Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda

Umuryango
w'Abibumbye

Umwimerere: Icyongereza

URUGEREKO RWA MBERE RW'IREMEZO I

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Itariki: 5 Nyakanga 2010

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POROKIRERI

aburana na

Yussuf MUNYAKAZI

Urubanza N° ICTR-97-36A-T

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UMUTWE WA MBERE 1: INTANGIRIRO

1. INCAMAKE

i. Intangiriro

1. Uru Rugereko rwaburanishije urubanza rwa Yussuf Munyakazi, uvuka muri Komine ya Rwamatamu, Perefegitura ya Kibuye, mu Rwanda. Mu mwaka wa 1994, yari umuhinzi muri Komine ya Bugarama, Perefegitura ya Cyangugu. Porokireri ashingira ku bikorwa avuga ko Munyakazi yakoreye muri Perefegitura ya Cyangugu, maze akamushinja ibirego bitatu bikurikira: jenoside, icyo kirego kitamuhama akaryozwa icyo kuba icyitso cy'abakoze jenoside, n'itsembatsemba nk'icyaha cyibasiye inyokomuntu. Ubwunganizi bwahakanye ibyo byaha byose.

2. Uru rubanza rwatangiye kuburanishwa ku itariki ya 22 Mata 2009, rurangira ku ya 15 Ukwakira 2009, iburanisha rikaba ryaramaze iminsi 19. Mu minsi 7 y'iburanisha, Porokireri yahamagaje abatangabuhamya 11, naho Ubwunganizi buhamagaza abatangabuhamya 20, barimo n'Uregwa ubwe, mu minsi 12 y'iburanisha. Ababuranyi batanze Imyanzuro nsozarubanza yanditse ku itariki ya 16 Ukuboza 2009, naho iyo mu magambo itangwa mu iburanisha ryo ku itariki ya 28 Mutarama 2010.

ii. Alibi [Imyiregurire ya sinari mpari]

3. Munyakazi yiyambaje inshuro ebyiri imyiregurire ya sinari mpari. Inshuro ya mbere yabikoze ku birebana n'ibivugwa ko ku itariki ya 16 Mata 1994, yagiye mu gitero cyagabwe kuri Paruwasi ya Nyamasheke. Inshuro ya kabiri abikora ku bivugwa ko ku itariki ya 29 n'iya 30 Mata 1994, yagiye mu bitero byagabwe kuri Paruwasi ya Shangi n'iya Mibilizi. Urugereko ntirwemeye iyo myiregurire ya sinari mpari yombi.

iii. Kuba Munyakazi yari umukuru w'Interahamwe zo mu Bugarama

4. Inyandiko y'ibirego ivuga ko Munyakazi yari umukuru w'Interahamwe za MRND zo mu Bugarama, akaba yari azifiteho ububasha ariko adakomora ku mategeko[1].

5. Abatangabuhamya bashinja bavuga ko Munyakazi yari umukuru w'Interahamwe zo mu Bugarama. Yajyaga muri za mitingi aherekejwe n'Interahamwe, akoresha zimwe muri zo mu kumurindira umutekano, arazicumbikira kandi arazigaburira, ndetse akaba yari yarazihaye imwe mu nzu ze ngo ibe icyicaro gikuru cyazo. Byongeye kandi, abatangabuhamya bavuga ko Munyakazi yayoboye Interahamwe zo mu Bugarama mu bitero byagabwe kuri Parawusi ya Nyamasheke, iya Shangi n'iya Mibilizi. Abatangabuhamya bashinjura bo bavuga ko Munyakazi yari umusaza utari ushishikajwe n'ibya politiki, ahubwo wari ushishakajwe gusa n'iby'ubuhinzi n'iby'idini rye. N'ubwo Urugereko rusanga Munyakazi atari umuyobozi w'Interahamwe zo mu Bugarama ku buryo buzwi mu rwego rw'amategeko, rusanga, mu by'ukuri, yaraziyoboye mu bitero byagabwe kuri Paruwasi ya Shangi n'iya Mibilizi.

iv. Gushaka abantu bo kwinjiza mu mutwe w'Interahamwe no kubaha imyitozo

6. Inyandiko y'ibirego ivuga ko, afatanyije n'abandi benshi, Munyakazi yagize uruhare mu gushaka abantu bo kwinjiza mu mutwe w'Interahamwe zo mu Bugarama no guha imyitozo abagize uwo mutwe[2].

7. Umutangabuhamya ushinja wiswe BWW ni we wenyine uvuga ko Munyakazi yagize uruhare mu gushaka abantu bo kwinjiza mu mutwe w'Interahamwe. Avuga ko mu mwaka wa 1990, Munyakazi, nk'umuyoboke w'ishyaka rya MRND, yazengurutse ako karere ashishikariza urubyiruko kwinjira mu mutwe w'urubyiruko rw'iryo shyaka. Urugereko rusanga Inyandiko y'ibirego itarebana n'ibyabaye mu mwaka wa 1990, kandi Porokireri ntiyatanze ibimenyetso byerekana ko muri uwo mwaka umutwe w'Interahamwe wari uriho. BWW, wabaye icyitso cy'Uregwa, arahuzagurika

[1] Inyandiko y'ibirego yahinduwe bwa kabiri (« Inyandiko y'ibirego »), igika cya 1.
[2] Inyandiko y'ibirego, igika cya 8.

ku byerekeranye n'itariki yinjiriye mu mutwe w'Interahamwe kandi nta bisobanuro atanga ku birebana no kwinjiza abantu muri uwo mutwe mu gihe ibivugwa mu Nyandiko y'ibirego byabaga. Kubera iyo mpamvu, Urugereko rusanga ubuhamya bw'uwo mugabo butahabwa agaciro kanini, kubera ko ibyo avugamo byose bidafite ubundi buhamya bubishyigikira.

8. Abatangabuhamya batatu bashinja bavuga ko Interahamwe zo mu Bugarama zahawe imyitozo ya gisirikare. Bavuga ko uwitwa Athanase Ndutiye, uzwi na none ku izina rya Tarek Aziz, wabaga muri imwe mu mazu ya Munyakazi, yari umwe mu batozaga izo Nterahamwe, cyangwa akaba yari akuriye abazitozaga. Umwe muri abo batangabuhamya avuga ko hari umunsi umwe Munyakazi na Tarek Aziz bombi bari aho imyitozo yakorerwaga. Uretse ubu buhamya, nta bundi Porokireri yashyikirije Urugereko bwerekana ko hari ahantu Munyakazi yari ahuriye n'iyo myitozo. Byongeye kandi, Porokireri ntiyashoboye kwerekana ko uretse kuba Tarek Aziz yari acumbitse mu nzu ya Munyakazi, hari ikindi cyahuzaga aba bagabo bombi. Urugereko rusanga Porokireri atarashoboye kugaragaza, ku buryo budashidikanywaho, ko Munyakazi yashatse abantu bo kwinjiza mu mu twe w'Interahamwe zo mu Bugarama cyangwa se ko yahaye uwo mutwe imyitozo.

v. Kubika intwaro no kuzikwirakwiza mu bantu

9. Inyandiko y'ibirego ivuga ko Munyakazi yahaye Interahamwe zo mu Bugarama intwaro, kenshi zabikwaga iwe[3].

10. Umutangabuhamya umwe ushinja avuga ko intwaro zabikwaga kwa Munyakazi. Mu buhamya bwe, uyu mugabo wari icyitso cy'Uregwa arangwa no guhuzagurika no gukabya inkuru. Undi mutangabuhamya ushinja avuga ko Munyakazi yahaye abantu intwaro mu gitero cyo kuri Paruwasi ya Shangi. Uyu mutangabuhamya na we yari icyitso cya Munyakazi kandi ntiyari azi Munyakazi neza. Urugereko ntirushira amakenga ubuhamya bw'abo bagabo bombi, bityo rukaba rwaremeye gusa ibyo bavuga igihe byababaga hari ubundi buhamya bubishyigikira. Kubera ibibazo byerekeranye n'ukwizerwa kw'aba batangabuhamya, Urugereko rusanga Porokireri

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[3] Inyandiko y'ibirego, igika cya 9.

ataragaragaje, ku buryo budashidikanywaho, ko Munyakazi yahaye Interahamwe intwaro cyangwa ko hari inzu ye n'imwe yabitsemo intwaro zigenewe Interahamwe.

vi. Kugaburira Interahamwe no kuzitwara mu modoka

11. Inyandiko y'ibirego ivuga ko Munyakazi ari umwe mu bantu bagaburiraga Interahamwe zo mu Bugarama, kandi akenshi akazitwara mu modoka zijya cyangwa ziva ahantu hanyuranye hakorewe ubwicanyi[4].

12. Abatangabuhamya babiri bashinja bavuga ko Interahamwe zaryaga kwa Munyakazi. Urugereko rusanga ubuhamya bw'abo bagabo bombi buvuguruzanya. Kubera iyo mpamvu, Urugereko rusanze Porokireri atarashoboye kugaragaza, ku buryo budashidikanywaho, ko Munyakazi yagaburiraga Interahamwe zo mu Bugarama cyangwa ko yitabiriye gahunda yo kugaburira Interahamwe.

13. Hari Abatangabuhamya bashinja bemeza ko Munyakazi yayoboye ibitero byagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994. Bemeza kandi ko Munyakazi yageze aho ibyaha byakorewe, hamwe n'imodoka ebyiri zari zitwaye Interahamwe. Abatangabuhamya bashinjura bahakana ko Munyakazi yagize uruhare muri ibyo bitero. Urugereko rwa Mbere rw'Iremezo rusanga Munyakazi yarayoboye ibyo bitero, kandi ko yageze aho byagabwe hamwe n'imodoka ebyiri zari zitwaye Intehamwe zitari izo mu duce twa Shangi na Mibilizi. Urugereko rwa Mbere rw'Iremezo rwemeje rero nta gushidikanya ko Munyakazi yatanze inkunga yo gutwara Interahamwe zo mu Bugarama zijya aho hantu hombi hakorewe ibyaha.

vii. Paruwasi ya Nyamasheke

14. Inyandiko y'ibirego ivuga ko Munyakazi yatwaye mu modoka Interahamwe zo mu Bugarama azijyana kuri Paruwasi ya Nyamasheke, muri Komine ya Kagano,

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[4] Inyandiko y'ibirego, igika cya 10.

Perefegitura ya Cyangugu, aho ubwe yafashije Interahamwe mu kwica Abatutsi b'abasiviri babarirwa mu magana bari barahahungiye[5].

15. Porokireri yahamagaje abatangabuhamya babiri ku birebana n'ubwicanyi bwakorewe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994. Abo batangabuhamya bemeza ko Munyakazi yayoboye Interahamwe zagabye igitero kuri Paruwasi mu gitondo cyo ku itariki ya 16 Mata 1994. Ubwunganizi buvuga ko igitero gikaze cyabaye ku itariki ya 15 Mata 1994 kandi ko Munyakazi atari akirimo. Bukomeza buvuga ko ku munsi wakurikiyeho nta gitero cyagabwe aho hantu kandi birumvikana ko nta cyari gutuma hagabwa ikindi gitero kubera ko impunzi zose zari kuri paruwasi zari zishwe ku itariki ya 15 Mata 1994.

16. Urugereko rwitaye kandi ku buhamya buvuga ko uwo munsi Interahamwe zo mu Bugarama zagabye igitero kuri CIMERWA no kuri Paruwasi ya Nyamasheke. Ntibishoboka ko uwo munsi Interahamwe zaba zaragabye ibyo bitero byombi kubera ko hagati y'aho hantu hombi hari intera y'ibirometero 85. Ntihatanzwe ibimenyetso bigaragaza ko Interahamwe zigabanyijemo amatsinda abiri cyangwa arenzeho.

17. Kubera iyo mpamvu, rushingiye ku buhamya bwatanzwe ku gitero cyagabwe kuri CIMERWA ndetse no ku buhamya bushinjura buvuga ko nta gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994, Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Munyakazi yagabye igitero kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994.

viii. Paruwasi ya Shangi

18. Inyandiko y'ibirego ivuga kandi ko Munyakazi yatwaye mu modoka Interahamwe zo mu Bugarama azijyanye kuri Paruwasi ya Shangi, muri Komine ya Gafunzo, Perefegitura ya Cyangugu, aho ubwe yafashije izo Nterahamwe kwica Abatutsi b'abasiviri babarirwa mu magana bari barahahungiye[6].

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[5] Inyandiko y'ibirego, igika cya 12.
[6] Inyandiko y'ibirego, igika cya 13.

19. Abatangabuhamya batandatu bashinja ni bo batanze ubuhamya ku gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. Abo batangabuhamya bavuga ko Munyakazi yayoboye Interahamwe zagabye igitero kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 nyuma ya saa sita. Bemeza ko icyo gitero cyahitanye Abatutsi b'abasiviri bagera ku bihumbi bitanu. Urugereko rwa Mbere rw'Iremezo rusanga ubu buhamya bwakwizerwa. Urugereko ntirwahaye agaciro kanini ubuhamya bw'abagabo batatu bashinjura kubera ko bavuga ibyo batahagazeho. Mu by'ukuri, abo batangabuhamya bavuga ko batigeze bumva ko Munyakazi yagize uruhare muri icyo gitero.

20. Kubera izo mpamvu, Urugereko rusanze Porokireri yaragaragaje, nta gushidikanya, ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994.

ix. Paruwasi ya Mibilizi

21. Inyandiko y'ibirego ivuga ko Munyakazi yatwaye mu modoka Interahamwe zo mu Bugarama azijyana kuri Paruwasi ya Mibilizi, muri Komine ya Cyimbogo, Perefegitura ya Cyangugu, aho ubwe yategetse Interahamwe kwica Abatutsi b'igitsina gabo gusa[7].

22. Abatangabuhamya bane bashinja bemeza ko Munyakazi yayoboye Interahamwe zagabye igitero kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994, kandi ko icyo gitero cyahitanye Abatutsi b'abasiviri babarirwa hagati ya 60 na 100. Urugereko rwa Mbere rw'Iremezo rusanga ubu buhamya bwakwizerwa. Urugereko nta gaciro kanini rwahaye ubuhamya bw'umugabo ushinjura wemeza ko nta gitero cyagabwe aho hantu ku itariki ya 30 Mata 1994, kimwe n'ubw'abandi bagabo bashinjura kubera ko bavuga ibyo batahagazeho, bakaba bavuga gusa ko batigeze bumva ko Munyakazi yagize uruhare muri icyo gitero.

[7] Inyandiko y'ibirego, igika cya 14.

23. Kubera izo mpamvu, Urugereko rusanze Porokireri yaragaragaje, ku buryo budashidikwanywaho, ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994.

x. Imyanzuro yo mu rwego rw'amategeko n'imikirize y'urubanza

24. Urugereko rwa Mbere rw'Iremezo rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Uregwa yitabiriye umugambi mubisha uhuriweho, nk'uko bivugwa mu gika cya 4 cy'Inyandiko y'ibirego. Cyakora, rushingiye ku Ngingo ya 6 (1), rusanga Yussuf Munyakazi yarakoze ubwicanyi butsemba imbaga kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994.

25. N'ubwo hatatanzwe ikimenyetso kitaziguye kigaragaza ko Munyakazi yari asanzwe yanga urunuka Abatutsi b'abasiviri, Urugereko rwa Mbere rw'Iremezo rushingiye ku bimenyetso biziguye rusanga yari afite umugambi wo kurimbura Abatutsi b'abasiviri bose uko bakabaye cyangwa igice cyabo. Byongeye kandi, Porokireri yatanze ibimenyetso bigaragaza ko hujujwe ibisabwa by'ingenzi kugira ngo hemezwe ko ibyaha byibasiye inyokomuntu byabayeho.

26. Kubera iyo mpamvu, Munyakazi ahamwa n'icyaha cya jenoside (Ikirego cya 1) n'itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 3). Ntahamwa n'icyaha cyo kuba icyitso cy'abakoze jenoside (Ikirego cya 2).

xi. Igenabihano

27. Urugereko rwazirikanye uburemere bwa buri cyaha gihama Munyakazi, impamvu zongera uburyozwacyaha n'impamvu zibworoshya. Urugereko rukatiye Munyakazi igihano kimwe rukumbi cy'imyaka 25 y'igifungo. Azaguma muri Gereza y'Urukiko mu gihe agitegereje koherezwa mu gihugu azarangirizamo igihano cye.

2. IBIREGO POROKIRERI YAKUYEHO

28. Mu mpera z'iburanisha, Porokireri yavuze ko atagikurikiranye Munyakazi ku birego bivugwa mu gika cya 11 n'icya 15 byo mu Nyandiko y'ibirego[8]. Kubera iyo mpamvu, Urugereko ntirwasuzumye ibyo birego.

3. YUSSUF MUNYAKAZI

29. Mbere na mbere, Urugereko rusanga amakuru menshi yerekeranye n'imibereho bwite y'Uregwa ari ayo yitangiye ubwe. Yussuf Munyakazi yavukiye muri Komine ya Rwamatamu, Perefegitura ya Kibuye, mu Rwanda, mu mwaka wa 1936[9] kandi ni umuyisilamu[10]. Ntiyigeze ajya mu ishuri ariko yakurikiye porogaramu yo gusoma no kwandika igenewe abantu bakuru yashyizweho mu mwaka wa 1968 maze yiga gusoma no kwandika ikinyarwanda[11]. Muri Mata 1994, Munyakazi yari afite abagore babiri n'abana 13[12].

30. Munyakazi yimukiye mu Bugarama muri Mutarama 1960 maze atangira kugura amasambu yo gukoreramo imirimo y'ubuhinzi[13]. Muri Mata 1994, yari umuhinzi ukomeye, kandi afite n'amasambu ajya kuba manini[14]. Yari anafite amazu ane n'imodoka eshatu[15]. Urugereko rubona ko mu gihe intambara yatangiraga, Munyakazi yari umukire ukurikije imitungo y'abantu mu Bugarama.

31. Munyakazi ni umwe mu bantu bashinze koperative y'ubuhinzi yitwa CAVECUVI, mu mwaka wa 1968[16]. Mu mwaka wa 1991, yatorewe kuba Perezida wa CAVECUVI

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[8] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 35; Inyandiko y'ibirego ibika 11,15.
[9] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 13. Inyandiko y'ibirego ya kabiri yahinduwe, mu gika cya 1 havugwamo ko yavutse mu mwaka wa 1935.
[10] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 31, 50; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 32.
[11] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 20; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 12.
[12] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 25; Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 33.
[13] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 1-2.
[14] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 2-4, 10-12; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 12-13.
[15] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 13.
[16] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 19.

kandi yagumye kuri uwo mwanya kugeza muri Gicurasi 1993[17]. Ubwo Banki y'abaturage yashingwaga muri Bugarama, yayibereye Perezida[18]. Cyakora, igihe yamaze kuri uyu mwanya ntikizwi.

32. Na nyuma y'ishingwa ry'amashyaka menshi mu Rwanda mu mwaka wa 1991, Munyakazi yakomeje kuba umuyoboke w'ishyaka rya MRND ariko ntiyari afite umwanya uzwi mu buyobozi bw'iryo shyaka[19].

33. Ku itariki ya 7 Nyakanga 1994, Munyakazi yahungiye muri Repuburika Iharanira Demokarasi ya Kongo ("DRC").[20] Yafatiweyo ku itariki ya 5 Gicurasi 2004 yimurirwa ku Rukiko ku itariki ya 7 Gicurasi 2004[21].

UMUTWE WA II: IMYANZURO ISHINGIYE KU BYABAYE

1. INTANGIRIRO

34. Mu myanzuro yarwo ishingiye ku byabaye, Urugereko rurasuzuma niba Porokireri yaragaragaje, ku buryo budashidikanywaho, ibyo avuga mu Nyandiko y'ibirego no mu myanzuro ye nsozarubanza, mu rwego rwo gushyigikira ikirego cya jenoside n'icy'ibyaha byibasiye inyokomuntu.

2. *ALIBI* [IMYIREGURIRE YA SINARI MPARI]

Intangiriro

35. Urugereko ruributsa ko ubukemuramanza buteganya ko uregwa atari we ufite inshingano yo kugaragaza, ku buryo budashidikanywaho, ko imyiregurire ye ya sinari

[17] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 20-21.
[18] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 12.
[19] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 21; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 20-21.
[20] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 18. In 1994, igihugu cya Repubulika iharanira Demokarasi ya Kongo, cyahoze yitwa Zayire.
[21] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 33-34.

mpari ari ukuri[22.] Urugereko rw'Ubujurire rwongeye kwemeza amahame shingiro yerekeranye n'ubuhamya bushyigikira imyiregurire ya sinari mpari:

> *Alibi* si ukwiregura nyirizina. Iyo atanze *alibi*, uregwa gusa aba ahakana ko atari gushobora gukora icyaha aregwa. Uregwa ntafite inshingano yo kugaragaza nta gushyidikanya ko *alibi ye* ari ukuri. Ahubwo « agomba gusa gutanga ibimenyetso bigaragaza ko atari aho icyaha aregwa cyakorewe igihe cyakorwaga » cyangwa agatanga ibimenyetso « bishobora gutuma ibyo Porokireri avuga bishidikanywaho ». *Alibi* iremerwa iyo, hashyizwe mu gaciro, ishobora kuba ari ukuri.
>
> Iyo *alibi* itanzwe mu buryo bukurikije amategeko, Porokireri agomba kugaragaza, ku buryo budashidikanywaho ko ibyo aregera ari ukuri kabone n'ubwo *alibi* itanzwe. Porokireri ashobora kubikora agaragaza ko, hashyizwe mu gaciro, *alibi* iterekeranye n'igihe kivugwa ko uregwa yakozemo icyaha. Iyo ibimenyetso bishyigikira *alibi* bigaragaza ibyo uregwa yakoze mu gihe icyaha cyakorwaga, Porokireri agomba «gutanga ibimenyetso bigaragaza ko, hashyize mu gaciro *alibi* idashobora kuba ari ukuri », nk'urugero, akagaragaza ko ibimenyetso bishyigikira *alibi* bitakwizerwa[23].

36. Nk'uko biteganywa n'Ingingo ya 67(A)(ii)(a), Ubwunganizi bufite inshingano yo kumenyesha Porokireri ko buteganya kwiregura bushingiye kuri *alibi*. Ubwunganizi bugomba kugaragaza icyo cyifuzo mbere y'uko iburanisha ritangira kandi bugatanga amakuru asobanutse kugira ngo Porokireri ashobore gutegura icyo ayavugaho[24]. Iyo ubwunganizi budatanze impamvu zumvikana zatumye butabimenyesha Porokireri, bishobora kugira ingaruka mu isuzuma rikorwa n'Urugereko rwa Mbere rw'Iremezo ku kwizerwa kw'imyiregurire ya sinari mpari[25].

37. Munyakazi yitabaza ingingo ebyiri imyiregurire ye ya sinari mpari ishingiyeho. Ku byerekeranye n'itariki ya 16 Mata 1994, ubwo igitero cyagabwaga kuri Paruwasi ya Nyamasheke, avuga ko yitabiriye ibikorwa bibiri byo gufasha abaturanyi be akaba ataravuye muri Komine ya Bugarama. Ku byerekeranye n'itariki ya 29 n'iya 30 Mata 1994, ubwo kuri Paruwasi ya Shangi n'iya Mibilizi hagabwaga ibitero, Munyakazi avuga ko yagiye mu kiriyo cyamaze iminsi itatu cy'inshuti ye yari yitabye Imana.

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[22] Urubanza rwa *Zigiranyirazo* mu bujurire, 16 Ugushyingo 2009, igika 17. Reba na none urubanza rwa *Niyitegeka* mu bujurire, 9 Nyakanga 2004, igika 60; Urubanza rwa *Kajelijeli* mu bujurire, 23 Gicurasi 2005, ibika. 42-43; Urubanza rwa *Delalic na bagenzi be* mu bujurire, 20 Gashyantare 2001, igika cya 581; Urubanza rwa *Musema* mu bujurire, 16 Ugushyingo 2001, igika cya 202; Urubanza rwa *Kayishema na Ruzindana* mu bujurire, 1 Kamena 2001, igika cya 113.

[23] Urubanza rwa *Zigiranyirazo* mu bujurire, ibika. 17-18 (ibyasubiwemo bikuwe ahandi ntibyongewemo).

[24] Urubanza rwa *Kayishema na Ruzindana* mu bujurire, 1 Kamena 2001, igika cya 111.

[25] *Urubanza rwa Semanza* mu bujurire, 20 Gicurasi 2005, igika cya 93. Reba na none urubanza rwa *Kayishema na Ruzindana* mu rw'Iremezo, 21 Gicurasi 1999, igika cya 237.

Munyakazi avuga rero ko ibyaha bivugwa kuva ku gika cya 12 kugeza ku cya 14 byo mu Nyandiko y'ibirego byakorewe ahantu atari ari icyo gihe.

Alibi yerekeranye n'itariki ya 16 Mata 1994

Yussuf Munyakazi

38. Munyakazi avuga ko ku itariki ya 16 Mata 1994 atageze kuri Paruwasi ya Nyamasheke. Avuga ko uwo munsi yagumye mu Bugarama ngo afasha inshuti n'abaturanyi[26].

39. Munyakazi avuga ko ku itariki ya 15 Mata 1994 umutangabuhamya ushinja witwa Esidras Musengayire[27] yavuye ku bitaro bya Mibilizi kubera ko umutekano wagendaga urushaho kuba muke mu gace ka Mibilizi, n'ubwo yari atarakira neza ibikomere yatewe na gerenade bamuteye ku itariki ya 7 Mata[28]. Bukeye, Munyakazi yashatse uburyo bwo kujyana Musengayire muri Repuburika Iharanira Demokarasi ya Kongo mu modoka ngo ahavurirwe. Mu gitondo cya kare cyo ku itariki ya 16 Mata 1994, Munyakazi n'abaturanyi be bemeranyije ko uwitwa André Nyirimbibi yafasha Musengayire kwambuka umugezi akajya muri Repuburika Iharanira Demokarasi ya Kongo. Nyirimbibi yajyanye rero na Musengayire nk'uko byari byateguwe. Munyakazi yasigaye mu Bugarama ategereje ko Nyirimbibi agaruka akamubwira niba yashoboye kugeza Musengayire muri Repuburika Iharanira Demokarasi ya Kongo[29]. Ahagana saa tanu za mu gitondo, Nyirimbibi yagarutse mu Bugarama maze abwira Munyakazi ko yashoboye kwambutsa Musengayire umupaka akajya muri Repuburika Iharanira Demokarasi ya Kongo[30]. Uwo munsi mu masaa sita, hashize umwanya muto

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[26] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 47-49; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 33.
[27] Umutangabuhamya yagiye avuga Esidras Musengayire mu buryo butandukanye amwita Esidras, Esdras, cyangwa Ezra.
[28] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 33.
[29] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 44-46.
[30] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 45.

agarutse, Nyirimbibi yarafashwe arakubitwa maze ategekwa gutanga ihazabu kubera ko yari yacikishije Musengayire[31].

40. Ku itariki ya 16 Mata 1994, mu masaa kumi n'imwe z'igicamunsi, Munyakazi yamenye ko uwitwa Isaac Burege yishwe mu gitero cyagabwe uwo munsi ku ruganda rwa CIMERWA. Munyakazi n'umushoferi we bagiye kuri CIMERWA basanga koko Burege yishwe. Munyakazi yabonye umugore wa Burege n'abana be batanu maze ahagana mu masaa kumi n'imwe n'igice z'igicamunsi abajyana iwe ngo baharindirwe umutekano[32].

Umutangabuhamya ushinja witwa Esidras Musengayire

41. Musengayire yari ku bitaro bya Mibilizi kuva ku itariki ya 7 Mata 1994 kugera ahagana ku ya 1 Gicurasi 1994. André Nyirimbibi yaje kumureba ku bitaro maze nyuma amujyana muri Repuburika Iharanira Demokarasi ya Kongo. Uyu mutangabuhamya avuga ko yaraye ijoro rimwe kwa Nyirimbibi, maze akajya muri Repuburika Iharanira Demokarasi ya Kongo hagati y'itariki ya 3 n'iya 4 Gicurasi 1994[33].

Imyiregurire ya sinari mpari ku byerekeranye n'amatariki ya 29-30 Mata 1994

Yussuf Munyakazi

42. Munyakazi avuga ko atigeze agera kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994[34], maze agatanga ibisobanuro bitandukanye by'ibintu yakoze kuri ayo matariki. Mu ibazwa ry'ibanze ryo ku itariki ya 14 Ukwakira 2009, Munyakazi avuga ko ku itariki ya 29 Mata 1994 atavuye iwe. Ku itariki ya 29 hari ku wa gatanu, umunsi w'ikiruhuko ku Bayisilamu,

[31] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 46; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 59.
[32] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 48.
[33] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 5-6. Inyandikomvugo y'iburanisha, 27 Mata 2009,, imp. 9-10.
[34] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 29.

Munyakazi yagiye gusenga saa cyenda n'igice z'amanywa yongera gusubirayo saa kumi n'ebyiri z'umugoroba. Hagati y'ayo masaha yombi yasomaga ikorowani[35].

43. Mu buhamya yatanze mu Rukiko bukeye ku itariki ya 15 Ukwakira 2009, Munyakazi yavuze ko ku itariki ya 27 Mata 1994, umuntu witwa Emedeyo Kabungo yishwe amaze gufasha Umututsi witwa Gratien Gahizi kwambuka umupaka akajya muri Repuburika Iharanira Demokarasi ya Kongo. Munyakazi yagiye mu rugo rwa Kabungo mu mihango yo gushyingura nyakwigendera yatangiye saa munani z'amanywa ku itariki ya 29 Mata 1994 maze ikiriyo kimara iminsi itatu, nk'uko bigenda mu muco w'Abayisilamu[36].

Isesengura ry'Urugereko

Kumenyekanisha ko hazitabazwa imyiregurire ya sinari mpari

44. Urugereko rusanga Ubwunganizi butaramenyekanishije mbere ko buziregura bushingiye kuri *alibi* nk'uko biteganywa n'Ingingo ya 67 (A) (ii). Cyakora, kuba butarabimenyekanishije mu buryo buteganywa n'Ingingo ya 67 (A) (ii) ntibivuga ko ukwiregura gushingiye kuri *alibi* kudashobora kwifashishwa. Ingingo ya 67 (B) iteganya ko uregwa afite uburenganzira bwo kwiregura ashingiye kuri *alibi*, kabone n'iyo yaba atarabimenyekanishije mbere[37]. Ibiteganywa n'iyi ngingo bijyanye n'ihame rivuga ko uregwa aba ari umwere igihe atari yahamwa n'icyaha ndetse bikajyana n'ihame rivuga ko Porokireri afite inshingano zo kugaragaza, ku buryo budashidikanywaho, ko uregwa yakoze koko icyaha[38].

45. Cyakora, Urugereko rusanga na none uretse kuba butaratanze inyandiko imenyekanisha *alibi* mbere y'uko urubanza rutangira, Ubwunganizi butaranamenyekanishije ko Munyakazi azifashisha *alibi*, mu ibaza rinyomoza

[35] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 50-51; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 32, 50.
[36] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 1-3, 32, 54-55.
[37] Ingingo ya 67 (B) igira iti: « Kuba ubwunganizi butaramenyesheje Porokireri ubwo buryo bwo kwiregura mu nyandiko ntibibuza uregwa uburenganzira bwo kubukoresha ».
[38] Urubanza rwa *Nchamihigo* mu rw'Iremezo, 12 Ugushyingo 2008, igika cya 20. Reba na none urubanza rwa *Nchamihigo* mu bujurire, ibika 94-99 hasubirwamo Icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe kuri iyi ngingo.

ry'abatangabuhamya bashinja, mu myanzuro ibanziriza itangwa ry'ibimenyetso bishinjura no mu buhamya bw'abagabo bashinjura. Imyiregurire ya sinari mpari yitabajwe gusa igihe Uregwa yatangaga ubuhamya nk'umugabo wa nyuma ushinjura.

46. Mu myanzuro nsozarubanza yatanzwe mu magambo, Ubwunganizi bwemeye ko butari bwaratanze inyandiko imenyekanisha ko kwiregura byari gushingira kuri *alibi*, ariko buvuga ko bwari bwarabikomojeho muri imwe mu myanzuro yabwo yanditse ibanziriza itangwa ry'ibimenyetso bishinjura[39]. Urugereko rusanga muri iyo myanzuro, Ubwunganizi buvuga gusa ko uwo munsi Munyakazi yagiye ku musigiti inshuro nyinshi kandi ko yavuye muri Komine ya Bugarama agiye gusa gutabara Abatutsi[40]. Mu myanzuro nsozarubanza bwatanze mu magambo, Ubwunganizi buvuga ko butari bwaramenyekanishije ko bwari kwiregura bushingiye kuri *alibi* kubera ibibazo by'isemura no kubera ko butari bwizeye ko Munyakazi yari gutanga ubuhamya:

> ... ntitwagiranye na Bwana Munyakazi ikiganiro, kigomba kuba byanze bikunze hari umusemuzi, cyerekeranye no kumenya niba yari kwiregura ashingiye kuri *alibi*. Ubwo twaganiraga akaduhishurira ko ashaka gutanga ubuhamya bwo kwishinjura, ni bwo twamenye ko ashaka kwiregura ashingiye kuri *alibi* [41].

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[39] Inyandikomvugo y'iburanisha, 28 Mutarama 2010, imp. 34-35.
[40] Imyanzuro ibanziriza itangwa ry'ibimenyetso bishinjura, ibika 11, 23.
[41] Inyandikomvugo y'iburanisha, 28 Mutarama 2010, urup. 51 (urup. 59 mu gifaransa).
NEKUIE:

> Icya kabiri, ni ngombwa ko menyesha Urugereko rwa Mbere rw'Iremezo ko Ubwunganizi bwa Bwana Yussuf Munyakazi bwahuye n'ibibazo. Urugereko rwa Mbere rw'Iremezo ruzi kandi ko, ubwo Ubwunganizi uko buteye ubu bwatangiraga gutegura iyi dosiye ntibwari buzi ko Bwana Munyakazi azatanga ubuhamya mu rubanza rwe. Bityo rero bukaba butaraganiriye na Bwana Munyakazi kuri icyo kibazo, kandi icyo kiganiro cyari kuba hifashishijwe umusemuzi akaba ari yo mpamvu Ubwunganizi butari buzi ko Uregwa yari kwitabaza imyiregurire ya sinari mpari. Kubera iyo mpamvu, twamenye ko azitabaza imyiregurire ya sinari mpari ubwo yiyemezaga gutanga ubuhamya mu rubanza rwe. Ubwunganizi ntibwigeze rero na rimwe bushaka guhisha Porokireri ko buzakoresha *alibi* mu miburanire ya bwo.
> Ibyo ari byo byose, iki ni igisobanuro dutanze kugira ngo Urugereko rwa Mbere rw'Iremezo rutavuga ko Ubwunganizi bwaba bwarateshutse ku nshingano zabwo, kubera ko amategeko agenga uru Rukiko atwemerera gukoresha ubu buryo bwo kwiregura kabone n'iyo byaba ku munota wa nyuma kandi na Porokireri arabizi. Nashakaga rero kubisobanura kugira ngo gusa izi ngamba zafashwe n'Ubwunganizi zumvikane.

NEKUIE (mu gifaransa, urup. 59):

> Icya kabiri : ni ngombwa ko menyesha Urugereko ko Ubwunganizi bwa Bwana Yussuf Munyakazi bwahuye n'ingorane Urugereko ruzi kandi ko, ubwo Ubwunganizi uko buteye ubu bwatangiraga gutegura iyi dosiye ntibwari buzi ko Bwana Munyakazi azatanga ubuhamya mu rubanza rwe Kubera iyo mpamvu, nta kiganiro twagiranye na Bwana Munyakazi kigomba kuba hari umusemuzi, kugira ngo tumenye ko yari kwiregura akoresheje *alibi*. Tuganiriye, ubwo yiyemezaga gutanga ubuhamya mu rubanza rwe ni bwo twamenye ko ashaka kwitbaza imyiregurire ya sinari mpari.

47. Ubwunganizi buvuga rero ko butangiye gutegura Munyakazi ngo atange ubuhamya ari bwo bwavumbuye ko ashobora kwireguza *alibi* ku minsi Porokireri avuga ko yitabiriye ibikorwa bibisha[42]. Urugereko rusanga, mu buhamya bwe, Munyakazi avuga ko avuga igiswayire[43], ari rwo rurimi kavukire rwa Avoka mukuru umwunganira w'Umutanzaniya. Byongeye kandi, biratangaje kumva ko ku isaha ya cumi na rimwe y'iburanisha ari bwo Ubwunganizi bwavumbuye ko Uregwa afite *alibi* yuzuye ku bitero bitatu ibirego ashinjwa bishingiyeho kandi igihe cyose cy'iburanisha bwarabonanye kenshi n'Uregwa. Muri make, Urugereko rusanga rutakwemera impamvu Ubwunganizi butanga zatumye butamenyekanisha *alibi*.

<u>Imyiregurire ya sinari mpari yerekeranye n'itariki ya 16 Mata 1994</u>

48. Ikimenyetso rukumbi gishyigikira *alibi* ya Munyakazi ku byerekeranye n'itariki ya 16 Mata 1994 ni ubuhamya Munyakazi yatanze mu Rukiko.

49. Munyakazi avuga ko ku itariki ya 16 Mata 1994 yateguye uburyo Musengayire ajyanwa muri Repuburika Iharanira Demokarasi ya Kongo, afasha umuryango wa Burege kandi yitabira n'imihango y'idini. Ubuhamya bwe ntibufite ubundi bubushyigikira ndetse na Musengayire avuga ko atavuye ku bitaro bya Mibilizi mbere y'intangiriro ya Gicurasi 1994. Mu ibaza rinyomoza, Ubwunganizi ntibwanyomoje

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[42] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 49.

JEGEDE :

> Madamu Perezida, hari icyo nshaka kubivugaho.Urugereko ruribuka ko Esdras yatanze ubuhamya mu Rukiko ariko ntiyabazwa icyo kibazo. Icyo kibazo nticyabajijwe. Ubu nibwo Ubwunganizi buvuze icyo kibazo cyerekeranye n'imyiregurire ya sinari mpari. Cyakora niba Ubwunganizi buvuga ko ku itariki ya 16 Munyakazi yari ahandi hantu bwagombye kuba bwaratumenyesheje ko buzatanga alibi kandi bwashoboraga no kubikora nyuma yaho. Ariko kubikora ubu ntibyemewe na gato, Madamu Perezida.

NEKUIE :

> ...Igihe twateguraga Bwana Munyakazi ngo atange ubuhamya ni bwo twabonye ko ashobora kuboneraho gusobanura ibyo yakoze ku itariki ya 16 Mata kandi ni byo turimo gukora. Sinzi impamvu bavuga ko twagombaga kuba twarabikoze igihe Esidras yatangaga ubuhamya. Ibi bivuga iki? Nta cyo bivuze kandi ntaho bishingiye mu mategeko. Sinifuza rero ko twata igihe kuri icyo kibazo, Madamu Perezida, kubera cyane cyane ko nta kitubuza kubaza ibi bibazo nk'uko biteganywa n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso.

[43] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 20.

ubuhamya bwa Musengayire bwerekeranye n'iyi tariki[44] kandi Musengayire yarabajijwe mu ibaza rinyomoza hashize iminsi itatu abajijwe ibibazo by'ibanze[45].

50. Urugereko rusanga kandi Munyakazi yivuguruza mu bisobanuro byinshi atanga ku bintu yakoze ku itariki ya 16 Mata 1994. Nk'uko byavuzwe haruguru, mu ibaza ry'ibanze, Munyakazi avuga ko ku itariki ya 15 Mata 1994, Nyirimbibi yakuye Musengayire ku bitaro bya Mibilizi akamujyana iwe [kwa Musengayire]. Ku itariki ya 16 Mata 1994, Munyakazi yagumye mu Bugarama ategereje ko Nyirimbibi agaruka akamubwira uko urugendo yagiriye muri Repuburika Iharanira Demokarasi ya Kongo na Musengayire rwagenze. Saa tanu z'amanywa, Nyirimbibi yabwiye Munyakazi ko urugendo rwagenze neza. Uwo munsi, saa kumi n'imwe z'igicamunsi, Munyakazi yamenye ko impunzi z'Abatutsi zari ku Ruganda rwa CIMERWA zatewe kandi ko na Isaac Burege yishwe. Munyakazi yagiye kuri CIMERWA afata abantu bo mu muryango wa Burenge barokotse maze abajyana iwe. Bageze mu rugo iwe uwo munsi ahagana mu masaa kumi n'imwe n'igice z'igicamunsi[46].

51. Mu ibaza rinyomoza, Munyakazi avuga muri make ibyo yakoze ku itariki 16 Mata 1994 ariko asa n'aho abivuga mu buryo butandukanye n'ubwo yavuze mu ibaza ry'ibanze. Asa n'aho avuga bwa mbere ko mbere yo kujya kuri CIMERWA, ubwe yaherekeje Musengayire akamugeza muri Repuburika Iharanira Demokarasi ya Kongo: « …Twagombaga kujyana Esidras muri Repuburika Iharanira Demokarasi ya Kongo. …ubwo rero najyanye Ezra muri Kongo nyuma njya kuri CIMERWA gufata umuryango …. »[47]. Byongeye kandi, hari ukwivuguruza ku masaha Munyakazi avuga. Munyakazi avuga ko yamenye iby'igitero cyagabwe kuri CIMERWA n'iyicwa rya Burege ku itariki ya 16 Mata 1994 saa munani z'amanywa [48], aho kuba saa kumi n'imwe z'igicamunsi nk'uko yari yabivuze mu buhamya yari yaraye atanze. Munyakazi avuga ko Nyirimbibi amubwira ko urugendo rwo muri Repuburika Iharanira Demokarasi ya Kongo rwari rwagenze neza hari saa mbiri za mu gitondo aho kuba saa tanu za mu gitondo nk'uko yari yaraye abivuze. Mu gisobanuro cya

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[44] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 45-47.
[45] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 5-6. Inyandikomvugo y'iburanisha, 27 Mata 2009,, imp. 9-10.
[46] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 44-48.
[47] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 33 (icyongereza), imp. 40-41 (Igifaransa).
[48] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 33.

gatatu, Munyakazi yongeraho ko ahagana mu masaa sita z'amanywa, umuhungu we yamubwiye ko Nyirimbibi yakorewe ibikorwa by'urugomo azira ko yari yafashije Musengayire kuva mu Rwanda[49].

52. N'ubwo ukwivuguruza ku ruhare rwa Munyakazi mu kujyana Musengayire muri Repuburika Iharanira Demokarasi ya Kongo bishobora guterwa n'amakosa y'imyandikire cyangwa ay'isemura, Urugereko ruhangayikishijwe kurushaho n'ukundi kwivuguruza kwerekeranye n'amasaha Munyakazi yamenyeyeho ko Burege yishwe, amatariki Musengayire yaviriye ku bitaro bya Mibilizi, n'isaha Munyakazi yamenyeyeho ko urugendo rwa Musengayire rwagenze neza. Hari ubwo uguhuzagurika mu kwibuka amasaha n'amatariki bishobora guterwa n'igihe gishize. Cyakora, muri uru rubanza, ukwivuguruza kwabonetse mu bisobanuro Munyakazi yatanze mu minsi ibiri ikurikirana ku bintu bimwe byabaye. Kubera iyo mpamvu, Urugereko ntirushobora kuvuga ko uko kwivuguruza kwatewe n'igihe gishize ibyabaye bivugwa bibaye. Nta na rimwe Ubwunganizi bwigeze buvuga ko ubushobozi Uregwa afite bwo kwibuka ibintu bwagabanutse kubera izabukuru cyangwa indi mpamvu. Bityo rero, Urugereko rwanzura ruvuga ko hari ukwivuguruza gukabije mu buhamya bwa Munyakazi ku byo yakoze ku itariki ya 16 Mata 1994.

53. Kubera iyo mpamvu, Urugereko rusanga imyiregurire ya sinari mpari ya Munyakazi yerekeranye n'itariki ya 16 Mata 1994 itakwizerwa. Cyakora, nk'uko bigiye gusobanurwa birambuye, Porokireri ntiyatanze ibimenyetso bigaragaza ku buryo budashidikanywaho ko Munyakazi yitabiriye ibyabereye kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994 (Reba Umutwe wa II.7).

<u>Imyiregurire ya sinari mpari yerekeranye n'itariki ya 29 n'iya 30 Mata 1994</u>

54. Porokireri avuga ko Munyakazi yagiye mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, ndetse ko yagiye no mu kindi cyagabwe kuri Paruwasi ya

[49] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 58-59.

Mibilizi ku itariki ya 30 Mata 1994[50]. Uregwa avuga ko kuri ayo matariki yombi yari mu mihango yo gushyingura uwitwa Emedeyo Kabungo.

55. Mbere na mbere, Urugereko rusanga mu byo yavuze ku munsi wa mbere w'ubuhamya bwe mu Rukiko, Munyakazi yaratanze ibisobanuro ku bikorwa yakoze ku itariki ya 29 Mata 1994 maze ku munsi wa kabiri agatanga ubuhamya butandukanye cyane n'ubwo. Mu buhamya yatanze ku munsi wa kabiri, avuga ko, mu buhamya yatanze ku munsi wa mbere, yari yibagiwe gutanga ibisobanuro birambuye ku bintu yakoze ku itariki ya 29 Mata 1994[51].

56. Ku itariki ya 14 Ukwakira 2009,, ari wo munsi wa mbere Munyakazi yatanzeho ubuhamya mu Rukiko, yavuze ko ku itariki ya 29 Mata 1994 yagiye gusenga saa cyenda z'amanywa na saa kumi n'ebyiri z'umugoroba kandi ko hagati y'ayo masaha yombi yarimo asoma ikorowani. Ku munsi wa kabiri w'ibazwa ry'ibanze, asubiza ikibazo cya Avoka we ariko cyasaga n'ikiganisha ku gisubizo, ni bwo Munyakazi yibutse ko ku itariki ya 29 nyuma ya saa sita yagiye mu mihango yo gushyingura Kabungo kandi ko ikiriyo cyamaze iminsi itatu. Munyakazi ntiyatanze ibisobanuro kuri uko kwivuguruza. Nk'urugero, ntiyasobanuye ko yitabiriye imihango yo gushyingura nyakwigendera ku itariki ya 29 ariko akahava igihe gito saa cyenda z'amanywa na saa kumi n'ebyiri z'umugoroba agiye ku musigiti gusenga. Kubera iyo mpamvu, Urugereko rusanga adatanga igisobanuro cyumvikana kuri uku kwivuguruza.

57. Urugereko rusanga kandi Ubwunganizi butarahamagaje abatangabuhamya bo gushyigikira igice icyo ari cyo cyose cy'imyiregurire ya sinari mpari ya Munyakazi. Ntibwatanze ikimenyetso ku rupfu rwa Kabungo, ntibwahamagaje umutangabuhamya n'umwe wari muri icyo kiriyo ndetse ntibwanatanze inyandiko z'ubuhamya bw'abagabo runaka bashoboraga kubitangaho ubuhamya mu Rukiko, kandi Munyakazi yaravuze ko bamwe muri bo bakiriho ndetse ko nibura umwe muri bo akiba mu Bugarama[52]. Byongeye kandi, Ubwunganizi ntibwatanze ibimenyetso bishyigikira ibivugwa ko iyo umuntu yapfuye, mu Rwanda abayisilamu bafite umuco

[50] Inyandiko y'ibirego, ibika 13, 14.
[51] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 50-51, Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 1-3.
[52] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 32.

wo kumara iminsi itatu mu kiriyo. Kubera iyo mpamvu, Urugereko rusanze imyiregurire ya sinari mpari ya Munyakazi yerekeranye n'itariki ya 29 n'iya 30 Mata 1994 itahabwa agaciro kanini. Nk'uko bigiye gusobanurwa hano hasi, Urugereko rusanga agaciro k'iyo myiregurire ya sinari mpari karashegeshwe n'ibimenyetso simusiga bishinja bigaragaza ko Munyakazi yari kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no ku ya Mibilizi ku itariki ya 30 Mata 1994 (Reba Imitwe wa II.7 n'uwa II. 8).

Umwanzuro w'Urugereko

58. Urugereko ruributsa ko Ubwunganizi butamenyekanishije ko bwari kwireguza *alibi* kandi ko butatanze impamvu yumvikana yatumye butabikora. N'ubwo budategetswe kubikora, kubimenyekanisha mbere bifite akamaro mu gusuzuma niba iyo myiregurire ya sinari mpari yakwizerwa. Byongeye kandi, n'ubwo ubusanzwe byaba bigoye cyane kwibuka ibintu byabaye ku munsi runaka nyuma y'imyaka 15, Urugereko rusanga ibyaha Munyakazi aregwa byarakozwe ku matariki atatu azwi. Uregwa yafashwe ku itariki ya 5 Gicurasi 2004, Inyandiko y'ibirego ya kabiri yahinduwe yatanzwe ku itariki ya 3 Ugushyingo 2008, iburanisha ryatangiye ku itariki ya 22 Mata 2009 kandi Munyakazi yatanze ubuhamya mu Rukiko ku itariki ya 14 n'iya 15 Ukwakira 2009. Nk'uko byavuzwe, Ubwunganizi ntibwatanze impamvu zifatika zatumye Munyakazi yibagirwa ko azitabaza imyiregurire ya sinari mpari akabivuga gusa ku munsi wa nyuma w'iburanisha. Kubera iyo mpamvu, kubera ko imyiregurire ya sinari mpari yatanzwe mu buryo bukemangwa, Urugereko rushidikanya cyane ku kwizerwa kwayo.

59. Muri make, n'ubwo Urugereko ruzirikana ko Uregwa adategetswe kugaragaza, ku buryo budashidikanywaho, ko imyiregurire ye ya sinari mpari ari ukuri, Urugereko rusanga iyo myiregurire ya Munyakazi ku byerekeranye n'itariki ya 16 Mata 1994, iya 29 n'iya 30 Mata 1994, irimo uguhuzagurika n'ukwivuguruza. Na none, rusanze Ubwunganizi bwaratanze impamvu zidafashe ku birebana n'icyabuteye kutamenyekanisha iyo myiregurire ya sinari mpari ku gihe.

3. MUNYAKAZI NK'UMUYOBOZI W'INTERAHAMWE ZO MU BUGARAMA

60. Igika cya 1 cy'Inyandiko y'ibirego kigira kiti:

> Yussuf Munyakazi yavukiye muri Komine ya Rwamatamu, Perefegitura ya Kibuye mu mwaka wa 1935. Mu gihe kivugwa muri iyi nyandiko y'ibirego, Yussuf Munyakazi yari umucuruzi akaba n'umuhinzi ukomeye wacuruzaga ibyo yejeje, wo muri Komine ya Bugarama, Perefegitura ya Cyangugu. Yari n'umukuru w'Interahamwe za MRND zo mu Bugarama azifiteho ububasha adakomora ku mategeko[53].

61. Ubwunganizi buhakana ko Munyakazi yari afite aho ahuriye n'Interahamwe zo mu Bugarama. N'ubwo budahakana ko, mu gihe kivugwa mu Nyandiko y'ibirego, Munyakazi yari umurwanashyaka wa MRND, buvuga ko atari afite umwanya w'ubuyobozi muri iryo shyaka, ko yari ashaje akanagira ibindi bintu byari bimushishikaje ku buryo atari kugira aho ahurira n'Interahamwe[54].

