo ibivugwa byabaga ari we mupadiri wari ushinzwe Paruwasi Ya Sainte-Famille. Umutangabuhamya ushinja wiswe KZ yavuze ko Munyeshyaka yabonye abajandarume batatu bo kurinda umutekano, agafatanya na Superefe Simpunga gushakira impunzi ibiribwa, akanakora ku buryo zigira imibereho ipfuye kwanguha[727]. Abatangabuhamya bashinjura biswe PER, TOA na BDC bibanze kuri ibi bikorwa by'ubutabazi Padiri Munyeshyaka yakoze. Abatangabuhamya bashinja bo ariko bamuvuze ukundi, bagaragaza ko yari abanye neza n'Interahamwe kandi bakorana (umutangabuhamya ACK na BUO), ko yagize uruhare mu gukora urutonde [rw'amazina] (umutangabuhamya HAD), nyuma amazina y'abantu bashakishwaga akaza gusomwa bayavana kuri urwo rutonde (abatangabuhamya AWX na HAD), akaba yaranagize uruhare mu byerekeye kuvanaho imirambo (abatangabuhamya AWO, ATQ na BUO).

[727] Umutangabuhamya ushinja wiswe KZ yabaga mu Kigo cy'Ivugabutumwa Cyitiriwe Mutagatifu Pahulo, akaba ari muri ariya magambo yasobanuyemo ibyo Munyeshyaka yakoze. Ntiyashatse ariko kugira icyo avuga ku bindi bikorwa bya Munyeshyaka kuko ngo nta byo yabonye. Ibyo kuzana abajandarume n'ibiribwa kandi byanavuzwe n'umutangabuhamya TOA.

Banamubonye ari kumwe na Renzaho ku itariki ya 17 Kamena (umutangabuhamya ATQ), na Angeline Mukandutiye ndetse na Odette Nyirabagenzi (abatangabuhamya ACK na BUO).

662. Urugereko ntirushobora gushingira kuri ubu buhamya ngo rufate umwanzuro ku ruhare nyirizina Munyeshyaka yagize mu gihe kiriya gitero cyabaga. Rurasanga ariko rushingiye ku buhamya bwatanzwe muri uru rubanza hari ibimenyetso bigaragaza ko Munyeshyaka yari ari kuri Sainte-Famille igihe kiriya gitero cyabaga, akaba yaragize imfashanyo atanga[728].

663. Mu kwanzura, Urugereko rusanze Interahamwe zarateye mu kigo cya Sainte-Famille ku itariki ya 17 Kamena 1994 guhera ku isaha itazwi ariko mbere ya saa sita. Renzaho yari ahari, ategeka Interahamwe gutangira icyo gitero, nyuma aza no kuzitegeka guhagarika ubwicanyi. Interahamwe zagabye icyo gitero zakurikije ayo mabwiriza ye. Abatutsi babarirwa mu magana icyo gihe barishwe. Icyo gitero cyari cyagabwe bihorera kubera igikorwa FPR yari yaraye ikoze ubwo yazaga nijoro igahungisha zimwe mu mpunzi. Icya nyuma ni uko Urugereko rwemeye nta gushidikanya ko nibura abagabo 17 b'Abatutsi bari mu bishwe icyo gihe. Kuba abantu nk'abo bari bibasiwe bikaba bishimangira iby'uko abagabye icyo gitero bari bagamije kwihorera kubera ibyo FPR yari yaraye ikoze mu ijoro ribanza. Ikindi kandi, umutangabuhamya ATQ yavuze ko abenshi mu barokotse bari abagore n'abana. We n'umutangabuhamya AWO bavuze ko igitero kirangiye Renzaho yabwiye abari bamaze kurokoka gukoma amashyi. Kuba AWO yaravuze ko abantu nyirizina Renzaho yasabye gukoma amashyi ari abagore bari bamaze kurokoka bikaba bivuga byinshi. Mu gitero cyagabwe kuri CELA ku itariki ya 22 Mata 1994 bajonjoye abasore babajyana kubica (II.6), ibi bikaba bishimangira uyu mwanzuro w'Urugereko.

[728] Iby'imikoranire ya Padiri Munyeshyaka n'Interahamwe kandi bigaragara no mu buhamya bwa Corinne Dufka aho avuga kuri za bariyeri (II.2).

12. HOTELI KIYOVU HAGATI MURI KAMENA 1994

12.1 Intangiriro

664. Porokireri avuga ko muri Kamena 1994, Renzaho, Koloneli Ephrem Setako na Koloneli Bagosora bagiye mu nama itunguranye yabereye kuri bariyeri yari hafi ya Hoteli Kiyovu i Kigali, bagaha abari bayirimo amabwiriza yo kwica Abatutsi. Hari Abatutsi bishwe cyangwa barafungwa Renzaho ahari. Porokireri ashingira ku buhamya bw'umutangabuhamya wiswe SAF[729].

665. Ubwunganizi buvuga ko ibimenyetso byatanzwe na Porokireri bidafite ibindi bibishyigikira kandi bikaba bidakwiye kwizerwa. Buvuga ko kuri ariya matariki Renzaho yari ari i Cyangugu, kandi akaba anaregwa kuba yaragize uruhare mu byaha byakorewe mu tundi duce ku itariki ya 14, iya 16, n'iya 17 Kamena 1994[730].

12.2 Ibimenyetso

Umutangabuhamya ushinja wiswe SAF

666. Umutangabuhamya SAF ni Umututsi. Nyuma y'urupfu rwa Perezida yahungiye muri Hoteli Kiyovu i Kigali, yihisha mu bimera byari biri mu gipangu cy'iyo hoteli. Hafi yayo hari hari bariyeri. SAF aho yari yihishe ntiyashoboraga kubona iyo bariyeri, ariko nijoro yumvuga Interahamwe ziyivugiraho[731].

667. Mu kwezi kwa Kamena hagati, Mbyariyehe wari Konseye wa Segiteri ya Nyarugenge yatumiye abaturage mu nama yagombaga kubera mu gipangu cya Hoteli Kiyovu, ababwira ko hari umuyobozi uri bugire icyo ababwira. Intumwa zagendaga zimenyesha abaturage ko iyo nama iri bube, zibabwira ko amahoro yagarutse, ko nta muntu bari bwakure. SAF iby'iyo nama yabyumvanye imwe muri izo ntumwa, imugira inama yo

[729] Inyandiko y'ibirego, igika 19; Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 192-215; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 4-5.
[730] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 594-608; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 27-29.
[731] Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 27-30, 49, 54-55 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 71 (ifishi y'umwirondoro)

kwipfuka mu maso, nuko ajya muri iyo nama yambaye ukuboko k'umupira yanyujije mu mutwe agasiga intoboro ebyiri zo kureberamo. Kubera ko Interahamwe na zo ari uko zambaraga, byatumye nta wumenya ko ari Umututsi[732].

668. Iyo nama yabaye hagati ya saa sita na saa saba z'amanywa, imara iminota 20 cyangwa 25 gusa. Ntiyatinze kuko icyo gihe hafi aho muri Segiteri ya Gikondo harashwe amasasu. SAF yari ayirimo kuva itangira kugeza irangira. Konseye Mbyariyehe ni we wahageze bwa mbere, nyuma yaho haza Renzaho, Setako, Bagosora na Nsengiyumva bari mu modoka ebyiri zakorewe kugenda mu mihanda mibi *[4X4/tout terrain]* za gisirikare zifite ibara risa n'imyenda ya simoko, baherekejwe n'Interahamwe zari mu zindi modoka. Renzaho yari yambaye imyenda ya gisirikare[733].

669. Konseye yatangaje ko iyo nama yari iyo kugarura umutekano, yereka abari aho Renzaho wari ugiye kuyobora iyo nama maze bamuha amashyi. Renzaho yafashe ijambo ahamagarira Abatutsi kuva aho bari bihishe, avuga ko « kuva icyo gihe amahoro agiye kuboneka ». Yasobanuye ko umwanzi ari Inyenzi n'Abatutsi, ko Abanyarwanda bagomba kumwivuna. Interahamwe zazengurutse iyo mbaga yari ihari zivuga ko zishaka kubuza Inyenzi guteza ibibazo no gucengera aho hantu. Mbere y'iyo nama SAF yari yarabonye Renzaho inshuro imwe ku biro bya komini hafi ya Katedarali Saint-Michel, yambaye imyenda ya gisiviri. Yanabonaga ifoto ye kenshi mu binyamakuru, no mu cyumba cy'iburanisha akaba yaramwerekanye[734].

670. Nyuma Bagosora na Setako baje gufata ijambo, Setako avuga ko umwanzi yateye i gihugu, abantu bakaba bagomba kuba maso bagafatanya kumurwanya. Beretse abari aho Nsengiyumva, bababwira ko ari umushyitsi waje aturutse ku Gisenyi. Abari muri iyo nama utabariyemo Interahamwe bageraga nko kuri 30. SAF yari ahagaze inyuma, ariko

[732] Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 34-37, 56-58.
[733] Ni kimwe no haruguru, imp. 33-34, 36-37, 40-41, 64.
[734] Ni kimwe no haruguru, imp. 36-37, 40-42, 57, 65-66.

ari hafi y'aho abavugaga amagambo bari bari. Abenshi mu bari muri iyo nama bari Abahutu. Nta Batutsi benshi bari basigaye muri ako gace kuko bari barishwe[735].

671. Muri icyo gihe iyo nama yabaga, SAF yabonye abagabo bane b'Abatutsi bagenda babakurura babambutsa umuhanda wa kaburimbo uri hagati y'aho inama yaberaga n'ibiro bya porokireri, babicira nko muri metero 20 uvuye aho inama yaberaga bakoresheje imipanga n'ibihiri bishinzemo imisumari. Hari ku manywa y'ihangu kandi nta kintu na mba cyari gikingirije aho biciwe urebera aho inama yaberaga. Renzaho, Bagosora na Setako ubwo bwicanyi bwabaye babureba neza ariko ntibagira icyo bakora ngo babuburizemo. Ahubwo bari bari kwisekera n'Interahamwe bareba ibiri kuba. Intwaro zakoreshejwe mu gukora ubwo bwicanyi zari ziteye nk'izo Renzaho yari yarasabye abaturage gushaka[736]. Abatutsi batatu cyangwa bane barashimuswe bajyanwa ku biro bya Perefegitura y'Umujyi wa Kigali. Nta wongeye kubabona, abantu bagasanga barishwe. SAF yavuze ko abo bantu bishwe ari abari bavuye mu bwihisho baje muri iyo nama yo kugarurara amahoro[737].

Renzaho

672. Renzaho mu buhamya bwe mu Rukiko yavuze ko hafi y'itariki ya 14 Kamena 1994, FPR yari ishinze ibirindiro ku musozi wa Mburabuturo uteganye na Hoteli Kiyovu, uri kuri metero 700 uvuye kuri iyo hoteli, iyitunzeho intwaro zayo, bityo ngo muri kiriya gihe akaba nta kuntu yari kujya kuri iyo hoteli. Ubwo Renzaho yatangaga ubuhamya ku bijyanye n'ibyavugwaga by'uko kuri uwo munsi yari ari mu gitero cyagabwe kuri *Saint Paul*, yavuze ko ku itariki ya 14 Kamena yari ari i Cyangugu asura abantu bo mu muryango we, akaba atarigeze agaruka i Kigali mbere y'itariki ya 15 Kamena.[738]

[735] Ni kimwe no haruguru, imp. 37-38, 40, 57, 60.
[736] Ni kimwe no haruguru, imp. 36-40. Ibyo bavuga Renzaho yavuze ku byerekeye intwaro yaba yarabivuze ku itariki itazwi mbere y'iyo nama.
[737] Ni kimwe no haruguru, imp. 37, 39-40, 64-65.
[738] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 38-39, 41-42, 62.

12.3 Isesengura ry'Urugereko

673. SAF ni we mutangabuhamya wenyine wavuze ibyerekeranye n'iriya nama yo kuri Hoteli Kiyovu, aho bivugwa ko Renzaho yatanze itegeko ryo kwica Abatutsi. Mu buhamya yatangiye mu Rukiko, SAF yavuze ko ibyo byabaye hagati muri Kamena[739]. Yavuze ko iyo nama yabereye mu rupangu rwa hoteli, ibyo bikaba binyuranye n'ibyo yavuze mu buhamya bwanditse yahaye abapererezi b'Urukiko mu Ukwakira 2002. Muri ubwo buhamya, yavuze ko iyo nama yabereye kuri bariyeri yari neza neza inyuma y'urwo rupangu, hagati ya hoteli na parike. Bamubajije impamvu y'uko kwivuguruza, yahakanye ko atigeze abwira abakozi bashinzwe iperereza ko ari hariya iyo nama yabereye. Yanahakanye yivuye inyuma ko atigeze ajya kuri iriya bariyeri kuko byari kuba ari ukwigerezaho[740]. Urugereko rusanga hariya hantu hombi hegeranye, bityo uko kwivuguruza ubwabyo bikaba nta cyo byitwaye. Ibisobanuro yatanze ariko biteye amakenga. Byaba bitangaje abakozi bashinzwe iperereza babaye barakoze ikosa nka ririya, cyane cyane umuntu arebye ukuntu SAF yahakanye yivuye inyuma ko atigeze agera kuri iriya bariyeri.

674. Ubwunganizi ntibwemeye ibyo SAF yavuze ko ngo muri iyo nama yari yambaye ikintu kimupfutse mu maso.SAF yavuze ko ibyo yabikoreye kugira ngo ahishe isura ye y'uko ari Umututsi, kandi ko atagaragaraga nk'udasanzwe kubera ko n'Interahamwe zari zambaye ibintu nk'ibyo mu mutwe[741]. Urugereko rwemeye iki gisobanuro cye kubera ko muri kiriya gihe abantu bari mu bihe bidasanzwe. Kuba kandi SAF nk'uko yabivuze yarihishe mu rupangu rwa hoteli na byo birashoboka[742].

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[739] Mu kimenyetso gihamya cy'Ubwunganizi cyahawe nomero 13 (ubuhamya bwanditse bwo ku itariki ya 31 Ukwakira 2002), umutangabuhamya SAF yari yavuze ko iyo nama yabaye muri Kamena, icyo gihe kikaba ari na cyo kivugwa mu Nyandiko y'ibirego ndetse no mu myanzuro mbanzirizarubanza (igika 66). Yasobanuye ko yagize ikibazo cyo kwibuka amatariki kubera ukuntu ibintu byari byifashe mu wa 1994. Ajya kuvuga ko hari muri Kamena hagati, bari babanje kumubaza ibibazo byinshi bashaka ko yarushaho gusobanura neza. (Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup 56), ibi ntibyatuma ukwemerwa kwe gukemangwa.

[740] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 13 (ubuhamya bwanditse bwo ku itariki ya 31 Ukwakira 2002); inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 51, 54-56.

[741] Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 36-37, 58.

[742] Ibyo Ubwunganizi bwavuze ko iyo hoteli yari mu mujyi rwagati ikaba nta bihuru byari biyikikije ni ukwirengagiza ko umutangabuhamya SAF yavuze ko yari yihishe mu bimera byari biri imbere mu rupangu rwa

675. Ubwunganizi bwavuze ko SAF ntaho yari ahuriye na Hoteli Kiyovu, bugaragaza ko atari azi izina ry'umuyobozi w'iyo hoteli cyangwa iry'uwari ushinzwe imicungire yayo, ndetse akaba atari anazi umubare w'ibyumba yari ifite. Ni byo koko ibyo bintu SAF urebye nta byo yari azi. Nyamara ariko, yari nyakabyizi, atarakandagiye mu ishuri, ahemberwa umunsi yakoze, nta masezerano y'akazi afite. Ubwo indege ya Perezida yahanurwaga, SAF yari amaze iminsi mike gusa akora kuri iyo hoteli[743]. Nyuma y'itariki ya 6 Mata, aho hantu ntihongeye gukora nka hoteli uko byari bisanzwe[744]. SAF kandi yavuze ko atigeze yinjira mu byumba by'iyo hoteli, bityo akaba nta kuntu yari kumenya umubare wabyo[745].

676. SAF yavuze ko Théoneste Bagosora, Ephrem Setako, Renzaho na Anatole Nsengiyumva bari bahari. Mu buhamya bwanditse yatanze ntiyavuzemo Anatole Nsenguyumva. SAF yasobanuye ko agomba kuba yaribagiwe kumuvuga, cyangwa umupererezi akaba ataramwanditse. N'ubwo icyo gihe ibibazo bamubazaga byarebaga ahanini Setako, Urugereko rusanga bidashoboka ko abapererezi bari kureka kwandika izina rya Nsengiyumva iyo riza kuba koko ryaravuzwe[746]. Birashoboka ko SAF yibagiwe kumuvuga. Urugereko ariko ruributsa ko SAF iyo nyandiko y'ubuhamya bwe yayisinye.

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hoteli, ko rero atari yihishe mu bihuru byo hanze. Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 51 (« Mu by'ukuri nti cyari igihuru. Nashatse kuvuga ibimera cyangwa ibishugunda byari bikikije iyo hoteli. Mwahoze muvuga ko ngo ako gace kari ak'abaherwe. Kari agace k'abazungu hakaba hari ibimera byinshi. Ndumva buri wese azi ko mu Kiyovu hari ibimera byinshi ».)

[743] Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 27-28, 47-49.

[744] Ni kimwe no haruguru, imp. 50-51.

[745] Ni kimwe no haruguru, imp. 49-50. Ubwunganizi kandi buvuga ko (imyanzuro nsozarubanza, igika 608) umutangabuhamya SAF « yendaga kuzajya gutanga ubuhamya mu nkiko Gacaca avuga ku byaha byakorewe mu tundi duce, ibyo bikaba bigaragaza ko atagumye kuri Hoteli Kiyovu nk'uko we yabivuze ». Urugereko ruributsa ko n'ubwo byagoranye kubona ibisubizo bisobanutse ku bijyanye n'uruhare rwe mu manza za Gacaca byaje kugaragara ko muri izo manza yatanze ubuhamya ku bandi bantu batari Renzaho kuri parike « iri iruhande rw'isoko rikuru rya Nyarugenge ». Ibyo ariko si ikimenyetso gihagije cyatuma Urugereko rwanzura ko hari ibintu SAF yaboneye hanze y'iriya hoteli. Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 44-47.

[746] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero13 (ubuhamya bwanditse bwo ku itariki ya 31 Ukwakira 2002). SAF yavuze ko ashobora kuba yaribagiwe kuvuga izina rya Anatole Nsengiyumva kubera ko yari yaje ari umushyitsi aturutse ahandi. Yanavuze kandi ko nta kopi y'ubuhamya bwe yigeze ahabwa, ko iyo aza kuba yarayihawe byari gushoboka ko ashaka abapererezi akabasaba kongeramo iryo zina. Inyandikomvugo y'iburanisha, 24 Mutarama 2007, urup. 59.

677. SAF bamubajije icyo avuga ku buhamya bw'umutangabuhamya wiswe DAS mu rubanza rwa Bagosora na bagenzi be, muri urwo rubanza DAS akaba yaravuze ku nama yabereye ku mbuga ya Hoteli Kiyovu muri Kamena, ariko we ntiyigere ahingutsa izina Renzaho. SAF yakomeje kwemeza yivuye inyuma ko Renzaho yari ahari, ko yamwiboneye n'amaso ye[747]. Urugereko ruributsa ko DAS yavuze ko iyo nama yabaye mu mpera za Kamena, ko atavuze rero ko yabaye hagati muri Kamena nk'uko Ubwunganizi bwo bubivuga. Mu byo yavuze ku byerekeye iyo nama kandi harimo n'ibindi bintu bidahuje n'ibyo SAF yayivuzeho[748] Ikibazo gihari ni ukumenya niba aba batangabuhamya bombi bavuga ku nama imwe[749]. Urugereko rusanga kandi kuba DAS yaravuze ko Renzaho nta n'imwe muri ziriya nama enye zabereye mu gace Hoteli Kiyovu iherereyemo yagiyemo, mu gihe Bagosora, Nsengiyumva na Setako bo ngo babaga bahari, bifite icyo bivuga kinini[750].

678. Ubwunganizi kandi bwifashishije pasiporo ya Bagosora iteyemo ikashi igaragaza ko yinjiye muri Seyshelles ku itariki ya 4 Kamena, n'indi igaragaza ko yasohotse muri icyo gihugu ku itariki ya 19 Kamena 1994[751] Ubwunganizi bukavuga ko biriya bigaragaza ko

[747] Inyandikomvugo y'iburanisha, 24 Mutarama 2009, imp. 60-62; ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 12 (inyandikomvugo y'iburanisha, 5 Ugushyingo 2003, mu *rubanza rwa Bagosora na bagenzi be* ; inyandikomvugo y'iburanisha, 6 Ugushyingo 2003 ; n'inyandikomvugo y'iburanisha, 7 Ugushyingo 2003).

[748] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 12 (inyandikomvugo y'iburanisha, 5 Ugushyingo mu *rubanza rwa Bagosora na Bagenzi be*, imp. 48-52). Nk'urugero, umubare w'abantu DAS yavuze bari baje muri iriya nama yabaye mu mpera za Kamena urenze uwo SAF yavuze (Urup.50 : « Ntekereza ko abaturage bose bo mu Kiyovu bari bahari »); yavuze ko inama yatangiye saa munani z'amanywa, ko rero atari saa sita (urup. 50) ; konseye yavuze ko ari ngombwa guhagarika ubwicanyi kubera ko « imiryango mpuzamahanga » itari ibwishimiye (imp. 50-51); konseye amaze kugenda, Bagosora yarwanyije ibyo yari amaze kuvuga ; abantu hafi 40 bajyanywe ku biro bya perefegitura, hakaba hari abasirikare barenze 40 (imp. 51-52). Urugereko rurongeraho ko no ku bijyanye n'inama yo muri Kamena ubuhamya bwa SAF n'ubwa DAS hari ibintu bikomeye budahurizaho (inyandikomvugo y'iburanisha, 5 Ugushyingo 2003, urup. 48, n'iyo ku ya 6 Ugushyingo 2003, imp. 36-37). By'umwihariko, Setako ni we wenyine wasohotse mu modoka, Bagosora cyangwa Nsengiyumva ntibigeze bavamo. DAS nta Renzaho yigeze avuga ku bijyanye n'iyo nama.

[749] Kubera uyu mwanzuro rero, Urugereko ntirwirirwa rusuzuma ibyavuzwe n'Ubwunganizi by'uko bwarenganye kubera ko ngo Porokireri atubahirije inshingano ze ziteganywa n'Ingingo ya 68 y'Amategeko. Reba imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 243-244. 603-604; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 4-5 na 27-29 (imyanzuro nsozarubanza mu magambo). Reba kandi inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 23-25, *n'Urubanza rwa Bagosora na bagenzi be,* Icyemezo ku Cyifuzo cya Porokireri gisaba gutanga inyandikomvugo z'iburanisha zo mu *Rubanza rwa Bagosora na bagenzi be* cyo ku itariki ya 24 Mutarama 2007 (Urugereko rwa Mbere rw'Iremezo).

[750] *Urubanza rwa Bagosora na bagenzi be,* Inyandiko y'urubanza mu rw'Iremezo, ibika 1471-1474.

[751] Inyandikomvugo y'iburanisha, 29 Kanama 2007, urup. 64; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 106 (pasiporo ya Bagosora), urup. 11 (kirimo urupapuro rwa 18 n'urwa 19 z'iyo pasiporo. Icyo kimenyetso

uriya Bagosora bavuga ko ngo yajyanye na Renzaho muri iriya nama yabereye kuri Hoteli Kiyovu hagati muri Kamena atari ari mu Rwanda muri kiriya gihe. Urugereko ruzi ko kujya mu rugendo utitwaje impapuro z'inzira cyangwa ukoresheje pasiporo zirenze imwe atari ikintu kidasanzwe. Bityo rero, si ukuvuga ko byanze bikunze pasiporo igaragaza ingendo umuntu yagiyemo mu buryo budasubirwaho. N'ubwo Urugereko ari uko rubibona ariko, iyo pasiporo igaragara ko atari impimbano, ikaba irimo amakashe agaragaza ko muri kiriya gihe umutangabuhamya avuga ko agereranije hari hafi yo muri Kamena hagati bitari gushoboka ko Bagosora yari kuba ari i Kigali. N'ubwo Ubwunganizi bwahisemo kutazana Bagosora nk'umutangabuhamya, Urugereko rusanze iyo ngingo ifatika[752].

679. Renzaho mu buhamya bwe yavuze ko bitari gushoboka ko kuri Hoteli Kiyovu habera inama hafi y'itariki ya 14 Kamena kubera ko muri icyo gihe ingabo za FPR zarasaga kuri iyo hoteli, aho zari ku musozi wa Mburabuturo uteganye na yo. Urugereko ntirwemera ubwo buhamya bwe. Umutangabuhamya SAF yavuze ko ahantu nyirizina iyo nama yabereye bahahisemo bagamije kwirinda ko amasasu yaza kuva aho agwa ku baza kuba bayirimo. Inama kandi banayigize ngufi kubera amasasu yaraswaga[753]. Ikindi ni uko ibyo Renzaho yavuze by'uko ngo iriya nama nta kuntu yari kuyijyamo kubera ko atari ahari bidafatika[754].

680. N'ubwo Urugereko rutanyuzwe n'ibyo Renzaho yavuze asobanura ukuntu bitari gushoboka ko ajya muri iriya nama, hari ibintu mu buhamya bwa SAF bitera amakenga,

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cyatanzwe igihe Renzaho yatangaga ubuhamya. Porokireri yatambamiye itangwa ryacyo, avuga ko Ubwunganizi bwari bukwiye kuba bwarahamagaje Bagosora nk'umutangabuhamya. Urugereko rwaje kugeraho rwemera iyo pasiporo ho ikimenyetso gihamya, ruvuga ko ingingo buri ruhande rwatanze ruzazisuzuma mu gihe cyo gusuzuma agaciro icyo kimenyetso kigomba guhabwa. Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 62-64.

[752] Mu *Rubanza rwa Bagosora na bagenzi be*, Bagosora yavuze ko kuva ku itariki ya 4 kugera ku ya 19 Kamena 1994, yari muri Seychelles (Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'Iremezo, ibika 1963-1966), Urugereko rwemera iyo myiregurire ye ya « sinari mpari », rwasanze Porokireri ataragaragaje ku buryo budashidikanywaho ko Bagosora atari ho yari ari.

[753] Inyandikomvugo y'iburanisha, 24 Mutarama 2007, imp. 33-34, 57, 60, 63-64.

[754] Renzaho mu buhamya bwe mu Rukiko yavuze ko ku itariki ya 14 Kamena yari ari i Cyangugu, ibyo ariko bikaba bitamubuza no kuba yaba yari ari muri iriya nama yabereye kuri Hoteli Kiyovu. Kuba kandi Porokireri yaravuze ko Renzaho yari ari muri iyo nama akaba yaranagiye kuri Saint-Paul ku itariki ya 14 Kamena no kuri Sainte-Famille ku itariki ya 17 Kamena 1994 na byo ntibivuguruzanya.

ndetse ubwo buhamya bukaba nta bundi bubushimangira buhari. Urugereko rumaze gusuzuma ibimenyetso byose byatanzwe, rusanze bitaragaragajwe ku buryo budashidikanywaho ko Renzaho yari mu nama yabereye kuri bariyeri yari hafi ya Hoteli Kiyovu i Kigali, agaha abari bayirimo amabwiriza yo kwica Abatutsi. Kubera uyu mwanzuro, Urugereko rusanga atari ngombwa kwirirwa rusuzuma ibyavuzwe n'Ubwunganizi by'uko butamenyeshejwe icyo kirego mu buryo bukwiye.

13. IBIKORWA BYO GUSAMBANYA KU GAHATO N'IBY'URUGOMO RUSHINGIYE KU GITSINA, MATA-NYAKANGA 1994

13.1 Intangiriro

681. Porokireri avuga ko hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994 muri Perefegitura y'Umujyi wa Kigali, abagore n'abakobwa b'Abatutsikazi basambanyijwe ku gahato n'abantu bagenzurwaga na Renzaho barimo abasirikare b'ingabo z'u Rwanda, abo mu mutwe w'abasiviri wo kwirwanaho, Interahamwe, n'abasiviri bo mu mitwe yitwara gisirikare, abaporisi b'umujyi ndetse n'abayobozi. Hagati ya Mata na Kamena, Padiri Wenceslas Munyeshyaka n'Interahamwe bahatiye abagore n'abakobwa b'Abatutsikazi bari bari kuri Sainte-Famille kwemera ko bakoreshwa mu kwishimisha bishingiye ku gitsina, kugira ngo bakunde barindirwe umutekano. Ibi kandi n'Interahamwe, abasirikare n'abasiviri bitwaje intwaro na bo barabikoze, bakaba barajyanaga abo bagore kubafungiranira mu mazu yo muri Kigali rwagati. Renzaho yari azi cyangwa yagombaga kumenya ko ibyo byaha birimo gukorwa, ariko akaba atarabiburijemo cyangwa ngo ahane ababikoze. Porokireri akaba yarifashishije abatangabuhamya biswe AWO, AWN, KBZ, AWX, HAD, AWE, UB, na KZ[755].

682. Ubwunganizi buvuga ko ibyo birego bidasobanutse neza. Renzaho ntiyari azi ko abagore n'abakobwa basambanywaga ku gahato, akaba kandi nta bubasha yari afite kuri bariya bantu bavugwa ko bakoze ibyo byaha. Ubwunganizi bwifashishije ubuhamya

[755] Inyandiko y'ibirego, ibika 41-43, 52-55, 61-65; imyanzuro nsozarubanza yanditse ya Porokireri, ibika 303, 314-315, 351-359, 360, 370-379, 430-451, 490-495; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 20-22; inyandikomvugo y'iburanisha, 15 Gashyantare 2008, imp. 9-12.

abatangabuhamya bashinjura biswe HIN, PER, BDC, TOA, UT na AIA batangiye mu Rukiko, ndetse n'ubw'umutangabuhamya ushinja wiswe KZ[756].

13.2 Ibimenyetso

Umutangabuhamya ushinja wiswe AWO

683. Umutangabuhamya AWO ni Umututsikazi wari utuye muri Kigali, yubatse afite abana batanu. Indege ya Perezida yahanutse ku itariki ya 6 Mata 1994. Nka nyuma y'umunsi umwe cyangwa urenga, yahungiye mu kigo cy'imfubyi cyayoborwaga n'Ababikira bo mu Muryango wa Mutagatifu Thérèse w'i Calcutta. Ahamaze nk'iminsi ine, Renzaho yaje ari mu gitondo ari kumwe n'Interahamwe zambaye gisirikare zifite n'imbunda. Impunzi baziremyemo amatsinda, abagabo bajya ukwabo, abagore n'abana biba uko. Perefe yabwiye impunzi ko amahoro yagarutse, azisaba kuva muri icyo kigo cy'imfubyi kuko abantu bari bahabaye uruvunganzoka. Yabwiye abari bagabye igitero ko batagomba kwica abagore bato n'abakobwa ngo kuko bazaba « ibiryo ». Abasore babashyize mu modoka barabajyana. AWO yavuze ko ubwo yavaga muri icyo kigo cy'imfubyi n'igihe yari mu rugo rwe rwari hafi aho, yabonye imirambo inyanyagiye hirya no hino muri icyo kigo cy'imfubyi, umwana witwa Ndoli akaba yari yishwe[757].

684. AWO asubiye iwe mu rugo, yasanze inzu ye yashenywe, ariko kubera ko za bariyeri zitatumaga Abatutsi batarabuka, byabaye ngombwa ko aguma aho. Interahamwe, abaporisi n'abasirikare « babaga mu nzu ya Nyirabagenzi » bamaze ibyumweru biri hagati ya birindwi n'umunani bamusambanya ku gahato buri munsi. Yavuze ko yabaye

[756] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 56, 689-700, 933-960, 1135-1152, 1224-1231, 1232-1252; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113 (Ibisobanuro byanditse byuzuza ingingo Ubwunganizi bwatanze mu magambo), ibika 957.1, 960.1 – 960.4; inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 67-69.

[757] Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 3-10, 16-17, 20, 25; Ikimenyetso gihamya cya Porokireri cyahawe nomero 91 (ifishi y'umwirondoro). Igitero cyagabwe ku kigo cy'imfubyi cy'ababikira bo mu Muryango wa Mutagatifu Thérèse w'i Calcutta ntabwo kivugwa mu Nyandiko y'ibirego, na Porokireri akaba atarigeze akivugaho mu myanzuro nsozarubanza yanditse ye cyangwa mu yo yatanze mu magambo. Urugereko rwifashisha ubu buhamya gusa mu rwego rwo gutuma rusobanukirwa ukuntu ibyaha bivugwa mu Nyandiko y'ibirego byakozwe. Reba *Urubanza Porokireri aburana na Arsène Shalom Ntahobali na Pauline Nyiramasuhuko*, Icyemezo ku bujurire bwa Pauline Nyiramasuhuko na Shalom Ntahobali bajuririra « Icyemezo ku Cyifuzo cyihutirwa cy'Ubwunganizi gisaba Urugereko kwanga kwakira bimwe mu bice by'ubuhamya bw'umutangabuhamya wiswe VF n'uwiswe QBZ » (Urugereko rw'Ubujurire), 2 Nyakanga 2004, igika 15.

« umugore » w'Interahamwe, akaba yumva yaribasiwe kubera ko ari Umututsikazi. Abamusambanyaga ku gahato akenshi babaga bavuga ngo reka bajye « kumva uko umugore w'Umututsikazi ameze »[758].

685. Muri kiriya gihe, Interahamwe zahatiye umutangabuhamya AWO kujya mu nama zabaga nka buri minsi itatu bazita ko ngo ari ibikorwa byo kugarura amahoro[759]. Izo nama zaberaga mu nzu ya Konseye Odette Nyirabagenzi cyangwa hafi yayo. Renzaho yari muri imwe muri izo nama yabereye haruguru y'umuhanda uvuye kuri iyo nzu. AWO ntiyashoboye kuvuga igihe iyo nama yabereye uretse kuvuga gusa ngo hari nyuma y'aho asubiriye iwe mu rugo (« nyuma »). Muri iyo nama, Nyirabagenzi yamushinje kuba ari Inkotanyi. Renzaho yarahagobotse, avuga ko atagomba kwicwa kuko ari umugore kandi akaba ari n'« ibiryo by'abo mu mitwe yitwara gisirikare ». Baramuretse asubira mu itongo rye bakomeza kujya bamusambanyirizayo ku gahato kugeza igihe ahungiye akajya kuri Sainte-Famille, hakaba hari hashize nk'ibyumweru birindwi cyangwa umunani agarutse avuye mu kigo cy'imfubyi[760].

686. Ababikira ni bo babonye uyu mutangabuhamya, baramuvura bamujyana kuri Sainte-Famille. Aho kuri Sainte-Famille ntiyigeze asambanywa ku gahato. Yasobanuye ko nta muntu wari kumwegera kuko yari afite ibikomere biteye ubwoba, isazi zimutumaho. Kuva ibyo byamubaho yahuye n'ibibazo bitoroshye by'uburwayi[761].

Umutangabuhamya ushinja wiswe AWN

687. Umutangabuhamya AWN ni umukobwa w'Umututsikazi wari ufite imyaka 14. Kuva ku itariki ya 19 Mata kugera muri Gicurasi hagati 1994 yahungiye mu rugo kwa Konseye Odette Nyirabagenzi yiyita Umuhutukazi. Yaketse ko Nyirabagenzi yaje kumenya ko ari Umututsikazi, kuko nyuma yaje kumwirukana. Nyuma yaho, musaza w'uwo mukonseye

[758] Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp.6-10, 11 (nk'uko byanditse), 18-19, 22 (nk'uko byanditse).
[759] Umutangabuhamya AWO yavuze ko nyuma y'igitero cyagabwe ku kigo cy'imfubyi, Perefe wa Perefegitura y'Umujyi wa Kigali yatangiye « kujya akoresha inama » hafi buri munsi. Ni kimwe no haruguru, imp. 6, 18. Inama yamubonyemo ariko ni imwe gusa. Ni kimwe no haruguru, imp. 7, 20, 26.
[760] Ni kimwe no haruguru, imp. 6-11, 19-22, 26.
[761] Ni kimwe no haruguru, imp. 12, 14, 23-25.

witwa Munanira yajyanye AWN iwe mu rugo agerageza kumusambanya ku gahato ariko undi amwikiza amwumvisha ko yazagaruka undi munsi. Munanira yamujyanye mu rugo yongera kubonana na mukuru we. Interahamwe yitwa Matata yari inshuti y'umuryango wabo yamwemereye kuzamurinda[762].

688. Hashize nk'icyumweru, Munanira yagerageje bwa mbere gushimuta AWN ariko Matata aburizamo uwo mugambi. Nyuma yaho gato ariko Nyirabagenzi na Munanira bagarutse iwabo wa AWN bari kumwe n'abaporisi n'Interahamwe, Nyirabagenzi ategeka Matata kohereza uwo « mukobwa w'Umututsikazi » ku biro bya segiteri ahari hakoraniye imbaga y'abantu barimo n'Interahamwe. Ubwo we na Matata bageraga ku biro bya segiteri, bahasanze Munanira n'umuyobozi wa serire witwaga Narcisse. Renzaho yaje yambaye imyenda ya gisirikare, ari mu modoka ya gisirikare isa n'imyenda ya simoko, ari kumwe n'abandi bantu bambaye gisirikare bafite imbunda. Yabajije icyabaye, nuko WAN asubiza ko hari umuntu yanze ko « amugira umugore ». Renzaho yashubije ko « igihe cyageze cyo kwereka abagore b'Abatutsikazi ko abagabo b'Abahutu bafite imbaraga kandi ko bashobora kubakoresha icyo bashaka cyose ». Amaze kuvuga ayo magambo, yavuganye na Nyirabagenzi maze ava aho ku biro bya segiteri aragenda. Nyuma Nyirabagenzi yabwiye Munanira ko « agiye gukora uko ashoboye kose uwo mukobwa w'Umututsikazi akaba ari we winginga Munanira » kuryamana na we. Arangije yavuganye na Matata, nuko aragenda[763].

689. Nyuma yaho hashize iminsi mike itarenga ibyumweru bibiri, Munanira yaje iwabo wa AWN ari kumwe n'Interahamwe. Baramufashe we na mukuru we babajyana ku cyicaro cyabo hafi y'ibiro bya SEFA, hafi ya Hoteli Pan Africa. Munanira yasambanyije AWN ku gahato, abwira n'abandi bari kumwe ko bashobora « kumva uko Umututsikazi ameze». Mu Nterahamwe zamusambanije ku gahato harimo Sese Seko, Bikomago, na Gisenyi. Icyo gihe mukuru we na we yarimo asambanywa ku gahato mu cyumba kimwe n'icyo AWN yasambanyirizwagamo. Hashize « iminsi » barabaretse basubira iwabo.

[762] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 30-36, 46; Ikimenyetso gihamya cya Porokireri cyahawe nomero 84 (ifishi y'umwirondoro).
[763] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 35-36, 37 (nk'uko byanditse) 38 (nk'uko byanditse), 43-45, 47-48.

Nyuma y'iminsi ibiri cyangwa itatu, AWN, mukuru we n'undi Mututsikazi bari baturanye bongeye gusubizwa ku cyicaro cya za Nterahamwe bamarayo nk'ibyumweru bitatu cyangwa bine batemerewe gusohoka, muri icyo gihe cyose bakaba barakomeje gusambanywa ku gahato. Ahagana mu mpera za Kamena abo bari barabigaruriye babajyanye kuri Sainte-Famille kubera ko icyicaro cyabo cyakomezaga gusukwaho ibisasu. Aho kuri Sainte-Famille nta wigeze abasambanya ku gahato, ariko AWN yabonye Padiri Wenceslas Munyeshyaka ajyana impunzi ebyiri, iyitwa Hyacinthe Rwanga n'iyitwa Nyiratunga, nyuma aza kumva bavuga ko yazisambanije ku gahato[764].

Umutangabuhamya ushinja wiswe KBZ

690. Umutanganbuhamya KBZ ni Umututsikazi. Ku itariki ya 28 Gicurasi 1994 yavuye ku Kicukiro ahungira muri Segiteri ya Kimihurura ari kumwe n'izindi mpunzi nka 50, bageze kuri bariyeri barabahagarika. We n'abandi bagore nka bane b'Abatutsikazi batari bafite amarangamuntu babakuye mu bandi babajyana hanze yo kwa Konseye wa Kimihurura. Abari mu bitero binjiye muri iyo nzu, baza gusohoka bavuga ko konseye abahaye amabwiriza yo kubaza perefe uko bagenza abo bagore[765].

691. Abo bagore b'Abatutsikazi babashyize mu nzu itari igituwe yari aho muri Segiteri ya Kimihurura yahoze ari iy'umugabo witwa Jean-Michel. Bukeye Interahamwe zabwiye KBZ ko perefe yavuze ko abo bagore baba baretse kubica kugeza igihe Perezida Habyarimana azashyingurirwa, impamvu ikaba ari uko ubwo bwicanyi kuri radiyo babwamaganaga. Nyuma Interahamwe yitwa Jérôme Rwemarika yajyanye KBZ iwayo imusambanya ku gahato, birangiye agaruka muri cya kizu kitari gituwe. Igihe yari ari aho, ba bagore bandi na bo bahoraga babajyana. KBZ asanga barabasambanyaga ku gahato n'ubwo batigeze babivuga. Mu ntangiriro za Nyakanga yahungiye kuri Sainte-

[764] Ni kimwe no haruguru, imp. 39-42, 46-48. Umutangabuhamya AWN yari azi ko « SEFA » ari amagambo runaka ahinnye, ariko ntiyashoboye kumenya icyo avuga. Ni kimwe no haruguru, urup. 39.

[765] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 48-51, 53, 57; Ikimenyetso gihamya cya Porokireri cyahawe nomero 90 (ifishi y'umwirondoro). Umutangabuhamya KBZ yavuze ko atazi niba abo bantu bari kuri za bariyeri bari abasirikare cyangwa Interahamwe, ariko mu buhamya bwe bwose yagiye abita Interahamwe. Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 48 (« Sinamenya niba bari abasirikare cyangwa Interahamwe »), 51-52 (yita Interahamwe abantu bahagaritse iryo tsinda), 52 (avuga ko abo bantu basambanije abagore n'abakobwa ku gahato bari Interahamwe), 52-53 (abamusambanije ku gahato bari Interahamwe).

Famille. Agezeyo, Interahamwe ebyiri zamusambanyije ku gahato inyuma ya kiriziya kuko ageze aho atari yabashije kwerekana ikimuranga. Nta muntu n'umwe wigeze azibuza[766].

Umutangabuhamya ushinja wiswe AWX

692. Umutangabuhamya AWX ni Umutsikazi. Ku itariki ya 10 cyangwa iya 11 Mata, yavuye mu rugo ahungira kuri Sainte-Famille, agumayo kugera intambara irangiye. Hafi y'itariki ya 24 Gicurasi nko mu ma saa munani z'amanywa ubwo yari agiye kuvoma hafi y'umuryango w'urupangu rwa Sainte-Famille, yabonye Renzaho aje mu modoka yo mu bwoko bwa Hilux irimo n'abasirikare bafite imbunda. Yari ahagaze nko mu ntambwe icumi uvuye aho perefe yari ari, nuko amwumva abwira abo basirikare ngo nibururuke bakore « akazi » kabo. Ako kanya abo basirikare bahise binjira mu kiriziya. Padiri Wenceslas Munyeshyaka yagiye ahamagara amazina y'impunzi z'Abatutsi ayasoma mu ndangamuntu yari yatse izo mpunzi, avuga ko Renzaho yategetse ko abantu bose bumva amazina yabo asomwe bagomba kujya baza imbere. AWX yavuze ko asanga Munyeshyaka yari azi ibigiye kuba, kuko yabwiye impunzi ko « umunsi » wazo « wageze », ko « zigomba gusenga ». Izo mpunzi zari zimaze kurobanurwa mu zindi baziciyemo amatsinda abiri, iry'abagabo n'iry'abagore[767].

693. Mu ma saa kumi n'imwe z'igicamunsi, abasirikare babiri bari bazanye na Renzaho bafashe AWX, mukuru we, na mubyara we [**Icyitonderwa cy'umusemuzi** : Ku birebana n'iki gika n'ikigikurikira, mu nyandiko y'icyongereza bavuga « :*cousin* », bikaba rero bishobora kuba ari mubyara we, umukobwa wo kwa nyinawabo, cyangwa umukobwa wo kwa sewabo] babajyana mu kigo abantu bacumbikagamo mu Kiyovu, ahantu umuntu agenda nk'iminota itanu n'amaguru avuye kuri Sainte-Famille. Umusirikare yafungiranye AWX mu cyumba amaramo iminsi ibiri, aho yasambanyijwe ku gahato inshuro ebyiri. Yumvise bavuga ko uwo musirikare yari

[766] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 52-58. Umutangabuhamya KBZ yavuze ko kugeza mu mpera za Gicurasi 1994, Habyarimana yari atarashyingurwa. Ni kimwe no haruguru, imp. 52-53.

[767] Ni kimwe no haruguru, imp. 27-30, 34 (nk'uko byanditse), 35, 38 (nk'uko byanditse), 39, 43-44; Ikimenyetso gihamya cya Porokireri cyahawe nomero 89 (ifishi y'umwirondoro). Umutangabuhamya AWX yavuze ko « abandi basirikare bajyanye abagabo baricwa kuko tutongeye kubabona ukundi » (urup. 29), hanyuma mu gihe yasobanuraga ukuntu abantu bari bahari babaciyemo amatsinda avuga ko « hari abantu bishwe » (urup. 30). Nta kindi gisobanuro yatanze.

uwo mu mutwe ushinzwe kurinda Perezida, akaba yari yaroherejwe ku icumbi rya Jenerari-Majoro Nsabimana. Nyuma y'umunsi wa kabiri uwo musirikare yamugaruye kuri Sainte-Famille yongera guhura na mukuru we na mubyara we. Mukuru we na we hari undi musirikare wari waramujyanye ahandi hantu. Mukuru we na mubyara we na bo basambanijwe ku gahato[768].

694. Hafi y'itariki ya 15 Kamena, ba basirikare bongeye gushimuta AWX, mukuru we, na mubyara we. AWX bamugaruye muri ya nzu bamufungira mu cyumba, bamara iminsi ibiri bamusambanya ku gahato. Mukuru we na mubyara we na bo bari bajyanywe mu yindi nzu. Hashize iminsi ibiri AWX agaruka kuri Sainte-Famille ari kumwe na mubyara we, ariko mukuru we we ntiyagaruka. Hashize iminsi ibiri ubwo yavomaga amazi kuri CELA yabonye umurambo wa mukuru we ku ngorofani. AWX yumvise abandi bagore bari kuri Sainte-Famille bavuga ko bakorewe ibikorwa by'urugomo rushingiye ku gitsina, ndetse akaba yaranamenye ko nyuma hari abaje gupfa[769].

Umutangabuhamya ushinja wiswe HAD

695. Umutangabuhamya HAD ni Umututsikazi wigaga mu mashuri yisumbuye. Ku itariki ya 22 Mata yagiye kuri Sainte-Famille agumayo kugera ku itariki ya 19 cyangwa iya 20 Kamena 1994. Icyo gihe ariyo, Padiri Munyeshyaka yasabye inshuti y'Umututsikazi y'uyu mutangabuhamya yitwaga Hyancinthe Rwanga ko baryamana. Muri icyo gihe umwe mu Batutsikazi bari bahari « Munyeshyaka akaba ari nk'aho yari yaramugize umucakara mu rwego rw'imibonano mpuzagitsina ». HAD yongeyeho ko Munyeshyaka « yakoreraga abakobwa bato ibya mfura mbi ». Yanavuze ko Interahamwe zinjiye muri Sainte-Famille nta cyo zishisha, zigafata abakobwa n'abagore zikajya kubasambanya ku gahato no kubica, ariko ntiyavuga igihe ibyo byabereye. Hari umwe mu bagore wagarutse avuga ko bamushimuse bakamujyana muri Hoteli Africa bakamusambanya ku gahato. Undi mugore witwa Cimba yashimuswe n'Interahamwe nyuma aza gupfa. AWX yavuze

[768] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, imp. 39-31.
[769] Ni kimwe no haruguru, imp. 31-34, 36-38, 42-45. Ubuhamya bwa AWX ku byerekeye igihe yaboneye umurambo w'umuvandimwe we w'umukobwa hari ikindi gice buvugwamo (II.11).

ko ukurikije ukuntu ibyo gusambanya abagore n'abakobwa ku gahato byari byeze, umugore utarabikorewe ari uwagize amahirwe[770].

Umutangabuhamya ushinja wiswe AWE

696. Umutangabuhamya AWE ni Umuhutu, kuva muri Mata kugera muri Nyakanga 1994 akaba yari umuyobozi mu nzego z'ibanze muri Perefegitura y'Umujyi wa Kigali. Yoherereje Burugumesiriti Jean Bizimana raporo enye amugezaho ibibazo byo gusambanya abagore n'abakobwa ku gahato cyangwa ibikorwa by'urugomo rushingiye ku gitsina byabaga byakozwe, buri gihe akagenera Renzaho kopi, ariko yaba burugumesitiri cyangwa perefe nta n'umwe wigeze agira icyo amusubiza kuri raporo iyo ari yo yose muri izo[771].

Umutangabuhamya ushinja wiswe UB

697. Umutangabuhamya UB ni Umuhutu wari umuyobozi mu nzego z'ibanze muri Kigali, akaba yari mu nama Renzaho yatumije ku biro bya perefegitura ku itariki ya 10 cyangwa ya 11 Mata 1994. Abakonseye bari baje muri iyo nama bamenyesheje Renzaho ko abagore n'abakobwa b'Abatutsikazi basambanywaga ku gahato[772]. Muri Mata, Gicurasi, na Kemena 1994 yagiye aha raporo Burugumesitiri Jean Bizimana na perefe abamenyesha ibintu byose byaberaga muri Segiteri ye, harimo n'uko abagore bakorerwaga ibikorwa by'urugaraguro no gusambanywa ku gahato. Zimwe muri izo raporo yazikoraga mu nyandiko, izindi akazibabwirira kuri telefoni cyangwa akazitanga perefe ahibereye. Perefe nk'umuntu wari ushinzwe umutwe w'abaporisi, ni we wari ufite inshingano zo gufata abakoze ibyaha, nyamara muri ayo mezi atatu nta muntu n'umwe

[770] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, imp.11, 21-24, 27 (hasubirwamo ibyanditse kuri uru rupapuro) ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 82 (ifishi y'umwirondoro). Inyandiko y'icyongereza (urup. 28) igira iti « Yitwaga Cimba », naho mu nyandiko y'igifaransa (urup. 29) ikemeza ko iri zina ari iry'uwahohotewe atari iry'uwamuhohoteye.

[771] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12, 21-25, 44, 50-51; ikimenyetso gihamya cya Porokireri cyahawe nomero 80 (ifishi y'umwirondoro). Ubwo AWE yazaga gutanga ubuhamya, yari yarafunzwe aregwa jenoside mu Rwanda. Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp. 11-12, 51-52, 54-56.

[772] Ubuhamya bwa UB kuri iyi nama hari ikindi gice kibuvugaho ku buryo burambuye (II.2).

wigeze afatwa muri Segiteri y'uyu mutangabuhamya kubera ibyo byaha ngo « nibura apfe gufungwa n'amasaha atatu »[773].

Umutangabuhamya ushinja wiswe KZ

698. Umutangabuhamya KZ ni Umuhutu wakoraga mu Kigo cy'Ivugabutumwa Cyitiriwe Mutagatifu Pawulo i Kigali, akaba yari ahari kuva muri Mata hagati kugera ku itariki ya 17 Kamena 1994. Yavuze ko nta bikorwa byo gusambanya abagore n'abakobwa ku gahato azi byigeze bibera muri icyo kigo mu wa 1994. Ntiyashoboye gusubiza ibibazo bijyanye no kumenya niba hari ibikorwa nk'ibyo byabereye kuri Sainte-Famille kuko atari ahari[774].

Renzaho

699. Renzaho yavuze ko nyuma y'itariki ya 6 Mata 1994 abasirikare batorotse urugamba cyangwa batashoboye gusubira mu mitwe y'ingabo babarizwagamo kubera akajagari kari kariho icyo gihe bakoraga ibikorwa byo gusambanya ku gahato mu duce two muri Kigali. Yahakanye ko atigeze agira uruhare mu gitero cyagabwe ku kigo cy'imfubyi cy'ababikira bo mu muryango wa Mutagatifu Thérèse w'i Calcutta ku itariki ya 10, iya 11 cyangwa iya 12 Mata, avuga ko bitari gushoboka ko aba ari hariya hantu kubera gahunda yabaga afite. Yanahakanye ko atigeze yita abagore b'Abatutsikazi ibiryo. Yavuze ko nta muntu wigeze amugezaho ikibazo cyerekeye ibikorwa byo gusambanya ku gahato, byaba ibyabereye kuri Sainte-Famille cyangwa muri Kigali muri rusange, akaba ngo nta na raporo yagiye ahabwa zimumenyesha ko Abatutsikazi basambanywaga ku gahato.

[773]Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-2, 8-9 12, 19 (nk'uko byanditse) ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 69 (ifishi y'umwirondoro). Ubwo UB yazaga gutanga ubuhamya, yari afunze ategereje icyemezo cy'Urukiko rw'Ikirenga rw'u Rwanda ku bujurire bwe. Igihano yakatiwe mu 1997 kubera icyaha cya jenoside cyari cyaremejwe n'urukiko rw'ubujurire. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 1-2. Bamubajije ibibazo binyomoza bashingiye ku buhamya bwanditse yahaye abapererezi b'Urukiko muri Nzeri 2004 aho yavuze ko ku itariki ya 7 Mata 1994, yagiye ku Kigo cy'Abagatolika gihugura abakobwa aho « abasirikare n'Interahamwe bari batwaye ku buryo buhutaje abakobwa b'Abatutsikazi bakanabafataho ingwate », ndetse ko bamwe babajyanye mu mago bakabagira « abacakara mu rwego rw'igitsina ». UB yashimangiye ubwo buhamya bwe bwanditse, asobanura ko ibyo yabishyize muri raporo yahaye Renzaho. Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 59-60.

[774] Inyandikomvugo y'iburanisha, 25 Mutarama 2007, imp. 2, 10, 36, 45 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 72 (ifishi y'umwirondoro).

Yemeye ariko ko ku itariki ya 21 Mata yakoranye inama n'ababurugumesitiri barimo n'uwa Komini ya Nyarugenge, ngo bikaba bishoboka ko n'abakonseye bo muri iyo komini bari bayirimo. Muri iyo nama ngo yumvise amakuru yerekeranye n'uko abagore n'abakobwa basambanywaga ku gahato. Yavuze ko nta cyo yashoboye gukora, asobanura ko « yumvaga ibyari kuba byiza ari uko bari kumuzanira abari bari gukora ibyo byaha kugira ngo ashobore kubahana ». Hagati ya Mata na Nyakanga 1994 ngo nta muntu bigeze bamuzanira bamurega ko yasambanije abagore n'abakobwa ku gahato[775].

700. Renzaho yemeye ko ku itariki ya 10 Gicurasi, mu kiganiro cyahise kuri Radiyo Rwanda yagize ati « twiyemeje gufata abantu bose bakoraga ibikorwa byo gusambanya ku gahato bakanashaka gukora ibikorwa by'ubugome tukabahana. Nk'urugero, hari abantu nka batatu twahannye ». Ku bijyanye n'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 24 Mata, Renzaho yavuze ko yumva amagambo yakoresheje (akaba atarashoboye kuyibuka) « kwirukana » abaje gusambanya abagore n'abana ku gahato, yari agamije guhashya abantu bari mu baturage bakoraga ibyaha[776].

Umutangabuhamya ushinjura wiswe HIN

701. Umutangabuhamya HIN ni Umuhutu, kugeza ku itariki ya 18 Mata 1994 akaba yari atuye muri Segiteri ya Rugenge hafi y'urugo rwa Odette Nyirabagenzi wari Konseye w'iyo segiteri. Abaturage begereye ikigo cy'ababikira bo mu Muryango wa Mutagatifu Thérèse w'i Calcutta bamubwiye ko hagati y'itariki ya 11 n'iya 14 Mata 1994 icyo kigo cyagabweho igitero, Interahamwe zikahashimuta abantu bari hagati ya 12 na 16 zikabica.

[775] Inyandikomvugo y'iburanisha, 29 Kanama 2007, imp. 32, 59; inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup. 19 (Ikibazo : Igihe wari Perefe wa Perefegitura y'Umujyi wa Kigali nta muntu n'umwe wigeze ubona afatwa azira ko yasambanije abagore cyangwa abakobwa ku gahato hagati ya Mata na Nyakanga 1994. Si byo ? Igisubizo : Nyakubahwa Porokireri, mbabajwe no kuvuga ko nta muntu bigeze banzanira bamurega ko yasambanije abagore cyangwa abakobwa ku gahato ngo mureke yigendere cyangwa mwihanganire. Perefe ntashobora – perefe si konseye, si umuyobozi wa serire, muri ibyo byose nta na kimwe ari cyo. Ndumva rero tutagomba kwirengagiza ukuri »).

[776] Inyandikomvugo y'iburanisha, 3 Nzeri 2007, imp. 3-4, 18-19; Ikimenyetso gihamya cya Porokireri cyahawe nomero 56 (inyandiko y'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 10 Gicurasi 1994) urup. 12 ; Ikimenyetso gihamya cya Porokireri cyahawe nomero 54 (inyandiko y'ikiganiro cyahise kuri Radiyo Rwanda ku itariki ya 24 Mata 1994), urup 15 (« Aba bantu baza mu duce abantu batuyemo gusambanya abana n'abagore ku gahato bagomba guhashywa nta kundi. Mujye mubirukana. Ikindi ni uko mu bihe nk'ibi mutagomba kwirirwa mwigora mwibaza ibibazo byinshi. Tuvuze ko abashaka kubangamira umutekano w'abaturage mugomba kujya mubarasa. Umuntu wese ufite imbunda agomba kurasa. Nta kindi ! »)

Abagabye icyo gitero baje mu modoka ya kamyoneti yo mu bwoka bwa Daihatsu itagira pulaki bagomba kuba bari bibye, HIN akaba atarigeze yumva hari uvuga ko Renzaho yari ari kumwe na bo. Yavuze ko umuntu wari ku rwego nk'urwa Renzaho atari kuza mu modoka nk'iyo. Kuva intambara yatangira, perefe ntiyarebanaga neza n'Interahamwe, bityo akaba nta kuntu yari kuzisaba kujya mu butumwa nk'ubwo. Abaturage bo muri Rugenge bari bazi Renzaho, uwo munsi iyo aza kuba ari aho hantu bari kuba barabivuze[777].

702. HIN yahakanye ibivugwa by'uko hagati y'itariki ya 10 n'iya 14 Mata, Renzaho yakoranye inama na Nyirabagenzi mu biro bya segiteri cyangwa hafi y'urugo rwa Nyirabagenzi. Igihe HIN yari akiri muri Segiteri ya Rugenge kuva ku itariki ya 7 kugera ku ya 18 Mata, ingabo za FPR zari zarashinze ibirindiro ku musozi wa Gisozi no ku Kacyiru, zikajya zitera ibisasu muri ako gace. HIN ariko muri icyo gihe ntiyigeze ajya mu rugo kwa Nyirabagenzi, kandi na segiteri si ko buri munsi yaterwagaho ibisasu. Yavuze ko yibuka ko amazu ane yonyine ari yo yaguweho n'ibyo bisasu byaraswaga, kandi ko inzu ya Nyirabagenzi itigeze isenyuka. Intambara igitangira, isoko rya Nyarugenge ryaremaga nk'isaha imwe ku munsi, ariko nyuma y'uko ibisasu bihiciye abantu ntiryongeye kurema.[778]

Umutangabuhamya ushinjura wiswe PER

703. Umutangabuhamya PER ni Umuhutu. Kuva ku itariki ya 6 Mata kugera ku ya 18 Kamena yari ari mu Kigo cy'Ivugabutumwa Cyitiriwe Mutagatifu Pahulo, akorana bya hafi na Padiri Wenceslas Munyeshyaka. Muri rusange buri munsi PER yajyaga kuri Sainte-Famille mu ma saa ine cyangwa saa tanu za mu gitondo, akavayo hafi saa cyenda cyangwa saa kumi z'igicamunsi. Muri kiriya gihe hariya hantu nta bikorwa byo gusambanya ku gahato yigeze abona bihakorerwa cyangwa ngo agire uwo yumva avuga

[777] Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, imp. 64-65, 71; Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 1, 3, 12, 17-18, 26, 33, 37, 39; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 73 (ifishi y'umwirondoro). Umutangabuhamya HIN yabanje kuvuga ko abantu 16 ari bo bashimuswe, nyuma aza kuvuga ko ari 12. Reba inyandikomvugo y'iburanisha, 10 Nyakanga 2007, urup. 3 bavuga 16, urwa 17 bakavuga 12.

[778] Inyandikomvugo y'iburanisha, 9 Nyakanga 2007, imp. 70-72; iryo ku ya 10 Nyakanga 2007, imp. 2, 12, 29-30, 35-36, 39.

ko byahabereye. Yavuze ko uburyo amazu ya hariya hantu agiye yubatse n'ukuntu impunzi zari zihari zari zibayeho kuko kuva ku itariki ya 10 Mata zarengaga 18.000, byatumaga bisa n'ibidashoboka ko ibyaha nk'ibyo byahakorerwa. Muri kiriya gihe, yabonye Renzaho inshuro imwe gusa, kuri Saint-Paul ku itariki ya 16 Kamena.[779]

Umutangabuhamya ushinjura wiswe TOA

704. Umutangabuhamya TOA ni Umututsi. Ku itariki ya 10 Mata yavuye iwe mu rugo ahungira kuri Sainte-Famille, arahaguma kugera ku itariki ya 4 Nyakanga 1994. Padiri Wenceslas Munyeshyaka yahaga impunzi ibiribwa, naho Umuryango Utabara Imbarare ukita ku bibazo byazo mu rwego rw'ubuzima. Ntiyigeze abona Renzaho cyangwa undi muyobozi wo kuri perefegitura hariya hantu, ariko yumvise bavuga ko superefe yigeze kuza rimwe, ko na perefe yahaje ku itariki ya 16 Kamena. Yavuze ko nta bikorwa byo gusambanya ku gahato yari azi ko bikorerwa kuri Sainte-Famille, avuga ko yumva bitari gushoboka kubera umwanda wari uhari muri icyo gihe kandi n'abantu ari uruvunganzoka. Yongeyeho ko iyo ibyo bikorwa biza kuba koko byarahakorewe, ababikorewe bari kuba baratabaje abantu bo muri Komite Mpuzamahanga y'Umuryango Utabara Imbabare (ICRC) bari bahari, cyangwa « abanyamakuru b'Umuryango w'Abibumbye » bari aho hantu muri Gicurasi. Akenshi TOA yagumaga imbere mu nyubako ya kiriziya, akaba atarashoboraga kubona ubwe ibyaberaga hanze. Muri Mata imbere mu kiriziya hari nk'impunzi 1.000, muri Kamena zikaba zari nka 4.000[780].

Umutangabuhamya ushinjura wiswe UT

705. Umutangabuhamya UT ni Umuhutu wari umukozi wa Leta wo mu rwego rwo hejuru wakoraga muri Perefegitura y'Umujyi wa Kigali. Kuva ku itariki ya 11 Mata kugera biriya byabaye birangiye, yabonanaga na Renzaho buri munsi. Yasomye mu binyamakuru ko kuri Sainte-Famille habeye ibikorwa byo gusambanya ku gahato, ariko

[779] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp. 27-29, 31, 34, 44-45, 49-50,57-58; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 80 (ifishi y'umwirondoro).
[780] Inyandikomvugo y'iburanisha, 6 Nzeri 2007, imp. 3, 5, 7, 10-11, 15-17; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 111 (ifishi y'umwirondoro).

n'ubwo akenshi yabaga ari kumwe n'impunzi ndetse n'imiryango yari ihari, nta muntu wigeze amugezaho icyo kibazo[781].

Umutangabuhamya ushinjura wiswe BDC

706. Umutangabuhamya BDC ni Umuhutu, kuva ku itariki ya 15 Mata 1994 akaba yarakoreraga Komite Mpuzamahanga y'Umuryango Utabara Imbabare (ICRC) mu rwego rw'ibikorwa iyo komite yakoreraga muri Kigali. Yari ashinzwe kugenzura ibikorwa by'uwo muryango kuri Sainte-Famille. Kuva muri Gicurasi hagati kugera muri Nyakanga, aho kuri Sainte-Famille hari itsinda rihoraho ry'abakozi b'iyo komite bashinzwe ibikorwa by'ubutabazi bafashaga impunzi. BDC bamuhaga raporo buri munsi, akaba yaravuze ko uko abyibuka nta kintu cyo gusambanya abagore cyangwa abakobwa ku gahato cyigeze kibera kuri Sainte-Famille cyangwa ngo habere ibikorwa by'urugomo rushingiye ku gitsina. Nta raporo n'imwe yigeze abonamo ko Renzaho yagiye aho hantu. Yabonyeyo perefe inshuro imwe gusa, hakaba hari ku itariki ya 15 cyangwa iya 16 Kamena[782].

Umutangabuhamya ushinjura wiswe AIA

707. Umutangabuhamya AIA yari umuporisi muri Perefegitura y'Umujyi wa Kigali afasha umwe mu bakonseye. Ku itariki ya 7 Mata ni bwo yageze mu rugo rw'uwo mukonseye, kuva icyo gihe bakajya bagendana kugera ku itariki ya 4 Nyakanga. Yakoraga hafi amasaha 24 buri munsi. Nyuma y'itariki ya 8 Mata, Interahamwe n'abandi bantu barimo abaporisi bagiye basambanya Abatutsikazi ku gahato. Uwo mukonseye bakoranaga yakanguriraga abaporisi gusambanya abagore n'abakobwa ku gahato, na we ubwe akaba hari umugore wari wahungiye ku biro by'urwego rw'ibanze yasambanije ku gahato. Abasambanyaga abagore n'abakobwa ku gahato muri iyo segiteri babibwiraga konseye ku mugaragaro, buri gihe akabasubiza ngo abagabo b'Abatutsi bagomba gupfa maze

[781] Inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 19-20, 22-23, 39, 43, 56; Inyandikomvugo y'iburanisha, 25 Gicurasi 2007, imp. 6, 13.

[782] Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 3-4, 21-24, 35-37; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 51 (ifishi y'umwirondoro). Umutangabuhamya BDC ntiyashatse kuvuga ubwoko bwe, ariko yavuze ko yari afite indangamuntu yanditsemo inyuguti ya « H ». Inyandikomvugo y'iburanisha, 4 Kamena 2007, imp. 12-13.

« abagore b'Abatutsikazi bafite isura nziza bakarongorwa n'abandi ». AIA yavuze ko atazi niba konseye yaramenyeshaga perefe iby'ibyo bikorwa byo gusambanya ku gahato[783].

13.3 Isesengura ry'Urugereko

708. Ibyaha Porokireri arega Renzaho by'uko yagize uruhare mu bikorwa by'urugomo rushingiye ku gitsina umuntu ashobora kubishyira mu byiciro bine : gushyigikira ibikorwa byo gusambanya ku gahato muri Segiteri ya Rugenge ; uburyozwacyaha ku bijyanye n'ibikorwa by'urugomo rushingiye ku gitsina byakorewe kuri Sainte-Famille ; ibikorwa byo gusambanya ku gahato byakorewe ku Kimihurura ; no kuba muri rusange yari azi ko ibyaha byo gusambanya ku gahato byakorwaga. Urugereko rugiye gusesengura ibimenyetso byatanzwe kuri buri cyiciro.

13.3.1 Segiteri ya Rugenge

709. Impunzi ebyiri z'Abatutsikazi zatanze ubuhamya zihagarariyeho buvuga ko mu nama zabereye muri Segiteri ya Rugenge zikitabirwa na Konseye Odette Nyirabagenzi n'Interahamwe, Renzaho yashishikarije abantu gukora ibikorwa byo gusambanya ku gahato. Umutangabuhamya OWA yavuze ko yasambanijwe ku gahato inshuro nyinshi ubwo yari mu itongo ry'inzu ye nyuma y'aho Renzaho n'Interahamwe baziye ku kigo cy'imfubyi cy'ababikira bo mu Muryango wa Mutagatifu Thérèse w'i Calcutta hafi y'itariki ya 10 cyangwa iya 11 Mata 1994, icyo gihe Renzaho ngo akaba yarise abagore b'Abatutsikazi « ibiryo »[784]. Nyuma ubwo AWO bamwitaga « Inkotanyi » mu nama yari yiswe iyo kugarura umutekano yabereye hafi y'urugo rwa Nyirabagenzi, Renzaho yavuze

[783] Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 2, 6, 28, 29 (nk'uko byanditse), 31, 43, 50-51 ; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 14, 18; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 66 (ifishi y'umwirondoro). Burigade ya Nyamirambo yabajije umutangabuhamya AIA ibibazo ku byerekeye ibikorwa bye muri biriya byabaye, afungirwa mu cyumba ukwezi kumwe mu gihe ipererereza ryari rigikorwa, nyuma aza kurekurwa. Ni kimwe no haruguru, urup. 46.

[784] Urugereko ruragendera ku byanditse mu gifaransa aho umutangabuhamya OWA yavuze ko yabaga mu « itongo » ry'icyahoze ari inzu ye aho kuba mu « byumba » nk'uko inyandikomvugo y'iburanisha yo mu cyongereza yo ibivuga (inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 7, 8, 19), kubera ko ijambo ry'igifaransa (« ruines » (itongo) ari ryo rijyanye n'ibyo umutangabuhamya yavugaga by'uko iyo nzu yari yarashenywe.

ko batagomba kumwica kuko ari umugore kandi akaba ari « ibiryo by'abo mu mitwe yitwaraga gisirikare ». Nyuma y'uko Interahamwe zimuhatiye kujya muri iyo nama, yashubijwe iwe maze Interahamwe, abasirikare n'abaporisi « babaga mu nzu ya Nyirabagenzi » bakomeza kujya bamusambanya ku gahato kugera igihe ahungiye akajya kuri Sainte-Famille, hakaba hari hashize nk'ibyumweru birindwi cyangwa umunani agarutse iwe avuye mu kigo cy'imfubyi.

710. Nko mu cyumweru cya gatatu cyangwa icya kane cya Gicurasi 1994, umutangabuhamya AWN na we yajyanywe ku gahato ku biro bya Segiteri ya Rugenge. Mu bari bahari harimo Odette Nyirabagenzi, musaza we [wa Nyirabagenzi] witwa Munanira, n'Interahamwe. Ubwo Renzaho yahageraga ari kumwe n'abantu bambaye gisirikare bitwaje imbunda akumva ko Munanira yasabye AWN ko baryamana undi akanga, yavuze ko « igihe kigeze cyo kwereka abagore b'Abatutsikazi ko Abagabo b'Abahutu bafite imbaraga kandi ko bashobora kubakoresha icyo bashaka cyose ». Renzaho amaze kugenda Nyirabagenzi yunze mu ryo yari amaze kuvuga, asezeranya Munanira ko agiye gukora ku buryo WAN azamwingingira ko baryamana. Nyuma Munanira n'izindi Nterahamwe bagiye basambanya AWN na mukuru we ku gahato, bakabikorera ku cyicaro cy'izo Nterahamwe. Byarakomeje kugera igihe bagereye kuri Sainte-Famille nka nyuma y'ibyumweru bitatu cyangwa bine.

711. Amatandukanyirizo yerekeye aho inama zabereye, igihe zabereye, n'ibyazivugiwemo agaragaza ko umutangabuhamya wiswe AWO n'uwiswe AWN bavugaga ibyabaye bitandukanye, aho Renzaho yashishikarije gusambanya ku gahato abagore b'Abatutsikazi. Urugereko rurasuzuma agaciro ka buri buhamya uko bukurikirana.

712. Hamwe na hamwe, inkuru y'umutangabuhamya wiswe AWO iteza urujijo. Bimwe mu byo avuga ku gitero cyagabwe ku kigo cy'imfubyi birahuzagurika[785]. Uyu

[785] Nk'urugero, atanga ubuhamya ku gitero cyagabwe ku kigo cy'imfubyi, umutangabuhamya wiswe AWO yavuze ko: Interahamwe « zadusambanyaga ku gahato » kandi ko « abana b'abakobwa bari banyanyagiye hose ». Ni kimwe no haruguru, urup. 6. Nyamara ariko iyo ubuhamya bwe bwose bufatiwe hamwe, usanga bidasobanutse niba yarabonye abandi bagore basambanyirizwa ku gahato aho hantu, cyangwa niba na we icyo gihe yarasambanyijwe ku gahato. Ubuhamya busa n'ubugaragaza ahubwo ko AWO yasambanyijwe ku gahato amaze gusubira mu rugo rwe, kandi bikozwe wenda n'izindi Nterahamwe zitari izazanye na Renzaho mbere ku kigo cy'imfubyi. Ni kimwe no

mutangabuhamya kandi yavuze ko Renzaho yakoreshaga inama muri Segiteri ya Rugenge hafi buri munsi, nyamara ibyo yashingiragaho yemeza ibyo nta reme bifite kubera ko yagiye mu nama imwe gusa[786]. Ikindi kandi, hamwe na hamwe ubuhamya bwe bwerekeye igihe yagiriwe urugomo rushingiye ku gitsina n'uburyo ibyabaye byakurikiranye ntibwari busobanutse[787]. Nyamara ariko, aho uyu mutangabuhamya atabashije gutanga ubuhamya bugizwe n'inkuru yumvikana kandi idahuzagurika biterwa ku buryo bwumvikana n'igihe gishize, hamwe no kuba ibyabaye byari ibintu bibabaje cyane. AWO yamaze ibyumweru bigera ku munani asambanywa ku gahato n'abantu benshi banyuranye barimo Interahamwe, abaporisi, n'abasirikare. Kubera ubwoko bwe n'ubwinshi bwa za bariyeri, uyu mutangabuhamya ntiyashoboraga guhunga; bityo rero yagumye mu itongo ry'icyari urugo rwe, mu gace kaberagamo imirwano. Ahagana mu mpera z'igihe yahamaze, uyu mutangabuhamya wari ufite inda y'amezi umunani yasabye umwe mu bagabye igitero kumwica ariko aranga. Ahubwo yamwijeje ko agiye gukora ku buryo ntawe uzongera kumusambanya ku gahato, maze amujomba bayoneti mu kiziba cy'inda no ku kagumbambari. Kubera ibyo, AWO yabyaye umwana upfuye. Icyo gihe, ntiyabashaga kwegeranya amaguru cyangwa guhagarara. Kugeza uyu munsi, AWO afite ibibazo by'uburwayi byakomotse kuri uku guhohoterwa[788].

713. Umutangabuhamya wiswe AWN yavuze ko hashize iminsi mike cyangwa ibyumweru bibiri ahatiwe kubonana na Munanira ku biro bya segiteri, yaje gutwarwa no

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haruguru, imp. 6-8, 10-11, 16-20. Uyu mwanzuro uhuza n'incamake y'ibyo AWO yari kuzavuga mu buhamya, yatanzwe na Porokireri mu Myanzuro mbanzirizarubanza, imp. 64-65 (ivuga gusa ibikorwa byo gusambanya ku gahato byakozwe nyuma y'inama yabereye kwa Konseye Odette Nyirabagenzi).

[786] Gereranya Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, imp. 6 (Renzaho yakoreshaga inama « hafi buri munsi »), 18 (« inama zose »), 19 (« akoresha inama buri gihe »), 25-26 (« inama nk'izo zabaga nka buri minsi itatu ») na imp. 7 (« Nagiye muri imwe muri izo nama yahamagajwe »), 18, 20 (« Ikibazo: Madamu mutangabuhamya, wagiye mu nama zingahe Renzaho yarimo? Igisubizo: Namubonye mu kigo cy'ababikira b'Abashariti, ubwa kabiri mubona kwa Nyirabagenzi, hanyuma nongera kumubona kuri Paruwasi ya Sainte-Famille, ubwo inshuro zose hamwe ni eshatu. »), 26 (« Ariko nabonye Renzaho inshuro eshatu gusa […] Ariko izo nama zabaga kenshi [….] »).

[787] Nk'urugero, ni kimwe no haruguru, imp. 6, 7-8, 11, 18.

[788] Ni kimwe no haruguru, imp. 11, 14, 24.

gusambanywa ku gahato n'uwo Munanira[789] Ubwunganizi bwifashishije ubuhamya bwe bwanditse yahaye abapererezi b'Urukiko mu kwezi kw'Ukwakira 2004, aho asa n'uvuga ko ibyo byabaye hashize « ukwezi kumwe » babonanye[790]. AWN yasobanuye inshuro nyinshi ko adashobora kwibuka itariki nyayo, kubera ko abazwa ibibazo hari hashize imyaka icumi ibivugwa bibaye[791]. Urugereko rusanga iki gisobanuro gishyize mu gaciro, kandi rugasanga ubuhamya bwanditse bushaka kuvuga ko AWN yatwawe mu mpera za Gicurasi. Muri rusange, ibi bihuje n'ubuhamya yatanze mu Rukiko buvuga ko yatwawe mu mpera za Gicurasi cyangwa mu ntangiriro za Kamena. Ikindi kandi, nta kunyuranya kuri hagati y'ubuhamya bwanditse n'ubwatangiwe mu rukiko ku kibazo cyo kumenya niba Renzaho yarageze ku biro bya Segiteri ya Rugenge mbere cyangwa nyuma y'uyu mutangabuhamya, ibi bikaba bitandukanye n'ibyemezwa n'Ubwunganizi. AWN yongeye gushimangira ubuhamya yatanze mu rukiko buvuga ko Renzaho yahageze nyuma ye, kandi ibivugwa mu buhamya bwe bwanditse ntibibivuguruza[792]. Mu kurangiza, n'ubwo ibyabaye yavuzeho byari ibintu byatera ihahamuka, ubuhamya bwe bwagaragaraga nk'ubushyize mu gaciro kandi budakabiriza. Ibisobanuro byerekeye ibyo yabonye byarumvikanaga kandi bishyize mu gaciro[793].

714. Umutangabuhamya ushinjura wiswe HIN yavuze ko kubera ibisasu FPR yarasaga muri ako gace, gukoresha inama muri Segiteri ya Rugenge hagati y'itariki ya 7 n'iya 18 Mata byari nko kwicisha abantu. Uyu mutangabuhamya yemeye ariko ko ibyo bisasu

[789] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 39 (« tumaze iminsi mike tugeze mu rugo, Munanira yongeye kuza. »), 45-46 (« navuga ko haciyemo nk'ibyumweru bibiri »), 46 (« ndumva naravuye kwa Konseye hagati muri Gicurasi, ngakeka ko Munanira yaje kunshaka mu rugo hashize wenda icyumweru kimwe »).

[790] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 26 (ubuhamya bwanditse bwo ku itariki ya 20 Ukwakira 2004) urup. 4.

[791] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, urup. 46.

[792] Ni kimwe no haruguru, imp. 37, 44; Ikimenyetso gihamya cyatanzwe n'Ubwunganizi cyahawe nomero 26 (ubuhamya bwanditse bwo ku itariki ya 20 Ukwakira 2004) urup. 4 (« Matata nanjye twagiye ku biro bya segiteri n'amaguru tuhasanga abantu benshi cyane. Nyuma namenye ko abo bantu bari bateraniye aho kubera inkuru yari yakwiriye ko nanze kurongorwa na Munanira, musaza wa konseye. […] *Aha ni ho nabonye Renzaho*(ni twe tubishimangiye)., Perefe wa Kigali, nari nzi kuva mbere y'intambara. »)

[793] Nk'urugero, Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 37 (« Ubwo ni bwo nabonye imodoka ihagera irimo abasirikare na Perefe w'Umujyi wa Kigali. Perefe yitwaga Tharcisse Renzaho. »), 45 (« Nabonye abantu bari bamuherekeje bambaye imyenda ya gisirikare banitwaje imbunda. Sinzi niba mu by'ukuri bari abasirikare, cyangwa niba batari bo »). Reba n'Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, urup. 43 (icyatumye amenya Perefe n'ubwo yari afite imyaka 12 n'igisobanuro cye ku kibazo cyo kumenya niba Renzaho yaraje « mu modoka ya gisirikare » cyangwa mu modoka ya gisiviri ifite ibibara byinshi).

bitahagwaga buri munsi, ko yamenye amazu ane gusa yaguweho n'ibisasu, kandi ko n'igihe yatangaga ubuhamya mu Rukiko inzu ya Nyirabagenzi yari igihagaze[794]. Urugereko rusanga ubuhamya bw'uyu mutangabuhamya budatuma habaho gushidikanya ku buhamya bw'abatangabuhamya biswe AWO na AWN buvuga ko izo nama zabayeho koko.

715. Ubuhamya bw'abo batangabuhamya babiri bashinja buvuga ibintu bisa, cyane cyane ko Abatutsikazi bari babereyeho kugaburira Abahutu cyangwa gukoreshwa na bo icyo bashatse. Ubwo buhamya bwombi rero burashimangiranaga. Ikindi kandi, ubuhamya bwose bufatiwe hamwe burimo ingingo ziziguye zishyigikira ubuhamya bw'abo batangabuhamya bombi. By'umwihariko, uko abo batangabuhamya bavuga ububasha bwa Renzaho bihuza n'ubundi buhamya bwatanzwe muri uru rubanza buvuga ko Renzaho yahaye amabwiriza abakonseye, kandi ko amategeko ye yubahirijwe (II.2 na 3).

716. Urugereko rwemera ko abatangabuhamya AWO na AWN bamenye Renzaho; basobanuye uko ateye mu gihagararo ku buryo butanyuranya kandi nyabwo.[795] AWN yamenye Renzaho kubera ko mu matora ya konseye yari yabaye mu myaka nk'ibiri ibanza, umuntu yari yamumweretse amubwira ko ari we perefe[796]. Ubigereranije n'ubuhamya bushinja burambuye buvuga ko Renzaho yari muri ziriya nama zavuzwe n'abo batangabuhamya babiri, kuba Renzaho ahakana ko atari mu gitero cyo ku kigo cy'imfubyi no mu nama zakurikiyeho yavugiyemo ko Abatutsikazi ari « ibiryo », nta reme byagira. N'ubwo ubuhamya bugaragaza neza ko muri icyo gihe yagiye mu zindi nama akanagira n'indi mirimo akora, ibyo ntibituma bishidikanywaho ko yari muri ziriya nama zivugwa n'abatangabuhamya.

[794] Inyandikomvugo y'iburanisha, 10 Nyakanga 2007, imp. 29 (« Oya, singiye gukabya. Ntabwo ibisasu byagwaga muri Rugenge buri munsi, kandi izo nzu enye ntizaguweho n'ibisasu umunsi umwe. »), 39 (« [inzu ya Odette] iracyahari. »).