Ibimenyetso

<u>Umutangabuhamya ushinja wiswe BWX</u>

62. Umutangabuhamya ushinjwa wiswe BWX, ni Umuhutu, yakoreraga hafi yo kwa Munyakazi muri Serire ya Misufi, Segiteri ya Bugarama[55]. Kugera mu mwaka wa 1993, umukuru w'ishyaka rya MRND muri Bugarama yari umugabo witwa Mabwire. Uyu mugabo yavuye kuri uwo mwanya kubera ko atari ashyigikiye ibikorwa by'ubugizi bwa nabi byakorwaga n'abarwanashyaka ba MRND. Nyuma yaho, uyu mutangabuhamya yabonye Munyakazi ayobora amanama na za mitingi bya MRND kandi mbere byarayoborwaga na Mabwire. Ibyo rero byatumye yumva ko Munyakazi yari yarasimbuye Mabwire[56]. Umutangabuhamya yatangiye kubona Munyakazi ari

[53] Inyandiko y'ibirego, igika cya 1. Reba na none Imyanzuro nsozarubanza ya Porokireri, ibika 51, 138-142.
[54] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 1-16.
[55] Ikimenyetso gihamya cya Porokireri cyahawe nº 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 12 (mu muhezo); Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 15-16; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 35, 38 (mu muhezo).
[56] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 27-28.

kumwe n'Interahamwe mu mwaka wa 1992 cyangwa 1993 cyangwa ahagana icyo gihe[57].

63. Mu minsi n'ibyumweru byakurikiye urupfu rwa Perezida Habyarimana, Munyakazi yagize uruhare mu bikorwa by'Interahamwe[58]. Muri icyo gihe, Interahamwe zateraniraga kwa Munyakazi maze zikagenda mu modoka zigiye gukora ibyaha i Mibilizi, i Shangi, n'ahandi hantu kandi kenshi zabaga ziri kumwe na Munyakazi[59]. Umutangabuhamya yabibwiwe n'uko iyo zagarukaga, Interahamwe zigambaga ibyaha zakoze[60]. Hari Interahamwe zari zishinzwe kurinda Munyakazi, zabaga zitwaje imbunda kandi zaherekezaga Munyakazi aho yajyaga hose[61]. Interahamwe yitwa Tarek Aziz yabaga mu nzu ya Munyakazi[62].

64. Interahamwe zabaga mu nzu ya Munyakazi yari hafi y'inzu ya gasutamo ku mupaka w'u Rwanda na Repuburika Iharanira Demokarasi ya Kongo. Umutangabuhamya avuga ko abantu bavugaga ko iyo nzu ya Munyakazi yari « Icyicaro gikuru », ariko umutangabuhamya ntiyari azi icyo bivuga. Interahamwe zari zarahashinze ibirindiro ngo zigenzure abantu bava n'abajya muri Repuburika Iharanira Demokarasi ya Kongo[63].

65. Interahamwe zatangiye imyitozo ya gisirikare ku kibuga cy'umupira w'amaguru cyari ahantu hitwa ku ibarabara rya cumi mu mwaka wa 1992 cyangwa uwa 1993[64]. Munyakazi yajyaga aho iyo myitozo yaberaga ariko kubera ko umutangabuhamya atari mu bantu bahabwaga iyo myitozo, ntashobora kumenya icyo Munyakazi yabaga agiye gukora aho hantu[65]. Tarek Aziz yigishaga Interahamwe gukoresha imbunda[66].

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[57] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 18.
[58] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 23-24.
[59] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 23-24.
[60] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 23.
[61] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp.17, 22; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 21.
[62] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 20-21.
[63] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 34-35, 38 (iburanisha mu muhezo).
[64] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 18-19.
[65] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 32.
[66] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 20.

Umutangabuhamya ushinja witwa Esidras Musengayire

66. Esidras Musengayire bahimba Ezra, ni Umututsi. Muri Mata 1994 yabaga muri *Cité* Bugarama muri Komine ya Bugarama, Perefegitura ya Cyangugu[67]. Yabaye kwa Munyakazi kuva mu mwaka wa 1982 kugera mu wa 1984, kandi muri icyo gihe, Munyakazi yamufataga nk'umuhungu we[68]. Uyu mutangabuhamya amaze kwimukira mu nzu ye, Munyakazi yakomeje kumufata nk'umuntu wo mu muryango we kugeza jenoside itangiye[69].

67. Munyakazi yari umuyoboke w'ishyaka rya MRND ariko nta mwanya uzwi w'ubuyobozi yari afite mu rwego rwa Komine[70]. Perezida w'Interahamwe muri Bugarama yari Job Mabwire[71]. Cyakora, umutangabuhamya yakundaga kubona Munyakazi ari kumwe n'Interahamwe[72]. Umutangabuhamya ntiyigeze yumva Munyakazi yiyita umukuru w' Interahamwe, ahubwo yavugaga ko abantu baba iwe ari Interahamwe[73]. Tarek Aziz yabaga mu nzu ya Munyakazi kandi yabwiye umutangabuhamya ko we, Tarek Aziz, yari ashinzwe imyitozo y'Interahamwe[74]. Izindi Interahamwe, nka Liere na Mundere, zabanaga n'umwe mu bagore ba Munyakazi witwa Mama Safi[75]. Nyuma ariko, umutangabuhamya yavuze ko Mundere yabanaga na Mama Safi, naho Liere akaba yari umwe mu baturanyi ba Munyakazi[76]. Muri Mata 1994, mbere y'uko umutangabuhamya ava mu Bugarama, Interahamwe zakundaga guteranira kwa Munyakazi[77].

68. Umutangabuhamya yumvaga Munyakazi ari umuntu ufite ijambo ku Nterahamwe. Yibuka ko mbere y'itariki ya 7 Mata 1994, Interahamwe n'urubyiruko rw'ishyaka rya MDR rwitwaga aba JDR, barwaniye ahantu hitwa Kizura. Interahamwe zishe umuntu maze Munyakazi arafatwa afungwa iminsi ibiri. Mu kurwanya ifatwa rya Munyakazi,

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[67] Ikimenyetso gihamya cya Porokireri cyahawe nº 5 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 49.
[68] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 51; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 2.
[69] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 2.
[70] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 52; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 6.
[71] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 15.
[72] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 52.
[73] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 14.
[74] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 4.
[75] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 15, 16.
[76] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 16.
[77] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 1.

Interahamwe zakoze imyigaragambyo maze zimara umunsi wose zifunze umuhanda ugana kuri CIMERWA. Nyuma yaho, Munyakazi yararekuwe[78].

69. Ku itariki ya 7 Mata 1994, mu masaa kumi n'ebyiri za mu gitondo, Interahamwe zaje mu rugo rw'umutangabuhamya, ziramusohora maze zimujyana kwa Munyakazi[79]. Munyakazi yasabye Interahamwe kuva aho. Musengayire yumvaga ko Interahamwe zari zitegereje ko Munyakazi azitegeka kumwica ariko Munyakazi yamujyanye mu cyumba mu nzu ye maze aragifunga n'urufunguzo kugira ngo amurwaneho. Nyuma yaho gato, hari Interahamwe yamennye idirishya, itera gerenade mu cyumba maze umutangabuhamya arakomereka cyane. Munyakazi yateguye uko umutangabuhamya ajyanwa ku bitaro[80]. Umutangabuhamya ntiyabonye umuntu wateye gerenade ariko mu gihe cy'imanza za Gacaca yumvise bavuga ko iyo gerenade yatewe n'Interahamwe yitwa Zacharie Mario, akaba yari umwe mu bahungu ba Munyakazi[81].

Umutangabuhamya ushinja wiswe BWW

70. Umutangabuhamya wiswe BWW, akaba ari Umuhutu, avuga ko Munyakazi yari umuyoboke wa MRND kandi ko, kubera iyo mpamvu, mu mwaka wa 1990 yashatse abasore n'inkumi bo kwinjiza mu mutwe w'Interahamwe[82]. Munyakazi yagendaga mu modoka iriho indanguramajwi ahamagarira urubyiruko kujya mu mutwe w'Interahamwe[83]. Umutangabuhamya yabanje kuvuga ko yagiye mu Nterahamwe muri Werurwe 1993[84], ariko nyuma avuga ko yari yibeshye ko mu by'ukuri yagiye mu Nterahamwe muri Werurwe 1992[85]. Icyo gihe Interahamwe zari zifite intego izwi ari yo kurwanirira igihugu[86].

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[78] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 2-3.
[79] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 49.
[80] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 49-50; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 9.
[81] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 4.
[82] Ikimenyetso gihamya cya Porokireri cyahawe nº 12 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 9 (mu muhezo).
[83] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 23 (Iburanisha mu muhezo).
[84] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 9 (Iburanisha mu muhezo).
[85] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 23-24 (Iburanisha mu muhezo).
[86] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 11 (Iburanisha mu muhezo).

71. Interahamwe zahabwaga imyitozo buri munsi mu mwaka wa 1993, kandi Tarek Aziz wabaga kwa Munyakazi yari umwe mu bazitozaga[87]. Mu gihe cy'iyo myitozo, Munyakazi yabaga afite nibura Interahamwe ebyiri zimurinda[88]. Interahamwe zo mu Bugarama zakoreshaga intwaro zabikwaga kwa Munyakazi[89]. Interahamwe zarindaga Munyakazi zarindaga n'urugo rwe nijoro[90]. Nyuma y'ibitero byibasiraga kandi bikica Abatutsi b'abasiviri, Interahamwe zariraga mu rugo rw'umugore wa Munyakazi witwa Rukiya[91]. Muri Werurwe 1994, Munyakazi yahaye umutangabuhamya n'izindi Nterahamwe iniforume y'Interahamwe[92]. Iyo Munyakazi yashakaga guha Interahamwe amabwiriza, yabikoreraga mu gipangu cye kubera ko cyari gifite inkuta za metero esheshatu cyangwa zirindwi z'uburebure, bityo abandi bantu bakaba batarashoboraga kumva ibyahavugirwaga[93].

72. Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi[94]. Yabwiye Interahamwe guteranira ku kibuga kiri hafi ya « koperative » maze aziha amabwiriza yo «kujyayo zigakora ibyo zagombaga kuhakora ». Umutangabuhamya yumvise ko yari atanze amabwiriza yo kwica Abatutsi b'abasiviri. Nyinshi mu Nterahamwe zari zifite intwaro. Umutangabuhamya yari yitwaje umuhoro n'impiri gusa kubera ko imbunda zari zararangije gutangwa[95]. Nyuma y'ubwicanyi bwakorewe kuri Paruwasi ya Shangi, Interahamwe zagiye muri ubwo bwicanyi zasubiye kwa Rukiya kurya mbere y'uko zitaha[96].

73. Munyakazi yanatanze amabwiriza yo gutera kuri Paruwasi ya Mibilizi. Abagabye igitero bageze kuri iyo Paruwasi, Munyakazi yarababawiye ati: «Ntimuzi icyabazanye hano ?» Umucuruzi wo muri ako karere witwa Bandetsi yongeyeho ati: « Muriho muratureba nk'aho mutazi icyabazanye ». Nyuma y'ayo magambo, Interahamwe

[87] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 12 (Iburanisha mu muhezo).
[88] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 13 (Iburanisha mu muhezo).
[89] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 13, 31 (Iburanisha mu muhezo).
[90] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 13 (Iburanisha mu muhezo).
[91] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 28 (Iburanisha mu muhezo).
[92] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 36 (Iburanisha mu muhezo).
[93] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 29 (Iburanisha mu muhezo).
[94] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 16 (Iburanisha mu muhezo).
[95] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 16-17 (Iburanisha mu muhezo).
[96] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 19, 29 (Iburanisha mu muhezo).

zahise zigota paruwasi maze zitangira kwica Abatutsi b'abasiviri. Zabikoze vuba cyane kubera ko Munyakazi yazibwiraga ko igihe kirimo kubashirana[97].

Umutangabuhamya ushinja wiswe BWR

74. Umutangabuhamya wiswe BWR ni Umututsi[98]. Perezida Habyarimana apfa, BWR yari amaze imyaka icyenda akora mu ruganda wa CIMERWA mu Bugarama[99]. Ubwo uwo mutangabuhamya yakoraga muri CIMERWA, Munyakazi yakundaga kuhaza ariko umutangabuhamya ntazi icyo yabaga aje kuhakora[100]. Umunsi Perezida Habyarimana apfa, umutangabuhamya yahagaritse akazi ahungira ku murenge avukaho muri Shangi, muri Komine ya Gafunzo kubera ko yumvaga nta mutekano afite[101]. Umutangabuhamya ntiyashoboye gutanga ikigereranyo cy'inshuro yabonye Munyakazi mbere ya Mata 1994, ariko igihe cyose yajyaga kuri *Cité* Bugarama, yaramubonaga[102].

75. Ku itariki itazwi, ahantu hitwa Ijambwe, Interahamwe zagabye igitero ku rubyiruko rwa MDR rwitwa aba JDR. Munyakazi yategetse Interahamwe gusubira mu modoka zazo, maze zihita zibikora[103]. Umutangabuhamya yahise yumva ko Munyakazi yari umuyobozi w'Interahamwe zo mu Bugarama kubera ko buri gihe iyo izo Nterahamwe zagendaga, zabaga ziyobowe na Munyakazi kandi n'abaturage bo mu Bugarama bavugaga ko ari « Interahamwe za Yussuf »[104].

76. Perezida Habyarimana amaze gupfa, umutangabuhamya yahungiye kuri Paruwasi ya Shangi hamwe n'abandi Batutsi[105]. Ku itariki ya 29 Mata 1994, Munyakazi yayoboye igitero cya simusiga cyagabwe kuri iyo paruwasi[106]. Umutangabuhamya yumva Munyakazi ari we wabwiye Interahamwe gutera kuko yarashe isasu rya mbere, maze

[97] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 35 (iburanisha mu muhezo).
[98] Ikimenyetso gihamya cya Porokireri cyahawe nº 2 (inyandiko y'umwirondoro).
[99] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 41 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 55.
[100] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 56.
[101] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 55-56.
[102] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 42.
[103] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp.48-49.
[104] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 48-49.
[105] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 43.
[106] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 44.

Interahamwe zigatangira gutera amagerenade no kurasa ku mpunzi[107]. Icyo gitero cyarakomeje kugera nimugoroba ariko cyarangiye umutangabuhamya yacanganyukiwe ku buryo atashoboye kumenya niba hari undi muntu warokotse icyo gitero[108].

Umutangabuhamya ushinjwa wiswe BWU

77. Umutangabuhamya wiswe BWU ni Umuhutu, yari umuhinzi mu mwaka wa 1994[109]. Yabonye Munyakazi inshuro ebyiri[110]. Ubwa mbere, yamubonye mu nama yabereye kuri sitade ya Kamarampaka muri Perefegitura ya Cyangugu mu mpera z'umwaka wa 1993[111]. Muri iyo nama, Bagambiki wari Perefe wa Cyangugu yerekanye Munyakazi nka Perezida w'Interahamwe zo mu Bugarama[112]. Umutangabuhamya yongeye kubona Munyakazi ku itariki ya 29 Mata 1994 mu gitero cyagabwe kuri Paruwasi ya Shangi[113]. Ari kumwe n'indi Nterahamwe nkuru yo mu Bugarama, Munyakazi yayoboye itsinda ry'Interahamwe zibarirwa muri 50 cyangwa 60 mu gitero cyagabwe ku basiviri b'Abatutsi bari bahungiye kuri Paruwasi [ya Shangi][114]. Munyakazi yageze kuri iyo paruwasi mu modoka ipakiye intwaro[115].

Umutangabuhamya ushinja wiswe LAY

78. Umutangabuhamya wiswe LAY ni Umututsi. Mu mwaka wa 1994, yari umucuruzi[116] akaba n'umuyobozi w'ishyaka rihanarira ukwishyira ukizana kwa buri muntu (PL)[117]. Mu mwaka wa 1993, yabonye inshuro nyinshi Munyakazi ajya muri za mitingi. Mu nzira, kenshi Munyakazi yahagararaga ku biro bya Komine akaganira n'abayobozi bo muri ako karere cyangwa abaturage[118]. Buri gihe, Munyakazi yabaga ari kumwe n'Interahamwe zifite ibyapa byanditseho amagambo ya politiki kandi abaturage bo

[107] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 45.
[108] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 45-46.
[109] Ikimenyetso gihamya cya Porokireri cyahawe nº 13 (inyandiko y'umwirondoro).
[110] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 9.
[111] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 5, 9, 11, 19.
[112] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 19-21, 25.
[113] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 5, 9.
[114] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 7.
[115] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 28.
[116] Ikimenyetso gihamya cya Porokireri cyahawe nº 4 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 22-23.
[117] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 34.
[118] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 39-40.

muri ako karere bakiraga Munyakazi nk'umuntu ukomeye[119]. Cyakora, umutangabuhamya ntiyari azi umwanya Munyakazi yari afite muri MRND cyangwa mu buyobozi bw'Interahamwe[120]. Umutangabuhamya yabonye Munyakazi bwa nyuma igihe uyu yayoboraga igitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994[121].

Umutangabuhamya ushinja wiswe LCQ

79. Umutangabuhamya wiswe LCQ ni Umututsi. Mu mwaka wa 1994 yari umuhinzi[122]. Yahuye bwa mbere na Munyakazi mu mwaka wa 1988[123]. Munyakazi yari umucuruzi akaba n'umuhinzi w'icyamamare mu Bugarama kandi yari ufite amazu. Kuva mu mwaka wa 1988 kugera mu wa 1990, ubwo umutangabuhamya yabaga agiye kugurisha amata, yakundaga kubona Uregwa muri *Cité* Bugarama ahagaze ku rubaraza rw'inzu ye[124]. Ku itariki ya 8 Mata 1994, umutangabuhamya, umugore we n'abaturanyi be bageze kuri 20, bahungiye kuri Paruwasi ya Mibilizi[125]. Ku itariki ya 30 Mata 1994, Munyakazi yayoboye igitero cyagabwe kuri iyo paruwasi[126].

Umutangabuhamya ushinja wiswe BWP

80. Umutangabuhamya wiswe BWP ni Umututsi. Muri Mata 1994 yabaga muri Komine ya Kagano, Perefegitura ya Cyangugu. Muri icyo gihe, yari afite imyaka 15 cyangwa 16 y'amavuko[127]. Mu mwaka wa 1993, yabonye Munyakazi inshuro ebyiri anyura kuri santeri y'ubucuruzi ya Kabeza agiye muri za mitingi za MRND. Munyakazi yakundaga guhagarara ku muhanda akavugana n'abaturage bo muri ako gace[128]. Kuri izo nshuro zombi, Munyakazi yari kumwe n'abantu barimo kumuririmbira kandi umutangabuhamya yabonaga ko Munyakazi ari we wari uyoboye abo bantu bari

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119 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 33-34. 39.
120 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 34.
121 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 23.
122 Ikimenyetso gihamya cya Porokireri cyahawe nº 11 (inyandiko y'umwirondoro).
123 Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 28.
124 Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 30-31.
125 Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 15-16.
126 Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 34.
127 Ikimenyetso gihamya cya Porokireri cyahawe nº 3 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 2, 8.
128 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 2, 7-8.

bamugaragiye[129]. Ku itariki ya 11 Mata 1994, umutangabuhamya n'abandi bagize umuryango we bahungiye kuri Paruwasi ya Nyamasheke[130]. Munyakazi yayoboye Interahamwe mu gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994[131].

Umutangabuhamya ushinja wiswe MP

81. Umutangabuhamya wiswe MP ni Umuhutu. Muri Mata 1994 yakoraga kuri Paruwasi ya Mibilizi[132]. Mu buhamya bwe mu Rukiko avuga ko Uregwa yayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. Umutangabuhamya yamenye bwa mbere ibyerekeye Munyakazi abibwiwe n'umwe muri bagenzi be bakoranaga i Mibilizi. Uwo munsi mugenzi we yahamagaye kuri paruwasi ya Shangi maze bamubwira ko Munyakazi n'Interahamwe ze bari baraye bagabye igitero kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994[133]. Byongeye kandi, ku itariki ya 30 Mata 1994, abajandarume bari kuri Paruwasi ya Mibilizi baganiriye n'umuyobozi w'icyo gitero, igihe Interahamwe zageraga kuri paruwasi. Nyuma yaho, abo bajandarume babwiye umutangabuhamya ko uwo bavuganaga ari Munyakazi. Byongeye kandi, umutangabuhamya yashoboye kumva ibintu byose byavugwaga muri icyo gitero kandi yabonye Munyakazi ari we wenyine watangaga amabwiriza[134].

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82. Mu buhamya bwe mu Rukiko, Munyakazi avuga ko yari umuyoboke w'ishyaka rya MRND, ko ariko atari kuba umuyoboke w'urubyiruko rw'iryo shyaka rwitwaga Interahamwe, kubera ko yari asheshe akanguhe[135]. Avuga ko atari umuyobozi w'Interahamwe, kandi [136] ko atigeze na rimwe aba umuyobozi cyangwa yiyamariza

[129] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 9-10.
[130] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 3.
[131] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 3-5.
[132] Ikimenyetso gihamya cya Porokireri cyahawe n° 7 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 43-44.
[133] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-50.
[134] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 51- 53.
[135] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 21.
[136] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.

gutorerwa umwanya w'ubuyobozi muri MRND[137]. Avuga ko atari ashinzwe gushaka abayoboke bashya mu ishyaka[138] ndetse ko atigeze yitabira cyangwa ngo ategure inama z'Interahamwe[139]. Yongeraho ko Interahamwe zahuriraga ku biro bya Komine ariko akaba atazi ibyakorerwaga muri izo nama kubera ko atakurikiye imirimo yazo[140].

83. Umuyobozi wa MRND muri Segiteri ya Bugarama yitwaga Kassim Jumapili[141] naho Perezida w'iryo shyaka mu rwego rwa Komine akitwa Ayubu Mabwire[142]. Umuyobozi w'Interahamwe zo mu Bugarama ku rwego rwa Komine ya ri Athanase Ndutiye, bahimba Tarek Aziz, kandi yari yungirijwe na Thomas Mugunda[143]. Tarek Aziz yakodeshaga icyumba muri amwe mu mazu ya Munyakazi akishyura ubukode nk'abandi bantu bose bari bahacumbitse[144]. Munyakazi ntiyagiraga inama Tarek Aziz kandi ntiyanamugenzuraga[145]. Byongeye kandi, Munyakazi ntiyafataga Tarek Aziz nk'umuntu wo mu muryango we[146]. Tarek Aziz ntiyigeze arinda umutekano wa Munyakazi kandi Munyakazi ntiyigeze agira umuntu umurinda[147].

84. Igihe kimwe kitazwi mbere y'umwaka wa 1994, Parike ya Repubulika muri Cyangugu yafunze Munyakazi kubera imvururu zabaye hagati ya MRND n'irindi shyaka. Muri izo mvururu, abantu benshi barakomeretse ndetse umuntu umwe aricwa. Hari abantu bamwe bashakaga kwigarurira umutungo wa Munyakazi maze bituma bamurega izo mvururu nuko ashyikirizwa Parike ya Cyangugu. Hakozwe iperereza maze Munyakazi ahita arekurwa uwo munsi yafatiweho[148].

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137 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 21; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 21.
138 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 21.
139 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 23-24, 43.
140 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 23.
141 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22.
142 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 21-22.
143 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22.
144 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 16, 41.
145 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 41.
146 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 41.
147 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 42.
148 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 25-26; Ikimenyetso gihamya cya Porokireri cyahawe n° 23 (Raporo ku burenganzira bw'ikiremwamuntu mu Rwanda; kuva mu Ukwakira 1992 kugeza mu Ukwakira 1993, yakozwe n'Ishyirahamwe nyarwanda riharanira uburenganzira bwa muntu n'ukwishyira ukizana kwa rubanda (*Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques*) — « ADL - Kigali - Ukuboza 1993 ».).

85. Muri Mata 1994, Munyakazi yubakaga inzu ahegereye ibiro bya gasutamo hafi y'umupaka w'u Rwanda na RDC (Repuburika Iharanira Demokarasi ya Kongo)[149]. Cyakora, Interahamwe ntizashoboraga kuyikoreramo kubera ko yari itaruzura. Iyo nzu yuzuye muri Gicurasi cyangwa Kamena 1994[150]. Interahamwe ntizigeze zikorera inama cyangwa ikindi kintu icyo ari cyo cyose mu nzu n'imwe ya Munyakazi[151]. Munyakazi ntiyigeze abika intwaro z'Interahamwe mu nzu ye n'imwe, ndetse n'abagore be ntibigeze na rimwe bagaburira Interahamwe[152].

<u>Umutangabuhamya ushinjura wiswe NKM</u>

86. NKM ni Umuhutu wabaga muri Komine ya Bugarama muri Mata 1994 kandi yakoraga muri banki muri iyo Komine[153]. Hagati y'urugo rwa Munyakazi n'urw'uwo mutangabuhamya muri Segiteri ya Bugarama hari intera igera nko kuri metero 150[154]. Munyakazi yari umukiriya usanzwe w'iyo banki, kandi si we wari umuhinzi w'umuceri ukomeye kurusha abandi muri Komine ya Bugarama[155].

87. Umutangabuhamya yari umuyoboke w'ishyaka PDI kandi mu byo yari ashinzwe harimo no gukurikiranira hafi ibyo MRND yakoraga mu rwego rwa Komine[156]. Uwo mwanya yari afite watumaga rero ashobora kumenya neza uruhare rwa Munyakazi mu ishyaka rya MRND. N'ubwo yari umuyoboke wa MRND, Munyakazi si we wari Perezida cyangwa Visi-Perezida w'iryo shyaka[157]. Nta n'ubwo Munyakazi yari Perezida wa MRND mu rwego rwa segiteri[158]. Nta mwanya n'umwe w'ubuyobozi yari afite muri iryo shyaka[159]. Job Mabwire ni we wari Perezida wa MRND mu rwego rwa Komine[160], naho Theobali Munyakayanza akaba Visi-Perezida[161]. Hagati

[149] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 6, 8-9.
[150] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 17, 18 ; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 60-61.
[151] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 44.
[152] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.
[153] Ikimenyetso gihamya cy'ubwunganizi gifite numero 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 7, 8 (iburanisha mu muhezo).
[154] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 31.
[155] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp.8-9.
[156] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp.14-15
[157] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 13.
[158] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 46.
[159] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 13.
[160] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 14, 45, 48.
[161] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 46.

y'umwaka wa 1993 n'itariki ya 6 Mata 1994, Munyakazi ntiyigeze ayobora inama za MRND[162] kandi ntiyari afite ububasha bwo gutumiza inama y'ishyaka iryo ari ryo ryose[163].

88. Umutangabuhamya ntazi aho Munyakazi yari ahuriye n'umtuwe w'urubyiruko rw'ishyaka rya MRND[164]. Ntanazi ko Tarek Aziz yari umuhuzabikorwa w'Interahamwe. Ntiyigeze abona Tarek Aziz ari kumwe na Munyakazi[165] ndetse ntazi Thomas Mugunda[166]. Ntiyigeze abona Interahamwe zo mu Bugarama zikora ibyaha, haba mbere cyangwa nyuma y'itariki ya 6 Mata 1994, yewe ntiyigeze yumva hari n'umuntu ubivuga[167].

89. Ku itariki ya 7 Mata 1994, Umutangabuhamya yumvise gerenade iturikira mu nzu ya Munyakazi kandi yumvise ko iyo gerenade yatewe n'umusore wari warakariye Munyakazi amuziza ko yarimo kurengera Musengayire n'abandi bantu. Bamaze kuzana Musengayire kwa Munyakazi nyuma bakaza kubona ko uwo Musengayire atishwe, abagababaga ibitero badukiriye umuhungu witwaga Shema wari Umututsi kandi wari wararezwe na Munyakazi maze baba ari we bica. Umutangabuhamya yumva Shema yarishwe mu rwego rwo kuburira Munyakazi kugira ngo adakoma imbere ibikorwa by'ubwicanyi[168]. Shema yishwe n'Interahamwe ebyiri, ari zo Eliere na Noah. Munyakazi ntiyari afite ububasha kuri abo basore bombi, cyangwa ku wundi musore uwo ari we wese wagiye muri ibyo bikorwa nyuma y'itariki ya 6 Mata 1994[169]. Ibyaha byakozwe n'udutsiko tw'urubyiruko rw'amashyaka anyuranye, nka MRND, PDI, MDR, PL na CDR. Buri gatsiko kumviraga abayobozi b'ishyaka gakomokamo, kandi nta buhuzabikorwa rusange bwariho hagati y'utwo dutsiko[170].

[162] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 15.
[163] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 17.
[164] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 19.
[165] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 46, 47.
[166] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 46.
[167] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 43.
[168] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 25-26.
[169] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 26; Reba n'inyandikomvugo y'iburanisha iri mu gifaransa, imp. 29, 30.
[170] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 26-27.

Umutangabuhamya ushinjura wiswe NDB

90. NDB ni Umuhutu wabaga mu Bugarama, kandi yari umuhinzi muri Mata 1994[171]. Hagati y'aho yari atuye no kwa Munyakazi hari intera igera nko kuri metero 500[172]. Umutangabuhamya yabonye urubyiruko rw'amashyaka nka MRND, MDR, PDI, CDR na PSD rukora ibyaha, kandi yumvise n'abantu bavuga ko rwabikoze. Urwo rubyiruko rwakomokaga mu duce two hafi y'aho hantu ibyaha byakorewe, nka Muhehwe, Nyabitare, Kibangira, n'utundi duce. Urwo rubyiruko rwatangiye gukora ibyaha Perezida Habyarimana akimara gupfa. Cyakora, Munyakazi ntaho yari ahuriye n'urwo rubyiruko[173]. Umutangabuhamya ntiyigeze abona Munyakazi ari kumwe n'urwo rubyiruko, kandi yumva Munyakazi ataragaburiye abo bantu ku bushake bwe[174].

Umutangabuhamya ushinjura wiswe NRB

91. NRB ni Umuhutu wari utuye muri Segiteri ya Nzahaha, muri Komine ya Bugarama, muri Mata 1994 kandi yakoreraga Koperative CAVECUVI[175]. Hagati ya Segiteri ya Nzahaha na Cité Bugarama hari intera igera nko kuri kilometero umunani[176] . NRB yahuye na Munyakazi bwa mbere mu mwaka wa 1960 kandi yari azi ko ari umuhinzi[177]. Munyakazi na we yari umwe mu banyamuryango ba Koperative CAVECUVI, ndetse yari afite umwanya w'ubuyobozi muri iyo koperative[178]. Hagati ya CAVECUVI no kwa Munyakazi hari intera igera nko kuri metero 40[179].

92. Munyakazi yari umuyoboke wa MRND ariko nta mwanya n'umwe w'ubuyobozi yari afite muri iryo shyaka[180]. Kubera iyo mpamvu, ntiyari afite ububasha bwo gukoresha

[171] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 12 (iburanisha mu muhezo); Ikimenyetso gihamya cy'Ubwunganizi gifite numero 10 (Inyandiko y'umwirondoro).
[172] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 12 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 19.
[173] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup.13.
[174] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 15.
[175] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 12 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha,1 Nzeri 2009, urup. 37.
[176] Inyandikomvugo y'iburanisha, 1 Nzeri, urup. 45 (iburanisha mu muhezo)
[177] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 37 (iburanisha mu muhezo).
[178] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 37, 45 (iburanisha mu muhezo).
[179] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 38 (iburanisha mu muhezo).
[180] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 39.

amanama kuko ibyo byakorwaga gusa na Perezida w'ishyaka[181]. Umutangabuhamya yari umuyoboke w'ishyaka rya MRND, akaba yibuka ko Job Mabwire ari we wari Perezida w'iryo shyaka muri Komine ya Bugarama muri Mata 1994. Umutangabuhamya ntazi niba Munyakazi yari Visi-Perezida w'iryo shyaka ku rwego rwa komine cyangwa niba yari Perezida waryo ku rwego rwa segiteri[182]. Kubera ko atari Interahamwe, ntazi umuntu wari umukuru w'Interahamwe muri segiteri ye[183].

Umutangabuhamya ushinjura wiswe MPCC

93. MPCC ni Umututsi wari utuye muri Segiteri ya Ruhoko, Komine ya Gishoma, Perefegitura ya Cyangugu mu mwaka wa 1994. Yari Perezida w'ishyaka rya MRND muri Komine ya Gishoma, akaba na agoronome w'iyo Komine[184]. Yahuye bwa mbere na Munyakazi mu ntangiriro y'imyaka ya za mirongo inani. Munyakazi yari atuye mu Bugarama kandi yari umuyoboke wa MRND[185]. Muri rusange, umutwe w'Interahamwe wari ugizwe n'abantu bafite imyaka iri hagati ya 18 na 35 kandi bari bashinzwe gukangurira abaturage amatwara y'ishyaka ryabo. Umuntu w'imyaka 40 y'amavuko ufite imbaraga kandi w'intarumikwa yashoboraga kwinjira mu mutwe w'urubyiruko rwa MRND, ariko ibyo ntibyakunze kubaho[186]. Munyakazi ntiyari umuyobozi w' Interahamwe zo mu Bugarama kandi abayobozi bazo batoranywaga mu bagize uwo mutwe[187]. Tarek Aziz ni we wari umuyobozi w'Interahamwe mu Bugarama kandi yari acumbitse muri imwe mu mazu ya Munyakazi, ariko ntiyabanaga n'Uregwa[188].

Umutangabuhamya ushinjura wiswe AMB

94. AMB ni Umuhutu wigaga muri Kaminuza hanze ya Bugarama mu mwaka wa 1994. Uyu mutangabuhamya yaruhukiraga muri Komine ya Bugarama kuko ari ho

[181] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 40.
[182] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 49-50.
[183] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 48.
[184] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 18 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 46, 57-58 (iburanisha mu muhezo).
[185] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 47-48 (iburanisha mu muhezo).
[186] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 52-53 (iburanisha mu muhezo).
[187] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 60 (iburanisha mu muhezo).
[188] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 61.

yakomokaga[189]. Mu mwaka wa 1993 n'uwa 1994, yamaze igihe kinini mu Bugarama[190], ndetse ni ho yari ari mu kwezi kose kwa Mata 1994[191]. Munyakazi yari umuturanyi we[192]. Umwe mu bagore ba Munyakazi, ari we Mama Safi, yari atuye nko muri metero 200 uvuye iwabo w'Umutangabuhamya. Undi mugore w'Uregwa, ari we Mama Zainabu, yari atuye nko muri metero 40 uvuye iwabo w'Umutangabuhamya[193].

95. Yahuye bwa mbere na Tarek Aziz mu mwaka wa 1987 kandi icyo gihe Tarek Aziz yari umucuruzi[194]. Umutangabuhamya yari afite inshuti y'Umututsi yabaga mu nzu imwe na Tarek Aziz. Kubera iyo mpamvu, yari azi ko Tarek Aziz acumbitse mu nzu ya Munyakazi, kandi ko nta kindi kintu kidasanzwe uwo Tarek Aziz yari ahuriyeho na Munyakazi[195]. Ntiyigeze na rimwe abona Tarek Aziz akoranyiriza urubyiruko aho yari atuye kandi ntiyigeze abona mu nzu ya Munyakazi habitse intwaro, ndetse nta n'uwo yigeze abyumvana[196]. Ntiyigeze na rimwe abona Munyakazi ari kumwe n'abantu bamurinda[197].

96. Munyakazi yari umuyoboke wa MRND[198], ariko nta bubasha yari afite ku Nterahamwe. Umutangabuhamya yari azi ko i Kigali haba Interahamwe ariko ntiyari azi ko no mu Bugarama zihaba[199]. Mu ibaza rinyomoza, yemeje ko mu buhamya bwanditse yari yarahaye Ubwunganizi avuga ko Tarek Aziz yari umuyobozi w'Interahamwe. Asobanura ko atazi neza niba Tarek Aziz yari umuyobozi w'Interahamwe cyangwa se niba yari gusa umuyoboke usanzwe ariko ufite ijambo muri uwo mutwe[200].

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[189] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 21 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 1, 3, 21-22 (iburanisha mu muhezo).
[190] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 4, 22-23 (iburanisha mu muhezo).
[191] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.
[192] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 4 (iburanisha mu muhezo).
[193] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.
[194] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 4 (iburanisha mu muhezo).
[195] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 6-7 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.
[196] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.
[197] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.
[198] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 24 (iburanisha mu muhezo).
[199] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.
[200] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 27 (iburanisha mu muhezo).

Umutangabuhamya ushinjura wiswe YMC

97. YMC ni Umuhutu wacuririzaga muri Serire ya Misufi, mu Bugarama, muri Mata 1994[201]. Yahuye bwa mbere na Munyakazi mu mwaka wa 1985 ubwo yatangiraga gucururiza mu Bugarama. Inzu yacururizagamo yari yegeranye n'iya Munyakazi[202]. Munyakazi yari umuyoboke wa MRND ariko nta mwanya w'ubuyobozi yari afite muri iryo shyaka. Job Mabwire ni we wari Perezida wa MRND muri Bugarama, ariko si we wari Perezida w'Interahamwe[203].

98. Umutangabuhamya azi Tarek Aziz, wari Interahamwe kandi wari ucumbitse muri imwe mu mazu ya Munyakazi. Ntiyigeze na rimwe abona Tarek Aziz ari kumwe na Munyakazi, kandi ntiyigeze abona urubyiruko ruteraniye imbere y'inzu ya Munyakazi[204]. Ntiyigeze abona Munyakazi ari kumwe n'abantu bamurinda. Munyakazi yari ashaje cyane ku buryo atari gushobora kugira uruhare mu myitozo ya gisirikare. Umutangabuhamya ntiyigeze yumva abantu bavuga ko Munyakazi yari abitse intwaro mu nzu ye ndetse ntiyigeze amubonana intwaro[205]. Umutangabuhamya ahakana ko we na Munyakazi n'undi mugabo witwa Elias Bakundize bahaye Interahamwe zo mu karere kabo inkunga y'amafaranga[206].

Umutangabuhamya ushinjura wiswe YMS

99. YMS ni Umuhutu wari umucuruzi atuye muri Segiteri ya Bugarama, Komine ya Bugarama, muri Mata 1994[207]. Umutangabuhamya yakoranaga na Munyakazi mu by'ubucuruzi[208]. Hagati y'umwaka wa 1993 n'itariki ya 6 Mata 1994, ishyaka rya MRND ryari umutwe w'urubyiruko muri Komine ya Bugarama, ugizwe n'abasore n'inkumi bari hagati y'imyaka 18 na 30, ari nabo bitoragamo ababayobora.

[201] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 22 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 1-2.
[202] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
[203] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 5-6.
[204] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 6-7, 23.
[205] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 10-11.
[206] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 20-22; Ikimenyetso gihamya cya Porokireri cyahawe nomero 16
[207] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 24 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 30-31, 33 (iburanisha mu muhezo).
[208] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 31 (iburanisha mu muhezo).

Munyakazi ntiyari ashinzwe uwo mutwe, kandi umutangabuhamya ntiyigeze na rimwe amubona ayoboye abantu bawugize[209]. Ntiyigeze na rimwe abona Munyakazi atanga ibitambaro by'ibitenge ngo bidodwemo iniforume z'Interahame, kandi nta n'umuntu yigeze yumva avuga ko Munyakazi yabikoze[210]. Ntiyigeze na rimwe abona Interahamwe zirira mu rugo urwo ari rwose rwa Munyakazi[211].

Umutangabuhamya ushinjura witwa Théobald Gakwaya Rwaka

100. Théobald Gakwaya Rwaka ni Umuhutu[212] wamaze imyaka icyenda akora muri Minisiteri y'Ubutabera aho yari ashinzwe ibirebana n'umutekano w'igihugu, polisi na za gereza[213]. Yanakoze muri CIMERWA mu Bugarama kuva mu mwaka wa 1992 kugeza mu wa 1996[214]. Yari azi Munyakazi kubera ko Uregwa yari azwi cyane mu karere, ariko avuga ko batari inshuti. Munyakazi yari umuyoboke wa MRND ariko nta mwanya w'ubuyobozi yari afite muri iryo shyaka ku rwego rwa komine[215]. Umuyobozi w'Interahamwe mu Bugarama yari Tarek Aziz[216]. Avuga ko atigeze na rimwe abona Munyakazi ari kumwe n'Interahamwe, kandi ko yumva Munyakazi atarashoboraga kwinjira mu mu mutwe w'urubyiruko kubera imyaka ye[217]. Abajijwe niba yarabonye Munyakazi muri Mata 1994, umutangabuhamya yasubije ko atigeze amubona muri uko kwezi, maze yongeraho ati: « Sinashoboraga kujya kwa Munyakazi mu Bugarama kubera ko numvaga bavuga ko hari Interahamwe nyinshi »[218].

Umutangabuhamya ushinjura wiswe ELB

101. ELB ni Umuhutu winjiye mu mutwe w'Interahamwe zo mu Bugarama muri Gashyantare 1993 akawugumamo kugera muri Mata 1994. Umutangabuhamya yari

[209] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 34.
[210] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.
[211] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 41.
[212] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 26 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 1-2.
[213] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.
[214] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 2-3.
[215] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 6.
[216] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8, 29.
[217] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.
[218] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 33.

Visi-Perezida w'Interahamwe ku rwego rwa komine, naho Tarek Aziz akaba Perezida w'uwo mutwe[219]. Umutangabuhamya yabwiye Urugereko ko yagiye mu gitero cyagabwe kuri CIMERWA ku itariki ya 16 Mata 1994[220] ndetse ko Munyakazi yari umusaza bityo akaba atarigeze agira uruhare na rumwe mu mutwe w'Interahamwe[221]. Cyakora, Umutangabuhamya yemera ko we ubwe yari afite imyaka 42 y'amavuko igihe yari Visi-Perezida w'Interahamwe[222]. Mu mutwe w'Interahamwe abari barengeje imyaka 40 y'amavuko bari bake kandi umutangabuhamya yibukamo bane gusa, na we arimo[223].

102. Munyakazi ntiyigeze atera inkunga Interahamwe. Interahamwe ntizigeze na rimwe zikorera inama mu nzu ya Munyakazi cyangwa mu rugo na rumwe rw'abagore be. Ubusanzwe Komite Nyobozi yakoraga inama ku cyumweru kandi yayikoreraga ku biro bya komine[224]. Interahamwe zambaraga imyenda idoze mu bitenge, kandi buri Nterahamwe yahawe igitenge cyayo[225]. Umutangabuhamya ntiyigeze abona Munyakazi aha abantu ibitenge[226]. Interahamwe zo mu Bugarama ntizigeze ziha Munyakazi abantu bo kumuherekeza cyangwa kumurindira umutekano[227], kandi Umutangabuhamya ntiyigeze na rimwe abona Munyakazi ari kumwe n'abantu bamurinze[228].

103. Mbere y'itariki ya 6 Mata 1994, Tarek Aziz yakodeshaga icyumba mu nzu ya Munyakazi[229]. Muri Werurwe 1994, imyitozo ya gisirikare mu Bugarama yahabwaga gusa abasiviri b'Abarundi kandi nta sano yari hagati y'Abarundi n'Interahamwe. Mbere ya Mata 1994, Interahamwe zari zishishikajwe no gukangurira abantu amatwara y'ishyaka ryazo no gufasha abaturage, ntizari zishishikajwe n'imyotozo ya ya gisirikare[230]. Interahamwe zo mu Bugarama ntizigeze zikoresha imodoka za

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[219] Ikimenyetso gihamya cy'Ubwunganizi gifite numero 27 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1-2.
[220] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
[221] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 3.
[222] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 15.
[223] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 16.
[224] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 4-5, 13.
[225] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 4-5.
[226] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 5.
[227] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 8.
[228] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
[229] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 3.
[230] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 5-7.

Munyakazi[231], kandi umutangabuhamya ntiyigeze na rimwe abona Interahamwe zirira mu nzu ya Munyakazi iyo ari yo yose[232].

Isesengura ry'Urugereko

104. Ubwunganizi ntibuhakana ko Munyakazi yari afite inzu enye,[233] ko umuryango we wari ufite boroki 80 z'umuceri[234], cyangwa ko Munyakazi yari Perezida wa Koperative CAVECUVI kuva mu mwaka wa 1991 kugeza muri Gicurasi 1993[235]. Bwemera kandi ko yabaye Perezida wa Banki y'Abaturage yo mu Bugarama ubwo yashingwaga. Munyakazi yiyemerera ko yari intengamare mu Rwanda mbere yo guhunga igihugu muri Nyakanga 1994[236]. Kubera ibyo, Urugereko rusanga impande zombi zumvikana ko Uregwa yari umukire kandi wagize amahirwe urebye uko abandi bantu bari bamerewe icyo gihe mu Bugarama.

105. Urugereko rusanga Porokireri ataratanze ikimenyetso kigaragaza imiterere y'inzego za politiki muri Komine ya Bugarama no muri Perefegitura ya Cyangugu, cyangwa imiterere y'izo nzego hamwe muri aho hombi. Porokireri ntiyatanze kandi ibimenyetso ku birebana n'imikoranire y'amashyaka ya politiki anyuranye. Byongeye kandi, ibimenyetso byatanzwe mu iburanisha ku birebana n'uruhare rwa Munyakazi mu bya politiki ntibifatika, ndetse nta kimenyetso na kimwe cyatanzwe cyerekeranye n'uburyo yafataga Abatutsi nyamuke. Kuba Uregwa yari umuyoboke wa MRND, impande zombi zibyumvikanaho. Icyo impande zombi zitumvikanaho ni ukumenya niba Uregwa yari afite ububasha, budakomoka ku mategeko, ku Nterahamwe zo mu Bugarama.

106. Abatangabuhamya bashinja biswe LAY, BWP na BWR bose bavuga ko basangaga Munyakazi ari umuyobozi w'Interahamwe zo mu Bugarama kubera ko bamubonaga muri za mitingi ari kumwe n'Interahamwe, kandi akakirwa nk'umuntu ukomeye. Mu kugaragaza ko Munyakazi yari afite ijambo rikomeye ku Nterahamwe, BWR atanga

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231 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12.
232 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 15.
233 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 5-6, 8-9, 17-18; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 13.
234 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 4.
235 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 19-21.
236 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup.12.

urugero ku byabereye ahantu hitwa ku Ijambwe. Avuga ko icyo gihe Munyakazi yahaye Interahamwe amabwiriza kandi zikayubahiriza. Cyakora, ntavuga itariki ibyo bintu byabereyeho kandi nta wundi mutangabuhamya ushinja ubivuga. Muri abo batangabuhamya batatu nta n'umwe utanga amakuru yatuma umuntu amenya ko Interahamwe zaherekezaga Munyakazi cyangwa se yatuma umuntu amenya abantu bamwakiraga nk'umuntu ukomeye. Kubera ko hatatanzwe ibisobanuro, Urugereko ntirushobora kwemeza niba ubuhamya bw'abagabo kuri iki kibazo bushyigikirana bihagije ku buryo bwashingirwaho mu kumenya umwanya Munyakazi yari afite muri icyo gihe. Byongeye kandi, BWR avuga ko « ubwo zasohokaga, Intarehamwe zari ziyobowe na Munyakazi ». Yongeraho ko, bavuga Interahamwe, abaturage bo mu Bugarama bavugaga ko ari « Interahamwe za Yussuf»[237]. Cyakora, uyu mutangabuhamya avuga ko yavuye mu Bugarama ahunze ku itariki ya 7 Mata 1994, bityo ubuhamya bwe bukaba budasobanutse neza ku byerekeranye no kumenya niba ibyo avuga ko Munyakazi yari afite aho ahuriye n'Interahamwe ari ibya mbere cyangwa ibya nyuma y'iyo tariki. Kuba gusa abantu baba barabonye Munyakazi ari kumwe n'Interahamwe inshuro imwe cyangwa rimwe na rimwe, ubwabyo ntibihagije ngo Urugereko rwanzure ruvuga ko Uregwa yari umuyobozi w'Interahamwe, azifiteho ububasha budakomoka ku mategeko.

107. Umutangabuhamya ushinja witwa Esidras Musengayire avuga ko Munyakazi yamufataga nk'umuhungu we. Yarisangaga mu rugo kwa Munyakazi, bityo akaba yarashoboraga kubona neza niba Munyakazi yari afite aho ahuriye n'Interahamwe. Urugereko rusanga ubuhamya bwe kuri izi ngingo bufite ireme, kandi ibaza rinyomoza ntacyo ryabuhungabanyijeho. N'ubwo Munyakazi avuga ko Musengayire amushinja kubera ko ari we Perezida wa IBUKA mu Bugarama[238], mu ibaza rinyomoza ntibwabajije uyu mugabo ikibazo kirebana no kuba umuyoboke wa IBUKA. Ntibwanatanze ibindi bimenyetso bishyigikira ibyo Munyakazi avuga kuri icyo kibazo. Byongeye kandi, Umutangabuhamya yemera ko yakijijwe na Munyakazi ubwo yaragiye kwicwa ku itariki ya 7 Mata 1994. Kubera iyo mpamvu, Urugereko rusanga hataragaragajwe impamvu uyu mutangabuhamya yahimbira Munyakazi

[237] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 48-49.
[238] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 11; Munyakazi yamenye ko nta Mututsi wo mu Bugarama washoboraga kumushinja. Ni gutyo, hafashwe icyemezo ko Prezida wa Ibuka, Ishami ryo mu Bugarama, ashobora kuza kumushinja. Musengayire ni Perezida wa *Ibuka* mu Bugarama.

cyangwa ngo akabye inkuru mu kumushinja. Cyakora, Urugereko ruzirikana ibyo umutangabuhamya yavuze ntawe ubimusabye mu gusoza ubuhamya bwe. Icyo gihe yasabye Munyakazi gusaba imbabazi z'ibyaha yakoze[239]. Umutangabuhamya ntasobanura aho ashingira yemeza nta shiti ko Munyakazi yakoze ibyaha. Urugereko ruributsa ko uwo mutangabuhamya yari mu bitaro kuva ku itariki ya 7 Mata kugeza ku ya 3 cyangwa iya 4 Gicurasi 1994, kandi muri icyo gihe ni bwo hakozwe ibyaha Munyakazi ashinjwa. Cyakora, Urugereko rusanga ubuhamya bw'uyu mugabo bwakwizerwa kandi bwakwemerwa kuri byinshi, ariko atari kuri byose.

108. Nk'uko Musengayire abivuga, Munyakazi yari umuyoboke wa MRND ariko nta mwanya yari yaratorewe muri iryo shyaka ku rwego rwa komine. N'ubwo yabonaga Munyakazi ari kumwe n'Interahamwe, ntiyigeze yumva Munyakazi avuga ko yari umuyobozi wazo. Ahubwo, Munyakazi yitaga abandi Interahamwe, kandi Musengayire yemeza ko Perezida w'Interahamwe yari Job Mabwire. Ibyo avuga binyuranye n'ibyavuzwe n'abatangabuhamya bashinja biswe BWX na BWW, ndetse na Munyakazi ubwe[240]. Cyakora, Musengayire asanga Munyakazi yaravugaga rikijyana mu Nterahamwe. Mu gushyigikira ibyo avuga kuri iki kibazo, atanga urugero rw'ubushyamirane bwigeze kuba, yibuka gusa ko hari mbere y'itariki ya 7 Mata 1994, hagati y'Interahamwe n'urubyiruko rwa MDR rwitwaga abajideri [JDR] kandi ubwo bushyamirane bwahitanye umuntu umwe. Kubera ibyo byari byabaye, Munyakazi yarafashwe maze Interahamwe zikora imyigaragambyo zifunga umuhanda munini ugana kuri CIMERWA umunsi wose. Iyo myigaragambyo yatumye Munyakazi arekurwa[241]. Nta wundi mutangabuhamya uvuga ibi bintu.