[795] Umutangabuhamya wiswe AWO, Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, urup. 9 (« Igisubizo: yari umugabo ufite uruhara. Yari afite amaso manini […] ndakeka ko ubu agomba kuba ashaje. »); Umutangabuhamya wiswe AWN, Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, urup. 38 (« Yari umugabo ubyibushye wambara amadarubindi kandi udafite umusatsi. »).

[796] Inyandikomvugo y'iburanisha, 5 Gashyantare 2007, imp. 38, 43-44.

717. Rumaze gusuzuma ibimenyetso byose, Urugereko rwemeye iby'ingenzi bikubiye mu buhamya bwa AWO. Mu nama yabaye nyuma y'ahagana ku itariki ya 10 cyangwa iya 11 Mata yarimo Konseye Odette Nyirabagenzi n'Interahamwe, Renzaho yavuze ko AWO adakwiriye kwicwa kubera ko ari « ibiryo by'Interahamwe ». Nyuma y'ayo mabwiriza, AWO yakomeje gasambanywa ku gahato n'Interahamwe, abaporisi, n'abasirikare babaga kwa Nyirabagenzi cyangwa byibura bakoranaga na we[797].

718. Urugereko rusanga kandi iby'ingenzi bikubiye mu buhamya bwa AWN byaragaragajwe ku buryo budashidikanywaho. Muri Gicurasi 1994, uwo mutangabuhamya yajyanywe ku biro bya Segiteri ya Rugenge, maze Renzaho wari uherekejwe n'abantu bambaye imyenda ya gisirikare bitwaje n'imbunda avuga ko « igihe kigeze cyo kwereka Abatutsikazi ko Abahutu bakomeye, kandi ko bashobora kubakoresha icyo bashatse cyose ». Amaze kugenda, Nyirabagenzi yashimangiye ayo magambo ya Renzaho yizeza Munanira ko azakora uko ashoboye kugira ngo AWN amwingingire kugirana imibonano mpuzabitsina na we. Nyuma yaho, AWN yamaze ibyumweru bitatu cyangwa bine asambanywa inshuro nyinshi ku gahato na Munanira n'izindi Nterahamwe ku cyicaro gikuru cyazo. Mwene nyina w'uwo mutangabuhamya n'Umuturanyi w'Umututsikazi na bo kenshi basambanyirijwe kuri icyo cyicaro ku gahato.

13.3.2 Sainte-Famille

719. Abatangabuhamya bashinjura bavuze ko abagore bahungiye kuri Sainte-Famille basambanyijwe ku mbaraga cyangwa bakorerwa urugomo rushingiye ku gitsina. Umutangabuhamya wiswe AWN yasobanuye ko akigera kuri Sainte-Famille mu mpera za Kamena, yabonye Padiri Munyeshyaka ajyana abakobwa babiri bitwaga Hyacinthe Rwanga na Nyiratunga. Yumvise kandi ko yabasambanyije ku gahato. Umutangabuhamya HAD we yemeza ko Munyeshyaka yasabye Hyacinthe Rwanga ko baryamana; hari n'umugore yari yarabohoje; kandi yakoreraga abakobwa bato ibya mfura

[797] N'ubwo Urugereko rutazi neza niba abasirikare barabaga kwa Nyirabagenzi (Inyandikomvugo y'iburanisha, 7 Gashyantare 2007, urup. 22), kuba abaporisi barabaga kwa Nyirabagenzi bihuza n'ibivugwa mu bundi buhamya bwatanzwe muri uru rubanza buvuga ko Renzaho yohereje abaporisi bo mu mujyi kujya baherekeza abakonseye kandi bakaba barakoraga ako kazi umunsi n'ijoro.

mbi. Umutangabuhamya KBZ, wari warahungiye kuri Sainte-Famille mu ntangiriro za Nyakanga, yavuze ko yasambanyijwe ku gahato n'Interahamwe ebyiri inyuma ya kiriziya, kubera ko atari yashoboye kuzereka irangamuntu ye. Umutangabuhamya HAD yasobanuye ko mu gihe yari kuri Sainte-Famille, guhera ku itariki ya 22 Mata kugeza ku ya 19 cyangwa iya 20 Kamena 1994, gusambanya ku gahato cyari ikintu cyeze, kandi ko Interahamwe zatwaraga abakobwa zikabasambanya ku gahato hanyuma zikabica. Umutangabuhamya AWX na we yatanze ubuhamya bujyanye n'ibikorwa byo gusambanya ku gahato hanyuma avuga ko abagore bamwe baje kubikurizamo gupfa.

720. Muri izi mpunzi z'Abatutsi uko ari eshanu, Umutangabuhamya AWX ni we wenyine wavuze ko Renzaho yagize uruhare rutaziguye mu gitero cyagabwe kuri Sainte-Famille cyakurikiwe n'ibikorwa byo gusambanya ku gahato. Ahagana ku itariki ya 24 Gicurasi, yamubonye aza mu modoka ari kumwe n'abasirikare bitwaje intwaro. Yabasabye ko bakora akazi kabo, noneho abo basirikare binjira mu kiriziya. Padiri Munyeshyaka yahamagaraga amazina y'impunzi z'Abatutsi, avuga ko Renzaho yategetse ko abahamagawe bigira imbere. Abagabo n'abagore barobanuwe bashyizwe iruhande. Hashize nk'amasaha atatu nyuma y'aho Renzaho ahagereye, uyu mutangabuhamya, mukuru we na mubyara we bajyanywe n'abasirikare ku nzu yari ahantu h'urugendo rw'iminota igera kuri itanu. Uyu mutangabuhamya yafungiwe mu cyumba amaramo iminsi ibiri, kandi umusirikare umwe yamufashe ku gahato inshuro ebyiri. Abo bagore basubijwe kuri Sainte-Famille, ariko ku itariki ya 15 Kamena, abo basirikare baragarutse barongera babasambanya ku gahato mu gihe cy'iminsi ibiri. Uyu mutangabuhamya yaje kurekurwa we na mubyara we, ariko yaje kubona umurambo wa mukuru we ahagana ku itariki ya 18 Kamena, igihe Renzaho yari ahagarikiye igikorwa cyo guhamba imirambo nyuma y'igitero cyari cyagabwe kuri Sainte-Famille uwo munsi (II.11).

721. Umutangabuhamya AWX ni we wenyine watanze ubuhamya mu Rukiko avuga ko mu mpera za Gicurasi, Renzaho yakoranaga n'abasirikare na Munyeshyaka mu kurobanura impunzi z'Abatutsi zari kuri Sainte-Famille. Hari ibintu bitandukanye hagati y'ubwo buhamya bwe n'ubwanditse yahaye abapererezi b'Urukiko muri Gashyantare 2005. Muri ubwo buhamya bwanditse, asobanura ko abasirikare bo mu mutwe warindaga Perezida

batwaye uyu mutangabuhamya, mukuru we na mubyara we, hanyuma bakamufungirana mu nzu iminsi itatu (aho kuba ibiri), bakamusambanya ku gahato inshuro eshatu (aho kuba ebyiri), kandi byakozwe n'abasirikare babiri (aho kuba umwe)[798]. Uko Urugereko rubibona, ibi bintu bitandukanye mu buhamya bwombi ntibituma atakwemerwa. N'ubwo zisobanura ibyaha bikomeye, itandukanyirizo mu mibare rifite agaciro gato, kandi rishobora gusobanurwa n'ibibazo byo gusemura, cyangwa se n'uburyo yahahamuwe n'ibyamubayeho ndetse n'igihe kirekire gishize ibyo bintu bibaye.

722. Urugereko rusanga inginzo z'ingenzi z'ubuhamya bw'umutangabuhamya AWX ku birebana n'ukuntu yashimutiwe kuri Sainte-Famille hanyuma agakorerwa kenshi ibyamfurambi, zidahuzagurika, zikwiye kwemerwa kandi zihuje n'ubuhamya bwe bwanditse bwa mbere yahaye abaperererezi b'Urukiko[799]. Ubuhamya bw'abatangabuhamya bashinjura biswe PER, TOA, BDC na UT bwari ubwa rusange mu miterere yabwo kandi ntibwavuguruje ubw'uyu mutangabuhamya. Umutangabuhamya wiswe PER ntiyabaga igihe cyose ari kuri Sainte-Famille. Ikindi kandi, kubera ko yakoraniraga hafi cyane na Padiri Munyeshyaka, ntibitangaje ko abahohotewe, -bakekaga nibura ko Munyeshyaka yasambanyaga abagore ku gahato,- batamubwiye amarorerwa bakorerwaga. Iyo Umutangabuhamya wiswe TOA avuga ko umubare munini w'abantu n'umwanda ukabije wari kuri Sainte-Famille bitari gutuma hagira umuntu usambanywa ku gahato, aba yibagiwe ko bivugwa ko kenshi abahohotewe bakurwaga kuri Sainte-Famille bakajya gusambanyirizwa ku gahato ahandi. Kuba avuga ko gufata abagore ku gahato biba byaragejejwe ku Muryango Utabara Imbabare cyangwa ku banyamakuru b'Umuryango

[798] Gereranya Ikimenyetso gihamya cy'Ubwunganizi No. 30A (Ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005), urup. 3 n'inyandikomvugo y'iburanisha yo ku itariki ya 6 Gashyantare 2007, urup. 30 (« buri wese yajyanwaga n'uwari *wamubohoje* ») (ni twe tubyanditse mu nyuguti ziberamye tubishimangira), 31 (« Igisubizo: Umusirikare wari unjyanye aho hantu – noneho […] tumaze kuhagera, anyambura imyenda hanyuma ansambanya ku gahato. Yansize muri icyo cyumba – yansigaga muri icyo cyumba, akamfungiramo n'urufunguzo, akagenda, hanyuma akaza kugaruka »), 31 (« Nasambanyijwe ku gahato inshuro ebyiri. Ikibazo: Ubwo se muri iyo nzu wamazemo igihe kingana iki? Igisubizo: Iminsi ibiri. »).

[799] Mu gihe ubuhamya bwanditse AWX yahaye abaperererezi b'Urukiko muri Gashyantare 2005 buvuga ko inshuro ya kabiri yatwawe agasambanywa ku gahato yari ku itariki ya 25 Kamena 1994, mu buhamya bwe mu Rukiko avuga ko ibi byabaye ahagana ku itariki ya 15 Kamena. Ikimenyetso gihamya cy'Ubwunganizi No. 30A (Ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005, urup. 3. Uyu mutangabuhamya yasobanuye ko adashobora gutanga amatariki nyayo. Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 37. Urugereko rusanga iki gisobanuro gishyize mu gaciro.

w'Abibumbye nta ngingo zifatika bishingiyeho. Umubare ukabije w'impunzi zari aho hantu utuma Urugereko rwibaza niba uyu mutangabuhamya, w'umugabo, aba yaramenye amakuru nk'ayo y'ibanga. Ubuhamya BDC yatanze avuga ko atabonye za raporo ku bugizi bwa nabi bushingiye ku gitsina ntibwari busobanutse neza[800]. Ikindi kandi, n'ubwo Umutangabuhamya UT yavuze ko atigeze yumva amakuru yerekeranye n'ibikorwa byo gusambanya ku gahato kuri Sainte-Famille, yasomye ibyo bintu mu binyamakuru.

723. Hashingiwe ku bimenyetso byatanzwe, biragaragara neza ko ahagana ku itariki ya 24 Gicurasi n'ahagana ku itariki ya 15 Kamena 1994, Umutangabuhamya AWX, mukuru we na mubyara we bakuwe kuri Sainte-Famille n'abasirikare. Urugereko rusanga byaragaragajwe ko muri ibyo bihe Umutangabuhamya AWX yafashwe ku gahato inshuro nyinshi mbere y'uko bamurekura. Buri gihe yasubizwaga kuri Sainte-Famille. Nta buhamya butaziguye bwatanzwe burebana n'ibikorwa byo gusambanya ku gahato byakorewe mukuru we na mubyara we. Mu buhamya bwe, uyu mutangabuhamya avuga ko mukuru we na mubyara we basambanyijwe ku gahato bamaze kuvanwa kuri Sainte-Famille, ariko ntiyavuze icyo ashingiraho yemeza ibyo[801]. Ibyo ari byo byose, ubuhamya yatanze ku bintu yahagazeho, avuga ku basirikare bakoreraga hamwe batandukanya abagore n'izindi mpunzi, bakabafungirana ibihe bingana, bituma umuntu agera ku mwanzuro umwe rukumbi uvuga ko mukuru we na mubyara we na bo basambanyijwe ku gahato nk'uyu mutangabuhamya. Aba bagore bombi ntaho bari bahuriye n'ibikorwa bya gisirikare byakorerwaga kuri Sainte-Famille cyangwa ahandi. Kuba yarabonye umurambo wa mukuru we muri Kamena, noneho na mubyara we akarwara SIDA hanyuma akaza gupfa mu wa 2001, bishyigikira uwo mwanzuro.

[800] Inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 22 (« Ikibazo: Muri kiriya gihe, washoboye kubona za raporo zivuga ku bugizi bwa nabi bushingiye ku gitsina bwakorewe hariya hantu hatandukanye? Igisubizo: Nta kintu nk'icyo nibuka. Numvise – byaba se ari ukubera ko ikipe yari iyobowe n'umugore […] waba warananiwe kuvuga cyangwa gusobanura ibintu nk'ibyo neza? Ariko ubundi sinibuka ko numvise bavuga ko habaye ibikorwa byo gusambanya ku gahato cyangwa ubundi bugizi bwa nabi bushingiye ku gitsina »).

[801] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 29-33. Asubiza ikibazo muri rusange kirebana n'abagore bari kuri Sainte-Famille, Umutangabuhamya AWX yavuze ko abo bagore baganiraga ku bikorwa bya mfura mbi bari bakorewe. Kubera ibyo, birashoboka ko bariya bagore batatu, bagiraga icyo bapfana, na bo baganiriga hagati yabo kuri ibyo bintu, n'ubwo AWX atabivuze mu buryo bweruye.

724. Ikibazo gisigaye ni ukumenya niba Renzaho ashobora kuryozwa ibikorwa byo gusambanya ku gahato byakorewe Umutangabuhamya AWX, mukuru we na mubyara we. N'ubwo mu buhamya bwe uyu mutangabuhamya avuga ko abasirikare bazanye na Renzaho mu gikorwa cyabaye muri Gicurasi, bugaragaza na none ko we ubwe, mukuru we na mubyara we bajyanywe n'abasirikare hashize amasaha atatu. Ikindi kandi, ubuhamya bwe buvuga ko Renzaho yahise ava aho hantu bagitangira kurobanura impunzi, kandi nta kigaragaza ko abo bagore bajyanywe ku mategeko ye cyangwa abizi. Na none kandi, nta kintu kigaragaza ko Renzaho yari aho hantu igihe abo bagore bongeye gushimutwa hagati muri Kamena.

725. Ni ngombwa kandi kuvuga ko mu buhamya AWX yahaye abapererezi b'Urukiko atavugamo ko Renzaho hari uruhare yaba yaragize mu gitero cy'Interahamwe cyagabwe muri Gicurasi 1994 no mu ishimutwa ry'uyu mutangabuhamya, mukuru we na mubyara we ryakozwe n'abasoda. N'ubwo muri iyo nyandiko avuga ko yamubonye ari kumwe n'abasirikare, asobanura ko yahaga Interahamwe amabwiriza yo gutera, ko atari abasirikare cyangwa by'umwihariko abasirikare bo mu mutwe warindaga Perezida[802]. Ubwo buhamya bugaragaza ko uyu mutangabuhamya yibwiraga ko Renzaho yari afite ububasha buhagije ku buryo « iyo aza gutegeka abagizi ba nabi kureka gusambanya abagore ku gahato no guhagarika ubwicanyi, baba baramwumviye ». Nyamara ariko, kuba nta huriro ryihariye rigaragara hagati y'igitero cyayobowe na Renzaho afatanyije n'Interahamwe n'ibikorwa byo gusambanya ku gahato byakozwe n'abasirikare, bitera urujijo[803]. Mu gihe ibimenyetso biterekana ko kuba Renzaho yaragize uruhare mu kurobanura impunzi byaba byaratumye uyu mutangabuhamya asambanywa ku gahato muri Gicurasi, Urugereko na rwo rurashidikanya cyane niba muri Kamena Renzaho yaragize uruhare mu bikorwa byo gusambanya ku gahato byakozwe muri Kamena kuri

[802] Ikimenyetso gihamya cy'Ubwunganizi No. 30A (Ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005, urup. 3 (« […] abwira Interahamwe kuvumbura Inyenzi (Abatutsi) »; ategeka Interahamwe « kuva mu modoka no gutangira 'gukora' bisobanuye kwica Abatutsi », ako kanya Interahamwe « zahitaga zitangira kugenzura indangamuntu hanyuma ubwicanyi bugahita butangira »).

[803] Ikimenyetso gihamya cy'Ubwunganizi No. 30A (Ubuhamya bwanditse bwo ku itariki ya 10 Gashyantare 2005), urup. 3.

uyu mutangabuhamya, mubyara we na mukuru we waje gupfa, cyangwa se ko hari icyo yari abiziho[804].

726. Ubu noneho Urugereko rugiye gusuzuma ubuhamya bw'umutangabuhamya KBZ. Yavuze ko yasambanyijwe ku gahato n'Interahamwe ebyiri inyuma ya kiriziya amaze kugera kuri Sainte-Famille mu ntangiriro za Nyakanga. Ubuhamya bwe bwarumvikanaga neza kandi muri rusange buhuje cyane n'ubwanditse yari yarahaye abapererezi b'Urukiko muri Kanama 2004[805]. Muri rusange, Ubwunganizi ntibwemera ko hari abagore bafashwe ku gahato kuri Sainte-Famille. Nk'uko byavuzwe haruguru, ibi nta shingiro bifite kubera ibimenyetso bitajegajega byatanzwe na Porokireri. Urugereko rusanga Umutangabuhamya KBZ koko yarafashwe ku gahato n'Interahamwe zitazwi mu ntangiriro ya Nyakanga 1994.

727. Nyamara ariko, nta kimenyetso cyihariye kigaragaza ko Renzaho yagize uruhare muri ibyo bikorwa. Nta mutangabuhamya n'umwe wamubonye kuri Sainte-Famille muri Nyakanga, kandi nta cyerekana ko yamenyeshejwe iby'icyo cyaha. Kubera ibyo, Urugereko rusanga bitaragaragajwe ku buryo budashidikanywaho ko Renzaho yagize uruhare mu gikorwa cyo gusambanya ku gahato Interahamwe ebyiri zakoreye umutangabuhamya KBZ. Ntibyagaragajwe rero ko Renzaho yagize uruhare muri icyo gikorwa, ko yari akuriye abakoze ibikorwa byo gusambanya ku gahato, cyangwa ko yari afite amakuru ahagije ku buryo byatuma aryozwa ibyo byaha.

728. Urugereko rwasuzumye ibirego bivuga ko Padiri Wenceslas Munyeshyaka yakoze ibikorwa byo gusambanya ku gahato n'ibikorwa by'ubugizi bwa nabi bushingiye ku gitsina. Nta mutangabuhamya muri uru rubanza watanze ubuhamya butaziguye kuri ibyo. Ubuhamya bw'abatangabuhamya AWN na HAD bwari bushingiye ku nkuru mbarirano. N'ubwo ubuhamya bushinjura bwavuzwe haruguru butanyomoje byimazeyo ibimenyetso bishinja, Urugereko nta cyo rubona rwafatiraho rwemeza ko Padiri Munyeshyaka

[804] Umwanzuro w'Urugereko ku birebana n'urupfu rwa mukuru w'umutangabuhamya AWX witaye ku bimenyetso no ku myanzuro yagezweho ijyanye n'igitero cyakozwe kuri Sainte-Famille ku itariki ya 17 Kamena 1994 (II.11).
[805] Ikimenyetso gihamya cy'Ubwunganizi No. 31A (Ubuhamya bwanditse bwo ku itariki ya 27 Kanama 2004), urup. 3.

yakoreye kuri Sainte-Famille ibikorwa byo gusambaya ku gahato cyangwa ibindi bikorwa by'ubugizi bwa nabi bwibasira igitsina.

13.3.3 Segiteri ya Kimihurura

729. KBZ ni we mutangabuhamya wenyine wavuze mu Rukiko ko we n'abagore bandi bane bahagaritswe kuri bariyeri ku itariki ya 28 Gicurasi 1994, bajyanywe mu nzu itari ikibamo abantu yahoze ari iya Jean-Michel muri Segiteri ya Kimihurura. Ibi byabaye Interahamwe zimaze kuvugana na Konseye wa Segiteri ya Kimihurura. Izo Nterahamwe zavuze ko konseye yatanze amabwiriza avuga ko bagomba kubaza Renzaho uko bagenza abo bagore. Umunsi ukurikiyeho, zavuze ko perefe yari yazisabye kutabica mbere y'ishyingurwa rya Perezida Habyarimana[806]. Icyo gihe Interahamwe imwe yitwaga Jerôme Rwemarika yamujyanye iwayo hanyuma imusambanya ku gahato.

730. Uko Urugereko rubibona, ubuhamya bw'uyu mutangabuhamya bwagaragaraga nk'ubudahuzagurika kandi ari ubwo kwizerwa. Muri rusange, bwari buhuje n'ubwanditse yari yarahaye abapererezi b'Urukiko muri Kanama 2004. Ariko kandi, ibyo avuga kuri Renzaho ni ibyo yabwiwe n'Interahamwe zari zamushimuse hanyuma zimufata ku gahato. Ubuhamya bwe bwanditse bwo muri Kanama 2004 butuma umuntu arushaho gushidikanya niba koko Renzaho hari uruhare yagize muri icyo gikorwa. N'ubwo avuga mu buhamya bwanditse ko konseye yasabye Interahamwe kugisha inama Renzaho, iyo mvugo ntisobanura niba zarabikoze koko[807]. Uko Urugereko rubibona, kuba nta cyo ubuhamya bwe bwanditse bubivugaho si ikintu cyakwirengagizwa.

731. Uyu mutangabuhamya kandi yavuze ko bariya bagore bandi baje gukurwa muri ya nzu itarabagamo abantu. Yibwira ko bafashwe ku gahato n'ubwo batabivugaga. Iyi nkuru ntishingiye ku kintu uyivuga yahagazeho, kandi aho yayikomoye ntihasobantuse neza ku buryo umuntu yakwemeza ko abo bagore basambanyijwe ku gahato. Nta makuru yatanze

[806] Inyandikomvugo y'iburanisha, 6 Gashyantare 2007, urup. 52 (Perefe « yabwiye abari bamushimuse uyu mutangabuhamya ko kuri radiyo hariho ibiganiro byamagana ubwicanyi »).
[807] Ikimenyetso gihamya cy'Ubwunganizi No. 31A (Ubuhamya bwanditse bwo ku itariki ya 27 Kanama 2004) urup. 3.

ajyanye n'abahohotewe, ababahohoteye, aho byabereye cyangwa igihe byabereye. Kubera iyo mpamvu, ubuhamya bwe ntibunyuze Urugereko.

732. Urugereko rusanze umutangabuhamya KBZ yarasambanyijwe ku gahato n'Interahamwe mu mpera za Gicurasi 1994. Nyamara ariko, ntibyagaragajwe ku buryo budashidikanywaho ko Renzaho yagize uruhare muri icyo gikorwa, ko yari akuriye abagikoze, cyangwa ko yari afite amakuru ahagije ku buryo yaryozwa ibikorwa byabo.

13.3.4 Icyo Renzaho yari azi muri rusange ku bikorwa byo gusambanya ku gahato

733. Uretse kuvuga ko Renzaho yagize uruhare mu bikorwa byihariye byo gusambanya ku gahato, nk'uko byavuzwe haruguru, Porokireri agerageza kugaragaza ko Renzaho yari azi muri rusange ko ibikorwa byo gufata ku gahato byaberaga muri Perefegitura y'Umujyi wa Kigali guhera muri Mata kugeza muri Nyakanga 1994. Kuri iki kirego, Porokireri ashingira ku buhamya bw'abatangabuhamya AWE na UB, bombi bari abayobozi b'ibanze, bavuga ko babwiye Renzaho ko muri segiteri zabo haberaga ibikorwa byo gusambanya ku gahato.

734. Urugereko ruributsa ko igihe AWE yatangaga ubuhamya, yari agitegereje urubanza rwe mu Rwanda kubera ibikorwa bya jenoside, naho UB yari agitegereje icyemezo ku bujurire yatanze ajuririra igihano yakatiwe kubera jenoside. Bombi bashinjwe ibyaha Renzaho avugwamo, kandi mu gihe cy'ubuhamya bwabo bari bafungiye muri gereza imwe. Urugereko rusanga rugomba kwitondera ubuhamya bwabo kubera ko bashobora kuba bashaka kwitarura uruhare rwabo muri ibyo bikorwa. Umutangabuhamya ushinjura wiswe AIA yasobanuye ko raporo ku bikorwa byo gusambanya ku gahato zitagezwaga kuri Renzaho, ko ahubwo bazihaga konseye uyu mutangabuhamya yakoreraga. Uyu muyobozi ntiyitaga kuri izo raporo, ahubwo yashishikarizaga abantu gukora ibyo bikorwa ndetse na we akabyishoramo. Nk'uko byavuzwe ahandi (II.3), Urugereko rufite amakenga ku bice bimwe by'ubuhamya bwa AIA. Ibyo ari byo byose, ibintu birebana n'itangwa rya za raporo zijyanye n'ibikorwa byo gusambanya ku gahato ntibisobanutse neza.

735. Renzaho yemeye ko mu nama imwe yabaye ku itariki ya 21 Mata 1994, yahawe amakuru avuga ko muri Perefegitura y'Umujyi wa Kigali hakorerwaga ibikorwa byo gufata ku gahato. Amagambo yavugiye kuri Radiyo Rwanda ku itariki ya 24 Mata no ku ya 10 Gicurasi bigaragaza na none ko yari azi ko ibikorwa nk'ibyo byariho muri ako gace[808]. Inyandiko y'ibirego ivuga ko agomba kubiryozwa nk'umuntu wari ukuriye abandi. Nyamara ariko, nk'uko bivugwa haruguru (utwiciro (II.13.3.2) na (II.13.3.3)), Urugereko ntirwemera ko ibikorwa byo gusambanya ku gahato byakozwe n'abantu Renzaho yari akuriye, abafiteho ububasha busesuye. Ikindi kandi, hatitaweho ubuhamya bwavuzweho mu magambo avunaguye hano, ibimenyetso rusange bigaragaza ko Renzaho hari icyo yari azi ntibihagije ku buryo yaryozwa ibikorwa byo gusambanya ku gahato n'iby'ubugizi bwa nabi bushingiye ku gitsina byakorewe muri Perefegitura y'Umujyi wa Kigali.

[808] Ikimenyetso gihamya cya Porokireri No. 56 (Inyandiko y'ikiganiro cyahise kuri Radiyo Rwanda, 10 Gicurasi 1994) urup. 12; Ikimenyetso gihamya cya Porokireri No. 54 (Inyandiko y'ikiganiro cyahise kuri Radiyo Rwanda, 24 Mata 1994) urup. 14. N'ubwo amagambo Renzaho yavugiye kuri radiyo agaragaza ko yarwanyaga ibikorwa byo gusambanya ku gahato, ntibituma umuntu ashidikanya ko ibintu byihariye bivugwa mu kiciro 13.3.1 haruguru ari ukuri.

III. IMYANZURO YO MU RWEGO RW'AMATEGEKO

1. INTANGIRIRO

736. Ashingiye ku ngingo ya 6(1) na (3) ya Sitati, Porokireri ashinja Renzaho icyaha cya jenoside, kuba icyitso cy'abakoze jenoside, ibyaha byibasiye inyokomuntu (ubuhotozi no gusambanya ku gahato) n'ibikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'inyongera yayo ya 2 (ubuhotozi no gusambanya ku gahato)[809]

737. Mu myanzuro yarwo ishingiye ku byabaye, Urugereko rwasanze Renzaho yaragize uruhare mu gushyiraho amabariyeri (II.2) no gukwirakwiza intwaro mu bayobozi b'abasiviri (II.3) muri Kigali. Rwemeje kandi ko yagize uruhare mu byaha byakorewe kuri CELA (II.6) no kuri Sainte-Famille (II.11) no mu byakorewe abagore b'Abatutsikazi muri Segiteri ya Rugenge (II.13). Muri uyu mutwe, Urugereko ruravuga ku ngaruka mu rwego rw'amategeko z'uruhare Renzaho yagize muri ibyo bikorwa.

2. UBURYOZWACYAHA

2.1 Ingingo ya 6 (1) ya Sitati

738. « Gutegeka » bisaba ko umuntu uri mu mwanya w'ubutegetsi ategeka undi muntu gukora icyaha. Si ngombwa ko uregwa aba akuriye uwakoze icyaha, mu buryo buzwi. Birahagije gusa kuba hariho ikimenyetso kigaragaza ko uregwa yari mu mwanya w'ubutegetsi washoboraga gutuma ategeka undi muntu gukora icyaha. Urwego rw'ubutegetsi ruteganywa mu ngingo ya 6 (1) ya Sitati rutuma umuntu atanga itegeko, rushobora kuba rudashingiye ku mategeko cyangwa ari urw'igihe gito[810].

[809] Porokireri aryoza gusa Uregwa ikirego cya 4 n'icya 6, kimushinja gusambanya ku gahato, hashingiwe ku ngingo ya 6 (3) ya Sitati. Ibirego birebana n'urugomo rushingiye ku gitsina bivugwa mu kirego cya 1 (jenoside), na byo abishinjwa gusa hashingiwe ku ngingo ya 6 (3).

[810] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2008, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Semanza mu bujurire, ibika 361, 363.

739. Urugereko rw'Ubujurire rwasanze gukora icyaha bikubiyemo, mbere na mbere, igikorwa kigiza icyaha (ugikora agambiriye kugira nabi) cyangwa kudakora ikintu cyari ngombwa giteganywa n'itegeko mpanabyaha[811]. Ubukemuramanza busobanura kandi ko « gukora » bikubiyemo uburyo butatu bw'umugambi mubisha uhuriweho: usanzwe, uwashyizwe kuri gahunda n'uwaguye[812]. Porokireri yavuze ko akurikirana Uregwa gusa mu rwego rw'umugambi mubisha uhuriweho usanzwe[813]. Ubu buryo bwo gukora icyaha busaba ko abafatanyije kugikora bose, bagikora bahuje umugambi, baba bose baritswemo n'igitekerezo kimwe cyo gukora icyaha[814].

740. Hakurikijwe ubukemuramanza bwemewe, igikorwa kigize icyaha (*actus reus)* gisabwa mu kugaragaza buri bumwe muri ubwo buryo butatu bw'umugambi mubisha uhuriweho, kigizwe n'ibintu bitatu[815]. Icya mbere, ni uko habaho abantu benshi. Si ngombwa ko baba barishyize hamwe mu mutwe wa gisirikare, uwa politiki cyangwa uw'ubutegetsi. Icya kabiri, ni uko habaho umugambi uhuriweho, ubwawo ukaba ari icyaha cyangwa ukaba urimo ikorwa ry'icyaha giteganywa na Sitati. Si ngombwa ko uwo mugambi uba wabanje gutegurwa cyangwa wasobanuwe. Ushobora gushyirwa mu bikorwa hatabanje kuba imyiteguro kandi umuntu akaba yavuga ko wabayeho agenekereje ahereye ku bikorwa byabaye. Icya gatatu, ni ngombwa ko uregwa aba yaragize uruhare muri uwo mugambi uhuriweho, ni ukuvuga kuba yarakoze kimwe mu byaha biteganywa muri Sitati. Uruhare rw'uregwa ntirugomba byanze bikunze kuba mu cyaha runaka yakoze mu byaha biteganywa (nk'urugero, ubuhotozi, itsembatsemba, kwica urubozo cyangwa gusambanya ku gahato), ariko rushobora kuba mu gutera inkunga, cyangwa mu gutanga

[811] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 478.
[812] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 386, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, ibika 82-83; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 463-465; Inyandiko y'urubanza rwa Vasiljević mu bujurire, ibika 96-99; Inyandiko y'urubanza rwa Krnojelac mu bujurire, igika 30. Reba kandi Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 478.
[813] Imyanzuro nsozarubanza ya Porokireri, igika 22.
[814] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 386, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, igika 82; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 463; Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 97. Inyandiko y'urubanza rwa Krnojelac mu bujurire, igika 84.
[815] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 387, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, igika 96; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 466; Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 100; Inyandiko y'urubanza rwa Krnojelac mu bujurire, igika 31.

umusanzu mu gushyira mu bikorwa umugambi uhuriweho. Urugereko rw'Ubujurire mu rubanza rwa Kvočka na bagenzi be, rwatanze ibigenderwaho mu gutandukanya umugambi mubisha uhuriweho n'ubundi buryozwacyaha nko gufasha no gushishikaza mu ikorwa ry'icyaha[816].

741. Igitekerezo cyo gukora icyaha (*mens rea*) kuri buri bwoko bw'umugambi mubisha uhuriweho kigenda gihinduka. Ku mugambi mubisha uhuriweho usanzwe, hasabwa ko igitekerezo cyo gukora icyaha runaka kiba gihuriweho n'abafatanyije kugikora bose.[817] Iyo icyaha gisaba igitekerezo cyihariye, nk'igitekerezo cyo kuvangura, uregwa agomba kuba na we asangiye n'abandi icyo gitekerezo cyihariye, nk'umwe mu bagize umugambi mubisha uhiriweho.[818]

742. Urugereko rw'Ubujurire rwasobanuye ko umuntu ufasha kandi agashishikariza [abantu gukora icyaha] ni ukora ibikorwa bigamije, ku buryo butaziguye, gutera inkunga, gushishikaza, cyangwa gutera akanyabugabo ba gatozi b'icyaha runaka, ku buryo bigira ingaruka ikomeye ku ikorwa ry'icyo cyaha[819]. Si ngomba ko igikorwa kigize icyaha (*actus reus*) kiba cyabanje gukorwa kugira ngo habeho icyaha nyirizina; icyo gikorwa gishobora kuba mbere y'icyaha cy'ibanze, mu gihe kirimo gukorwa cyangwa cyamaze gukorwa[820]. Urugereko rw'Ubujurire rwemeje kandi ko, ku muntu ukuriye abandi,

[816] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 387, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, igika 90. (« Iyo ufasha agashishikaza gatozi w'icyaha azi gusa ko inkunga ye ifasha umuntu umwe gukora icyo cyaha kimwe, aryozwa gusa gufasha no gushishikariza ikorwa ry'icyo cyaha. Ibi ni ko bigenda kabone n'iyo uregwa ari mu mugambi mubisha uhuriweho kandi wakorewemo ibindi byaha. Ariko iyo uregwa azi ko inkunga ye ifasha agatsiko k'abantu gukora ibyaha bigize umugambi mubisha uhuriweho kandi bahuje icyo gitekerezo, icyo gihe ashobora kuryozwa ibyaha byakozwe mu rwego rw'uwo mugambi uhuriweho nk'uwafatanyije n'abandi gukora icyaha. »); Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 102; Inyandiko y'urubanza rwa Tadić mu bujurire, igika 229.

[817] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 388, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 467; Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 101; Inyandiko y'urubanza rwa Krnojelac mu bujurire, igika 32.

[818] Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 388, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, ibika 109-110.

[819] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2009, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 127; Inyandiko y'urubanza rwa Simić mu bujurire, igika 85; Inyandiko y'urubanza rwa Blaškić mu bujurire, ibika 45-46; Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 102; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, igika 370.

[820] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2009, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 127; Inyandiko y'urubanza rwa Blaškić mu

kwemera ko ibikoresho n'abantu ashinzwe bikoreshwa mu korohereza ikorwa ry'icyaha bishobora kuba igikorwa kigize icyaha (*actus reus*) cyo gufasha no gushishikaza[821]. Igitekerezo cya ngombwa kigize icyaha cyo gufasha no gushishikaza ni uko ugikora aba azi ko atera inkunga gatozi w'icyaha runaka[822]. Mu byaha bisaba igitekerezo cyihariye nko gutoteza cyangwa jenoside, umuntu ufasha cyangwa ushishikaza agomba kuba azi igitekerezo cyihariye cya gatozi w'icyaha[823].

743. Urugereko rurasesengura ubwo bwoko butandukanye bw'uburyozwacyaha aho biri ngombwa mu myanzuro yarwo yo mu rwego rw'amategeko.

2.2 Ingingo ya 6 (3)

2.2.1 Amahame yo mu rwego rw'amategeko

744. Ibintu bitatu bikurikira bigomba kugaragazwa kugira ngo umutegetsi w'umusiviri cyangwa w'umusirikare aryozwe ibyaha byakozwe n'abo yari akuriye, hashingiwe ku ngingo ya 6 (3) ya Sitati: (a) kuba hari isano y'ukuriye undi hagati y'uyobora n'uwatsotsobye icyaha; (b) kuba ukuriye undi yari azi cyangwa yaragombaga kumenya ko uwo akuriye yiteguraga gukora ibyaha cyangwa ko yabikoze; no (c) kuba ukuriye undi atarafashe ingamba za ngombwa kandi zikwiriye kugira ngo ibyo byaha bidakorwa cyangwa ngo ahane uwabikoze**[824]**.

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bujurire, igika 48; Inyandiko y'urubanza rwa Simić mu bujurire, igika 85. Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, igika 372.

[821] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2009, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 127; Inyandiko y'urubanza rwa Krstić mu bujurire, ibika 137, 138, 144.

[822] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2009, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 127; Inyandiko y'urubanza rwa Simić mu bujurire, igika 86; Inyandiko y'urubanza rwa Vasiljević mu bujurire, igika 102; Inyandiko y'urubanza rwa Blaškić mu bujurire, igika 46; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, igika 370.

[823] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2009, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 127. Reba kandi Inyandiko y'urubanza rwa Simić mu bujurire, igika 86; Inyandiko y'urubanza rwa Krstić mu bujurire, ibika 140-141.

[824] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2011, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Orić mu bujurire, igika 18; Inyandiko y'urubanza rwa Nahimana na bagenzi be mu

745. Kugira ngo umuntu yerekane ko uregwa yari akuriye uwatsotsobye icyaha, ni ngombwa kugaragaza ko iyo sano, yaba ishingiye ku mategeko cyangwa itayashingiyeho, koko yari iri hagati yabo. Ukuriye undi agomba kuba yari afite ububasha cyangwa ubutegetsi, bushingiye ku mategeko (*de jure*) cyangwa bushingiye ku bikorwa (*de facto*), bwo kuburizamo cyangwa guhana icyaha cyakozwe n'abo yari akuriye. Ukuriye abandi agomba kuba yari afite ububasha busesuye ku bo yari akuriye mu ighe icyaha cyakorwaga. Ububasha busesuye ni ukuvuga ubushobozi bufatika bwo kubuza ko icyaha gikorwa cyangwa bwo guhana ba gatozi b'icyaha. Iyo hagaragajwe gusa ko uregwa yari afite ububasha mu buryo bwa rusange ku muntu wakoze icyaha, iyi ngingo isabwa ntiba yujujwe[825].

746. Ukuriye abandi aba afite cyangwa se afatwa nk'ufite igitekerezo cya ngombwa cyo gukora icyaha (*mens rea*) gisabwa kugira abe yaryozwa icyaha iyo: (i) bigaragajwe, hakoreshejwe ibimenyetso bitaziguye cyangwa biziguye, ko yari azi ko abo akuriye biteguraga gukora, bakoraga, cyangwa se bari bamaze gukora icyaha giteganywa na Sitati; cyangwa (ii) ko ukuriye abandi yari afite amakuru amumenyesha ko ibyo byaha bishobora gukorwa, bityo akaba agomba gukora ipereereza kugira ngo amenye neza koko ko ibyo byaha byari hafi gukorwa, ko byakorwaga, cyangwa ko byari byakozwe n'abo akuriye[826].

747. Mu bimenyetso birebwa mu gusuzuma niba ukuriye abandi yari afite ubumenyi nyabwo ku birebana n'icyaha, harimo: umubare, imiterere n'ubukana bw'ibyaha byakozwe n'abo

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bujurire, igika 484; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 143; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 627; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 400.

[825] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2012, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Halilović mu bujurire igika 59; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 143; Inyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 85; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, ibika 341-342; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 628; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 402, 415.

[826] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2013, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Delalić na bagenzi be mu bujurire, igika 232. Reba kandi Inyandiko y'urubanza rwa Hadžihasanović na Kubura mu bujurire, igika 28; Inyandiko y'urubanza rwa Galić mu bujurire, igika 184; Inyandiko y'urubanza rwa Bagilishema mu bujurire, ibika 37, 42; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 629; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 405.

yari akuriye, igihe byakorewe, umubare n'imiterere y'ingabo n'ibintu byakoreshejwe, ahantu ibyaha byakorewe, kureba niba ibyo byaha byari mu rwego rusange, umuvuduko byateguranywe cyangwa byakoranywe, uburyo (*modus operandi*) ibindi byaha bisa n'ibyo byakozwemo, ba ofisiye n'abakozi babigizemo uruhare, n'aho ukuriye abandi yari ari igihe ibyo byakorwaga[827].

2.2.2 Isesengura ry'Urugereko

748. Inyandiko y'ibirego ivuga ko Renzaho nka Perefe wa Perefegitura y'Umujyi wa Kigali akaba na koloneli mu Ngabo z'u Rwanda, yari afite ububasha akomora ku mategeko (*de jure*) n'ubwo atayakomoraho (*de facto*) kuri ba burugumesitiri, ku bakonseye, ku baserire, kuri ba nyumbakumi, ku bakozi bo mu biro, ku baporisi b'umujyi, ku ngabo z'u Rwanda, ku bajandarume, ku Nterahamwe, ku bantu bitwaraga gisirikare, ku basiviri bitwaje intwaro no ku basirikare bo mu ngabo z'u Rwanda yayoboraga[828].

749. Renzaho avuga ko Inyandiko y'ibirego idasobanura neza abantu bakoze ibyaha bivugwa ko yari afiteho ububasha. N'ubwo yemera ububasha bushingiye ku mategeko (*de jure*) yari afite kuri ba burugumesitiri no ku baporisi b'umujyi, avuga ko ibintu mu mujyi wa Kigali byari bidafite gitangira, akaba nta buryo n'abantu bahagije yari afite ngo agenzure abo bantu bakoraga ibyaha kandi ko atari azi ko ibyaha byakorwaga n'abo yari akuriye[829].

750. Renzaho yagizwe Perefe w'Umujyi wa Kigali ku itariki ya 5 Ukwakira 1990, igitero cyagabwe na FPR, noneho aguma kuri uwo mwanya kugeza igihe yahunze Kigali, muri

[827] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2014, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Delić mu rw'iremezo, igika 64; Inyandiko y'urubanza rwa Strugar mu bujurire, igika 68; Inyandiko y'urubanza rwa Limaj na bagenzi be mu bujurire, igika 524 ;

[828] Inyandiko y'ibirego, ibika 2 (A)-(B). Porokireri yemeye ko nta bimenyetso byatanzwe birebana n'igika 2 (C). Ibarwa ya Porokireri yo ku itariki ya 13 Werurwe 2007 yandikiye Ubwunganizi.

[829] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 4-5, 7-9, 11-13, 17-18, 21-22, 48-65, 71, 74, 86-99, 102, 127-144, 339-353, 443-461, 645-646, 701-717, 741-753, 757-758, 774-793, 937, 945-946, 956-957, 1041, 1065-1067, 1069, 1084-1085, 1089-1090, 1099-1133, 1170, 1175, 1212, 1222, 1227-1231, 1240-1252, 1269.

Nyakanga 1994[830]. Perefe yari ahagarariye ubutegetsi bwa Leta y'u Rwanda muri Perefegitura y'Umujyi wa Kigali, kandi yari afite ububasha ahabwa na Leta. Mu nshingano ze harimo kurinda amahoro, kubungabunga umutekano w'abantu n'ibintu muri perefegitura no kwita ku mikorere myiza y'imirimo perefegitura yari ishinzwe[831]. Ikindi kandi, Renzaho yakomeje kugumana umwanya we mu ngabo z'u Rwanda igihe cyose yari perefe, ndetse ahubwo ahabwa ipeti rya koloneli muri Nyakanga 1992[832].

751. Urugereko ruributsa ko atari ngombwa ko umuntu ukuriye abandi amenya umwirondoro nyawo w'abo akuriye bakoze ibyaha kugira ngo abiryozwe hashingiwe ku ngingo ya 6 (3) ya Sitati[833]. Inyandiko y'ibirego ivuga ibyiciro rusange by'abantu Renzaho yari akuriye. Ariko mu bika byihariye bivuga ku byaha, hongerwamo andi makuru ajyanye n'amazina y'abantu, ay'ahantu n'ibihe runaka birebana n'udutsiko twagutse tw'abantu bagabaga ibitero, barimo abantu bitwaraga gisirikare. Ukurikije uko uru rubanza ruteye, kubera kandi imiterere y'ibitero, Urugereko rusanga Porokireri atashoboraga gutanga umwirondoro urushijeho gusobanuka, by'umwihariko ku birebana n'amabariyeri yari anyanyagiye hirya no hino muri Kigali. Kubera ibyo rero, Urugereko rusanga Inyandiko y'ibirego ikubiyemo amakuru ahagije ku bantu Renzaho yari akuriye[834].

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[830] *Urubanza rwa Renzaho*, inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 5, 10-12 (gushyira mu mwanya); Umutangabuhamya UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, urup. 32 (gushyirwa mu mwanya mu gihe cy'intambara).

[831] Ikimenyetso gihamya cya Porokireri N°14. Itegeko rigena imitunganyirize y'ubutegetsi bwa Perefegitura y'Umujyi wa Kigali ryo ku itariki ya 22 Kamena 1990, ingingo ya 25; Ikimenyetso gihamya cya Porokireri N° 10. Itegekoteka rigena imitunganyirize n'imikorere y'ubutegetsi bwa Perefegitura y'Umujyi wa Kigali ryo ku itariki ya 11 Werurwe 1975, nk'uko ryahinduwe ku itariki ya 14 Kanama 1978, ingingo ya 8 n'iya 9.

[832] *Urubanza rwa Renzaho*, inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 5-7, 10; Umutangabuhamya ushinjura wiswe PAT, inyandikomvugo y'iburanisha, 22 Kanama 2007, urup. 53. Dosiye ya Renzaho yakomeje kuba mu Buyobozi Bukuru bw'Ingabo kandi umushara we waturukaga muri Minisiteri y'ingabo. Renzaho, inyandikomvugo y'iburanisha, 27 Kanama 2007, imp. 14 (« Igisubizo: Murakoze, Bwana Avoka. Hakurikijwe iryo tegeko, dosiye yanjye y'akazi yakomeje kubarizwa muri Minisiteri y'Ingabo. Ni byo. »), 32 (« Igisubizo: Oya, nta mirimo ya gisirikare nari mfite. Nta kazi runaka nari mfite mu ngabo, ariko izina ryanjye ryakomeje kuba kuri lisiti y'abantu bahembwaga n'ingabo buri kwezi. »).

[833] Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 55; Inyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 287.

[834] Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 56 (umwirondoro w'abo uregwa yari akuriye waragaragajwe ku buryo busa n'ubuhagije, kubera ko bose bari barize muri ESO, muri Perefegitura ya Butare mu Rwanda); Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, ibika 140, 141, 153 (umwirondo w'abo uregwa yari akuriye wagaragajwe hifashishijwe ikigo cya gisirikare babagamo) Reba kandi Inyandiko y'urubanza rwa Simba mu bujurire, ibika 71-72 (hemejwe ko uregwa yamenyeshejwe ku buryo bukwiye ko yari mu mugambi mubisha uhuriweho, hashingiwe gusa ku dutsiko rusange tw'abakoze ibyaha, nk'Interahamwe cyangwa

752. Ku birebana n'uburyozwacyaha bwa Renzaho nk'uwari ukuriye abandi, Urugereko ruributsa ko ikibazo cy'ingenzi ari ukumenya niba yari afite ububasha nyabwo ku bo aregwa kuba yari akuriye[835]. Kuri iki kibazo, Urugereko rw'Ubujurire rwavuze ko ububasha bushingiye ku mategeko (*de jure*) butagomba kwitiranywa n'ububasha nyabwo[836]. Ikindi kandi, n'ubwo kuba hariho ububasha bushingiye ku mategeko (*de jure*) bishobora kwerekana ko hari wenda ubushobozi bugaragara bwo kubuza ikorwa ry'icyaha cyangwa bwo kugihanira, ubwabyo ntibihagije kandi si ngombwa kugira ngo hagaragazwe nta gushidikanya ko uregwa yari afite ububasha nyabwo ku bo yari akuriye[837]. Bityo rero, Urugereko rusuzuma ububasha Renzaho yari afite, rwazirikanye ko ibimenyetso nk'ibyo atari byo kamara.

753. Urugereko rusanga Renzaho yari afite ububasha nyabwo ku bayobozi b'ibanze muri perefegitura, barimo abasuperefe, ababurugumesitiri, abakonseye, abaserire na ba nyumbakumi, no ku bakozi ba perefegitura n'aba komine nk'abaporisi kandi abo bose yari abakuriye. Mu kugera kuri uyu mwanzuro, Urugereko rwazirikanye ko kubera umwanya yari afite nka perefe n'ipeti rye ryo hejuru mu gisirikare, bigaragara ko Renzaho yari umutegetsi ukomeye kandi ufite ijambo muri Guverinoma y'u Rwanda, wari warahawe kuyobora ahantu h'ingenzi mu bihe by'intambara. Mbere y'ibivugwa byabaye, Renzaho yagiye mu nama zavugaga ku mutekano w'umujyi. Muri izo nama higiwemo ukuntu bakoresha abayobozi b'ibanze kwita ku mutekano kandi barabibakangurira (II.2). N'ubwo Urugereko rudashobora kuvuga igihe izo ngamba zashyiriweho n'uko intera yo kuzishyiraho yanganaga, uwo mugambi kimwe n'uruhare rw'ingenzi Renzaho yagize muri icyo gikorwa, ni ikimenyetso kiziguye gikomeye, cyashimangiwe n'ibyakurikiyeho, cyerekana ko intambara imaze gutangira, abakozi bose n'ibikoresho byose byo mu buyobozi bw'ibanze byagombaga kugenzurwa na perefe na

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abajandarume, n'andi makuru ajyanye n'igihe n'ahantu runaka ibyaha byakorewe), hemezwa umwanzuro wafashe mu Nyandiko y'urubanza rwa Simba mu rw'iremezo ibika, 392-393.

[835] Inyandiko y'urubanza rwa Orić mu bujurire, igika 91.

[836] Ni kimwe no haruguru, igika 91.

[837] Ni kimwe no haruguru, ibika 91-92.

ba komanda b'uturere, nibura mu birebana n'ingamba za guverinoma zo kurwanya « umwanzi ».

754. Kuva imirwano yubura, Renzaho yagiye atumiza kandi akayobora inama mu rwego rwa perefegitura zirimo abayobozi b'abasiviri n'ab'abasirikare, akazitangiramo amabwiriza n'amategeko yo kubungabunga umutekano, harimo no gushinga amabariyeri, gushaka no gutanga intwaro (II.2 and 3). Ikindi kandi, ni ngombwa kwibutsa ko Renzaho yari afite mu buryo bugaragara ububasha ahabwa n'amategeko (*de jure*) ku baburugumesitiri no ku baporisi b'umujyi[838]. Ibimenyetso birebana n'ububasha bushingiye ku mategeko (*de jure*) yari afite ku bindi byiciro by'abantu yari akuriye, barimo abakonseye, ntibisobanutse neza[839]. Nk'uko byavuzwe haruguru, ibi ubwabyo nta mwanzuro wabishingiraho. Renzaho yahaga abakonseye amabwiriza kandi akababaha n'abaporisi b'umujyi bo kubarindira umutekano[840]. Abakonseye ni bo bari ku isonga mu kuyobora abaturage ngo

[838] Reba nk'urugero, *Urubanza rwa Renzaho*, inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 35 (yari afite ububasha bushingiye ku mategeko (*de jure*) ku baburugumesitiri, mu bihe by'amahoro no mu ntambara), inyandikomvugo y'iburanisha, 30 Kanama 2007, urup. 21 (nka perefe, yagenzuraga abaporisi ba Perefegitura y'Umujyi wa Kigali); Umutangabuhamya PPV, inyandikomvugo y'iburanisha, 4 Kamena 2007, urup. 78 (Umukuru w'igiporisi cy'umujyi yari akuriwe na perefe); Umutangabuhamya AIA, inyandikomvugo y'iburanisha, 2 Nyakanga 2007, urup. 50 (perefe yari ashinzwe abaporisi); Umutangabuhamya ALG, inyandikomvugo y'iburanisha, 10 Mutarama 2007, urup. 58 (burugumesitiri wa komine yo muri Perefegitura y'Umujyi wa Kigali yari akuriwe na perefe); Umutangabuhamya UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 6-8, 19 (perefe yari ashinzwe abaporisi kandi yashoboraga kubirukana ku kazi); Ikimenyetso gihamya cya Porokireri N° 9, Itegeko rigena imitegekere ya komine ryo ku itariki ya 23 Ugushyingo 1963, ingingo ya 46, 48, 85 (ryemerera perefe gufatira burugumesitiri ibihano byo mu rwego rwa disipulini, gusaba minisitiri kwirukana burugumesitiri ku mirimo ye, no gufata, mu kigwi cye, ibyemezo bijyanye n'akazi ke cyangwa ak'abandi bakozi bakuru muri komini); Ikimenyetso gihamya cya Porokireri N°14. (Itegeko rigena imitunganyirize y'ubutegetsi bwa Perefegitura y'Umujyi wa Kigali ryo ku itariki ya 22 Kamena 1990, ingingo ya 27 (riha perefe ububasha ku giporisi cy'umujyi).

[839]Porokireri avuga ko ububasha Renzaho yari afite kuri ba superefe, ba konseye, ba resiponsabure b'amaserire na ba nyumbakumi yabukomoraga kandi ku Itegeko rigena imitunganyirize ya komine ryo ku itariki ya 23 Ugushyingo 1963, ingingo ya 59 (rivuga ko burugumesitiri akuriwe na perefe) n'ingingo ya 60 (ishyira abakozi ba komine munsi y'ubutegetsi bwa burugumesitiri). Nta mutangabuhamya w'impuguke wahamagajwe kugira ngo asobanure uko ububasha bwa perefe bwari buteye ku birebana n'abo bakozi. Renzaho yavuze ko nta bubasha yari afite ku bakonseye, atanga urugero asobanura ko atashoboraga kubaha ibihano ku buryo butaziguye. Renzaho, inyandikomvugo y'iburanisha, 28 Kanama 2007, urup. 39, inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 25-26; Ikimenyetso gihamya cya Porokireri N° 9, Itegeko rigena imitunganyirize ya komine ryo ku itariki ya 23 Ugushyingo 1963, ingingo ya 10 *bis*. Ubukemuramanza muri uru Rukiko buvuga ko perefe nta bubasha bushingiye ku mategeko (*de jure*) yari afite kuri ba konseye mu 1994. Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 646, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 166.

[840] Reba, nk'urugero, *Urubanza rwa Renzaho*, inyandikomvugo y'iburanisha, 27 Kanama 2007, urup. 63 (ku itariki ya 8 Mata 1994, Renzaho yategetse Komanda Emmanuel Nyamuhimba kohereza abaporisi bo gutera inkunga ba konseye); Umutangabuhamya PPV, inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 3-5 (ku itariki ya 7 Mata, Renzaho yategetse ko abaporisi boherezwa mu masegiteri 19, bo kurinda ba burugumesitiri na ba konseye);

bajye ku mabariyeri no mu gutanga intwaro. Ikindi kandi, kuba Renzaho yari afite ububasha nyabwo bigaragazwa n'uko, mu rwego rwo hejuru, yagenzuraga ikurwaho ry'abategetsi bo mu nzego zo hasi zari zikuriwe n'ababurugumesitiri be bo muri Perefegitura y'Umujyi wa Kigali, n'ubwo bwose amategeko atabimwemereraga (II.8). Bityo rero, ibyo avuga ko atari afite ubushobozi bwo kugenzura ibikorwa byabo nta shingiro bifite.

755. Ku birebana n'andi matsinda y'abantu bashobora kuba barakoze ibyaha, nk'abasirikare n'abajandarume, birumvikana ko umwanya wa Renzaho nka perefe na ofisiye mukuru mu ngabo watumaga afatwa nk'umutegetsi kandi watumaga bamwubaha. By'umwihariko, nka perefe, yari afite ububasha ahabwa n'amategeko bwo gusaba abajandarume, n'ubwo bakomezaga gutegekwa na ba komanda babo[841]. Ikindi kandi, nka ofisiye mu ngabo, yari afite uburenganzira n'inshingano byo gutuma abasirikare bose bari mu ntera iri hasi y'iye bubahiriza amategeko rusange ya disipuline, kabone n'ubwo yaba atari we wabayoboraga mu mirimo yabo[842]. Ibyo ari byo byose, kubera umwanya yari afite mu butegetsi bwa gisiviri, n'ububasha buke bushingiye ku mategeko yari afite ku bajandarume, bituma Urugereko rutemera, ku buryo budashidikanywaho, ko Renzaho yari afite ububasha nyabwo ku bajandarume bose cyangwa kuri buri musirikare wari ufite ipeti riri munsi y'irye. Urugereko ahubwo rugomba gusuzuma ububasha yari afite kuri abo bantu, rurebye uko ikibazo giteye buri muntu ku giti cye.

Umutangabuhamya GOA, inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 54 (uyu mutangabuhamya yabonye Konseye wa Segiteri ya Biryogo, Amri Karekezi, ari kumwe n'abaporisi batatu cyangwa bane); Umutangabuhamya AIA, inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 24-25, inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 2-3 (hakurikijwe amabwiriza ya Renzaho yo ku itariki ya 8 Mata, muri buri segiteri hoherejwe abaporisi batanu, uretse mu Biryogo, hoherejwe 11); Inyandikomvugo y'iburanisha, 2 Nyakanga 2007, imp. 44-45, 50-52, 60; Inyandikomvugo y'iburanisha, 3 Nyakanga 2007, imp. 7, 16 (abaporisi bari bashinzwe mbere na mbere kurinda umutekano wa ba konseye); Umutangabuhamya UB, inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp. 6, 62, 64 (abaporisi babwiye uyu mutangabuhamya ko perefe yari yabohereje kubungabunga umutekano wa konseye).

[841] *Urubanza rwa Renzaho*, inyandikomvugo y'iburanisha, 30, Kanama 2007, urup. 21; Ikimenyetso gihamya cya Porokireri N° 10, (Itegekoteka ryerekeye imitunganyirize n'imikorere by'ubutegetsi bwa perefegitura), ingingo ya 11; Ikimenyetso gihamya cya Porokireri N° 8, (Itegekoteka rishyiraho Jandarumori y'igihugu ryo mu 1974), ingingo ya 24, 29, 31, 32, 34, 35, 36.

[842] Ikimenyetso gihamya cya Porokireri N° 11 (Amategeko agenga disipuline mu Ngabo z'u Rwanda, 13 Ukuboza 1978) ingingo ya 10.

756. Ku byerekeye abantu bitwaraga gisirikare, na none ibimenyetso byatanzwe ku byerekeye ishyirwaho rya gahunda y'u Rwanda yo kwirwanaho kw'abaturage (*défense civile*), bigaragaza cyane mu buryo buziguye ko Renzaho yari afite ububasha kuri abo bantu bagabaga ibitero, by'umwihariko iyo babaga bari mu bikorwa byo kurwana ku mujyi wa Kigali bakorana cyangwa se bayoborwa n'abategetsi b'abasiviri. Ibyo aribyo byose, Urugereko ruzi neza ko hari ibimenyetso byerekana ko abo bantu bakusanyijwe mu buryo bwihuse kandi ko kenshi babaga badafite disipuline[843]. N'ubwo inyandiko zirebana na gahunda yo kwirwanaho kw'abaturage mu Rwanda (*défense civile*) zisobanura ibintu bimwe na bimwe, nta makuru ahagije ahari yerekana ukuntu inzego z'ubutegetsi zari ziteye n'ukuntu ubuyobozi butandukanye bw'iyo gahunda bwakoranaga. Urugereko rurasuzuma rero ibintu uko byari bimeze icyo gihe kugira ngo rurebe niba Renzaho yari afite ububasha nyabwo kuri abo bantu mu byabaye ibi n'ibi.

757. Mu myanzuro yo mu rwego rw'amategeko rufata kuri buri cyaha, Urugereko rurasuzuma niba Renzaho yari azi ibirebana n'ikorwa ry'ibyaha maze ntiyabiburizemo cyangwa ngo ahane ababikoze.

3. JENOSIDE

758. Mu kirego cya 1 n'icya 2 by'Inyandiko y'ibirego, Renzaho ashinjwa jenoside no kuba icyitso cy'abakoze jenoside hashingiwe ku ngingo ya 2 (3)(a) na (e) ya Sitati.

3.1 Jenoside

3.1.1 Intangiriro

759. Ikirego cya 1 cy'Inyandiko y'ibirego gishinja Renzaho jenoside hashingiwe ku ngingo ya 2 (3)(a) ya Sitati[844].

[843] Kuba abantu bitwaraga gisirikare mu Mujyi wa Kigali barakoreraga mu kaduruvayo badafite na disipuline bigaragarira mu bimenyetso byatanzwe birebana na za bariyeri no mu biganiro Renzaho yatanze kuri Radiyo Rwanda muri ibyo bihe (II.2).

[844] Urugereko rusanga hari ikosa mu magambo akoreshwa mu kirego cya 1 ku rupapuro rwa 4 rw'Inyandiko y'ibirego avuga ku ngingo ya 2 (3)(b) ya Sitati; iyi ngingo ivuga ku « bwumvikane bugamije gukora jenoside ».

3.1.2 Amategeko akurikizwa

760. Kugira ngo uregwa ahamwe n'icyaha cya jenoside, hagomba kugaragazwa ko yakoze kimwe mu bikorwa bivugwa mu ngingo ya 2 (2) afite igitekerezo cyihariye cyo kurimbura abantu bose bagize itsinda cyangwa igice cyabo, bazira icyo bari cyo, iryo tsinda rikaba riri mu byiciro bishobora kwibasirwa bizira ubwenegihugu, ubwoko cyangwa idini[845]. N'ubwo nta mibare y'ifatizo ivugwa hano, uwakoze icyaha agomba kuba yaragikoze afite igitekerezo cyo kurimbura nibura igice kinini cy'abantu bagize itsinda[846]. Si ngombwa ko uwakoze icyaha aba yaragikoze agamije gusa gukora jenoside, kimwe n'uko kuba afite impamvu ye yihariye yatumye akora icyo cyaha bitamubuza kuba yari yaritswemo n'igitekerezo cyihariye cyo gukora jenoside[847].

761. Mu gihe nta bimenyetso bitaziguye biriho, igitekerezo cyo gukora jenoside gishobora kugaragazwa ku buryo bucukumbuye, hashingiwe ku bikorwa cyangwa ku buryo ibintu byari byifashe, bishobora gutuma hemezwa ku buryo budashidikanywaho ko uregwa yari afite icyo gitekerezo. Ibintu bishobora kugaragaza igitekerezo cyihariye birimo uko ibintu byari bimeze muri rusange, ibindi byaha byibasiye iryo tsinda bikozwe kuri gahunda, intera ibyaha byakozwe byafashe, kuba abibasiwe barahohotewe mu buryo buri kuri

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Hagombye kuba haravuzwe ingingo ya 2 (3)(a), ivuga kuri « jenoside ». Uko Urugereko rubibona, iri ni ikosa rito ry'imyandikire, ridateye ikibazo mu rwego rwo kuba Uregwa yaramenyeshejwe mu buryo bukwiye ibyo aregwa. Amagambo ajyanye n'icyo kirego agaragaza neza ko « Tharcisse Renzaho aryozwa kwica cyangwa gutera abantu bo mu bwoko bw'Abatutsi ububabare buzahaza umubiri cyangwa mu mutwe ». Ikindi kandi, incamake y'ikirego cya 1 ku rupapuro rwa 2 rw'Inyandiko y'ibirego ivuga, nk'uko bikwiye, ingingo ya 2 (3)(a) ya Sitati.

[845] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2115, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, ibika 492, 496, 522-523; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 48; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 39; Inyandiko y'urubanza rwa Brđanin mu rw'iremezo, ibika 681, 695.

[846] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2115, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Seromba mu bujurire, igika 175; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 44; Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 412; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 316.

[847] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2115, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Simba mu bujurire, igika 269 ; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 302-304; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, ibika 48-54; Inyandiko y'urubanza rwa Krnojelac mu bujurire, igika 102, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Jelisić mu bujurire, igika 49 .

gahunda, bazira kuba mu itsinda runaka, cyangwa kuba ibikorwa bigamije kurimbura abahohotewe cyangwa by'ivangura byarabaye kenshi[848].

762. Inyandiko y'ibirego ishinja Renzaho kwica abantu bo mu bwoko bw'Abatutsi no kubatera ububabare buzahaza umubiri cyangwa mu mutwe. Birazwi neza ko ubwoko bw'Abatutsi ari itsinda rirengerwa mu rwego rw'amategeko mpuzamahanga[849]. Kugira ngo hagaragazwe ko habaye ubwicanyi bwibasiye abantu bo muri iryo tsinda, ni ngombwa kwerekana ko gatozi w'ubwo bwicanyi yishe umuntu umwe cyangwa abantu benshi bo muri iryo tsinda abigambiriye[850]. Inyito « gutera ububabare buzahaza umubiri » iganisha ku bikorwa by'ubugome bishingiye ku gitsina, ibikorwa by'ubugome byibasira umubiri bikazahaza ubuzima ku buryo umuntu yenda gupfa, bigatera ubusembwa ku mubiri, cyangwa se bigakomeretsa bikabije ibice cyangwa ingingo by'umubiri byo hanze cyangwa iby'imbere[851]. Ibikorwa bizahaza mu mutwe bijyanye n'ibikorwa bikomeye byangiza umuntu mu mutwe ku buryo butari ubw'igihe gito.[852] Si ngombwa ariko ko ibikorwa bizahaza umubiri cyangwa mu mutwe bitera umuntu ubumuga buhoraho

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[848] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2116, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Seromba mu bujurire, igika 176, havugwa ku bikubiye mu Nyandiko y'urubanza rwa Seromba mu rw'iremezo, igika 320; Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, ibika 524-525; Inyandiko y'urubanza rwa Simba mu bujurire, igika 264; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, ibika 40-41; Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 525; Inyandiko y'urubanza rwa Semanza mu bujurire, igika 262, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Jelisić mu bujurire igika 47; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire ibika, 147-148.

[849] Ikimenyetso gihamya cya Porokireri N° 94A (Raporo y'impuguke Alison Des Forges) imp. 1-2 (Abatutsi ni itsinda rizwi nk'irigize ubwoko). Ikindi kandi, buri rubanza rwaciwe n'uru Rukiko ku birebana na jenoside rwemeye ko ubwoko bw'Abatutsi ari itsinda ririnzwe mu rwego rw'amategeko mpuzamahanga. Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, na 2338, hasubirwamo ibivugwa mu *Rubanza rwa Karemera na bagenzi be*, Icyemezo ku bujurire Porokireri yatanze mu iburanisha ajuririra ibyo Urukiko rwemeje ko ababuranyi batajyaho impaka, Urugereko rw'Ubujurire, 16 Kamena 2006, igika 25; Inyandiko y'urubanza rwa Semanza mu bujurire, igika 192.

[850] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Simba mu rw'iremezo, igika 414, havugwa ku bikubiye mu Nyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 151.

[851] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Seromba mu bujurire, ibika 46-49; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 664; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 320; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 110.

[852] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Seromba mu bujurire, igika 46; Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, igika 815; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 664; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 321-322; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 110.

cyangwa budashobora gukira[853]. Ubu bugizi bwa nabi bushobora kuba burimo ibikorwa by'urugomo bishingiye ku gitsina, birimo no gusambanya ku gahato[854].

3.1.3 Isesengura ry'Urugereko

(i) Amabariyeri n'itangwa ry'intwaro

763. Mu myanzuro yarwo ku byabaye, Urugereko rwasanze ahagana ku itariki ya 10 Mata 1994, Renzaho yarategetse abayobozi b'ibanze gushinga amabariyeri muri Kigali kandi ko mu nama zakurikiyeho no mu biganiro binyuranye yagiriye kuri Radiyo, yakomeje kwemeza ko ashyigikiye ayo mabariyeri (II.2). Urugereko rwasanze amabariyeri yarashyizweho hakurikijwe amategeko ya Renzaho, kandi ayo mabariyeri yakoreshwaga muri Kigali yose kugira ngo batahure abasiviri b'Abatutsi kandi babice babigambiriye.

764. Kubera amategeko yatanze n'ukuntu yashyigikiye amabariyeri ku mugaragaro, agatuma yiyongera kandi abantu bayicirwaho, nk'umutegetsi agashyigikira ibyayakorerwagaho, Renzaho yagize uruhare rukomeye mu iyicwa ry'abasiviri b'Abatutsi bayaguyeho. Ikindi kandi, Urugereko rwasanze ahagana ku itariki ya 16 Mata 1994, Renzaho yaroroherejе abayobozi b'ibanze kubona intwaro zo gukwirakwiza mu baturage b'abasiviri (II.3). Ibi bikorwa byabaye gushyigikira no gutera inkunga igaragara ubwicanyi bwakozwe n'abayobozi b'ibanze n'abaturage. Nta kimenyetso gisobanutse cyerekana ko Renzaho yategetse ko Abatutsi bicirwa ku mabariyeri. Ariko kubera ububasha yari afite, ibikorwa bye byo gushyigikira amabariyeri, uruhare rwayo muri gahunda yo « kurwana » ku mujyi, kuba ayo mabariyeri yari ahantu henshi kandi agakomeza gukora, n'itegeko

[853] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, hasubwiramo ibivugwa mu Nyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 664; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 320, 322.

[854] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2117, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Seromba mu bujurire, igika 46; Inyandiko y'urubanza rwa Gacumbitsi mu rw'iremezo igika 292; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, ibika 706-707.

yatanze ryo gutanga intwaro, Urugereko rusanga Renzaho agomba kuba yaranategetse ko abantu bicirwaho kuri ayo mabariyeri[855].

765. Kubera imiterere y'amabariyeri n'icyo yari agamije, ubwicanyi buri kuri gahunda bwayakoreweho n'intera ibyaha byayakoreweho byafashe, Urugereko ntirushidikanya ko abakoze ubwo bwicanyi bari bafite igitekerezo cyo gukora jenoside. Ikindi kandi, Urugereko rwamaze kwemeza ko Renzaho yatanze amategeko yo gushinga amabariyeri akanavugira mu ruhame andi magambo yo kuyashyigikira azi neza ko ibyaha bikomeye byibasiraga abasiviri b'Abatutsi byayakorerwagaho. Amategeko Renzaho yatanze yo gushyiraho amabariyeri agaragaza ko ayo mabariyeri yari agamije guhangana n'Abatutsi. Kubera izo mpamvu, Urugereko rusanga Renzaho yarakoze ibyo bintu azi neza igitekerezo cyo gukora jenoside cy'abantu bari ku mabariyeri, kandi agisangiye na bo[856].

766. Muri make, Urugereko rusanze, hashingiwe ku ngingo ya 6 (1) ya Sitati, Renzaho agomba kuryozwa gufasha no gushishikariza iyicwa ry'abasiviri b'Abatutsi ku mabariyeri yari muri Kigali, kubera ko yategetse ko ashingwa, akemera ibyayakoreweho no kuba yarakomeje gushyigikira bikomeye ubwicanyi, atanga intwaro. Agomba kandi kuryozwa icyaha hashingiwe ku ngingo ya 6 (1) ya Sitati kubera ko yatanze amategeko yo gukora ubwicanyi[857].

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[855] Urugereko rw'Ubujurire rwasanze imiterere y'uburyozwacyaha nko « gutegeka » ishobora kugaragazwa hakoreshejwe ibimenyetso biziguye kabone n'iyo nta bimenyetso bitaziguye bibonetse bivuga ahantu n'igihe itegeko runaka ryatangiwe. Reba nk'urugero, Inyandiko y'urubanza rwa Galić mu bujurire, ibika 177-178, 389.

[856] Rwemeza ko Renzaho yakoze ibyaha afite igitekerezo cyo gukora jenoside, Urugereko rwazirikanye ibimenyetso byerekana ko, kuva muri Mata kugeza muri Nyakanga 1994, impunzi, zarimo Abatutsi, zakiriwe ku biro bya Perefegitura y'Umujyi wa Kigali no kwa Renzaho. Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 1265-1292. Reba kandi umutangabuhamya ALG, inyandikomvugo y'iburanisha, 11 Mutarama 2007, imp. 21-23; umutangabuhamya UT, inyandikomvugo y'iburanisha, 24 Gicurasi 2007, imp. 56-59; umutangabuhamya PGL, inyandikomvugo y'iburanisha, 6 Kamena 2007, urup. 23 (abantu bitwaraga gisirikare bamushyizeho iterabwoba, bavuga ko Renzaho ari icyitso cy'Abatutsi); Umutangabuhamya PPV, inyandikomvugo y'iburanisha, 5 Kamena 2007, imp. 10, 14. Kubera imyitwarire ya Renzaho n'imiterere y'ibyaha, ingingo zatanzwe n'ibimenyetso ntibituma umuntu yashidikanya kuri uyu mwanzuro. Reba, Urubanza rwa Simba mu rw'iremezo, ibika 417, 418, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, ibika 232-233.

[857] Urugereko rusanga ibyo byabaye bishobora kandi gushyigikira umwanzuro uvuga ko Renzaho yagize uruhare mu mugambi mubisha uhuriweho wo kwicira Abatutsi ku mabariyeri kubera ko ibyo byaha byakozwe n'abantu benshi bavugwa mu Nyandiko y'ibirego, barimo abantu bitwaraga gisirikare, abayobozi b'inzego z'ibanze, na Renzaho, bose bakaba bari bahuriye ku gitekerezo cya ngombwa cyo gukora jenoside. Nyamara ariko, Urugereko rusanga « gutegeka », na byo bifatwa nk'imiterere y'uburyozwacyaha itaziguye, bigaragaza neza kurushaho, imiterere y'uburyozwacyaha bwa Renzaho. Kubera uburemere muri rusange bw'ibyaha n'imiterere y'uruhare nyirizina rwa

767. Urugereko kandi rusanga Renzaho agomba kuryozwa ibyaha nk'umuntu wari ukuriye abandi hashingiwe ku ngingo ya 6 (3) ya Sitati. Kubera uruhare ayo mabariyeri yagize muri gahunda yo kurwana ku mujyi wa Kigali n'uruhare abayobozi b'ibanze bagize mu kuyashinga no kuyagenzura, Urugereko rusanga abayakoragaho bari bakuriwe na Renzaho. Urugereko rwemera ko hamwe na hamwe, abari ku mabariyeri bataranzwe na disipulini, ndetse ko bamwe mu bagabaga ibitero hari aho bashobora kuba batemeraga ko Renzaho abafiteho ububasha. Nyamara ariko, ibimenyetso bishinjura n'ibishinja bigaragaza ko abakonseye n'abayobozi b'amaserire bagize uruhare rukomeye mu gushinga no kugenzura amabariyeri muri Kigali yose. Urugereko rwamaze kwanzura ko abo bayobozi b'ibanze bari bakuriwe na Renzaho kandi ko yari abafiteho ububasha nyabwo. Niba rero Renzaho hari aho yabuze uburyo bwo kuburizamo ikorwa ry'ibyaha cyangwa bwo guhana ababikoze bakurikizaga amategeko ye, ibyo byatewe nyine n'uko yakwirakwije intwaro mu baturage kandi akohereza abaporisi kurinda umutekano w'abagize uruhare rukomeye mu ikorwa ry'ibyo byaha, ni ukuvuga abakonseye. Nk'uko byavuzwe haruguru, yari azi neza ko ibyaha byakorerwaga ku mabariyeri. Hanyuma, kuba yarananiwe kubiburizamo bisobanurwa n'uko we ubwe yagize uruhare rutaziguye mu byaha byayakoreweho.

(ii) CELA

768. Ahagana ku itariki ya 22 Mata 1994, Renzaho yari kuri CELA (II.6). Mu bikorwa bye kandi abifashijwemo na Angeline Mukandutiye, wari umugenzuzi w'amashuri, na Konseye Odette Nyirabagenzi, wari umuyobozi w'Interahamwe, yategetse Interahamwe ko abagabo bagera kuri 40 biganjemo Abatutsi batandukanywa n'abagore n'abana, hanyuma bagakurwa muri iyo santere. Interahamwe zishe hafi abo bagabo bose, harimo Charles Rwanga, abahungu be babiri Wilson na Déglote Rwanga; zabiciye mu nzira

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Renzaho, guha ibikorwa bye inyito yo mu rwego rw'amategeko yo « gutegeka, gufasha no gushishikaza » cyangwa iyo « kugira uruhare mu mugambi mubisha uhuriweho », nta cyo byahindura ku gihano Urugereko rugomba kumugenera.

bajya ku mva rusange yari hafi y'ibiro bya Segiteri ya Rugenge. Urugereko rwasanze Renzaho yarategetse ko ubwo bwicanyi bukorwa.

769. Kubera imiterere y'icyo gitero, Urugereko rusanga abakigabye barishe abantu bo mu bwoko bw'Abatutsi babigambiriye. Renzaho yagize uruhare rukomeye muri icyo gitero kubera ko yategetse ko abantu batandukanywa n'abandi hanyuma bakicwa. Umubare munini w'impunzi z'Abatutsi zari kuri CELA, umubare munini w'abagabo b'Abatutsi bakuwe kuri CELA, kimwe n'ibimenyetso bigaragaza ko muri icyo gihe mu Rwanda abantu bo muri ubwo bwoko bibasirwaga, bigaragaza nta gushidikanya ko abagabye icyo gitero, ndetse na Renzaho, bari bafite igitekerezo cyo gukora jenoside.

770. Kubera ibyo rero, Urugereko rusanze Renzaho agomba kuryozwa, hashingiwe ku ngingo ya 6 (1) ya Sitati, icyaha cyo gufasha no gushyigikira ubwicanyi bw'Abatutsi b'abasiviri bagera kuri 40 bari kuri CELA ahagana ku itariki ya 22 Mata, kubera ko yategetse ko batandukanywa n'abandi. Agomba kuryozwa na none icyaha hashingiwe ku ngingo ya 6 (1) ya Sitati, kubera ko yatanze itegeko ryo gukora ubwo bwicanyi[858]. Hashingiwe ku ngingo ya 6 (3) ya Sitati, Urugereko rusanga kandi Renzaho agomba kuryozwa ibyo byaha nk'umuntu wari ukuriye abandi. Kubera imiterere y'icyo gitero, ububasha rusange yari afite, no kuba yari aho cyabereye, bituma Urugereko rwemeza ko Interahamwe zishe impunzi z'Abatutsi zari zikuriwe na Renzaho mu gihe cy'icyo gitero. Nk'uko byavuzwe haruguru, yari azi neza ko abahohotewe bariho bakorerwa ibyaha ; impamvu yatumye Renzaho ataburizamo ibyo byaha ni uko we ubwe yagize uruhare runini kandi rutaziguye mu ikorwa ryabyo.

[858] Urugereko rusanga ibyo byabaye bishobora kandi gushyigikira umwanzuro uvuga ko Renzaho yagize uruhare mu mugambi mubisha uhuriweho wo kwica abantu bagera kuri 40 biganjemo abagabo b'Abatutsi bakuwe kuri CELA, kubera ko ibyo byaha byakozwe n'abantu benshi bavugwa mu Nyandiko y'ibirego, barimo abantu bitwaraga gisirikare, Mukandutiye, Nyirabagenzi, na Renzaho, bose bakaba bari bahuriye ku gitekerezo cya ngombwa cyo gukora jenoside. Nyamara ariko, Urugereko rusanga « gutegeka », na byo bifatwa nk'imiterere y'uburyozwacyaha itaziguye, bigaragaza neza kurushaho, imiterere y'uburyozwacyaha bwa Renzaho. Kubera uburemere muri rusange bw'ibyaha n'imiterere y'uruhare nyirizina rwa Renzaho, guha ibikorwa bye inyito yo mu rwego rw'amategeko yo « gutegeka, gufasha no gushishikaza » cyangwa iyo « kugira uruhare mu mugambi mubisha uhuriweho », nta cyo byahindura ku gihano Urugereko rugomba kumugenera.

(iii) Sainte-Famille

771. Nk'uko byavuzwe mu magambo arambuye mu myanzuro y'Urugereko ku byabaye, ku itariki ya 17 Kamena 1994, Interahamwe zagabye igitero kuri kiriziya ya Sainte-Famille zihatsinda impunzi z'Abatutsi zibarirwa mu magana (II.11). Renzaho yari aho hantu, kandi Urugereko rwasanze yarategetse Interahamwe kugaba igitero, hanyuma aza no gutegeka ko gihagarikwa.

772. Kubera imiterere y'icyo gitero, Urugereko rusanga abakigabye barishe abantu bo mu bwoko bw'Abatutsi babigambiriye. Renzaho yagize uruhare rukomeye muri icyo gitero kubera ko yategetse Interahamwe kukigaba. Umubare munini w'impunzi z'Abatutsi zari kuri Sainte-Famille, kimwe n'ibimenyetso bigaragaza ko muri icyo gihe mu Rwanda abantu bo muri ubwo bwoko bibasirwaga, bigaragaza nta gushidikanya ko abagabye icyo gitero, ndetse na Renzaho, bari bafite igitekerezo cyo gukora jenoside.