109. Ubwo Munyakazi yabazwaga mu ibaza rinyomoza, Porokireri yerekanye agace ka raporo yitwa « *Rapport sur les Droits de L'Homme au Rwanda* » [Raporo ku burenganzira bwa muntu mu Rwanda], ahavugwa ko ku itariki ya 11 Ukwakira 1992 Munyakazi yayoboye inama ya MRND i Gikundamvura. Nk'uko iyo raporo ibivuga, nyuma y'iyo nama habaye imvururu zikomerekeramo abantu 12 maze Munyakazi

[239] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 19; Esidras Musengayire agira ati: « Ba Nyakubahwa, nk'umuhungu wa Munyakazi, ndashaka kumusaba ku mugargaro kwemera icyaha, bityo igihano cye kigashobora kuba cyagabanywa. Koko rero, abakoze ibyaha nka - - mu gihe kimwe na we bemeye ibyaha bakoze maze ibihano byabo biragabanywa ku buryo ubu bibera mu ngo zabo batengamaye».
[240] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 15.
[241] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 2- 3.

arafatwa kubera ibyo bintu. Nyuma yaho, abayoboke ba MDR barwanyije izo mvururu naho aba MRND bo barwanya icyo gikorwa cy'abayoboke ba MDR. Munyakazi yaje kurekurwa ku itariki ya 17 Ukwakira 1992[242]. Urugereko rusanga Porokireri atarerekanye ku buryo buboneye aho ashingira yiyambaza iyo raporo. Mu by'ukuri, inkomoko y'iyo raporo ntizwi, ndetse n'uwayikoze ntazwi, kandi nta kintu na kimwe kizwi ku muryango watangaje iyo raporo. Kubera iyo mpamvu, Urugereko nta gaciro rwaha iyo raporo.

110. Byongeye kandi, n'ubwo ibyabaye bivugwa muri iyo raporo bisa n'ibyo Musengayire yemeza mu buhamya bwe, Urugereko rusanga rutabishingiraho ngo rwemeze nta shiti ko ubwo buhamya bwombi bwerekeranye n'ikintu kimwe cyabaye. Munyakazi yemeye ko yafashwe nyuma y'ubushyamirane bwabaye hagati ya MRND n'irindi shyaka, ariko agasobanura ko yafashwe kubera ko yari yashwanye n'abayoboke ba MRND. Yongeraho ko icyo gihe Parike ya Repuburika yakoze iperereza maze igasanga ari umwere. Na none, ntibyumvikana neza niba Munyakazi avuga ku bintu bimwe n'ibyo Musengayire yatanzeho ubuhamya cyangwa ibyanditse muri raporo ku burenganzira bwa muntu[243]. Kubera ko ibimenyetso bitangwa kuri icyo kintu cyabaye, cyangwa kuri ibyo bintu byabaye, bidasobanutse neza, Urugereko nta gaciro kanini rushobora kubiha.

111. Urugereko rwemera ibisobanuro bya Musengayire ku buryo yafashwe n'Interahamwe ku itariki ya 7 Mata 1994. Musengayire avuga ko ubwo Interahamwe zamufataga, zamujyanye kwa Munyakazi zibwira ko Munyakazi aza gutegeka ko bamwica. Ibi bisa n'ibishaka kuvuga ko Munyakazi agomba kuba yari afite ububasha ku Nterahamwe. Cyakora, Musengayire anavuga ko Munyakazi yagerageje kumurwanaho maze amushyira mu cyumba cy'inzu ye, ariko Interahamwe imwe ikamutera [Musengayire] gerenade iyinyujije mu idirishya. Byongeye kandi, uwo munsi nyirizina, n'Interahamwe yo muri ako gace yishe undi muhungu w'Umututsi,

[242] Ikimenyetso gihamya cya Porokireri cyahawe nomero 23, *Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques, « Rapport sur les Droits de L'Homme au Rwanda, octobre 1992 – octobre 1993 »,* [Umuryango Nyarwanda Uharanira Uburenganzira bwa Muntu n'Ubwisanzure bwa Rubanda, « Raporo ku Burenganzirwa bwa Muntu mu Rwanda , Ukwakira 1992-Ukwakira 1993 »], Ukuboza 1993.
[243] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 26.

witwaga Shema Saidi kandi uwo nyakwigendera na we yarerwaga na Munyakazi[244]. Urugereko rusanga ibyo bintu byabaye bituma umuntu ashidikanya ku bivugwa ko Munyakazi yari afite ububasha ku Nterahamwe igihe ibivugwa mu Nyandiko y'ibirego byabaga.

112. Urugereko rwemera ko Umutangabuhamya ushinja wiswe BWX yakoreraga hafi y'inzu ya Munyakazi i Misufi mbere y'ibyabaye muri Mata 1994, bityo akaba yarashoboye gukurikirana neza ibyaberaga muri ako gace. Cyakora, Urugereko rurashidikanya ku byerekeranye n'ukwizerwa kwe muri rusange. Mu by'ukuri, ubuhamya bwa BWX buravuguruzanya ku byerekeranye no kumenya niba yarakomeje kenshi gukorera hafi y'inzu ya Munyakazi nyuma y'itariki ya 6 Mata 1994. Nk'urugero, uyu mutangabuhamya avuga ko yagiye ku kazi ku itariki ya 7 Mata 1994 kubera ko atahigwaga kuko ari Umuhutu[245]. Nyamara ariko, nta na hamwe akomoza ku gitero cyagabwe uwo munsi kuri Esidras Musengayire, kandi bari baziranye. Ibi, hamwe n'ibyo umutangabuhamya yiyemereye mu ibaza rinyomoza ko yahungishirije umugore we w'Umututsikazi muri Repuburika Iharanira Demokarasi ya Kongo ku itariki cya 7 cyangwa iya 8 Mata 1994, cyangwa se ahagana kuri ayo matariki, byerekana ko ku itariki ya 7 Mata 1994, BWX atari ahantu yakorerega[246]. Urugereko rwumvise ubuhamya bufatika bwerekana ko Abahutu bo mu Bugarama bari bafitanye amasano n'Abatutsi cyangwa se ababarengeraga, bishwe n'abagabaga ibitero bo muri ako gace. Kubera iyo mpamvu, Urugereko rusanga bidashoboka cyane ko, nyuma y'ibyabaye ku itariki ya 6 Mata 1994, umuntu wari ufite umugore w'Umututsikazi akomeza gukorera hafi y'inzu Interahamwe zateraniragamo. Umutangabuhamya ntiyagize icyo avuga kuri iki kibazo.

[244] Inyandikomvugo y'iburanisha,14 Ukwakira 2009, imp. 26, 40-41; Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 25-26, 56.

[245] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp.18, 22-23: BWX yemeza ko ku itariki ya 7 Mata 1994 kubera ko yari Umuhutu, yakomeje gukora nk'uko bisanzwe kuko atahigwaga. Ubwo umutekano warushagaho kuba nabi, byabaye ngombwa ko yimura « ibikoresho bye ». Nyuma y'itariki ya 6 Mata 1994, Interahamwe zo mu Bugarama ni bwo zatangiye gutoteza Abatutsi bo muri ako gace, ni na bwo zashimuse uwitwa Nzaramba. Nzaramba ntiyigeze agaruka, kandi BWX asanga nyakwigendera yarishwe azira ko yahungishije Umututsi bari baturanye. Undi muntu witwa Ndadaye, na we wari Umuhutu, yahishe Umututsi bari baturanye anamufasha guhunga yambuka umupaka w'u Rwanda. Ndadaye na we yafashwe n'Interahamwe kandi ntiyongeye kugaragara. BWX akeka ko Ndadaye na we yishwe. Abo bantu bombi bahohotewe bari baturanye n'umutangabuhamya ku buryo hagati y'ingo zabo n'urwe hari intera itarenze metero 10.

[246] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 24, 25; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 23-24.

113. Urugereko rusanga kandi n'ubwo hari ibibazo bimwe na bimwe avugaho mu magambo make abihamya, akenshi BWX ntiyabitanzeho ibisobanuro iyo yasabwaga kubivuga mu magambo arambuye. Nk'urugero, uyu mutangabuhamya yemeza ko Tarek Aziz, wari umutoza w'Interahamwe, yabaga mu nzu ya Munyakazi ariko ntazi uburyo yahabaga. Mu bavuze ku birebana n'aho Tarek Aziz yari acumbitse, ni we mutangabuhamya wenyine utarashoboye kwemeza, nibura, ko Tarek Aziz yabaga muri iyo nzu ayikodesha. Umutangabuhamya avuga kandi ko yabonaga Munyakazi mu myitozo y'Interahamwe, ariko ko atazi icyo Uregwa yabaga ahakora. Yabonye Interahamwe zikora imyitozo n'imbunda anabona abarindaga Munyakazi bitwaje imbunda, ariko ntazi niba izo mbunda zarabikwaga mu rugo kwa Munyakazi i Misufi. Mu gusoza, Urugereko rusanga n'ubwo avuga ko yabaga ari hafi yo kwa Munyakazi buri munsi, bityo ngo akaba yarashoboraga kumenya ibihabera, mu by'ukuri BWX azi bike cyane ku Nterahamwe zivugwa ko zateraniraga mu nzu ya Munyakazi.

114. BWX yumva Interahamwe zarahawe imbunda muri mitingi yabereye mu Bugarama mu mwaka wa 1993 iyobowe na André Ntagerura. Ibyo abikeka kubera ko Munyakazi, akaba ari we muntu wari uzwi cyane wo mu Bugarama witabiriye iyo mitingi, yunganiye Ntagerura muri iyo mitingi, kandi ikimara kurangira ni bwo umutangabuhamya yabonye bwa mbere Interahamwe zifite imbunda[247]. Nta wundi mutangabuhamya n'umwe ushimangira igice icyo ari cyo cyose cy'ibyo uyu mugabo avuga kuri iyo mitingi. Mu by'ukuri, abandi batangabuhamya bavuga ko Interahamwe zahawe imbunda n'abantu babaga muri ako karere, barimo abasirikare n'abajandarume.

115. Kubera ko ubuhamya bwa BWX burimo ibintu bivugurazanya kandi biteye urujijo, Urugereko rurashingira gusa ku byo avuga, cyane cyane byabaye nyuma y'itariki ya 7 Mata 1994. Cyakora rurabishingiraho igihe bifite ubundi buhamya bubishimangira.

116. Hari impamvu zimwe na zimwe zituma BWX yibwira ko Munyakazi yari umuyobozi w'ishyaka rya MRND mu Bugarama akaba na Prezida w'Interahamwe zo muri ako gace. Mu by'ukuri, yemeza ko Interahamwe zari zifite icyicaro cyazo mu nzu ya Munyakazi yari hafi y'inyubako ya Gasutamo. Cyakora, Urugereko rusanga

[247] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup.21; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 26-27, 32.

bidasobanutse neza ukuntu uyu mutangabuhamya yamenye ibyo bintu kandi iyo nyubako avuga itari iya Munyakazi[248]. Umutangabuhamya yemeza kandi ko Interahamwe zakoreraga amanama kwa Munyakazi, iyo mvugo ikaba ishyigikirwa na Musengayire na BWW[249]. Anemeza ko Interahamwe zakoraniraga kwa Munyakazi mbere yo kugaba ibitero bigamije kwica no gusahura, kandi ko akenshi Munyakazi yajyanaga na zo. BWW ashimangira ubuhamya bwa BWX buvuga ko Interahamwe zabaga kwa Munyakazi, kandi ko Munyakazi yari yarahaye akazi abamurindaga bari mu mutwe w'Interahamwe[250].

117. Umutangabuhamya ushinja wiswe BWU yaciriwe urubanza kandi ahamywa ibyaha byakorewe kuri Paruwasi ya Shangi muri Mata 1994, bityo akaba yarabaye icyitso cy'Uregwa. Yemeza ko mu iburanisha ryabereye mu Rukiko *Gacaca* muri Nyakanga 2005 yemeye icyaha, ko ariko ubwemeracyaha bwe butemewe n'urwo rukiko[251]. Mu bwemeracyaha bwe bwa mbere, uyu mutangabuhamya ntiyavuze izina rya Munyakazi, nta n'icyo yavuze ku gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994[252]. Avuga gusa ibitero byagabwe kuri Paruwasi ya Shangi ku itariki ya 13 n'iya 20 Mata 1994, ariko ntacyo avuga ku bwicanyi bwabaye muri ibyo bitero. Mu iburanisha muri uru rubanza, umutangabuhamya yemeza ko ubwo yari muri gereza yagejeje ku bategetsi babishinzwe ubwemeracyaha bwa kabiri bwuzuye kurushaho, ari na bwo asobanuramo uruhare rwa Munyakazi mu byabereye i Shangi ku itariki 29 Mata 1994. Ubwemeracyaha bwe bwa kabiri bwaremewe[253], ariko ntibwatanzwe nk'ubuhamya muri uru rubanza.

118. Ku itariki ya 27 Nzeri 2007, umutangabuhamya yahaye ubuhamya abapererezi ba TPIR[254]. Muri ubwo buhamya, yabwiye abo bapererezi ko mu manza za Gacaca

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248 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 34-35, 38 (iburanisha mu muhezo).

249 Musengayire, Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 1,3: Muri Mata 1994, mbere y'uko umutangabuhamya ava mu Bugarama, Interahamwe zahuriraga kwa Munyakazi; BWW, Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 29, (iburanisha mu muhezo) iyo Munyakazi yabaga ashaka guha Interahamwe amabwiriza, yabikoreraga mu gipangu cye kugira ngo abantu b'indorerezi badashobora kumva ibirimo kuvugirwa aho.

250 BWW, Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 13, 15-17,19, 22, 28, 34-35 (iburanisha mu muhezo).

251 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 4, 12-15.

252 Ikimenyetso gihamya cy'Ubwunganizi gifite numero 4 (ubwemeracyaha bwo mu mwaka wa 2005); Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 34.

253 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 11-12, 14.

254 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 5 (Ubuhamya bwahawe abapererezi ba TPIR, ku itariki ya 27 Ukwakira *2007*); Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 11, 16, 22, 34.

yavuze ko Munyakazi ari umwe mu bantu bakoze ibyaha[255]. Kubera ariko ko ubwemeracyaha bwa kabiri bw'uyu mutangabuhamya butatanzwe nk'ikimenyetso muri uru rubanza, Urugereko ntirwiriwe rusuzuma ukuri k'ubuhamya bwe ku birebana n'ubwo bwemeracyaha bwe.

119. Rumaze gusuzuma ubuhamya bwose bwa BWU, Urugereko rusanze mu bwirege bwe, uyu mugabo atavuga ko Munyakazi yari mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. N'ubwo mu ntangiriro z'urubanza rwe mu Rwanda, uyu mutangabuhamya ashobora kuba yarageragejе gupfobya uruhare rwe muri jenoside, Urugereko rusanga iyi ngingo ari ingirakamaro. Byongeye kandi, n'ubwo Ubwunganizi butabajije umutangabuhamya niba yaragabanyirijwe igihano kubera ko yashinje abo bafatanyije gukora ibyaha, Urugereko rusanga mu Rwanda yarakatiwe igihano cy'igifungo cy'imyaka 10[256], hatitawe ku buremere bw'ibyaha yemeye ko yakoze. Na none, umutangabuhamya asa n'uvuga ko mu bwemeracyaha bwe bwa kabiri yavuze abantu bafatanyije gukora ibyaha barenze abo yari yavuze mbere, barimo na Munyakazi. Kubera izo mpamvu, Urugereko ntirushira amakenga ubuhamya bwe, bityo rukaba rugendera kuri bimwe mu byo avuga igihe bifite ubundi buhamya bubishimangira.

120. BWU yemeza ko muri mitingi ya MRND yabereye kuri Sitade ya Kamarampaka, muri Perefegitura ya Cyangugu, mu mpera z'umwaka wa 1993, Bagambiki wari Perefe wa Cyangugu yerekanye Munyakazi nk'umuyobozi w'Interahamwe muri Komine ya Bugarama. Umutangabuhamya asobanura ko we yari umuyoboke w'ishyaka CDR, bityo akaba atarashoboye kumenya niba Perezida wa MRND muri Cyangugu yari muri iyo mitingi[257]. Umutangabuhamya yongeraho ko iyo mitingi iba yari afite imyaka 19 y'amavuko, kandi ko andi mashyaka ntacyo yari amubwiye[258]. Kubera ko nta wundi mutangabuhamya uvuga iyi mitingi, Urugereko ntirushobora guha agaciro kanini ubu buhamya.

121. BWU yari mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 kandi yemeza ko icyo gitero cyari kiyobowe na Munyakazi. Nk'uko biza

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255 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 11.
256 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 5.
257 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 5-6, 21-22.
258 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 19

gusobanurwa birambuye, Urugereko rusanga kuba ubu buhamya bufite ubundi bubushimangira byerekana ko Porokireri yagaragaje ku buryo budashidikanywaho, ko icyo gitero cyari kiyobowe na Munyakazi (reba Umutwe wa II.8).

122. BWW na we yari icyitso cy'Uregwa kandi yaciriwe urubanza ndetse ahamwa n'icyaha cya jenoside mu mwaka wa 1994[259]. Yafashwe mu Ugushyingo cyangwa Ukuboza 1994. Avuga ko mu mwaka wa 2005 muri Parike ya Cyangugu yatanze ibisobanuro birambuye ku byaha yakoze[260]. Nyuma yaho, urukiko Gacaca rwa mbere rwaramuburanishije maze rumukatira igihano cy'igifungo cy'imyaka 13 n'aho urwa kabiri rumukatira icy'imyaka 14. Yarekuwe amaze imyaka 12 n'amezi 6 afunze. Avuga ko yarekuwe hashingiwe ku Iteka rya Perezida kubera ko yemeye ibyaha kandi akabyicuza[261]. Umutangabuhamya yemeza ko muri Mata 1994 yakoze ibyaha afatanyije cyane cyane na Munyakazi na Tarek Aziz, wari ucumbitse mu nzu ya Munyakazi kandi anamwungirije mu bikorwa bibisha[262].

123. N'ubwo Ubwunganizi butabajije Umutangabuhamya niba yaragabanyirijwe igihano kubera ko yashinje abo bafatanyije gukora ibyaha, Urugereko rusanga yarireze ubwicanyi bwinshi ariko akarekurwa amaze imyaka 12 n'amezi 6 afunzwe. Byongeye kandi, asa n'uvuga ko habayeho amasezerano y'ubwemeracyaha ariko ubuhamya bwe kuri iyi ngingo ntibusobanutse neza[263]. Kubera ibyo bibazo, Urugereko nta gaciro kanini ruha ibyo BWW avuga, uretse ko bimwe na bimwe bishobora kwitabwaho mu gihe gusa bifite ubundi buhamya bubishyigikira.

124. N'ubwo BWW yiyemerera ko yari mu mutwe w'Interahamwe zo mu Bugarama, nta ruhande na rumwe rwamubajije niba Munyakazi yari umuyobozi w'Interahamwe zo mu Bugarama muri Mata 1994. Ahubwo, avuga ko Munyakazi yari umuyoboke wa MRND kandi ko, nk'umuyoboke nyine, yashakaga urubyiruko rwo kwinjiza mu

[259] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7. (iburanisha mu muhezo).
[260] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 25-26, 27. Nk'uko Porokireri abivuga, yagejeje ku Bwunganizi ibaruwa yanditswe na Parike yo mu Bugarama ivuga ko nta nyandiko ifite zerekeranye na BWW.
[261] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 8 (iburanisha mu muhezo).
[262] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7 (iburanisha mu muhezo).
[263] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 8, 26-27: «Maze kwirega no kwemera icyaha, no gusaba imbabazi Leta na Guverinoma y'Ubumwe bw'igihugu, natanze amakuru yose ya ngombwa, kandi ayo makuru yasakajwe ahantu hose yari akenewe, muri za segiteri na za serire zinyuranye. Nagombaga gutanga amakuru yerekeranye n'ibyo birego ».

mutwe w'Interahamwe[264]. Ni we mutangabuhamya wenyine wemeza ko Munyakazi yagize uruhare mu gushaka urubyiruko rwo kwinjiza mu mutwe w'Interahamwe. Ni na we kandi mutangabuhamya rukumbi wemeza ko Interahamwe zo mu Bugarama zabikaga intwaro zazo kwa Munyakazi, n'ubwo bishoboka ko ari we wari ahantu hatuma amenya neza ibyo bintu kurusha abandi batangabuhamya, uretse umutangabuhamya ushinjura wiswe ELB. Urugereko ruributsa ko BWX na Musengayire bari hafi yo kwa Munyakazi, nyamara bakaba batavuga ko intwaro zabikwaga mu nzu ya Munyakazi.

125. Cyakora, ubuhamya bwa BWW bushimangira ubwa BWX ku byerekeranye n'uko Munyakazi yari afite abamurinda bari mu mutwe w'Interahamwe. BWU, BWR na BWP bashimangira ubuhamya bwa BWW buvuga ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. Abatangabuhamya bashinja biswe LCQ, MM na MP bashimangira ubuhamya bwa BWW buvuga ko Munyakazi yari umwe mu bayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi[265]. Kuba Munyakazi yarayoboye ibitero byagabwe kuri Paruwasi ya Shangi n'iya Mibilizi byerekana ko yari afite ijambo rigaragara ku Nterahamwe zo mu Bugarama muri iyo minsi, ariko iryo jambo akaba atararikomoraga ku mategeko.

126. Ubwo yabazaga Munyakazi ibibazo binyomoza, Porokireri yavuze ko Munyakazi yarezwe mu rukiko Gacaca rwa Serire ya Misufi n'urwa Serire ya Muko, ashinjwa kuba yari akuriye Interahamwe zari mu Karere ka Bugarama, akaba yaranayoboraga ibikorwa by'Interahamwe mu Ntara ya Cyangugu n'iya Kibuye; kuba inzu ye yari icyicaro cy'Interahamwe ari naho zikoranira; no kuba yarohereje Interahamwe kwica Rwitembagaza[266]. Mu gusubiza, Munyakazi avuga ko abamureze muri Serire ya Misufi n'iya Muko ari abashakaga kwigarurira umutungo we[267]. Urugereko rusanga Ibimenyetso gihamya bya Porokireri byahawe nomero 26 na 27 ari inyandiko zatanzwe n'Urukiko rw'Ikirenga rw'u Rwanda, Umutwe Ushinzwe Inkiko Gacaca,

[264] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 9 (iburanisha mu muhezo).
[265] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 20-21.
[266] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 35-38; Ikimenyetso gihamya cya Porokireri cyahawe nomero 26 na 27 (Dosiye ya Munyakazi muri Gacaca). Ikimenyetso gihamya cya Porokireri cyahawe nomero 26 gikubiyemo umwirondoro w'Uregwa, cyerekana mu nteruro eshatu ngufi ibirego Uregwa ashinjwa, kikanerekana urutonde rw'abahohotewe n'ibyaha Uregwa ashinjwa, ndetse n'abatangabuhamya bashobora guhamagazwa. Ikimenyetso gihamya cya Porokireri cyahawe nomero 27, indi Fishi y'Uregwa, gikubiyemo icyaha cyihariye Uregwa ashinjwa, kandi cyerekana mu nteruro ngufi ebyiri ibikorwa ashinjwa.
[267] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 38.

kandi izo nyandiko zitwa « Ifishi y'Uregwa ». Muri izo nyandiko, nta n'imwe yerekana ko Uregwa yaba yaraciriwe urubanza cyangwa ngo ahamwe n'icyaha icyo ari cyo cyose mu Rwanda. Kubera iyo mpamvu, Urugereko nta gaciro ruhaye ibyo bimenyetso.

127. Ubwunganizi buvuga ko Munyakazi yari umuyoboke usanzwe wa MRND gusa, nk'abandi Banyarwanda benshi muri icyo gihe. Ntiyigeze aba mu mutwe w'Interahamwe, kandi ni mu gihe kuko Interahamwe zari ishami ry'urubyiruko rw'ishyaka, bityo Munyakazi akaba atari kwemererwa kujya muri uwo mutwe kubera ko yari asheshe akanguhe mu gihe ibivugwa byabaga[268].

128. Urugereko rusanga mu buhamya bwabo, abatangabuhamya batatu bashinjura bemeza ko hari igihe mu Nterahamwe habaga harimo abantu barengeje imyaka 40 y'amavuko. Izo mvugo zabo zituma rushidikanya ku byo Ubwunganizi bwireguza buvuga ko Munyakazi yari ashaje cyane ku buryo atashoboraga kuba mu mutwe w' Interahamwe[269]. Nyamara ariko, abatangabuhamya bose bashinjura bemeza ko Munyakazi atari mu mutwe w'Interahamwe zo mu Bugarama ko kandi atigeze yitabira ibikorwa byazo mu buryo ubwo ari bwo bwose. Mu gihe bamwe mu batangabuhamya bashinjura bavuga ko Tarek Aziz ari we wayoboraga Interahamwe zo mu Bugarama[270], abandi bemeza ko bazi neza ibyo Interahamwe zo mu Bugarama zakoze, bavuga ko batazi abakuru bazo[271]. Hari n'abandi batangabuhamya bashinjura bemeza ko mu karere ka Bugara ibyaha byakozwe n'udutsiko tw'urubyiruko twari twarigize indakoreka[272].

129. Umutangabuhamya ushinjura wiswe NKM avuga ko, nk'umuyoboke w'ishyaka ritavugaga rumwe n'ubutegetsi, yakurikiraniraga hafi ibikorwa by'ishyaka rya MRND

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[268] Imyanzuro nsozarubanza y'Ubwunganizi, igika cya 15; Munyakazi, Inyandikomvugo y'iburanisha,14 Ukwakira 2009, urup.21; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 34; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 3.

[269] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp.52-53; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 15, 16; Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.

[270] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22; Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 61; Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.

[271] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 46-47; Inyandikomvugo y'iburanisha,1 Nzeri 2009, imp. 48-50.; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 27 (iburanisha mu muhezo); *Théobald Gakwaya Rwaka,* Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 8, 28-29.

[272] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 27 (iburanisha mu muhezo).

mu rwego rwa komine[273]. Cyakora, ntiyashoboye kuvuga amazina y'abayoboraga Interahamwe zo mu Bugarama, kandi ntiyigeze abona izo Nterahamwe zikora ibyaha nyuma y'itariki ya 6 Mata 1994[274]. Umutangabuhamya yemeza ko yashyizweho igitugu na Guverinoma yagiyeho nyuma y'intambara kugira ngo atange ubuhamya bw'ikinyoma abeshyera Abahutu bamwe na bamwe. Akimara gutanga ubuhamya mu rukiko Gacaca aho yavuze ko Munyakazi yishe abantu mu Bugarama akanakoresha za mitingi, yahawe akazi ko kuyobora ikigo cy'amashuri yisumbuye kandi yari amaze igihe kirekire ari umushomeri. Yumva rero yaragororewe kubera gutanga ubuhamya bushinja[275.]

130. Umutangabuhamya ushinjura wiswe NRB, wari umuyoboke wa MRND, avuga ko atari Interahamwe bityo akaba adashobora kumenya uwayoboraga Interahamwe zo mu Bugarama[276]. Abatangabuhama biswe YMC na YMS nabo bavuga ko batazi uwayoboraga Interahamwe zo mu Bugarama muri Mata 1994. Umutangabuhamya wiswe ABM avuga ko n'ubwo yari azi ko i Kigali hari Interahamwe, atigeze amenya ko no mu Bugarama zihari[277]. Cyakora, mu ibaza rinyomoza, yemeye ko mu buhamya bwanditse yatanze mbere avuga ko Tarek Aziz yari umuyobozi w'Interahamwe zo mu Bugarama. Mu iburanisha, yasobanuye ko atashoboraga guhamya neza niba Tarek Aziz yarayoboraga Interahamwe cyangwa se niba yari umuyoboke w'uwo mutwe usanzwe gusa ariko ufitemo ijambo. Urugereko rusanga ibyo avuga bidasobanura neza impamvu mu ibaza ry'ibanze avuga ko atazi niba mu Bugarama hari Interahamwe[278]. Abatangabuhamya bashinjura bose ntibashoboye gusobanura ibyerekeranye n'inzego z'ubuyobozi bw'Interahamwe mu Bugarama. Bavuga gusa ko bazi neza ko nta ruhare Munyakazi yagize mu bikorwa byazo. Kubera iyo mpamvu, Urugereko rusanga ibivugwa na NKM, NRB, YMC, YMS na ABM ku ruhare rwa Munyakazi mu mutwe w'Interahamwe atari ibyo kwizerwa.

[273] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 14-15.
[274] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 43.
[275] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 34-37.
[276] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 48.
[277] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.
[278] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 27 (iburanisha mu muhezo).

131. Umutangabuhamya ushinjura wiswe ELB ni Umuhutu kandi yafashwe ku itariki ya 28 Mutarama 1997[279]. Urukiko Gacaca mu Rwanda rwamuciriye urubanza maze rumuhamya icyaha cya jenoside. Umutangabuhamya, Tarek Aziz n'abandi bantu 28, bashinjwaga ubwicanyi bwahitanye Abatutsi ahantu hatandukanye, nk'ubwabereye kuri CIMERWA, i Mibilizi, i Shangi, no mu Bisesero. Avuga ko atigeze yishora mu bikorwa byabereye i Mibilizi, mu Bisesero n'i Shangi ariko akemera ko yari mu gitero cyagabwe kuri CIMERWA[280]. Muri uru rubanza, yemeza ko muri Mata 1994 yari Visi-Perezida w'Interahamwe zo mu Bugarama[281]. Kubera iyo mpamvu, mu bagabo bose batanze ubuhamya muri uru rubanza, ni we washoboraga kumenya neza kurusha abandi ibyo Interahamwe zakoraga n'inzego z'uwo mutwe muri kiriya gihe. Cyakora, Urugereko rusanga ELB ari icyitso cy'Uregwa, ubu akaba arimo kurangiza igihano yakatiwe mu Rwanda kubera ibyaha yemeye ko yakoze mu gihe cya jenoside. Urugereko ruzirikana ko uyu mutangabuhamya ashobora kuba yaratanze ubuhamya agamije gupfobya uruhare rwe mu byabaye muri Mata 1994, bityo rukaba rudaha agaciro kanini ubwo buhamya, uretse igihe bimwe mu byo avuga bifite ubundi buhamya bubishyigikira.

132. Urugereko rwanzura ruvuga ibyinshi mu bivugwa n'abatangabuhamya bashinjura ku miterere y'Interahamwe cyangwa ku tundi dutsiko tw'abagizi ba nabi twakoreraga mu Bugarama muri Mata 1994, bivuguruzanya kandi atari ibyo kwizerwa, bityo bikaba bidatanga amakuru asobanutse ku miterere cyangwa ubuyobozi bw'utwo dutsiko.

[279] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 18.
[280] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 24.
[281] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.

<u>*Umwanzuro*</u>

133. Urugereko rwemera ko Interahamwe zo mu Bugarama zishobora kuba zarahuriye kenshi mu nzu ya Munyakazi i Misufi. Cyakora ntirushobora kwemeza niba zarahahuriraga bitegetswe na Munyakazi cyangwa se na Tarek Aziz wakodeshaga inzu ya Munyakazi. Byongeye kandi, rusanga ubuhamya buvuga ko Munyakazi yari afite abamurinda b'Interahamwe budasobanutse kandi budafatika. Na none, Urugereko ntirushobora kwemeza niba Interahamwe zo mu Bugarama zari zibumbiye mu mutwe ufite imiterere yagenwe kandi ufite inzego z'ubuyobozi zizwi.

134. Cyakora, Urugereko ruributsa ko Inyandiko y'ibirego itavuga ko Munyakazi yari « umuyobozi » w'Interahamwe zo mu Bugarama, ahubwo ivuga ko « hari ubwo yaziyoboraga ». Nk'uko biri busobanurwe mu buryo burambuye hasi, Urugereko runyuzwe n'ibimenyetso byerekana ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 (reba UmutweII.8), n'icyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994 (reba Umutwe II.9). Kubera iyo mpamvu, Urugereko rusanze Porokireri yaragaragaje nta shiti ko mu buryo budakomoka ku mategeko, Uregwa yayoboye Interahamwe zo mu Bugarama zagabye igitero kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, no kuri Paruwasi ya Mibilizi ku ya 30 Mata1994.

4. GUSHAKA ABANTU BO KWINJIZA MU MUTWE W'INTERAHAMWE ZO MU BUGARAMA NO KUBAHA IMYITOZO

135. Mu gika cya 8 cy' Inyandiko y'ibirego, Porokireri avuga ibi bikurikira:

> Hagati y'Ukwakira 1993 na Mata 1994, **Yussuf Munyakazi**, abyumvikanyeho na Ndutiye bahimba Tarek Aziz, Ndereya Mundere, Samuel Rekeraho na Theobald Habineza, yatoranyije Interahamwe zo mu Bugarama azitoza ibya gisirikare no gukoresha imbunda n'izindi ntwaro ku matariki atandukanye, bikorerwa ahantu hanyuranye muri Komine ya Bugarama no mu duce duhana imbibi n'iyo komine. Iyo myitozo yahawe Interahamwe yabereye cyane cyane ku bibuga by'umupira w'amaguru bibiri biri muri Site ya Bugarama no ku kibuga cy'umupira w'amaguru cya CIMERWA, aho hose hakaba ari muri Komine ya Bugarama.

136. Mu gushyigikira ibyo birego, Porokireri yifashishije ubuhamya bwa BWX, BWW na Esidras Musengayire[282].

137. Ubwunganizi buhakana ibyo birego, bukavuga ko ubuhamya bushinja Porokireri ashingiraho buvuguruzwa n'ubw'Uregwa ndetse n'ubw'abagabo biswe NKM, MEBU, MPCC, YCH, ABM, YMC, YMS, MYA na ELB[283].

Ibimenyetso

Umutangabuhamya ushinja wiswe BWX

138. BWX ni Umuhutu wakoreraga hafi cyane y'inzu ya Munyakazi muri Serire ya Misufi, Segiteri ya Bugarama mu mwaka wa 1994[284]. Umutangabuhamya yabonye bwa mbere Munyakazi ari kumwe n'Interahamwe mu mwaka wa 1992 cyangwa uwa 1993 cyangwa hafi y'icyo gihe[285]. Munyakazi yari Perezida w'Interahamwe kandi yagize uruhare mu bikorwa byazo nyuma y'urupfu rwa Perezida Habyarimana[286].

139. Interahamwe zakoreye imyitozo ku kibuga cy'umupira w'amaguru cyari ku ibarabara rya cumi, mu mwaka wa 1992 cyangwa uwa 1993[287]. Umutangabuhamya yabaga hafi y'aho hantu bityo akaba yarashoboye kubona Interahamwe zihakorera imyitozo. Avuga ko agereranyije, iyo myitozo yitabirwaga n'abantu bagera ku 10[288] kandi batozwaga na Tarek Aziz wabaga mu nzu ya Munyakazi. Byari bizwi na bose ko Interahamwe zakoraga imyitozo kandi buri wese yashoboraga kuzibona ziyikora[289]. Umutangabuhamya ntiyashoboye kuvuga inshuro iyo myitozo yabaye, cyangwa amatariki yabereyeho[290]. Munyakazi yajyaga ku kibuga cyaberagaho imyitozo ariko

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[282] Inyandiko y'ibirego, igika cya 8; Imyanzuro nsozarubanza ya Porokireri, ibika 50-55; Inyandikomvugo y'iburanisha, Mutarama 2010, imp. 5 na 7.
[283] Imyanzuro nzozarubanza y'Ubwunganizi, ibika 17-23.
[284] Ikimenyetso gihamya cya Porokireri gifite numero 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 24 Mata 2009, urup.11; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup.35 (iburanisha mu muhezo).
[285] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 18.
[286] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 18, 22, 23-24.
[287] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 18-19.
[288] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 20.
[289] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 19, 20; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 20-21.
[290] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 19.

Umutangabuhamya ntiyashoboye gusobanura icyo Munyakazi yahakoraga[291]. Interahamwe zatangiye kwitwaza imbunda no kuzikoresha mu myitozo mu mwaka wa 1993, ariko Umutangabuhamya ntazi aho izo ntwaro zabikwaga[292].

Umutangabuhamya ushinja wiswe BWW

140. BWW ni Umuhutu wari mu mutwe w'Interahamwe zo mu Bugarama mu mwaka wa 1994. Yaciriwe urubanza kandi ahamywa icyaha cya jenoside yo mu mwaka wa 1994[293]. Yemeza ko mu gukora ibyaha muri Mata 1994 yafatanyije cyane cyane na Munyakazi na Tarek Aziz, wari ucumbitse mu nzu ya Munyakazi kandi anamwungirije[294].

141. Munyakazi yari umuyoboke wa MRND kandi mu mwaka wa 1990 yatangiye gushaka urubyiruko rwo kwinjiza mu mutwe w'Interahamwe[295]. Yagendaga mu modoka irimo indangururamajwi ahamagarira urubyiruko kwinjira mu mutwe w'Interahamwe[296]. Umutangabuhamya yinjiye mu mutwe w'Interahamwe muri Werurwe 1993[297]. Cyakora, mu ibaza rinyomoza, yasobanuye ko, mu by'ukuri, yinjiye mu mutwe w'Interahamwe muri Werurwe 1992[298]. Icyo gihe, intego yari izwi y'Interahamwe yari iyo kurwanirira igihugu[299].

142. Interahamwe zakoraga imyitozo buri munsi mu mwaka wa 1993. Umutangabuhamya n'izindi Nterahamwe bahabwaga imyitozo n'abasirikare n'abajandarume bari mu itsinda ryari rikambitse hafi y'inzu ya Munyakazi. Mu batangaga imyitozo harimo Liyetona Nduwamungu na Tarek Aziz, wabaga mu nzu ya Munyakazi. Imyitozo yaberaga i Kibangira no ku ibarabara rya cyenda[300]. Mu ntangiriro, ababaga bakinjira mu mutwe w'Interahamwe ntibitozaga bakoresheje imbunda nyazo, ahubwo

291 Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 32.
292 Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 21.
293 Ikimenyetso gihamya cya Porokireri gifite numero 12 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 5, 6-7, 9.
294 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 7-8 (iburanisha mu muhezo).
295 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 9 (iburanisha mu muhezo).
296 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 23 (iburanisha mu muhezo).
297 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 9 (iburanisha mu muhezo).
298 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 23-24 (iburanisha mu muhezo).
299 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 11 (iburanisha mu muhezo).
300 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 12, (Inyandikomvugo y'iburanisha iri mu Cyongereza, urup. 24, ivuga ko aho hantu ari ku gasozi ka « Kibaringa », naho iyo mu Gifaransa, urup. 31, ikavuga ko aho hantu ari ku ka « Kibangira »)

bakoreshaga ibiti byababaga byarabajwe bigahabwa isura y'imbunda. Muri Werurwe 1994, ni bwo batangiye kwitoza bakoresheje imbunda nyazo[301], kandi iyo myitozo yaraberaga mu ishyamba rya Nyirandakunze[302].

Umutangabuhamya ushinja witwa Esidras Musengayire

143. Esidras Musengayire ni Umututsi wabaga muri Cité Bugarama, Komine ya Bugarama, Perefegitura ya Cyangugu, muri Mata 1994[303]. Yabaye mu nzu ya Munyakazi kuva mu mwaka wa 1982 kugeza mu wa 1984, kandi muri icyo gihe n'aho amariye kwimukira mu nzu ye, Munyakazi yamufataga nk'umuhungu we[304].

144. Muri Mata 1994, Interahamwe zariho kandi umutangabuhamya yazibonaga ziri kumwe na Munyakazi[305]. Tarek Aziz, wari Interahamwe, yabaga mu cyumba cy'inzu yari mu gipangu kwa Munyakazi[306]. Tarek Aziz yari yarigeze kuba umusirikare kandi yahaga imyitozo Interahamwe zo muri ako gace. Umutangabuhamya ntiyigeze amenya aho imyitozo yakorerwaga[307].

Yussuf Munyakazi

145. Munyakazi yinjiye mu ishyaka rya MRND mu mwaka wa 1992 ariko nta mwanya w'ubuyobozi uzwi yigeze agira muri iryo shyaka, kandi ntiyigeze arishakira abayoboke[308]. Tarek Aziz yari Perezida w'Interahamwe ku rwego rwa komine, akaba yari yungirijwe na Thomas Mugunda[309].

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301 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 23-24 (iburanisha mu muhezo).
302 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 24-25 (iburanisha mu muhezo).
303 Ikimenyetso gihamya cya Porokireri cyahawe nomero 5 (inyandiko y'umwirondoro w'umuntu); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 48.
304 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 51; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 2.
305 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 52.
306 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 15-16.
307 Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 4-5.
308 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 21; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 20-21.
309 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 39-41.

146. Munyakazi ntiyigeze ahabwa imyitozo ya gisirikare kandi ntiyigeze afata imbunda mu ntoki ze[310]. Ntiyigeze amenya ko imyitozo ya gisirikare yaberaga mu ishyamba rya Kibangira cyangwa ku kibuga cy'umupira w'amaguru cyo mu Bugarama. Hagati y'icyo kibuga n'aho Munyakazi yari atuye hari intera igera nko kuri metero 500, bityo iyo imyitozo ya gisirikare iza kuhabera yari kubimenya. Ntiyigeze ajya ku ishyamba rya Nyirandakunze, ryari muri Komine ya Nyakabuye, mu ntera igera ku birometero 35 uvuye mu Bugarama[311].

147. Tarek Aziz yakodeshaga icyumba mu nzu ya Munyakazi, akariha ubukode bwa buri kwezi kimwe n'abandi bakodeshaga[312]. Yatangiye gukodesha icyo cyumba mbere y'uko amashyaka menshi yaduka mu gihugu[313]. Munyakazi ntiyagiraga Tarek Aziz inama kandi nta n'ubwo yamugenzuraga[314]. Tarek Aziz yari umugoronome, akora kuva ku wa mbere kugeza ku wa gatandatu, ndetse hakaba ubwo yakoraga na ninjoro. Kubera iyo mpamvu, Munyakazi yumva Tarek Aziz atarashoboraga kubona umwanya wo guha imyitozo Interahamwe. Interahamwe zateraniraga ku biro bya komine, cyakora Munyakazi ntiyakurikiranaga ibikorwa byazo[315].

148. Munyakazi yakoze iperereza maze amenya ko Tarek Aziz ari we wateye gerenade kuri Esidras Munsegayire wari mu nzu ye [ya Munyakazi] ku itariki ya 7 Mata 1994[316]. Uwo munsi, Munyakazi yasabye Tarek Aziz kumuvira mu nzu, maze Tarek Aziz yimuka uwo munsi bwenda kwira[317].

<u>Umutangabuhamya ushinjura wiswe NKM</u>

149. NKM ni Umuhutu wari umuyoboke w'ishyaka PDI kandi akaba yarakoraga muri banki muri Komine ya Bugarama[318]. Avuga ko Munyakazi yari umukiriya w'iyo banki[319]. Hari ikibuga cy'umupira w'amaguru ku rya cumi muri Komine ya

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[310] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 23.
[311] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 30.
[312] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 16.
[313] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 23.
[314] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 41.
[315] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 17, 23.
[316] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 40.
[317] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 41.
[318] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 5, 7-8, 38 (iburanisha mu muhezo).
[319] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 8, 9 (iburanisha mu muhezo).

Bugarama, ariko Umutangabuhamya ntiyigeze abona urubyiruko rwa MRND ruhakorera ibintu bidasanzwe cyangwa se imyitozo ya gisirikare hagati y'umwaka wa 1993 n'itariki ya 6 Mata 1994, yewe nta n'umuntu yigeze abyumvana[320]. Tarek Aziz yakodeshaga imwe mu mazu ya Munyakazi[321]. Hagati ya Mata na Nyakanga 1994, Umutangabuhamya ntiyigeze abona Tarek Aziz akoranyiriza urubyiruko aho yari acumbitse, yewe nta n'umuntu yigeze abyumvana[322]. Nta mubano udasanzwe wari hagati ya Tarek Aziz na Munyakazi[323].

Umutangabuhamya ushinjura wiswe MEBU

150. MEBU ni Umuhutu wari utuye muri Segiteri ya Bugarama mu mwaka wa 1994[324]. Ahura bwa mbere na Munyakazi, uyu mutangabuhamya yari afite imyaka 10 y'amavuko[325]. Avuga ko nta myitozo ya gisirikare yigeze ikorerwa mu Bugarama[326].

Umutangabuhamya ushinjura wiswe MPCC

151. MPCC ni Umututsi wabaga muri muri Segiteri ya Ruhoko, Komine ya Gishoma, mu mwaka wa 1994[327] kandi yari umuyoboke w'ishyaka rya MRND muri Komine ya Gishoma[328]. Yahuye bwa mbere na Munyakazi mu ntangiriro y'imyaka ya za mirongo inani, kandi Munyakazi yari umuyoboke w'ishyaka rya MRND[329]. Umuyobozi w'Interahamwe zo mu Bugarama yari Tarek Aziz, ntabwo yari Munyakazi[330] .

152. Urubyiruko rwo mu gace yari atuyemo ntirwigeze ruhabwa imyitozo ya gisirikare mbere yo mu mpera za Gicurasi 1994, ubwo hashyirwagaho imitwe yo kwirengera kw'abaturage muri Perefegitura ya Cyangugu kimwe n'ahandi hose mu gihugu. Iyo

[320] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 22.
[321] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 27, 47.
[322] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 48.
[323] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 27-28.
[324] Ikimenyetso gihamya cy'Ubwunganizi cyahwe nomero 8 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31Kanama 2009, imp. 50, 52, 54 (iburanisha mu muhezo).
[325] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 54.
[326] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 57-58.
[327] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 18 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 44, 46, 57-58 (iburanisha mu muhezo).
[328] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 46, 58 (iburanisha mu muhezo).
[329] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 47-48 (iburanisha mu muhezo).
[330] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 60-61 (iburanisha mu muhezo).

mitwe yari igamije gutera ingabo mu bitugu abasirikare bari ku rugamba. Claudien Singirankabo, umusirikare wari mu kiruhuko cy'izabukuru, ni we watunganyije imitwe yo kwirengera kw'abaturage muri Serire Umutangabuhamya yabagamo[331].

Umutangabuhamya ushinjura wiswe AMB

153. AMB ni Umuhutu wigaga muri kaminuza hanze ya Bugarama mu mwaka wa 1994. Hagati y'Ukwakira 1993 n'itariki ya 6 Mata 1994 yasubiye mu Bugarama inshuro nyinshi[332]. Abagore ba Munyakazi babiri, ari bo Mama Safi na Mama Zainabu, bombi bari baturanye n'iwabo w'umutangabuhamya. Ubwo yabaga ari mu Bugarama, AMB ntiyigeze na rimwe abona Tarek Aziz aha imyitozo urubyiruko. Ku cyumweru, hari igihe yajyaga kureba umupira w'amaguru ku ibarabara rya cumi aho ikibuga cy'umupira w'amaguru cyari kiri, ariko nta na rimwe yigeze abona hakorerwa imyitozo ya gisirikare, yewe nta n'undi muntu yumvise avuga ko byabaye[333]. Tarek Aziz yakodeshaga imwe mu mazu ya Munyakazi, ariko umutangabuhamya ntiyigeze na rimwe abona Tarek Aziz ari kumwe na Munyakazi. Bari bahujwe gusa n'uko Munyakazi yari nyir'inzu Tarek Aziz yakodeshaga[334].

Umutangabuhamya ushinjura wiswe YMC

154. Umutangabuhamya YMC ni Umuhutu, yari umucuruzi mu wa 1994 kandi yabaga muri Selire ya Misufi mu Bugarama. Ubwo Umutangabuhamya yajyaga mu Bugarama gutangira gucuruza mu wa 1985 ni ho yahuye na Munyakazi bwa mbere. Aho uyu mutangabuhamya yacururizaga hari hafi y'aho Munyakazi yacururizaga[335].

155. Ku ibarabara rya cumi hari ikibuga cy'umupira. Umutangabuhamya ntiyabonye abasirikare cyangwa se abantu bitwara gisirikare bahitoreza mbere y'itariki ya 6 Mata 1994. Ntiyanabonye abasirikare cyangwa se abantu bitwara gisirikare bakorera imyitozo mu ishyamba rya Nyirandakuze mbere y'itariki ya 6 Mata 1994, yewe nta

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331 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 51 (iburanisha mu muhezo).
332 Ikimenyetso gihamya cy'Ubwunganizi gifite numero 21 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 1na 3 (iburanisha mu muhezo).
333 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.
334 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.
335 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 22 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 1-2, 3 (Iburanisha mu muhezo).

n'uwo yumvise abivuga. Munyakazi ntiyari ashinzwe imyitozo ya gisirikare y'ishami ry'urubyiruko rwa MRND[336]. Tarek Aziz, wari Interahamwe, yabaga mu nzu ya Munyakazi. Umutangabuhamya ntiyigeze abona Munyakazi na Tarek Aziz hamwe[337].

Umutangabuhamya ushinjura wiswe YMS

156. Umutangabuhamya wiswe YMS ni Umuhutu, akaba yari umucuruzi kandi yabaga muri Segiteri ya Bugarama, Komine ya Bugarama mu wa 1994[338]. Nk'umucuruzi, yari azi Munyakazi mu wa 1994, kandi yamubonaga ajya ku musigiti[339]. Umutangabuhamya ntiyigeze abona Munyakazi ahagarikira imyitozo ya gisirikare aho hantu[340]. Ikibuga cy'umupira cyo mu Bugarama cyari ku ibarabara rya cumi[341].

157. Muri Gicurasi na Kamena 1994, abasore bafite imyaka 15 n'irenzeho, bo mu mashyaka yose, baherwaga imyitozo ku mihanda. Bakoreshaga ibiti babaga babaje ku buryo bisa n'imbunda. Icyo iyo myitozo yari igamije byari ugutegura abo basore kujya gufasha abasirikare. Iyo myitozo yari yarashyizweho na Guverinoma y'inzibacyuho kandi yayoborwaga na Koloneli Singirankabo[342]. Umutangabuhamya ntiyigeze abona Munyakazi ajya muri ibyo bikorwa[343].

158. Tarek Aziz yabaga mu nzu yakodeshaga kwa Munyakazi[344]. Hagati ya 1993 n'itariki ya 6 Mata 1994, Tarek Aziz na Munyakazi ntibakunze kuba bari hamwe kubera ko bakoraga imirimo itandukanye[345]. Tarek Aziz nta ruhare yagize mu gushakira ishyaka abayoboke, nta n'uruhare yagize mu buyobozi bw'ishami ry'urubyiruko rw'ishyaka. Hari abandi bantu bari bashinzwe ishami ry'urubyiruko[346].

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336 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 10.
337 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 7, 23.
338 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 24 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 30-31 (Iburanisha mu muhezo).
339 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 31 (Iburanisha mu muhezo). Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 33.
340 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 38.

341 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 37.
342 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 40.
343 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 40, 53, 59.
344 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 32 (iburanisha mu muhezo).
345 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 33.
346 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 47.

Umutangabuhamya ushinjura wiswe MYA

159. Umutangabuhamya wiswe MYA ni Umuhutu, akaba yaroherejwe gukorera muri Jandarumori yo mu Bugarama kuva muri Werurwe hagati kugeza ku itariki ya 9 Mata 1994, ubwo yajyaga gukorera ku cyicaro gikuru cya Jandarumori y'i Cyangugu. Mbere y'aho yari yaroherejwe gukorera muri Jandarumori yo mu Bugarama inshuro ebyiri : inshuro ya mbere, ni mu mpera z'umwaka wa 1992 ; inshuro ya kabiri ni mu mwaka wa 1993. Buri gihe yamaraga mu Bugarama nk'ukwezi[347]. Intera yari hagati y'inzu ya Munyakazi n'ibiro bya Jandarumori mu Bugarama ni nka metero 300[348].

160. Mu Bugarama hari ibibuga bibiri by'umupira w'amaguru. Kimwe cyari mu mujyi nyirizina naho ikindi cyari ku ruganda rwa CIMERWA. Abajandarume bajyaga ku kibuga cyo mu mujyi gukina umupira buri wa gatanu. Ku yindi minsi, bajyagayo gukora imyitozo. Umutangabuhamya ntiyigeze ajya ku kibuga cyo kuri CIMERWA kandi ntiyigeze amenya ko hari imyitozo yakorerwaga ku kibuga cy'umupira w'amaguru cyo mu Bugarama[349]. Hari ishyamba mu gace ka Kibangira ariko nta kuntu abajandarume baba barahakoreye imyitozo barashisha imbunda kubera ko hari abaturage bari batuye hafi y'iryo shyamba. Iyo haza kubera imyitozo yo gukoresha imbunda, abajandarume bo mu Bugarama baba barumvise urusaku rw'amasasu[350].

161. Mu gihe yari mu Bugarama, ntiyigeze abona abajandarume bakoresha ibiti mu myitozo yabo[351]. Umutangabuhamya ntiyigeze amenya ko hagati y'umwaka wa 1993 na Mata 1994 hari abasore b'abasivili baherewe imyitozo mu Bugarama yo gukoresha intwaro[352].

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347 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 25 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 4-5, 12.
348 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 10.
349 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 8.
350 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 9.
351 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 11.
352 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 9.

Umutangabuhamya ushinjura wiswe ELB

162. Umutangabuhamya wiswe ELB ni Umuhutu, akaba yari Visi-Perezida w'Interahamwe mu rwego rwa Komine. Tarek Aziz ni we wari Perezida[353]. Muri Werurwe 1994, Interahamwe nta myitozo ya gisirikare zakoze. Abarundi, bari baravuye mu gihugu cyabo nyuma y'urupfu rwa Perezida Ndadaye bakaza kuba ku biro bya Komine byari ahantu hitwa Kibanguro ku ibarabara rya kabiri, ni bo bakoraga imyitozo ya gisirikare *[Ndt : Mu nyandikomvugo y'iburanisha iri mu gifaransa, handitse ko abo Barundi babaga muri za burende ku biro bya Komine cyangwa ku ibarabara rya kabiri ahitwa Kibangiro]*. Barirukaga bakava Kibanguro, bagahura n'irindi tsinda ryaturukaga kuri CIMERWA, noneho bose bakerekeza ku ibarabara rya kabiri kugira ngo bahakorere imyitozo ya gisirikare. Abakoraga imyitozo bari abasivili ariko abatoza babo bari abasirikare[354]. Abo Barundi bari bafite aho bahurira n'itsinda rya Jandarumori ryakoreraga mu Bugarama ariko ntaho bari bahuriye na Munyakazi n'Interahamwe. Icyo Interahamwe zari zigamije kwari ugutera inkunga mu bikorwa bya Komine, ntibyari ugutanga imyitozo ya gisirikare[355].

Isesengura ry'Urugereko

Kwinjiza abantu mu mutwe w'Interahamwe

163. Ubuhamya rukumbi buvuga ko Munyakazi yagize uruhare mu kwinjiza abantu mu mutwe w'Interahamwe bwatanzwe n'umutangabuhamya ushinja wiswe BWW, akaba kandi yari icyitso cy'uregwa. Yavuze ko Munyakazi yari umuyoboke w'ishyaka rya MRND, ko ari yo mpamvu yazengurukaga hose muri ako gace ashishikariza urubyiruko kwinjira mu mutwe w'Interahamwe. Yemeje ariko ko Munyakazi yakoze ibi mu wa 1990, kandi ibivugwa mu Nyandiko y'ibirego ntibirebana n'ibyabaye muri uwo mwaka. Porokireri nta bimenyetso kandi yatanze bigaragaza ko Munyakazi yakomeje gukora ibyo kugeza mu gihe kivugwa mu Nyandiko y'ibirego. Ikindi kandi,

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353 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 27 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1-2.

354 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 5-6.

355 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 6.

BWW ntazi neza umwaka we ubwe yinjiriye mu Nterahamwe[356]. Na none, rukurikije ibyo BWW yavuze birebana n'igikorwa cyo kwinjiza abantu mu mutwe w'Interahamwe, Urugereko rusanga icyo gikorwa cyaba cyarakozwe ku mugaragaro kandi kizwi na bose. Bityo rero, abandi batangabuhamya bagombye kuba barashyigikiye ubu buhamya bavuga ku ruhare rwa Munyakazi muri icyo gikorwa.

164. Kubera ibyo, Porokireri ntiyagaragaje ku buryo budashidikanywaho ko Yussuf Munyakazi yinjije abantu mu mutwe w'Interahamwe hagati y'Ukwakira 1993 na Mata 1994.

Imyitozo

165. Abatangabuhamya bashinja biswe BWX na BWW, hamwe na Esdras Musengayire bavuze bose mu buhamya bwabo ko Interahamwe zatorejwe mu Bugarama, ko Tarek Aziz yari umwe mu bazitozaga, kandi ko Tarek Aziz yabaga muri imwe mu nzu za Munyakazi. BWX ni we mutangabuhamya wenyine wavuze ko Munyakazi yabaga ari aho imyitozo yaberaga, bityo akaba ari we mutangabuhamya rukumbi wavuze ko Munyakazi yari afite uruhare mu itozwa ry'Interahamwe.

166. Mu wa 1994, WBX yakoreraga hafi yo kwa Munyakazi mu Misufi, kandi yavuze ko yafatwaga nk'umwe mu bantu bo mu muryango wa Munyakazi. Bityo rero, mu batangabuhamya bashinja, BWX na Esidras Musengayire, wafatwaga nk'umwana Munyakazi yari yaragize uwe, ni bo bari hafi ya Munyakazi kurusha abandi. Nyamara ariko, n'ubwo BWX yari azi ko Tarek Aziz yabaga mu nzu ya Munyakazi, yavuze ko atari azi uburyo Tarek Aziz yayibagamo[357]. Abandi batangabuhamya bose bari bazi Tarek Aziz bemeza ko yakodeshaga kwa Munyakazi.

167. BWX ni we mutangabuhamya ushinja wenyine wavuze ko Munyakazi yabaga ari aho imyitozo yakorerwaga ku kibuga cy'umupira w'amaguru ku ibarabara rya cumi[358]. Urugereko ruremera ko yari atuye hafi y'icyo kibuga cy'umupira, bityo akaba

[356] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 9, 23-24. Umutangabuhamya ushinja wiswe BWW yavuze ko yinjiye mu Nterahamwe muri Werurwe 1993. Mu gihe cy'ibaza rinyomoza yasobanuye ko mu by'ukuri yinjiye mu Nterahamwe muri Werurwe 1992.
[357] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 21-23.
[358] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 18; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 32.

yarashoboraga kumenya ibyahaberaga. Nyamara ariko, uyu mutangabuhamya ntiyashoboye kuvuga amatariki iyo myitozo yabereyeho, cyangwa se ngo agereranye inshuro yakozwe. Uyu mutangabuhamya yemeje ko Interahamwe zatangiye kwitoza n'imbunda mu wa 1993[359]. Ibi ariko binyuranye n'ibyo BWW, wari Interahamwe yo mu Bugarama, yavuze ko Interahamwe zitatangiye kwitoza n'imbunda mbere ya Werurwe 1994. Igice kimwe cy'ubuhamya bwa BWW gishyigikirwa na Esidras Musengayire wavuze ko atigeze abona Interahamwe zifite intwaro mbere y'itariki ya 7 Mata 1994. Kuba uwo mutangabuhamya BWX atarashoboye kwibuka amatariki imyitozo yabereyeho ntibitangaje. Ariko igiteye Urugereko amakenga kurushaho, n'uko atashoboye kuvuga niba izo mbunda yaratangiye kuzibona mbere gato y'ibyabaye muri Mata 1994 cyangwa niba zarakoreshwaga mbere hose mu myitozo y'Interahamwe.

168. Ikindi kandi, BWX yavuze ko atari azi aho izo mbunda zabikwaga. BWW we yavuze ko imbunda zabikwaga mu nzu ya Munyakazi yari iri hafi y'aho BWX yakoreraga. Urugereko rusanga kandi BWX yaravuze ko Interahamwe zakoreshaga imbunda mu myitozo yazo ku kibuga cy'umupira w'amaguru cyari ku ibarabara rya 10, naho BWW akavuga ko imyitozo yakorerwaga mu ishyamba rya Nyirandakunze.

169. Urugereko rusanga BWX yaravuze ko Tarek Aziz ari we watangaga imyitozo, naho BWW akaba yaravuze ko Tarek Aziz yari umwe mu batoza benshi, bamwe muri bo ari abajandarume abandi ari abasirikare. Urugereko rusanze ubuhamya bwa BWX bujyanye n'imyitozo budasobanutse neza kandi ahanini budahuje n'ubuhamya bw'abandi bagabo. Urugereko ruributsa kandi hari umwanzuro rwafashe ruvuga ko ubuhamya bwa BWX atari ubwo kwizerwa igihe cyose.

170. Umutangabuhamya Musengayire na we wari umuntu wa Munyakazi wa hafi, ashyigikira ubuhamya bwa BWX ko Tarek Aziz, wabaga mu nzu ya Munyakazi, yagize uruhare mu guha Interahamwe imyitozo. Nyamara ariko, Musengayire ntacyo yavuze ku ruhare rwa Munyakazi ubwe muri iyo myitozo. Yavuze gusa ko kenshi kwa Munyakazi habaga hari Interahamwe. Urugereko ntirushobora guhera kuri ibyo ngo rwemeze ko Munyakazi yagize uruhare mu gutoza Interahamwe.

[359] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup., 21; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 27, 32.

171. Nk'umwe mu bari mu mutwe w'Interahamwe zo mu Bugarama, BWW yashoboraga kumenya ibirebana n'imyitozo yakorwaga mu Bugarama kurusha abandi batangabuhamya bashinja. Yavuze ko Interahamwe zatozwaga buri munsi mu wa 1993, ko zitigeze zihabwa imbunda mbere ya Werurwe 1994, kandi ko Tarek Aziz yari umwe mu batangaga iyo myitozo. Yanavuze ahantu imyitozo yakorerwaga. N'ubwo BWW ari icyitso cy'Uregwa, Urugereko rusanga ari uwo kwizerwa kuri izi ngingo. BWW ntiyavuze ko Munyakazi yagize uruhare mu myitozo, kandi ntiyanavuze ko Munyakazi yabaga ari aho imyitozo yakorerwaga. Yavuze gusa ko Tarek Aziz yari yungirije Munyakazi, ariko kuri iyi ngingo ubuhamya bwe ntibwari busonabanutse kubera ko atigeze avuga Tarek Aziz mu bitero Munyakazi yayoboye kuri Paruwasi ya Mibilizi n'iya Shangi uyu mutangabuhamya yiyemereye ko yagiyemo.

172. N'iyo Urugereko rwakwemera ubuhamya bwa BWX buvuga ko hari igihe Munyakazi yabaga ari aho imyitozo y'Interahamwe yakorerwaga, rusanga ariko ubu buhamya bwonyine budahagije kugira ngo rube rwabushingiraho rwemeza ko Uregwa yagize uruhare mu itozwa ry'Interahamwe zo mu Bugarama. BWX yavuze ko iyo myitozo yakorwaga ku mugaragaro ku kibuga cy'umupira w'amaguru cyo muri ako gace. Bityo, hashoboraga kuboneka abandi bagabo bashyigikira ubwo buhamya bwe. Kuba Tarek Aziz, wari umutoza w'Interahamwe, yarakodeshaga inzu ya Munyakazi nta cyo byafashaho cyane Urugereko mu gufata umwanzuro ko Munyakazi yagize uruhare mu itozwa ry'Interahamwe.

Umwanzuro w'Urugereko

173. Urugereko rusanze ibimenyetso Porokireri yatanze bidahagije kugaragaza ko Yussuf Munyakazi, abiziranyeho n'abandi bavugwa mu Nyandiko y'ibirego, yashatse abantu bo kwinjiza mu mutwe w'Interahamwe zo mu Bugarama, akabaha imyitozo ya gisirikare kandi akabigisha gukoresha imbunda n'izindi ntwaro, ibyo akaba yarabikoze ku matariki atandukanye n'ahantu hatandukanye muri Komine ya Bugarama no mu duce duhana imbibi n'iyo komine[360].

[360] Inyandiko y'ibirego, igika 8.

5. KUBIKA INTWARO NO KUZIKWIRAKWIZA MU NTERAHAMWE ZO MU BUGARAMA

174. Igika cya 9 cy'Inyandiko y'ibirego kivuga ibi bikurikira :

> Hagati ya Mutarama na Nyakanga 1994, **Yussuf Munyakazi** yahaye Interahamwe zo mu Bugarama imbunda, za gerenade n'izindi ntwaro zakundaga kubikwa iwe muri Cité Bugarama, muri Komine Bugarama[361].

175. Porokireri ashingira ku buhamya bw'abiswe BWW, BWU, BWX na BWR, no ku bwa Esidras Munsengayire.

176. Ubwunganizi buhakana ibivugwa ko Munyakazi yabitse intwaro z'umutwe w'Interahamwe zo mu Bugarama cyangwa se ko yakwirakwije intwaro mu bagize uwo mutwe[362]. Bushingira ku buhamya bw'abiswe NKM, NRB, YMS, AMB, YMC, MYA na ELB, no ku bwa Munyakazi.

Ibimenyetso

<u>Umutangabuhamya ushinja wiswe BWW</u>

177. Umutangabuhamya wiswe BWW ni Umuhutu[363], akaba yaraciriwe urubanza akanakatirwa kubera ko yakoze jenoside mu wa 1994. Yavuze ko yakoranaga cyane cyane na Munyakazi na Athanase Ndutiye, bitaga Tarek Aziz, wabaga mu nzu ya Munyakazi kandi wari wungirije Munyakazi[364].

178. Yavuze ko mu Bugarama hari Interahamwe zirenze 2000, kandi zakoreshaga intwaro zabikwaga kwa Munyakazi. Muri izo ntwaro harimo za Kalashnikov, imbunda zoroheje zishobora kurasa amasasu y'urufaya, imbunda zisanzwe n'amagerenade. Izo ntwaro zatangwaga n'abajandarume n'abasirikare mu maKomine atandukanye. Iyo Interahamwe zakeneraga intwaro zazisabaga Munyakazi[365]. Izo ntwaro zabikwaga mu

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361 Inyandiko y'ibireho, igika 9.
362 Imyanzuro y'Ubwunganizi, ibika 24-33.
363 Ikimenyetso gihamya cya Porokirei cyahawe nº 12 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 6 (iburanisha mu muhezo).
364 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7 (iburanisha mu muhezo)
365 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 13 (iburanisha mu muhezo).

cyumba cya gatatu uturutse ku muryango winjiraga mu nzu ya Munyakazi, kandi icyo cyumba cyapimaga metero eshatu kuri metero eshatu n'igice[366]. Interahamwe zahabwaga imyitozo buri munsi mu wa 1993, zikoresha ibiti byabazwaga ku buryo bisa n'imbunda. Muri Werurwe 1994 ni bwo zatangiye guhabwa imbunda nyazo[367].

Umutangabuhamya ushinja wiswe BWU

179. Umutangabuhamya ushinja wiswe BWU ni Umuhutu, akaba yari umuhinzi mu wa 1994[368] kandi yari umuyoboke w'ishyaka rya CDR[369]. Yarezwe kuba yaragiye mu bwicanyi kuri Paruwasi ya Shangi kandi yaburanye muri *Gacaca* muri Segiteri ya Shangi muri Mutarama 2007. Yemeye ibyaha bikomeye yakoreye kuri paruwasi hanyuma akatirwa igihano cy'igifungo cy'imyaka 10. Nyuma yaho yaje gufungurwa kubera ko icyo gihe yari akimaze afunze by'agateganyo[370].

180. Ku itariki ya 20 Mata 1994, uwo mutangabuhamya yari kuri bariyeri kuri santere ya Bushenge i Shangi, afite intwaro yari yahawe na Gatamobwa wari umuyobozi wa CDR muri ako gace[371]. Munyakazi yageze kuri bariyeri ahagana saa cyenda nyuma ya saa sita, hamwe n'imodoka za Daihatsu zuzuye intwaro[372]. Muri izo ntwaro harimo ibyuma, imipanga, imbunda, ferabeto zisongoye, n'amagerenade. Mu modoka ya Munyakazi harimo intwaro zifite ubugi zirenga 150. Abicanyi batari bafite intwaro mu gihe habaga igitero kuri Paruwasi ya Shangi, bagiye kuzifata ku mamodoka yari aho. Muri icyo gitero, Umutangabuhamya yakoresheje umupanga[373], naho abandi bakoresha imbunda[374].

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366 Inyandikomvugo y'iburanisha. 29 Gicurasi 2009, urup. 31 (iburanisha mu muhezo).
367 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 12, 23-25 (iburanisha mu muhezo).
368 Ikimenyetso gihamya cya Porokireri cyahawe nº 13 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 2.
369 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 6.
370 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 3-5.
371 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 6-7.
372 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 7.
373 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 29.
374 Inayndikomvugo y'iburanisha, 4 Kamena urup. 26.

Umutangabuhamya ushinja wiswe BWX

181. Umutangabuhamya wiswe BWX ni Umuhutu, akaba yarakoreraga hafi yo kwa Munyakazi muri Selire ya Misufi. Uko uwo mutangabuhamya abivuga, yafatwaga nk'umwe mu bantu bo mu muryango wa Munyakazi[375]. Uwo mutangabuhamya akeka ko Interahamwe zatangiye kwitoza mu wa 1992 cyangwa mu wa 1993[376]. Ntazi uwahaye Interahamwe intwaro, ariko yavuze ko mu wa 1993, André Ntagerura na Callixte Nzabonimana bari abategetsi bakuru muri MRND, baje mu Bugarama mu ndege yaguye mu mirima y'umuceri yari izengurutswe n'uruzitiro. Bamaze kuhagera, Munyakazi yahamagaje abaturage mu nama, kandi uwo mutangabuhamya yari ayirimo. Ntagerura ni we wayoboye iyo nama naho Munyakazi yari amwungirije. Ntagerura na Nzabonimana bagize icyo babwira Interahamwe. Nyuma y'iyo nama ni bwo Interahamwe zo mu Bugarama zatangiye kwitoza zikoresheje imbunda. Ni yo mpamvu BWX yaketse ko Ntagerura na Nzabonimana ari bo bari bazanye intwaro icyo gihe. Ntabwo yashoboye kumenya aho izo ntwaro zabikwaga[377].

Umutangabuhamya ushinja witwa Esidras Musengayire

182. Umutangabuhamya Esidras Musengayire ni Umututsi, akaba yarabaga muri *Cité* Bugarama, Komine ya Bugarama, Perefegitura ya Cyangugu mu wa 1994[378]. Uwo mutangabuhamya yavuze ko yabaye mu rugo kwa Munyakazi kuva mu wa 1982 kugeza mu wa 1984, ko kandi Munyakazi yamufataga nk'umuhungu we[379].

183. Musengayire ntiyigeze abona Interahamwe zitwaje imbunda mbere y'itariki ya 7 Mata 1994. Yazibonye zitwaje imigozi (*cordelettes*) ziri muri za mitingi z'ishyaka, kandi zafungaga imihanda mu gihe cy'imyigaragambyo[380]. Musengayire na Tarek Aziz

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[375] Ikimenyetso gihamya cya Porokireri cyahawe nº 6 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 24 Mata 2009, Urup. 12 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 35 (iburanisha mu muhezo).
[376] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 19-20.
[377] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 21; Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 27, 32.
[378] Ikimenyetso gihamya cya Porokireri cyahawe nº 5 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 48.
[379] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 51; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 2.
[380] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 5.

baganiraga bya gicuti ku birebana n'Interahamwe kubera ko Musengayire yinjiraga kwa Munyakazi atishisha kandi ni ho Tarek Azizi yakodeshaga inzu yabagamo. Umunsi umwe mbere y'itariki ya 7 Mata 1994, Musengayire yabonye Tarek Aziz afite masotera yari yambaye ku mukandara, ariko nta kintu kidasanzwe cyabaye uwo munsi[381].

184. Ku itariki ya 7 Mata 1994, Musengayire yatewe n'agatsiko k'Interahamwe zari zitwaje imigozi n'ibyuma. Icyo gihe, uyu mutangabuhamya nta zindi ntwaro yabonye[382]. Ubwo zamujyanaga kwa Munyakazi, yahasanze izindi Nterahamwe eshatu, ariko nta ntwaro yazibonanye. N'ubwo Munyakazi yagerageje kumurengera, Musengayire yateweho gerenade akigera mu nzu kwa Munyakazi. Musengayire ntazi uwateye iyo gerenade uwo ari we. Nyamara ariko, mu manza za Gacaca, Interahamwe imwe yavuze ko iyo gerenade yatewe n'indi Nterahamwe yitwa Zacharia Mario, wari umuhungu wa Munyakazi[383].

Umutangabuhamya ushinja wiswe BWR

185. Umutangabuhamya wiswe BWR ni Umututsi, akaba yarabaga muri Segiteri ya Gitambi, Komine ya Nyakabuye, mu wa 1994.Yakoraga muri kantine ya CIMERWA[384]. Uyu mutangabuhamya yavuze ko yabonaga kenshi Interahamwe, ko kandi zabaga zitwaje imbunda n'inkota. Interahamwe zari zifite umurongo zigenderaho. Zambaraga iniforume kandi zikitwaza amagerenade n'ibyuma, ari yo mpamvu umutangabuhamya yibwira ko Interahamwe zari umutwe ufite inzego z'ubutegetsi[385]. Umutangabuhamya yakekaga ko Munyakazi ari we wayoboraga Interahamwe[386].

[381] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 4-5, 7.
[382] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 4-5, 7.
[383] Inyandikomvugo y'iburanisha, 24 Mata 2007, urup. 4.
[384] Ikimenyetso gihamya cya Porokireri cyahawe n^{o} 2 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 41 (iburanisha mu muhezo), 47.
[385] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 50.
[386] Inyandikomvugo y'ibruranisha, 22 Mata 2009, ipm. 41, 49-50.

Yussuf Munyakazi

186. Munyakazi avuga ko atigeze abika intwaro mu nzu ye n'imwe mu gihe kivugwa mu Nyandiko y'ibirego[387]. Muri icyo gihe kandi nta mbunda yigeze atunga. Nta n'ubwo yari azi gukoresha imbunda, bityo akaba atarashoboraga kuyitwaza[388].

187. Abahinzi bakoraga mu mirima ya Munyakazi bose bakoreshaga amasuka n'imipanga byabo bwite. Munyakazi ntiyigeze abaha cyangwa abagurira ibyo bikoresho[389]. Munyakazi ubwe yari afite isuka n'umupanga, kandi na buri mugore we yari abifite. Byari ibintu bisanzwe ko buri muturage wese agira icyuma mu rugo cyo kubagisha inkoko cyangwa guhata ibitoki n'ibirayi. Ntiyari atunze ishoka, iyo yayikeneraga yayitiraga mu baturanyi[390].

Umutangabuhamya ushinjura wiswe NKM

188. Umutangabuhamya wiswe NKM yari atuye muri Komine ya Bugarama. Yari umuyoboke w'ishyaka rya PDI kandi yakoraga muri banki muri Komine ya Bugarama mu wa 1994[391]. Avuga ko nta ntwaro izo ari zo zose zatanzwe mu Bugarama mbere y'itariki ya 6 Mata 1994. Muri icyo gihe, nta nzu n'imwe yo mu Bugarama yigeze ibikwamo intwaro. Uyu mutangabuhamya ntiyigeze yumva hari umuntu uvuga ko Munyakazi yari abitse intwaro mu nzu ye iyo ari yo yose mu Bugarama[392]. Ntiyigeze abona Munyakazi yitwaje intwaro. Mu mujyi hari abajandarume n'ubwo batari benshi, ariko iyo abantu baza kubona Munyakazi afite intwaro, baba barabigejeje kuri abo bajandarume[393].

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[387] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.
[388] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 48.
[389] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 32.
[390] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 33.
[391] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 6 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 7-8 (iburanisha mu muhezo).
[392] Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 23.
[393] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 30-31.

Umutangabuhamya ushinjura wiswe NRB

189. Umutangabuhamya ushinjura wiswe NRB ni Umuhutu, yabaga muri Komine ya Bugarama kandi yakoraga muri koperative CAVECUVI mu wa 1994[394]. Yari azi André Ntagerura[395]. Imirima y'umuceri yari mu gishanga kandi nta ndege cyangwa kajugujugu yashoboraga kuhagwa. Aho iyo mirima yari iri hitwaga kuri « *Riziculture* ». Intera yari hagati ya CAVECUVI na *Riziculture* yageraga nko kuri metero 10. Iyo indege iza kugwa kuri *Riziculture*, uyu mutangabuhamya aba yarabimenye[396].

Umutangabuhamya ushinjura wiswe YMS

190. Umutangabuhamya ushinjura wiswe YMS ni Umuhutu, yari utuye muri Komine ya Bugarama mu wa 1994 kandi yari umucuruzi[397]. Yabikaga ibicuruzwa bye mu mangazini yakodeshaga kwa Munyakazi[398]. Uyu mutangabuhamya ntiyigeze abona Munyakazi afite imbunda[399]. Hagati y'aho yari atuye no ku mirima y'umuceri aho bavuga ko haguye indege yazanye Ntagerura, hari intera igera nko kuri metero 12. Iyo kajugujugu iza kuhagwa, uyu mutangabuhamya aba yarabimenye[400].

Umutangabuhamya ushinjura wiswe AMB

191. Umutangabuhamya wiswe AMB ni Umuhutu, yavukiye mu Bugarama, ariko mu wa 1994 yari umunyeshuri muri kaminuza ahandi hantu. Yazaga mu Bugarama mu biruhuko[401]. Hagati y'Ukwakira 1993 n'itariki ya 6 Mata 1994, yagiye mu Bugarama inshuro nyinshi, kandi yagumye mu Bugarama mu kwezi kwa Mata 1994 kose[402]. Munyakazi yari umwe mu baturanyi babo wa hafi. Uyu mutangabuhamya ntiyigeze

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394 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 12 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 35, 37.
395 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 40.
396 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 40.
397 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 24 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 1994, imp. 35, 37 (iburanisha mu muhezo).
398 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 31 (iburanisha mu muhezo).
399 Inyandikomvugo y'iburnisha, 14 Nzeri 2009, imp. 39-40.
400 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 39.
401 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 24 (ifishi y'umwirondoto); Inyandikomvugo y'iburanisha, 10 Nzeri, imp. 1, 3, 21-22.
402 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 3 (iburanisha mu muhezo), 10.

yumva bavuga ko Munyakazi yari afite ububiko bw'intwaro mu nzu ye iyo ari yo yose[403].

Umutangabuhamya ushinjura wiswe YMC

192. Umutangabuhamya wiswe YMC ni Umuhutu, mu wa 1994 yari umucuruzi muri Selire ya Misufi mu Bugarama[404]. Avuga ko yahuye na Munyakazi bwa mbere mu wa 1985, kandi yacururizaga hafi y'aho Munyakazi yacururizaga[405]. Munyakazi yasengeraga muri imwe mu nzu ze yari hafi y'urugo rw'uyu mutangabuhamya kandi ni naho yakiriraga abashyitsi[406]. N'ubwo YMC yabaga yikorera imirimo ye, ariko yashoboraga kubona Munyakazi ari iwe[407]. Ntiyigeze abona intwaro cyangwa ngo yumve bavuga ko hari intwaro zari zibitse muri imwe mu mazu ya Munyakazi mbere y'itariki ya 6 Mata 1994. Ntiyigeze abona Munyakazi yitwaje intwaro. Uyu mutangabuhamya yagumye mu Bugarama na nyuma y'itariki ya 6 Mata 1994[408].

Umutangabuhamya ushinjura wiswe MYA

193. Umutangabuhamya wiswe MYA ni Umuhutu, yari umujandarume mu itsinda ryoherejwe gukorera mu Bugarama kuva hagati mu kwezi kwa Werurwe 1994 kugeza ku itariki ya 9 Mata 1994, ubwo yasubizwaga muri Jandarumori nkuru y'i Cyangugu[409]. Inshingano ze mu Bugarama zari izo kurinda umutekano w'abantu n'ibikorwa remezo. Abajandarume bakoreraga ku ruganda rwa CIMERWA, ariko uyu mutangabuhamya yajyaga akora kenshi amarondo muri Cité Bugarama no hafi yayo[410].

194. Abajandarume bo mu Bugarama bari bafite imbunda zo mu bwoko bwa FAL na mitarayeze imwe yari ishinze ku gasozi kugira ngo ibe yakoreshwa mu kurinda umujyi wa Bugarama. Abaliyetona bari bafite za masotera. Mu wa 1993, ntabwo

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403 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.
404 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 22 (inyandiko y'umwirondoro); Inyandikomvugo y'iburasha, 14 Nzeri 2009, imp. 1-2, 3 (iburanisha mu muhezo).
405 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
406 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 6.
407 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 11.
408 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 10, 15.
409 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 25 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 4, 5, 12.
410 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 6.

abajandarume bigeze bumva ko hari imbunda zari mu maboko y'abaturage b'abasivili bo mu Bugarama. Ntibigeze basabwa kujya gusaka imbunda mu basivili[411]. Uyu mutangabuhamya ntiyigeze yumva bavuga ko Munyakazi yari atunze imbunda cyangwa se ko yari abitse imbunda iwe. Imbunda zonyine uyu mutangabuhamya yari azi ni izari zibitse muri Jandarumori[412]. Amaze kuva mu Bugarama ntiyongeye kumenya ibyahabereye[413].

<u>Umutangabuhamya ushinjura wiswe ELB</u>

195. Umutangabuhamya wiswe ELB ni Umuhutu, akaba yarinjiye mu mutwe w'Interahamwe zo mu Bugarama, muri Bugarama, muri Gashyantare 1993. Mu gihe kivugwa mu Nyandiko y'ibirego, yari Visi-Perezida w'Interahamwe mu rwego rwa Komine, naho Athanase Ndutiye, bitaga Tarek Aziz, ari Perezida wazo[414].

196. Mbere y'itariki ya 6 Mata 1994, Interahamwe ntizari zifite imbunda. Munyakazi ntiyari umusirikare kandi nta mbunda yari abitse mu nzu ye. Inzu ye yari hafi ya Jandarumori, bityo akaba atarashoboraga kubika intwaro iwe[415].

197. Mbere y'itariki ya 6 Mata 1994, uyu mutangabuhamya ntiyigeze abona Tarek Aziz afite imbunda. Ariko ku itariki ya 7 Mata 1994, ahagana saa mbiri za mu gitondo, ni bwo bwa mbere yamubonye yitwaje imbunda[416]. Uwo munsi Tarek Aziz yari imbere ya Jandarumori yambaye ishati ya gisirikare. Tarek Aziz yabwiye ELB ko inshuti ye y'umujandarume, yitwa Enoch, ari yo yari yamuhaye iyo shati, imbunda yo mu bwoko bwa Kalashnikov na gerenade ebyiri[417].

[411] Inyandikomvugo y'iburanisha, 15 Nzeri 209, urup. 7.
[412] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 7.
[413] Inyandikomvugo y'iburanisha, 15 Nzeri 2009, urup. 13.
[414] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.
[415] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 7.
[416] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 8.
[417] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 9.

Isesengura ry'Urugereko

198. Ubwunganizi ntibwemera ikirego cya Porokireri kiri mu gika cya 9 cy'Inyandiko y'ibirego, kivuga ko Munyakazi yabitse intwaro mu nzu ye akanaziha Interahamwe zo mu Bugarama, cyangwa ko yakoze kimwe muri ibyo bikorwa byombi.

Kubika intwaro

199. Umutangabuhamya wiswe BWW, akaba yari icyitso cy'uregwa, ni we wenyine ushinja Munyakazi ko yabitse intwaro mu nzu ye. Nk'uko byavuzwe mbere, Urugereko ntirushira amakenga ubuhamya bw'uyu mugabo (reba Umutwe wa II.3). Yavuze ko mu Bugarama hari Interahamwe zirenga 2000, kandi ko zakoreshaga intwaro zari zibitse kwa Munyakazi. Urugereko rusanga uyu mutangabuhamya akunda gukabya ibintu bijyanye n'imibare muri rusange, ku buryo ashobora kuba yarakabije umubare w'Interahamwe zari mu Bugarama. Ikindi kandi, uyu mutangabuhamya ntiyatanze amatariki izo ntwaro zabikiweho cyangwa ngo avuge aho Munyakazi yari yazikuye, n'ubwo yavuze ko Interahamwe zo mu Bugarama zatangiye kwitoza zikoresheje imbunda muri Werurwe 1994.

200. Urugereko rusanze nta wundi mutangabuhamya washyigikiye ubu buhamya bwerekeranye n'ibikwa ry'intwaro kwa Munyakazi. Ahubwo, umutangabuhamya ushinja wiswe BWX wakoreraga hafi yo kwa Munyakazi mu Misufi, kandi washoboraga kuba yarabonye ibyahaberaga, yavuze ko atazi aho Interahamwe zabikaga intwaro zazo. Kubera ahantu BWX yakoreraga, Urugereko rusanga yarashoboraga kubona Interahamwe zinjira nta ntwaro zifite, noneho zigasohoka zizifite. Bityo rero, ubuhamya bwa BWX butuma umuntu ashidikanya ku bwa BWW.

201. Kubera ko nta bindi bimenyetso byatanzwe byo gushyigikira ubuhamya bwa BWW, Urugereko rusanze ibimenyetso bya Porokireri kuri iki kirego bidahagije, bityo rukaba rutari bwirirwe rusesengura ibimenyetso by'Ubwunganizi birebana na cyo.

Guha intwaro Interahamwe zo mu Bugarama

202. Umutangabuhamya wiswe BWX yavuze ko yaketse ko Interahamwe zo mu Bugarama zahawe intwaro igihe André Ntagerura na Callixte Nzabonimana basuraga Bugarama mu wa 1993. Yemeje ko icyo gihe yagiye mu nama Ntagerura yayoboye yungirijwe na Munyakazi. Nyuma y'iyo nama, uyu mutangabuhamya yatangiye kubona Interahamwe zitoza n'imbunda[418].

203. Urugereko rusanze ubuhamya bwa BWX buvuga ko intwaro zaje mu Bugarama nyuma y'uko bariya bagabo bahaje, bushingiye ku bintu byo gushakisha gusa. Yavuze ko iyo nama yabaye mu wa 1993, nyamara BWW, wari mu mutwe w'Interahamwe zo mu Bugarama, yavuze ko Interahamwe zitari zifite intwaro mbere ya Werurwe 1994. Nta wundi mutangabuhamya wavuze kuri urwo ruzinduko rukomeye rw'abo bategetsi mu Bugarama. Abatangabuhamya bashinjura biswe NRB na YMS ahubwo bo bavuze ko urwo ruzinduko rutigeze rubaho, bitewe n'uko nta kajugujugu yashoboraga kugwa muri ako gace ngo babure kubimenya.

204. Umutangabuhamya wiswe BWW yavuze ko Interahamwe zahawe intwaro n'abajandarume n'abasirikare, ariko ntiyasobanuye igihe izo ntwaro zatangiwe. Ubuhamya bwa BWW ku bijyanye n'aho intwaro zaturutse bwashyigikiwe kuri bimwe n'ubwa ELB na we wari mu mutwe w'Interahamwe zo mu Bugarama muri icyo gihe. ELB yasobanuye ko Tarek Aziz yamubwiye ko imbunda n'amagerenade yabikuye muri Jandarumori yo mu Bugarama ku itariki ya 7 Mata 1994[419]. Ibivugwa n'umutangabuhamya ushinja wiswe BWR, by'umwihariko ku birebana n'igihe yaboneyeho Interahamwe zitwaje intwaro, ntibisobanutse neza, bityo ntacyo byafashaho Urugereko mu isesengura ryarwo.

205. N'ubwo BWW na ELB bombi ari abatangabuhamya b'ibyitso by'uregwa, Urugereko rusanga ari bo bashoboraga kumenya aho intwaro bakoreshaga zaturukaga, nyamara ariko nta n'umwe muri bo wavuze ko zaturukaga kwa Munyakazi. Urugereko rusanze

[418] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 21; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 27, 32.
[419] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 8-9.

ibimenyetso byatanzwe bidatuma rushobora kumenya aho intwaro zakoreshwaga n'Interahamwe zo mu Bugarama zabaga zaturutse.

206. Umutangabuhamya wiswe BWU yavuze ko Munyakazi yageze kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, hamwe n'imodoka za Daihatsu ebyiri zari zipakiyemo intwaro. Yongeyeho ko Munyakazi ari we wari uyoboye Interahamwe zo mu Bugarama muri icyo gitero. Nk'uko byavuzwe haruguru (Umutwe wa II.3), BWU ni umutangabuhamya w'icyitso, bityo Urugereko rukaba ubuhamya bwe rutabushira amakenga. Urugereko ntirushobora gushingira ku gikorwa cyo kuba Munyakazi yaratwaye imbunda azijyana kuri Paruwasi ya Shangi, ngo rwemeze ko ari we wazikwirakwizaga mu bantu.

207. Kubera ko ibivugwa na BWX ku bijyanye n'aho intwaro Interahamwe zo mu Bugarama zakoreshaga zaturutse ari ibintu byo gushakisha gusa, kubera kandi ko ubuhamya bwa BWU, umutangabuhamya w'icyitso cy'uregwa, budafite ubundi bubushyigikira, Urugereko rusanze Porokireri ataragaragaje ku buryo budashidikanywaho ko Munyakazi yahaye Interahamwe zo mu Bugarama intwaro.

Umwanzuro w'Urugereko

208. Urugereko rusanze Porokireri ataragaragaje ku buryo budashidikanywaho ko, hagati ya Mutarama na Nyakanga 1994, Munyakazi yahaye Interahamwe zo mu Bugarama intwaro cyangwa se ko yabitse intwaro mu nzu ye iyo ari yo yose.

6. <u>KUGABURIRA ABANTU NO KUBATWARA MU MODOKA</u>

209. Igika cya 10 cy'Inyandiko y'ibirego kivuga ibi bikurikira:

> Hagati ya Mutarama na Nyakanga 1994, **Yussuf Munyakazi**, abiziranyeho na Zacharie bahimba Mariyo, Marcel Sebatware, Casimir Ndorimana, Thomas Mugunda, Ngarukiye na Elias Bakundukuze, yahaye Interahamwe zo mu Bugarama ibiribwa, azitwara cyangwa azikura ahantu hatandukanye havugwa muri iyi nyandiko y'ibirego hakorewe ubwicanyi, cyangwa azorohereza kujyayo cyangwa kuvayo.

210. Ubwunganizi buhakana ibi birego bwifashishije abatangabuhamya ELB, NKM na Albert Lavie. Bunavuga ko Munyakazi atigeze agendana n'abajandarume, abantu

bavuye mu gisirikare, Interahamwe cyangwa abasirikare, ko nta biryo byo kugaburira abo bantu byatekewe mu mazu ye, kandi ko nta bantu nk'abo bigeze bateranira mu nzu ye iyo ari yo yose[420].

Umutangabuhammya ushinja wiswe BWX

211. Umutangabuhamya wiswe BWX ni Umuhutu, mu wa 1994 yakoreraga hafi yo kwa Munyakazi muri Selire ya Misufi, Segiteri ya Bugarama, bityo yashoboraga kubona kenshi ibyaberaga aho hantu[421]. Uyu mutangabuhamya avuga ko Munyakazi yabaga aho iwe[422].

212. Uyu mutangabuhamya yabonaga kenshi Interahamwe zitekera kandi zirira kwa Munyakazi, ariko ntiyari azi uwabaga yaguze ibyo guteka[423]. Ari aho yakoreraga, uyu mutangabuhamya yabonaga Interahamwe zitekera mu gikari kwa Munyakazi[424]. Interahamwe zigera kuri eshanu zatekeraga kwa Munyakazi. Iyo zamaraga guhisha, zagemuraga ibiryo ahantu hose Interahamwe zabaga zashinze ibirindiro. Abatekaga babaga kwa Munyakazi, ariko Interahamwe zitakomokaga mu Bugarama zazaga gusangira n'izo zabaga zitekera mu gikari[425].

213. Munyakazi yari Perezida w'Interahamwe. Interahamwe zahuriraga kwa Munyakazi mbere yo kujya gukora amarorerwa[426]. Uyu mutangabuhamya yamenye ibi kubera ko Interahamwe zagarukaga zigamba ibyo zivuye gukora[427]. Mu minsi no mu byumweru byakurikiye urupfu rwa Perezida Habyarimana, Interahamwe zagendaga mu mamodoka zijya i Mibilizi, i Shangi n'ahandi gukora amarorerwa[428].

Umutangabuhamya ushinja wiswe BWW

[420] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 5-13.
[421] Ikimenyetso gihamya cya Porokireri cyahawe nº 6 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 24 Mata 2009 (iburanisha mu muhezo), urup. 12; Inyandimkomvugo y'iburanisha, 27 Mata 2009, urup. 35 (iburanisha mu muhezo).
[422] Inyandikomvugo y'iburanisha, 27Mata 2009, imp. 34-35, 38 (iburanisha mu muhezo).
[423] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 20.
[424] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 35-36 (iburanisha mu muhezo).
[425] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 37, 39 (iburanisha mu muhezo).
[426] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 16; Inyandikomvugo y'iburanisha, urup. 38 (iburanisha mu muhezo).
[427] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 18, 22-24.
[428] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 23.

214. Umutangabuhamya wiswe BWW ni Umuhutu, akaba yari mu mutwe w'Interahamwe zo mu Bugarama mu wa 1994. Yaraburanishijwe maze ahamwa n'icyaha cyo kuba yarakoze jenoside mu wa 1994[429]. Nk'uko uyu mutangabuhamya abivuga, Munyakazi yabaga muri Selire ya Misufi, muri Segiteri ya Bugarama[430].

215. Uyu mutangabuhamya yamenye umudamu wa Munyakazi witwa Rukiya, kubera ko mu nzu ye ari ho Interahamwe zariraga. Ntizariraga mu mazu yandi ya Munyakazi. Zariraga kwa Rukiya kubera ko ari ho hari igikari, kandi ni naho zateraniraga zivuye gukora ubwicanyi. Iyo nzu yari hafi y'ibiro bya gasutamo[431]. By'umwihariko, Interahamwe zo mu Bugarama zaririye kwa Rukiya zivuye gukora ubwicanyi kuri Paruwasi ya Shangi n'iya Mibilizi[432].

216. Uyu mutangabuhamya yavuze ko Munyakazi yari afite imodoka za Daihatsu ebyiri, imwe y'ubururu n'indi y'umweru[433]. Agereranyije, avuga ko muri Mata 1994 Interahamwe zigera ku 120 zagabye igitero kuri Paruwasi ya Shangi ziri muri izo modoka ebyiri[434]. Nyuma y'icyo gitero, Interahamwe zasubiye mu modoka zari zagiyemo maze zijya kwa Munyakazi aba ari ho zirira[435]. Na none muri Mata 1994, Interahamwe zirenze 120 zitwaje intwaro zagabye igitero kuri Paruwasi ya Mibilizi ziri muri izo modoka ebyiri za Munyakazi[436].

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429 Ikimenyetso gihamya cya Porokireri cyahawe nº 12 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7 (iburanisha mu muhezo).
430 Inyandikomvugo y'iburanisha, urup. 8 (iburanisha mu muhezo).
431 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 10, 19, 28 (iburanisha mu muhezo).
432 Inyandikomvugo y'iburanisha, 27 Gicurasi 2009, imp. 28-29.
433 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 11 (iburanisha mu muhezo).
434 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 18 (iburanisha mu muhezo).
435 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 18-19 (iburanisha mu muhezo).
436 Inyandikimvugo y'iburanisha, 29 Gicurasi 2009, imp. 20-21 (iburanisha mu muhezo).

Umutangabuhamya ushinja wiswe BWQ

217. Umutangabuhamya wiswe BWQ ni Umututsi, akaba yarabaga muri Segiteri ya Shangi muri Mata 1994. Yari umuhinzi, kandi yari n'umuyoboke w'ishyaka rya MRND[437]. Uyu mutangabuhamya n'abagize umuryago we bahungiye kuri Paruwasi ya Shangi ku itariki ya 7 Mata 1994 cyangwa hafi yayo[438]. Ku itariki ya 29 Mata 1994, nyuma ya saa sita hagati ya saa cyenda na saa kumi, Munyakazi yagiye kuri Paruwasi ya Shangi ari mu ikamyoneti ya Daihatsu ari kumwe n'abantu bagera kuri batatu cyangwa bane[439]. Muri iyo Daihatsu harimo abagabye igitero bagera kuri 40[440].

Umutangabuhamya ushinja wiswe BWU

218. Umutangabuhamya wiswe BWU ni Umuhutu, akaba yari umuhinzi mu wa 1994[441]. Ku itariki ya 29 Mata 1994, Munyakazi yanyuze kuri bariyeri yerekeza kuri Paruwasi ya Shangi, hari nko mu masaa cyenda y'amanywa. Munyakazi na Visi-Perezida we bazanye na Daihatsu ebyiri zuzuye intwaro n'Interahamwe zigera kuri 50 cyangwa 60. Munyakazi yari muri Daihatsu ya mbere yari ifite ibara ry'icyatsi kibisi. Visi-Perezida wa Munyakazi n'irindi tsinda rya kabiri ry'Interahamwe bari muri Daihatsu ya kabiri yari ifite ibara ry'ikigina. Uyu mutangabuhamya ntiyabonye Munyakazi atwaye imwe muri izo modoka, kandi ntiyamenye nyirazo[442].

219. Umutangabuhamya BWU yari kuri bariyeri igihe Munyakzi yahageraga ayoboza inzira ijya kuri Paruwasi ya Shangi. Uyu mutangabuhamya yamweretse inzira kandi yajyanye n'abari bagabye igitero. Imodoka zahavuye zigenda buhoro cyane, bamwe mu bari bagabye igitero bazigenda inyuma bagana kuri paruwasi[443].

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437 Ikimenyetso gihamya cya Porokireri cyahawe nº 1 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 10, 18-19 (iburanisha mu muhezo).
438 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 12, 21.
439 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 13.
440 Inyandikomvugo y'iburanisha, 22 Mata 2009, Imp. 14, 28-29.
441 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 13 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 2.
442 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 27-28.
443 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 6-7, 32.

220. Barangije igitero cyo kuri Paruwasi ya Shangi, umugabo witwa Gatamobwa wari umuyobozi w'ishyaka rya CDR, yahaye amafaranga Visi-Perezida wa Munyakazi kugira ngo asengerere abagabye igitero batashye[444].

Umutangabuhamya ushinja wiswe MP

221. Umutangabuhamya wiswe MP ni Umuhutu, akaba yari kuri Paruwasi ya Mibilizi igihe hagabwaga igitero ku itariki ya 30 Mata 1994[445]. Munyakazi yageze kuri paruwasi hagati ya saa kumi na saa kumi n'imwe z'igicamunsi, ari kumwe n'agatsiko k'Interahamwe muri Daihatsu ebyiri. Kubera ubwoba, uyu mutangabuhamya yahungiye ku bajandarume. Anyujije amaso mu kadirishya gato kari mu biro by'abajandarume, uyu mutangabuhamya yashoboye kubona imodoka ziza. Zahagaze nko muri metero 200 z'aho umutangabuhamya yari ari[446].

Umutangabuhamya ushinja wiswe MM

222. Umutangabuhamya wiswe MM ni Umututsi, akaba yari kuri Paruwasi ya Mibilizi igihe hagabwaga igitero ku itariki ya 30 Mata 1994[447]. Icyo gitero cyari kiyobowe na Munyakazi wazanye n'Interahamwe nyinshi, zari ziturutse mu Bugarama muri kamyoneti ebyiri za Daihatsu[448].

223. Asubiza ibibazo binyomoza, umutangabuhamya yasobanuye ko atabonye izo modoka uwo munsi, ahubwo ko ari undi muntu wamubwiriye kuri telefoni ko abagabye igitero bari baje mu modoka ebyiri. Kubera ko uyu mutangabuhamya yari yabwiwe ko izo modoka zari zuzuye, yatekereje ko zagombaga kuba zirimo abagabye igitero bari hagati ya 80 na 100. Ikindi kandi, uyu mutangabuhamya yavuze ko atabonye Munyakazi uwo munsi, ko ahubwo wa muntu wari watelefonnye aburira ko igitero kije, ari we wamubwiye ko uwari ukiyoboye yari Munyakazi, kandi n'abajandarume

[444] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8-9.
[445] Ikimenyetso gihamya cya Porokireri cyahawe nº 7 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 43-44.
[446] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 46.
[447] Ikimenyetso gihamya cya Porokireri cyahawe nº 9 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 58-59 (iburanisha mu muhezo).
[448] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 61.

bari i Mibilizi bavuganye na Munyakazi ageze kuri paruwasi nabo ni ko bamubwiye[449].

Umutangabuhamya ushinja wiswe LCQ

224. Umutangabuhamya wiswe LCQ ni Umututsi, akaba yarahungiye kuri Paruwasi ya Mibilizi ku itariki ya 8 Mata 1994 cyangwa hafi yayo, ari kumwe n'umugore we n'abaturanyi bagera kuri 20[450]. Ku itariki ya 30 Mata 1994, yabonye imodoka ebyiri zizana abagabye igitero kuri paruwasi[451]. Muri izo Nterahamwe, uyu mutangabuhamya yashoboye kumenyamo Munyakazi na Visi-Perezida we[452]. Munyakazi ni we wari uyoboye abari mu gitero, banakoreye umutangabuhamya ibikorwa by'urugomo[453].

Umutangabuhamya ushinja witwa Esidras Musengayire

225. Umutangabuhamya Esidras Musengayire ni Umututsi[454], Munyakazi akaba yari yaramugize nk'umwana we akiri muto. Uyu mutangabuhamya yavuye kwa Munyakazi agiye kurongora, imyaka igera ku icumi mbere y'uko jenoside iba[455]. Igihe kimwe muri za 90, mbere ya jenoside, Leta y'u Rwanda yahaye Munyakazi indishyi y'igice cy'isambu ye yari yimuwemo kubera ibikorwa bifitiye igihugu akamaro, noneho Munyakazi ayo mafaranga ayaguramo ikamyoneti ya Daihatsu ifite ibara ry'ubururu. Munyakazi kandi yari afite imodoka ya *Hilux double cabine,* ariko umutangabuhamya ntiyavuze ibara ryayo[456].