773. Kubera izo mpamvu, Urugereko rusanze, hashingiwe ku ngingo ya 6 (1) ya Sitati, Renzaho agomba kuryozwa icyaha cyo kwica impunzi z'Abatutsi zari kuri kiliziya ya Sainte-Famille zibarirwa mu magana, ku itariki ya 17 Kamena 1994, kubera ko yategetse ko bagabwaho igitero[859]. Urugereko kandi rusanze, hashingiwe ku ngingo ya 6 (3) ya Sitati, Renzaho agomba kuryozwa ibyo byaha nk'umuntu wari ukuriye abandi. Kubera imiterere y'icyo gitero, ububasha yari afite muri rusange, no kuba yari aho cyabereye, Urugereko rusanga Interahamwe zishe impunzi z'Abatutsi zari zikuriwe na Renzaho mu gihe icyo gitero cyabaga. Nk'uko byavuzwe haruguru, Nk'uko byavuzwe haruguru, yari azi neza ko abo bahohotewe bariho bakorerwa ibyaha ; impamvu yatumye Renzaho

[859] Urugereko rusanga ibyo byabaye bishobora gushyigikira umwanzuro uvuga ko Renzaho yagize uruhare mu mugambi mubisha uhuriweho wo kwica impunzi z'Abatutsi zibarirwa mu magana zari kuri kiriziya ya Sainte-Famille kubera ko ibyo byaha byakozwe n'abantu benshi bavugwa mu Nyandiko y'ibirego, barimo abantu bitwaraga gisirikare, Angeline Mukandutiye, Odette Nyirabagenzi, na Renzaho, bose baka bari bahuriye ku gitekerezo cya ngombwa cyo gukora jenoside. Nyamara ariko, Urugereko rusanga « gutegeka », na byo bifatwa nk'imiterere y'uburyozwacyaha itaziguye, bigaragaza neza kurushaho, imiterere y'uburyozwacyaha bwa Renzaho. Kubera uburemere muri rusange bw'ibyaha n'imiterere y'uruhare nyirizina rwa Renzaho, guha ibikorwa bye inyito yo mu rwego rw'amategeko yo « gutegeka, gufasha no gushishikaza » cyangwa iyo « kugira uruhare mu mugambi mubisha uhuriweho », nta cyo byahindura ku gihano Urugereko rugomba kumugenera.

ataburizamo ibyo byaha ni uko we ubwe yagize uruhare runini kandi rutaziguye mu ikorwa ryabyo.

(iv) Urugomo rushingiye ku gitsina

774. Mu myanzuro yarwo ku byabaye, Urugereko rwasanze mu nama imwe yabaye nyuma y'itariki ya 10 cyangwa iya 11 Mata 1994, yarimo Konseye Odette Nyirabagenzi n'Interahamwe, Renzaho yaravuze ko umutangabuhamya AWO, w'Umututsikazi, atagomba kwicwa kubera ko uwo mudamu yari « ibiryo by'abantu bitwaraga gisirikare ». Nyuma y'ibyo, uyu mutangabuhamya yasambanyijwe kenshi ku gahato n'Interahamwe, abaporisi n'abasirikare babaga kwa Nyirabagenzi cyangwa bakoranaga na we (II.13).

775. Ikindi kandi, Urugereko rwasanze Munanira, wari Interahamwe akaba na musaza wa Konseye Nyirabagenzi, hamwe n'abandi bantu bitwaraga gisirikare, barasambanyije kenshi kandi ku gahato, umutangabuhamya AWN na mwene nyina, bombi bakaba bari Abatutsikazi. Ibi babibakoreye ku cyicaro cy'izo Nterahamwe mu gihe cy'ibyumweru. Ibi byabaye nyuma y'uko Renzaho avugiye ku biro bya Segiteri ya Rugenge, imbere y'umutangabuhamya AWN, Nyaribagenzi na Munanira ko « igihe cyo kwereka Abatutsikazi ko Abahutu bakomeye kandi ko bashobora kubakoresha icyo bashaka cyose kigeze ». Renzaho amaze kuhava, Nyirabagenzi yabwiye Munanira ko azakora uko ashoboye kose kugira ngo uyu mutangabuhamya azabe ari we umwingingira kuryamana na we (II.13).

776. Urugereko rusanga ibyo bikorwa byo gusambanya ku gahato byarabateye ububabare buzahaza umubiri cyangwa mu mutwe. Kubera ko aba batangabuhamya bari Abatutsikazi, kandi kubera ko abantu bari bazi ko ari bo, no kubera ibimenyetso byinshi bigaragaza ko muri icyo gihe abandi bantu bo mu bwoko bw'Abatutsi bibasirwaga muri Kigali, birumvikana ko abakoze ibyo bikorwa byo gusambanya ku gahato bari baritswemo n'igitekerezo cyo gukora jenoside.

777. Porokireri asaba ko Urugereko rwemeza ko Uregwa ahamwa n'ibyo byaha hakurikijwe gusa ingingo ya 6 (3) ya Sitati. Urugereko rwasanze Renzaho yari akuriye urwego rwa

porisi y'umujyi. Ikindi kandi, uburyo ibyo byaha byombi byakozwemo bituma Urugereko rwemeza ko Renzaho yari akuriye abantu bitwaraga gisirikare. Urugereko rusanga abo bantu barakoraniraga hafi na Konseye Nyirabagenzi, wari ukuriwe na Renzaho mu bikorwa, kandi rimwe na rimwe yarabacumbikiraga. Kubera ibyo, abo bantu bitwaraga gisirikare bari bafite aho bahuriye bya hafi n'abategetsi ba Leta. Ibyo ari byo byose, n'iyo abo bantu bitwaraga gisirikare batafatwa nk'abantu Uregwa yari akuriye, agomba kuryozwa uruhare Konseye Nyirabagenzi yagize mu korohereza ikorwa ry'ibyaha. By'umwihariko, kuba yari ahantu Renzaho yashishikarije gusambanya ku gahato kandi ntabyamagane, no kuba yarakomeje gushishikaza no gushyigikira abicanyi, akabatera inkunga igaragara, byateye inkunga, bishishikariza kandi bishyigikira ikorwa ry'ibyaha. Na none kandi, Urugereko rwemera ko abasirikare basambanyije umutangabuhamya AWO ku gahato mu by'ukuri bari bakuriwe na Renzaho urebye ipeti yari afite, amabwiriza yabahaye n'ibitero bagabye kuri uyu mutangabuhamya.

778. Imyitwarire ya Renzaho ku birebana n'ibyo byabaye uko ari bibiri igaragaza neza ko yari azi ko ibyaha byari gukorwa kandi yemeye ko bikorwa. Bityo rero, nta gushidikanya ko yateshutse ku nshingano ze zo kuburizamo ibyo byaha.

3.1.4 Umwanzuro w'Urugereko

779. Urugereko rusanze Renzaho ahamwa n'icyaha cya jenoside (Ikirego cya 1) hashingiwe ku ngingo ya 6 (1) kubera ko yafashije, agashishikaza kandi agategeka abantu kwica Abatutsi kuri za bariyeri hirya no hino muri Kigali guhera muri Mata kugeza muri Nyakanga 1994; kubera ko yafashije, agashishikaza kandi agategeka abantu gukora ubwicanyi kuri CELA ku itariki ya 22 Mata 1994; no kubera amategeko yatanze arebana n'ibyaha byakorewe kuri Sainte-Famille ku itariki ya 17 Kamena 1994. Renzaho kandi aryozwa ibyo byaha nk'umuntu wari ukuriye abandi, kandi Urugereko ruraza kubizirikana mu igenagihano ku birebana no kuba yakoresheje nabi ububasha yari afite. Urugereko rusanga kandi Renzaho ahamwa n'icyaha cya jenoside (Ikirego cya 1) hashingiwe ku ngingo ya 6 (3) kubera ko atabujije ko abatangabuhamya AWO, AWN na mwene nyina basambanywa ku gahato.

3.2 Kuba icyitso cy'abakoze jenoside

780. Mu kirego cya 2 cy'Inyandiko y'ibirego Renzaho aryozwa kuba icyitso cy'abakoze jenoside. Porokireri yavuze ko Uregwa yakurikiranwa ku kirego cyo kuba icyitso cy'abakoze jenoside ikirego cya 1 cya jenoside kiramutse kitamuhamye[860]. Urugereko rusanga Renzaho adahamwa n'iki kirego kubere ko rwanzuye ko ahamwa na jenoside.

4. IBYAHA BYIBASIYE INYOKOMUNTU

4.1 Intangiriro

781. Ikirego cya 3 n'icya 4 by'Inyandiko y'ibirego bishinja Renzaho ubuhotozi no gusambanya ku gahato nk'ibyaha byibasiye inyokomuntu hashingiwe ku ngingo ya 3 (a) na (g) ya Sitati.

4.2 Igitero rusange kandi kiri kuri gahunda

782. Kugira ngo icyaha kivugwa mu ngingo ya 3 kitwe icyaha cyibasiye inyokomuntu, Porokireri agomba kugaragaza ko habayeho igitero rusange cyangwa kiri kuri gahunda cyibasiye abaturage b'abasiviri kubera ubwenegihugu bwabo, impamvu za politiki,

[860] Imyanzuro nsozarubanza yanditse ya Porokireri, igika 380. Porokireri ariko avuga ko Urugereko rushobora guhamya Renzaho icyaha cyo kuba icyitso cy'abakoze jenoside hashingiwe ku bikorwa bitafatwa nko gufasha no gushishikaza abakoze jenoside kubera ko urwego rw'inkunga rusabwa ku cyaha cyo kuba icyitso cy'abakoze jenoside ari rwo ruto. Imyanzuro nsozarubanza ya Porokireri, ibika 380, 382, 384. By'umwihariko, Porokireri avuga ko ku birebana no kuba icyitso cy'abakoze jenoside, « si ngombwa ko uruhare rw'uregwa mu ikorwa rya jenoside ruba rukomeye; mu by'ukuri, n'iyo Renzaho yaba yaragize uruhare *ruto cyane* mu ikorwa ry'icyaha, ntibyabumubuza guhamwa n'icyaha cyo kuba icyitso cy'abakoze jenoside ». Imyanzuro nsozarubanza yanditse ya Porokireri, igika 382 (bishimangiye no mu nyandiko y'umwimerere byanditse n'inyuguti ziberamye), hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Akayesu mu rw'iremezo, ibika 542-543. Ubu buryo bwo kubona ibintu ariko ntibuhwitse. Urugereko rw'Ubujurire rwemeye ko bimwe mu bikorwa bigize icyaha cyo « gufasha no gushishikaza » ari byo bigize kandi icyo « kuba icyitso cy'abakoze jenoside ». N'ubwo Urugereko rw'Ubujurire rwemeye ko kuba icyitso bishobora kubamo ibikorwa birenze ibyo gufasha no gushishikaza, urundi rugero rwonyine urwo Rugereko rwatanze ni urw' « umuntu ufatanya n'abandi gukora icyaha ». Ikindi kandi, biragaragara ko ibindi bikorwa byose bigize icyaha cyo kuba icyitso bitafatwa nko gufasha no gushishikaza, byasaba ko hagaragazwa ko habayeho igitekerezo cyihariye cyo gukora icyaha. Ibi bitandukanye n'ibyo Porokireri avuga. Reba muri rusange Inyandiko y'urubanza rwa Semanza mu bujurire, igika 316; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 500; Inyandiko y'urubanza rwa Krstić mu bujurire ibika 139, 142.

ubwoko cyangwa idini byabo[861]. Iyo igitero kigabwe ku baturage b'abasiviri, ni ukuvuga ko abo baturage bakorerwa ibikorwa by'urugomo byinshi, cyangwa se ubugizi bwa nabi buvugwa mu duka (a) na (i)[862]. « Rusange » bisobanura ubwoko bw'igitero cyasakaye henshi kandi kikibasira umubare munini w'abantu, naho « kiri kuri gahunda » bikavuga uburyo ibikorwa by'urugomo byateguwemo no kuba bidashoboka ko biba byaragwiririye abantu bitateguwe[863]. Ibyo bintu biranga igitero si ngombwa ko byombi bigaragazwa, kimwe muri byo kirahagije.

783. Ku birebana n'igitekerezo cyo gukora icyaha (*mens rea*), uwagikoze agomba kuba yari azi neza ko ibikorwa bye byakozwe mu rwego rw'igitero, ariko si ngombwa ko we aba yemeranya n'intego cyangwa n'imigambi yashingiweho kugira ngo icyo gitero rusange gikorwe[864]. Kuba hari igisabwa cy'inyongera kivuga ko ibyaha byibasiye inyokomuntu bigomba kuba byarakozwe hashingiwe « ku bwenegihugu, ibitekerezo bya politiki,

[861] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2156, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Semanza mu bujurire, ibika 326-332, havugwa ku bikubiye mu Nyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 578; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 73; Inyandiko y'urubanza rwa Akayesu mu bujurire, ibika 467, 469; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 516; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, ibika 697-698; Inyandiko y'urubanza rwa Mpambara mu rw'iremezo, igika 11; Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 421; Inyandiko y'urubanza rwa Gacumbitsi mu rw'iremezo igika 299; Inyandiko y'urubanza rwa Tadić mu bujurire, ibika 248, 255.

[862] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2165, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, ibika 915-918; Inyandiko y'urubanza rwa Kordić na Čerkez mu bujurire, igika 666; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 89; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu rw'iremezo, igika 415.

[863] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2165, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 920, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kordić na Čerkez mu bujurire, igika 94; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 516; Inyandiko y'urubanza rwa Mpambara mu rw'iremezo, igika 11; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 328-329; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu rw'iremezo, igika 429; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 94; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 101, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Gacumbitsi mu rw'iremezo, igika 299; Inyandiko y'urubanza rwa Stakić mu bujurire, igika 246; Inyandiko y'urubanza rwa Blaškić mu bujurire, igika 101; Inyandiko y'urubanza rwa Limaj na bagenzi be mu rw'iremezo, igika 180; Inyandiko y'urubanza rwa Brđanin mu rw'iremezo, igika 133.

[864] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2166, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Gacumbitsi mu bujurire, ibika 86, 103, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Tadić mu bujurire, ibika 251-252; Inyandiko y'urubanza rwa Galić mu bujurire, igika 142; Inyandiko y'urubanza rwa Semanza mu bujurire, ibika 268-269; Urubanza rwa Simba mu rw'iremezo, igika 421; Inyandiko y'urubanza rwa Kordić na Čerkez mu bujurire, igika 99; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu rw'iremezo, igika 434; Inyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 102; Inyandiko y'urubanza rwa Blaškić mu bujurire, ibika 124-127.

ubwoko cyangwa idini » ntibivuze ko hagomba kugaragazwa ko habayeho igitekerezo cyo gukora icyaha (*mens rea*) gishingiye ku ivangura[865].

784. Urugereko rwasuzumye ibimenyetso byose, cyane cyane ibirebana n'ubwoko n'amashyaka ya politiki abantu bahagarikwaga ku mabariyeri cyangwa bari bahungiye ahantu hatandukanye muri Kigali barimo cyangwa bakekwaga kuba barimo. Rusanga hagati ya Mata na Nyakanga 1994, hari ibitero rusange kandi biri kuri gahunda byibasiraga abaturage b'abasiviri hashingiwe ku bwoko bwabo cyangwa ku mpamvu za politiki. Ntibishoboka ko abagabaga ibyo bitero ndetse na Renzaho ubwe batari bazi ko ibikorwa byabo byari biri mu mugambi w'ibitero rusange. Renzaho, nk'umusirikare wo mu rwego rwo hejuru kandi akaba n'umuyobozi mukuru muri Leta, agomba kuba yari azi uko ibintu bimeze, haba mu gihugu hose cyangwa mu bice yategekaga. Ibitero byinshi cyangwa ubwicanyi bwakorwaga ku mugaragaro kandi bizwi n'abantu bose. Urugereko rwasanze kandi ko Renzaho yari muri bimwe muri ibyo bitero.

4.3 Ubuhotozi

4.3.1 Intangiriro

785. Mu kirego cya 3 cy'Inyandiko y'ibirego, Renzaho ashinjwa ubuhotozi nk'icyaha cyibasiye inyokomuntu hashingiwe ku ngingo ya 3 (a) ya Sitati.

4.3.2 Amategeko

786. Ubuhotozi ni ubwicanyi bw'umuntu bwagambiriwe, bukorwa nta mpamvu zijyanye n'amategeko cyangwa ibisobanuro bihari, cyangwa gutera umuntu, bigambiriwe, ububabare bukomeye bw'umubiri bumuviramo gupfa, uwabikoze azi ko ubwo bubabare bugomba guhitana uwahohotewe[866].

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[865] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2166, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Akayesu mu rw'iremezo, ibika 464-469, 595; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 81.

[866] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2169, hasubirwamo ibivugwa mu *Rubanza rwa Bagosora na bagenzi be*, Icyemezo ku byifuzo bisaba ko abaregwa bahanagurwaho ibyaha, Urugereko

4.3.3 Isesengura ry'Urugereko

787. Porokireri avuga ko iyicwa rya Charles, Wilson na Déglote Rwanga ari ubuhotozi nk'icyaha cyibasiye inyokomuntu hashingiwe ku ngingo ya 6 (1) ya Sitati. Aba bari mu bantu bagera kuri 40, biganjemo abagabo b'Abatutsi, bakuwe kuri CELA bakicwa, ku itariki ya 22 Mata 1994. Porokireri avuga kandi ko iyicwa ry'abagabo b'Abatutsi bagera kuri 40, barimo bariya bantu batatu, ari ubuhotozi hashingiwe ku ngingo ya 6 (3) ya Sitati[867]. Urugereko rwamaze kwemeza ko kurobanura, gutwara no kwica impunzi ziganjemo Abatutsi zigera kuri 40, zarimo bariya bantu batatu, ari jenoside. Rushingiye kuri ibyo, Urugereko rusanga ubuhotozi bw'abo bantu bwakozwe bugambiriwe, bwarashingiye ku bwoko bw'abahohotewe. Hari n'Abahutu bishwe muri icyo gitero n'ubwo cyibasiraga mbere na mbere Abatutsi. Ariko kubera ko abo bantu bishwe mu gitero cyari gishingiye ku bwoko, ubwo biwicanyi na bwo ni ubuhotozi nk'icyaha cyibasiye inyokomuntu.

788. Urugereko rwamaze kwemeza ko Renzaho agomba kuryozwa ibyaha hashingiwe ku ngingo ya 6 (1) ya Sitati kubera ko yafashije, agashishikaza, kandi agaha amategeko abakoze buriya bwicanyi, akaba kandi agomba kuryozwa ibyaha hashingiwe ku ngingo ya 6 (3) ya Sitati nk'umuntu wari ukuriye abandi (III.3.1.4).

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rwa Mbere rw'Iremezo, 2 Gashyantare 2005, igika 25; Inyandiko y'urubanza rwa Karera mu rw'iremezo, igika 558. Urugereko rusanga zimwe mu Ngereko za Mbere z'Iremezo zaremeje ko icyaha cy'ubuhotozi gisaba ko ugikora, uretse kuba afite igitekerezo cyo kwica, agomba no kuba yabigambiriye. Reba nk'urugero, Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 86; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 700; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 339. Hakoreshwa kimwe cyangwa byombi muri ibyo bigize icyaha cy'ubuhotozi, Urugereko rusanga muri uru rubanza ubwicanyi buvugwa ahangaha bwafatwa nk'ubuhotozi nk'icyaha kibasiye inyokomuntu.

[867] Igika cya 45 cy'Inyandiko y'ibirego, gishinja Renzaho ubuhotozi hashingiwe ku ngingo ya 6 (1) ya Sitati, kivuga ko aryozwa « iyicwa ry'*abantu runaka…barimo*…Charles, Wilson na Déglote Rwanga » (ni twe twabishimangiye mu nyuguti ziberamye). Ibi bitandukanye n'igika cya 49, aho Porokireri ashaka kugaragaza uburyozwacyaha bwa Renzaho hashingiwe ku ngingo ya 6 (3), kubera iyicwa ry'« *abantu bamwe … barimo …* Charles, Wilson na Déglote Rwanga » (ni twe twabishimangiye mu nyuguti ziberamye). Itandukanyirizo hagati y'ibyo bika rigaragaza ko Porokireri ashingira gusa ku ngingo ya 6 (1) avuga ihotorwa ry'abantu batatu bazwi, mu gihe asaba ko uregwa aryozwa ubuhotozi bwa buri muntu wakuwe kuri CELA uwo munsi, harimo n'abo batatu, ashingiye ku ngingo ya 6 (3). Nk'uko byavuzwe haruguru, Porokireri yaretse gukurikirana Uregwa ku birebana n'iyicwa rya James Rwanga na Emmanuel Gihana (II.6).

4.3.4 Umwanzuro w'Urugereko

789. Urugereko rusanze Renzaho ahamwa n'icyaha cy'ubuhotozi nk'icyaha cyibasiye inyokomuntu, hashingiwe ku ngingo ya 6 (1) ya Sitati kubera ko yafashije, agashyigikira kandi agategeka abantu kwica Charles, Wilson na Déglote Rwanga, bari bakuwe kuri CELA ku itariki ya 22 Mata 1994. Rusanze kandi Renzaho ahamwa n'ubuhotozi nk'icyaha cyibasiye inyokomuntu, nk'uwari ukuriye abandi hashingiwe ku ngingo ya 6 (3) ya Sitati, kubera ubwicanyi bwakorewe Charles, Wilson na Déglote Rwanga n'abandi bagabo biganjemo Abatutsi bakuwe kuri CELA kuri iyo tariki[868]. Urugereko ruraza kwita ku buryozwacyaha bwa Renzaho nk'uwari ukuriye abandi, mu kumugenera igihano.

4.4 Gusambanya ku gahato

4.4.1 Intangiriro

790. Mu kirego cya 4 cy'Inyandiko y'ibirego, Renzaho ashinjwa gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu hashingiwe ku ngingo ya 3 (g) ya Sitati.

4.4.2 Amategeko

791. Gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu bisaba ko hagaragazwa ko uwagikoze yinjije, nta bwumvikane bubaye, imboro ye cyangwa se ikindi kintu, n'ubwo byaba atari cyane, mu gituba, mu kibuno cyangwa mu kanwa k'uwahohotewe[869]. Ubwumvikane hano bugomba kubaho nta gahato gakoreshejwe, mu bwisanzure, kandi bugaragazwa hashingiwe ku buryo ibintu byifashe[870]. Gukoresha imbaraga cyangwa se gukangisha umuntu gukoresha ingufu bigaragaza neza ko nta bwumvikane bwabaye;

[868]Kubera impamvu zavuzwe haruguru, ibyabaye bishobora gushyigikira umwanzuro uvuga ko Renzaho yagize uruhare mu mugambi mubisha uhuriweho ku birebana n'ubwo bwicanyi, ariko Urugereko rusanga « gufasha no gushishikaza » hamwe no « gutegeka » ari yo miterere y'uburyozwacyaha iboneye. Kubera uburemere bw'icyaha muri rusange, iyo nyito nta cyo yahindura ku gihano Urugereko rwatanga.

[869] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2199, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, ibika 127-128; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 344.

[870] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2199, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire ibika 127-133; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 344.

ariko, mu rwego rw'amategeko, ingufu ubwazo si ingingo iranga gusambanya ku gahato[871].

792. Igitekerezo (*mens rea*) kiranga gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu, ni ugutekereza kwinjiza igitsina mu wahohotewe kandi ukora icyo kintu kitemewe n'amategeko akaba azi ko abikoze ubikorewe atabyemeye[872].

4.4.3 Isesengura ry'Urugereko

793. Porokireri yavuze kandi ko ibikorwa by'ubugome byakorewe abatangabuhamya AWO, AWN na mwene nyina, bigize icyaha cyibasiye inyokomuntu. Urugereko rwamaze kwemeza ko gusambanya ku gahato byangiza bikomeye umubiri n'umutwe bigize icyaha cya jenoside. Rushingiye kuri ibyo, Urugereko rusanga icyo cyaha cyarakozwe hashingiwe ku bwoko. Urugereko rwasanze Renzaho agomba kuryozwa ibyo byaha byo gusambanya ku gahato nk'umuntu wari ukuriye abandi hashingiwe ku ngingo ya 6 (3) ya Sitati.

4.4.4 Umwanzuro w'Urugereko

794. Urugereko rusanze Renzaho ahamwa n'icyaha cyo gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu (Ikirego cya 4), aryozwa nk'uwari ukuriye abandi hashingiwe ku ngingo ya 6 (3) ya Sitati kubera ibyaha byakorewe abatangabuhamya AWO, AWN na mwene nyina.

[871] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo igika 2199, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 129.
[872] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2200, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 127; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 346.

5. KUNYURANYA KU BURYO BUKOMEYE N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE N'INYONGERA YAYO YA 2

5.1 Intangiriro

795. Mu kirego cya V n'icya VI byo mu Nyandiko y'ibirego, Renzaho ashinjwa ubwicanyi no gusambanya ku gahato nk'ibikorwa binyuranyije ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve yo ku wa 12 Kanama 1949 agamije kurengera abakorewe ibyaha mu gihe cy'intambara, n'Inyongera yayo ya 2 yo ku wa 8 Kamena 1977. Ibyo byaha abiryozwa hashingiwe ku ngingo ya 4 (a) na (e) ya Sitati.

5.2 Ibishingirwaho

5.2.1 Amategeko akurikizwa

796. Ku byerekeye ibyaha biteganywa n'ingingo ya 4 ya Sitati, Porokireri agomba kugaragaza iby'ibanze bikurikira: (1) kuba hariho imirwano itari iyo mu rwego mpuzamahanga; (2) kuba hari isano hagati y'igikorwa kivugwa kinyuranyije n'Amasezerano y'i Jeneve n'intambara; no (3) kuba abakorewe ibyaha batari mu mirwano igihe igikorwa kivugwa kinyuranyije n'Amasezerano y'i Jeneve cyakorwaga[873].

5.2.2 Intambara itari iyo mu rwego mpuzamahanga

797. Nta wuhakana ko hagati ya Leta y'u Rwanda n'ingabo za FPR hari imirwano itari iyo mu rwego mpuzamahanga[874].

[873] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2229, hasubirwamo ibiri mu Nyandiko y'urubanza rwa Akayesu mu bujurire, igika 438; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 766; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 512.

[874] Reba Inyandiko y'urubanza rwa Semanza mu bujurire, igika 192 (« Ibyo Urugereko rwafashe nk'ibitagibwaho impaka n'ababuranyi ni ibyabaye byo mu rwego rwa rusange bizwi na bose kandi bidashidikanywaho birimo: … kuba hagati y'itariki ya 1 Mutarama n'iya 17 Nyakanga 1994 mu Rwanda hari imirwano itari iyo mu rwego mpuzamahanga … »). Ubwunganizi ntibwemera ibivugwa ko Renzaho yari mu barwanaga muri kamwe mu duce twaberagamo imirwano muri Kigali. Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 1233.

5.2.3 Ihuriro

798. Haba hari ihuriro hagati y'icyaha kivugwa n'imirwano itari iyo mu rwego mpuzamahanga iyo icyo cyaha gifitanye isano ya bugufi n'imirwano. Mu gusuzuma niba isano ya bugufi isabwa iriho koko, hifashishwa ubukemuramanza buvuga ko:

> Kuba hariho imirwano itari iyo mu rwego mpuzamahanga bigomba kuba nibura byaragize uruhare rugaragara mu guha gatozi w'icyaha ubushobozi bwo kugikora, mu gufata icyemezo cyo kugikora, mu buryo cyakozwemo cyangwa mu mpamvu yatumye gikorwa. Bityo rero, iyo bigaragaye ko gatozi w'icyaha yagikoze mu rwego rw'intambara cyangwa ayitwaje, biba bihagije kugira ngo hafatwe umwanzuro uvuga ko ibikorwa bye byari bifitanye isano ya bugufi n'intambara[875].

799. Nk'uko bigaragazwa n'ubuhamya n'ubukemuramanza, imirwano yashyamiranyaga ingabo z'u Rwanda n'iz'umutwe wa FPR witirirwaga ubwoko nyamuke bw'Abatutsi bari mu Rwanda n'abanyapolitiki benshi batavugaga rumwe n'ubutegetsi bwariho, ni yo yatumye habaho ubwicanyi bwakozwe hirya no hino n'ibindi bikorwa bibi byibasiye abaturage b'abasiviri ndetse iyo mirwano iba n'urwitwazo rw'ibyo bikorwa. Ubwicanyi bwatangiye mu masaha yakurikiye urupfu rwa Perezida Habyarimana, kuri uwo munsi imirwano hagati y'ingabo za Leta n'iza FPR irubura[876].

800. Ni ngombwa kuvuga ko Urugereko rwasobanuye igitero cyo ku itariki ya 17 Kamena 1994 cyagabwe kuri kiriziya ya Sainte-Famille nk'igikorwa cyo guhora kubera igikorwa FPR yari yakoze mu ijoro ribanziriza iyo tariki ku kigo cya Saint-Paul cyari hafi aho. Ikindi kandi, Urugereko ruzirikana ko Renzaho yari mu ngabo [z'u Rwanda] n'ipeti ryo

[875] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2231, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 517 (hasubirwamo ibyanditse mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 58). Mu rubanza rwa Semanza, Imyanzuro y'Urugereko rwa Mbere rw'Iremezo ku birebana n'ihuriro [hagati y'ibyaha n'intambara yariho] yemejwe n'Urugereko rw'ubujurire. Reba Inyandiko y'urubanza rwa Semanza mu bujurire, igika 369. Reba na none Inyandiko y'urubanza rwa Rutaganda mu bujurire, ibika 569-580, 577-579; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 793, byemejwe mu Nyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, ibika 427-428.

[876] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2232, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 518, byemejwe mu Nyandiko y'urubanza rwa Semanza mu bujurire, igika 369.

hejuru yari afite. Byongeye kandi, Renzaho yavuze ko Abatutsikazi « ari ibiryo by'Interahamwe », zafashaga ku mugaragaro abayobozi bo mu nzego za gisiviri n'iza gisirikare mu gikorwa cyo kurwana ku mujyi wa Kigali.

801. Urugereko rusanga ibikorwa by'abayobozi bo mu rwego rwa gisiviri n'iby'abagabaga ibitero byarakozwe mu rwego rw'imirwano yariho, cyangwa iyo mirwano yarabaye urwitwazo rwo gukora ibyo bikorwa. Kubera ibyo rero, Urugereko rusanga byaragaragajwe ko ibikorwa byo kunyuranya n'Amasezerano y'i Jeneve bivugwa mu ngingo ya 4 (a) na (e) ya Sitati bifitanye ya sano isabwa mu rwego rw'amategeko n'imirwano yashyamiranyaga ingabo z'u Rwanda na FPR.

5.2.4 Abakorewe ibyaha

802. Igihe ibi bikorwa bivugwa byabaga, abahohotewe kuri kiriziya ya Sainte-Famille, n'abagore bakorewe urugomo rushingiye ku gitsina muri Segiteri ya Rugenge bari abasiviri batitwaje intwaro, biciwe aho bari bahungiye cyangwa basambanyijwe ku gahato nyuma yo gushimutwa. Kubera ibyo rero, Urugereko rusanga nta gushidikanya ko abahohotewe muri ibyo bikorwa bivugwa mu ngingo ya 4 (a) na (e) ya Sitati nta ruhare rugaragara bari bafite mu mirwano.

5.3 Ubwicanyi

5.3.1 Intangiriro

803. Mu kirego cya V cyo mu Nyandiko y'ibirego, Renzaho ashinjwa ubwicanyi nk'igikorwa kinyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II. Icyo cyaha akiryozwa hashingiwe ku ngingo ya 4 (a) ya Sitati.

5.3.2 Amategeko akurikizwa

804. Ingingo ya 4 (a) ya Sitati ivuga ko Urukiko rufite ububasha bwo gukurikirana abantu bakoze cyangwa bategetse abandi gukora ibikorwa binyuranije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve cyangwa Inyongera yayo ya II bifatwa nk' « ibikorwa

byangiza ubuzima, amagara, n'ibihungabanya umuntu ku mubiri cyangwa mu mutwe, cyane cyane ubwicanyi n'ibikorwa by'ubugome nk'urubozo, guca ingingo z'umubiri, cyangwa ibindi bihano bibabaza umubiri. Ku birebana n'igikorwa cy'ubwicanyi, hagomba kuba harabayeho kuvutsa ubuzima undi muntu ku buryo bunyuranije n'amategeko kandi bugambiriwe »[877].

5.3.3 Isesengura ry'Urugereko

805. Porokireri kandi ashinja Renzaho iyicwa ry'abagabo b'Abatutsi nibura 17 bari kuri Sainte-Famille ku itariki ya 17 Kamena 1994 rifatwa nk'ubwicanyi bugize igikorwa kinyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II. Urugereko rwamaze kwemeza ko iyicwa ry'abantu babarirwa mu magana kuri Sainte-Famille uwo munsi ari icyaha cya jenoside. Urugereko rusanga nibura abagabo b'Abatutsi 17 bari mu bishwe icyo gihe; rushingiye kuri ibyo na none, Urugereko rusanga iryo yicwa ry'abo bantu mu buryo bugambiriwe rigize icyaha cy'ubwicanyi giteganywa n'ingingo ya 4 (a) ya Sitati[878].

806. Urugereko rwamaze kwemeza ko Renzaho agomba kuryozwa icyaha hashingiwe ku ngingo ya 6 (1) ya Sitati kubera ko yategetse abantu gukora ubwicanyi kuri Sainte-Famille, kandi akakiryozwa nk'uwari ukuriye abandi hashingiwe ku ngingo ya 6(3) ya Sitati (III.3.1.4). Uwo mwanzuro ni wo na none Urugereko rufashe no kuri iki kirego.

5.3.4 Umwanzuro

807. Urugereko rusanga, hashingiwe ku ngingo ya 6 (1) ya Sitati, Renzaho ahamwa n'icyaha cy'ubwicanyi nk'icyaha cyo kunyuranya bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II (Ikirego cya V) kubera ko yategetse

[877] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2242, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 338, 373; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu rw'iremezo, igika 765.

[878] Ubwunganizi bwemera ko iki cyaha gishingiye ku byabaye bimwe bishobora gushingirwaho mu kugaragaza icyaha ku kirego cya jenoside. Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 1232. Ibi bijyanye n'ibivugwa na Porokireri kuri iki cyaha nk'uko bikubiye mu Myanzuro mbanzirizarubanza ye, ibika 151-154 no mu Myanzuro nsozarubanza ye yanditse, ibika 459-489.

abantu kwica abagabo b'Abatutsi nibura 17 kuri kiriziya ya Sainte-Famille ku itariki ya 17 Kamena 1994[879]. Renzaho aryozwa na none icyo cyaha nk'uwari ukuriye ba gatozi b'ubwo bwicanyi, Urugereko rukaba ruza kubizirikana mu igenagihano.

5.4 Gusambanya ku gahato

5.4.1 Intangiriro

808. Mu kirego cya V cyo mu Nyandiko y'ibirego, Renzaho ashinjwa gusambanya ku gahato nk'igikorwa cyo kunyuranya bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II. Icyo cyaha giteganywa n'ingingo ya 4 (e) ya Sitati.

5.4.2 Amategeko akurikizwa

809. Ingingo ya 4 (e) ya Sitati ivuga ko Urukiko rufite ububasha bwo gukurikirana abantu bakoze cyangwa bategetse abandi gukora ibikorwa binyuranije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve cyangwa Inyongera ya yayo ya II bifatwa nk'ibikorwa byo: « guhungabanya agaciro k'umuntu, by'umwihariko kumukorera ibikorwa bimukoza isoni kandi bimutesha agaciro, gusambanya ku gahato, guhatira umuntu gukora uburaya n'ibindi bikorwa by'iterasoni ». Guhungabanya agaciro k'umuntu bisobanurwa ko ari igikorwa icyo ari cyo cyose cyangwa kwirengagiza inshingano bishobora gufatwa muri rusange nk'ibikoza isoni, ibitesha agaciro cyangwa ibigabanya bikomeye agaciro k'umuntu mu bundi buryo ubwo ari bwo bwose[880]. Kuri icyi cyaha, igitekerezo cyo gukora icyaha (*mens rea*) kigomba kugaragazwa mu rwego rw'amategeko ni uko uregwa aba yari azi ko igikorwa cye cyangwa kudakora ibyo yagombaga gukora byagomba kugira ingaruka nk'izabaye[881].

[879] Kubera impamvu zivugwa haruguru, ibyabaye byanashyigikira umwanzuro uvuga ko kuri ubu bwicanyi Renzaho yagiye mu mugambi mubisha uhuriweho, ariko Urugereko rusanga ahangaha gutegeka abantu gukora icyaha ari bwo buryozwacyaha bukwiye kurushaho. Kubera uburemere bw'icyaha muri rusange, iyo nyito nta cyo yahindura ku gihano Urugereko rwagena.

[880] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2250, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 163.

[881] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2250, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kunarac na bagenzi be mu bujurire, igika 164.

5.4.3 Isesengura ry'Urugereko

810. Porokireri avuga ko ibyaha byakorewe abatangabuhamya biswe AWO, AWN n'umuvandimwe w'umutangabuhamya AWN ari ugusambanya ku gahato bigize icyaha cyo kunyuranya bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II. Urugereko rwasanze ibi bikorwa byo gusambanya ku gahato ari ibikorwa bitera ubuzahare bukomeye ku mubiri cyangwa mu mutwe bigize icyaha cya jenoside kimwe n'icyaha cyibasiye inyokomuntu. Urugereko kandi rwasanze Renzaho agomba kuryozwa ibyo byaha byo gusambanya ku gahato nk'uwari ukuriye abandi, hashingiwe ku ngingo ya 6 (3) ya Sitati.

5.4.4 Umwanzuro w'Urugereko

811. Urugereko rusanze Renzaho ahamwa n'icyaha cyo gusambanya ku gahato nk'igikorwa kinyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II (Ikirego cya VI) nk'umuntu wari ukuriye ba gatozi b'ibyaha, hashingiwe ku ngingo ya 6 (3) ya Sitati, kubera ibyaha byakorewe abatangabuhamya biswe AWO na AWN, hamwe n'umuvandimwe wa AWN.

IV. IMIKIRIZE Y'URUBANZA

812. Kubera impamvu zivugwa muri uru rubanza, Urugereko rwa mbere rw'iremezo, rumaze gusuzuma ubuhamya n'ingingo zose, rusanze Tharcisse Renzaho:

Ikirego cya 1: AHAMWA n'icyaha cya jenoside

Ikirego cya 2: NTAHAMWA n'icyaha cyo kuba icyitso cy'abakoze jenoside

Ikirego cya 3: AHAMWA n'ibyaha byibasiye inyokomuntu (Ubuhotozi)

Ikirego cya 4: AHAMWA n'ibyaha byibasiye inyokomuntu (Gusambanya ku gahato)

Ikirego cya 5: AHAMWA no kunyuranya ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2 (Ubuhotozi)

Ikirego cya 6: AHAMWA no kunyuranya ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2 (Gusambanya ku gahato).

V. IGENAGIHANO

1. INTANGIRIRO

813. Kubera ko Urugereko rwasanze Renzaho ahamwa n'icyaha cya jenoside, ibyaha byibasiye inyokomuntu, no kunyuranya bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2, rugiye noneho kumugenera igihano akwiye.

814. Igihano kigenwa kigomba kugaragaza intego zigamijwe ari zo guha uwagikoze impongano yacyo, guca abandi intege ngo boye gukora ibyaha, kugorora uregwa, no kurindira rubanda umutekano. Hashingiwe ku ngingo ya 23 ya Sitati no ku ngingo ya 101 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, Urugereko ruraziriкana ibihano bitangwa muri rusange n'inkiko zo mu Rwanda, uburemere bw'ibyaha cyangwa imyitwarire rusange y'Uregwa, imibereho bwite y'Uregwa, hakubiyemo n'impamvu nyoroshyagihano n'impamvu nyongeragihano. Urugereko rwa Mbere rw'Iremezo ruraziriкana kandi igihe uwahamwe n'icyaha yaba yaramaze muri gereza afungiwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu iki n'iki[882]. Nk'uko byavuzwe n'Urugereko rw'Ubujurire, izi ngingo si zo zonyine zishingirwaho mu kugena igihano gikwiye. Ikindi kandi, mu gifungo uwahamwe n'icyaha akatirwa, Urugereko rwa mbere rw'iremezo ruvanamo igihe yamaze afunze ategereje gushyikirizwa Urukiko, ategereje kuburanishwa cyangwa se arimo kuburanishwa[883].

2. IBIVUGWA N'ABABURANYI

815. Porokireri avuga ko Renzaho akwiriye gukatirwa igihano cyo gufungwa burundu. Avuga ko ibyaha yakoze ari indengakamere ku buryo bimushyira mu cyiciro cy'abakoze ibyaha biremereye kurusha ibindi. Porokireri anagaragaza impamvu nyongeragihano zikurikira: kuba Uregwa yari afite umwanya wo hejuru mu buyobozi, kuba yaratatiye inshingano ye

[882] Ingingo ya 23 (1)-(3) ya Sitati, n'ingingo ya 101 (B)(i)-(iv) y'Amategeko.
[883] Inyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 290. Reba ingingo ya 101 (C) y'Amategeko.

yo kurengera abaturage; kuba yarakoze ibyaha abigambiriye; kuba yarishoye mu byaha ku buryo butaziguye; kuba ibikorwa bye n'iby'abo yari akuriye byararanzwe n'urugomo, rurimo n'urushingiye ku gitsina, kandi bigatesha agaciro ababikorewe; kuba abakorewe ibyaha bari abantu bashoboye kwirwanaho; igihe ibyo byaha byamaze bikorwa, ububabare bw'ababikorewe; kuba yarabyishoyemo abizi neza kandi abishaka; umubare w'abahohotewe; n'imiterere rusange y'urubanza ku birebana n'ibyaha byakozwe. Porokireri avuga ko muri uru rubanza nta mpamvu nyoroshyagihano ziriho. Porokireri anifashisha Sitati n'ubukemuramanza by'Urukiko, n'ibihano bitangwa mu Rwanda ku byaha bisa n'ibyo Uregwa ashinjwa[884].

816. Ubwunganizi buvuga ko Renzaho yari umuntu ukunda akazi, ukomoka mu muryango utari uw'abakungu kandi urimo Abatutsi benshi, akaba yarazamutse abikesha gusa ubunyangamugayo, ubudahemuka no gushishikara mu kazi yakoreye Leta. By'umwihariko, Ubwunganizi buvuga ko yagize uruhare mu ishyirwaho mu Rwanda rya komisiyo y'igihugu y'ivugurura rya politiki yari ishinzwe guharanira demokarasi, iyubahirizwa ry'amategeko, uburenganzira bw'ikiremwamuntu, n'iterambere mu bukungu. Renzaho yacumbikiye impunzi z'Abatutsi iwe mu rugo no ku biro bya perefegitura azirinda kwibasirwa n'ibitero by'abantu bitwaraga gisirikare, kandi yagerageje gufata abakoraga amakosa, ibyo bikaba byaratumye Interahamwe zimufata nk'icyitso cy'Abatutsi[885].