226. Uyu mutangabuhamya yatangiye kubona Interahamwe ahagana mu wa 1993. Hari igihe Interahamwe zagendaga mu modoka ya Komine, ubundi zigakoresha imodoka

[449] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 9.
[450] Ikimenyetso gihamya cya Porokireri cyahawe nº 11 (inyandiko y'umwirondoro); Inyandikomvugoy'iburanisha, 28 Mata 2009, imp. 15-16.
[451] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 20-21.
[452] Inyandikomnvugo y'iburanisha, 28 Mata 2009, urup. 27.
[453] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 34.
[454] Ikimenyetso gihamya cya Porokireri cyahawe nº 5 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 48.
[455] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 2.
[456] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 18-19.

z'umushinga wa Leta wo guhinga umuceri. Muri icyo gihe, ni ukuvuga mu wa 1993, Munyakazi nta modoka yari atunze[457].

Yussuf Munyakazi

227. Mu wa 1994 Munyakazi yari afite amazu ane n'imodoka eshatu[458]. Yari afite n'imodoka ya *Hilux double cabine* ishaje yari yaraguze mu wa 1990 kandi mu wa 1994 yari akiyitunze[459]. Ariko mu wa 1994 iyo modoka ntiyari igikora. Ni yo mpamvu yaguze ikamyoneti ya Daihatsu n'imodoka ya Suzuki, kandi mu wa 1994 zose zaragendaga[460]. Izo modoka zindi uko ari ebyiri yaziguze mu wa 1993, mu mafaranga yishyuwe na Leta kubera igice cy'isambu ye yari yamwimuyemo ishaka kuhakorera ibikorwa bifitiye igihugu akamaro[461]. Muri Mata 1994, izo modoka ntizigeze ziva mu Bugarama[462]. Umuhungu w'imfura wa Munyakazi, Zacharie Mariyo, yigiraga gutwara imodoka kuri Daihatsu ya se[463].

228. Hagati y'itariki ya 7 Mata 1994 na Nyakanga 1994, Munyakazi ntiyari umuyobozi w'Interahamwe zo mu Bugarama kandi ntiyigeze atumiza inama n'imwe y'Interahamwe[464]. Nta nzu ye n'imwe Interahamwe zakoreyemo inama, kandi nta na rimwe mu gihe icyo ari cyo cyose Interahamwe zakoreye mu nzu ye iyo ari yo yose[465]. Nta mugore we wigeze atekera Interahamwe[466].

229. Inzu ya Mama Safi, umwe mu bagore ba Munyakazi, yari ifite igikari. Aho mu gikari ni ho abagore batekeraga[467]. Ubwo umutangabuhamya ushinjura witwa Albert Lavie yahungishirizaga abantu kwa Munyakazi, izo mpunzi zabaga kwa Mama Safi[468].

457 Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 2-3, 7.
458 Inyandikomvugo y'iburanisha , 15 Ukwakira 2009, urup. 13.
459 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 10.
460 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 51.
461 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 10; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 13.
462 Inyandikomvugo y'iburanisa, 14 Ukwakira 2009, urup. 51.
463 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 13.
464 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.
465 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 44.
466 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.
467 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 48.
468 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 48-49.

Impunzi z'abana n'abagore zabaga kwa Mama Safi. Nta mpunzi n'imwe yabaga kwa Munyakazi ku isoko[469].

230. Munyakazi yatandukanye na Mama Rukiya mu wa 1987, bityo mu wa 1994 ntacyo bari bagihuriyeho[470].

Umutangabuhamya ushinjura wiswe NKM

231. Umutangabuhamya wiswe NKM ni Umuhutu. Muri Mata 1994, yari afite umwanya mu buyobozi bw'ishyaka PDI mu rwego rwa Komine ya Bugarama, kandi yari umukozi wa banki[471]. Yajyaga abonana na Munyakazi wari umukiriya usanzwe w'iyo banki[472]. Munyakazi yari atunze imodoka yo mu bwoko bwa Hilux yatwarwaga n'umugabo witwa Zacharie, kandi yayikoreshaga mu by'ubuhinzi. Ntiyigeze abona Munyakazi muri iyo modoka nyuma y'itariki ya 6 Mata 1994, kandi nta n'ubwo yabonye insoresore ziyigenderamo ziva kwa Munyakazi[473]. Munyakazi yari afite abagore babiri, umwe yitwaga Mama Safi undi yitwaga Rukiya. Irindi zina bitaga Rukiya ni Mama Zainabu[474].

Umutangabuhamya ushinjura witwa Albert Lavie

232. Umutangabuhamya witwa Albert Lavie ni Umuhutu, akaba yarabaga muri Komine ya Nyarugenge mu wa 1994[475]. Yari umupolisi wa Komine mu mujyi wa Kigali, kandi yari ashinzwe umutekano wa Konseye wa Segiteri ya Biryogo, ari we Amuri Karekezi, n'abagize umuryango we[476]. Ahagana mu mpera za Gicurasi cyangwa mu

469 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 49.
470 Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 43.
471 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº6 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 7-8 (iburanisha mu muhezo).
472 Inyandikomvugo, 31 Kanama 2009, imp. 8-9.
473 Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 32.
474 Inyandikomvugo y'iburanisha, 31 Kanama 2009, uurp. 20.
475 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 9 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 1-2.
476 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 3.

ntangiriro za Kamena 1994, yahungishirije abagize umuryango wa Karekezi kwa Munyakazi[477].

233. Umutangabuhamya n'umushoferi bamaze kwa Munyakazi nk'amasaha ane, kandi muri icyo gihe barababagaburiye[478]. Umutangabuhamya ntiyabonye hari ibyo kurya biva muri urwo rugo. Ntiyabonye insoresore zinjira mu gipangu kwa Munyakazi cyangwa zigisohokamo[479].

Umutangabuhamya ushinjura wiswe NDB

234. Umutangabuhamya wiswe NDB ni Umuhutu, yabaga mu Bugarama kandi muri Mata 1994 yari umuhinzi[480]. Kuva iwe ujya kwa Munyakazi hari intera igera kuri metero 500[481]. Ntiyigeze abona Munyakazi ari kumwe n'Interahamwe kandi ntiyibwira ko Munyakazi yaba yarazigaburiye ku bushake bwe[482].

Umutangabuhamya ushinjura wiswe AMB

235. Umutangabuhamya wiswe AMB ni Umuhutu, akaba yari umunyeshuri hanze ya Bugarama mu wa 1994[483]. Hagati y'Ukwakira 1993 n'itariki ya 6 Mata 1994, yasubiye iwabo mu Bugarama inshuro nyinshi[484]. Abagore babiri ba Munyakazi, Mama Safi na Mama Zainabu, bombi babaga hafi y'iwabo wa AMB[485]. Munyakazi yari afite imodoka ebyiri zishaje, imwe ari Suzuki indi ari Daihatsu. Umutangabuhamya ntiyigeze abona urubyiruko rwa MRND rukoresha izo modoka, nta n'uwo yigeze abyumvana[486].

[477] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 4-5.
[478] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 6.
[479] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 6-7.
[480] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 10 (ifishi y'umwirondoro); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 12 (iburanisha mu muhezo).
[481] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. Imp. 12, 19.
[482] Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 15.
[483] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 21 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 12 (iburanisha mu muhezo).
[484] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
[485] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 9.
[486] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.

236. Muri Mata 1994, uyu mutangabuhamya yari mu Bugarama. Ntiyigeze abona udutsiko tw'insoresore dukoranira kwa Munyakazi[487]. Ntiyigeze abona Munyakazi ari kumwe na Tarek Aziz cyangwa se abantu bo kumurindira umutekano. Ntiyari azi niba imodoka za Munyakazi zarakoreshwaga mu gutwara insoresore zo mu Bugarama[488].

Umutangabuhamya ushinjura wiswe YMC

237. Umutangabuhamya wiswe YMC ni Umuhutu, akaba yari umucuruzi muri Selire ya Misufi, mu Bugarama, muri Mata 1994[489].

238. Munyakazi yari afite inzu yabagamo, akayakiriramo abashyitsi kandi akanayisengeramo. Ariko yari atunze andi mazu atatu. Intera yari hagati y'inzu ya YMC n'iya Munyakazi yasengeragamo ni nka metero 50[490].

239. Munyakazi yari atunze imodoka eshatu muri Mata 1994 : ijipe ya Suzuki, Hilux *double cabine*, n'ikamyoneti Daihatsu. Iyo kamyoneti Daihatsu yahoze ari iy'umutangabuhamya hanyuma ayigurisha Munyakazi[491], ariko ntiyigeze abona Munyakazi ayitwaye[492]. Ku itariki ya 15 Mata 1994 cyangwa hafi yayo, Munyakazi yatiye uyu mutangabuhamya imodoka ye kugira ngo ashobore gufasha abantu bo mu miryango imwe n'imwe[493].

240. Muri Mata 1994, YMC nta modoka n'imwe ya Munyakazi yabonye itwaye insoresore za MRND. Imodoka y'ikamyoneti yari ishaje cyane ku buryo yapakiraga umuceri gusa, nta kintu kiremereye kurushaho yashoboraga gutwara[494]. Uyu mutangabuhamya ntiyigeze abona insoresore zikoranira kwa Munyakazi ngo zihategurire ingendo zazo. N'ubwo uyu mutangabuhamya yabaga ahugiye mu mirimo ye, yabonaga Munyakazi

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487 Inyamdiomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.
488 Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 11.
489 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 22 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
490 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 4, 6 (iburanisha mu muhezo).
491 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 8-9, 11.
492 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 15.
493 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 12.
494 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 9.

hafi aho[495]. Muri icyo gihe, umutangabuhamya ntiyigeze abona insoresore ziteranira mu nzu iyo ari yo yose y'umugore wa Munyakazi cyangwa se ziharira[496].

Umutangabuhamya ushinjura wiswe YMS

241. Umutangabuhamya wiswe YMS ni Umuhutu, muri Mata 1994 akaba yari atuye muri Segiteri ya Bugarama, muri Komine ya Bugarama. Yari umucuruzi kandi yari atuye nko muri metero 150 uvuye aho yacururizaga[497]. Mu nzu ya Munyakazi nta cyumba cyarimo cyashoboraga gukoreshwa mu gutekera abantu benshi. Ntiyigeze abona Interahamwe zitekera kwa Munyakazi[498].

242. Ntiyigeze abona imodoka za Munyakazi zijyana cyangwa zivana insoresore muri za mitingi[499].

243. Mu wa 1994, Munyakazi nta mugore yari afite witwa Rukiya[500]. Yumvise abantu bavuga ko umugore witwa Mama Rukia yari yarigeze kuba umugore wa Munyakazi, ko ariko yatandukanye na Munyakazi akarongorwa n'undi mugabo, mbere y'uko uyu mutangabuhamya amenyana na Munyakazi mu wa 1975. Umugore wa Munyakazi wa kabiri, wabaga muri imwe mu nzu za Munyakazi hagati ya 1993 n'itariki ya 6 Mata 1994, yitwa Mama Zainabu[501].

Umutangabuhamya ushinjura wiswe ELB

244. Umutangabuhamya wiswe ELB ni Umuhutu, akaba yarinjiye mu mutwe w'Interahamwe zo mu Bugarama muri Gashyantare 1993. Muri Mata 1994, yari Visi-Perezida mu rwego rwa Komine, naho Tarek Aziz akaba Perezida[502].

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495 Inyandikomvugo y'iburanisha, 15 Nzeri 2009, imp. 11-12.
496 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 11.
497 Ikimenyetso gihamya cy'Ubwunganizi cyahawe n^o 24 (inyandiko y'umwirondoro) ; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 30-31, imp. 30-31, 33 (iburanisha mu muhezo).
498 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 41.
499 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 37.
500 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 35.
501 Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 35-36.
502 Ikimenyetso gihamya cy'Ubwunganizi cyahawe n^o 27 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1-2.

245. Mbere ya Mata 1994, Munyakazi yari afite imodoka ya Hilux ishaje ku buryo itagendaga. Yari atunze indi modoka yari yaraguzwe n'abagore be bombi, Mama Safi na Mama Rukiya, ariko yo yari yanditswe kuri Zacharie. Nk'uko uyu mutangabuhamya abivuga, imodoka za Munyakazi ntizigeze zikoreshwa n'Interahamwe zo mu Bugarama kujya muri za mitingi, kubera ko iyo habaga mitingi, Interahamwe zajyagayo ku maguru ziririmba[503].

246. Uyu mutangabuhamya ntiyigeze arira kwa Munyakazi cyangwa se kuri umwe mu bagore be[504]. Nta na rimwe, hagati y'itariki ya 7 Mata n'iya 30 Mata 1994, yabonye Interahamwe zo mu Bugarama zirira muri imwe mu nzu za Munyakazi[505]. Munyakazi yari afite abagore babiri bafatanyije kugura imodoka, umwe yitwaga Mama Safi naho undi akitwa Mama Rukia[506].

Isesengura ry'Urugereko

247. Porokireri arega Munyakazi kuba yaragize uruhare mu bwicanyi bwakorewe kuri Paruwasi ya Nyamasheke, iya Shangi n'iya Mibilizi kubera ko yajyanye Interahamwe mu modoka gukora ibyaha, kandi akazigaburira nyuma y'ubwicanyi.

248. Impande zombi ziremeranya ko Munyakazi yari afite amazu ane. Ariko abatangabuhamya batanze ubuhamya ku bijyanye n'igika cya 10 cy'Inyandiko y'ibirego, kenshi bavuze gusa ko yari afite amazu anyuranye n'abagore banyuranye, nta yandi makuru asobanutse kurushaho batanze. Kubera ibyo, Urugereko ruragerageza gusobanura iki kibazo kirebana n'ingo za Munyakazi. Rushingiye ku bimenyetso byatanzwe, Urugereko rusanze inzu yavuzweho kenshi n'abatangabuhamya ari iyari muri Selire ya Misufi[507]. Yakodeshaga ibyumba byinshi by'iyo nzu. Inzu ya kabiri yari yegeranye na gasutamo hafi y'umupaka w'u Rwanda na Repuburika Iharanira Demokarasi ya Kongo. Munyakazi yavuze ariko ko mu wa

[503] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 8-9, 12, 16-17.
[504] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 14-5 (« Rokia » mu nyandiko y'iburanisha).
[505] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 14-15.
[506] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 8 (« Rokia » mu nyandikomvugo y'iburanisha).
[507] By'umwihariko umutangabuhamya ushinja wiswe BWX, Esidras Musengayire n'uwiswe BWW (uretse igihe yasobanuye ko iyo nzu yari iya Mama Rukiya); abatangabuhamya bashinjura biswe ELB, ABM, YMC naYMS, na Munyakazi.

1994 iyo nzu yari icyubakwa kandi ntawabivuguruje[508]. Nyamara ariko, Urugereko ntirushobora gushingira kuri iyi mvugo yonyine ngo rwemeze ko iyo nzu ya kabiri itashoboraga gukoreshwa. Ikindi kandi, Munyakazi yari afite andi mazu abiri, imwe y'umugore we Mama Safi n'indi y'umugore we wa kabiri.

249. Ku bijyanye n'umwirondoro w'umugore wa kabiri, Munyakazi yavuze ko mu wa 1994 yari afite abagore babiri, umwe yitwa Mama Safi naho undi yitwa Mama Zainabu. Yatandukanye na Mama Rukiya mu wa 1987 kandi ntaho yongeye guhurira na we nyuma y'icyo gihe[509]. Nyamara ariko, Musengayire n'undi mutangabuhamya wiswe BWX, bombi bakaba bashinja Munyakazi kandi bakaba baramwishyikiragaho, bavuze ko Munyakazi yari afite abagore babiri mu wa 1994, umwe yitwa Mama Safi naho undi yitwa Mama Rukiya. Umutangabuhamya wiswe BWW yavuze ko yaririye mu nzu y'umugore wa Munyakazi witwa Mama Rukiya. Umutangabuhamya ushinjura wiswe ELB, akaba yari Visi-Perezida w'Interahamwe, na we yavuze ko mu wa 1994 Mama Rukiya yari umugore wa Munyakazi wa kabiri. Umutangabuhamya wiswe NKM yavuze ko irindi zina bitaga Mama Rukiya ryari Zainabu. Abatangabuhamya bashinjura biswe AMB na YMS ni bo bonyine bashyigikiye ubuhamya bwa Munyakazi buvuga ko umugore we wa kabiri atitwaga Rukiya ko ahubwo yitwaga Zainabu. Urugereko ntirwibwira ko hari ikirego na kimwe gishingiye kuri iki kibazo, bityo ntirwirirwa rugifataho umwanzuro.

250. Munyakazi yavuze ko yabaga mu mazu abiri y'abagore be[510], naho BWX yavuze ko Munyakazi yabaga mu Misufi aho yari afite igipangu cyarimo ibyumba abantu bakodeshaga[511]. Na none, Urugereko rusanze atari ngombwa gufata umwanzuro kuri iki kibazo kuko ntacyo byamara mu rwego rwo gusesengura ibirego Munyakazi ashinjwa.

251. Porokireri avuga ko hari inyandiko za Gacaca zaturutse muri Selire ya Misufi n'iya Muko zikubiyemo ibirego bishinjwa Munyakazi bisa n'ibiri mu Nyandiko

[508] Inyandikomvugo y'iburanisha, 14 Ukwakira, imp. 6, 8-9, 17-18; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 60.
[509] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 3-4.
[510] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 2-4.
[511] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 15, 16; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 35 (iburanisha mu muhezo).

y'ibirego[512]. Nyamara ariko izo nyandiko ni amafishi y'umwirondoro gusa, ntaho zigaragaza na gato ko Munyakazi yaba yaragaburiye Interahamwe zo mu Bugarama cyangwa se ko yazihaye imodoka zo kuzitwara[513]. Ikimenyetso gihamya cya Porokireri gifite nomero 26 cyerekana ahubwo ko Interahamwe zateraniraga iwe zivuye gukora ubwicanyi hirya no hino[514].

252. Urugereko rusanze ibimenyetso byatanzwe na Porokireri bidashyigikira ikirego kivuga ko Munyakazi yakoranye n'abantu bavugwa mu gika cya 10 cy'Inyandiko y'ibirego aha ibyo kurya n'imodoka Interahamwe zo mu Bugarama[515]. Urugereko rugiye gusuzuma niba Munyakazi yaryozwa ku buryo butaziguye, igikorwa cyo kugaburira Interahamwe zo mu Bugarama no kuziha imodoka zo kuzitwara.

<u>Ibiribwa</u>

253. Abatangabuhamya babiri bashinja, ari bo abiswe BWX na BWW, bavuze ko Munyakazi yagize uruhare mu kugaburira Interahamwe. BWX ni we wenyine wavuze ko ibiryo byatangirwaga kwa Munyakazi muri Selire ya Misufi. Abatangabuhamya bashinjura biswe ELB, ABM, YMC na YMS[516] bose bavuze ko abantu babaga muri iyo nzu ari abahakodeshaga. Abatangabuhamya bashinja biswe BWX na BWW, hamwe na Esidras Musengayire bashyigikiye ubu buhamya.

254. BWX, wabaga buri munsi ari hafi yo kwa Munyakazi mu Misufi, avuga ko yafatwaga nk'umuntu wo mu muryango wa Munyakazi. Yemeje ko Interahamwe zigera kuri eshanu zabaga mu gipangu cya Munyakazi zigatekera mu gikari. Yavuze ko zashyiraga ibiryo izindi Nterahamwe aho zabaga ziri ku birindiro byazo hanze. Ikindi kandi, Interahamwe zitakomokaga mu Bugarama zazaga rimwe na rimwe kurira aho

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512 Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 36-7; Imyanzuro nsozarubanza ya Porokireri, ibika 60-61.

513 Ibimenyetso gihamya bya Porokireri byahawe nº 26 na nº 27 (Gacaca, amafishi y'umwirondoro ku birebana na Munyakazi); Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 33, 35-36, 38-39.

514 Ikimenyetso gihamya cya Porokireri cyahawe nº 26, Ifishi y'umwirondoro, ERN 10469036.

515 Inyandikomvugo y'ibirego igika cya 10, Zacharie bahimba Mariyo, Marcel Sebatware, Casimir Ndolimana, Thomas Mugunda, Emmanuel Ngarukiye, Elias Bakundukize.

516 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 35-36 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 3; Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 8, 34; Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 7, 31-32.

batekeraga mu gikari. Uyu mutangabuhamya ntiyasobanuye neza igihe ibi byabereye[517].

255. Umutangabuhamya BWW, ku ruhande rwe, yagize ati : « Ni kwa Rukiya twariraga nyuma y'akazi. Twavugaga ko ari 'akazi' kuko kwica Abatutsi byafatwaga nk'umurimo, kandi kuwukora byaduhaga ishema »[518]. By'umwihariko, yavuze ko Interahamwe zaririye kwa Mama Rukiya nyuma y'igitero cyagabwe kuri Paruwasi ya Shangi n'icyagabwe kuri Paruwasi ya Mibilizi[519]. Yongeyeho ko Mama Rukiya yabaga hafi y'inzu ya gasutamo[520]. Ntiyavuze niba Munyakazi yari ahari ubwo bagaburirwaga, kandi ntiyasobanuye aho Mama Rukiya yakuraga ibyo biryo[521]. Nk'uko byavuzwe haruguru, Urugereko ntirushobora kumenya neza niba imvugo ya Munyakazi ko nta biryo yashoboraga gutanga abinyujije kuri Mama Rukiya kubera ko mu wa 1994 bari batakiri kumwe, ari iyo kwizerwa. Ibyo ari byo byose, Urugereko ruributsa ko rudashira amakenga ubuhamya bwa BWW kubera ko ari icyitso cy'uregwa. Byongeye kandi, rusanga atarigeze avuga ko Munyakazi yagize uruhare rutaziguye mu itangwa ry'ibiryo. Bityo rero, rusanze ubuhamya bw'uyu mugabo buvuga ko Munyakazi yahereye Interahamwe ibiryo kwa Rukiya, bukeneye gushyigikirwa n'ubundi buhamya.

256. Hakurikijwe ibyo umutangabuhamya BWX avuga, ibiryo byatekerwaga mu gikari cyo kwa Munyakazi mu Misufi byagemurirwaga Interahamwe zabaga zishinze ibirindiro hafi aho. Ntiyabonye aho ibyo biryo byajyanwaga, kandi ntiyabajije aho bijyanwa. Uyu mutangabuhamya ntiyavuze aho ashingira avuga ko ibiryo byahabwaga Interahamwe zakoreraga ahandi, bityo rero ibyo azi ku itangwa ry'ibyo biryo bikaba bisa n'aho ari ibintu yitekerereje gusa. Urugereko rusanze kandi uyu mutangabuhamya ataravuze igihe icyo gikorwa cyo guteka cyabereye[522]. Ibimenyetso ntibigaragaza ko ari Munyakazi wari ushinzwe guteka no gutanga ibiryo mu nzu yo

517 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 36, 37.
518 Inyandikomvugo y'iburanisha, 29 Gicurasi, urup. 28 (iburanisha mu muhezo).
519 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 28-29 (iburanisha mu muhezo).
520 Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 10 (iburanisha mu muhezo).
521 Igihe kimwe, uwiswe BWW yatanze ubuhamya bugira buti: « Kwa Yusuf Munyakazi habaga hari ibiryo. Ariko ntibyamubuzaga gusaba ko ibindi biryo bizanwa iwe kugira ngo tubone ibyo turya ». Iyi mvugo ntiyasobanuwe neza. Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 13.
522 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 36-37 (iburanisha mu muhezo).

mu Misufi. Ikindi gishoboka ni uko abantu bakodeshaga aho kwa Munayakazi bari Interahamwe, bashobora kuba barazanaga ibyo biryo noneho bakabihatekera.

257. Umutangabuhamya Esidras Musengayire, Urugereko rwafashe nk'umugabo wo kwizerwa muri rusange, ntiyavuze ko Munyakazi yagaburiye cyangwa yahaye ibiryo Interahamwe. Uwo mutangabuhamya yazaga kwa Munyakazi yisanzuye, bityo yashoboraga kumenya neza ukuntu Munyakazi yabanaga n'Interahamwe. Ariko, Urugereko ruributsa ko uwo mutangabuhamya yakomerekejwe ku itariki ya 7 Mata 1994 akava mu Bugarama, bityo akaba atazi ibyahabereye nyuma y'iyo tariki[523].

258. BWW yavuze ko we na bagenzi be b'Interahamwe baherwaga ibyo kurya kwa Mama Rukiya gusa, hafi ya gasutamo, naho BWX akavuga ko ibiryo byatekerwaga kwa Munyakazi mu Misufi aho abahakodeshaga ibyumba babaga. Ibi ni ukuvuguruzanya gukomeye. Kubera impamvu zavuzwe haruguru, Urugereko ntirwashingira ku buhamya bw'uwo ari we wese muri abo batangabuhamya bombi bwonyine ngo r rwemeze ko Munyakazi yagize uruhare mu kugaburira Interahamwe zo mu Bugarama.

259. Urugereko rusanze ibimenyetso byatanzwe bidahagije kugira ngo rwemeze ko Munyakazi yahaye Interahamwe ibiryo cyangwa ko yagize uruhare mu mugambi rusange wo gukora icyo gikorwa.

<u>Gutwara abantu mu modoka</u>

260. Urugereko rugiye noneho gusuzuma ibimeneytso bivuga ko Munyakazi yahaye Interahamwe imodoka zo kuzitwara zijya mu bitero byahitanye abantu kuri Paruwasi ya Shangi n'iya Mibilizi cyangwa hamwe muri aho hantu hombi, cyangwa se ko yazifashije ku bundi buryo kugera aho hantu. Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Munyakazi yagiye mu gitero cyo kuri Paruwasi ya Nyamasheke (reba Umutwe wa II.7).

[523] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 50.

261. Abatangabuhamya bashinja biswe BWW, BWU, LCQ, MM na MP bose bavuze ko Munyakazi n'Interahamwe zo mu Bugarama bageze ahantu habereye ubwicanyi i Shangi n'i Mibilizi bari mu modoka ebyiri. BWW yavuze ko Munyakazi yari afite imodoka ko kandi ari zo Interahamwe zagiyemo zijya kuri ayo maparuwasi[524]. Umutangauhamya ushinja witwa Esidras Musengayire yavuze ko mbere y'uko agabwaho igitero ku itariki ya 7 Mata 1994, Interahamwe zagendaga mu modoka za Komine n'iz'umushinga wa Leta w'ubuhinzi bw'umuceri[525]. Urugereko ruributsa rukomeje ko Inyandiko y'ibirego itavuga ko Munyakazi yakoresheje imodoka ze mu kujyana Interahamwe ahabereye ubwicanyi, ahubwo ivuga ko « yatwaye cyangwa agafasha » Interahamwe kugera aho hantu habereye ubwicanyi.

262. BWW yavuze ko Interahamwe zigera ku 120, na we azirimo, zagiye ahantu habereye ubwicanyi i Shangi n'i Mibilizi mu modoka za Daihatsu ebyiri za Munyakazi, imwe ikaba yari ifite ibara ryera naho indi ifite iry'ubururu[526]. Urugereko rusanga umutangabuhamya yarakabije umubare w'Interahamwe zajyanywe ahabereye ubwicanyi mu modoka ebyiri. Ariko, ibi byonyine ntibigabanya agaciro k'ubuhamya kubera ko kenshi abatangabuhamya bakunze kwibeshya ku mibare, cyane cyane nyuma y'imyaka 15 ibyo bintu bibaye.

263. Hagiye haba imvugo zitandukanye, n'ubwo ari gato bwose, mu buhamya bwatanzwe ku birebana n'irangi ry'imodoka. BWQ yabonye Munyakazi aza i Shangi muri Daihatsu yera, naho BWU avuga ko yari Daihatsu y'icyatsi kibisi, hari n'indi y'ikigina inyuma yayo. BWW yavuze ko Interehamwe zagiye mu modoka za Daihatsu ebyiri, imwe ifite irangi ry'ubururu n'aho indi ifite iryera. MP na MM bavuze ko Munyakazi yageze kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994 ari muri Daihatsu ebyiri, ariko ubuhamya bwa MM bushingiye ku nkuru mbarirano. LCQ yabonye imodoka ebyiri mu gitero cy'i Mibilizi, imwe muri zo ikaba yari Daihatsu[527]. Urugereko rusanga kuba izi mvugo zigaragara mu buhamya zitandukanye byaratewe n'igihe kirekire gishize ibintu bibaye ndetse n'akaduruvayo kabaga kariho mu gihe cy'igitero.

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[524] Umutangabuhamya Esidras na we yavuze ko Munyakzi yaguze imodoka ya Daihatsu mbere gato ya jenoside.
[525] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 2-3, 7.
[526] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 11, 17, 20-21.
[527] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup.37.

264. Ubwunganizi buvuga ko Porokireri nta bimenyetso yatanze bigaragaza ko Munyakazi yatwaye abagabye igitero kuri Paruwasi ya Shangi, bukongeraho ko abatangabuhamya bashinja biswe BWQ, BWR na BWU bavuze gusa ko Munyakazi yagiye mu modoka irimo Interahamwe bagana kuri Paruwasi ya Shangi[528]. Ubwunganizi buvuga na none ko nta bimenyetso bigaragaza ko Munyakazi yatwaye abagabye igitero kuri Paruwasi ya Mibilizi. Umutangabuhamya ushinja wiswe MM ntiyabonye imodoka igihe zazaga. Abatangabuhamya bashinja biswe MP na LCQ ntibasobanuye nyiri izo modoka uwo ari we cyangwa ngo bavuge niba Munyakazi hari uruhare yagize mu gutanga izo modoka[529].

265. BWX yavuze ko Interahamwe zahuriye kwa Munyakazi zikurira amamodoka yazijyanye aho zakoreye amarorerwa[530]. BWQ na BWR bombi bavuze ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi kandi ko bamubonye aza kuri paruwasi ari kumwe n'Interahamwe mu modoka. MP na LCQ bavuze ko Munyakazi ari we wayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi kandi ko yahazanye n'Interahamwe mu modoka ebyiri. BWW na we yavuze ko Munyakazi yagiye i Shangi n'i Mibilizi ari kumwe n'Interahamwe mu modoka ebyiri kandi ko ari we wari uyoboye ibitero kuri ayo maparuwasi.

266. Urugereko ruremera ko Interahamwe zaje ahantu hakorewe amarorerwa kuri Paruwasi ya Shangi n'iya Mibilizi ziri mu modoka ebyiri kandi ziri kumwe na Munyakazi. Kuba imodoka zari iza Munyakazi cyangwa atari ize ntacyo bivuze. Nk'uko biza gusobanurwa hano hasi ku buryo burambuye, Urugereko rusanga Porokireri yaragaragaje ku buryo budashidikanywaho ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, kandi ko yanayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. Urugereko rucukumbuye ibi bimaze kuvugwa, rubona ko Munyakazi yagize uruhare mu gufasha Interahamwe zo mu Bugarama kubona imodoka zazijyanye ahantu habiri zakoreye amarorerwa.

[528] Imyanzuro nsozarubanza y'Ubwunganizi, igika 74.
[529] Imyanzuro nsozarubanza y'Ubwunganizi, igika 105.
[530] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 22-24 ; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 38 (iburanisha mu muhezo).

Umwanzuro

267. Urugereko rusanze Porokireri ataragaragaje ku buryo budashidikanywaho ko Munyakazi yagaburiye Interahamwe hagati ya Mutarama na Nyakanga 1994. Ariko, rusanze ibimenyetso byatanzwe muri rusange bigaragaza ko Munyakazi yagize uruhare mu gufasha Interahamwe zo mu Bugarama kubona imodoka zo kuzijyana no kuzivana kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994.

7. IGITERO CYAGABWE KURI PARUWASI YA NYAMASHEKE KU ITARIKI YA 16 MATA 1994

268. Igika cya 12 cy'Inyandiko y'ibirego kivuga ibi bikurikira :

> Ku itariki ya 16 Mata 1994 cyangwa ahagana kuri iyo tariki, **Yussuf Munyakazi**, ari kumwe n'Interahamwe zo mu Bugarama, bakoresheje imbunda n'intwaro za gakondo, yateye kandi yica Abasivili b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Nyamasheke, Komine ya Kagano, perefegitura ya Cyangugu. Muri icyo gitero, **Yussuf Munyakazi** yatwaye Interahamwe azijyana kuri Paruwasi ya Nyamasheke kandi we ubwe yarashe ku basivili b'Abatutsi.

269. Porokireri ashingira ku buhamya bwa LAY na BWP[531].

270. Ubwunganizi buvuga ko nta gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994, ibyo bukabishingira ku buhamya bwa Thomas Nahimana, MBRE, YCH, YCC, ELB na Théobald Gakwaya Rwaka. Rushingira kandi no ku myiregurire ya Munyakazi uvuga ko kuri iyo tariki atari aho icyaha cyakorewe igihe cyakorwaga[532].

Ibimenyetso ku birebana n'ibyabereye kuri Paruwasi ya Nyamasheke

Umutangabuhamya ushinja wiswe LAY

[531] Inyandikomvugo y'iburanisha, igika 2; Imyanzuro nsozarubanza ya Porokireri, ibika 64-68, 124-129, 143-146.
[532] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 49-72, 163-167.

271. Umutangabuhamya wiswe LAY ni Umututsi, yakoraga i Nyamasheke kandi yari umuyoboke w'ishyaka PL mu wa 1994[533]. Yari asanzwe azi Munyakazi kubera ko Munyakazi yakundaga guhagarara i Nyamasheke agiye cyangwa avuye muri za mitingi z'ishyaka mu wa 1993. Igihe cyose Munyakazi yanyuraga muri uwo mujyi, habaga ubushyamirane hagati y'amashyaka ya politiki[534].

272. Ku wa gatandatu, ku itariki ya 9 Mata 1994, urugo rw'uyu mutangabuhamya rwaratewe. Yahungiye kuri Paruwasi ya Nyamasheke, noneho umuryango we uza kuhamusanga nyuma. Yasanze izindi mpunzi kuri paruwasi kandi amaze kuhagera izindi zakomeje kuza[535]. Ku itariki ya 13 n'iya 15 Mata 1994, abaturage bo muri Kagano bagabye igitero ku mpunzi zari kuri paruwasi. Ibyo bitero byari biyobowe na superefe n'abandi banyapolitiki b'abayobozi bo muri ako gace. Umuryango wose w'uyu mutangabuhamya wahitanywe n'icyo gitero cyo ku itariki ya 15 Mata 1994[536].

273. Ku itariki ya 16 Mata 1994, uyu mutangabuhamya yari mu kiliziya ahagaze ku rusenge. Ari aho hantu hirengeye, yashoboye kurebera mu idirishya ibyaberaga hanze ya kiliziya. Igitero cyatangiye ahagana saa kumi n'ebyiri n'igice za mu gitondo. Abaturage bo muri Kagano n'Interahamwe ni bo bagabye icyo gitero[537]. N'ubwo nta saha yari yambaye uwo munsi, uyu mutangabuhamya yibwira ko Munyakazi yahageze hagati ya saa tatu na saa ine za mu gitondo, ari kumwe n'agatsiko k'Interahamwe[538]. Uyu mutangabuhamya ntiyashoboraga kumva amagambo Munyakazi yavugaga, ariko yamubonye avugana n'abategetsi bari bageze aho, bamwe muri bo uyu mutangabuhamya yarabavuze[539].

274. Munyakazi amaze kuhagera, abagabye igitero bamennye imiryango ya kiliziya. Uyu mutangabuhamya yumvise ijwi ry'umwe mu bari bagabye igitero risaba abagore n'abana gusohoka mu kiliziya no kutagira ubwoba. Ariko ntiyashoboye kumenya

[533] Ikimenyetso gihamya cya Porokireri cyahawe nº 4 (inyandiko y'umwirondoro)'; Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 22.
[534] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 22-23, 39-40.
[535] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 23-24.
[536] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 25-26.
[537] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 26.
[538] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 26-27.
[539] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 27-28.

uwavuze ayo magambo. Abagore n'abana bagisohoka, bahise bicwa n'abo bari bagabye igitero. Munyakazi yari ahagaze ku muryango wa kiliziya[540].

275. Ubwo, abagabye igitero binjiye mu kiliziya. Umutangabuhamya yari ahagaze nko muri metero 15 cyangwa 20 z'aho Munyakazi yari ari kandi yashoboraga kumubona[541]. Mu kiliziya ni Munyakazi wayoboraga Interahamwe kandi yari yitwaje masotera[542]. N'ubwo uyu mutangabuhamya yari yavuze mbere ko Munyakazi yahaga amabwiriza abagabye igitero[543], nyuma yaje gusobanura ko yumvise amabwiriza atangwa mu gihe yashoboraga kubona Munyakazi akikijwe n'Interahamwe[544]. Igitero cyarakomeje kugeza nka saa munani z'amanywa[545]. Abicanyi babanje gukoresha gerenade n'imbunda, mbere yo gutwika impunzi bakoresheje lisansi[546]. Nyuma yaho biraye mu mpunzi bakoresheje intwaro za gakondo[547]. Byaje kugera aho uyu mutangabuhamya agwa mu mirambo y'impunzi hanyuma ata ubwenge[548].

276. Uyu mutangabuhamya ntiyashoboye kugereranya umubare w'impunzi zaguye muri ibyo bitero bitatu, ariko yavuze ko mu wa 1995 bahambye imirambo y'abantu 45 000 baguye kuri paruwasi[549].

<u>Umutangabuhamya ushinja wiswe BWP</u>

277. Umutangabuhamya wiswe BWP ni Umututsi. Muri Mata 1994 yabaga muri Komine ya Kagano, Perefegitura ya Cyangugu, icyo gihe akaba yari afite imyaka 15 cyangwa 16[550]. Yabonye Munyakzi inshuro ebyiri mu wa 1993 ubwo Munyakazi yanyuraga i Nyamasheke ajya cyangwa avuye muri za mitingi za MRND mu Kirambo[551]. Buri

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540 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 29, 36-37.
541 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 30.
542 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 31.
543 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 30-31.
544 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 45-46.
545 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 31.
546 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 32, 37-38.
547 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 38.
548 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 31-32.
549 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 31, 34-36.
550 Ikimenyetso gihamya cya Porokireri cyahawe nº 3 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 2.
551 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 2, 7.

gihe Munyakazi yarahagararaga kugira ngo avugane n'abaturage, kandi igihe cyose yabaga ashagawe n'abayoboke ba MRND[552].

278. Uyu mutangabuhamya n'abandi bo mu muryango we bahungiye kuri Paruwasi ya Nyamasheke ari ku wa mbere ku itariki ya 11 Mata 1994, kandi barahagumye kugeza ku itariki ya 16 Mata 1994[553].

279. Abaturage bo muri Kagano, bakoresheje intwaro za gakondo, bagabye igitero ku mpunzi zari kuri paruwasi ku itariki ya 13 Mata 1994[554]. Ku itariki ya 15 Mata 1994, abapolisi ba Komine n'abantu bavuye mu gisirikare bifatanyije n'abaturage bo muri Kagano bongera kugaba igitero kuri paruwasi[555]. Impunzi zigera kuri 20 zaguye mu gitero cyo ku itariki ya 13 Mata 1994[556]. Izindi nyinshi zahitanywe n'igitero cyo ku itariki ya 15 Mata ariko uyu mutangabuhamya ntiyashoboye kugereranya umubare wazo[557]. Impunzi zashoboye kurusimbuka zihishe mu kiliziya ziranaharara[558]. Umutangabuhamya avuga ko agereranyije mu kiliziya hari impunzi zigera ku 2 250 ubwo zagabwagaho igitero ku itariki ya 16 Mata 1994[559].

280. Ku itariki ya 16 Mata 1994, igitero cyatangiye saa kumi n'ebyiri za mu gitondo. Mu ntangiriro, impunzi zashoboye gukumira icyo gitero cyari kigizwe n'Abahutu bo muri Komine ya Kagano[560]. Nyuma y'amasaha, impunzi zari ku miryango kandi zashoboraga kubona ibyaberaga kuri santere ya Kabeza, zabwiye izindi mpunzi ko Munyakazi yariho aza agana kuri paruwasi[561].

281. Hashize nk'isaha, ubwo hari nko mu masaa ine za mu gitondo, bumvise urusaku rw'ingoma n'amafirimbi. Icyo gihe, agatsiko k'Interahamwe kari kayobowe na Munyakazi kageze kuri paruwasi[562]. Impunzi zimaze kumva ko abagabye igitero bahageze, zafunze imiryango ya kiliziya zikoresheje intebe. Ariko hashize iminota 20,

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552 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 2, 8, 10.
553 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 3.
554 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 5.
555 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 5.
556 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 5, 11-12.
557 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 6.
558 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 3.
559 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 7.
560 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 3, 12.
561 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 2-3.
562 Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 3-4, 13.

abo bagabye igitero bashoboye kumena iyo miryango. Interahamwe zategetse abagore n'abana gusohoka noneho zirabica[563]. Abicanyi bakoresheje imbunda, intwaro za gakondo n'amagerenade[564]. Icyo gihe uyu mutangabuhamya yari nko muri metero 5 cyangwa 10 z'aho Munyakazi yari ari kandi yashoboye kumubona nko mu gihe cy'iminota 30[565]. Mu bari bagabye igitero uwo munsi harimo uwitwa Pima, wari uyoboye agatsiko k'abagabye igitero kari katurutse muri Gafunzo[566].

282. Munyakazi yari afite masotera kandi ni we muntu wa mbere warashe mu kiliziya ubwo abagore n'abana bari bamaze kwicwa[567]. Izindi Nterahamwe zaramwigannye[568]. Mu gihe yari aryamye munsi y'imirambo, umutangabuhamya yakomeje kumva amasasu na za gerenade[569]. Yumvise lisansi inuka, yumva kandi imirambo isandara[570]. Interahamwe zatangiye kurasa ku mpunzi hashize nk'iminota 40 zigeze kuri paruwasi[571]. Muri uwo mugoroba umutangabuhamya yasohorotse munsi y'imirambo hanyuma ajya kwihisha ku nshuti ye[572].

<u>Yussuf Munyakazi</u>

283. Munyakazi yahakanye ko atigeze ajya mu gitero na kimwe cyagabwe kuri Paruwasi ya Nyamasheke[573]. Mu gitondo cyo ku itariki ya 16 Mata 1994, Munyakazi n'abaturanyi be bari bahugiye mu gushaka uko bahungishiriza Esidras Musengayire muri Repuburuika Iharanira Demokarasi ya Kongo[574]. Baje kwemeza ko André Nyirimbibi ari we wambukana na Esidras, noneho Munyakazi aguma mu Bugarama ategereje kumenya niba urugendo rwabo rwabaye ruhire[575]. Ahagana mu masaa tanu za mu gitondo, André yaragarutse avuga ko urugendo rwagenze neza[576]. Nyuma yaho,

[563] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 4, 6-7.
[564] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 7.
[565] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 4-5.
[566] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 14.
[567] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 4, 13.
[568] Inyandikomvugo y'iburanisha, urup. 13.
[569] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 14.
[570] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 16.
[571] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 4.
[572] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 5; Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 18 (iburanisha mu muhezo).
[573] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 47-49.
[574] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 44.
[575] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 44-45, 47-48.
[576] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 45.

ahagana mu masaa kumi n'imwe z'igicamunsi, Munyakazi yagiye kuri CIMERWA amaze kumva ko uwahoze ari umuturanyi we, Isaaac Burege, yiciwe hafi yaho. Ahageze, yasanze koko Isaac yapfuye, ariko umugore we n'abana be bakiriho. Munyakazi yarabafashe abahungishiriza iwe[577].

Umutangabuhamya ushinjura witwa Thomas Nahimana

284. Umutangabuhamya witwa Thomas Nahimana ni Umuhutu. Mu wa 1999, yari yungirije padiri mukuru wa Paruwasi ya Nyamasheke[578]. Muri kiriya gihe yashoboye kuganira na Padiri Ubald na Padiri Apollinaire, bombi babaga kuri Paruwasi ya Nyamasheke muri Mata 1994. Uyu mutangabuhamya yabonye kandi amakuru ajyanye n'ibyabaye muri Mata 1994 mu gihe yakoreraga Komisiyo ya Kiliziya ishinzwe amahoro, ubumwe n'ubutabera[579]. Padiri Ubald na Padiri Apollinaire babwiye uyu mutangabuhamya ko Pima na bagenzi be ari bo bagabye igitero kuri Paruwasi ya Nyamasheke[580]. Nta na rimwe izina rya Munyakazi ryigeze rivugwa mu bitero byagabwe kuri iyo paruwasi[581].

Umutangabuhamya ushinjura wiswe MBRE

285. Umutangabuhamya wiswe MBRE ni Umuhutu. Mu wa 1994, yari utuye muri Segiteri ya Mukinja kandi yari moniteragiri[582]. Yakoreraga mu biro bya Komine ya Nyamasheke byari kuri santere y'ubucuruzi ya Kabeza, hari metero 500 uvuye kuri Paruwasi ya Nyamasheke, cyangwa urugendo rw'amaguru rw'iminota itanu[583].

286. Ku itariki ya 13 Mata 1994, habaye inama hagati ya burugumesitiri, Musenyeri Thaddée Ntihinyurwa, perefe n'abaturage bashakaga gutera paruwasi. Nyuma y'iyo nama, uyu mutangabuhamya yabonye abantu bose bava ku biro bya Komine uretse

[577] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 48.
[578] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 13 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 4, 5.
[579] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 15-16.
[580] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 16.
[581] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 16.
[582] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 17 (inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 32 (iburanisha mu muhezo).
[583] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 33 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 32, (iburanisha mu muhezo).

musenyeri na burugumesitiri. Umunsi wakurikiyeho musenyeri yavuye aho ariko agenda ajyanye abapadiri bari kuri paruwasi[584].

287. Ku itariki ya 14 Mata 1994, musenyeri amaze kugenda, uyu mutangabuhamya yasubiye iwe mu rugo. Uwo munsi, ahagana mu masaa kumi n'imwe z'igicamunsi, yumvise urusaku rw'amasasu n'ibintu biturika[585]. Ibi byarakomeje ijoro ryose kugeza bukeye ku itariki ya 15 Mata 1994 ahagana mu masaa mbiri cyangwa saa tatu z'ijoro. Nyuma yaje kumenya ko kuri paruwasi hari hagabwe igitero[586].

288. Ku itariki ya 16 Mata 1994, uyu mutangabuhamya yari mu biro bya Komine, na nyuma yaho yari kuri santere ya Kabeza kuva saa moya n'igice za mu gitondo kugeza saa munani z'amanywa. Ntiyumvise cyangwa ngo abone igitero kigabwa kuri paruwasi uwo munsi. Ntiyabonye Munyakazi kuri paruwasi cyangwa ku biro bya Komine kandi ntiyigeze yumva izina rya Munyakazi rivugwa mu gitero icyo ari cyo cyose uwo munsi[587].

Umutangabuhamya ushinjura wiswe YCH

289. YCH ni Umuhutu wabaga muri Serire ya Gakomeye, Segiteri ya Mukinja, muri Komine ya Kagano. Ni umugatorika wo muri Paruwasi ya Nyamasheke[588] kandi muri Mata 1994, yajyaga kuri Paruwasi kabiri mu cyumweru. Yibuka ko ku itariki ya 13 Mata 1994 yagiye kuri Paruwasi gusura inshuti ye yari yahahungiye yitwa Francors Nyiramongi[589]. Uwo munsi, abantu bagerageje kugaba igitero kuri Paruwasi, ariko kirapfuba kubera ko Perefe yahagobotse[590]. Kubera icyo gikorwa cya perefe, umutuzo waragarutse ku buryo uyu mutangabuhamya yashoboye kubonana n'inshuti ye[591].

290. Ku itariki ya 15 Mata 1994, umutangabuhamya yari iwe mu rugo kure cyane ya paruwasi. Hagati ya saa cyenda na saa kumi cyangwa ahagana kuri ayo masaha,

584 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 35.
585 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 35.
586 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 35-36.
587 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 36-37.
588 Ikimenyetso gihamya cy'Ubwunganizi gifite 19 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
589 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 4 (iburanisha mu muhezo).
590 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 6-7.
591 Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 7.

yumvise urusaku rw'amasasu. Nyuma yaho, umutangabuhamya yaje kumva abantu bavuga ko uwo munsi kuri Paruwasi hagabwe igitero kinini[592]. Muri uwo mugoroba, umutangabuhamya yahuriye mu kabari ko muri ako gace n'abantu bari baziranye bahoze ari abasirikare. Abo bantu bigambye ibyo bakoreye kuri Paruwasi, kandi babwira umutangabuhamya ko igitero cyari kiyobowe n'umugabo witwa Pima[593].

291. Bukeye, ku itariki ya 16 Mata 1994, umutangabuhamya yagiye ku biro bya Komine. Ahageze, abapolisi bamubwiye ko bari bagiye kuri paruwasi bagasanga nta muntu warokotse[594]. Abo bapolisi bamubwiye kandi ko abagabye ibitero bari bayobowe n'abitwa Pima, Kodo, Elias, na Rutagengwa. Pima yakomokaga muri Komine ya Gafunzo, mu gihe Kodo na Elias bo bakomokaga muri Komine ya Kagano[595].

292. Ku itariki ya 16 Mata 1994, umutangabuhamya yari ku biro bya komine kuva saa yine za mu gitondo kugeza saa munani z'amanywa. Hagati y'ibiro bya komine na paruwasi hari intera igera kuri metero 500. Ntiyigeze abona Munyakazi cyangwa se imodoka ye kandi nta rusaku rw'amasasu cyangwa se ibindi bintu biturika yigeze yumva[596]. Nta muntu yigeze yumva avuga ko Munyakazi na Pima bagiye kuri paruwasi uwo munsi. Avuga ko ataha, yashoboraga kubona kuri paruwasi, ariko ko nta gitero yigeze abona[597]. Umutangabuhamya avuga ashimangira ko nta mpamvu yari gutuma habaho igitero ku itariki ya 16 Mata 1994 kuko impunzi zose zari zaraye zishwe[598].

<u>Umutangabuhamya ushinjura wiswe YCC</u>

293. YCC ni Umuhutu kandi kuva aho yari atuye muri Mata 1994 kugera kuri santeri y'ubucuruzi ya Kabeza no kuri Paruwasi ya Nyamasheke hari urugendo rw'iminota itanu n'amaguru[599]. Santeri y'ubucuruzi ya Kabeza ni yo yari santeri y'ubucuruzi

[592] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 7.
[593] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 16.
[594] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 7.
[595] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 8.
[596] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 8-9.
[597] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 9-10.
[598] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 8, 10.
[599] Ikimenyetso gihamya cy'Ubwunganizi gifite 20 (Inyandiko y'umwimerere bwite); Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 20 (iburanisha mu muhezo).

ikomeye muri ako gace, bityo abaturage baho bagakunda kuhahurira bagahana amakuru ku mutekano wo muri ako gace[600].

294. Ku itariki ya 15 Mata 1994, umutangabuhamya yagiye kuri santeri y'ubucuruzi ya Kabeza mu gitondo, maze arahaguma kugeza saa kumi n'imwe z'igicamunsi. Umuntu ari kuri iyo santeri, yashoboraga kubona igitero cyagabwe kuri Paruwasi ya Nyamasheke uwo munsi kandi umutangabuhamya avuga ko cyari kiyobowe na Pima. Igitero cyarangiye ahagana saa kumi cyangwa saa kumi n'imwe z'igicamunsi. Cyakora, umutangabuhamya yabonye gusa igitero gitangira kandi kubwe yumva uwo munsi cyari kigizwe n'abantu bagera ku 2 000. Abagabye igitero bazanye na Pima bateraniye kuri santeri y'ubucuruzi mbere yo gukomeza bajya kuri paruwasi[601].