3. ISESENGURA RY'URUGEREKO

3.1 Uburemere bw'ibyaha

817. Ibyaha byose bivugwa muri Sitati y'Urukiko binyuranyije cyane n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara[886]. Mu kugena igihano, Urugereko rwa mbere rw'iremezo rufite ububasha bwinshi, ariko kandi bufite aho bugarukira,

[884] Imyanzuro nsozarubanza yanditse ya Porokireri, ibika 537-560.
[885] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 1460-1499.
[886] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 367 (hasubirwamo ingingo ya 1 ya Sitati).

kubera ko rugomba kugena ibihano bikwiranye n'imibereho bwite y'uregwa kandi bigaragaza uburemere bw'ibyaha byamuhamye[887].

818. Mu kugena igihano gikwiye, Urugereko rw'Ubujurire rwavuze ko « ibihano bitanzwe mu manza zisa ku bantu basa, byagombye kuba bisa ». Nyamara ariko, Urugereko rw'Ubujurire rwasanze iyo mitekerereze ubwayo ifite aho igarukira kubera ko « buri rubanza rugira ibintu byinshi bidahora ari bimwe hose, uhereye ku mubare n'ubwoko bw'ibyaha byakozwe kugeza ku mibereho bwite y'uregwa »[888].

819. Urugereko rwasanze kubera umwanya we nka perefe n'ipeti ryo hejuru yari afite, bigaragara ko Renzaho yari umuyobozi ukomeye kandi ufite ijambo mu butegetsi bw'u Rwanda. Mu gihe ibivugwa byabaga, Renzaho yategetse ko Abatutsi bicwa kuri za bariyeri, afasha muri ubwo bwicanyi kandi arabushyigikira; Renzaho yafashije kandi anashyigikira igikorwa cyo kwica abagabo 40 biganjemo Abatutsi kuri CELA, anategeka iyicwa ry'impunzi z'Abatutsi zibariwa mu magana zari kuri kiriziya ya Sainte-Famille. Byongeye kandi, aryozwa nk'uwari ukuriye abandi, ibikorwa byo gusambanya ku gahato abatangabuhamhya biswe AWO na AWN, hamwe n'umuvandimwe w'uyu AWN.

820. Mu mategeko akurikizwa mu Rwanda, ibyaha bisa n'ibi bishobora guhanishwa igihano cyo gufungwa burundu, bitewe n'imiterere y'uruhare rw'uregwa mu mikorere yabyo[889]. Muri uru Rukiko, igihano cy'igifungo cya burundu muri rusange gihabwa abateguye

[887]Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 291.

[888] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvočka na bagenzi be mu bujurire, igika 681.

[889] Urubanza rwa Kanyarukiga, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza mu Rwanda (Urugereko rwa Mbere rw'Iremezo), 6 Kamena 2008, ibika 22-25 (ahasuzumwa uko ibihano byo mu Rwanda bisumbana); Urubanza rwa Gatete, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza mu Rwanda (Urugereko rwa Mbere rw'Iremezo), 17 Ugushyingo 2008, ibika 22-25. Reba n'Inyandiko y'urubanza rwa Semanza mu bujurire, igika 377 (« Inshingano Ingereko za mbere z'iremezo zifite yo 'kwifashisha ibihano bitangwa muri rusange n'inkiko zo mu Rwanda' ntitegeka gukurikiza ibyo bihano, icyo iyo nshingano itegeka Ingereko ni ukubizirikana. »), hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Serushago mu bujurire, igika 30; Inyandiko y'urubanza rwa Dragan Nikolić mu bujurire, igika 69.

cyangwa abategetse abandi gukora amahano, kimwe n'abategetsi bo mu nzego zo hejuru cyane[890].

821. Ibyaha Renzaho yakoze biraremereye kandi byateje imbaga ububabare bukabije. Kubera ibikorwa byihariye bijyana na buri gikorwa cyabaye, Urugereko rusanga uruhare rwe muri buri gikorwa ukwacyo ruhagije kugira ngo ahanishwe igihano gisumba ibindi kingana n'icyo abandi bategetsi bo hejuru bakatiwe igifungo cya burundu.

3.2 Imibereho bwite n'impamvu nyongeragihano cyangwa nyoroshyagihano

822. Urugereko rugiye gusuzuma imibereho bwite ya Renzaho, hakubiyemo n'impamvu nyongeragihano n'impamvu nyoroshyagihano. Impamvu nyoroshyagihano zigaragazwa hakurikijwe ihame ry'ibishoboka kurusha ibindi, naho impamvu nyongeragihano zigomba gutangirwa ibimenyetso ku buryo budashidikanywaho[891]. Impamvu iyo ari yo yose yihariye iri mu bigize icyaha cyahamye uregwa ntifatwa nk'impamvu nyongeragihano[892].

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[890] Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, igika 2270, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Musema mu bujurire, igika 383 (bavuga ko abayoboye n'abateguye umugambi w'ubushyamirane runaka bagomba kubiryozwa kurusha abandi, bakanavuga ariko ko uburemere bw'icyaha ari yo ngingo ya mbere ishingirwaho mu kugena igihano). Igihano cy'igifungo cya burundu cyagiye gihabwa abari abayobozi muri Leta n'abategetsi ba gisirikare bo mu rwego rwo hejuru. Reba Inyandiko y'urubanza rwa Bagosora na bagenzi be, ibika 2265, 2277 (Umukuru w'Imirimo mu biro bya Minisiteri y'Ingabo, Umuyobozi wa batayo y'abaparakomando, n'umuyobozi w'akarere k'imirwano ka Gisenyi); Inyandiko y'urubanza rwa Ndindabahizi mu rw'iremezo, ibika 505, 508, 511 (Minisitiri w'Imari); Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, ibika 499, 502 (Minisitiri w'Itangazamakuru); Inyandiko y'urubanza rwa Kambanda mu rw'iremezo, ibika 44, 61-62 (Minisitiri w'Intebe); Inyandiko y'urubanza rwa Kamuhanda mu rw'iremezo, ibika 6, 764, 770 (Minisitiri w'Amashuri Makuru n'Ubushakashatsi mu by'Ubuhanga). Mu zindi manza zinyuranye, abategetsi bo ku rwego rwo hasi ndetse n'abantu batari mu myanya y'ubutegetsi bwa Leta bahawe igihano cy'igifungo cya burundu. Reba nk'urugero Inyandiko y'urubanza rwa Bagosora na bagenzi be mu rw'iremezo, ibika, 2268, 2268-2269, 2278-2279 (Umuyobozi wa batayo y'abaparakomando n'Umuyobozi w'akarere k'imirwano ka Gisenyi); Inyandiko y'urubanza rwa Karera mu rw'iremezo, igika 585 (Perefe wa Kigali Ngari); Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo (igihano), urup. 8 (Kayishema yari Perefe wa Kibuye); Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 206 (Burugumesitiri); Inyandiko y'urubanza rwa Musema mu rw'iremezo, ibika 999-1008 (Diregiteri w'uruganda rw'icyayi wari ukomeye kandi afite ijambo ku bakoze ubwicanyi); Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, ibika 466-473 (Visi-Perezida wa kabiri w'Interahamwe ku rwego rw'igihugu).

[891] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 1038; Inyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 294.

[892] Inyandiko y'urubanza rwa Ndindabahizi mu bujurire, igika 137.

823. Urugereko rw'Ubujurire rwasanze kuba Uregwa yarakoresheje nabi umwanya wo hejuru cyangwa ijambo yari afite bishobora gufatwa nk'impamvu nyongeragihano[893]. Urugereko rusanga kuba Renzaho yarakoresheje nabi umwanya we nk'umuyobozi wari ufite ijambo kandi akuriye abandi muri ibyo byaha byamuhamye hashingiwe ku ngingo ya 6 (1) ya Sitati, ari impamvu nyongeragihano.

824. Urugereko rwazirikanye imibereho bwite n'amateka bya Renzaho. Urugereko ruzirikana kandi igihe kirekire yamaze akorera Leta mu gihugu cye mbere y'ibyabaye bivugwa, hamwe n'ingingo ze zerekeye uburyo yafashije Abatutsi. Izi mpamvu nyoroshyagihano ariko Urugereko ruziha agaciro gato kubera uburemere bw'ibyaha bye.

4. UMWANZURO W'URUGEREKO

825. Urugereko rufite ububasha busesuye bwo gutanga igihano kimwe rukumbi. Ibi kenshi biba bihwitse iyo ibyaha byose bishobora gufatwa nk'ibigize umugambi mubisha umwe[894]

826. Kubera impamvu zose zasesenguwe haruguru, Urugereko **RUHANISHIJE** Tharcisse Renzaho

IGIFUNGO CYA BURUNDU

5. IBYEMEZO BISHINGIYE KURI IYI MIKIRIZE Y'URUBANZA

827. Iki gihano kizarangirizwa mu gihugu kizagenwa na Perezida w'Urukiko abigiyemo inama n'Urugereko rwa Mbere rw'Iremezo. Gerefiye azamenyesha Guverinoma y'u Rwanda n'icyo gihugu aho Uregwa azafungirwa.

828. Igihe Tharcisse Renzaho agitegereje kwimurirwa mu gihugu azarangirizamo igihano, azakomeza gufungirwa muri gereza y'Urukiko nk'uko yari afunzwe ubu.

[893] Reba nk'urugero Inyandiko y'urubanza rwa Simba mu bujurire, ibika 284-285.
[894] Inyandiko y 'urubanza rwa Nahimana na bagenzi be mu bujurire, ibika 1042-1043; Inyandiko y'urubanza rwa Simba mu rw'iremezo, igika 445; Inyandiko y'urubanza rwa Ndindabahizi mu rw'iremezo, igika 497.

829. Hashingiwe ku ngingo ya 102 (B) y'Amategeko, naramuka ajuriye, irangizagihano rizasubikwa kugeza igihe urubanza mu bujurire rusomewe. Hagati aho azakomeza gufungwa.

Bikorewe Arusha, 14 Nyakanga 2009

Erik Møse	Sergei Alekseevich Egorov	Florence Rita Arrey
Perezida	Umucamanza	Umucamanza

(Ikirangantego cy'Urukiko)

UMUGEREKA A: UKO IMIBURANISHIRIZE YAGENZE

1. IMIBURANISHIRIZE MBANZIRIZARUBANZA

830. Ku itariki ya 16 Nyakanga 1997, Umucamanza Laïty Kama yategetse abayobozi b'igihugu cya Kenya gufunga by'agateganyo no kwimura Tharcisse Renzaho[895]. Renzaho yafatiwe muri Kongo ku itariki ya 29 Nzeri 2002 hashingiwe ku cyemezo cy'Umucamanza Andresia Vaz cyo ku itariki ya 27 Nzeri 2002[896]. Uregwa yimuriwe muri Gereza y'Umuryango w'Abibumbye ku itariki ya 29 Nzeri 2002, yitaba Urukiko, bwa mbere, imbere y'Umucamanza Vaz ku itariki ya 3 Ukwakira 2002.

831. Mu Nyandiko y'ibirego y'ikubitiro yo ku itariki ya 23 Ukwakira 2002, Renzaho yaregwaga ibyaha bine ari byo jenoside, icyo kitamuhama, akaryozwa kuba icyitso cy'abakoze jenoside, itsembatsemba nk'icyaha cyibasiye inyokomuntu, ibikorwa byangiza ubuzima, amagara y'umuntu n'ibimuhungabanya ku mubiri cyangwa mu mutwe nk'ibikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve hamwe n'Inyongera yayo ya 2.

832. Ku itariki ya 4 Ugushyingo 2002, Umucamanza Erik Møse yategetse ko Renzaho yakomeza gufungwa indi minsi 21 mu gihe hagitegerejwe ko Inyandiko y'ibirego yakorewe yemezwa[897]. Iyo Nyandiko y'ibirego yahinduwe ku itariki ya 11 Ugushyingo 2002 ikubiyemo ibirego bitatu ari byo jenoside, kuba icyitso cy'abakoze jenoside, iki cyaha akakiryozwa ari uko icya jenoside kitamuhamye, n'ubuhotozi nk'icyaha cyibasiye inyokomuntu[898]. Ku itariki ya 15 Ugushyingo 2002, Umucamanza Winston Matanzima Maqutu yatanze itegeko ryemeza Inyandiko y'ibirego yahinduwe ikubiyemo ibirego

[895] Itegeko ryo gufunga by'agateganyo no kwimura (Urugereko rwa Mbere rw'Iremezo), 16 Nyakanga 1997.
[896] Icyifuzo cyo gufunga by'agateganyo no kwimura (Urugereko rwa Mbere rw'Iremezo), 26 Nzeri 2002; Itegeko ryo gufunga by'agateganyo no kwimura (Urugereko rwa Mbere rw'Iremezo), 27 Nzeri 2002.
[897] Icyemezo ku cyifuzo cya Porokireri gisaba ko Ukekwaho icyaha yakongererwa igihe cyo gufungwa (Urugereko rwa Mbere rw'Iremezo), 4 Ugushyingo 2002. Mbere, Umucamanza Møse yari yaremeye icyifuzo Porokireri yatanze mu magambo asaba ko Renzaho yakongererwa igihe cyo gufungwa by'agateganyo. Inyandikomvugo y'iburanisha, 29 Ukwakira 2002, urup.14.
[898] Itegeko ryemeza Inyandiko y'ibirego kandi risaba kudatangaza amakuru akubiye mu buhamya bwanditse ashobora gutuma umwirondoro w'umutangabuhamya umenyekana, 15 Ugushyingo 2002.

bitatu, ategeka ko amakuru akubiye mu buhamya bwanditse yatuma ba nyirabwo bamenyekana yagirwa ibanga[899]. Renzaho yitabye Urugereko bwa mbere ku itariki ya 21 Ugushyingo 2002 ahakana ibyaha byose uko ari bitatu yaregwaga.

833. Ibindi byifuzo mbanzirizarubanza byasuzumwe n'Urugereko rwa Mbere rw'Iremezo II. Ku itariki ya 25 Kanama 2004, Urugereko ntirwemeye icyifuzo cy'Ubwunganizi cyasabaga ko Renzaho ahita arekurwa[900]. Icyifuzo cy'Ubwunganizi cyasabaga ko Porokireri yabushyikiriza inyandiko z'ubuhamya cyemewe kuri bimwe. Urugereko ntirwakiriye icyifuzo cy'Ubwunganizi cya kabiri cyasabaga ko ibiro bya Gerefiye byabushyikiriza inyandiko bwifuzaga[901].

834. Ku itariki ya 18 Werurwe 2005, Urugereko rwategetse Renzaho kongera kurwitaba, nyuma yo kwemera icyifuzo cya Porokireri cyo guhindura Inyandiko y'ibirego, mu byo yayihinduyemo hakaba no kongeramo ibirego birimo kimwe cyo gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu, ibirego by'ubuhotozi no gusambanya ku gahato nk'ibyaha binyuranije ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y' i Jeneve yo mu wa 1949, hamwe n'Umugereka wayo wa 2 wo mu wa 1977. Porokireri yagombaga gusobanura neza imiterere y'uburyozwacyaha yashingiyeho arega Renzaho icyaha nka gatozi cyangwa nk'ukuriye abandi[902]. Porokireri yatanze Inyandiko y'ibirego yahinduwe ku itariki ya 1 Mata 2005. Renzaho yongeye kwitaba Urugereko ku itariki ya 3 Kamena 2005, ahakana ibyaha byose yaregwaga. Ku itariki ya 17 Kanama 2005,

[899] Itegeko ryemeza Inyandiko y'ibirego kandi risaba kudatangaza amakuru akubiye mu buhamya bwanditse ashobora gutuma umwirondoro w'umutangabuhamya umenyekana (Urugereko rwa Mbere rw'Iremezo), 15 Ugushyingo 2002.

[900] Icyemezo ku cyifuzo cya Tharcisse Renzaho gisaba ko yahita arekurwa kubera ko uburenganzira bwe butubahirijwe, hashingiye ku ngingo ya 20 ya Sitati n'iya 40 (D) y'Amategeko, (Urugereko rwa Mbere rw'Iremezo), 25 Kanama 2004.

[901] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba gushyikirizwa inyandiko (Urugereko rwa Mbere rw'Iremezo), 19 Ukwakira 2004 (giha Ubwunganizi igihe cyo gutanga icyifuzo cy'ikubitiro, kikaba kibarwa uhereye ku itariki icyemezo gifatiweho). Reba kandi Inyandiko ikosoye y'icyemezo ku cyifuzo cy'Ubwunganizi cyerekeye gutanga inyandiko ku itariki ya 19 Ukwakira 2004, (Urugereko rwa Mbere rw'Iremezo), 22 Ukwakira 2004; Icyemezo ku cyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba ko Ibiro bya Gerefiye bibushyikiriza inyandiko (Urugereko rwa Mbere rw'Iremezo), 21 Ukwakira 2004 (Urugereko ntirwemeye icyo cyifuzo).

[902] Icyemezo ku cyifuzo cya Porokireri gisaba kwemererwa guhindura Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 18 Werurwe 2005. Urwo Rugereko kandi rwavuze ko icyifuzo cy'ikubitiro cy'Ubwunganizi kitari kikiri ngombwa, bitewe n'inenge zagaragaye mu miterere y'Inyandiko y'ibirego. Icyemezo ku ngoboka mbanzirizarubanza irebana n'inenge zivugwa mu miterere y'Inyandiko y'ibirego, (Urugereko rwa Mbere rw'Iremezo), 8 Mata 2005.

Urugereko rwemeye kuri bimwe, icyifuzo cya Porokireri gisaba ko hashyirwaho ingamba zo kurinda umutekano w'abatangabuhamya bashinja[903].

835. Ku itariki ya 13 Gashyantare 2006, Porokireri yemerewe guhindura Inyandiko y'ibirego inshuro ya kabiri, ariko ntibyabaye ngombwa ko Uregwa yongera kwitaba Urukiko[904]. Inyandiko y'ibirego ya kabiri yakozwe ku itariki ya 16 Gashyantare 2006 kandi itangwa uwo munsi. Ku itariki ya 5 Nzeri 2006, Urugereko ntirwemeye ingoboka mbanzirizarubanza Ubwunganizi bwari bwabyukije yerekeye inenge bwabonaga mu miterere y'Inyandiko y'ibirego[905].

836. Ku itariki ya 12 Ukuboza 2006, Umucamanza Møse yemeye icyifuzo cya Porokireri cyo kwimurira muri Gereza cy'Urukiko abagororwa batanu bavuye mu Rwanda bazanywe no gutanga ubuhamya[906].

2. IBIVUGWA NA POROKIRERI

837. Urubanza rwatangiye mu Rugereko rwa Mbere rw'Iremezo I ku itariki ya 8 Mutarama 2007. Porokireri yatanze ibimenyetso mu byiciro bibiri : kuva ku itariki ya 8 Mutarama kugeza ku ya 7 Gashyantare 2007 no kuva ku itariki ya 2 kugeza ku ya 6 Werurwe 2007. Mu minsi 21 y'iburanisha, Porokireri yahamagaje abatangabuhamya 26, barimo

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[903] Icyemezo ku cyifuzo cya Porokireri gisaba ko hafatwa ingamba zo kurinda abahohotewe mu byaha byakozwe bivugwa mu Nyandiko y'ibirego n'abatanga ubuhamya burebana n'ibyo byaha (Urugereko rwa Mbere rw'Iremezo), 17 Kanama 2005. Urugereko rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba ko icyo cyemezo cyavanwaho. Rwabwemereye gutanga icyifuzo hashingiwe ku ngingo ya 75 (I), gisaba kuvanaho, guhindura cyangwa kongera ingamba zo kurinda umutekano rwari rwemeye mu cyemezo cyo ku itariki ya 17 Kanama 2005. Icyemezo ku cyifuzo cya Renzaho gisaba Urugereko gusubira ku cyemezo rwafashe ku birebana n'ingamba zo kurinda umutekano w'abahohotewe kimwe n'abatanga ubuhamya burebana n'ibyaha byakozwe bikubiye mu Nyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 1 Ugushyingo 2005; Icyemezo ku cyifuzo gisaba uruhusa rwo kujuririra icyemezo cyafashwe ku birebana n'ingamba zo kurinda abahohotewe kimwe n'abatanga ubuhamya ku byaha bivugwa mu Nyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 1 Ugushyingo 2005.

[904] Icyemezo ku cyifuzo cya Porokireri gisaba kwemererwa guhindura Inyandiko y'ibirego, hashingiwe ku ngingo ya 50 (A) y'Amategeko agenga imiburashirize n'itangwa ry'ibimenyetso, 13 Gashyantare 2006.

[905] Icyemezo ku ngoboka mbanzirizarubanza irebana n'inenge zivugwa mu miterere y'Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 5 Nzeri 2006. Reba kandi Icyemezo ku cyifuzo gisaba kwemererwa kujuririra icyemezo cyafashwe ku itariki ya 5 Nzeri 2006, hashingiwe ku ngingo ya 72 (B), (Urugereko rwa Mbere rw'Iremezo), 25 Ukwakira 2006.

[906] Itegeko ryo kwimura abatangabuhamya batanu bashinja, hashingiwe ku ngingo ya 90 *bis* y'Amategeko (Urugereko rwa Mbere rw'Iremezo), 12 Ukuboza 2006. Inama yo gutegura urubanza kandi yakozwe ku itariki ya 6 Ukuboza 2006.

impuguke imwe n'umupererezi. Yashyikirije Urugereko ibimenyetso gihamya 118 byashyizwe muri dosiye y'urubanza.

838. Ku itariki ya 22 Mutarama 2007, Urugereko rwumvise ingingo z'ababuranyi ku kibazo cyo kwemerwa kw'inyandukuro ya kasete yafatiweho amajwi Porokireri yari yarashyikirije Ubwunganizi ku itariki ya 6 Ukuboza 2006, hamwe na kasete ubwayo yabushyikirije ku itariki ya 11 Mutarama 2007.[907] Urugereko rwasanze ahantu iyo kasete yakomotse hatazwi neza, rufata umwanzuro mu magambo ruvuga ko aho urubanza rugereye, iyo kasete idashobora gushyirwa muri dosiye nk'ikimenyetso gihamya. Rwavuze kandi ko mu iburanisha ari ho hazabazwa ibibazo kuri iyo kasete n'inyandukuro yayo[908].

839. Ku itariki ya 23 Mutarama 2007, Ubwunganizi bwavuze ko buretse icyifuzo cyabwo cyasabaga ko inyandiko eshatu zahindurwa mu rundi rurimi[909]. Urugereko rwemeye icyifuzo cy'Ubwunganizi gisabira umupererezi wabwo Jean-Marie Hakizamungu uruhusa rwo kujya aza mu cyumba cy'iburanisha mu gihe cy'iburanisha ryo mu muhezo[910]. Ku itariki ya 31 Mutarama 2007, Urugereko rwasanze avoka uburanira Uregwa yarongeye kuvuga ko afite ikibazo ku ikoreshwa nk'ikimenyetso, rya ya majwi yafatiwe kuri kaseti, no kwemera inyandiko ikubiyemo ibyo umutangabuhamya wiswe AWE yari kuzavuga mu Rukiko, bijyanye n'iyo kaseti. Icyakora Porokireri yemerewe kumvikanisha amajwi ari kuri iyo kaseti[911].

840. Mu iburanisha ryo ku itariki ya 1 Gashyantare 2007, Porokireri yavuze ko yifuza kuvana abatangabuhamya babiri ku rutonde rw'abo azahamagaza[912]. Ku itariki ya 14 Gashyantare, Urugereko rwemeye icyifuzo cya Porokireri cyasabaga ko umutangabuhamya umwe yatanga ubuhamya hakoreshejwe ikoranabuhanga rikoresha

[907] Inyandikomvugo y'iburanisha, 22 Mutarama 2007, imp.1-11.
[908] Ni kimwe no haruguru, imp.39-40.
[909] Inyandikomvugo y'iburanisha, 23 Mutarama 2007, imp.66-67.
[910] Inyandikomvugo y'iburanisha, 30 Mutarama 2007, urup.43.
[911] Inyandikomvugo y'iburanisha, 31 Mutarama 2007, imp.30-31.
[912] Inyandikomvugo y'iburanisha, 1 Gashyantare 2007, urup.40.

amashusho n'amajwi [*video-link]* kubera impamvu z'uburwayi[913]. Icyifuzo cya Porokireri cyo kuvana umutangabuhamya umwe ku rutonde akamusimbuza undi cyemewe ku itariki ya 16 Gashyantare 2007[914].

841. Ku itariki ya 2 Werurwe 2007, Ubwunganizi bwatanze icyifuzo gisaba ko umutangabuhamya Kagame, mbere wari wiswe ADU, yakurwa ku rutonde rw'abatangabuhamya bashinja. Ubwunganizi bwavugaga ko ubuhamya bwe bukubiyemo ibyabaye bikomeye bishya bitari mu Nyandiko y'ibirego. Urugereko rumaze kumva ingingo z'ababuranyi, ntirwemeye icyo cyifuzo, rusobanura ko, kubera uburemere bw'icyo kibazo, icyemezo cyarwo kizatangwa mu nyandiko[915] Ku itariki ya 12 Werurwe 2007, Urugereko rwategetse ko hashyirwaho ingamba zo kurinda umutekano w'abatangabuhamya bashinjura[916]. Ku itariki ya 20 Werurwe 2007, Urugereko rwatanze icyemezo cyarwo cyanditse, rwanga icyifuzo cy'Ubwunganizi cyarusabaga kutakira ubuhamya bwa Kagame. Rwemeye icyifuzo cya Porokireri cyo gushyira muri dosiye y'urubanza ikimenyetso gihamya kigizwe n'amajwi yafashwe, inyandukuro yayo, n'inyandiko zisemuye zayo. Urugereko rwasanze ibyo bimenyetso bifite agaciro gahagije. Urugereko kandi rwasanze Ubwunganizi bwaramenyeshejwe ibijyanye n'ibyo bimenyetso mu gihe gikwiye, kugira ngo bubashe kwitegura kwiregura kuri iki kibazo no ku buhamya bwa Kagame. Ibisobanuro bihagije kuri iyo kasete n'inkomoko yayo byari byaratanzwe kandi bikaba nta kibazo byari biteye[917].

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[913] Icyemezo ku cyifuzo cya Porokireri gisaba ko ubuhamya bwatangwa hakoreshejwe ikoranabuhanga rya *video-link* (Urugereko rwa Mbere rw'Iremezo), 14 Gashyantare 2007.

[914] Icyemezo ku cyifuzo cya Porokireri gisaba guhindura urutonde rw'abatangabuhamya (Urugereko rwa Mbere rw'Iremezo (Urugereko rwa Mbere rw'Iremezo), 16 Gashyantare 2007.

[915] Inyandikomvugo y'iburanisha, 2 Werurwe 2007, imp. 12-25.

[916] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zo kurinda umutekano (Urugereko rwa Mbere rw'Iremezo), 12 Werurwe 2007.

[917] Icyemezo [ku cyifuzo gisaba] ko ubuhamya bwatanzwe mu Rukiko bwavanwa mu bimenyetso no kwemera ikimenyetso gihamya (Urugereko rwa Mbere rw'Iremezo), 20 Werurwe 2007; Icyemezo ku cyifuzo cyo kwemererwa kujuririra icyemezo kirebana no kuvana mu bimenyetso, ubuhamya bwatanzwe mu Rukiko, no kwemera ikimenyetso gihamya (Urugereko rwa Mbere rw'Iremezo), 7 Gicurasi 2007 (Urugereko rwanze gutanga uruhushya rwo kujurira). Ku itariki ya 6 Werurwe 2007, umutangabuhamya wa nyuma ushinja amaze gutanga ubuhamya imbere y'Urugereko, habaye inama itegura urubanza ku itariki ya 6 Werurwe 2007.

3. IBIVUGWA N'UBWUNGANIZI

842. Ubwunganizi bwatangiye gutanga ibimenyetso byabwo imbere y'Urugereko rwa Mbere rw'Iremezo I ku itariki ya 17 Gicurasi 2007. Rwabitanze mu byiciro bibiri: kuva ku itariki ya 17 Gicurasi kugeza ku ya 10 Nyakanga 2007, no kuva ku ya 22 Kanama kugeza ku ya 6 Nzeri 2007. Mu gihe cy'iminsi 28 y'iburanisha, Ubwunganizi bwahamagaje abatangabuhamya 27 harimo umwe w'impuguke n'Uregwa ubwe ari we Tharcisse Renzaho. Ubwunganizi bwashyikirije Urugereko ibimenyetso gihamya 113[918].

843. Ku itariki ya 4 Kamena 2007, Urugereko ntirwemeye icyifuzo cyatanzwe n'Ubwunganizi bwa François Karera cyasabaga ko Ubwunganizi bwa Karera bwakwerekwa inyandiko zose zagizwe ibanga mu rubanza rwa Renzaho. Urugereko ntirwemeye icyo cyifuzo kubera ko Ubwunganizi bwa Karera bwari bwararangije gutanga ibimenyetso byabwo, bukaba rero butari bugishoboye kugira izindi ngingo butanga cyangwa ngo buzane ibindi bimenyetso muri urwo rubanza[919].

844. Ku itariki ya 8 Kamena 2007, Urugereko rwemeye icyifuzo cyatanzwe n'Ubwunganizi bwa Casimir Bizimungu busaba gushyikirizwa ubuhamya bwatangiwe mu muhezo bw'umutangabuhamya wiswe UL. Urugereko rwategetse Ubwunganizi bwa Bizimungu gukurikiza amategeko yatanzwe ku birebana n'ingamba zo kurinda uwo mutangabuhamya mu rubanza rwa Renzaho[920]. Ku itariki ya 14 Kamena 2007, Urugereko rwemeye kuri bimwe icyifuzo cy'Ubwunganizi cyasabaga ko hashyirwaho ingamba zidasanzwe zo kurinda umutekano w'umutangabuhamya wiswe HIN. Urugereko rwategetse ko umwirondoro w'uwo mutangabuhamya utatangazwa kugeza igihe azagerera Arusha. Ibindi byose byasabwaga muri icyo cyifuzo ntirwabyemeye[921]. Ku

[918] Inama itegura urubanza yabaye kandi ku itariki ya 6 Nzeri 2007.
[919] Icyemezo ku cyifuzo cy'Ubwunganizi bwa Karera gisaba ko inyandiko zashyirwa ahagaragara (Urugereko rwa Mbere rw'Iremezo), 4 Kamena 2007.
[920] Icyemezo ku cyifuzo cya Bizimungu gisaba ubuhamya bwatangiwe mu muhezo (Urugereko rwa Mbere rw'Iremezo), 8 Kamena 2007.
[921] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zidasanzwe zo kurinda umutangabuhamya wiswe HIN (Urugereko rwa Mbere rw'Iremezo), 14 Kamena 2007. Iki cyemezo cyari irengayobora ku cyari cyarafashwe ku itariki ya 12 Werurwe 2007. Muri iki cyemezo, Urugereko rwemeye ko hashyirwaho ingamba zo kurinda abatangabuhamya bashinjura. Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zo kurinda abatangabuhamya (Urugereko rwa Mbere rw'Iremezo), 12 Werurwe 2007.

itariki ya 27 Kamena 2007, Urugereko rwemeye ko umutangabuhamya atangira ubuhamya hakoreshejwe *video-link* bitewe n'uko ubwoba yari afite ko umutekano we wahungabana bwari bufite ishingiro[922].

845. Mu iburanisha ryo ku itariki ya 10 Nyakanga 2007, Urugereko rwasanze icyifuzo Porokireri yari yarushyikirije ku itariki ya 11 Gicurasi 2007 cyarataye agaciro. Icyo cyifuzo cyasabaga ko Urugereko rutakwakira ibimenyetso bishinjura kandi ko Ubwunganizi butanga urutonde nyarwo rw'ibimenyetso gihamya kandi bukamenyekanisha imyiregurire ya sinari mpari rwateganyaga kuziyambaza. Ku itariki ya 12 Nyakanga 2007, Urugereko rwemeye icyifuzo cy' Ubwunganizi gisaba kuvugurura urutonde rw'abatangabuhamya babwo, rwongeraho 2, rukavanaho 12 ndetse n'impuguke bwari bwateganije guhamagaza mu rubanza[923].

846. Mu iburanisha ryo ku itariki ya 23 Kanama 2007, Porokireri yavuze ko atemera intera y'ibazwa ry'ibanze ry'umutangabuhamya ushinjura wiswe PER. Yavuze ko atigeze amenyeshwa imiterere y'ibibazo Ubwunganizi buzabaza kandi ko icyo kibazo nta cyo Ubwunganizi bwakivuzeho mu ibaza rinyomoza ry'umutangabuhamya ushinja watanze ubuhamya bujyanye n'ubwa PER. Nyuma y'impaka z'abacamanza, Urugereko rwasanze Ubwunganizi bwaragombaga kuba bwaramenyesheje Porokireri imiterere y'ibibazo bwari kubaza kandi icyo kibazo cyagombaga kuba cyaravuzweho igihe umutangabuhamya ushinja yatangaga ubuhamya. Babiri mu bacamanza batatu bemereye Ubwunganizi gukomeza kubaza ibibazo bugendeye mu murongo bwari bwatangiriyemo, kuko mbere Ubwunganizi butari bwabajije umutangabuhamya ushinja ibibazo kuri icyo kibazo mu rwego rwo gusuzuma ukwemerwa kwe n'agaciro ubuhamya bwe bukwiye guhabwa muri rusange. Umucamanza umwe yifuje ko ubwo buhamya butakwakirwa[924].

847. Mu iburanisha ryo ku itariki 27 Kanama 2007, Urugereko rwasanze icyifuzo cy'Ubwunganizi cyatanzwe ku itariki 24 Kanama 2007 kirebana n'ihererekanya

[922] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba gutanga ubuhamya hakoreshejwe *video-link* (Urugereko rwa Mbere rw'Iremezo), 27 Kamena 2007.
[923] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba guhindura urutonde rw'abatangabuhamya (Urugereko rwa Mbere rw'Iremezo), 12 Nyakanga 2007. Inama itegura urubanza yari yabaye ku itariki ya 11 Nyakanga 2007.
[924] Inyandikomvugo y'iburanisha, 23 Kanama 2007, imp.37-43.

ry'inyandiko kitakiri ngombwa[925]. Ku munsi wakurikiyeho, ku itariki ya 28 Kanama 2007, Urugereko rwemeye, mu magambo, icyifuzo cy'Ubwunganizi cyo kongera umutangabuhamya umwe ku rutonde, rutegeka ko atagomba guhamagazwa mbere y'itariki ya 4 Nzeri 2007 kugira ngo Porokireri abone igihe gihagije cyo kwitegura[926].

848. Mu iburanisha ryo ku itariki ya 30 Kanama 2007, Urugereko ntirwemeye icyifuzo cya Porokireri cyari kigamije kurwanya ko pasiporo ya Théoneste Bagosora ishyirwa mu idosiye. Rwavuze ko ingingo za Porokireri zizasuzumwa igihe ruzaba rurimo gusuzuma agaciro icyo kimenyetso gihamya cyahabwa[927]. Ku itariki ya 3 Nzeri 2007, Urugereko rwemeje ko umutangabuhamya witwa Bernard Lugan wahamagajwe n'Ubwunganizi yujuje ibisabwa kugira ngo atange ubuhamya nk'umutangabuhamya w'impuguke muri uru rubanza[928]. Ku itariki ya 6 Nzeri, umutangabuhamya wa nyuma amaze gusoza ubuhamya bwe, Perezida w'Urugereko yavuze ko itangwa ry'ibimenyetso bishinjura rishoje kandi ko urubanza ruzasubukurwa ku itariki ya 14 Gashyantare 2008, ari na wo munsi imyanzuro nsozarubanza mu magambo yagombaga gutangwa. Abatangabuhamya 56 bitabye Urugereko mu gihe cy'iminsi 49 iburanisha ryamaze. Nyuma yaho, hahise haba inama itegura urubanza. Ababuranyi bemeranyijwe ko ku itariki 15 Ugushyingo 2007, bazatangira rimwe imyanzuro nsozarubanza yanditse, imyanzuro nsozarubanza mu magambo igatangwa ku itariki ya 14 n'iya 15 Gashyantare 2008.

4. IBURANISHA RYAKURIKIYEHO

849. Ababuranyi batanze imyanzuro nsozarubanza yanditse ku itariki 15 Ugushyingo 2007[929]. Ku itariki ya 12 Gashyantare 2008, Urugereko rwanze icyifuzo cy'Ubwunganizi

[925] Inyandikomvugo y'iburanisha, 27 Kanama 2007, urup.2.
[926] Inyandikomvugo y'iburanisha, 28 Kanama 2007, imp.61-62.
[927] Inyandikomvugo y'iburanisha, 30 Kanama 2007, urup.2.
[928] Inyandikomvugo y'iburanisha, 3 Nzeri 2007, urup.58.
[929]Ubwunganizi bwatanze imyanzuro nsozarubanza yahinduwe, ku itariki ya 21 Mutarama 2008. Mu iburanisha ryo ku itariki ya 15 Gashyantare 2008, Urugereko rwavuze ko icyifuzo Porokireri yatanze ku itariki ya 24 Mutarama 2008 gisaba ko Imyanzuro nsozarubanza yahinduwe y'Ubwunganizi yateshwa agaciro, kitakiri ngombwa. Rwavuze ariko ko imyanzuro nsozarubanza yahinduwe nta rwego ruboneka yashyirwamo. Ahubwo, rwemereye Ubwunganizi gushyira muri dosiye y'urubanza, ikimenyetso gihamya cy'inyongera cyanditse cyatanzwe cyuzuza imyanzuro nsozarubanza Ubwunganizi bwatanze mu magambo. Inyandikomvugo y'iburanisha, 14 Gashyantare 2008, imp. 1-2;

cyasabaga gushyira inyandiko muri dosiye ruvuga ko izo nyandiko zitari zujuje ibisabwa n'amategeko agenga itangwa ry'ibimenyetso ku byabaye bitari ubuhamya butanzwe mu magambo[930]. Imyanzuro nsozarubanza mu magambo yatanzwe ku itariki ya 14 n'iya 15 Gashyantare 2008[931].

850. Ku itariki ya 3 Mata 2008, Urugereko ntirwemeye icyifuzo cy'Ubwunganizi bwa Georges Rutaganda cyasabaga gushyikirizwa ubuhamya bwatangiwe mu muhezo ndetse n'ibimenyetso gihamya byashyizweho ubujeni. Urugereko rwasanze izo nyandiko zasabwe nta sano igaragara zifitanye n'urubanza rwa Rutaganda[932].

851. Ku itariki ya 30 Kamena 2009, Ibiro bya Gerefiye byatanze raporo hashingiwe ku ngingo ya 33 (B) y'Amategeko. Ibyo biro byasobanuye ko umukozi byashinze ipererereza atasohoje inshingano ze zo gukora raporo ya nyuma ku byavugwaga ko umukozi wahoze ari umupererezi w'Ubwunganizi yaba yarivanze mu bibazo bireba abatangabuhamya bashinjura.

852. Urugereko rwaciye urubanza ku bwumvikane bw'abacamanza bose barugize, rusomwa ku itariki ya 14 Nyakanga 2009. Rwahamije Renzaho icyaha cya jenoside, ibyaha byibasiye inyokomuntu, n'ibyaha binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve hamwe n'Inyongera yayo ya 2. Urugereko rwamukatiye igifungo cya burundu. Inyandiko y'urubanza yatanzwe ku itariki ya 14 Kanama 2009, nyuma yo kunonosora imyandikire.

Inyandikomvugo y'iburanisha, 15 Gashyantare 2008, urup.8; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113. Inyandiko y'inyongera ku myanzuro y'Ubwunganizi mu magambo isubiza imyanzuro ya Porokireri.

[930] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba gushyira inyandiko mu idosiye y'urubanza, (Urugereko rwa Mbere rw'Iremezo), 12 Gashyantare 2008.

[931] Inyandikomvugo y'iburanisha, 15 Gashyantare 2008, urup.8.

[932] Icyemezo ku cyifuzo gisaba guhabwa ubuhamya bwatanzwe mu muhezo n'ibimenyetso gihamya byashyizweho ubujeni (Urugereko rwa Mbere rw'Iremezo), 3 Mata 2008. Urugereko rwanze gusubira kuri icyo cyemezo rwafashe cyangwa kwemera ko kijuririrwa, mu cyemezo cyarwo ku cyifuzo cyari cyatanzwe na Rutaganda asaba ko Urugereko rwakongera gusuzuma icyemezo cyarwo, cyangwa se, ibyo bitashoboka, rukamwemerera kujuririra icyemezo urwo Rugereko rwafashe ku ya 3 Mata 2008, ku cyifuzo cye cyasabaga guhabwa ubuhamya bwatanzwe mu muhezo n'ibimenyetso gihamya byashyizweho ubujeni, (Urugereko rwa Mbere rw'Iremezo), 13 Ugushyingo 2008.

UMUGEREKA B: INYANDIKO ZIFASHISHIJWE N'IBISOBANURO BY'AMAGAMBO YAKORESHEJWE

1. UBUKEMURAMANZA

TPIR/ ICTR

Akayesu

Urubanza Porokireri aburana na Jean-Paul Akayesu, N° ICTR-96-4-T, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998

Urubanza Porokireri aburana na Jean-Paul Akayesu, N° ICTR-96-4-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001

Bagilishema

Urubanza Porokireri aburana na Ignace Bagilishema, N° ICTR-95-1A-T, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001

Urubanza Porokireri aburana na Ignace Bagilishema, N° ICTR-95-1A-A, Inyandiko y'urubanza mu bujurire, 3 Nyakanga 2002

Bagosora na bagenzi be

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku cyifuzo kirebana n'iterabwoba abatangabuhamya baba barashyizweho, (Urugereko rwa Mbere rw'Iremezo), 28 Ukuboza 2004

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku byifuzo bisaba ko Abaregwa bagirwa abere, (Urugereko rwa Mbere rw'Iremezo), 2 Gashyantare 2005

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku cyifuzo cyo kumenyekanisha ubuhamya abatangabuhamya bashinjura bahaye Ibiro bishinzwe Abinjira n'Abasohoka, (Urugereko rwa Mbere rw'Iremezo), 27 Nzeri 2005

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-AR73 na N° ICTR-98-41-AR73(B), Icyemezo mu bujurire ku ngoboka yerekeye ingamba zo kurinda umutekano w'abatangabuhamya (Urugereko rw'Ubujurire), 6 Ukwakira 2005.

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR 98-41-AR73, Icyemezo ku bujurire bwa Aloys Ntabakuze ku bibazo byo mu rwego rw'amategeko byabyukijwe n'icyemezo Urugereko rwa Mbere rw'Iremezo I rwafashe ku itariki ya 29 Kamena 2006, ku cyifuzo cye cy'ingoboka gisaba gukura ibimenyetso muri dosiye, (Urugereko rw'Ubujurire), 18 Nzeri 2006

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku cyifuzo cya Ntabakuze gisaba kumenyekanisha inyandiko zinyuranye, hashingiwe ku ngingo ya 68 y'Amategeko, (Urugereko rwa Mbere rw'Iremezo), 6 Ukwakira 2006

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku cyifuzo cya Nsengiyumva gisaba Urugereko kwemera inyandiko nk'ibimenyetso gihamya, (Urugereko rwa Mbere rw'Iremezo), 26 Gashyantare 2007

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR-98-41-T, Icyemezo ku cyifuzo cya Bagosora gisaba ko Urugereko rumwemerera kujurira cyangwa rugasubira ku cyemezo rwafashe ku birebana no kwemera ubuhamya bwanditse bw'umutangabuhamya wiswe B-06, (Urugereko rwa Mbere rw'Iremezo), 8 Gicurasi 2007.

Urubanza Porokireri aburana na Théoneste Bagosora na bagenzi be, N° ICTR 98-41-T, Inyandiko y'urubanza mu rw'iremezo, 18 Ukuboza 2008

Gacumbitsi

Urubanza Porokireri aburana na Sylvestre Gacumbitsi, N° ICTR-2001-64-T, Inyandiko y'urubanza mu rw'iremezo, 17 Kamena 2004

Urubanza Porokireri aburana na Sylvestre Gacumbitsi, N° ICTR-2001-64-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006

Gatete

Urubanza Porokireri aburana na Jean-Baptiste Gatete, N° ICTR-2000-61-R11*bis*, Icyemezo ku cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda, 17 Ugushyingo 2008.

Kajelijeli

Urubanza Porokireri aburana na Juvénal Kajelijeli, N° ICTR-98-44A-T, Inyandiko y'urubanza mu rw'iremezo, 1 Ukuboza 2003

Urubanza Porokireri aburana na Juvénal Kajelijeli, N° ICTR-98-44A-A, Inyandiko y'urubanza mu bujurire, 23 Gicurasi 2005

Kambanda

Urubanza Porokireri aburana na Jean Kambanda, N° ICTR-97-23-S, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998

Kamuhanda

Urubanza Porokireri aburana na Jean de Dieu Kamuhanda, N° ICTR-95-54A-T, Inyandiko y'urubanza mu rw'iremezo, 22 Mutarama 2004

Urubanza Porokireri aburana na Jean de Dieu Kamuhanda, N° ICTR-99-54A-A, Inyandiko y'urubanza mu bujurire, 19 Nzeri 2005

Kanyarukiga

Urubanza Porokireri aburana na Gaspard Kanyarukiga, N° ICTR-2002-78-R11 *bis*, Icyemezo ku cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda, 6 Kamena 2008

Urubanza Porokireri aburana na Gaspard Kanyarukiga, N° ICTR-2002-78-R11*bis*, Icyemezo ku bujurire bwa Porokireri ku cyemezo cyo kwimura urubanza hashingiwe ku ngingo ya 11 *bis* y'Amategeko, (Urugereko rw'Ubujurire), 30 Ukwakira 2008.

Karemera na bagenzi be

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, N° ICTR-98-44-AR73, Icyemezo ku bujurire bwa Porokireri ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo III cyo ku itariki ya 8 Ukwakira 2003, cyanga icyifuzo cya Porokireri gisaba gutanga Inyandiko y'ibirego yahinduwe, (Urugereko rw'Ubujurire), 19 Ukuboza 2003.

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, N° ICTR-98-44-PT, Icyemezo ku cyifuzo cyo gutandukanya urubanza rwa André Rwamakuba n'urwa bagenzi be no guhindura Inyandiko y'ibirego, hashingiwe ku ngingo ya 20 (4) ya Sitati n' Ingingo ya 82 (b) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, (Urugereko rwa Mbere rw'Iremezo), 7 Ukuboza 2004

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, N° ICTR-98-44-AR73.6, Icyemezo ku bujurire bwa Joseph Nzirorera yatanze ku kibazo cy'ingoboka (Urugereko rw'Ubujurire), 28 Mata 200

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, Icyemezo ku bujurire bwa Porokireri ku cyemezo Urugereko rwafashe ku cyifuzo cy'ingoboka kirebana n'ibyo ababuranyi batagomba kujyaho impaka, (Urugereko rw'Ubujurire), 16 Kamena 2006

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, N° ICTR-98-44-AR73.7, Icyemezo ku bujurire Porokireri yatanze ajuririra icyemezo cyafashwe ku cyifuzo cy'ingoboka

kirebana n'uruhare ikoranabuhanga [*electronique* (*electronic*] Porokireri akoresha mu imenyekanisha nyandiko, ryagira mu rwego rwo kurangiza inshingano ye yo guhererekanya amakuru (Urugereko rw'Ubujurire), 30 Kamena 2006

Urubanza Porokireri aburana na Edouard Karemera na bagenzi be, N° ICTR-98-44-AR73.13, Icyemezo ku bujurire Joseph Nzirorera yatanze ajuririra icyemezo cyafashe ku cyifuzo cya cumi cyatanzwe hashingiwe ku ngingo ya 68 (Urugereko rw'Ubujurire), 14 Gicurasi 2008.

Karera

Urubanza Porokireri aburana na François Karera, N° ICTR-01-74-T, Inyandiko y'urubanza mu rw'iremezo, 7 Ukuboza 2007

François Karera aburana na Porokireri, N° ICTR-01-74-A, Inyandiko y'urubanza mu bujurire, 2 Gashyantare 2009

Kayishema na Ruzindana

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana, N° ICTR-95-1-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999.

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana, N° ICTR-95-1-T, Inyandiko y'urubanza mu rw'iremezo (Igenagihano), 21 Gicurasi 1999

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana, N° ICTR-95-I-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001

Mpambara

Urubanza Porokireri aburana na Jean Mpambara, N° ICTR-01-65-T, Inyandiko y'urubanza mu rw'iremezo, 11 Nzeri 2006

Munyakazi

Urubanza Porokireri aburana na Yussuf Munyakazi, N° ICTR-97-36-R11*bis*, Icyemezo ku cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwanda, (Urugereko rwa Mbere rw'Iremezo), 28 Gicurasi 2008

Urubanza Porokireri aburana na Yussuf Munyakazi, N° ICTR-97-36-R11*bis,* Icyemezo ku bujurire bwa Porokireri yatanze ku cyemezo cyo kwimura urubanza hashingiwe ku ngingo ya 11*bis* y'Amategeko, (Urugereko rw'Ubujurire), 8 Ukwakira 2008

Musema

Urubanza Porokireri aburana na Alfred Musema, N° ICTR-96-13-A, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000.

Urubanza Porokireri aburana na Alfred Musema, N° ICTR-96-13-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2001

Muvunyi

Urubanza Porokireri aburana na Tharcisse Muvunyi, N° ICTR-2000-55A-A, Inyandiko y'urubanza mu bujurire, 29 Kanama 2008

Nahimana na bagenzi be

Urubanza Porokireri aburana na Ferdinand Nahimana ba bagenzi be, N° ICTR-99-52-A, Icyemezo ku bujurire bwa Jean-Bosco Barayagwiza yatanze ajuririra icyemezo ku cyifuzo cye gisaba kwemererwa gutanga ibimenyetso by'inyongera hashingiwe ku ngingo ya 115 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, (Urugereko rw'Ubujurire), 8 Ukuboza 2006

Urubanza Porokireri aburana na Ferdinand Nahimana na bagenzi be, N° ICTR-99-52-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2007

Ndindabahizi

Urubanza Porokireri aburana na Emmanuel Ndindabahizi, N° ICTR-2001-71-T, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004

Urubanza Porokireri aburana na Emmanuel Ndindabahizi, N° ICTR-01-71-A, Inyandiko y'urubanza mu bujurire, 16 Mutarama 2007

Ndindiliyimana

Urubanza Porokireri abura na Augustin Ndindiliyimana, N° ICTR-2000-56-I, Icyemezo ku cyifuzo cyihutirwa cyatanzwe mu magambo, gisaba gusubika gukurikinana Uregwa, cyangwa se bita ibyo, ikibazo kigashyikirizwa Inama Ishinzwe Amahoro ku Isi, (Urugereko rwa Mbere rw'Iremezo), 26 Werurwe 2004

Niyitegeka

Urubanza Porokireri aburana na Eliézer Niyitegeka, N° ICTR-96-14-T, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003

Urubanza Eliézer Niyitegeka aburana na Porokireri, N° ICTR-96-14-A, Inyandiko y'urubanza mu bujurire, 9 Nyakanga 2004

Ntagerura na bagenzi be

Urubanza Porokireri aburana na André Ntagerura na bagenzi be, N° ICTR-99-46-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004

Urubanza Porokireri aburana na André Ntagerura na bagenzi be, N° ICTR-99-46-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006

Ntahobali na Nyiramasuhuko

Urubanza Porokireri aburana na Arsène Shalom Ntahobali na Pauline Nyiramasuhuko, N° ICTR-97-21-AR73, Icyemezo ku bujurire bwa Pauline Nyiramasuhuko na Arsène Shalom

Ntahobali ku cyemezo ku cyifuzo cyihutirwa cy'Ubwunganizi gisaba ko ibice bimwe by'ubuhamya bw'abatangabuhamya biswe RV na QBZ bitakirwa nk'ibimenyetso, (Urugereko rw'Ubujurire), 2 Nyakanga 2004

Ntakirutimana

Urubanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana, N° ICTR-96-10-T na N° ICTR-96-17-T, Inyandiko y'urubanza mu rw'iremezo, 21 Gashyantare 2003

Urubanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana, N° ICTR-96-10-A na N° ICTR-96-17-A, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004

Rutaganda

Urubanza Porokireri aburana na Georges Anderson Nderubumwe Rutaganda, N° ICTR-96-3-T, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999.

Georges Anderson Nderubumwe Rutaganda aburana na Porokireri, N° ICTR-96-3-A, Inyandiko y'urubanza mu bujurire, 26 Gicurasi 2003

Georges Anderson Nderubumwe Rutaganda aburana na Porokireri, N° ICTR-96-3-R, Icyemezo ku byifuzo bisaba gusubira ku cyemezo, kongera gusuzuma, gushyiraho avoka, gushyikiriza undi muburanyi ibimenyetso, gutanga ibisobanuro, 8 Ukuboza 2006

Semanza

Urubanza Porokireri aburana na Laurent Semanza, N° ICTR-97-20-T, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003

Laurent Semanza aburana na Porokireri, N° ICTR-97-20-A, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005

Seromba

Urubanza Porokireri aburana na Athanase Seromba, N° ICTR-2001-66-T, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2006

Urubanza Porokireri aburana na Athanase Seromba, N° ICTR-2001-66-A, Inyandiko y'urubanza mu bujurire, 12 Werurwe 2008

Serushago

Urubanza Omar Serushago aburana na Porokireri, N° ICTR-98-39-A, Impamvu z'imikirize y'urubanza, (Urugereko rw'Ubujurire), 6 Mata 2000

Setako

Urubanza Porokireri aburana na Ephrem Setako, N° ICTR-04-81-I, Icyemezo ku cyifuzo cy'Ubwunganizi kirebana n'inenge zivugwa mu Nyandiko y'ibirego, (Urugereko rwa Mbere rw'Iremezo), 17 Kamena 2008, ibika 3-5

Simba

Urubanza Porokireri aburana na Aloys Simba, N° ICTR-01-76-T, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2005

Urubanza Aloys Simba aburana na Porokireri, N° ICTR-01-76-A, Inyandiko y'urubanza mu bujurire, 27 Ugushyingo 2007

TPIY/ICTY

Blagojević na Jokić

Urubanza Porokireri aburana na Vidoje Blagojević na Dragan Jokić, N° IT-02-60-A, Inyandiko y'urubanza mu bujurire, 9 Gicurasi 2007

Blaškić

Urubanza Porokireri aburana na Tihomir Blaškić, N° IT-95-14-A, Inyandiko y'urubanza mu bujurire, 29 Nyakanga 2004

Brđanin

Urubanza Porokireri aburana na Radoslav Brđanin, N° IT-99-36-T, Inyandiko y'urubanza mu rw'iremezo, 1 Nzeri 2004

Delalić na bagenzi be

Urubanza Porokireri aburana na Zejnil Delalić na bagenzi be, N° IT-96-21-A, Inyandiko y'urubanza mu bujurire, 20 Gashyantare 2001.

Delić

Urubanza Porokireri aburana na Rasim Delić, N° IT-04-83-T, Inyandiko y'urubanza mu rw'iremezo, 15 Nzeri 2008

Furundžija

Urubanza Porokireri aburana na Anto Furundžija, N° IT-95-17/1-A, Inyandiko y'urubanza mu bujurire, 21 Nyakanga 2000,

Galić

Urubanza Porokireri aburana na Stanislav Galić, N° IT-98-29-A, Inyandiko y'urubanza mu bujurire, 30 Ugushyingo 2006

Hadžihasanović na Kubura

Urubanza Porokireri aburana na Enver Hadžihasanović na Amir Kubura, N° IT-01-47-A, Inyandiko y'urubanza mu bujurire, 22 Mata 2008

Halilović

Urubanza Porokireri aburana na Sefer Halilović, N° IT-01-48-A, Inyandiko y'urubanza mu bujurire, 16 Ukwakira 2007

Jelisić

Urubanza Porokireri aburana na Goran Jelisić, N° IT-95-10-A, Inyandiko y'urubanza mu bujurire, 5 Nyakanga 2001

Kordić na Čerkez

Urubanza Porokireri aburana na Dario Kordić na Mario Čerkez, N° IT-95-14/2-A, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004

Krnojelac

Urubanza Porokireri aburana na Milorad Krnojelac, N° IT-97-25-A, Inyandiko y'urubanza mu bujurire, 17 Nzeri 2003

Krstić

Urubanza Porokireri aburana na Radoslav Krstić, N° IT-98-33-A, Inyandiko y'urubanza mu bujurire, 19 Mata 2004

Kunarac na bagenzi be

Urubanza Porokireri aburana na Dragoljub Kunarac na bagenzi be, N° IT-96-23-T na IT-96-23/1-T, Inyandiko y'urubanza mu rw'iremezo, 22 Gashyantare 2001

Urubanza Porokireri aburana na Dragoljub Kunarac na bagenzi be, N° IT-96-23-A na IT-96-23/1-A, Inyandiko y'urubanza mu bujurire, 12 Kamena 2002

Kvočka na bagenzi be

Urubanza Porokireri aburana na Miroslav Kvočka na bagenzi be, N° IT-98-30/1-A, Inyandiko y'urubanza mu bujurire, 28 Gashyantare 2005

Limaj na bagenzi be

Urubanza Porokireri aburana na Fatmir Limaj na bagenzi be, N° IT-03-66-T, Inyandiko y'urubanza mu rw'iremezo, 30 Ugushyingo 2005

Orić

Urubanza Porokireri aburana na Naser Orić, N° IT-03-68-A, Inyandiko y'urubanza mu bujurire, 3 Nyakanga 2008

Simić

Urubanza Porokireri aburana na Blagoje Simić, No IT-95-9-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2006

Stakić

Urubanza Porokireri aburana na Milomir Stakić, No IT-97-24-A, Inyandiko y'urubanza mu bujurire, 22 Werurwe 2006

Strugar

Urubanza Porokireri aburana na Pavle Strugar, N° IT-01-42-T, Inyandiko y'urubanza mu rw'iremezo, 31 Mutarama 2005

Tadić

Urubanza Porokireri aburana na *Duško Tadić*, N° IT-94-1-A, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999

Vasiljević

Urubanza Porokireri aburana na Mitar Vasiljević, N° IT-98-32-A, Inyandiko y'urubanza mu bujurire, 25 Gashyantare 2004

2. IBISOBANURO BY'AMAGAMBO N'AMAGAMBO AHINNYE

Amategeko

Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

CELA

Ikigo kigisha indimi nyafurika

CND

Inama y'Igihugu Iharanira Amajyambere. Ni izina kandi bahimbaga icyobo rusange cyari mu mujyi wa Kigali hafi ya Segiteri ya Rugenge

ESM

Ishuri Rikuru rya Gisirikare

ICRC

Komite Mpuzamahanga y'Umuryango Utabara Imbabare

ICTR cyangwa Urukiko

Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda jenoside n'ibindi bikorwa binyuranyije ku buryo bukomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'Abanyarwanda

bakekwaho kuba barakoreye jenoside cyangwa bene ibyo bikorwa mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994

ICTY/TPIY

Urukiko Mpuzamahanga Rwashyiriweho gucira imanza abantu bakoze ibyaha bikomeye binyuranyije n' Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byabereye ku butaka bw'Icyahoze cyitwa Yugosilaviya kuva mu wa 1991

Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 113

Inyandiko y'inyongera ku ngingo Ubwunganizi bwatanze mu magambo busubiza imyanzuro ya Porokireri

Imyanzuro mbanzirizarubanza ya Porokireri

Urubanza Porokireri aburana na Tharcisse Renzaho, No ICTR-97-31-I, Imyanzuro mbanzirizarubanza ya Porokireri, 31 Ukwakira 2005

Imyanzuro nsozarubanza yanditse ya Porokireri

Urubanza Porokireri aburana na Tharcisse Renzaho, No ICTR-97-31-I, Imyanzuro nsozarubanza yanditse ya Porokireri, 15 Ugushyingo 2008.

Imyanzuro nsozarubanza yanditse y'Ubwunganizi

Urubanza Porokireri aburana na Tharcisse Renzaho, N° ICTR-97-31-I, Imyanzuro nsozarubanza yanditse y'Ubwunganizi, 15 Ugushyingo 2007

Inyandiko y'ibirego

Urubanza Porokireri aburana na Tharcisse Renzaho, N° ICTR-97-31-I, Inyandiko y'ibirego yahinduwe ku nshuro ya kabiri, 16 Gashyantare 2006

MDR

Ishyaka Riharanira Demukarasi muri Repubulika

MRND

Muvoma Revolisiyoneri Iharanira Demokarasi n'Amajyambere

OAU

Umuryango w'Ubumwe bw'Afurika

ONATRACOM

Ikigo cya Leta gishinzwe gutwara abantu

PSD

Ishyaka Riharanira Imibereho Myiza y'Abaturage na Demukarasi

Sainte-Famille

Kiriziya y'Umuryango Mutagatifu iri mu mujyi wa Kigali

Saint-Paul

Ikigo cya Saint-Paul kiri muri Perefegitura y'Umujyi wa Kigali

Sitati

Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, rwashyizweho n'Icyemezo nomero 955 cy'Inama Ishinzwe Amahoro ku Isi.

urup. (imp.)

urupapuro (impapuro)

UMUGEREKA C: INYANDIKO Y'IBIREGO

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Umuryango w'Abibumbye

Urubanza n° ICTR-97-31-I

POROKIRERI

ABURANA NA

THARCISSE RENZAHO

INYANDIKO Y'IBIREGO YAHINDUWE

Byahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

I. 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 ») arega

Tharcisse Renzaho

Ibyaha bikubiye mu birego bikurikira:

IKIREGO CYA MBERE - JENOSIDE, hakurikijwe ingingo 2.3.a) n'iya 6 (1), (3) za Sitati; cyangwa cyaramuka kitamuhamye akamurega,

IKIREGO CYA KABIRI - KUBA ICYITSO CY'ABAKOZE JENOSIDE, hakurikijwe ingingo ya 2.3.e) n'iya 6 (1), (3) za Sitati;

IKIREGO CYA GATATU- UBUHOTOZI NK'ICYAHA CYIBASIYE INYOKOMUNTU, hakurikijwe ingingo ya 3.a) n'iya 6 (1), (3) za Sitati;

IKIREGO CYA KANE - GUSAMBANYA KU GAHATO NK'ICYAHA CYIBASIYE INYOKOMUNTU, hakurikijwe ingingo ya 3.g) n'iya 6(3) za Sitati;

IKIREGO CYA GATANU- UBWICANYI NK'ICYAHA CYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO MU WA 1949 N'INYONGERA YAYO YA 2 YO MU WA 1977, hakurikijwe ingingo ya 4.a) n'i ya 6 (1), (3) za Sitati;

IKIREGO CYA GATANDATU- GUSAMBANYA KU GAHATO NK'ICYAHA CYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO MU WA 1949 N'INYONGERA YAYO YA 2

YO MU WA 1977, hakurikijwe ingingo ya 4.e) n'iya 6.3 za Sitati.

II. UREGWA

1. **Tharcisse Renzaho** yavutse mu wa 1944 muri Segiteri ya Gaseta, Komine ya Kigarama, Perefegitura ya Kibungo (Repubulika y'u Rwanda).

2. Mu gihe cyose kivugwa muri iyi nyandiko y'ibirego, **Tharcisse Renzaho** yari:

   Umukozi mukuru wa Leta:

   i) Yari Perefe wa Perefegitura y'Umugi wa Kigali;

   ii) Yari Perezida wa komite ishinzwe ukwirwanaho kw'abaturage ya Kigali y'Umugi;

   iii) Yari afite rero ububasha bushingiye ku mategeko n'ubutayashingiyeho bwo kugenzura ba burugumesitiri, ba konseye b'amasegiteri, abayobozi b'amaserire, ba nyumbakumi (abashinzwe ingo icumi), abakozi ba Leta, abajandarume, abapolisi ba komine, Interahamwe, imitwe yitwaraga gisirikare n'abasiviri bafite intwaro, kubera ko yashoboraga gutegeka abo bantu gukora cyangwa kudakora ibikorwa binyuranyije n'amategeko; yashoboraga kubategeka kwitwara neza cyangwa kubahanira ibikorwa bakoze cyangwa ibyo birengagije gukora, binyuranyije n'amategeko.

   Yari Koloneli mu Ngabo z'u Rwanda (hasi zitwa FAR), bityo akaba yari umusirikare mukuru ufite ububasha bushingiye ku mategeko n'ubutayashingiyeho ku basirikare bose yari ashinzwe kuyobora, kubera ko yashoboraga kubategeka gukora cyangwa kudakora ibikorwa binyuranyije n'amategeko; yashoboraga kubategeka kwitwara neza cyangwa kubahanira ibikorwa bakoze cyangwa ibyo birengagije gukora, binyuranyije n'amategeko.

Yari muri komite y'amahina(*Comité de Crise)* yashyizweho mu ijoro ryo ku itariki ya 6 Mata 1994, ikaba yari igizwe n'abasirikare bakuru, barimo Jenerali Majoro Augustin Ndindiliyimana (Perezida), Koloneli Marcel Gatsinzi, Koloneli Léonidas Rusatira, Koloneli Balthazar Ndengeyinka, Koloneli Félicien Muberuka, Koloneli Joseph Murasampongo na Liyetona Koloneli Ephrem Rwabalinda; bityo akaba yari umusirikare mukuru ufite ububasha bushingiye ku mategeko n'ubutayashingiyeho bwo kugenzura abasirikare bose yayoboraga kubera ko yashoboraga kubategeka gukora cyangwa kudakora ibikorwa binyuranyije n'amategeko; yashoboraga kubategeka kwitwara neza cyangwa akabahanira ibikorwa bakoze cyangwa ibyo birengagije gukora, binyuranyije n'amategeko.

« Umurwanyi » nko byumvikana mu ngingo ya 1 n'iya 2 y'Inyongera ya 2 y'Amasezerano y'i Jeneve yo ku itariki ya 12 Kanama 1949.

Bitewe n'urwego yarimo kubera imirimo yakoraga n'imishyikirano yari afitanye n'abantu bakomeye mu gihugu, kimwe no kuba, ashingiye ku bubasha budashingiye ku mategeko, yarakoraga imirimo ya Minisitiri w'Ubutegetsi bw'Igihugu muri Perefegitura y'Umugi wa Kigali, umuntu wese washakaga kuva mu Mugi wa Kigali yagombaga kubona uruhushya ruriho umukono we ; bityo urwo ruhushya rukaba, byanze bikunze, rwari rufite agaciro mu yandi maperefegitura.

III. IBIREGO N'INCAMAKE Y'IBYABAYE

3. Mu gihe cyose kivugwa muri iyi nyandiko y'ibirego, mu Rwanda hari ubwoko bwa ba nyamuke bazwi ku izina « Abatutsi ». Inzego z'ubutegetsi bwa Leta y'u Rwanda ni ko zitaga, ku buryo buzwi, abo bantu. Benshi mu baturage b'u Rwanda bari abo mu bwoko buzwi ku izina « Abahutu ». Inzego z'ubutegetsi bwa Leta y'u Rwanda ni ko zitaga, ku buryo buzwi, abo bantu.

4. Hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, mu Rwanda hose, by'umwihariko muri Kigali, imitwe y'Interahamwe yitwaraga gisirikare, abasirikare bo mu Ngabo z'u Rwanda n'abasiviri bafite intwaro bibasiye kandi bagaba ibitero ku baturage b'abasiviri

bavugwaga ko bari mu bwoko bw'Abatutsi cyangwa bafatwaga nk'abantu bashyigikiye Abatutsi. Muri ibyo bitero, bamwe mu banyarwanda bishe abantu bakekwaga kuba mu bwoko bw'Abatutsi cyangwa babateza ububabare buzahaza umubiri cyangwa mu mutwe. Ibyo bitero byahitanye imbaga y'abantu bavugwaga ko bari mu bwoko bw'Abatutsi.

5. Hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994, mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, hari intambara itari iyo mu rwego mpuzamahanga. Iyo ntambara yari ishyamiranyije Ingabo za FAR n'iza FPR. Mu gihe kiri hagati y'itariki ya 7 Mata n'iya 4 Nyakanga 1994, gikubiye mu gihe kivuzwe haruguru, Ingabo z'u Rwanda zagenzuraga ibice by'Umugi wa Kigali, ziha imyitozo n'intwaro Interahamwe kandi zirwana intambara zifashijwe n'Interahamwe, abajandarume, abapolisi b'amakomine agize iyo Perefegitura. Icyo gihe, FPR yagenzuraga ibice by'Iburasirazuba bya Komine ya Kacyiru n'ibice bimwe na bimwe bya Komine ya Kicukiro.

IKIREGO CYA MBERE: JENOSIDE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho** ko yakoze **JENOSIDE**, icyaha giteganywa n'ingingo ya 2.3.a) ya Sitati, kubera ko, ku itariki ya 7 Mata n'iya 17 Nyakanga 1994 cyangwa hagati y'ayo matariki, mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, **Tharcisse Renzaho** aryozwa ubwicanyi bwakorewe abantu bo mu bwoko bw'Abatutsi cyangwa ububabare bwabazahaje umubiri cyangwa mu mutwe harimo ibikorwa by'ubugizi bwa nabi bushingiye ku gitsina, byakozwe hagamijwe kurimbura abantu bose cyangwa igice cyabo bahuriye ku bwoko bazira icyo bari cyo, nk'uko bisobanurwa kuva ku gika cya 6 kugera ku cya 48.

Icyo cyaha cyaramuka kitamuhamye akamurega,

IKIREGO CYA KABIRI: KUBA ICYITSO CY'ABAKOZE JENOSIDE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho** icyaha cyo kuba **ICYITSO CY'ABAKOZE JENOSIDE**,

giteganywa n'ingingo ya 2.3.e) ya Sitati kubera ko, ku itariki ya 7 Mata n'iya 17 Nyakanga cyangwa hagati y'ayo matariki, mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, **Tharcisse Renzaho** aryozwa ubwicanyi bwakorewe abantu bo bwoko bw'Abatutsi cyangwa ububabare bwabazahaje umubiri cyangwa mu mutwe harimo n'ibikorwa by'ubugizi bwa nabi bushingiye ku gitsina, byakozwe hagamije kurimbura abantu bose cyangwa igice cyabo bahuriye ku bwoko bazira icyo bari cyo, cyangwa azi ko abandi bantu bari bafite umugambi wo kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko bw'Abatutsi babaziza icyo bari cyo ndetse akaba yari azi ko inkunga ye yari gutuma icyaha cya jenoside gikorwa, nk'uko bisobanurwa kuva ku gika cya 6 kugeza ku cya 48.

INCAMAKE Y'IBYABAYE BYEREKEYE IKIREGO CYA MBERE N'ICYA KABIRI

Uburyozwacyaha nka gatozi

6. Hakurikijwe ingingo ya 6.1 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa nka gatozi icyaha cya jenoside cyangwa icyo kuba icyitso cy'abakoze jenoside kubera ko yacuze umugambi wo gukora ibyo byaha, agahamagarira abandi kubikora, akabategeka kubikora, akabikora cyangwa, ku bundi buryo ubwo ari bwo bwose, akabafasha, akanabashishikariza kubicurira umugambi, gubitegura cyangwa kubitsotsoba. Ku byerekeye ikorwa y'ibyo byaha, **Tharcisse Renzaho** ntiyakoresheje imirimo yari ashinzwe n'ububasha yari afite bivugwa mu gika cya 2 mu gutegeka gukora ibyo byaha abantu yari akuriye kandi yagenzuraga gusa, ahubwo yanahamagariye, anafasha, anashishikariza n'abantu atategekaga kandi atagenzuraga gukora ibyo byaha.

Byongeye kandi, uregwa yitabiriye, ku bushake bwe kandi abizi neza, umugambi mubisha uhuriweho wari ugamije gukora jenoside yibasiye abantu bo mu bwoko bw'Abatutsi n'abantu bavugwaga ko bari muri ubwo bwoko cyangwa bakekwagaho gushyigikira Abatutsi, haba muri Perefegitura ya Kigali cyangwa ahandi hose mu Rwanda, kandi yarashoboraga guteganya ingaruka z'uwo mugambi. Kugira agere kuri uwo mugambi mubisha, uregwa yafatanyije n'abayobozi b'Ingabo z'u Rwanda ndetse

n'abasirikare barimo Koloneli Théoneste Bagosora, Koloneli Ephrem Setako na Majoro Nyirahakizimana.Yafatanyije kandi n'abasirikare bo mu mutwe urinda Perezida, Interahamwe zirimo Odette Nyirabagenzi, Angeline Mukandutiye na Ngerageza, « abari mu mutwe ushinzwe gahunda yo kwirengera kw'abaturage », abapolisi ba komine, imitwe y'abasiviri yitwaraga gisirikare, abategetsi bo muri ako karere n'abandi basirikare n'abantu bitwaraga gisirikare, n'abandi bantu bazwi nka Padiri Wenceslas Munyeshyaka na Musenyeri Samuel Musabyimana, n'abandi bantu batazwi. Akaba yarakoze ibyo bikorwa bivugwa, ku buryo butaziguye cyangwa yifashishije abo yari akuriye, nibura kuva hagati mu wa 1993 kugera ku itariki ya 17 Nyakanga 1994. Ibikorwa aryozwa nka gatozi bisobanurwa mu magambo arambuye kuva ku gika cya 7 kugera ku cya 26.

Za bariyeri

7. Kuva ku itariki ya 7 Mata 1994, **Tharcisse Renzaho** yategetse abasirikare, abajandarume, imitwe yitwaraga gisirikare, abaturage bo muri ako karere n'abasirikare basezerewe mu Ngabo gushyiraho no kurinda za bariyeri ku Gitega no hafi y'ikigo cya ONATRACOM muri Kigali y'Umugi maze abahamagarira gukora gutyo. Izo bariyeri zifashishwaga mu kumenya no kwica Abatutsi.

8. Ku itariki ya 7 Mata 1994 cyangwa hafi yayo, na nyuma yaho buri gihe, **Tharcisse Renzaho** yavugiye kuri radiyo Rwanda ategeka abasirikare, abajandarume, imitwe yitwaraga gisirikare, abaturage bo muri ako karere n'abasirikare basezerewe mu ngabo, gushyiraho no kurinda za bariyeri maze abahamagarira kubikora kugira ngo batangire, bamenye kandi bice Abatutsi ariko bakareka ibicuruzwa, n'abaturage nyamwinshi b'Abahutu bagahita.

9. Ku itariki ya 10 Mata 1994 cyangwa hafi yayo, mu nama yabereye ku biro bya Perefegitura y'Umugi wa Kigali, **Tharcisse Renzaho** yategetse Abakonseye n'abayobozi b'amaserire gushyiraho za bariyeri zifashishijwe mu kumenya no kwica Abatutsi.

10. Muri Gicurasi 1994, **Tharcisse Renzaho** yatumije inama maze ahamagarira ba Nyumbakumi, abayobozi b'amaserire, abakonseye n'ababurugumesitiri gukomeza kuba

maso kuri za bariyeri no gukora ku buryo Inyenzi zidashobora kwihisha mu baturage maze abategeka gukora gutyo. Muri iyo nama, yanahaye intwaro imitwe y'Interahamwe yitwaraga gisirikare.

Ibikorwa byo gukangurira abantu ubwicanyi muri Perefegitura y'Umugi wa Kigali

11. Ku matariki atandukanye atazwi kuva hagati mu wa 1993 kugera mu mpera z'igihembwe cya mbere cy'umwaka wa 1994, **Tharcisse Renzaho** yabonaniye kenshi iwe n'amatsinda y'Interahamwe n'Impuzamugambi. Byongeye kandi, yagize uruhare afasha, anashishikariza Interahamwe n'Impuzamugambi gukora imyitozo ya gisirikare ndetse anabaha amasasu.

12. Hagati y'itariki ya 6 n'iya 17 Nyakanga 1994, **Tharcisse Renzaho** yatanze, anafasha abantu gutanga udutike twa lisansi, impushya, impapuro z'inzira n'ibiribwa kugira ngo Interahamwe, imitwe yitwaraga gisirikare, abasirikare n'abajandarume bicaga Abatutsi bashobore kugenda kandi babone n'ibikoresho. Bityo akaba yarabaye icyitso cy'abakoze ubwo bwicanyi kubera ko yabibafashijemo kandi akabibashishikariza.

13. Ku itariki ya 8 Mata 1994, mu kiganiro yagiranye na Koloneli Bagosora kuri radiyo ikoreshwa mu itumanaho, **Tharcisse Renzaho** yamwemereye ko yategetse abantu, akabahamagarira cyangwa akabafasha kandi akabashishikariza kwica Umuyobozi wa Banki Itsura Amajyambere y'u Rwanda kandi ko ngo nawe yafatanyije n'abamwishe gukora icyo cyaha.

14. Ku itariki ya 8 Mata 1994 cyangwa hafi yayo, hafi ya Hoteli Baobab, **Tharcisse Renzaho** yitwaye nk'umuyobozi mukuru mu gikorwa cyakozwe hifashishijwe imodoka ikoreshwa mu mirwano yitwa « *char blindé* » kuko yategetse abantu bari batwaye iyo modoka gukoresha imbunda nini zari ziri ziyiriho ngo barase inzu z'Abatutsi. Yabahamagariye kubikora cyangwa yabafashije kandi abashishikariza gukora gutyo. Bityo, atuma hapfa nibura Abatutsi 40.

15. Ku itariki ya 9 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yahaye umuntu yari akuriye witwa Ngerageza wari umukuru w'Interahamwe zarindaga bariyeri yari muri Segiteri ya Gitega, imbunda ebyiri zo mu bwoko bwa UZI zo kwica Abatutsi. Bityo akaba yaragize uruhare mu gufasha no gushishikariza iyicwa ry'abo bantu.

16. Ku itariki ya 9 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho**, yambaye imyenda y'umusirikare mukuru, yaherekeje Interahamwe zitwaje intwaro, bajya mu Kajari muri Komine ya Kanombe. Izo Nterahamwe zinjiye mu ngo z'Abatutsi maze zirabica. Kubera ko yaherekeje izo Nterahamwe, **Renzaho** yazifashije kandi azishishikariza kwica Abatutsi.

17. Ku itariki ya 16 Mata 1994 cyangwa hafi yayo, mu nama yabereye ku biro bya Perefegitura y'Umugi wa Kigali, **Tharcisse Renzaho** yategetse abakonseye kujya gufata imbunda muri Minisiteri y'Ingabo ngo bazitange mu masegiteri cyangwa yabahamagariye gukora gutyo. Izo ntwaro zakoreshejwe mu kwica Abatutsi. Kubera ko yatumye imbunda zitangwa, **Renzaho** yafashije kandi ashishikariza abicanyi kwica abo Batutsi.

18. Ku itariki ya 30 Mata 1994 cyangwa yayo, **Tharcisse Renzaho**, yakuye ku mirimo yabo abantu benshi barimo abakonseye b'amasegiteri nka Jean Baptiste Rudasingwa na Célestin Sezibera kubera ko yatekerezaga ko barwanyaga ubwicanyi bwakorerwaga Abatutsi. Kubera ko yabasimbuje abakonseye bari bashyigikiye ubwicanyi bwakorewagaAbatutsi, **Renzaho** yafashije anashishikariza abakoze ubwo bwicanyi.

19. Ku itariki itazwi hagati y'itariki ya 7 n'iya 30 Gicurasi 1994, cyangwa agahana muri icyo gihe, **Tharcisse Renzaho**, wari mu nama mu rugo kwa Musenyeri Samuel Musabyimana, yemeye guha uwo musenyeri imbunda (zirenze imwe). Nyuma yaho, muri icyo gihe, **Renzaho** yatanze imbunda nyinshi zo mu bwoko bwa Kalachnikov zakwirakwijwe na Majoro Nyirahakizimana. Izo mbunda, zahawe imitwe yitwaraga gisirikare, zakoreshejwe mu kwica Abatutsi. Kubera ko yatanze izo mbunda, **Renzaho** yafashije kandi ashishikariza abo bantu kwica abo Batutsi.

20. Muri Kamena 1994, **Tharcisse Renzaho**, ari kumwe na Koloneli Ephrem Setako na Koloneli Bagosora, bagiye mu nama y'igitaraganya muri Hoteli Kiyovu i Kigali. Muri iyo nama, bateguye uko iyicwa ry'abaturage b'Abatutsi ryakomeza.

Ahantu hazwi neza.

21. Hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994, ibihumbi by'Abatutsi bahungiye mu Kigo kigisha indimi zo muri Afurika [CELA], mu Kigo cy'Iyobokamana cyitiriwe Mutagatifu Paul(*Centre pastoral Saint Paul*) no ku kiriziya ya Paruwasi y'Umuryango Mutagatifu*(Paroisse Sainte Famille*). Padiri Wenceslas Munyeshyaka yari ashinzwe Paruwasi *Sainte Famille*, Odette Nyirabagenzi yari konseye wa segiteri kandi akaba yarategekwaga anakuriwe, ku buryo butaziguye, na **Tharcisse Renzaho**, naho Angeline Mukandutiye, wari umugenzuzi w'amashuri akaba n'umwe mu bakuru b'Interahamwe, yagenzuraga Segiteri ya Bwahirimba akoresheje ububasha budashingiye ku mategeko. Mukandutiye yategekwaga ku buryo butaziguye na **Renzaho** kandi yamugezagaho raporo z'ibyo yakoraga.

22. Ku itariki ya 20 Mata 1994 cyangwa hafi yayo, ubwo yari kumwe na Padiri Munyeshyaka, **Tharcisse Renzaho** yategetse abasirikare n'Interahamwe gusohora ku ngufu muri CELA abantu bageze kuri 40, abenshi muri bo bakaba bari Abatutsi, maze abahamagarira gukora gutyo. Nyuma yaho, abenshi muri abo bantu barishwe kandi **Renzaho** yafashije anashishikariza abicanyi kwica abo bantu.

23. Ku itariki ya 22 Mata 1994 cyangwa hafi yayo, kuri Paruwasi ya *Sainte Famille*, Padiri Munyeshyaka yahaye **Tharcisse Renzaho** abagabo 10 b'Abatutsi, ntihagira uwongera kubaca iryera. Abo bagabo barishwe kandi **Renzaho** yafashije anashishikariza abicanyi kwica abo bantu.