295. Ku itariki ya 16 Mata 1994 mu gitondo, Umutangabuhamya na none yari kuri santere y'ubucuruzi ya Kabeza. Yemeje ko uwo munsi nta gitero yigeze abona kigabwa kuri Paruwasi ya Nyamasheke[602]. Yumva ko nta mpamvu yari gutuma icyo gitero kibaho kubera ko impunzi zose zari zaraye zishwe n'abicanyi bari bayobowe na Pima[603]. N'ubwo umutangabuhamya yari azi Munyakazi[604], ntiyigeze yumva hari uvuga ko Munyakazi yageze i Nyamasheke ku itariki ya 16 Mata 1994[605]. Yahakanye ko Munyakazi yahuriye n'abandi bantu kuri paruwasi bakavugana ibirebana no kugaba igitero uwo munsi[606]. Byongeye kandi, ntacyo yari azi Munyakazi yari ahuriyeho na Pima[607].

Ubuhamya ku gitero cyagabwe ku ruganda rwa sima rwa CIMERWA

<u>Umutangabuhamya ushinja wiswe BWW</u>

296. BWW ni Umuhutu wari mu mutwe w'Interahamwe zo mu Bugarama mu mwaka wa 1994. Urukiko Gacaca mu Rwanda rwamuhamije icyaha cya jenoside yo mu mwaka

[600] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 26.
[601] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 21.
[602] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 23-24.
[603] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 23.
[604] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 21-22.
[605] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, imp. 23-24.
[606] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 24.
[607] Inyandikomvugo y'iburanisha, 8 Nzeri 2009, urup. 26.

1994. Yemeza ko yakoze ibyaha afatanyije cyane cyane na Munyakazi na Tarek Aziz, wabaga mu nzu ya Munyakazi kandi amwungirije[608].

297. Ku itariki ya 16 Mata 1994, umutangabuhamya n'izindi Nterahamwe zo mu Bugarama, bagabye igitero ku ruganda rwa CIMERWA. Muri icyo gitero, Interahamwe zishe Abatutsi, « ibyitso byabo », n'abandi bantu bari bahahungiye[609]. By'umwihariko, yamenye umwe mu bahaguye, akaba yari umuhungu wa Rwamihigo[610]. Ari kumwe n'Interahamwe, umutangabuhamya yagiye mu bitero bitatu birimo icyagabwe kuri CIMERWA. N'ubwo atashoboye kwibuka amatariki y'ibindi bitero bibiri yagiyemo, ahamya ko kuri CIMERWA hagabwe igitero ku itariki ya 16 Mata 1994, kubera ko umuntu w'inshuti ye witwa Samuel Hungurimana yamubwiye iyo tariki, kandi yibuka ko igitero cyabaye ari ku wa gatandatu[611].

<u>Umutangabuhamya ushinjura witwa Théobald Gakwaya Rwaka</u>

298. Théobald Gakwaya Rwaka ni Umuhutu wakoraga mu ruganda rwa sima ari rwo CIMERWA mu Bugarama kuva mu wa 1992 kugera mu wa 1996[612]. Mu mwaka wa 1994, uruganda rwa CIMERWA rwari rufite abakozi bagera kuri 400, hatabariwemo ab'igihe gito[613]. Ubwo yakoraga muri CIMERWA yari na Visi-Perezida w'ishyaka rya Gikirisitu (PDC) ku rwego rw'igihugu, bityo akaba yari azi imiterere y'inzego za polititiki akamenya n'abantu bakomeye muri ako karere[614].

299. Umutangabuhamya ntiyari ku kazi kuri CIMERWA ubwo aho hantu hagabwaga igitero ku wa gatandatu ku itariki ya 16 Mata 1994[615]. Cyakora, yaje kubona ibaruwa y'uwari umukuriye ku kazi imusaba kuza ku biro akagira ibintu arangiza[616]. Ageze kuri CIMERWA ahagana saa munani n'igice z'amanywa, yasanze igitero cyatangiye

[608] Ikimenyetso gihamya cy'Ubwunganizi gifite 27 (Inyandiko y'umwimerere bwite); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-8.
[609] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 14 (iburanisha mu muhezo).
[610] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7 (iburanisha mu muhezo).
[611] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 14-15 (iburanisha mu muhezo).
[612] Ikimenyetso gihamya cy'Ubwunganizi gifite 26 (Inyandiko y'umwimerere bwite); Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 3, 26-28.
[613] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 25.
[614] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 5.
[615] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 18.
[616] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 18-19.

kandi kigikomeza[617]. Umutangabuhamya avuga ko atabonye abagabye ibitero, ariko ko yaje kubwirwa ko bari Interahamwe[618]. Umutangabuhamya yarahunze ava muri ako gace, ariko asubira ku ruganda muri Nyakanga 1994. Agarutse, yakoze raporo yerekanaga ko igitero cyagabwe kuri CIMERWA ku itariki ya 16 Mata 1994 cyahitanye abantu 50, kandi cyagabwe na Tarek Aziz n'Interahamwe[619]. Umutangabuhamya yemeza ko nyuma ya jenoside yakoreye Umuryango utegamiye kuri Leta uharanira uburenganizra bwa muntu, kandi ko atigeze na rimwe yumva hari umuntu ushinja Munyakazi[620].

Umutangabuhamya ushinjura wiswe ELB

300. ELB ni Umuhutu wari Visi-Perezida w'Interahamwe zo mu Bugarama muri Mata 1994[621]. Avuga ko Interahamwe zo mu Bugarama zitigeze zijya mu gitero cyagabwe kuri Paruwasi ya Nyamasheke. Ku itariki ya 16 Mata 1994, umutangabuhamya n'Interahamwe zo mu Bugarama, bagabye igitero ku ruganda rwa sima ari rwo CIMERWA mu Bugarama. Icyo gitero cyatangiye saa mbiri za mu gitondo kirangira uwo munsi ku mugoroba. Kubera iyo mpamvu, Interahamwe zo mu Bugarama ntizashoboraga kujya i Nyamasheke uwo munsi. Interahamwe zakoze urugendo rw'ibirometero umunani n'amaguru kuva muri Cité Bugarama kugera kuri CIMERWA[622].

Isesengura ry'Urugereko

301. Porokireri yahamagaje abatangabuhamya babiri biswe LAY na BWP, ngo agaragaze uruhare rwa Munyakazi mu gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994. Abo batangabuhamya bombi barokotse icyo gitero kandi bahamya ko Munyakazi yari aho hantu. Ubwunganizi bwahamagaje abatangabuhamya batanu maze bose bavuga ko Munyakazi atigeze ajya muri icyo gitero. Umutangabuhamya ushinjura witwa Thomas Nahimana yemeza ko kuri Paruwasi ya Nyamasheke

[617] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 19.
[618] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 20.
[619] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 21-23, 29.
[620] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 17.
[621] Ikimenyetso gihamya cy'Ubwunganizi gifite 27 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1- 2.
[622] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11-12.

hagabwe ibitero ariko ntavuga amatariki byabereyeho. Abatangabuhamya bashinjura biswe MBRE, YCC, na YCH bavuga ko aho hantu nta gitero kigeze kihagabwa ku itariki ya 16 Mata, ko ahubwo cyahagabwe ku itariki ya 15 Mata 1994. Munyakazi avuga ko atagiye muri icyo gitero, ko ahubwo uwo munsi yari arimo gufasha abaturanyi be. Urugereko rurazirikana kandi ubuhamya bwatanzwe ku gitero cyagabwe kuri CIMERWA kubera ko cyabaye ku itariki ya 16 Mata 1994, kandi ubwo buhamya bukaba bwagira akamaro mu kumenya aho Munyakazi yari ari uwo munsi.

302. Abagabo bashinjwa biswe LAY na BWP batanze ubuhamya buvuga bimwe ku gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata. Bombi bemeza ko igitero cya mbere cyabaye ahagana saa kumi n'ebyiri z'umugoroba ariko impuzi zigashobora kugisubiza inyuma; ko hagati ya saa tatu na saa yine za mu gitondo cyangwa ahagana kuri ayo masaha, Munyakazi yahageze ari kumwe n'izindi Nterahamwe maze bakamena inzugi za kiliziya; ko abagore n'abana basohowe mu kiliziya bakicwa; kandi ko nyuma yaho abari mu bitero binjiye mu kiliziya bakica impunzi zari zasigayemo[623]. Ubuhamya bw'abo bagabo bombi burahuza kandi nta kintu gikomeye buvuguruzanyaho[624]. Urugereko rusanga muri rusange, aba batangabuhamya bombi bakwizerwa.

303. Cyakora, Urugereko rusanga mu buhamya bwe, LAY hari ibyo adashaka kuvuga ku birebana n'uko azi BWP. Ubwo yabazwaga, LAY ntiyavuze mu buryo butaziguye niba azi BWP. Perezida w'Inteko amubajije ni bwo bwonyine yavuze ko BWP yari umwe mu baturage b'i Nyamasheke[625]. Urugereko rusanga rudashira amakenga iki kibazo.

304. Abatangabuhamya bashinjura biswe MBRE, YCC, na YCH bose bemeza ko ku itariki ya 16 Mata 1994 nta gitero cyagabwe kuri Paruwasi ya Nyamasheke. N'ubwo nta n'umwe muri abo batangabuhamya wari kuri Paruwasi ya Nyamasheke uwo munsi,

[623] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 3-6, 11-12, 23-27, 29-30.
[624] Inyandikomvugo y'iburanisha, 23 Mata 2009, imp. 3-6, 31. BWP avuga ko Munyakazi yari afite masotera kandi ko ari we warashe bwa mbere mu kiriziya ku mpunzi zarimo. LAY avuga ko Munyakazi yari afite masotera, ko ariko atazi niba yarayikoresheje.
[625] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 44 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 45.

bose uko ari batatu bari batuye kandi bakorera hafi ya paruwasi, ndetse bose bavuga ko, ku itariki ya 16 Mata 1994, bari muri santeri ya Kabeza no hafi yayo. Urugereko rusanga BWP avuga ko umuntu wari ku marembo ya Paruwasi ya Nyamasheke yashoboraga kureba kuri santeri ya Kabeza[626]. Kubera iyo mpamvu, ibyo abo batangabuhamya bashinjura bavuga ko nta gitero cyagabwe aho hantu ku itariki ya 16 Mata ntawabirwanya avuga ko aho bari bari batashoboraga kubona ibibera kuri paruwasi uwo munsi.

305. Umutangabuhamya ushinjura witwa Thomas Nahimana yashimangiye ubuhamya bw'abagabo bashinjura biswe YCC, YCH na MBRE buvuga ko ibitero byagabwe kuri Paruwasi ya Nyamasheke byari biyobowe na Pima[627]. Cyakora, ubuhamya bwe bushingiye ku nkuru mbarirano, kubera ko atari ari muri ako gace igihe ibyo bitero byababaga[628]. Byongeye kandi, ntazi neza amatariki ibyo bitero byagabiweho kuri Paruwasi ya Nyamasheke[629].

306. Urugereko ruributsa ko rwasanze imyiregurire ya sinari mpari ya Munyakazi atari iyo kwizerwa, bityo rukaba rutagira icyo ruyivugaho muri iri sesengura (reba Umutwe wa II.2).

307. Mu kureba niba Munyakazi yaragiye mu gitero cyagabwe kuri Paruwasi ya Nyamasheke, Urugereko ntirugendera gusa ku ngingo zatanzwe na Porokireri n'Ubwunganizi. By'umwihariko, Urugereko rurita ku buhamya bwerekeranye n'igitero cyagabwe kuri CIMERWA ku itariki ya 16 Mata 1994, impamde zombi zitagize icyo zivugaho mu Myanzuro nsozarubanza yazo, ariko rwibande gusa ku bifitanye isano n'igitero cyagabwe kuri Paruwasi ya Nyamasheke. Urugereko rusanga ubuhamya bwatanzwe kuri icyo gitero butajyanye n'ibivugwa n'impande zombi. Cyakora, mu gusuzuma ibimenyetso, Urugereko ntirugendera byanze bikunze ku bivugwa n'impande zombi.

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[626] Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 12. Umutangabuhamya agira ati: "Impunzi zari kuri Paruwasi zari zashyizwe imbere ya kiriziya iruhande rw'imiryango. Zashoboraga rero kubona ibyaberaga kuri santeri ya Kabeza. Izo mpunzi zari aho hantu nizo zatubwiye ko Munyakazi aje…twumvise ibyo bavuga. Iyo umuntu ari imbere ya kiriziya, ashobora kubona ibirimo kubera kuri santeri ya."

[627] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 16.

[628] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 32.

[629] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 32.

308. Abatangabuhamya bashinja n'abashinjura bemeza bose ko Interahamwe zagabye igitero kuri CIMERWA ku itariki ya 16 Mata 1994. Kubera ko nta mpamvu igaragara yari gutuma abo bagabo batanga ubuhamya bw'ubuhimbano, Urugereko runyuzwe n'ibivugwa ko icyo gitero cyagabwe koko ku itariki ya 16 Mata 1994. Urugereko rurasuzuma ingaruka uyu mwanzuro warwo wagira ku isesengura ryarwo ku byabaye bivugwa na Porokireri mu gika cya 12 cy'Inyandiko y'ibirego.

309. Umutangabuhamya ushinjura wiswe ELB yemeza ko yari umwe mu Nterahamwe[630] zagabye igitero kuri CIMERWA ku itariki ya 16 Mata. Avuga ko igitero cyatangiye saa mbiri za mu gitondo kigakomeza kugera ijoro riguye, bityo akaba yumva Interahamwe zo mu Bugarama nta handi zari gushobora kugaba igitero uwo munsi[631]. Cyakora, Urugereko ntirushira amakenga ubuhamya bwe. N'ubwo avuga ko yari Visi-Perezida w'Interahamwe zo mu Bugarama[632], uyu mutangabuhamya yemera gusa ko yagiye mu gitero cyagabwe kuri CIMERWA ku itariki ya 16 Mata 1994[633]. Urugereko rutekereza ko uyu mutangabuhamya ashobora kuba yarashatse gupfobya uruhare rw'Interahamwe zo mu Bugarama muri rusange kugira ngo apfobye urwo yagize mu bintu byabaye muri Perefegitura ya Cyangugu muri Mata 1994.

310. Umutangabuhamya ushinjura witwa Théobald Gakwaya Rwaka yakoraga muri CIMERWA muri Mata 1994[634]. Yabonye igitero cyo ku itariki ya 16 Mata, nyuma yaho aza gukora raporo yerekana ko icyo gitero cyahitanye abantu 50[635]. Umutangabuhamya avuga ko igitero cyabaye ari ku wa gatandatu kandi ko ubwo yageraga kuri CIMERWA saa munani n'igice, yasanze kigikomeza[636]. Yumvise bavuga ko icyo gitero cyagabwe n'Interahamwe ziyobowe na Tarek Aziz[637]. Urugereko rusanga ibyo umutangabuhamya azi ku bantu bagabye icyo gitero bishingiye ku nkuru mbarirano.

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630 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.
631 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp.11-12.
632 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.
633 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp.11-12.
634 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3: Umutangabuhamya avuga ko yakoze muri CIMERWA kuva mu mwaka wa 1992 kugera mu wa 1996.
635 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 19, 28-29.
636 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 19.
637 Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 29.

311. Umutangabuhamya ushinja wiswe BWW yahamwe n'icyaha cya jenoside yo muri Mata 1994[638]. Uyu mutangabuhamya avuga ko muri Mata 1994, we n'Interahamwe zo mu Bugarama bagabye ibitero bitatu: Igitero kimwe cyagabwe ku ruganda rwa CIMERWA ku itariki ya 16 Mata 1994, naho ibindi bibiri byagabwe nyuma, kimwe kuri Paruwasi ya Shangi ikindi kuri Paruwasi ya Mibilizi[639]. Nk'uko uyu mugabo abivuga, Munyakazi ni we wayoboraga Interahamwe zo mu Bugarama[640], kandi yari yungirijwe na Tarek Aziz[641].

312. Hagati ya CIMERWA na santere ya Bugarama hari intera y'ibirometero umunani[642], naho kuva mu Bugarama ujya kuri Paruwasi ya Nyamasheke hakaba intera y'ibirometero bigera kuri 85[643]. Urugereko rusanga ibimenyetso bishinja bitavuga ko Munyakazi yagiye mu gitero cyo kuri Paruwasi ya Nyamasheke, ngo nyuma yaho ajye no mu cyagabwe kuri CIMERWA. Ntihanatanzwe kandi ikimenyetso na kimwe kigaragaza ko Interahamwe zo mu Bugarama zarimo amatsinda abiri cyangwa arenzeho ku buryo itsinda rimwe ryashoboraga kugaba igitero kuri CIMERWA mu gihe irindi ririmo gutera kuri Paruwasi ya Nyamasheke.

313. Urugereko rusanga kandi BWW na ELB bari ibyitso by'Uregwa kandi bemera ko bari mu mutwe w'Interahamwe zo mu Bugarama, bavuga ko bagiye mu gitero cyagabwe kuri CIMERWA. Nta n'umwe muri bo uvuga ko uwo munsi Interahamwe zo mu Bugarama zagabye ikindi gitero kuri Paruwasi ya Nyamasheke. Porokireri avuga ko Munyakazi yakoranaga n'Interahamwe, kandi nk'uko biri busobanurwe, yerekanye ko Uregwa yafatanyije na zo kuri Paruwasi ya Shangi no kuri Paruwasi ya Mibilizi. Cyakora, Porokireri ntiyashoboye kwerekana neza impamvu Munyakazi yari kureka iyo mikorere ku birebana n'igitero cyagabwe i Nyamasheke.

[638] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 6 (iburanisha mu muhezo).
[639] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 14-15 (iburanisha mu muhezo): Hari urujijo mu buhamya ku byerekeranye n'ukuntu ibintu byakurikiranye. Umutangabuhamya avuga ko Paruwasi ya Shangi niyo ya mbere Interahamwe zo mu Bugarama zateye bwa mbere mu mpera za Mata. Nyuma avuga ko igitero cyo kuri CIMERWA cyagabwe ku itariki ya 16 Mata, maze akongeraho ko ibitero byagabwe kuri Paruwasi ya Shangi n'iya Mibilizi byabaye mu mpera z'uko kwezi.
[640] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 16 (iburanisha mu muhezo).
[641] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 7 (iburanisha mu muhezo).
[642] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
[643] Umutangabuhamya ushinja wiswe MM, Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 3; Munyakazi, Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup.33. Avuga ko intera iri hagati y'agace yari atuyemo n'i Nyamasheke hari intera iri hagati y'ibirometero 80 na 90.

314. Ibi bituma umuntu yibaza ibibazo bibiri bikurikira: 1) Ni iyihe mpamvu Munyakazi yari kujya mu gitero cyagabwe kuri Paruwasi ya Nyamasheke, kandi hari kure yo mu Bugarama, mu gihe Interahamwe zo mu Bugarama zagabaga igitero kuri CIMERWA yegeranye cyane na Bugarama?; 2) Munyakazi yaba yarafatanyije na nde kugaba igitero kuri Paruwasi ya Nyamasheke, kuko bigaragara ko uwo munsi zimwe mu Nterahamwe zo mu Bugarama cyangwa zose, zari mu gitero cyagabwe kuri CIMERWA?

315. N'ubwo Urugereko rwasanze abo batangabuhamya bashinja bombi bwakwizerwa, mu gusuzuma ibimenyetso, Urugereko rugomba kuzirikana ko muri Mata 1994, kuri Paruwasi ya Nyamasheke hari akaduruvayo, ku buryo Abatangabuhamya bashobora kuba baribeshye ku byerekeranye n'amatariki n'andi makuru.

Umwanzuro w'Urugereko

316. Rumaze gusuzuma ubuhamya bwose uko bwakabaye, ndetse n'ibibazo bitasubijwe ku gitero cyagabwe kuri CIMERWA, n'ubuhamya bushinjura buvuga ko ku itariki ya 16 Mata 1994 nta gitero cyagabwe kuri Paruwasi ya Nyamasheke, Urugereko rufite impamvu zo gushidikanya ku byerekeranye n'uruhare rwa Munyakazi mu gitero cyagabwe i Nyamasheke. Kubera iyo mpamvu, Porokireri ntiyabashije kugaragaza, ku buryo budashidikanywaho, ko Yussuf Munyakazi yagiye mu gitero cyagabwe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994, nk'uko bivugwa mu Nyandiko y'ibirego.

8. <u>IGITERO CYAGABWE KURI PARUWASI YA SHANGI ku itariki ya 29 Mata 1994</u>

317. Igika cya 13 cy'Inyandiko y'ibirego kigira kiti :

> Ku itariki ya 29 Mata 1994 cyangwa hafi yayo, Yussuf Munyakazi, ari kumwe n'Interahamwe zo mu Bugarama, akoresheje imbunda n'intwaro za gakondo, yateye kandi yica abasiviri b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Shangi, Komine ya Gafunzo, Perefegitura ya Cyangugu. Muri icyo gitero, Yussuf Munyakazi yatwaye Interahamwe azijyana kuri Paruwasi ya Shangi kandi we ubwe yica abasivili b'Abatutsi benshi abarashe.

318. Porokireri ashingira ku buhamya bw'abagabo biswe BWQ, BWR, BWU, BWW, MP na MM[644].

319. N'ubwo budahakana ko kuri Paruwasi ya Shangi hagabwe igitero itariki ya 29 Mata 1994, Ubwunganizi buvuga ko Munyakazi atigeze akijyamo. Ubwunganizi bushingira ku myiregurire ya sinari mpari ya Munyakazi, no ku buhamya bwa ELB, YCI, na Faustin Ntakirutimana[645].

Ibimenyetso

Umutangabuhamya ushinja wiswe BWQ

320. BWQ ni Umututsi w'umuhinzi wari utuye muri Segiteri ya Shangi muri Mata 1994[646] kandi wari umuyoboke wa MRND[647]. Mu mwaka wa 1993, uyu mutangabuhamya yabonye Munyakazi inshuro ebyiri mu nama za politiki muri Komine ya Gafunzo, kandi yongeye kumubona mu mwaka wa 1994 mu gitero cyagabwe kuri Paruwasi ya Shangi. Mu iburanisha, yashoboye kwerekana Yussuf Munyakazi[648].

321. Nyuma y'ihanuka ry'indege ya Perezida Habyarimana, Abahutu bavuze ko iyo ndege yahanuwe n'Abatutsi. Kugira ngo Abahutu batabihoraho, Abatutsi bahunze ingo zabo ndetse bata n'ahantu bakoreraga. Umutangabuhamya yahungiye kuri Paruwasi ya Shangi ari kumwe n'umugore we n'abana batatu n'indi miryango[649]. Impunzi za mbere zahageze ku wa gatanu ku itariki ya 7 Mata 1994, kandi agera kuri iyo paruwasi, uwo mutangabuhamya yahasanze impunzi zigera kuri 20[650]. Bukeye mu gitondo, kuri iyo Paruwasi ya Shangi hari hamaze kugera impunzi zigeze kuri 300 kandi umubare wazo wakomeje kwiyongera ubutitsa[651].

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644 Inyandiko y'ibirego, igika cya 13; Porokireri Imyanzuro nsozarubanza, ibika 69-77, 130-133, 147-149
645 Ubwunganizi Imyanzuro nsozarubanza, ibika 73-103, 168-173.
646 Ikimenyetso gihamya cya Porokireri gifite 1 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 10 (iburanisha mu muhezo).
647 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 18-19.
648 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 11, 17.
649 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 12.
650 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 21.
651 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 12, 21.

322. Hagati y'itariki ya 13 n'iya 29 Mata 1994, kuri Paruwasi ya Shangi hagabwe ibitero byinshi. Ku itariki ya 13 Mata 1994, habaye igitero kinini kiyobowe n'uwitwa Pima maze gihitana impunzi zigera ku 2000[652]. N'ubwo atibuka umubare w'ibitero byagabwe kuri Paruwasi ya Shangi hagati y'itariki ya 13 Mata n'iya 29 Mata, umutangabuhamya avuga ko akenshi ntihashiraga iminsi ibiri hatabaye igitero[653].

323. Ku itariki ya 29 Mata 1994, umutangabuhamya yabonye Munyakazi kuri Paruwasi ya Shangi hagati ya saa cyenda na saa kumi z'amanywa. Icyo gihe, Munyakazi yageze kuri Paruwasi ya Shangi ari mu modoka y'ikamyo yo mu bwoko bwa Daihatsu ifite ibara ry'umweru, ari kumwe n'Interahamwe zo mu Bugarama zigera kuri 40 kandi zitwaje imbunda. Munyakazi yari yambaye ipantalo n'ikote rirerire ryageraga ku mavi. Bamwe mu bagabye icyo gitero bari bambaye imyenda isanzwe, abandi bambaye ubusa mu gatuza naho abasigaye bambaye udushami tw'ibiti ku mutwe[654].

324. Munyakazi yaje ari kumwe n'abantu babiri bamurindaga kandi yari yitwaje imbunda ngufi[655]. Icyabwiye uyu mutangabuhamya ko abantu bari kumwe na Munyakazi ari abamurindaga ni uko yagendaga imbere yabo, ndetse bakaba barajyanye na we kwa Mameya[656].

325. Munyakazi yabajije umutangabuhamya icyo we n'abandi bantu bakoraga kuri Paruwasi ya Shangi maze umutangabuhamya amusubiza ko bahahungiye. Munyakazi yabwiye uwo mutangabuhamya kubwira izindi mpunzi ngo zinjire mu kiriziya kugira ngo we [Munyakazi] n'abantu be bashobore kuzirindira umutekano. Nyuma yaho, Munyakazi yabajije umutangabuhamya aho Mameya ari n'uko umutangabuhamya ajyana Munyakazi kwa Mameya arahamusiga asubira ku kiriziya[657].

326. Kubera ko inzugi nini za kiriziya abantu binjiriramo zari zikinze n'imfunguzo, umutangabuhamya yinjiye mu kiriziya anyuze mu muryango w'inyuma. Yasanzemo impunzi zigera ku bihumbi bitanu. Nyuma yaho, umutangabuhamya yumvise urusaku rw'amasasu, maze abona impunzi zari mu gikari cya kiriziya zirimo kuraswa amasasu

[652] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 13, 21.
[653] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 22.
[654] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 13-14.
[655] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 27.
[656] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 27-28.
[657] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 14-15.

n'abantu bambaye udushami tw'ibiti n'ibyatsi ku mitwe. Munyakazi yari ahagaze iruhande rw'urugi mu gihe abantu bari bamurinze barimo kugerageza kurumena[658]. Umutangabuhamya yashoboye kubona ubwicanyi anyujije amaso mu myenge yo mu rukuta yanyuragamo akayaga [659].

327. Umutangabuhamya yagiye hafi y'urugi runini rwa kiriziya abantu binjiriramo maze abona Munyakazi n'abantu bamurinze barimo kurasa ku nzugi za kiriziya bakoresheje imbunda. Umutangabuhamya yashoboye kubona Munyakazi mu maso[660]. Nyuma yaho, yagiye ahagana hagati mu kiriziya[661]. Abari mu bitero bamennye inzugi zose, kandi Munyakazi yari ahagaze iruhande rw'urugi mu gihe abandi bantu bari bagabye icyo gitero bateraga za gerenade[662]. Umutangabuhamya avuga ko atakomerekejwe na za gerenade kubera ko yari hafi ya alitari[663]. Icyo gitero cyari cyiyobowe na Munyakazi kandi abaturage bo muri ako gace na bo bari bakirimo[664]. BWQ avuga ko atabonye Munyakazi ubwe yica umuntu[665].

328. Nyuma yaho, abagabye igitero bakubise umutangabuhamya impiri ikwikiyemo imisumari maze ata ubwenge kandi umutangabuhamya yavunitse ibiganza byombi muri icyo gitero. Yagaruye ubwenge mu masaa cyenda z'ijoro ku itariki ya 30 Mata 1994[666] maze yihisha mu biti by'amasederi. Nyuma yaho yaje kujya mu kibikira ari naho yavuriwe ibikomere kandi yahavuye ubwo bamujyanaga i Nyarushishi[667].

329. Umutangabuhamya ntazi umubare w'abantu baguye muri icyo gitero kandi ntiyongeye na rimwe kubona Munyakazi[668]. Nyuma y'igitero cyo ku itariki ya 29 Mata, kuri Paruwasi ya Shangi hagabwe ibindi bitero bito, ariko Munyakazi ntiyari abirimo[669].

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658 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 14-15.
659 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 15, 30-31.
660 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 30-31.
661 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 31.
662Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 33.
663 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 15.
664 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 15-16, 22, 32-33.
665 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 16.
666 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 16.
667 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 16, 26, 29, 32-34.
668 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 16, 32.
669 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 27.

Umutangabuhamya ushinja wiswe BWR

330. BWR ni Umututsi wari utuye muri Komine ya Nyakabuye kandi yakoraga muri CIMERWA mu mwaka wa 1994[670]. Mbere ya Mata 1994, umutangabuhamya yabonaga Munyakazi iyo yabaga yagiye muri Cité Bugarama[671.] Igihe umutangabuhamya yakoraga muri CIMERWA, Munyakazi yakundaga kuza ku ruganda, ariko umutangabuhamya ntazi icyabaga kimugenza cyangwa icyo yahakoze[672].

331. Umutangabuhamya yajyaga kenshi mu misa kuri Paruwasi ya Shangi kandi hari urugendo rw'amaguru rw'iminota irindwi uvuye iwe[673]. Nyuma y'urupfu rwa Perezida Habyarimana, muri rusange abantu bumvise bafite umutekano muke maze bituma umutangabuhamya ahunga ako karere kuko yumvaga nta muteka akihafite[674]. Ku itariki ya 7 Mata 1994, ni bwo mukuru w'umutangabuhamya yishwe[675]. Ku itariki ya 9 Mata, umutangabuhamya yiyemeje guhungira kuri Paruwasi ya Shangi n'umuryango we[676]. Ibitero byo kuri Paruwasi byatangiye umutangabuhamya n'umuryango we ari ho bakihagera[677]. By'umwihariko, umutangabuhamya yibuka igitero cyagabwe ku itariki ya 14 Mata, kiyobowe n'uwitwa Pima. Umutangabuhamya yabwiwe ko Pima yakomokaga muri Komine ya Gafunzo[678].

332. Ku itariki ya 29 Mata 1994, kuri Paruwasi ya Shangi hagabwe igitero kinini kiyobowe na Munyakazi[679]. Icyo gitero kiba, ku kiriziya hari hakoraniye impunzi zigera ku bihumbi bitandatu. Zimwe zari hanze ya kiriziya, izindi mu gipadiri, naho izisigaye ziri mu kiriziya imbere[680]. Akibona Munyakazi i Shangi, umutangabuhamya yahise yumva ko ubwicanyi bugiye kuba[681]. Ubwo yari ku muhanda ugana ku biro bya Komine ya Gafunzo, umutangabuhamya yabonye imodoka y'umweru itwaye abantu

[670] Ikimenyetso gihamya cya Porokireri gifite P.2 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 41 (iburanisha mu muhezo), 47.
[671] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 42.
[672] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 56.
[673] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 43.
[674] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp.43, 55-56.
[675] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 46.
[676] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 43, 46, 56-57.
[677] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 43-44.
[678] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 44.
[679] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 44.
[680] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 53-54.
[681] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 51

bambaye amababi ku mutwe. Yabonye Munyakazi asohoka mu modoka, yambaye ikote ariko ntiyibuka ibara ryaryo. Abonye imodoka iza yegera aho hantu, umutangabuhamya yasubiye kuri Paruwasi ya Shangi yiruka agiye kuburira impunzi ko zigiye guterwa[682].

333. Igitero cyo ku itariki ya 29 Mata 1994 cyatangiye ahagana saa kumi z'amanywa[683]. Umutangabuhamya yashoboye kubona ibyaberaga hanze ya kiriziya anyujije amaso mu myenge yahitishaga akayaga yari ku nkuta za kiriziya, nko muri santimetero 50 cyangwa 70 uturutse hasi[684].

334. Munyakazi yari yitwaje masotera naho Interahamwe zifite amagerenade, impiri zikwikiyemo imisumari, inkota n'amacumu. Bagose kiriziya maze bafungura inzugi zayo ku ngufu. Munyakazi ni we warashe mbere maze bituma umutangabuhamya yumva ko icyo cyari ikimenyetso cyo gutangiza igitero. Amaze kurasa, Interahamwe zatangiye gutera amagerenade, no kurasa amasasu ku mpunzi zari mu kiriziya. Abagabye igitero baje kwinjira mu kiriziya maze bahorahoza abo barashe batapfuye, bakoresheje intwaro gakondo[685]. Igitero cyarakomeje kugeza nimugoroba, kandi cyarangiye umutangabuhamya yacanganyukiwe cyane ku buryo atashoboraga kumenya niba hari abandi bakirokotse[686]. Agereranyije, umutangabuhamya asanga igitero cyagabwe i Shangi cyarahitanye impunzi zigera ku bihumbi bitandatu[687].

<u>Umutangabuhamya ushinja wiswe BWU</u>

335. BWU ni Umuhutu wari umuhinzi mu mwaka wa 1994 kandi wari utuye muri Segiteri ya Shangi, Komine ya Gafunzo[688]. Umutangabuhamya yabonye Munyakazi inshuro ebyiri: ubwa mbere yamubonye muri mitingi yabereye kuri Sitade Kamarampaka, muri Perefegitura ya Cyangugu, mu mpera z'umwaka wa 1993 naho ubwa kabiri amubona kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994[689]. Umutangabuhamya

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682 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 44, 50-51.
683 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 45.
684 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 55.
685 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 45.
686 Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 44-45.
687 Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 54.
688 Ikimenyetso gihamya cya Porokireri gifite.13 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 2.
689 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp.9, 21, 22.

yemera ko yari mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, kandi avuga ko muri icyo gitero yafatanyije na Munyakazi, wari umuyobozi w'Interahamwe zo mu Bugarama[690].

336. Umutangabuhamya avuga ko hagati y'itariki ya 12 n'iya 29 Mata 1994, abaturage bo muri ako gace bagabye ibitero byinshi kuri Paruwasi ya Shangi ariko Abatutsi bari barahahungiye bashobora kurwanya ibitero bya mbere. Byageze aho, abaturage bo muri ako gace babona ko batazashobora bonyine kurwanya Abatutsi bari kuri paruwasi maze bashaka abandi bantu bo kubafasha[691]. Mbere y'igitero cyo ku itariki ya 29 Mata 1994, ubwo yari mu nama y'umutekano muri Perefegitura ya Cyangugu, Étienne Gatamobwa, wari umuyobozi wa CDR muri ako gace, yasabye ko babaha abantu bo kubafasha. Abategetsi basezeranyije Gatamobwa ko bazamworohereza abantu bo kubafasha[692].

337. Ku itariki ya 29 Mata 1994, mu masaa cyenda z'amanywa, Munyakazi n'Interahamwe bageze kuri bariyeri yo kuri santeri ya Bushenge yari irinzwe n'umutangabuhamya maze bamuyoboza inzira igana kuri Paruwasi ya Shangi[693]. Munyakazi na Visi-Perezida we bari bayoboye agatsiko k'Interahamwe zigera kuri 50 cyangwa 60. Abantu bari kuri iyo bariyeri babwiye Munyakazi ko kuva kuri iyo bariyeri ujya kuri paruwasi hari intera igera nko kuri kilometero imwe. Imodoka yavuye aho hantu igenda gahoro cyane, maze abaturage bo muri ako gace, barimo n'umutangabuhamya, bayigenda inyuma[694]. Abaturage bo kuri santeri ya Bushenge babarirwa hagati ya 150 na 200 ni bo bagiye kwifatanya n'itsinda ryari rivuye mu Bugarama[695]. Gatamobwe yageze kuri Paruwasi ya Shangi igitero cyatangiye[696].

338. Ubwo bari mu muhanda bajya kuri paruwasi, abagabye igitero bahagaze ahantu hitwa ku irimbi rya Rwagataraka. Munyakazi yabategetse kwambara ibintu bituma umuntu abatandukanya n'Abatutsi, maze abagabo batangira kwifureba ibibabi n'udushami

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[690] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 4-6.
[691] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 23, 26.
[692] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 7, 24.
[693] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 7.
[694] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 6-7, 32.
[695] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 25-26.
[696] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 27.

tw'ibiti[697]. Munyakazi n'itsinda ry'Interahamwe zitwaje intwaro bari mu modoka ya Daihatsu y'icyatsi kibisi ari nayo yari imbere[698]. Umwungirije n'itsinda rya kabiri ry'Interahamwe, barabakurikiye bari mu modoka ya kabiri yari Daihatsu y'ikigina[699]. Nyuma yaho, abagabye igitero bigabanyijemo amatsinda abiri. Itsinda rimwe ryateye Paruwasi riturutse imbere aho binjirira ku kiriziya naho irindi rituruka inyuma[700].

339. Bageze kuri paruwasi, ayo matsinda yombi y'abari bagabye igitero yatangiye kurasa ku mpunzi. Zimwe mu mpunzi zicishijwe amasasu, naho izindi zicishwa imipanga n'izindi ntwaro. Kubera ko impunzi zari zashoboye kwifungirana mu kiriziya, Munyakazi yategetse abagabye igitero kujya gushaka amashoka yo kumena inzugi maze bagatsemba izo mpunzi. Abagabye icyo gitero batiye amashoka abiri mu ngo zari hafi ya kiriziya maze bayakoresha mu kumena inzugi ebyiri kuri enye kiriziya yari ifite[701]. Abari bagabye icyo gitero bakoresheje iminota igera kuri 30 kugira ngo babashe kumena inzugi za kiriziya no kwinjiramo[702].

340. Bamaze kumena inzugi za kiriziya, abagabye igitero bageze aho « umugore ubyibushye » witwaga Petronilla Nyiramuteteri yari, uyu mudamu yarabinginze ngo be kumwica ariko baramubwira bati « Saba imbabazi umutware wacu, Yussuf ». Ubwo uwo mudamu yagendaga amugana, Munyakazi yamurashishije masotera maze amutsinda aho. Icyo gihe, abandi bantu bari bagabye igitero barimo bica impunzi mu kiriziya. Umutangabuhamya avuga ko ari umwe mu bantu babwiye Petronilla ngo ajye gusaba imbabazi umukuru wabo. Uretse Petronilla, nta wundi umutangabuhamya yabonye Munyakazi yica[703].

341. Mbere y'uko abo bantu baza kubafasha, abaturage bo muri ako gace ntibari bafite amasasu. Interahamwe zo mu Bugarama zari zifite ibikoresho bihagije, kandi zaje zitwaje intwaro, amagerenade n'intwaro zifite ubugi zirenze 150. Kubera ko mu modoka za Munyakazi harimo intwaro, umuntu wese mu bagabye igitero washaka intwaro yajyaga kuyifata muri izo modoka. Umutangabuhamya avuga ko amaze

697 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 7-8.
698 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 27.
699 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 27, 28.
700 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 7-8, 32.
701 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8, 24.
702 Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 32.
703 Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8, 31, 32.

gushirirwa n'amasasu n'amagerenade, yatangiye gukoresha umuhoro[704]. Umutangabuhamya yishe abantu batanu muri icyo gitero cyo ku itariki ya 29 Mata 1994. Ku itariki ya 30 Mata, igihe barimo bahamba imirambo, abagabaga ibitero bavumbuye abantu bari bihishe aho hantu maze nabo barabica[705]. Mbere y'uko ubwicanyi bwo ku itariki ya 29 Mata butangira, kuri paruwasi hari impunzi zibarirwa hagati ya 8.000 na 12.000[706], kandi kuri iyo tariki ya 29 Mata 1994 hishwe impunzi zibarirwa hagati ya 5.000 na 6.000[707].

342. Igitero cyatangiye saa cyenda z'amanywa kirangira ku mugoroba butangiye kwira[708]. Munyakazi yari yambaye ikote rirerire n'ipantaro y'umukara. Uwari umwungirije yari yambaye ishati y'amaboko maremare n'ishweta. Interahamwe zari zambaye iniforume idoze mu bitenge[709]. Igitero kirangiye, Gatamobwa wari umuyobozi wa CDR yavuganye na Munyakazi, hanyuma aha uwungirije Munyakazi amafaranga yo kwakira abagabye igitero[710].

<u>Umutangabuhamya ushinja wiswe BWW</u>

343. BWW ni Umuhutu wari mu mutwe w'Interahamwe zo mu Bugarama mu mwaka wa 1994. Avuga ko yafatanyije cyane cyane na Munyakazi na Tarek Aziz, wabaga mu nzu ya Munyakazi akaba yari anamwungirije mu gukora ibyaha 1994[711].

344. Ahagana mu mpera za Mata 1994, Munyakazi yahamagaye Interahamwe zihurira ku kibuga hafi ya « koperative » maze aziha amabwiriza yo kugaba igitero kuri Paruwasi ya Shangi. Amabwiriza yihariye Munyakazi yahaye Interahamwe yari ayo kutubwira « ko tugomba kujyayo tugakora ikitujyanye, aha akaba yarashaka kuvuga kwica

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[704] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 28, 29.
[705] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 29.
[706] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 8.
[707] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 30.
[708] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 8.
[709] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 27- 28.
[710] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8-9.
[711] Ikimenyetso gihamya cya Porokireri cyahawe nomero 12 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-7, 9, 23-24.

Abatutsi». Abagabaga ibitero bageze kuri Paruwasi mu masaa cyenda z'amanywa kandi icyo gitero kiyobowe na Munyakazi[712].

345. N'ubwo atashoboye gutanga ikigereranyo cy'umubare w'Interahamwe zagiye muri icyo gitero cy'i Shangi, umutangabuhamya yumva icyo gitero cyaritabiriwe n'Interahamwe zigera ku 120. Izo Nterahamwe zagiyeyo mu modoka ebyiri za Daihatsu kandi abantu benshi muri zo bari bafite intwaro. BWW yari yitwaje umuhoro n'impiri gusa kubera ko imbunda n'amagerenade byari byahawe abandi bantu[713]. Bageze i Shangi, Interahamwe zagose paruwasi maze zurira urugo rwari ruyikijije. Uwo munsi Munyakazi yari yambaye ikositimu y'umukara n'inkweto bita Safari kandi yari yitwaje masotera[714].

346. Kuri Paruwasi ya Shangi, Munyakazi yakuye Abatutsi icyenda mu bandi, abashyira ku murongo ku rukuta maze arabarasa. Ibi byabaye igitero kiri hafi kurangira, gihe umutangabuhamya yarimo kuruhuka[715]. Uwo munsi, umutangabuhamya yishe Abatutsi 20[716]. Umutangabuhamya avuga ko agereranyije kwica Abatutsi byamaze igihe kiri hagati y'amasaha abiri n'atatu[717], kandi igitero cyarangiye ahagana saa kumi n'ebyiri n'igice z'umugoroba[718]. Avuga ko uwo munsi hishwe Abatutsi bagera kuri 50.000[719]. Nyuma y'igitero, Interahamwe zuriye imodoka zari zajemo maze zijya kwa Munyakazi zigezeyo zirarya[720].

<u>Umutangabuhamya ushinja wiswe MP</u>

347. MP ni Umuhutu kandi yagiye kuri Paruwasi ya Mibilizi ku itariki ya 7 Mata 1994, aho avuga ko, agereranyije, hari impunzi zigera ku bihumbi bitanu[721]. Ku itariki ya 30 Mata 1994, umwe muri bagenzi be yaterefonnye kuri Paruwasi ya Shangi ngo abaze amakuru yaho maze bamubwira ko Munyakazi n'Interahamwe bari baraye bagabye

[712] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 16-17 (iburanisha mu muhezo).
[713] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 15-17 (iburanisha mu muhezo).
[714] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 17-18 (iburanisha mu muhezo).
[715] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 18, 34 (iburanisha mu muhezo).
[716] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 18 (iburanisha mu muhezo).
[717] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 32 (iburanisha mu muhezo).
[718] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 18 (iburanisha mu muhezo).
[719] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 17, 32 (iburanisha mu muhezo).
[720] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 19 (iburanisha mu muhezo).
[721] Ikimenyetso gihamya cya Porokireri gifite 7 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 43-44, 45, 46 (iburanisha mu muhezo).

igitero kuri Paruwasi ya Shangi. Ashingiye kuri iyo nkuru no ku yandi makuru yose, umutangabuhamya yumvise ko Munyakazi ari na we wayoboye igitero cyagabwe nyuma kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994[722].

Umutangabuhamya ushinja wiswe MM

348. MM ni Umututsi wari kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. Yitabye telefoni yaburiraga abantu bari kuri Paruwasi ya Mibilizi ko Munyakazi yari mu nzira agana i Mibilizi kwica Abatutsi, kandi ko yari yishe Abatutsi kuri Paruwasi ya Shangi[723].

Yussuf Munyakazi

349. Inshuti ya Munyakazi yitwa Emedeyo Kabungo yishwe ku itariki ya 27 Mata 1994. Ku itariki ya 29 Mata 1994, Munyakazi n'abaturanyi be bakoraniye mu rugo rwa nyakwigendera kugira ngo bamushyingure kandi ikiriyo cyamaze iminsi itatu[724]. Munyakazi ahakana ibivugwa ko yagiye kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994[725].

Umutangabuhamya ushinjura witwa Faustin Ntakirutimana

350. Faustin Ntakirutimana ni Umuhutu wari umwarimu kandi yari atuye muri Komine ya Gafunzo mu mwaka wa 1994[726]. Yari Perezida w'ishami ry'urubyiruko rw'ishyaka rya MDR muri Komine ya Gafunzo, akaba kandi yari n'umunyamabanga w'iryo shyaka[727]. Mu mwaka wa 1994, umutangabuhamya yari azi Munyakazi kandi Uregwa yari umuyoboke w'ishyaka rya MRND[728].

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[722] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49.

[723] Ikimenyetso gihamya cya Porokireri cyahawe nomero 9 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 58-59, 62.

[724] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 1-3.

[725] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 4-5.

[726] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 14 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 37.

[727] Inyandikomvugo y'iburanisha,2 Nzeri 2009, urup. 37.

[728] Inyandikomvugo y'iburanisha,2 Nzeri 2009, urup. 37.

351. Muri Mata 1994, umutangabuhamya ntiyagiye kuri Paruwasi ya Shangi ariko yumvise abantu bavuga ko babonye Abatutsi bahungira kuri iyo paruwasi[729]. Yari azi Pima neza kubera ko yari umuturanyi we wa hafi. Umutangabuhamya ntiyari mu itsinda riyobowe na Pima, kandi yumva Pima na Munyakazi ntaho bari bahuriye[730]. Umutangabuhamya yumvise abantu bavuga ko Pima, wahoze ari umusirikare, yahatiye abaturage bo muri ako gace kujyana na we mu gitero cyagabwe kuri Paruwasi ya Shangi[731]. Icyo gitero cyari kigizwe cyane cyane n'urubyiruko rwo muri ako gace, n'abantu bari barasezerewe mu gisirikare. Iyo bamaraga gutera kuri paruwasi, bagarukaga bigamba ko barashe ku mpunzi. Umutangabuhamya yumvise bavuga ko habaye ibitero bibiri, kimwe cyabaye hagati y'itariki ya 15 n'iya 20 Mata 1994 naho ikindi cyiba ahagana ku itariki ya 29 cyangwa iya 30 Mata 1994[732].

352. Umutangabuhamya yumvise abari bavuye mu gitero cya kabiri bavuga ko barashe ku mpunzi zari kuri Paruwasi ya Shangi. N'ubwo hari impunzi zimwe na zimwe zashoboye gucika, Umutangabuhamya yiyumvishaga ko icyo gitero cyari gikaze[733].

353. Nyuma ya jenoside yo mu wa 1994, umutangabuhamya yakurikiraniye hafi imanza Gacaca mu gace ke kandi aganira na bamwe muri bagenzi be barokotse ibitero by'i Shangi. Bose bamubwiye ko ibyo bitero byari biyobowe na Pima. Nta hantu na hamwe Munyakazi yigeze avugwa haba mu manza cyangwa se muri raporo zakozwe[734]. Umutangabuhamya ntiyigeze na rimwe yumva bavuga ko Interahamwe zo mu Bugarama zaje gufasha itsinda rya Pima[735].

<u>Umutangabuhamya ushinjura wiswe YCI</u>

354. YCI ni Umuhutu wari umuhinzi mu mwaka wa 1994. Yari atuye muri Segiteri ya Shangi, Komine ya Gafunzo, kandi umugore we yari Umututsikazi[736]. Iyo yajyaga mu

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[729] Inyandikomvugo y'iburanisha,2 Nzeri 2009, urup. 40.
[730] Inyandikomvugo y'iburanisha,2 Nzeri 2009, urup. 43.
[731] Inyandikomvugo y'iburanisha,2 Nzeri 2009, urup. 41.
[732] Inyandikomvugo y'iburanisha,2 Nzeri 2009, imp. 41- 42.
[733] Inyandikomvugo y'iburanisha,2 Nzeri 2009, imp. 41-42.
[734] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 43-44.
[735] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 42, 45.
[736] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 16 (Inyandiko y'umwimerere bwite); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 3 (iburanisha mu muhezo).

Bugarama kugura ibiribwa, buri gihe yabonaga Munyakazi[737]. Yari azi Uregwa nka « Munyakazi w'umuyisilamu »[738].

355. Umutangabuhamya yumvise ijambo « Interahamwe » rikoreshwa, ariko ntiyigeze abona abantu bitwaga Interahamwe n'ubwo bwose yari umuyoboke wa MRND. Nyuma ya jenoside ni bwo gusa yamenye ko Interahamwe ari zo zagabye igitero kuri Paruwasi ya Shangi, kandi ko abagabye icyo gitero bari abaturanyi be[739].

356. Umutangabuhamya avuga ko muri Mata 1994, abantu bo mu muryango w'umugore we bahungiye iwe. Kubera ko yari afite ubwoba ko iwe haterwa, ku itariki ya 11 n'iya 12 yohereje abantu bo mu muryango w'umugore b'igitsina gabo kuri Paruwasi ya Shangi ngo bahahungire. Mu rugo iwe hasigaye abagore gusa kubera ko icyo gihe abari mu bitero batahigaga abagore[740]. Umutangabuhamya yagemuriraga abantu bo mu muryango w'umugore we kuri paruwasi kabiri mu cyumweru[741].

357. Muri Mata 1994, kuri Paruwasi ya Shangi hari impunzi zibarirwa hagati ya 3.500 na 4.000[742]. Muri Mata, Théodore Munyangabe wari Superefe wa Perefegitura na Padiri Mategeko bagiye kuri paruwasi bahakura impunzi 40 kandi icyo gihe umutangabuhamya yari kuri paruwasi. Nta bikorwa byo guhungabanya ubuzima bw'abantu byabaye ku itariki ya 13 Mata 1994, habaye ubusahuzi[743]. Nta nama yigeze ibera ku irimbi rya Rwagataraka, kandi umutangabuhamya ntiyigeze abona Uregwa aho hantu. Ubusanzwe, inama zaberaga ku kibuga cy'umupira w'amaguru[744].