24. Ku itariki ya 22 Mata 1994 cyangwa hafi yayo, ubwo yari kumwe na Odette Nyirabagenzi na Angeline Mukandutiye, **Tharcisse Renzaho** yategetse, anahamagarira abantu gutwara no kwica abagabo 60 b'Abatutsi bavanywe muri CELA. Ku yandi

matariki atazwi, yategetse kandi ahamagarira abantu kwica abandi Batutsi benshi muri CELA.

25. Ku itariki ya 14 Kamena 1994 cyangwa hafi yayo, ubwo yari hamwe na Odette Nyirabagenzi na Angeline Mukandutiye, **Tharcisse Renzaho** yategetse Interahamwe gukura kuri *Saint Paul* abasore 60 ngo babice kandi yabashishikarije gukora gutyo.

26. Ku itariki ya 17 Kamena 1994 cyangwa hafi yayo, ubwo yari kumwe na Odette Nyirabagenzi na Angeline Mukandutiye, **Tharcisse Renzaho** yategetse abasirikare, imitwe yitwaraga gisirikare n'abapolisi ba komine gutera impunzi z'Abatutsi ku kiriziya ya Paruwasi *Sainte Famille* maze abahamagarira gukora gutyo. Abo bantu bahiciye Abatutsi benshi.

Uburyozwacyaha bw'umuntu ukuriye abandi

27. Hakurikijwe ingingo ya 6.3 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa icyaha cya jenoside cyangwa icyo kuba icyitso cy'abakoze jenoside kubera ko abo yari akuriye bakoze ibikorwa by'ubugome bizwi neza ariko ntafate ingamba za ngombwa kandi zikwiye zo kuburizamo ibyo bikorwa cyangwa zo guhana ababikoze mu gihe yari azi cyangwa yari afite impamvu zo kumenya ko biteguraga gukora cyangwa ko bari barakoze ibyo bikorwa. Mu bo yari akuriye, harimo abayobozi b'Ingabo n'abasirikare b'u Rwanda. Muri abo harimo Majoro Nyirahakizimana, abasirikare bo mu mutwe urinda Perezida, Interahamwe zirimo Odette Nyirabagenzi, Angeline Mukandutiye na Ngerageza, « abari mu mutwe ushinzwe gahunda yo kwirengera kw'abaturage », abapolisi ba komine, imitwe y'abasiviri yitwaraga gisirikare, abategetsi bo muri ako karere, abandi basirikare n'imitwe yitwaraga gisirikare, n'abandi bantu bazwi nka Padiri Wenceslas Munyeshyaka na Musenyeri Samuel Musabyimana, kimwe n'abandi batazwi.

Byongeye kandi, abo bantu uregwa yari akuriye bagiye kandi bafasha ku buryo bugaragara mu mugambi mubisha uhuriweho wari ugamije gukora jenoside y'abantu bo mu bwoko bw'Abatutsi n'abantu bafatwaga ko bagize ubwo bwoko cyangwa bakekwagaho gushyigikira Abatutsi, haba muri Perefegitura y'Umugi wa Kigali cyangwa

ahandi hose mu Rwanda, guhera nibura hagati mu wa 1993 kugera ku itariki ya 17 Nyakanga 1994 kandi yarashoboraga kumenya ingaruka z'uwo mugambi. Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko abo yari akuriye bari muri uwo mugambi mubisha uhuriweho kandi yari azi n'ibyo bari bagamije ariko akaba atarafashe ingamba za ngombwa kandi zikwiye zo kubabuza kuwujyamo cyangwa zo kubahana kubera ko bawugiyemo kandi yarashoboraga kumenya ingaruka z'uwo mugambi. Uruhare rw'uregwa n'urw'abantu yari akuriye muri uwo mugambi mubisha uhuriweho bisobanurwa mu magambo arambuye kuva ku gika cya 28 kugera ku cya 48.

Za bariyeri.

28. Kuva ku itariki ya 7 Mata 1994, abasirikare, abajandarume, imitwe yitwaraga gisirikare n'abasirikare basezerewe mu Ngabo bose bategekwaga kandi bakagenzurwa na **Tharcisse Renzaho** bashyizeho kandi barinda za bariyeri ku Gitega no hafi y'ikigo cya ONATRACOM muri Kigali y'Umugi. Izo bariyeri zakoreshejwe mu kumenya no kwica Abatutsi.

29. Ku itariki ya 10 Mata 1994 cyangwa hafi yayo, mu nama yabereye ku biro bya Perefegitura y'Umugi wa Kigali, abakonseye n'abayobozi ba za serire bategekwaga kandi bakagenzurwa na **Tharcisse Renzaho**, bashyizeho za bariyeri. Izo bariyeri zakoreshejwe mu kumenya no kwica Abatutsi.

30. Mu nama yabaye muri Gicurasi 1994, **Tharcisse Renzaho** yategetse ba nyumbakumi, abayobozi ba za serire, abakonseye n'ababurugumesitiri yategekaga kandi yagenzuraga gukomeza kuba maso kuri za bariyeri no gukora ku buryo Inyenzi zitihisha mu baturage. Muri iyo nama, **Renzaho** yahaye intwaro imitwe y'Interahamwe yitwaraga gisirikare yategekaga kandi yagenzuraga.

Ibikorwa byo gukangurira abantu ubwicanyi muri Perefegitura y'Umugi wa Kigali

31. Ku matariki atandukanye kandi atazwi guhera hagati mu wa 1993 kugera mu mpera z'igihembwe cya mbere cy'umwaka wa 1994, amatsinda y'Interahamwe

n'Impuzamugambi yakundaga guteranira kwa **Tharcisse Renzaho**. **Renzaho** yagize uruhare mu kubaha amasasu n'imyitozo ya gisirikare kandi yarabagenzuraga koko kubera ko yashoboraga kuburizamo cyangwa guhana ibikorwa byabo.

32. Hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, **Tharcisse Renzaho** yatanze, anafasha abantu gutanga udutike twa lisansi, impushya, n'impapuro z'inzira n'ibiribwa kugira ngo Interahamwe, imitwe yitwaraga gisirikare, abasirikare n'abajandarume bicaga Abatutsi bashobore kugenda kandi babone n'ibikoresho. Yaranabagenzuraga koko kubera ko yari afite ububasha bwo kuburizamo cyangwa guhana ibikorwa byabo.

33. Ku itariki ya 8 Mata 1994, mu kiganiro yagiranye na Koloneli Bagosora hakoreshejwe radiyo ikoreshwa mu itumanaho, **Tharcisse Renzaho** yamwemereye ko abantu yategekaga kandi yagenzuraga bategetse abandi bantu, bakababahamagarira cyangwa bakababafasha kandi bakabashishikariza kwica Umuyobozi wa Banki y'u Rwanda itsura amajyambere, yamwemereye kandi ko abo bantu yategekaga kandi yagenzuraga bafatanyije n'abicanyi muri icyo gikorwa.

34. Ku itariki ya 8 Mata 1994 cyangwa hafi yayo, hafi ya Hoteli Baobab, **Tharcisse Renzaho** yari umutegetsi mukuru aho hantu mu gikorwa cyakozwe hifashishijwe imodoka ya gisirikare ikoreshwa mu mirwano, bita « *char* ». Bari imbere ye kandi atabirwanyije na gato, abo bantu yari akuriye bakoresheje iyo modoka mu kurasa ku nzu z'Abatutsi, bituma hapfamo nibura Abatutsi 40.

35. Ku itariki ya 9 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yambaye imyenda y'abasirikare bakuru, yaherekeje Interahamwe zitwaje intwaro bajya mu Kajari muri Komine ya Kanombe. Abo yari akurikiye b'Interahamwe binjiye mu ngo z'Abatutsi, zibicira mu maso ye ariko ntiyabirwanya na gato.

36. Ku itariki ya 16 Mata 1994 cyangwa hafi yayo, mu nama yabereye ku biro bya Perefegitura y'Umugi wa Kigali, Minisiteri y'Ingabo yahaye abakonseye, bategekwaga kandi bagenzurwaga na **Tharcisse Renzaho**, imbunda zo gukwirakwiza mu masegiteri. Izo ntwaro zakoreshejwe mu kwica Abatutsi.

37. Ku matariki menshi atazwi hagati ya Mata na Nyakanga 1994, **Tharcisse Renzaho** yanze cyangwa yirinze guhana Interahamwe yategekaga, yagenzuraga kandi yari akuriye, mu buryo butaziguye, kandi yari azi, kuko yabyiboneye ubwe, ko bagiye mu bwicanyi bwakorewe Abatutsi, n'Abahutu batari intagondwa, muri Kigali. Hagati aho, ahubwo yafashe ingamba zo guhana abagabaga ibitero bitari mu rwego rwo gukangurira abantu ubwicanyi cyangwa zo kubiburizamo.

38. Ku itariki ya 30 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yakuye ku mirimo yabo abantu benshi, barimo abakonseye ba segiteri Jean Baptiste Rudasingwa na Celestin Sezibera kubera ko yatekerezaga ko barwanya ubwicanyi bwakorerwaga Abatutsi. Yabasimbuje abakonseye bari bashyigikiye ubwicanyi bwakorerwaga Abatutsi ; bityo yerekana ko yari afite ububasha ku bategetsi bo mu Mugi wa Kigali kandi ko yanabagenzuraga.

Ahantu hazwi neza.

39. Hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994, ibihumbi by'Abatutsi byahungiye muri CELA, muri *Centre Saint Paul* no ku kiriziya ya Paruwasi ya *Sainte Famille*. Padiri Wenceslas Munyeshyaka yari ashinzwe Paruwasi ya *Sainte Famille*, Odette Nyirabagenzi yari konseye wa segiteri kandi yategekwaga akanakurirwa, mu buryo butaziguye, na **Tharcisse Renzaho**, naho Angeline Mukandutiye, wari umugenzuzi w'amashuri akaba n'umukuru w'Interahamwe, yagenzuraga Segiteri ya Bwahirimba akoresheje ububasha budashingiye ku mategeko. Mukandutiye yategekwaga mu buryo butazaguye na **Renzaho** kandi yamugezagaho raporo z'ibyo yakoraga.

40. Hagati y'itariki ya 7 Mata n'iya 17 Nyakanga, abantu bari bakuriwe na **Tharcisse Renzaho**, barimo Padiri Munyeshyaka, Odette Nyirabagenzi na Angeline Mukandutiye n'abandi bayobozi b'Interahamwe bacuze umugambi wo kugaba ibitero ku bantu bo mu bwoko bw'Abatutsi i Kigali, barabiteguye kandi bategeka, banashishikariza abandi kubigaba kuri abo Batutsi. Ahagabwe ibyo bitero harimo Paruwasi ya *Sainte Famille*, *Centre Saint Paul*, umusigiti wa Kadaffi na CELA, muri Segiteri ya Nyarugenge. Ibyo

bitero byari bigamije kwica Abatutsi bose cyangwa igice cyabo cyangwa kubatera ububabare buzahaza umubiri cyangwa mu mutwe.

41. Ku itariki ya 20 Mata 1994 cyangwa hafi yayo, ubwo **Tharcisse Renzaho** yari kumwe na Padiri Munyeshyaka, abasirikare n'Interahamwe yari akuriye bakuye ku ngufu muri CELA abantu bageze kuri 40, benshi muri bo bakaba bari Abatutsi. Benshi muri abo bantu baje kwicwa.

42. Ku itariki ya 22 Mata 1994, cyangwa hafi yayo, kuri Paruwasi ya *Sainte Famille*, Padiri Munyeshyaka, umwe mu bari bakuriwe na **Tharcisse Renzaho,** yatanze abagabo 10 b'Abatutsi ngo bicwe n'abandi bantu bari bakuriwe na Renzaho kandi ntawigeze yongera guca iryera abo bagabo.

43. Ku itariki ya 22 Mata 1994 cyangwa hafi yayo, abantu bari bakuriwe na **Tharcisse Renzaho**, barimo Odette Nyirabagenzi na Angeline Mukandutiye, bicishije abagabo 60 b'Abatutsi bari bakuye muri CELA. Ku yandi matariki atazwi muri Mata, Gicurasi na Kamena 1994, bicishije Abatutsi benshi bari bakuye muri CELA.

44. Ku itariki ya 14 Kamena 1994 cyangwa hafi yayo, abantu bari bakuriwe na **Tharcisse Renzaho** barimo Odette Nyirabagenzi na Angeline Mukandutiye, bicishije abahungu 60 b'Abatutsi bari bakuye muri *Centre Saint Paul*.

45. Ku itariki ya 17 Kamena 1994 cyangwa hafi yayo, abantu bari bakuriwe na **Tharcisse Renzaho**, barimo Odette Nyirabagenzi na Angeline Mukandutiye, abasirikare, imitwe yitwaraga gisirikare n'abapolisi ba komine bagabye igitero ku Batutsi bari bahungiye kuri kuri Paroisse ya *Sainte Famille,* barabica.

Ubugizi bwa nabi bushingiye ku gitsina

46. Ku itariki ya 16 Mata 1994 no ku yandi matariki atazwi atandukanye yo muri Mata, Gicurasi na Kamena 1994, imitwe yitwaraga gisirikare y'Interahamwe, abasirikare n'abandi bantu bategekwaga kandi bari bakuriwe na **Tharcisse Renzaho** basambanyije ku gahato abagore b'Abatutsikazi. Abakonseye bategekwaga kandi bari bakuriwe, ku

buryo butaziguye, na **Tharcisse Renzaho** batangaga buri gihe raporo ko Interahamwe, abasirikare n'abandi bantu na bo bari bakuriwe kandi bategekwaga na we, basambanyaga ku gahato abagore b'Abatutsikazi. **Tharcisse Renzaho** yanze cyangwa yirinze gufata ingamba za ngombwa cyangwa zikwiye zo kubuza ibyo bikorwa byo gusambanya Abatutsikazi ku gahato cyangwa zo guhana ababaga babikoze.

47. Padiri Munyeshyaka n'izindi Nterahamwe zategekwaga kandi zagenzurwaga na **Tharcisse Renzaho** zahatiye abagore b'Abatutsikazi kugirana imibonano mpuzabitsina nk'ingurane yo kubarindira umutekano, kuri Paruwasi ya *Sainte Famille* ubwo Abatutsi bari bahahungiye muri Mata, Gicurasi na Kamena 1994. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko abagore b'Abatutsikazi basambanywaga ku gahato kuri Paruwasi ya *Sainte Famille* ariko yirinze cyangwa yanze guhana ababaga babikoze.

48. Ku matariki atazwi muri Mata, Gicurasi na Kamena 1994, Interahamwe, abasirikare, n'abasiviri bitwaje intwaro, bari bakuriwe kandi bagenzurwa na **Tharcisse Renzaho** bafungiye abagore b'Abatutsikazi mu nzu zimwe na zimwe muri Kigali rwagati, maze babahatira kugirana na bo imibonano mpuzabitsina ngo bibe ikiguzi cyo kubarindira umutekano. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko abagore b'Abatutsikazi basambanywaga ku gahato, ariko yirinze cyangwa yanze guhana ababaga babikoze.

IKIREGO CYA GATATU: UBUHOTOZI NK'ICYAHA CYIBASIYE INYOKOMUNTU

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho icyaha CY'UBUHOTOZI nk'ICYAHA CYIBASIYE INYOKOMUNTU**, giteganywa n'ingingo ya 3.a) ya Sitati, kubera ko, ku itariki ya 6 Mata n'iya 17 Nyakanga 1994, cyangwa hagati y'ayo matariki, mu Rwanda hose, by'umwihariko muri Perefegitura y'umugi wa Kigali, **Tharcisse Renzaho**, yaritswemo n'umugambi wo kwica abantu bo mu bwoko bw'Abatutsi cyangwa abantu bafatwaga ko bagize ubwo bwoko cyangwa abakekwagaho ko bashyigikiye Abatutsi, yagize uruhare

mu iyicwa ry'abo bantu ryakozwe mu rwego rw'igitero rusange kandi kiri kuri gahunda, cyagabwe ku baturage b'abasiviri bazira ubwoko bwabo n'imitwe ya politiki barimo, nk'uko bisobanuye kuva ku gika cya 49 kugera ku cya 58.

INCAMAKE Y'IBYABAYE BYEREKEYE IKIREGO CYA GATATU

Uburyozwacyaha bw'umuntu nka gatozi

49. Hakurikijwe ingingo ya 6.1 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa, nka gatozi, ubuhotozi nk'icyaha cyibasiye inyokomuntu kubera ko yacuze umugambi wo gukora icyo cyaha, agahamagarira abantu kugikora, akabategeka kugikora, akagikora cyangwa mu bundi buryo ubwo ari bwo bwose akabafasha kandi akabashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba. Ku byerekeye ikorwa ry'icyo cyaha, **Tharcisse Renzaho**, yitwaje imirimo ye n'ububasha bwe bivugwa mu gika cya 2, ntiyategetse gusa abo yari akuriye kandi yagenzuraga gukora icyo cyaha ahubwo yanahamagariye, anashishikariza n'abo atategekaga kandi atagenzuraga kugikora.

Byongeye kandi, uregwa yagiye, ku bushake bwe kandi abizi neza, mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha byibasiye inyokomuntu byakorewe abantu bo mu bwoko bw'Abatutsi n'abantu bafatwaga nk'abagize ubwo bwoko cyangwa se abakekwagaho ko bashyigikiye Abatutsi cyangwa batavugaga rumwe, mu rwego rwa politiki, na « *Hutu Power* ». Ibyo byabereye muri Perefegitura ya Kigali n'ahandi hose mu Rwanda maze abantu baribasirwa kubera ubwoko bwabo cyangwa amashyaka ya politiki barimo. Uregwa yashoboraga guteganya kandi ingaruka z'uwo mugambi. Kugira ngo awugereho, uregwa yafatanyije n'abayobozi b'Ingabo z'u Rwanda n'abasirikare, abagize umutwe urinda Perezida, Interahamwe nka Odette Nyirabagenzi, « abari mu mutwe ushinzwe ukwiringera kw'abaturage », abapolisi ba komine, imitwe y'abasiviri yitwaraga gisirikare, abategetesi bo muri ako karere, abandi basirikare n'imitwe yitwaraga gisirikare, abandi bantu bazwi nka Padiri Wenceslas Munyeshyaka n'abandi batazwi. Bakoze ibyo bikorwa byose ubwabo cyangwa bifashisha abo bari bakuriye mu gihe nibura kiri hagati y'itariki ya 12 Mata n'iya 15 Kamena 1994. Ibikorwa aryozwa nka gatozi bisobanuye mu magambo arambuye kuva ku gika cya 50 kugera ku cya 53.

50. Ku itariki ya 13 cyangwa iya 14 Mata 1994, cyangwa hafi y'ayo matariki, ari kumwe n'abandi bantu, **Tharcisse Renzaho** yatoranyije abantu bamwe na bamwe bari muri CELA maze ategeka kandi ahamagarira abandi kubica. Nyuma yaho, abandi bantu baratoranyijwe baricwa. Muri abo harimo James, Charles, Wilson, Déglote Rwanga na Charles Gahima n'umuhungu we.

51. Ku itariki ya 22 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yafashije kandi ashishikariza Padiri Munyeshyaka mu gutegeka ko abasore bajyanwa muri CELA. Abo basore, barimo uwitwaga Christophe, bajyanywe muri CELA maze baricwa.

52. Ku itariki ya 28 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yategetse Interahamwe kujya muri Komine ya Nyarugenge gushakayo no kwica Abatutsi 9 barimo François Nsengiyumva, umugabo witwaga Kagorora n'abahungu be babiri ari bo Emile na Aimable n'umugabo witwaga Rutiyomba. Nyuma, Interahamwe zashyize mu bikorwa itegeko rya **Renzaho,** zica abo bantu.

53. Ku itariki ya 15 Kamena 1994 cyangwa hafi yayo, **Tharcisse Renzaho** yahaye, mu nyandiko, Odette Nyirabagenzi itegeko ryo kwica André Kameya, umunyamakuru wanengaga Guverinoma y'agateganyo. Ku itariki ya 15 Kamena 1994 cyangwa hafi yayo, Odette Nyirabagenzi ari kumwe n'Interahamwe yavumbuye André Kameya maze aramwicisha ashyira mu bikorwa itegeko rya **Renzaho**.

*Uburyozwacyaha bw'umuntu ukuriye abandi***.**

54. Hakurikijwe ingingo ya 6.3 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa icyaha cy'ubuhotozi nk'icyaha cyibasiye inyokomuntu kubera ko abo yari akuriye bakoze ibikorwa by'ubugome bizwi ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubiburizamo cyangwa zo guhana ababikoze kandi yari azi cyangwa yari afite impamvu zo kumenya ko abo bantu yari akuriye biteguraga gukora cyangwa bari bakoze ibyo bikorwa. Mu bantu yari akuriye harimo abayobozi b'Ingabo z'u Rwanda n'abasirikare, abagize umutwe urinda Perezida, Interahamwe zirimo Odette Nyirabagenzi, « abagize umutwe ushinzwe ukwirwanaho kw'abaturage », abapolisi ba komine, imitwe y'abasiviri

yitwaraga gisirikare, abategetsi bo muri ako karere, abandi basirikare n'indi mitwe yitwaraga gisirikare, abandi bantu bazwi nka Padiri Wenceslas Munyeshyaka n'abandi bantu batazwi.

Byongeye kandi, abo bantu uregwa yari akuriye bagiye kandi bagize uruhare runini mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha byibasiye inyokomuntu byakorewe abantu bo mu bwoko bw'Abatutsi n'abantu bavugwaga ko bagize ubwo bwoko, abakekwagaho ko bashyigikiye Abatutsi cyangwa ko batavugaga rumwe, mu rwego rwa politiki, na «*Hutu Power* ». Ibyo byabaye muri Perefegitura ya Kigali ndetse n'ahandi hose mu Rwanda mu gihe kiri nibura hagati y'itariki ya 12 Mata n'iya 15 Kamena 1994. Icyo gihe abantu bibasiwe kubera ubwoko bwabo cyangwa amashyaka ya politiki barimo. Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko abo yari akuriye bari mu mugambi mubisha uhuriweho ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubabuza kuwujyamo cyangwa zo kubahana kubera ko bawugiyemo.Uregwa yashoboraga guteganya kandi ingaruka z'uwo mugambi. Uruhare rw'uregwa n'urw'abantu yari akuriye muri uwo mugambi mubisha uhuriweho rusobanuye mu magambo arambuye kuva ku gika cya 55 kugera ku cya 58.

55. Ku itariki ya 13 cyangwa ya 14 Mata 1994 cyangwa hafi y'ayo matariki, abantu bategekwaga kandi bagenzurwaga na **Tharcisse Renzaho** bishe abantu bamwe na bamwe bari bahungiye muri CELA barimo James, Charles, Wilson, Déglote Rwanga, Charles Gahima n'umuhungu we.

56. Ku itariki ya 22 Mata 1994 cyangwa hafi yayo, **Tharcisse Renzaho** ahari, uwo yari akuriye ari we Padiri Munyeshyaka yategetse abasore kujya muri CELA. Abo basore, barimo uwitwaga Christophe, bajyanywe muri CELA maze baricwa.

57. Ku itariki ya 28 Mata 1994 cyangwa hafi yayo, Interahamwe zategekwaga kandi zari zikuriwe na **Tharcisse Renzaho** zagiye muri Komine ya Nyarugenge zihasanga kandi zica Abatutsi 9 barimo François Nsengiyumva, umugabo witwaga Kagorora n'abahungu be babiri ari bo Emile na Aimable n'umugabo witwaga Rutiyomba.

58. Ku itariki ya 15 Kamena 1994 cyangwa hafi yayo, abantu bari bakuriwe na **Tharcisse Renzaho**, barimo Odette Nyirabagenzi n'itsinda ry'Interahamwe bavumbuye kandi bica André Kameya, umunyamakuru wanengaga Guverinoma y'agateganyo.

IKIREGO CYA KANE: GUSAMBANYA KU GAHATO NK'ICYAHA CYIBASIYE INYOKOMUNTU

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho ICYAHA CYO GUSAMBANYA KU GAHATO NK' ICYAHA CYIBASIYE INYOKOMUNTU**, giteganywa n'ingingo ya 3.g) ya Sitati kubera ko, ku itariki ya 7 Mata n'iya 17 Nyakanga cyangwa hagati y'ayo matariki, mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, **Tharcisse Renzaho**, washakaga ko abantu bo mu bwoko bw'Abatutsi cyangwa abantu bavugwaga ko bagize ubwo bwoko, basambanywa ku gahato, yagize uruhare mu gusambanya ku gahato abagore b'Abatutsikazi byakozwe mu rwego rw'igitero rusange kandi giteguye nk'ibindi, cyibasiye abaturage b'abasiviri kubera ubwoko bwabo nk'uko bisobanuye kuva ku gika cya 59 kugera ku cya 61.

INCAMAKE Y'IBYABAYE BYEREKEYE IKIREGO CYA KANE.

Uburyozwacyaha bw'umuntu ukuriye abandi

59. Hakurikijwe ibiteganywa n'ingingo ya 6.3 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa icyaha cyo gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu kubera ko abantu yari akuriye bakoze ibikorwa by'ubugome bizwi ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubiburizamo cyangwa zo guhana ababikoze kandi yari azi cyangwa yari afite impamvu zo kumenya ko abo bantu yari akuriye biteguraga gukora cyangwa bari bakoze ibyo bikorwa. Mu bantu yari akuriye harimo abayobozi b'Ingabo z'u Rwanda, abasirikare, abagize umutwe urinda Perezida, Interahamwe, «abari mu mutwe ushinzwe ukwirwanaho kw'abaturage », abapolisi ba komine, imitwe y'abasiviri yitwaraga gisirikare, abategetsi bo muri ako karere, abandi basirikare, imitwe yitwaraga gisirikare, abandi bantu bazwi nka Padiri Wenceslas Munyeshyaka n'abandi batazwi.

Byongeye kandi, abo bantu uregwa yari akuriye bagiye kandi bagira uruhare runini mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha byibasiye inyokomuntu byakorewe abantu bo mu bwoko bw'Abatutsi muri Perefegitura ya Kigali no mu Rwanda hose, nibura muri Mata, Gicurasi na Kamena 1994. Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko abantu yari akuriye bari muri uwo mugambi mubisha uhuriweho, yashoboraga kandi guteganya ingaruka zawo. Yari azi kandi cyangwa yari afite impamvu zo kumenya ingaruka z'uwo mugambi ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubabuza kuwujyamo cyangwa zo kubahana kubera ko bawugiyemo. Uruhare rw'uregwa n'urw'abantu yari akuriye, muri uwo mugambi mubisha uhuriweho, rusobanurwa mu magambo arambuye kuva ku gika cya 60 kugera ku cya 62.

60. Ku itariki ya 16 Mata no ku matariki atandukanye atazwi muri Mata, Gicurasi na Kamena 1994, Interahamwe zitwaraga gisirikare, abasirikare n'abandi bantu bategekwaga kandi bari bakuriwe na **Tharcisse Renzaho** basambanyije ku gahato abagore b'Abatutsikazi. Abakonseye bategekwaga kandi bari bakuriwe, mu buryo butaziguye, na **Tharcisse Renzaho** batangaga buri gihe raporo ko abagore b'Abatutsikazi basambanywaga ku gahato n'Interahamwe zitwaraga gisirikare, abasirikare n'abandi bantu bategekwaga kandi bari bakuriwe na we. **Tharcisse Renzaho** yirinze cyangwa yanze gufata ingamba za ngombwa cyangwa zikwiye zo kuburizamo ibyo bikorwa cyangwa zo guhana ababaga babikoze.

61. Padiri Munyeshyaka n'izindi Nterahamwe zategekwaga kandi zagenzurwaga na **Tharcisse Renzaho**, bahatiye abagore b'Abatutsikazi kugirana na bo imibonano mpuzabitsina nk'ingurane yo kubarindira umutekano kuri Paruwasi ya *Sainte Famille* ubwo Abatutsi bari bahahungiye muri Mata, Gicurasi na Kamena 1994. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko abagore b'Abatutsikazi basambanywaga ku gahato kuri Paruwasi ya *Sainte Famille* ariko yirinze cyangwa yanze guhana ababikoraga.

62. Ku matariki atandukanye atazwi muri Mata, Gicurasi na Kamena 1994, Interahamwe, abasirikare n'abasiviri bitwaje intwaro, bategekwaga kandi bagenzurwaga na **Tharcisse Renzaho** bafungiye abagore b'Abatutsikazi mu nzu zimwe na zimwe zo muri Kigali rwagati, maze babahatira kugirana na bo imibonano mpuzabitsina nk'ingurane yo kubarindira umutekano. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko ibikorwa byo gusambanya ku gahato byakorerwaga abagore b'Abatutsikazi ariko yirinze cyangwa yanze guhana ababikoraga.

IKIREGO CYA GATANU: UBWICANYI NK'IBIKORWA BYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO MU WA 1949.

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho UBWICANYI NK'IBIKORWA BYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO MU WA 1949 N'INYONGERA YAYO YA 2 YO MU WA 1977**, biteganywa n'ingingo ya 4.a) ya Sitati kubera ko yagize uruhare mu kwica abagabo n'abasore b'Abatutsi batarwanaga hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994 ubwo mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, hari intambara itari iyo mu rwego mpuzamahanga, ashingiye ku ngingo ya 1 n'iya 2 y'Inyongera ya 2 y'Amasezerano y'i Jeneve yo mu wa 1949. Ubwo bwicanyi bwari bufitanye isano ya hafi n'imirwano cyangwa bwakozwe mu rwego rw'imirwano kandi abishwe bari abantu batari bayifitemo uruhare na rumwe, nk'uko bisobanurwa kuva ku gika cya 63 kugera ku cya 67.

INCAMAKE Y'IBYABAYE BYEREKEYE IKIREGO CYA GATANU

Uburyozwacyaha nka gatozi

63. Hakurijwe ingingo ya 6.1 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa nka katozi ubwicanyi nk'icyaha cyinyuranyije n'ingingo ya 3 ihuriweho y'Amasezerano y'i Jeneve yo mu wa 1949 n'Inyongera yayo ya 2 yo mu wa 1977 kubera ko yacuze umugambi wo gukora icyo cyaha, agahamagarira abandi kugikora, akabategeka kugikora, akagikora

ubwe cyangwa mu bundi buryo ubwo ari bwo bwose, akabafasha kandi akabashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba. Ku byerekeye ikorwa ry'icyo cyaha, **Tharcisse Renzaho** ntiyitwaje imirimo n'ububasha bwe bivugwa mu gika cya 2 mu gutegeka gusa abo yategekaga kandi yagenzuraga gukora icyo cyaha ahubwo yanahamagariye, afasha kandi ashishikariza n'abo atategekaga kandi atagenzuraga kugikora.

Byongeye kandi, uregwa, ku bushake bwe kandi abizi neza, yagiye mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha by'intambara muri Perefegitura ya Kigali n'ahandi hose mu Rwanda, byibasiye abantu bo mu bwoko bw'Abatutsi batarwanaga. Kugira ngo agere kuri uwo mugambi mubisha, uregwa yakoranye n'abayobozi b'Ingabo z'u Rwanda, abasirikare, abagize umutwe urinda Perezida, Interahamwe, « abagize umutwe ushinzwe ukwirwanaho kw'abaturage », abapolisi ba komini, imitwe y'abasiviri yitwaraga gisirikare, abategetsi bo muri ako karere, abandi basirikare n'imitwe yitwaraga gisirikare n'abandi bantu bazwi n'abatazwi. Uregwa yashoboraga kandi guteganya ingaruka z'uwo mugambi. Ibyo bikorwa byose babikoze ubwabo cyangwa bifashishije abo bari bakuriye, kuva nibura hagati y'itariki ya 6 Mata kugera ku ya 4 Nyakanga 1994. Ibikorwa aryozwa nka gatozi bisobanurwa mu magambo arambuye kuva ku gika cya 64 kugera ku cya 65.

64. Hagati y'itariki ya 16 n'iya 17 Kamena 1994, abarwanyi ba FPR bashoboye kugera muri *Centre Saint Paul* iri muri Nyarugenge muri Perefegitura y'Umugi wa Kigali aho barokoye Abatutsi benshi batari abarwanyi.

65. Ku itariki ya 17 Kamena 1994 cyangwa hafi yayo, yitwaje ububasha bwe buvugwa mu gika cya 2 kandi mu rwego rwo kwihimura ku bikorwa bya FPR bivugwa mu gika cya 64, **Tharcisse Renzaho** yategetse abasirikare b'Ingabo z'u Rwanda n'Interahamwe gukura ku kiriziya ya *Sainte famille* no kwica nibura abagabo 17 b'Abatutsi batari abarwanyi, FPR itari yashoboye kurokora.

Uburyozwacyaha bw'umuntu ukuriye abandi

66. Hakurikijwe ingingo ya 6.3 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa ubwicanyi nk'icyaha cyo kunyuranya n'ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve yo mu wa 1949 n'Inyongera yayo ya 2 yo mu wa 1977 kubera ko abantu yari akuriye bakoze ibikorwa by'ubugome bizwi ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubiburizamo cyangwa zo guhana ababikoze mu gihe yari azi cyangwa yari afite impamvu zo kumenya ko abo bantu yari akuriye biteguraga kubikora cyangwa bari babikoze. Mu bantu yari akuriye harimo abayobozi b'Ingabo z'u Rwanda, abasirikare, abagize umutwe urinda Perezida, Interahamwe « abagize umutwe ushinzwe ukwirwanaho kw'abaturage », abapolisi ba komini, imitwe w'abasiviri yitwaraga gisirikare, abategetsi bo mu turere byabereyemo, abandi basirikare n'imitwe yitwaraga gisirikare n'abandi bantu bazwi n'abatazwi.

Byongeye kandi, kuva mu gihe kiri nibura hagati y'itariki ya 6 Mata n'iya 4 Nyakanga 1994, abo bantu uregwa yari akuriye bagiye kandi bagira uruhare runini mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha by'intambara muri Perefegitura ya Kigali n'ahandi hose mu Rwanda, bibasira abantu bo mu bwoko bw'Abatutsi batarwanaga. Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko abo yari akuriye bari mu mugambi mubisha uhuriweho kandi akaba yarashoboraga guteganya ingaruka zawo ariko yirinze cyangwa yanze gufata ingamba za ngombwa kandi zikwiye zo kubabuza kuwujyamo cyangwa zo guhana abawugiyemo. Uruhare rw'uregwa n'urw'abantu yari akuriye, muri uwo mugambi rusobanurwa mu magambo arambuye mu gika cya 67.

67. Ku itariki ya 17 Kamena 1994 cyangwa hafi yayo, bihimura ku bikorwa bya FPR bivugwa mu gika cya 64, abasirikare b'Ingabo z'u Rwanda n'Interahamwe bari bakuriwe na **Tharcisse Renzaho**, bishe nibura abagabo 17 b'Abatutsi, batari abarwanyi, bari bahungiye kuri Paruwasi ya *Sainte Famille,* FPR itari yasoboye kurokora.

IKIREGO CYA GATANDATU: GUSAMBANYA KU GAHATO NK' ICYAHA CYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO MU WA 1949 N'INYONGERA YAYO YA 2 YO MU WA 1977.

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Tharcisse Renzaho GUSAMBANYA KU GAHATO NK'ICYAHA CYO KUNYURANYA N'INGINGO YA 3 IHURIWEHO N'AMAZERANO Y'I JENEVE YO MU WA 1949 N'INYONGERA YAYO YA 2 YO MU WA 1977**, giteganywa n'ingingo ya 4.e) ya Sitati kubera ko yagize uruhare mu gusambanya ku gahato abagore b'Abatutsikazi batari mu mirwano nkuko biteganywa n'ingingo 1 n'iya 2 y'Inyongera ya 2 y'Amasezerano y'i Jeneve yo mu wa 1949. Ibyo byabaye hagati y'itariki ya 7 Mata n'iya 17 Nyakanga 1994 ubwo mu Rwanda hose, by'umwihariko muri Perefegitura y'Umugi wa Kigali, hari intambara itari iyo mu rwego mpuzamahanga. Ibyo bikorwa byo gusambanya ku gahato byari bifitanye isano ya hafi cyane n'imirwano cyangwa byakozwe mu rwego rw'imirwano kandi ababikorewe nta ruhare na rumwe bari bafite muri iyo mirwano, nk'uko bisobanurwa kuva ku gika cya 68 kugera ku cya 72.

INCAMAKE Y'IBYABAYE BYEREKEYE IKIREGO CYA GATANDATU

68. Mu gihe kiri hagati y'itariki ya 7 Mata n'iya 4 Nyakanga 1994, kiri mu gihe kivugwa haruguru, abasirikare b'Ingabo z'u Rwanda zagenzuraga ibice byo hagati muri Kigali. Muri ibyo bice harimo Komine ya Nyarugenge n'agace gakikije kiriziya ya Paruwasi ya *Sainte Famille*. Abasirikare batoje, baha intwaro Interahamwe kandi barwana bafashijwe n'Interahamwe, abajandarume, abapolisi b'amakomine yo muri Perefegitura y'Umugi wa Kigali ndetse n'abasiviri bafite intwaro.

Uburyozwacyaha bw'umuntu ukuriye abandi.

69. Hakurikijwei ngingo ya 6.3 ya Sitati, **Tharcisse Renzaho**, uregwa, aryozwa icyaha cyo gusambanya ku gahato cyinyuranyije n'ingingo ya 3 ihuriweho n'amasezerano y'i Jeneve yo mu wa 1949 n'Inyongera yayo ya 2 yo mu wa 1977 kubera ko abo yari akuriye bakoze

ibikorwa by'ubugome bizwi ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubiburizamo cyangwa zo guhana ababikoze kandi yari azi cyangwa yari afite impamvu zo kumenya ko abo bantu yari akuriye biteguraga kubikora cyangwa bari babikoze. Mu bantu yari akuriye harimo abayobozi b'Ingabo z'u Rwanda, abasirikare, abagize umutwe urinda Perezida, Interahamwe zirimo Odette Nyirabagenzi, « abagize umutwe ushinzwe ukwirwanaho kw'abaturage » abapolisi ba komine, abasiviri bitwaraga gisirikare n'abategetsi bo mu turere byabereyemo, abandi basirikare n'indi mitwe yitwaraga gisirikare, abandi bantu bazwi barimo Padiri Wenceslas Munyeshyaka n'abandi batazwi.

Byongeye kandi, abo uregwa yari akuriye bagiye kandi bagira uruhare runini mu mugambi mubisha uhuriweho wari ugamije gukora ibyaha by'intambara muri Perefegitura ya Kigali n'ahandi hose mu Rwanda, bibasira abagore b'Abatutsikazi batarwanaga. Ibyo byabaye nibura muri Mata, Gicurasi na Kamena 1994. Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko abantu yari akuriye bari mu mugambi mubisha uhuriweho ndetse n'icyo wari ugamije ariko ntiyafata ingamba za ngombwa kandi zikwiye zo kubabuza kuwujyamo cyangwa zo guhana abawujyiyemo kandi yarashoboraga guteganya ingaruka zawo. Uruhare rw'uregwa n'urw'abantu yari akuriye muri uwo mugambi rusobanurwa mu magambo arambuye kuva ku gika cya 70 kugera ku cya 72.

70. Ku itariki ya 16 Mata no ku matariki atandukanye atazwi muri Mata, Gicurasi na Kamena 1994, Interahamwe zitwaraga gisirikare, abasirikare n'abandi bantu bategekwaga kandi bari bakuriwe na **Tharcisse Renzaho** basambanyije ku gahato abagore b'Abatutsikazi. Abakonseye yategekaga kandi yari akuriye, mu buryo butaziguye, batangaga buri gihe raporo ko Interahamwe zitwaraga gisirikare, abasirikare n'abandi bantu na bo yategekaga kandi yari akuriye basambanyaga ku gahato abagore b'Abatutsikazi. **Tharcisse Renzaho** yirinze cyangwa yanze gufata ingamba za ngombwa kandi zikwiye zo kuburizamo ibyo bikorwa byo gusambanya ku gahato cyangwa zo guhana ababikoze.

71. Padiri Munyeshyaka n'izindi Nterahamwe zategekwaga kandi zagenzurwaga na **Tharcisse Renzaho** bahatiye abagore b'Abatutsikazi kugirana na bo imibonano

mpuzabitsina nk'ingurane yo kubarindura umutekano kuri Paruwasi ya *Sainte Famille* ubwo Abatutsi bari bahahungiye muri Mata, Gicurasi na Kamena 1994. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko kuri Paruwasi ya *Sainte Famille* abagore b'Abatutsikazi basambanywaga ku gahato ariko yirinze cyangwa yanze guhana ababikoraga.

72. Interahamwe, abasirikare n'abasiviri bafite intwaro bategekwaga kandi bagenzurwaga na **Tharcisse Renzaho** bafungiranye abagore b'Abatutsikazi mu nzu zimwe na zimwe muri Kigali rwagati, babahatira kugirana na bo imibonano mpuzabitsina nk'ingurane yo kubarindira umutekano. Ibyo byabaye ku matariki atandukanye kandi atazwi yo muri Mata, Gicurasi na Kamena 1994. **Tharcisse Renzaho** yari azi cyangwa yari afite impamvu zo kumenya ko ibyo bikorwa byo gusambanya ku gahato byakorerwaga abagore b'Abatutsikazi ariko yirinze cyangwa yanze guhana ababikoraga.

Ibikorwa bya **Tharcisse Renzaho** n'ibyo yirengagije gukora bivugwa muri iyi nyandiko y'ibirego bihanwa hakurikijwe ingingo ya 22 n'iya 23 za Sitati.

Arusha (Tanzaniya) ku itariki ya 1 Mata 2005

Porokireri

Hassan Bubacar Jallow

[umukono]

[Kashe y'Urukiko]