358. Igitero kinini cyagabwe kuri paruwasi ku itariki ya 28 cyangwa iya 29 Mata 1994. Abagabye igitero baturutse mu duce twegeranye n'aho umutangabuhamya yari atuye, hafi y'ibiro bya komine. Umutangabuhamya, hamwe n'abandi bantu bari bafite abagore b'Abatutsikazi, bakurikiraga abagabye ibitero kugira ngo bamenye ibyabaga[745]. Igitero cyatangiye ahagana saa kumi z'amanywa kandi abakigabye bari

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737 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 5.
738 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 10, 12.
739 Inyandikomvugo y'iburanisha,7 Nzeri 2009, urup. 18.
740 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 7.
741 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 8.
742 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 15.
743 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 8.
744 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 10.
745 Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 8-9, 20.

bafite imbunda, amagerenade n'ibikoresho gakondo by'umuzika. Abagabye igitero baje n'amaguru, kandi bari benshi cyane ku buryo imodoka zitashoboraga kubona aho zinyura mu muhanda[746].

359. Umutangabuhamya yashoboye kumenya amatsinda atatu y'abari bagabye igitero: itsinda rinini ryari rigizwe n'abantu bagera kuri 500 baturutse muri Komine ya Gafunzo kandi bayobowe na Pima, wari witwaje gerenade n'imbunda; itsinda rya kabiri ryari rigizwe n'abantu bagera kuri 300 baturutse muri Segiteri ya Mwito, bitwaje intwaro za gakondo n'ingoma; itsinda rya gatatu ryari rigizwe n'abantu bagera kuri 200 baturutse mu Bushenge, bitwaje imihoro n'impiri[747].

360. Umutangabuhamya yagiye kwihisha amaze kumva amafirimbi n'imirishyo y'ingoma bitangiye kuvuga. Cyakora, ubwo yumvaga urusaku rw'amasasu n'urw'ibintu byaturikaga, yegereye abagabye igitero kugira ngo arebe ibirimo kuba, hanyuma arongera ajya kwihisha[748]. Yashoboye kubona Pima, wari uyoboye icyo gitero, afite inkota, abona n'umugabo witwa Mahembe afite imbunda kandi arimo kurundanya abantu, n'undi mugabo witwa Miranzi wari urimo gutera gerenade ku mbaga y'abahigwaga. Ahagana saa moya z'ijoro, umutangabuhamya yabonye abagabye igitero bava aho hantu bafite imifuka n'imashini zidoda, maze ahita yumva ko igitero cyari kirangiye[749].

361. Bukeye mu gitondo, umutangabuhamya n'abandi bantu bari bafite bene wabo b'Abatutsi bajyanye na konseye, burugumesitiri n'abapolisi ba Komine kuri paruwasi. Burugumesitiri yabohereje kujya gufasha impunzi zari zarokotse bakazimurira ahandi[750]. Umutangabuhamya ntiyigeze yumva hari umuntu uvuga izina rya Munyakazi ku byerekeranye n'icyo gitero. Paruwasi yari kure ya Bugarama[751].

[746] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.
[747] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 9, 20.
[748] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 10-11.
[749] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 11.
[750] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 12.
[751] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 9.

Umutangabuhamya ushinjura wiswe ELB

362. ELB ni Umuhutu, akaba yari mu mutwe w'Interahamwe zo mu Bugarama mu mwaka wa 1994. Yari Visi-Perezida w'Interahamwe ku rwego rwa komine naho Tarek Aziz akaba Perezida[752]. Umutangabuhamya ntazi ko hari igitero cyagabwe kuri Paruwasi ya Shangi kandi nta n'icyo yagiyemo[753]. Avuga ko nta cyaha yakoranye na Munyakazi[754].

Isesengura ry'Urugereko

Uruhare rwa Munyakazi mu byabaye kuri Paruwasi ya Shangi

363. Urugereko rwumvise ubuhamya bw'abagabo bane bashinja bari kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. Babiri muri bo bari mu bahigwaga naho abandi babiri bari mu gitero kandi bose bemeza ko Munyakazi yari ahari. Hari abandi batangabuhamya babiri bashinja bavuga ku ruhare rwa Munyakazi muri icyo gitero, ariko imvugo zabo zishingiye ku nkuru mbarirano. Ubwunganizi ntibuhakana ko ku itariki ya 29 Mata 1994 kuri Paruwasi ya Shangi hagabwe igitero cyahitanye Abatutsi benshi cyane bari bahahungiye. Abatangabuhamya bashinjura batatu, barimo umwe wabonye igice kimwe cy'ibyabaye, bahakana ko Munyakazi yagize uruhare muri icyo gitero. Imyiregurire ya Munyakazi ivuga ko uwo munsi atari aho icyaha cyakorewe igihe cyakorwaga yasuzumwe haruguru (reba Umutwe II.2).

364. Abatangabuhamya bane bashinja kandi biboneye ibyabaye ari bo BWW, BWU, BWQ na BWR, bose basobanura mu buryo burambuye ibyo biboneye bakanumva, kandi bavuga bimwe ku bintu byinshi byabaye. Abo batangabuhamya bose bemeza ko ubwicanyi bwabereye kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 bwatangiye hagati ya saa cyenda na saa kumi z'amanywa kandi ko bwarangiye ijoro riguye. Bose bavuga ko Munyakazi yari ahari kandi ko yari kumwe n'Interahamwe; ko yari yambaye ikote rirerire kandi yitwaje imbunda; ko muri ubwo bwicanyi, abagabye

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752 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 27 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1- 2.

753 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12.

754 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 20, 25. Ibimenyetso gihamya bya Porokireri byahawe nomero 19A, 20A, and 21A (Inyandikomvugo y'ubuhamya ELB yahaye abategetsi b'u Rwanda)

igitero babanje gukoresha imbunda maze bwajya kurangira bagakoresha intwaro gakondo. Bongeraho ko muri icyo gitero hishwe Abatutsi babarirwa mu bihumbi[755].

365. Abatangabuhamya bashinja biswe BWR na BWQ bombi bari bahungiye kuri Paruwasi ya Shangi kandi barokotse icyo gitero. N'ubwo rushidikanya ko BWQ yaba yarashoboye kugendagenda hafi ya kiliziya mu buryo abivuga[756], Urugereko rusanga ubuhamya bwe bwakwizerwa muri rusange. Rusanga kandi n'ubuhamya bwa BWR na bwo bwakwizerwa. BWQ avuga ko Munyakazi yagize uruhare rukomeye muri icyo gitero. By'umwihariko, avuga ko abagabye igitero bahageze, Munyakazi yayoboye abantu bagiye kwa Mameya. Munyakazi yashutse impunzi atuma zizera ko we n'abantu be batari bazanywe no kuzica, ko ahubwo bari bazanywe no kuzirinda. Byongeye kandi, ni we wahagarikiye igikorwa cyo kumena inzugi za kiliziya, kandi ari zo zari zisigaye mu byababambiraga abagabye igitero kugira ngo batagera ku mpunzi[757]. Ibivugwa kuri iki kibazo bishimangirwa, kuri bimwe, na BWR wemeza ko abagabye igitero bafunguye inzugi ku ngufu, kandi ko babikora Munyakazi yari ahagararanye na bo. BWR avuga kandi ko Munyakazi yarashe isasu mu kiliziya kandi ko [umutangabuhamya] yumvise ari ikimenyetso cyo gutangiza igitero[758]. Aba batangabuhamya bavuga ko Munyakazi atari indorerezi gusa kuri Paruwasi ya Shangi ko ahubwo yari ayoboye igitero cyahagabwe.

366. Urugereko ruributsa ko BWU yari icyitso cy'Uregwa, kandi ko ibyo yavuze mbere mu buhamya bwanditse no mu bwemeracyaha bwe birimo uguhuzagurika[759]. Urugereko ntirushira rero amakenga ubuhamya bwe. Kubera iyo mpamvu, muri rusange Urugereko rurashingira ku buhamya bwe mu gihe gusa bufite ubundi bubushimangira. Umutangabuhamya yari mu bagabye igitero kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. Avuga ko Munyakazi yategetse abagabye igitero kwambara ibintu bituma bashobora gutandukanywa n'Abatutsi, hanyuma bicamo amatsinda abiri, rimwe ritera kiliziya riturutse imbere naho irindi riyitera riturutse

[755] Reba incamake y'ubuhamya bwa BWW, BWR, BWQ na BWU.
[756] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 32.
[757] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 14-15.
[758] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 45.
[759] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 14-18. Umutangabuhamya ntavuga Munyakazi mu bwirege bwe bwo mu mwaka wa 2005. Ahubwo mu buhamya bwanditse yahaye abapererezi ba TPIR ku itariki ya 27 Nzeri 2007 ni ho avuga ko yabikoze. Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 4A, Inyandikomvugo y'Ubwirege bwa BWU; Ikimenyetso gihamya cy'Ubwunganizi cyahawe nomero 5A, ubuhamya bwanditse bwa BWU bwo ku itariki ya 27 Nzeri 2007.

inyuma[760]. BWR yemeza ko abenshi mu bari bagabye icyo gitero bari bambaye udushami tw'ibiti n'ibibabi, kandi ko bahageze bagose kiriziya[761]. BWQ na we avuga ko abagabye igitero bari bambaye amashami y'ibiti, kandi ko barasaga amasasu ku mpunzi bamwe bari imbere ya kiriziya abandi bari inyuma yayo[762]. Byongeye kandi, BWU avuga ko Munyakazi yategetse abagabye igitero kumena inzugi za kiriziya[763], naho BWQ akavuga ko Interahamwe zitangira kumena inzugi Munyakazi yari ahari[764].

367. Nk'uko byavuzwe haruguru, biragaragara ko umutangabuhamya ushinja wiswe BWW wari icyitso cy'Uregwa, akunda gukabya imibare, kandi hari aho usanga yivuguruza mu buhamya bwe. Kubera iyo mpamvu, Urugereko rwashingira ku buhamya bwa BWW mu gihe gusa haba hari ubundi bubushimangira. Mu myanzuro nsozarubanza mu magambo, Ubwunganizi bwavuze ko BWW yahakanye ubundi buhamya bushinja Munyakazi kuba yarategetse Interahamwe kumena inzugi za kiriziya[765]. Cyakora, rumaze gusuzuma dosiye, Urugereko rusanga ubuhamya bwa BWW bwerekeranye n'amabwiriza Munyakazi yatanze ku birebana n'uruzitiro rwa Paruwasi. Ubwo buhamya ntibwerekeranye n'inzugi za kiriziya. Urugereko rusanze ubuhamya bwa BWW, BWU na BWQ butavuguruzanya[766].

368. Urugereko rusanze BWQ na BWR bombi bavuga ko igitero cyagabwe i Shangi cyari kiyobowe na Munyakazi[767]. Cyakora kubera ko bahigwaga muri ako kaduruvayo kabereye aho hantu hakorewe ibyaha, ntibashobora kuvuga ibyo bintu neza kurusha abantu bagiye mu gitero. Kuri iyi ngingo, Urugereko rusanga BWU na BWW, bari muri icyo gitero, bemeza bombi ko icyo gitero cyari kiyobowe na Munyakazi. Abagabo bashinja biswe MP na MM batanze ubuhamya bushingiye gusa ku nkuru mbarirano. Byongeye kandi, ibyo bavuga ko Munyakazi yagize uruhare mu byabereye i Shangi babikomora hamwe. Cyakora, ubuhamya bwabo bushyigikira ubw'abagabo bari mu gitero n'ubw'abahigwaga bari i Shangi ku itariki ya 29 Mata 1994 kandi bemeza ko icyo gitero cyayobowe na Munyakazi.

[760] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 7-8, 32.
[761] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 44-45.
[762] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 14-15.
[763] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8, 24.
[764] Inyandikomvugo y'iburanisha, 22 Mata 1994 imp. 14-15, 30-31.
[765] Inyandikomvugo y'iburanisha, 28 Mutarama 2010 imp. 23-24.
[766] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 17(iburanisha mu muhezo).
[767] Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 51; Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 14, 28-29

369. Urugereko rusanga abatangabuhamya batavuguruzanya cyane ku byerekeye umubare w'impunzi n'amabara y'imodoka z'abagabye igitero. Byongeye kandi uko kuvuguruzanya gushobora kuba kwaratewe n'igihe gishize ibintu bibaye ndetse n'akaduruvayo kari ahantu byabereye.

370. Porokireri yanyomoje Munyakazi yifashishije ubuhamya bwatanzwe mu rubanza rwa *Ntagerura*, aho Théodore Munyangabe wari Superefe wa Perefegitura ya Cyangugu yemeje ko ku itariki ya 28 cyangwa iya 29 Mata 1994, Munyakazi yagabye igitero kinini kuri Paruwasi ya Shangi kigahitana benshi mu bantu bari bahahungiye. Munyakazi yarwanyije ubuhamya bwa superefe kuri iyo ngingo, avuga ko ku itariki ya 29 Mata 1994 nta kindi kintu yakoze uretse kurokora Abatutsi[768]. Munyakazi yongeyeho ko atazi Munyangabe[769]. *Alibi* ya Munyakazi yasuzumwe haruguru (reba Umutwe II.2).

371. Ku byerekeranye n'abandi batangabuhamya bashinjura, mbere na mbere Urugereko rusanga ELB yari icyitso cy'Uregwa, bityo rukaba rudashira amakenga ubuhamya bwe. ELB avuga ko atazi ko i Shangi hagabwe igitero ku itariki ya 29 Mata kandi ko atakigiyemo, ariko ntavuga mu buryo bweruye ko icyo gitero kitabayeho[770]. Ibi binyomozwa na BWU wemeza ko ELB yari mu bagabye igitero[771]. N'ubwo atari ngombwa ko rwemeza niba ELB yaragiye cyangwa ataragiye muri icyo gitero, Urugereko rusanga ELB ashobora kuba yarahimbye ubuhamya bwe agamije gupfobya uruhare yagize mu byabaye muri Mata 1994. Kubera iyo mpamvu, Urugereko nta gaciro kanini ruha ubuhamya bwe ku byerekeranye n'ibyabereye kuri Paruwasi ya Shangi.

372. Urugereko rusanga ubuhamya bw'umugabo ushinjura witwa Faustin Ntakirutimana budahuzagurika kandi bwakwizerwa. Cyakora rusanga na none ubwo buhamya bwose bushingiye ku nkuru mbarirano. Ibyo avuga ko yumvise bavuga ko Pima n'abaturage b'i Shangi bagabye igitero kuri Paruwasi ya Shangi ntibiviguruza ubuhamya bushinja

[768] Inyandikomvugo y'iburanisha,15 Ukwakira 2009, imp. 30-32, 51; Ikimenyetso gihamya cya Porokireri cyahawe nomero 24: Porokireri aburana na Ntagerura, inyandikomvugo y'iburanisha ryo ku itariki ya 24 Werurwe 2003; n'ikimenyetso gihamya cya Porokireri cyahawe nomero 25: urubanza rwa *Ntagerura* mu rw'iremezo, igika cya 482.

[769] Inyandikomvugo y'iburanisha,15 Ukwakira 2009, imp. 30, 52.

[770] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12.

[771] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 27-28.

buvuga ko Munyakazi n'Interahamwe zo mu Bugarama bagiye i Shangi gufasha abagababaga ibitero bo muri ako gace. N'ubwo atigeze abazwa niba Munyakazi yaragize uruhare muri icyo gitero, umutangabuhamya yumva Munyakazi atarakigizemo uruhare kubera ko i Shangi ari kure cyane yo mu Bugarama[772]. Kuba nyuma y'intambara atarigeze yumva bagenzi be bari i Shangi bashyira mu majwi Munyakazi cyangwa se ngo yumve hari uvuga izina rya Munyakazi mu manza Gacaca, ntibivuga ko Munyakazi atari aho hantu. Kubera ko abatangabuhamya bose bemeza ko igitero cyo ku itariki ya 29 Mata 1994 cyagabwe n'abantu benshi cyane, birashoboka ko abahaye Ntakirutimana amakuru batamenye ko Munyakazi yari aho hantu.

373. Umutangabuhamya ushinjura wiswe YCI ntatanga ubuhamya busobanutse neza ku byerekeranye n'ibice yabonye by'igitero cyagabwe kuri Paruwasi ya Shangi. Ubwa mbere avuga ko yagiye kureba abagabye igitero kubera ko hari Abatutsi bo mu muryango we bari mu makuba, ariko nyuma akagaruka kubera ko yatinyaga abagababaga ibitero. N'ubwo bwose rusanga ibyo avuga bishobora kuba ariko byagenze, Urugereko rusanga uyu mutangabuhamya atari ahantu hashoboraga gutuma abona ibintu byose byabaye.

374. Urugereko rusanga kandi YCI ashimangira ko nta nama zabereye ku irimbi rya Rwagataraka. Ntibyumvikana ukuntu ashobora kwemeza ibintu nta shiti kuri iyi ngingo, kandi atari mu bantu bagabye igitero kuri Paruwasi ya Shangi. Byongeye kandi, ashimangira ko ku itariki ya 29 Mata 1994 ku muhanda ugana i Shangi hari abagabye igitero benshi cyane ku buryo imodoka zitashoboraga kubona aho zinyura. Na none Urugereko ntirushira amakenga uburyo yemeza ibi bintu nta shiti kandi yivugiye ko abagabye igitero bagiye kuri Paruwasi babarirwaga mu magana. N'ubwo umutangabuhamya avuga ko yabonye bwa mbere abagabye igitero ubwo banyuraga hafi y'iwe, ntasobanura neza ahantu yari igihe yakurikiraga abagabye igitero. Avuga ko Pima yari ayoboye abagabye igitero kubera ko yabonye Pima afite inkota ndetse agashingira no kubyo yumvise abaturage bo muri ako gace bavuga ku bikorwa bya Pima i Shangi. Nk'uko byavuzwe haruguru, kuba Pima yari aho hantu no kuba

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[772] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 47.

ashobora kuba yarayoboye abagabye igitero cyo ku itariki ya 29 Mata 1994 ntibivuguruzanya n'ibivugwa na Porokireri.

375. Byongeye kandi, kuba YCI avuga ko atari azi ko muri Mata 1994 hariho umutwe w'Interahamwe kandi yari umuyoboke w'ishyaka rya MRND, bituma Urugereko rudashira amakenga ubuhamya bwe. Urugereko ntirwemera ko uyu mutangabuhamya yashoboraga kumenya niba Munyakazi yari ari kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994.

376. Mu gusoza, Urugereko rwemera nta gushidikanya, ko Munyakazi yagabye igitero kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994. Rumaze gusuzuma ibimenyetso byose, Urugereko ruributsa ko Porokireri yahamagaje abatangabuhamya batandatu, bazi ibintu mu buryo burambuye, bose bakaba bemeza ko Munyakazi yayoboye abagabye icyo gitero. Byongeye kandi, bane muri abo bagabo batanze ubuhamya burambuye ku byo biboneye kandi biyumviye, bavuga ukuntu Munyakazi yayoboye igitero kuri Paruwasi ya Shangi. Urugereko rusanga aba batangabuhamya bakwizerwa. Aho Urugereko rutashize amakenga ubuhamya bumwe bushinja, ibyo bavuze ku ruhare rwa Munyakazi mu kuyobora igitero byagiye bishyigikirwa n'abandi batangabuhamya. Urugereko rusanga kandi ibimenyetso bishinjura bitatuma rushidikanya ko Munyakazi yagabye igitero kuri Paruwasi ya Shangi. Kubera impamvu zavuzwe harugu (reba Umutwe II.2), Urugereko ntirwemera imyiregurire ivuga ko atari aho icyaha cyakorewe igihe cyakorwaga. Byongeye kandi, ubuhamya bwatanzwe n'umugabo ushinjura witwa Ntakirutimana bushingiye bwose ku nkuru mbarirano. Ubuhamya umugabo ushinjura wiswe YCI yatanze bwerekeye gusa ibintu bimwe byabaye muri icyo gitero yiboneye, kubera ko yivugira ko mu gice kimwe cy'icyo gitero yari yihishe ndetse n'ibyo avuga kuri icyo gitero ntibifite ubundi buhamya bubishyigikira. Mu gusoza kuri iyi ngingo, ku byerekeye ibyo ELB avuga ko atigeze na rimwe yumva abantu bavuga iby'igitero cyo kuri Paruwasi ya Shangi, Urugereko rusanga ubwo buhamya bwe buvuguruzwa n'ubundi rwakiriye.

Ikibazo cyo kumenya niba muri icyo gitero Munyakazi ubwe yararashe akica abasiviri b'Abatutsi

377. Umutangabuhamya ushinja wiswe BWU avuga ko Interahamwe zimaze gufungura ku ngufu imiryango ya kiriziya ya Shangi, umugore witwa Petronilla Nyiramuteteri yasabye Munyakazi imbabazi ngo ye kwicwa ariko Munyakazi aramurasa arapfa[773]. Mbere na mbere, Urugereko rusanga izina ry'uyu nyakwigendera ritavugwa haba mu Nyandiko y'ibirego cyangwa mu Myanzuro mbanzirizarubanza yanditse ya Porokireri. BWU, wari icyitso cy'Uregwa, ni we mutangabuhamya wenyine uvuga ibi bintu. Abatangabuhamya biswe BWR na BWQ bavuga ko bari hafi y'urugi ubwo abagabye igitero barumenaga maze bakongeraho ko icyo gihe bahabonye Munyakazi, ariko ntibavuga iyicwa ry'uriya mudamu[774]. Kubera rero ko ubuhamya bwa BWU budafite ubundi bubushyigikira, Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Munyakazi yarashe akica umugore witwa Petronilla Nyiramuteteri ku itariki ya 29 Mata 1994, kuri Paruwasi ya Shangi.

378. Umutangabuhamya ushinja wiswe BWW avuga ko ubwicanyi bwenda kurangira, Munyakazi ubwe yatoranyije impunzi icyenda mu mbaga y'abantu maze akazirasa[775]. Ibi bintu ntibivugwa na BWU, nyamara na we yari mu bagabye igitero, cyangwa ngo bivugwe n'abandi batangabuhamya bashinja. Urugereko rwarangije kwemeza ko rudashobora gufata umwanzuro rushingiye ku buhamya bwa BWW budafite ubundi bubushyigikira.

379. Kubera iyo mpamvu, Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, ko Munyakazi ubwe yarashe akica abasiviri b'Abatutsi kuri Paruwasi ya Shangi, ku itariki ya 29 Mata 1994.

Umwanzuro w'Urugereko

380. Porokireri yagaragaje, ku buryo budashidikanywaho, ko ukurikije uko ibintu byari byifashe, Munyakazi ari we wari uyoboye igitero cyagabwe kuri Paruwasi ya Shangi

[773] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8,31-32
[774] Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 15-16, 29, 30-31; Inyandikomvugo y'iburanisha, 22 Mata 2009, imp. 45, 53.
[775] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 18, 34.

ku itariki ya 29 Mata 1994. Porokireri yagaragaje kandi ko Munyakazi yatwaye Interahamwe mu modoka akaziha amabwiriza yo kwica abasiviri b'Abatutsi kuri iyo paruwasi. Kubera ko Munyakazi yayoboye icyo gitero cyari kigamije gutsembatsemba Abatutsi kuri iyo paruwasi, Urugereko rubona ko yari afite umugambi wo kurimbura abaturage b'abasiviri b'Abatutsi bari aho hantu. Porokireri ntiyagaragaje, ku buryo budashidikanywaho, ko Munyakazi ubwe yarashe abasiviri b'Abatutsi muri icyo gitero.

9. IGITERO CYAGABWE KURI PARUWASI YA MIBILIZI, KU ITARIKI YA 30 MATA 1994

381. Igika cya 14 cy'Inyandiko y'ibirego kigira kiti:

> Ku itariki ya 30 Mata 1994 cyangwa hafi yayo, Yussuf Munyakazi, ari kumwe n'Interahamwe zo mu Bugarama, bakoresheje imbunda n'intwaro za gakondo, bateye kandi bakica abasivili b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Mibirizi, Komine ya Cyimbogo (Perefegitura ya Cyangugu). Yussuf Munyakazi yatwaye izo Nterahamwe azijyana kuri Paruwasi ya Mibirizi maze azitegeka kwica gusa Abatutsi b'abagabo, kandi zarabikoze.

382. Ubwunganizi buvuga ko Munyakazi nta ruhare yigeze agira mu gitero icyo ari cyo cyose cyagabwe kuri Paruwasi ya Mibilizi[776].

Ibimenyetso

Umutangabuhamya ushinja wiswe LCQ

383. Umutangabuhamya wiswe LCQ ni Umututsi, akaba yari umuhinzi muri Mata 1994[777]. Umutangabuhamya yahuye na Munyakazi bwa mbere mu mwaka wa 1988 cyangwa mu wa 1989, cyangwa ahagana muri iyo myaka, ubwo yakundaga kujya mu Bugarama kubera impamvu z'ubucuruzi[778]. Nyuma y'umwaka wa 1990, ntiyongeye

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[776] *Reba,* Imyanzuro nsozarubanza ya Porokireri, ibika 128-135.
[777] Ikimenyetso gihamya cya Porokireri cyahawe nº 11 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 15-16.
[778] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 18.

gusubira mu Bugarama kubera ko yari Umututsi, bityo kujyayo bikaba byari ukwigerezaho[779].

384. Ku itariki ya 8 Mata 1994, uyu mutangabuhamya yahungiye kuri Paruwasi ya Mibilizi ari kumwe n'umugore we n'abaturanyi bageze kuri 20[780]. Bageze kuri iyo paruwasi, bahasanze izindi mpunzi zigera kuri 300[781].

385. Igitero cya mbere cyagabwe kuri iyo paruwasi ku itariki ya 13 Mata 1994 kandi cyari kiyobowe n'uwitwa Kayibanda. Igitero cya kabiri cyabaye ku itariki ya 18 Mata 1994 kiyobowe n'uwitwa Bandetse na Superefe wa Cyangugu. Igitero cya gatatu, na cyo cyari kiyobowe na Bandetse kandi cyagabwe ku itariki ya 20 Mata 1994[782]. Ibyo bitero byose byagabwe n'abaturage batuye mu duce twegereye aho hantu[783].

386. Ku itariki ya 30 Mata 1994, mu masaa kumi z'amanywa, LCQ yabonye Munyakazi yinjira mu kigo cya Paruwasi ari kumwe n'Interahamwe zitwaje ahanini intwaro za gakondo, ariko imwe muri zo yari ifite imbunda. Munyakazi yari afite inkota[784]. Munyakazi yabwiye impunzi ngo: « Mwishe Umukuru w'igihugu maze muza kwihisha hano… mugiye kwishyura ibyo mwakoze »[785].

387. Munyakazi rero yategetse Interahamwe gusohora impunzi zimwe zarimo uyu mutangabuhamya maze bakazijyana hanze ya paruwasi. Abagabye igitero bambuye izo mpunzi imyenda zari zambaye maze bazijyana mu nsi y'umuhanda mu ishyamba bazuriza imodoka ku ngufu. Iyo modoka yari ikijwe n'Interahamwe kugira ngo impunzi zidatoroka[786]. Aho hantu, izo mpunzi zashyizwe mu dutsinda duto tw'abantu batanu cyangwa batandatu, zijyanwa hagati mu ishyamba, maze Interahamwe zirazica zikoresheje amahiri n'imihoro[787]. Umutangabuhamya yabonye itsinda rya mbere ry'impunzi esheshatu ryicwa, mbere yo kujyanwa kure muri iryo shyamba aho

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[779] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 19.
[780] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 15-16, 27.
[781] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 16.
[782] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 17.
[783] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 27-28.
[784] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 20, 34.
[785] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 20.
[786] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 21.
[787] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 21-22.

yakubiswe impiri ikwikiyemo imisumari maze agata ubwenge. Aho agaruriye akenge, yasanze ari mu gipadiri[788].

388. Muri abo bantu bagabye igitero cyo ku itariki ya 30 Mata 1994, umutangabuhamya yamenyemo babiri gusa ari bo Munyakazi n'undi muntu umwe[789]. Muri icyo gitero, umutangabuhamya yarakomeretse bityo bimutera inkovu nyinshi ku mubiri ndetse ahacikira n'urutoki. Umutangabuhamya yeretse inkovu ze Urugereko [790].

Umutangabuhamya ushinja wiswe MP

389. Umutangabuhamya wiswe MP ni Umuhutu, akaba yari kuri Paruwasi ya Mibilizi muri Mata 1994[791]. Avuga ko impunzi za mbere z'Abatutsi zageze kuri paruwasi ku itariki ya 7 Mata 1994, ku buryo mu minsi yakurikiyeho zageraga ku bihumbi bitanu[792].

390. Umutangabuhamya yari umuhuzabikorwa w'itsinda rishinzwe umutekano w'impunzi[793]. Kuri paruwasi hagabwe ibitero byinshi kandi birutana mu bukare. Impunzi zibarirwa hagati ya 2.500 na 3.500 zarishwe mu gitero cyagabwe ku itariki ya 18 Mata 1994. Ku itariki ya 20 Mata, abagabye igitero batoranije izindi mpunzi 100 maze barazica. Ku itariki ya 30 Mata, hagabwe ikindi gitero cyahitanye impunzi zibarirwa hagati ya 60 na 100[794]. Igitero cyo ku itariki ya 30 Mata cyagabwe hagati ya saa kumi na saa kumi n'imwe z'igicamunsi kandi cyamaze hafi igice cy'isaha[795].

391. Mu gihe icyo cyagabwaga, umutangabuhamya yari kuri paruwasi mu cyumba cyari mu kazu gato kari kagenewe abajandarume. Icyo cyumba cyari gifite idirishya yashoboye kureberamo ibyaberaga hanze. Munyakazi n'Interahamwe zibarirwa hagati ya 50 na 70 bageze aho hantu bari mu modoka ebyiri zo mu bwoko bwa Daihatsu. Bamwe muri bo bari bitwaje imbunda n'amagerenade, naho abandi bafite intwaro za gakondo. Abajandarume bari kuri Paruwasi binginze abagabye igitero ngo be kwica

[788] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 22.
[789] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 27, 33-34.
[790] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 22.
[791] Ikimenyetso gihamya cya Porokireri cyahawe n^{o} 7 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 43-44 (iburanisha mu muhezo).
[792] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 45.
[793] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 49.
[794] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 45, 50-51.
[795] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 45-48, 51.

impunzi zari zisigaye, bababwira ko mu bitero bya mbere hari harokotse gusa abantu basheshe akanguhe, abagore n'abana, ariko abagabye ibitero ibyo ntibabikojejwe. Umuyobozi w'abagabye igitero yabahaye ikimenyetso cyo gutangira igitero. Mu gutangira no kurangiza igitero harashwe isasu. Ahao yari ari, umutangabuhamya yashoboye kubona Interahamwe zinjira mu ishuri aho impunzi zari zihishe nyuma azibona zisohokamo. Yumvise kandi amabwiriza anyuranye yatanzwe n'umuyobozi w'icyo gitero. Impunzi zicishizwe intwaro zifite ubugi[796]. Abagabye igitero biciye impunzi ahantu zari zihishe. Mu gitero cyagabwe ku itariki ya 30 Mata, abagabye igitero ntibabanje kubwira impunzi kwicara hasi mbere yo gutoranyamo izo bari bwice. Uwo munsi, umutangabuhamya ntiyabonye Munyakazi afite intwaro[797].

392. Umutangabuhamya yamenye ko icyo gitero cyari kiyobowe na Munyakazi kubera ko uwo munsi umwe muri bagenzi be yaterefonnye inshuti ye kuri Paruwasi ya Shangi maze ikamubwira ko Shangi yaraye itewe n'Uregwa hamwe n'Interahamwe ze. Umutangabuhamya yahise akeka ko Paruwasi ya Mibilizi ari yo yari itahiwe maze asaba abantu bari batuye ku muhanda ugana kuri Paruwasi kumuburira nibabona Munyakazi. Hashize umwanya muto, umwe muri abo bantu yaramuhamagaye amubwira ko yabonye Munyakazi n'itsinda rye berekeza kuri Paruwasi. Nyuma y'iminota 15, Munyakazi yageze kuri Paruwasi. Muri icyo gitero, umutangabuhamya ntiyashoboye kubona niba Munyakazi yaritangiye ubwe ikimenyetso cyo gutangiza igitero cyangwa niba yarategetse gusa ko icyo kimenyetso gitangwa. Umutangabuhamya yibwiye ko icyo gitero cyari kiyobowe na Munyakazi kubera ko abajandarume bavuganye n'umuyobozi w'Interahamwe ubwo zahageraga kugira ngo bazumvishe ko zigomba kureka gutera, babwiye umutangabuhamya ko umuntu bavuganye yari Munyakazi.[798]

<u>Umutangabuhamya ushinja wiswe MM</u>

393. Umutangabuhamya wiswe MM ni Umututsi, akaba yari kuri Paruwasi ya Mibilizi mu mwaka wa 1994[799]. Muri Mata 1994, Abatutsi bagera ku bihumbi bitandatu bageze kuri iyo paruwasi bashaka ubuhungiro. Nibura kimwe cya kabiri cy'abo bantu

[796] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 46-48, 52.
[797] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 56.
[798] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49, 51-53.
[799] Ikimenyetso gihamya cya Porokireri cyahawe nº 9 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 58-59 (iburanisha mu muhezo).

cyahasize ubuzima[800]. Uyu mutangabuhamya na we yari umwe mu bagize komite mpuzabikorwa ishinzwe umutekano w'impunzi. Mu gihe icyo gitero cyagabwaga, abagize iyo komite bari kumwe n'abajandarume. MM yemeza ko yari kumwe na MP igihe icyo gitero cyarimo kuba[801].

394. Ibitero bito byibasiye impunzi byatangiye ku itariki ya 11 Mata 1994. Igitero kinini, cyakoreshejwemo imbunda n'amagerenade, cyabaye ku itariki ya 18 Mata 1994. Ikindi gitero kinini cyabaye ku itariki ya 20 Mata 1994. Muri icyo gitero, abakigabye bategetse impunzi guteranira hamwe zikicara hasi. Birangiye, batoranyije impunzi zimwe maze bajya kuzicira hanze ya kiriziya[802].

395. Ku itariki ya 30 Mata 1994, hagabwe ikindi gitero cyatangiye ahagana saa kumi n'imwe z'igicamunsi. Uwo munsi, umutangabuhamya ntiyiboneye ubwe Munyakazi[803]. Cyakora, hasigaye nk'isaha ngo icyo gitero gitangire, umuntu yaterefonnye ku biro bya paruwasi avuga ko Munyakazi n'Interahamwe bari bamaze kunyura ku muhanda ugana kuri Paruwasi ya Mibilizi baririmba kandi bavuga ko bagiye kwica impunzi zari i Mibilizi nk'uko bari barishe iz'i Shangi n'i Hanika. Byongeye kandi, umwe mu bajandarume bari kuri paruwasi yaganiriye na Munyakazi ubwo uyu yahageraga maze nyuma abwira umutangabuhamya ibyo bavuganye. Uwo mujandarume yanabwiye umutangabuhamya ko umuntu bavuganye yari Munyakazi. Nyuma yaho, abantu barokotse igitero na bo babwiye umutangabuhamya ko icyo gitero cyari kiyobowe na Munyakazi[804].

396. Mu gihe icyo gitero cyagabwaga uwo munsi, umutangabuhamya yari mu cyumba aho yashoboraga kubona mu kigo cya paruwasi no hanze yacyo[805]. Zihageze, Interahamwe zakoranyirije impunzi ku mbuga ya paruwasi. Zatoranyijemo abantu zashakaga kwica

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800 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 60-61; Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 1, 7.
801 Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 62; Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 1, 9.
802 Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 61; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 6.
803 Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.
804 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 61-62; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.
805 Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 62.

maze zibajyana hanze ya paruwasi[806]. Hasigaye impunzi zigizwe ahanini n'abasaza n'abakecuru. Umutangabuhamya yumvise umuyobozi w'abagabye igitero ababwira ngo: « Bampamagaye ariko ndabona nta kintu kinini cyo gukora ». Umutangabuhamya yumvise ayo magambo ashaka kuvuga ko kubera ko abasore bari bakuwe aho hantu bishwe, bitari ngombwa ko uwo muntu yica abantu basigaye kuko bari basheshe akanguhe bityo kubica bikaba ntacyo byari bimaze. Amaze kuvuga ayo magambo, impunzi zakomye amashyi[807]. Umutangabuhamya ntiyibuka ko yaba yarumvise hatangwa ikimenyetso cyo gutangiza igitero[808].

397. Mu minota 40, Interahamwe zari zirangije gutoranya abantu zishaka maze zibajyana kubica[809]. Bamwe mu bantu batoranyijwe biciwe hanze ya paruwasi ku mbuga, naho abandi biciwe mu nsi y'umuhanda hakoreshejwe intwaro zifite ubugi. Nyuma y'igitero, umutangabuhamya yabonye imirambo. Avuga ko agereranyije uwo munsi hishwe abantu nka 70 kandi ko hari abantu babiri mu batoranyijwe ngo bicwe barokotse icyo gitero[810].

Umutangabuhamya ushinja wiswe BWW

398. Umutangabuhamya wiswe BWW ni Umuhutu[811], akaba avuga ko yagiye mu gitero cyagabwe kuri Paruwasi ya Shangi mu mpera za Mata 1994. Yongeraho ko igitero cyo kuri Paruwasi ya Mibilizi cyabaye mu mpera za Mata 1994, hashize iminsi nk'itatu kuri Paruwasi ya Shangi hatewe[812].

399. Mbere yo kujya i Mibilizi, umutangabuhamya ari kumwe na Munyakazi n'abandi bantu bagabye igitero baherewe amabwiriza ahantu hitwa Ingoro. Ayo mabwiriza bayahawe n'umuntu witwa Edouard Bandetsi, wari umucuruzi w'i Nyakabuye[813].

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[806] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 63.
[807] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 63; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 10.
[808] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 10.
[809] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 61; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.
[810] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 63-64; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 10.
[811] Ikimenyetso gihamya cya Porokireri cyahawe nº 12 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6.
[812] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 15, 34 (iburanisha mu muhezo).
[813] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 20, 34-35 (iburanisha mu muhezo).

Umutangabuhamya avuga ko Interahamwe zigera ku 120 zagiye kuri iyo paruwasi mu modoka ebyiri zo mu bwoko bwa Daihatsu za Munyakazi, kandi ko zari zitwaje intwaro zari zibitse kwa Munyakazi[814].

400. Igitero cyatangiye saa cyenda cyangwa saa kumi z'amanywa. N'ubwo umutangabuhamya atazi igihe icyo gitero cyamaze, avuga ko abakigabye batashye bwije[815]. Abagabye igitero bageze i Mibilizi, bakiriwe neza n'abajandarume bari bashyigikiye ibikorwa by'Interahamwe[816]. Uwo munsi, igitero cyagabwe i Mibilizi cyari kiyobowe na Bandetsi na Munyakazi[817]. Atangiza igitero, Uregwa yarabajije ati: « Ntimuzi icyabazanye ?», maze Bandetsi yongeraho ati: « Muratureba nk'aho mutazi icyo mugomba gukora »[818]. Umutangabuhamya avuga ko Interahamwe zigeze kuri Paruwasi ya Mibilizi, zahasanze abagabo gusa, zibambura imyenda bari bambaye maze ziburiza imodoka. Zabakuye mu modoka zibajyana mu ishyamba maze zirabica. Kubera ko bwari bugiye kwira, Interahamwe ziciye zimwe mu mpunzi mu kigo cya paruwasi. Umutangabuhamya ubwe yishe Abatutsi 15 akoresheje umuhoro n'impiri[819].

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401. Munyakazi avuga ko ku itariki ya 29 Mata 1994, umuyisilamu wo mu Bugarama witwa Emedeyo Kabungo yapfuye maze we n'abaturanyi be bagaterana ngo basengere nyakwigendera kandi ko ikiriyo cyamaze iminsi itatu[820]. Ahakana ko yagize uruhare urwo ari rwo rwose mu byabereye kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994[821], ariko akemera ko yumvise bavuga ko kuri Paruwasi ya Mibilizi hatewe[822].

[814] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 20-21 (iburanisha mu muhezo).
[815] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 35 (iburanisha mu muhezo).
[816] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 35 (iburanisha mu muhezo).
[817] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 20 (iburanisha mu muhezo).
[818] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 35 (iburanisha mu muhezo).
[819] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 21-22 (iburanisha mu muhezo).
[820] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 1-3.
[821] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 4-5.
[822] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 5.

Umutangabuhamya ushinjura witwa Thomas Nahimana

402. Thomas Nahimana ni Umuhutu, mu mwaka wa 1994 akaba yarakurikiraga amasomo ya tewolojiya. Mu biruhuko bya Pasika muri Mata 1994, uyu mutangabuhamya yagarutse iwabo muri Sigiteri ya Nzahaha, ihana imbibi n'iya Bugarama, aho Munyakazi yari atuye. Yarahagumye mu gihe cyose cy'ibyabaye bivugwa mu Nyandiko y'ibirego[823].

403. Mu byumweru bya mbere bya Mata 1994, umutangabuhamya yajyaga mu misa buri munsi kuri Paruwasi ya Mushaka maze agafasha umupadiri w'iyo paruwasi w'Umututsi witwa Antoine Hategekimana, mu byo gusoma misa[824]. Ku itariki ya 16 Mata 1994, Nahimana yagiye kuba kuri Paruwasi ya Mushaka nyuma y'uko Musenyeri ategetse ko abaseminari bajya kuba ku maparuwasi bakomokamo[825].

404. Padiri Antoine yagiriye inama impunzi z'Abatutsi guhungira kuri Paruwasi ya Mibilizi cyangwa muri Kongo aho guhungira kuri Paruwasi ya Mushaka maze umuryango wa Padiri Antoine wumvira iyo nama[826]. Muri Mata 1994, Nahimana yagiye i Mibilizi inshuro eshatu kureba umuryango wa Padiri Antoine. Yagiyeyo ku itariki ya 20, iya 24 n'iya 30 Mata[827]. Muri Gicurasi 1994, umutangabuhamya yajyaga kuri Paruwasi ya Mibilizi buri wa gatandatu ashyiriye imiti y'indwara ya diyabete nyina wa Padiri Antoine. Yakomeje kumushyira iyo miti kugeza ku itariki ya 27 Gicurasi 1994 ubwo impunzi zari kuri iyo paruwasi zimurirwaga i Nyarushishi[828].

405. Ubwo yajyaga kuri Paruwasi ya Mibilizi ku itariki ya 20 Mata 1994, umutangabuhamya yiboneye koko ko kuri iyo paruwasi hari haragabwe igitero ku itariki ya 18 Mata 1994, kandi ko umuvandimwe wa Padiri Antoine yapfuye icyo gitero kikimara kurangira. Umutangabuhamya yasubiye kuri Paruwasi ya Mibilizi ku itariki ya 24 Mata 1994 ajyanye amafaranga kugira ngo umuryango w'uwo

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823 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 13 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 4-5.
824 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 7.
825 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 8-9.
826 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 9, 29.
827 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 10-11, 35.
828 Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 24.

nyakwigendera wimurirwe ahandi hantu[829]. Umutangabuhamya yaje kumenya ko uwitwa Edouard Bandetsi, wari umuyobozi w'Interahamwe, ari we wayoboye igitero cyagabwe ku itariki ya 18 Mata[830].

406. Ku itariki ya 30 Mata 1994, umutangabuhamya yongeye gusubira kuri Paruwasi ya Mibilizi. Yagezeyo ahagana hagati ya saa tanu na saa tanu n'igice z'amanywa maze ahava hagati ya saa kumi n'imwe na saa kumi n'ebyiri z'umugoroba asubira i Mushaka[831]. Ubwo yari kuri iyo Paruwasi, yasangiye ibiryo na MM, MP n'umupadiri w'umusaza witwa Antoine Muco[832]. Ku itariki ya 30 Mata 1994, umutangabuhamya « ntiyabonye igitero na kimwe »[833]. Ntiyabonye Munyakazi cyangwa abasore bo mu Bugarama. Nyuma yaho ntiyumvise abantu bavuga iby'icyo gitero cyangwa ngo yumve bavuga izina rya Munyakazi ku birebana n'igitero cyagabwe kuri Paruwasi ya Mibilizi[834].

407. Umutangabuhamya yari inshuti y'abagabo bashinja biswe MP na MM, ariko ntibigeze bamubwira ko Uregwa yayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. N'ubwo atazi impamvu mu buhamya bwabo, abo bagabo bavuga ko uwo munsi habaye igitero, akeka ko bashobora kuba baribeshye ku itariki icyo gitero cyagabiweho[835].

408. Mu mwaka wa 1999, umutangabuhamya yabaye umuyobozi wa *Ecclesiastical Peace, Justice and Unity Commission* [Komisiyo ya kiriziya ishinzwe amahoro, ubutabera n'ubumwe]. Iyo komisiyo yari ishinzwe ubwiyunge mu Banyarwanda. Mu rwego rw'imirimo ye muri iyo komisiyo, umutangabuhamya yaganiriye n'imiryango 16 iba muri Perefegitura ya Cyangugu ku bintu byabaye muri jenoside no ku bantu babigizemo uruhare. Muri Perefegitura ya Cyangugu, iyo komisiyo ya kiriziya yakoranaga neza na komisiyo ya Guverinoma bihuje inshingano kandi kenshi izo komisiyo zombi zahererekanyaga amakuru ku bintu byabaye mu mwaka wa 1994[836].

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[829] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 10-11.
[830] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 15.
[831] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 11.
[832] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 11-12, 19, 35.
[833] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 13.
[834] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 13.
[835] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 14, 30.
[836] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 15-16.

Nahimana ntiyigeze yumva havugwa ko Munyakazi yagize uruhare mu gitero cyagabwe kuri Paruwasi ya Mibilizi[837].

Umutangabuhamya ushinjura wiswe MPCC

409. Umutangabuhamya wiswe MPCC ni Umututsi, akaba yarahoze ari umukuru wa MRND muri Komine ya Gishoma, Perefegitura ya Cyangugu, mu mwaka wa 1994[838]. Yahuye na Munyakazi bwa mbere mu ntangiriro ya za 80. Munyakazi yabaga muri Segiteri ya Bugarama, Komine ya Bugarama, Perefegitura ya Cyangugu[839].

410. Umutangabuhamya yumvise abandi bantu bavuga iby'ubwicanyi bwabereye kuri Paruwasi ya Mibilizi. By'umwihariko, yabyumvise ubwo yari muri gereza no mu manza Gacaca yagiyemo amaze gufungurwa[840]. Muri gereza abantu bamubwiye ko ubwicanyi bwakorewe i Mibilizi bwayobowe n'uwitwa Edouard Bandetse wakomokaga i Mibilizi[841]. Ubwo yari afunze, no muri Gacaca, ntiyigeze yumva abantu bavuga ko Munyakazi yakoze ubwicanyi kuri Paruwasi ya Mibilizi[842].

Umutangabuhamya ushinjura wiswe ELB

411. Umutangabuhamya wiswe ELB ni Umuhutu, akaba yari yungirije umukuru w'Interahamwe zo mu Bugarama mu mwaka wa 1994[843]. Avuga ko Interahamwe zo mu Bugarama zitigeze zitera kuri Paruwasi ya Mibilizi. Ku itariki ya 18 Mata 1994 ni ho kuri Paruwasi ya Mibilizi hagabwe igitero kinini kandi cyari kiyobowe n'Interahamwe z'i Gitarama n'iz'i Mibilizi. Icyo gitero cyagabwe i Mibilizi cyari kiyobowe na Kayibanda, Sudure na Mudeyi. Nyuma yaho, hagabwe udutero duto tuyobowe na Kayibanda, wari umukuru w'Interahamwe z'i Gitarama. Munyakazi

[837] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 17, 28.
[838] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 18 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 46, 57-58. (iburanisha mu muhezo)
[839] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 47-48 (iburanisha mu muhezo).
[840] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 54 (iburanisha mu muhezo).
[841] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 54-55 (iburanisha mu muhezo).
[842] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 55-56, 61 (iburanisha mu muhezo).
[843] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 27 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 1-2.

ntiyigeze abwira Interahamwe zo mu Bugarama kugaba igitero kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994[844].

Isesengura ry'Urugereko

412. Abagabo bashinja bane batanze ubuhamya ku gitero bavuga ko cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. Abo bagabo uko ari bane bari mu byiciro binyuranye by'abatangabuhamya: umwe ni uwarokotse ubwicanyi, undi ni uwagabye igitero, naho babiri basigaye bari kuri paruwasi icyo gihe kubera impamvu zitandukanye. Umutangabuhamya ushinjura witwa Thomas Nahimana avuga ko uwo munsi nta gitero cyagabwe kuri Paruwasi ya Mibilizi, naho undi ushinjura wiswe MPCC akemeza ko kuri iyo paruwasi hagabwe igitero ariko ko kitabaye ku itariki ya 30 Mata 1994. Ibyo ari byo byose, ibyo bitero byari biyobowe na Edouard Bandetse. ELB ahakana ko Interahamwe zo mu Bugarama zagize uruhare mu gitero icyo ari cyo cyose cyagabwe kuri Paruwasi ya Mibilizi. Munyakazi asa n'uwemera ko kuri iyo paruwasi hagabwe igitero, ariko ntavuga itariki cyagabiweho. Asobanura ko ku itariki ya 30 Mata 1994 yari ahandi hantu.

413. N'ubwo rusanga MP na MM ari abatangabuhamya bakwizerwa, Urugereko rusanga hari ibyo badahuza mu buhamya bwabo kuri icyo gitero. MP avuga ko impunzi zose ziciwe mu byumba by'amashuri kuri paruwasi kandi ko abagabye igitero batabanje gutoranya abo bica[845]. Yongeraho ko barashe isasu nk'ikimenyetso cyo gutangiza no kurangiza ubwicanyi[846]. MM we ntavuga ko harashwe isasu cyangwa ngo hatangwe ikindi kimenyetso cyo gutangiza igitero. Anavuga ko abagabye igitero bakoranyirije impunzi ahantu hamwe kugira ngo batoranyemo abo bajyana hanze ya Paruwasi kubicirayo[847]. Ibyo avuga bishyigikirwa na LCQ na BWW kuko aba batangabuhamya bombi bavuga ko impunzi zakoranyirijwe hamwe noneho zikajyanwa mu ishyamba kwicirwayo. Urugereko rusanga ukunyuranya kuboneka hagati y'ubuhamya bwa MM n'ubwa MP kutatuma batizwerwa, kandi gushobora kuba guterwa n'igihe gishize ibintu bibaye ndetse kukaba kwaterwa na none n'uko muri icyo gihe kuri Paruwasi ya Mibilizi hagabwe ibitero byinshi.

844 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 12.
845 Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 56.
846 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 53-54.
847 Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 61; 63.

414. N'ubwo hari aho MM na MP banyuranya, ahanini ubuhamya bwabo hari ibyo bugenda buhurizaho. Abo batangabuhamya bombi bavuga ko mbere yaho, ni ukuvuga ku itariki ya 18 n'iya 20 Mata 1994, kuri paruwasi habaye ibitero binini. Izi mvugo zishyigikirwa na LCQ [848]. Abo batangabuhamya bombi bavuga kandi ko baburiwe ko hari bugabwe igitero[849], ko bageze kuri paruwasi abayobozi b'igitero baganiriye n'abajandarume, ko igitero cyagabwe ahagana ku mugoroba kandi ko cyamaze igihe gito[850].

415. Abatangabuhamya bashinja bose bavuga ko icyo gitero cyayobowe na Munyakazi kandi ko cyatangiye nyuma ya saa sita, hagati ya saa cyenda na saa kumi n'imwe z'igicamunsi. Uretse BWW utazi itariki nyayo icyo gitero cyabereyeho, abandi batangabuhamya bose bashinja bemeza ko igitero cyagabwe ku itariki ya 30 Mata 1994. Urugereko rusanga MM na MP barashoboye kumenya Munyakazi babikomoye ku nkuru mbarirano yakomotse hamwe[851]. Bombi bavuga ko umuntu yaterefonnye akababurira ko Munyakazi aje kandi ko Munyakazi yavuganye n'abajandarume akanabibwira avuga ko ari we uyoboye abagabye igitero[852]. MM yongeraho ko abarokotse igitero cyagabwe i Mibilizi bemeza ko icyo gitero cyari kiyobowe na Munyakazi[853]. N'ubwo ubu buhamya bushingiye ku nkuru mbarirano, Urugereko rusanga bwakwizerwa kuko ibivugwa ku ruhare rwa Munyakazi bishyigikirwa n'ubuhamya bwa LCQ na BWW.

416. Urugereko rushingira by'umwihariko ku buhamya bwa LCQ mu kwemeza ko Munyakazi yagize uruhare mu gitero cyagabwe i Mibilizi. Uyu mutangabuhamya yarokotse ubwo bwicanyi kandi yiboneye ibyabaye. Mbere y'icyo gitero, yari azi Munyakazi kandi yaramumenye mu bandi bantu bagabye igitero kuri Paruwasi ya

[848] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 45, 50-51, 61; Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 6, 17.
[849] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49, 51-53; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 61-62, Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.
[850] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49, 51; Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 61-62.
[851] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49, 51-53; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 62.
[852] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 48-49, 51-53; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 62; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.
[853] Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 62; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 7.

Mibilizi ku itariki ya 30 Mata 1994[854]. Uyu mugabo ntahuzagurika kandi ni uwo kwizerwa, ndetse ubuhamya bwe bushyigikirwa muri rusange n'ubw'abandi bagabo bashinja.

417. Umutangabuhamya ushinja wiswe BWW yari icyitso cy'Uregwa akaba kandi yari mu mutwe w'Interahamwe zo mu Bugarama, yemera ko yagiye muri icyo gitero. N'ubwo Urugereko rudashira amakenga ubuhamya bwe, rusanga ibyo avuga ko abakorewe ibyaha bakoranyirijwe ahantu hamwe bakamburwa imyenda bari bambaye maze bakajyanwa mu ishyamba kwicwa bishyigikirwa n'ubuhamya bwa LCQ n'ubwa MM[855].

418. Umutangabuhamya ushinjura wiswe MPCC avuga ko i Mibilizi habereye ubwicanyi bwari buyobowe na Edouard Bandetse. Cyakora, Urugereko rusanga uyu mutangabuhamya atari kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994, bityo ko ubuhamya bwe bwose bushingiye ku nkuru mbarirano[856]. Kubera iyo mpamvu, Urugereko nta gaciro kanini ruha ubu buhamya bwe.

419. Umutangabuhamya ushinjura witwa Thomas Nahimana avuga ko yari kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994 kandi ko uwo munsi nta gitero cyahabaye. Kubera iyo mpamvu, ubuhamya bwe bufite akamaro kanini kurusha ubwa MPCC. Cyakora, Urugereko rusanga Nahimana avuga gusa ku gitero kimwe cyagabwe kuri Paruwasi ya Mibilizi. Koko rero, avuga ko ubwo yajyaga kuri paruwasi ku itariki ya 20 Mata 1994, yumvise abantu bavuga ko iminsi ibiri mbere y'uko ahagera, ni ukuvuga ku itariki ya 18 Mata 1994, aho hantu hari haragabwe igitero[857]. Ntavuga igitero cyagabwe ku itariki ya 20 Mata 1994 n'ubwo avuga ko uwo munsi yagiye kuri Paruwasi akongera gusubirayo ku ya 24 Mata 1994[858]. Urugereko rusanga abatangabuhamya bashinja biswe LCQ, MM na MP bose bavuga ko igitero cya

[854] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 17-18; 20: Umutangabuhamya yari azi Munyakazi kubera ko yari yarajyanye amatungo ye mu Bugarama akaba yaragurishaga amata na Munyakazi.
[855] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 20-21, 34-35: Umutangabuhamya ntavuga itariki nyayo igitero cyagabiweho. Avuga gusa ko cyabaye hashize iminsi kuri Paruwasi ya Shangi hatewe.
[856] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 54-56 (iburanisha mu muhezo)
[857] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 10-13; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, urup. 14.
[858] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp.10-11; Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 12-13: Umutangabuhamya avuga ko igitero rukumbi cyagabwe kuri Paruwasi ya Mibilizi cyabaye ku itariki ya 18 Mata 1994.

simusiga cyagabwe ku itariki ya 20 Mata. Urugereko rusanga kuba Nahimana atavuga igitero cyagabwe ku itariki ya 20 Mata bihagije cyane kugira ngo umuntu abe yashidikanya ku kwizerwa k'ubuhamya bwe bwose. Byongeye kandi, Urugereko rusanga Nahimana avuga ko muri icyo gihe, kuri Paruwasi ya Mibilizi hari akaduruvayo cyane, bityo bikaba bishobora kuba byaragize ingaruka ku bushobozi uyu mugabo afite bwo kwibuka ibyabaye[859].

420. Umutangabuhamya ushinjura wiswe ELB avuga ko yari mu mutwe w'Interahamwe zo mu Bugarama mu mwaka wa 1994. Kubera ko yari icyitso cy'Uregwa, Urugereko ntirushira amakenga ubuhamya bwe. N'ubwo ELB avuga ko Interahamwe zo mu Bugarama zitagiye mu gitero cyagabwe i Mibilizi, Urukiko Gacaca rwaramuburanishize kandi rumuhamya icyaha ku birego birimo igitero cyagabwe kuri Paruwasi ya Mibilizi[860]. Urugereko rusanga kandi LCQ avuga ko ELB na Munyakazi bagiye mu gitero cyagabwe kuri Paruwasi ya Mibilizi[861]. Urugereko rusanga umutangabuhamya ashobora kuba abeshya kugira ngo apfobye uruhare rwe mu byabaye muri Mata 1994. Kubera iyo mpamvu, Urugereko ntiruha agaciro kanini ubuhamya yatanze kuri iki kibazo.

421. Urugereko ruributsa ko rwamaze kwemeza ko imyiregurire ya sinari mpari ya Munyakazi ku birebana n'itariki ya 30 Mata 1994 itakwizerwa (Reba Umutwe wa II.2). Ku byerekeranye n'abatangabuhamya bashinjura, Urugereko ruributsa na none ko rufite impungenge z'uko ubuhamya bwa ELB mu Rukiko bushobora kuba bwaragendeye ku gushaka gupfobya uruhare rwe mu byabaye muri Mata 1994, n'iz'uko MPCC atiboneye ubwe ibyabaye. Urugereko rushidikanya kandi ku kwizerwa k'umutangabuhamya ushinjura witwa Thomas Nahimana, nk'uko byasobanuwe haruguru. Kubera izo mpamvu zose, Urugereko rusanga ibimenyetso bishinjura bitakwizerwa.

422. Abatangabuhamya bashinja bose uko ari bane kandi bari mu byiciro binyuranye, bemeza ko Munyakazi yayoboye igitero. Urugereko rusanga aba batangabuhamya bakwizerwa kandi n'aho byabaye ngombwa ko Urugereko rudashira amakenga ibice

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[859] Inyandikomvugo y'iburanisha, 2 Nzeri 2009, imp. 10-13, 19.
[860] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 24-25.
[861] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 27, 33.

bimwe by'ubuhamya bwabo, ubuhamya batanga ku ruhare rw'ubuyobozi Munyakazi yagize bufite ubundi bubushimangira. Urugereko rusanga ibimenyetso bishinjura bitatuma rushidikanya ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi. Rumaze gusuzuma ibimenyetso byose bishinja, Urugereko rwemeza, nta gushidikanya, ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi.

Umwanzuro w'Urugereko

423. Mu gusoza, Urugereko rusanga Porokireri yaragaragaje, ku buryo budashidikanywaho, ko Interahamwe n'abandi bantu batazwi bagabye ibitero kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994. Rusanga kandi Porokireri yaragaragaje ko Munyakazi yagiye muri icyo gitero akiyoboye. Icyo gitero cyari kigamije kwica impunzi z'Abatutsi zari zasigaye kuri iyo Paruwasi. Rushingiye ku mwanya w'ubuyobozi Munyakazi yari afite muri icyo gitero cyari kigamije gutsembatsemba Abatutsi kuri iyo paruwasi, Urugereko rusanze Munyakazi yari agambiriye kurimbura Abatutsi b'abasiviri bo muri ako gace.

UMUTWE WA III: IMYANZURO YO MU RWEGO RW'AMATEGEKO

424. Porokireri arega Munyakazi icyaha cya jenoside (ikirego cya 1), cyaba kitamuhamye akamurega kuba icyitso cy'abakoze jenoside (ikirego cya 2). Amurega kandi itsembatsemba (ikirego cya 3) nk'icyaha cyibasiye inyokomuntu. Uburyozwacyaha buvugwa bwa Munyakazi bushingiye ku ngingo ya 6 (1) ya Sitati.

425. Mu myanzuro rwafashe ku byabaye, Urugereko rwemeje ko ku itariki ya 29 Mata 1994, Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi kigahitana abasiviri b'Abatutsi babarirwa hagati y'ibihumbi bitanu na bitandatu. Rwemeje kandi ko Munyakazi ari umwe mu bayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994, kigahitana abasiviri b'Abatutsi babarirwa hagati ya 60 na 100. Yafashije mu gutwara Interahamwe zo mu Bugarama mu modoka zijya aho hantu hombi hakorewe ibyaha. Kubera ko ibindi bintu bivugwa mu Nyandiko y'ibirego bitatangiwe ibimenyetso bifatika, Urugereko rurasuzuma gusa uburyozwacyaha bwa Munyakazi ku birebana n'ibyo byabaye ari na byo

bishingirwaho mu kumurega icyaha cya jenoside, cyangwa, kuba icyitso cy'abakoze jenoside, igihe jenoside yaba itamuhamye. Aregwa kandi ubwicanyi nk'itsembatsemba rigize icyaha cyibasiye inyokomuntu.

1 UBURYOZWACYAHA BW'UREGWA

1.1 Ingingo ya 6 (1) ya Sitati

426. Ku byaha Urukiko rufitiye ububasha bwo kuburanisha, Ingingo ya 6 (1) ya Sitati iteganya ibikorwa binyuranye bishobora gutuma umuntu aryozwa icyaha ku giti cye. Ibyo bikorwa ni ibi bikurikira: gucura umugambi, guhamagarira, gukora, gutegeka ndetse no gufasha no gushishikaza.

1.1.1 Gucura umugambi, guhamagarira, gukora, gutegeka, gufasha no gushishikaza

427. « Gucura umugambi » bisaba ko umuntu umwe cyangwa benshi bashyiraho imyitwarire mibisha igize icyaha giteganywa na Sitati kandi icyo cyaha kikaza gukorwa. Birahagije kugaragaza ko gucura umugambi byagize uruhare runini muri iyo myitwarire mibisha. Igitekerezo cyo gukora icyaha kiba kirimo kugambirira gucura umugambi wo gukora icyaha cyangwa nibura, kuba umuntu azi ko bishoboka cyane ko icyaha kizakorwa mu rwego rwo gutsotsoba ibikorwa cyangwa kigakorwa kubera kwirengagiza nkana kugira icyo ukora[862].

428. « Guhamagarira » bivuga gutuma undi muntu akora icyaha. Si ngombwa kugaragaza ko icyaha kitari gukorwa iyo uregwa atabigiramo uruhare. Birahagije kugaragaza ko guhamagarira byatumye, mu buryo bugaragara, undi muntu akora icyaha. Igiterekezo cyo gukora icyaha ni ukugambirira guhamagarira undi muntu gukora icyaha, cyangwa nibura, kumenya ko byashobokaga cyane ko icyaha gikorwa mu rwego rwo

[862] Urubanza rwa *Nsengimana* mu rw'Iremezo, igika cya 796, hasubirwamo ibivugwa mu rubanza rwa *Dragomir Milosević* mu bujurire, igika cya 268; urubanza rwa *Nahimana* na bagenzi be mu bujurire, igika cya 479.

gutsotsoba ibyo abantu bahamagariwe gukora cyangwa se ibyo bahamagariwe kudakora[863].

429. Ku byerekeranye no « gukora », mu rubanza rwa Seromba Urugereko rw'Ubujurire rwemeje ibi bikurikira :

> Cyakora kuri jenoside, « gukora icyaha ku buryo butaziguye » ntibivuga byanze bikunze ko umuntu akora ubwe ubwicanyi. Hari ibindi bikorwa bishobora kwitwa kugira uruhare rutaziguye mu gikorwa kigize icyaha[864].

430. « Gukora » ntibihagararira gusa ku gukora icyaha mu buryo butaziguye. Hari ibindi bikorwa bishobora kwitwa uruhare rutaziguye mu gikorwa kigize icyaha[865]. Kumenya niba uregwa atsotsoba icyaha, nk'urugero, mu kwica abantu, si byo byonyine bigenderwaho[866]. Ikigenderwaho cy'ukuri mu mategeko ni ukumenya niba ibikorwa by'uregwa « byarakozwe koko mu rwego rwa jenoside nk'uko bimeze ku bwicanyi bwatewe n'ibyo bikorwa »[867]. Kubera iyo mpamvu, ikibazo ni ukumenya niba ibimenyetso byatanzwe bishyigikira umwanzuro uvuga ko Uregwa yabaye gatozi w'icyaha nyirizina kubera ko « yashyigikiye kandi akitabira icyemezo cyafashwe cyo gukora icyaha, bityo akaba agomba guhamwa n'icyaha cya jenoside »[868].

431. « Gukora » byasobanuwe kandi ko birimo uburyo butatu bw'umugambi mubisha uhuriweho: uburyo bw'ibanze, buri kuri gahunda, n'uburambuye[869]. Urugereko rurazusuma uruhare Munyakazi yaba yaragize mu buryo bw'ibanze bw'umugambi uhuriweho (Reba Umutwe wa III.1.1.2).

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[863] Urubanza rwa *Nsengimana* mu rw'Iremezo, igika cya 797, hasubirwamo ibivugwa mu rubanza rwa *Nahimana* na bagenzi be mu bujurire, igika cya 480.

[864] Urubanza rwa *Seromba* mu bujurire, igika cya 161, hasubirwamo ibivugwa mu rubanza rwa Gacumbitsi mu bujurir*e*, igika cya 60.

[865] Reba urubanza rwa *Gacumbitsi* mu bujurire, igika cya 60 aho Urugereko rw'Ubujurire ruvuga ko kugenzura no guhagararira igikorwa cyo gutoranya impunzi z'Abatutsi ngo zicwe ari « Ugukora »; urubanza rwa *Ndindabahizi* mu bujurire, igika cya 123.

[866] Urubanza rwa *Seromba* mu bujurire, igika cya 161, igisobanuro 369 cyo hasi ku rupapuro: « Gukora » ntibihagarira gusa k'ugutsotsoba icyaha. Nk'urugero, reba., ARCHBOLD: *CRIMINAL PLEADING, EVIDENCE AND PRACTICE (2007), §18-7; Bundesgerichtshof [BGH] [(German) Federal Supreme Court of Justice]* 26 Nyakanga 1994, *Entscheidungen des Bundesgerichtshofs in Strafsachen* [BGHSt] 40, 218 (236).

[867] Urubanza rwa *Gacumbitsi* mu bujurire, igika cya 60.

[868] Urubanza rwa *Seromba* mu bujurire, igika cya 161.

[869] Urubanza rwa *Simba* mu rw'Iremezo, igika cya 386, hasubirwamo ibivugwa mu rubanza rwa *Kvočka* na bagenzi be mu bujurire, ibika 82-83, urubanza rwa *Ntakirutimana* mu bujurire, ibika 463-465, urubanza rwa *Vasiljević* mu bujurire, ibika 96-99, urubanza rwa *Krnojelac* mu bujurire, igika cya 30. Reba na none urubanza rwa *Nahimana* na bagenzi be mu bujurire, igika cya 478.

432. « Gutegeka » bisaba ko umuntu uri mu mwanya w'ubuyobozi aha undi muntu amabwiriza yo gukora icyaha. Si ngombwa ko hagaragazwa ko umuntu ukuriye abandi yari afite aho ahuriye n'umuntu watsotsobye icyaha. Biba bihagije iyo hagaragajwe ko uregwa yari afite umwanya w'ubuyobozi watumye undi yumva ko agomba gukora icyaha kubera itegeko ryatanzwe n'uregwa. Ubuyobozi butuma habaho isano iteganywa n'Ingingo 6 (1) ya Sitati bushobora kuba budakomoka ku mategeko cyangwa bushobora kuba ari ubw'igihe gito[870]. Kugira ngo umuntu ahamwe n'icyaha cyo gutegeka abandi gukora icyaha, agomba kuba yari azi ko byashobokaga ko icyaha gikorwa mu rwego rwo kubahiriza itegeko yatanze[871]. Si ngombwa ko itegeko riba ritaziguye, rishobora kuba riziguye hashingiwe ku bimenyetso bitaziguye byatanzwe[872]. Cyakora, uruhare rw'itegeko ryatanzwe mu ikorwa ry'icyaha rugomba kuba ari «runini kandi rutaziguye »[873].

433. Nk'uko biteganywa n'ubukemuramanza bw'Urugereko rw'Ubujurire, « Gufasha no gushishikaza » biba iyo umuntu akoze ibikorwa bigamije, mu buryo butaziguye, gutera inkunga, gushishikaza, cyangwa gutera akanyabugabo undi muntu mu gukora icyaha runaka cyihariye, kandi bikagira uruhare runini mu ikorwa ryacyo[874]. Si ngombwa ko igikorwa kigize icyaha kiba kamara kugira ngo icyaha gikorwe, ariko gishobora kuba mbere y'uko icyaha cy'ingenzi gikorwa, mu gihe kirimo gukorwa cyangwa nyuma kimaze gukorwa.[875] Icya ngombwa gisabwa ku gufasha no gushishikaza ni ukuba umuntu azi ko ibikorwa bye bifasha gatozi gukora icyaha[876]. Ku

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[870] Urubanza rwa *Bagosora* na bagenzi be mu bujurire, igika cya 2008, hasubirwamo ibivugwa mu rubanza rwa *Semanza* mu bujurire, ibika 361, 363.
[871] Urubanza rwa *Nahimana, Barayagwiza na Ngeze* mu bujurire, 28 Ugushyingo 2007, igika cya 481.
[872] Urubanza rwa *Kordić & Čerkez* mu rw'Iremezo, 26 Gashyantare 200, igika cya 388
[873] Urubanza rwa *Kamuhanda* mu bujurire, 19 Nzeri 2005, igika cya 76.
[874] Urubanza rwa *Bagosora na bagenzi be* mu rw'Iremezo, igika cya 2009, hasubirwamo ibivugwa mu rubanza rwa *Blagojević na Jokić* mu bujurire, igika cya 127, urubanza rwa *Simić* mu bujurire, igika cya 85, urubanza rwa *Blaškić* mu bujurire, ibika 45-46, urubanza rwa *Vasiljević* mu bujurire, igika cya 102, urubanza rwa *Ntagerura* na bagenzi be mu bujurire, igika cya 370.
[875] Urubanza rwa *Bagosora* na bagenzi be mu rw'Iremezo, igika cya 2009, hasubirwamo ibivugwa mu rubanza rwa *Blagojević* na *Jokić* mu bujurire, igika cya 127, urubanz*a rwa Blaškić* mu bujurire, igika cya 48, urubanza rwa *Simić* mu bujurire, igika cya 85, urubanza rwa *Ntagerura* na bagenzi be mu bujurire, igika cya 372.
[876] Urubanza rwa *Bagosora* na bagenzi be mu rw'Iremezo, igika cya 2009, hasubirwamo ibivugwa mu rubanza rwa *Blagojević* na *Jokić* mu bujurire, igika cya 127, urubanza rwa *Simić* mu bujurire, igika cya 86, urubanza rwa *Vasiljević* mu bujurire, igika cya 102, urubanza rwa *Blaškić* mu bujurire, igika cya 46, urubanza rwa *Ntagerura* na bagenzi be mu bujurire, igika cya 370.

byerekeye umugambi wihariye, ibyaha nko gutoteza cyangwa jenoside, uwafashije akanashishikaza agomba kuba azi umugambi wihariye wa gatozi w'icyaha[877].

434. Aho biza kuba ngombwa, Urugereko rurasesengura iyo miterere y'uburyozwacyaha mu gufata imyanzuro yo mu rwego rw'amategeko ku buryozwacyaha bwa Munyakazi bwerekeranye n'ibyaha bivugwa mu Nyandiko y'ibirego.

1.1.2 Umugambi mubisha uhuriweho

Intangiriro

435. Igika cya kane n'icya gatanu by'Inyandiko y'ibirego bigira biti:

> 4. Muri icyo gihe kivugwa muri iyi nyandiko y'ibirego, **Yussuf Munyakazi** we ubwe yakoze ibyaha cyangwa se yafatanyije n'abandi kubikora mu rwego rw'umugambi mubisha uhuriweho, ari bo: Ndutiye bahimba Tarek Aziz, Ndereya Mundere, Samuel Bekeraho, Théobald Habineza, Zacharie bahimba Mariyo, Marcel Sebatware, Casimir Ndolimana, Thomas Mugunda, Ngarukiye, Elias Bakundukize, Interahamwe zo mu Bugarama n'abandi. Muri uwo mugambi mubisha uhuriweho, bari bafite intego yo gukora jenoside n'ibyaha byibasiye inyokomuntu babikorera Abatutsi. Mu gutsotsoba uwo mugambi mubisha uhuriweho, **Yussuf Munyakazi** yafatanyije n'abari bagize uwo mugambi bagamije kurimbura Abatutsi bose cyangwa se igice cyabo.

IBIREGO

<u>UBURYOZWACYAHA BWA NYIR'UBWITE</u>

Ingingo ya 6 (1) ya Sitati

> 5. Hashingiwe ku *Ngingo ya 6.1 ya Sitati*, **Yussuf Munyakazi** aryozwa ibyaha bivugwa muri iyi nyandiko y'ibirego kubera ko yacuze umugambi wo gukora ibyaha, agategeka kandi agahamagarira abantu kubikora, akabikora na we ubwe, cyangwa se mu bundi buryo ubwo ari bwo bwose agafasha kandi agashishikariza abantu gucura umugambi wo gukora ibyaha, kubitegura cyangwa kubitsotsoba. Byongeye kandi, Uregwa yagize uruhare mu mugambi mubisha uhuriweho wari ugamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa se igice cyabo, muri Perefegitura ya Cyangugu n'iya Kibuye. Mu kugera kuri uwo mugambi mubisha, Uregwa, we ubwe cyangwa afatanyije n'abandi bantu bazwi cyangwa batazwi, yagize uruhare rukomeye mu gusohoza uwo mugambi mubisha uhuriweho. Uwo mugambi mubisha uhuriweho wari ugamije gukora ibyaha bivugwa muri iyi Nyandiko y'ibirego.

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[877] Urubanza rwa *Bagosora na bagenzi be* mu rw'Iremezo, igika cya 2009, hasubirwamo ibivugwa mu Rubanza rwa *Blagojević na Jokić* mu bujurire, igika cya 127, Urubanza rwa *Simić* mu bujurire, igika cya 86, Urubanza rwa *Krstić* mu bujurire, ibika 140-141.

436. Mu myanzuro mbanzirizarubanza ye no mu myanzuro nsonzarubanza ye, Porokireri avuga ko ashingira « ahanini » ku buryo bw'ibanze bw'umugambi mubisha uhuriweho[878].

437. Ubwunganizi buhakana ko Munyakazi yitabiriye umugambi mubisha uhuriweho, maze bukarwanya ibimenyetso bishinja bivuga ko Munyakazi yakoranaga na Tarek Aziz na Thomas Mugunda, cyangwa umwe muri abo bombi. By'umwihariko, Ubwunganizi burwanya ibivugwa na Porokireri ko Munyakazi na Tarek Aziz bashatse abantu bo kwinjiza mu mutwe w'Interahamwe zo mu bugarama, bakabaha imyitozo kandi bakabaha intwaro, cyangwa bagakora kimwe muri ibyo bikorwa, ndetse ko Munyakazi yagaburiye Interahamwe zo mu Bugarama kandi akazitwara mu modoka cyangwa se agakora kimwe muri ibyo bikorwa byombi[879].

Amategeko

438. Nk'uko biteganywa n'ubukemuramanza butayegayezwa, kuri buri buryo bw'umugambi mubisha uhuriweho, igikorwa cya ngombwa kigize icyaha gikubiyemo ibintu bitatu[880]. Icya mbere, ni ngombwa ko icyo gikorwa kiba cyaritabiriwe n'abantu benshi kandi si ngombwa ko abo bantu bakorera mu rwego rwa gisirikare, rwa politiki cyangwa rw'ubutegetsi. Icya kabiri, hagomba kuba hari intego ihuriweho yo gukora icyaha giteganywa na Sitati. Si ngombwa ko iyo ntego iba yarateguwe mbere kuko ishobora guhita ishyirwaho ako kanya cyangwa umuntu akumva ko yariho akurikije ibyabaye. Icya gatatu, ni ngombwa ko umuntu uregwa aba yaritabiriye iyo ntego ihuriweho yo gukora kimwe mu byaha biteganywa na Sitati. Si ngombwa ko aba yarabigizemo uruhare akora kimwe mu byaha biteganywa na Sitati (nk'urugero, ubwicanyi, itsembatsemba, itoteza cyangwa gusambaya ku gahato). Ashobora

[878] Imyanzuro mbanzirizarubanza, urup. 10; Imyanzuro nsozarubanza ya Porokireri, igika cya 18.
[879] Imyanzuro nsozarubanza ya Porokireri, ibika 50-63; Imyanzuro nsozarubanza y'Ubwunganizi mu magambo, 28 Mutarama 2010, imp. 51-54 (FR).
[880] Urubanza rwa *Nsengimana* mu rw'Iremezo, igika cya 802, hasubirwamo ibivugwa mu rubanza rwa *Brđanin* mu bujurire, igika cya 364, urubanza rwa *Simba* mu rw'Iremezo, igika cya 387.

kubigiramo uruhare afasha cyangwa atanga inkunga mu gushyira mu bikorwa intego ihuriweho[881].

439. Ku byerekeye uburyo bw'ibanze bw'umugambi mubisha uhuriweho, igitekerezo cya ngombwa cyo gukora icyaha gisaba ko umuntu aba agambiriye gukora icyaha runaka, kandi abisangiye n'abandi bantu bose bafatanyije kugikora[882]. Iyo icyaha kigambiriwe gisaba ko haba hari umugambi wihariye, urugero nk'ivangura, uregwa nk'umwe mu bitabiriye umugambi mubisha uhuriweho, agomba kuba yari afatanyije n'abo bantu uwo mugambi wihariye[883].

Uko ayo mategeko akurikizwa

Ibimenyetso kuri Yussuf Munyakazi na Athanase Ndutiye bahimba Tarek Aziz

Umutangabuhamya ushinja witwa Esidras Musengayire

440. Esidras Musengayire ni Umututsi, akaba yari azi neza Munyakazi kubera ko yabaye mu nzu ye [ya Munyakazi] kuva mu mwaka wa 1982 kugera mu wa 1984 kandi muri icyo gihe, Munyakazi yamufataga nk'umuhungu we. N'ubwo nyuma Musengayire yimukiye mu nzu ye, Munyakazi yakomeje kumufata nk'umuntu wo mu muryango we kugeza jenoside itangiye[884].

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881 Urubanza rwa *Simba* mu rw'Iremezo, igika cya 387, hasubirwamo ibivugwa mu rubanza rwa *Kvočka na bagenzi be* mu bujurire, igika cya 90 (« Iyo umuntu ufasha akanashishikaza aba azi gusa ko inkunga ye ifasha umuntu umwe gukora icyaha, uwo muntu aryozwa gusa icyaha cyo gufasha no gushishikariza undi gukora icyaha. Ibi ni nako bigenda n'iyo gatozi yaba yari mu mugambi mubisha uhuriweho ugamije gukora ibindi byaha. Cyakora, iyo uregwa azi ko atera inkunga itsinda ry'abantu bari mu mugambi mubisha uhuriweho kandi akaba ahuje nabo igiterekezo, icyo gihe ashobora kuryozwa, nka gatozi, ibyaha byakozwe mu rwego rwo gushyira mu bikorwa intego ihuriweho »), Urubanza rwa *Vasiljević* mu bujurire, igika cya 102, Urubanza rwa *Tadić* mu bujurire, igika cya 229.

882 Urubanza rwa *Nsengimana* mu rw'Iremezo, igika cya 803, hasubirwamo ibivugwa mu rubanza rwa *Brđanin* mu bujurire, igika cya 365; Urubanza rwa *Simba* mu rw'Iremezo, igika cya 388, hasubirwamo ibivugwa mu rubanza rwa *Ntakirutimana* mu bujurire, igika cya 467, Urubanza rwa *Vasiljević* mu bujurire, igika cya 101, Urubanza rwa *Krnojelac* mu bujurire, igika cya 32.

883 Urubanza rwa *Simba* mu rw'Iremezo, igika cya 388, hasubirwamo ibivugwa mu rubanza rwa *Kvočka na bagenzi be* mu bujurire, ibika 109-110.

884 Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 51; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 2.

441. Tarek Aziz yari yarigeze kuba umusirikare kandi yari mu mutwe w'Interahamwe zo mu Bugarama[885]. Interahamwe zirimo Tarek Aziz, zabaga mu nzu ya Munyakazi[886]. Musengayire yajyaga kwa Munyakazi nta nkomyi. Ubwo uyu mutangabuhamya yabonaga abantu bateraniye mu rugo kwa Munyakazi, Tarek Aziz yamubwiye ko yarimo kubaha imyitozo ya gisirikare[887]. Umunsi umwe mbere y'itariki ya 7 Mata 1994, Musengayire yabonye Tarek Aziz atwaye masotera ku mayunguyungu ariko ntiyibuka ikintu cyihariye cyabaye uwo munsi[888].

Umutangabuhamya ushinja wiswe BWX

442. Umutangabuhamya wiswe BWX ni Umuhutu, mu mwaka wa 1994 akaba yarakoreraga hafi yo kwa Munyakazi, muri Serire ya Misufi, Komine ya Bugarama[889]. Avuga ko izina nyakuri rya Tarek Aziz ari Ndutiye kandi ko yavukiye muri Komine ya Nyakabuye. Tarek Aziz yabaye mu nzu ya Munyakazi, ariko umutangabuhamya ntazi niba yarakodeshaga cyangwa niba yarahabaga ku buntu[890]. Munyakazi ni we wahesheje akazi Tarek Aziz muri CAVECUVI[891]. Tarek Aziz yatoje Interahamwe, kandi yari umwe bantu barindaga Munyakazi babaga buri gihe bari kumwe na we[892].

Umutangabuhamya ushinja wiswe BWW

443. Umutangabuhamya wiswe BWW ni Umuhutu, muri Mata 1994 akaba yari mu mutwe w'Interahamwe zo mu Bugarama. Urukiko Gacaca rwo mu Rwanda rwaramuburanishije maze rumuhamya icyaha cya jenoside yabaye mu mwaka wa 1994. Umutangabuhamya yemera ko yagize uruhare mu iyicwa ry'Abatutsi muri Mata 1994 kandi avuga ko yakoranye ahanini na Munyakazi na Athanase Ndutiye bahimba Tarek Aziz. Tarek Aziz yabaga mu nzu ya Munyakazi kandi yari yungirije

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[885] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 4; urup. 6 (Fr).
[886] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 4, 15-16.
[887] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 4-5, 7.
[888] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 5, 7.
[889] Ikimenyetso gihamya cya Porokireri cyahawe n° 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 24 Mata 2009, urup.12 (iburanisha mu muhezo); Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 35 (iburanisha mu muhezo).
[890] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 20-21.
[891] Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 21, 22-23.
[892] Inyandikomvugo y'iburanisha, 24 Mata 2009, imp. 21- 23.

Uregwa[893]. Mu mwaka wa 1993, Interahamwe zahabwaga imyitozo buri munsi kandi Tarek Aziz yari umwe mu bazitozaga[894].

Yussuf Munyakazi

444. Munyakazi avuga ko Tarek Aziz yaje aturutse muri Komine ya Nyakabuye, iri kure cyane ya Komine ya Bugarama. Tarek Aziz yatangiye gukora nka agoronome muri CAVECUVI mu mwaka wa 1991 cyangwa 1992, kandi kuva icyo gihe yabaga mu nzu yakodeshaga ya Munyakazi[895]. Yabaga muri kimwe mu byumba bigize iyo nzu kandi yishyuraga ubukode buri kwezi kimwe n'abandi bantu bari bahacumbitse. Tarek Aziz yakodesheje kwa Munyakazi mbere y'uruhando rw'amashyaka menshi[896]. Munyakazi ntiyari se wo muri batisimu wa Tareka Aziz, ntiyamurengeraga, ntiyamugiraga inama cyangwa ngo amugenzure ndetse na Tarek Aziz ntiyafatwaga nk'umwe mu bantu bo mu muryango wa Munyakazi[897]. N'ubwo yari yarahimbwe iri zina rya Tarek Aziz ntiyari Umuyisilamu[898]. Munyakazi ntiyigeze agira abantu bamurinda[899]. Munyakazi ntiyafashije Tarek Aziz kubona akazi muri CAVECUVI. Tarek Aziz yabonye akazi ari uko agasabye kandi agatsinda ikizamini. N'ubwo icyo gihe yari Perezida wa CAVECUVI, Munyakazi ntiyagize uruhare mu gukoresha Tarek Aziz ikizamini kimuhesha akazi[900].

445. Tarek Aziz yari Perezida w'Interahamwe ku rwego rwa Komine kandi yari afite umuntu umwungirije[901]. Tarek Aziz yakoraga kuva ku wa mbere kugera ku wa gatandatu, kandi hari igihe yakoraga ijoro[902]. Kubera ko yakoraga amasaha menshi, yahuraga gake cyane na Munyakazi[903], kandi Munyakazi yumva Tarek Aziz nta

[893] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 6-8 (iburanisha mu muhezo).
[894] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, imp. 12, 24-25.
[895] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 39-40.
[896] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 15-17, 23.
[897] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 41.
[898] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 16-17; Inyandikomvugo y'iburanisha,15 Ukwakira 2009, urup. 40.
[899] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 23, 42.
[900] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 16-17; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 39-40.
[901] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, imp. 39-41.
[902] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 23.
[903] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 17; Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 40.

mwanya yari kubona wo guha urubyiruko rwo muri ako gace imyitozo ya gisirikare. Munyakazi yari azi ko Interahamwe zateraniraga ku biro bya Komine ariko ntiyari azi icyo zahakoraga[904]. Munyakazi ntiyari azi ko Tarek Aziz yari yarirukanywe mu gisirikare i Butare, cyangwa ko nyuma yirukanywe ku mirimo ye aho yakoraga kuri Parike[905].

446. Tarek Aziz yari kwa Munyakazi ku itariki ya 7 Mata 1994 ubwo Esidras Musengayire yaterwaga generade[906]. Bimaze kuba, Munyakazi yakoze iperereza maze asanga ari Tarek Aziz wateye iyo gerenade[907]. Kuri iyo tariki, ahagana mu masaa kumi n'imwe z'igicamunsi, Munyakazi yasabye Tarek Aziz kumuvira mu nzu kandi Tarek Aziz yahavuye uwo munsi butangiye kwira. Amaze kuva muri iyo nzu, Tarek Aziz n'abandi bantu bagabaga ibitero bakomeje kwica abantu uwo munsi[908]. Munyakazi ntazi aho Tarek Aziz yagiye kuba amaze kuva mu nzu ye ku itariki ya 7 Mata 1994, gusa yibwira ko yagiye kubana n'abajandarume b'inshuti ze. Munyakazi avuga ko « [Tarek Aziz] yabaga ari mu bitero byagabwe n'udutsiko tw'abicanyi »[909].

<u>Umutangabuhamya ushinjura wiswe NKM</u>

447. Umutangabuhamya wiswe NKM yabaga muri Komine ya Bugarama muri Mata 1994. Yari umuyoboke w'ishyaka rya PDI kandi yakoraga muri banki muri Komine ya Bugarama. Umutangabuhamya yari azi Munyakazi kuva akivuka[910] kandi yahuye bwa mbere na Tarek Aziz ubwo bigaga amashuri abanza. Nyuma yaho, bombi bakoze ibizamini byo kwinjira mu ishuri ry'abasuzofisiye (ESO) i Butare maze Tarek Aziz aza kwemererwa kuryigamo. Mu mwaka wa 1994, Tarek Aziz yari umuhinzi w'umuceri akaba n'umukozi w'igihe gito muri CAVECUVI[911].

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[904] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 23.
[905] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 40.
[906] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, imp. 36-38.
[907] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 40.
[908] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 41.
[909] Inyandikomvugo y'iburanisha, 15 Ukwakira 2009, urup. 62.
[910] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 6 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 8 (iburanisha mu muhezo).
[911] Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 20-21, 46.

448. Tarek Aziz yari acumbitse muri imwe mu mazu ya Munyakazi[912]. Hagati y'aho yari acumbitse n'inzu ya NKM hari intera igera nko kuri metero 150. NKM avuga ko atazi ko muri icyo gihe, hagati ya Mata na Nyakanga 1994, Tarek Aziz yakoranyirije urubyiruko iwe ndetse yongeraho ko iyo izo nama ziza kuba aba yarabimenye[913]. Ntazi niba Tarek Aziz yari umuhuzabikorwa w'Interahamwe. Umutangabuhamya ntiyigeze abona Tarek Aziz ari kumwe na Munyakazi[914].

449. Nta sano idasanzwe Tarek Aziz yari afitanye na Munyakazi hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994. N'ubwo Tarek Aziz yari umuyisilamu, NKM ntiyigeze amubona ku musigiti[915]. Abari mu mitwe y'urubyiruko rw'amashyaka ya MRND, PDI, MDR, na CDR bakoze ubwicanyi bwibasiye abasiviri b'Abatutsi, banasahura imitungo yabo. Bamaze kwibumbira hamwe, nta buyobozi bwihariye bari bafite[916]. Umutangabuhamya abona ko Munyakazi, Tarek Aziz na Mugunda batagize uruhare mu mvururu zibasiye Abatutsi n'Abahutu batavugagaga rumwe na MRND[917].

Umutangabuhamya ushinjura wiswe NRB

450. Umutangabuhamya wiswe NRB yabaga muri Komine ya Bugarama kandi yakoraga muri CAVECUVI muri Mata 1994[918]. Avuga ko izina nyakuri rya Tarek Aziz ari Ndutiye[919]. Tarek Aziz yabonye akazi muri *Technoserve* atabifashijwemo na Munyakazi. Yasabye akazi maze akora ikizamini. Umutangabuhamya yabonaga Tarek Aziz buri munsi kuko bombi bakoraga muri CAVECUVI[920]. Umutangabuhamya ntiyari azi inzego za MRND mu Bugarama mbere ya Mata 1994[921], ariko yari azi neza ko nta hantu Munyakazi yari ahuriye n'umutwe w'urubyiruko rwa MRND, kandi uru rubyiruko ntirwabaga mu nzu ya Munyakazi[922].

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912 Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 27, 47.
913 Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 48.
914 Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 46-47.
915 Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 27-28.
916 Inyandikomvugo y'iburanisha, 31 Kanama 2009, imp. 26-27, 41.
917 Inyandikomvugo y'iburanisha, 31 Kanama 2009, urup. 47.
918 Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 12 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 1 Nzeri 2009, imp. 35, 37 (iburanisha mu muhezo).
919 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 41.
920 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 42.
921 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 50.
922 Inyandikomvugo y'iburanisha, 1 Nzeri 2009, urup. 41.

Umutangabuhamya ushinjura wiswe MPCC

451. Umutangabuhamya wiswe MPCC ni Umututsi[923], mu mwaka wa 1994 akaba yari atuye muri Segiteri ya Ruhoko, Komine ya Gishoma, Perefegitura ya Cyangugu. Yari umukuru w'ishyaka rya MRND muri Komine ya Gishoma akaba na moniteragiri muri iyo Komine[924]. MPCC yahuye bwa mbere na Munyakazi mu ntangiriro ya za 80[925].

452. Umuyobozi w'Interahamwe muri Komine ya Bugarama yari Athanase Ndutiye bahimbaga Tarek Aziz. Tarek Aziz yakomokaga muri Komine ya Nyakabuye, kandi yapfiriye muri gereza nyuma ya jenoside. Mu mwaka wa 1994, Tarek Aziz yari moniteragiri mu Bugarama kandi yari acumbitse muri imwe mu mazu ya Munyakazi[926].

Umutangabuhamya ushinjura wiswe AMB

453. Mu mwaka wa 1994, AMB yigaga ahandi hantu hatari muri Komine ya Bugarama[927]. Mu biruhuko yajyaga mu Bugarama kuko ari ho avuka[928]. Umutangabuhamya yahuye bwa mbere na Tarek Aziz mu mwaka wa 1987[929]. Umutangabuhamya yabwiwe ko ubusanzwe Tarek Aziz yitwaga Athanase Ndutiye, ariko akaza guhindura izina rye ubwo yahindukaga umuyisilamu ageze muri Komine ya Bugarama[930]. Avuga ko hariho ibihuha byavugaga ko Tarek Aziz yari yarirukanywe mu gisirikare[931]. Kuva mu mwaka wa 1991 kugera muri Mata 1994, Tarek Aziz yakoze muri *Technoserve*[932]. Munyakazi ntiyafashije Tarek Aziz kubona akazi muri *Technoserve*[933]. Umutangabuhamya yari azi ko Tarek Aziz yari acumbitse muri imwe mu mazu ya

[923] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 58 (iburanisha mu muhezo).
[924] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 18 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 7 Nzeri 2009, imp. 46 (iburanisha mu muhezo).
[925] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 47 (iburanisha mu muhezo).
[926] Inyandikomvugo y'iburanisha, 7 Nzeri 2009, urup. 61 (iburanisha mu muhezo).
[927] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 21 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
[928] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 3, 21-22 (iburanisha mu muhezo).
[929] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 4 (iburanisha mu muhezo).
[930] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 25 (iburanisha mu muhezo).
[931] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 4 (iburanisha mu muhezo).
[932] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 5-6 (iburanisha mu muhezo).
[933] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.

Munyakazi kubera ko yari [Umutangabuhamya] afite inshuti yitwa Selemani, na we wari ucumbitse mu nzu imwe na Tarek Aziz[934].

454. Inzu Tarek Aziz yari acumbitsemo yari aho isoko ryahoze muri Serire ya Misufi. Abacumbitsi bari baherereye mu gice cyo mu gikari[935]. Umutangabuhamya ntiyigeze abona Tarek Aziz ari kumwe na Munyakazi, kandi yibwira ko bahuzwaga gusa n'uko Tarek Aziz yakodeshaga inzu ye. Munyakazi ntiyari afite abantu bamurinda[936].

455. Ku itariki ya 6 Mata 1994, umutangabuhamya yari mu Bugarama ariko ntiyabonye urubyiruko ruteranira kwa Munyakazi hagati y'itariki ya 6 n'iya 30 Mata 1994[937]. Cyakora, nyuma y'itariki 7 Mata 1994, umutangabuhamya yabonye bwa mbere agatsiko k'urubyiruko rwigize indakoreka, hafi ya Bugarama. Abari bagize ako gatsiko bitwikiraga amakoma kugira ngo hatagira ubamenya[938]. Icyo gihe, Tarek Aziz yari agicumbitse mu nzu ya Munyakazi akodesha. Umutangabuhamya yibwiye ko Tarek Aziz yari umwe mu bayobozi b'ako gatsiko ariko kwari ugukekereranya. Cyakora, umutangabuhamya ntiyigeze abona Tarek Aziz aha urubyiruko imyitozo[939].

<u>Umutangabuhamya ushinjura wiswe YMC</u>

456. Umutangabuhamya wiswe YMC ni umuhutu, mu mwaka wa 1994 akaba yaracururizaga muri Serire ya Misufi, Segiteri ya Bugarama[940]. Yari azi Athanase Ndutiye mbere y'uko uyu afata izina ry'irihimbano. Mu by'ukuri, Athanase Ndutiye yiyise « Tarek Aziz » nyuma yo kureba televiziyo mu gihe cy'intambara hagati ya Koweyiti na Iraki. Umutangabuhamya yibwira ko Tarek Aziz atari yarahindutse umuyisilamu[941]. Tarek Aziz yakoreraga umuryango utagendera kuri Leta witwa *Technoserve*. Ubwo yakoraga muri *Technoserve* no mu gihe umutwe w'Interahamwe washingwaga, Tarek Aziz yari acumbitse mu nzu ya Munyakazi[942].

[934] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 6-7, 34 (iburanisha mu muhezo), 8.
[935] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 35 (iburanisha mu muhezo)
[936] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 8.
[937] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 10.
[938] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, urup. 26 (iburanisha mu muhezo).
[939] Inyandikomvugo y'iburanisha, 10 Nzeri 2009, imp. 26-29 (iburanisha mu muhezo).
[940] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 22 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 3 (iburanisha mu muhezo).
[941] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 6-7.
[942] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 23.

Umutangabuhamya ntiyigeze abona Tarek Aziz ari kumwe na Munyakazi haba mbere cyangwa nyuma y'itariki ya 6 Mata 1994. Ntiyigeze abona urubyiruko rwa MRND ruteranira imbere y'inzu ya Munyakazi. Ntiyigeze abona Munyakazi afite abantu bamurinda ndetse nta n'ubwo yigeze amubonana imbunda[943].

Umutangabuhamya ushinjura wiswe YMS

457. Umutangabuhamya wiswe YMS ni Umuhutu, muri Mata 1994 akaba yacururizaga muri Komine ya Bugarama. Ibicuruzwa bye yabibikaga mu cyumbya yakodeshaga na Munyakazi[944]. Tarek Aziz yari acumbitse mu nzu ya Munyakazi kandi yakomokaga muri Komine ya Nyakabuye, mu gihe Munyakazi we yari uwo mu Bugarama[945]. Umutangabuhamya avuga ko Tarek Aziz yari umukirisitu kandi ko atazi niba yarahindutse umuyisilamu. Umutangabuhamya ntiyigeze abona Munyakazi na Tarek Aziz bajyana ku musigiti. Uretse kuba Tarek Aziz yarakodeshaga inzu ya Munyakazi, nta kindi kintu icyo ari cyo cyose umutangabuhamya azi abo bombi bari bahuriyeho. Umutangabuhamya yumva hagati y'umwaka wa 1993 no ku itariki ya 6 Mata 1994, Tarek Aziz na Munyakazi batarigeze baba kumwe kubera ko imirimo yabo yari itandukanye. Tarek Aziz yakoreraga *Technoserve*, kandi umutangabuhamya ntiyemera ko Munyakazi yahamuhesheje akazi[946].

458. Tarek Aziz yari umurwanashyaka wa MRND. Cyakora, ntiyigeze agira uruhare mu gushaka abayoboke ba MRND kandi ntiyari umuyobozi w'umutwe w'Urubyiruko w'iryo shyaka[947]. Hari itandukanirizo hagati y'imitwe y'urubyiruko rw'amashyaka, rwashyushyaga urugamba mu mahoro mu mashyaka yarwo, n'agatsiko k'abagizi ba nabi, bitwaga Interahamwe, kandi bakoreraga muri ako gace icyo gihe. Tarek Aziz yigize umuyobozi w'ako gatsiko k'abagizi ba nabi mu Bugarama[948]. Umutangabuhamya avuga ko umuyoboke wese wa MRND yitwaga Interahamwe, yaba ashaje cyangwa yaba ari muto. Umutangabuhamya ubwe na Munyakazi bashoboraga kwitwa Interahamwe kubera ko bari abayoboke ba MRND, kandi hari

[943] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 7, 11.
[944] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 24 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 14 Nzeri 2009, imp. 30-32 (iburanisha mu muhezo), 33.
[945] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 32 (iburanisha mu muhezo).
[946] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 33.
[947] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48.
[948] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 48.

igihe abayoboke bose ba MRND bambaraga imyenda idoze mu bitenge muri mitingi z'iryo shyaka[949].

<u>Umutangabuhamya ushinjura witwa Théobald Gakwaya Rwaka</u>

459. Théobald Gakwaya Rwaka ni Umuhutu, akaba yaramaze imyaka icyenda akora muri Minisiteri y'Ubutabera mu Rwanda aho yari ashinzwe umutekano w'igihugu, polisi n'amagereza. Nyuma yaho, kuva mu mwaka wa 1992 kugera mu wa 1996, yakoze muri CIMERWA mu Bugarama[950]. Ubwo hemerwaga politiki ishingiye ku mashyaka menshi, umutangabuhamya na bagenzi be bashinze ishyaka ryitwa Ishyaka rya Gikirisitu Rihanira Demokarasi (PDC)[951]. Nyuma y'urupfu rwa Perezida Habyarimana, umutangabuhamya yatangiye kumva bagenzi be bashobora kumushinja urupfu rwa Perezida kubera ko yari umuyoboke w'ishyaka ritavuga rumwe n'ubutegetsi. Yumvise rero nta mutekano afite maze atangira kujya akora ku masaha adasanzwe[952].

460. Mu buhamya bwe mu Rukiko, uyu mugabo avuga ko Interahamwe zo mu Bugarama zayoborwaga n'umuntu witwa Athanase, bahimbaga Tarek Aziz[953]. Hamaze gushyirwaho politiki igendera ku mashyaka menshi, Tarek Aziz yagaragaye kenshi mu nama z'ishyaka rya MRND nk'umuyobozi w'umutwe witwara gisirikare wo muri ako gace, n'ubwo abantu bo mu yandi mashyaka na bo bari muri uyu mutwe. Umutangabuhamya ntiyashoboye kuvuga niba Tarek Aziz yarayoboye ibitero byose byagabwe muri ako karere ariko avuga ko Tarek Aziz yagiye mu bitero byinshi kandi ko yicaga cyangwa agakiza uwo ashaka[954]. Nyuma y'urupfu rwa Perezida Habyarimana, Tarek Aziz yaje mu rugo rw'umutangabuhamya inshuro eshatu kandi buri gihe yamusabaga amafaranga. Umutangabuhamya yumvaga Tarek Aziz yamwica

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[949] Inyandikomvugo y'iburanisha, 14 Nzeri 2009, urup. 49.
[950] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 26 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 3.
[951] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 4.
[952] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 11-12.
[953] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 8.
[954] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, urup. 13.

aramutse yanze kuyamuha. Mu ntambara, umutangabuhamya ntiyigeze abona Tarek Aziz ari kumwe na Munyakazi[955].

Umutangabuhamya ushinjura wiswe ELB

461. Umutangabuhamya wiswe ELB ni Umuhutu, akaba yarinjiye mu mutwe w'Interahamwe muri Gashyantare 1993. Muri Mata 1994, yari yungirije umukuru w'Interahamwe zo mu Bugarama ku rwego rwa Komine, ari we Athanase Ndutiye bahimbaga Tarek Aziz[956]. Mbere y'itariki ya 6 Mata 1994, Tarek Aziz yabaga mu cyumba yakodeshaga mu nzu ya Munyakazi. Munyakazi yari azi ko Tarek Aziz ari Perezida w'Interahamwe ariko umutangabuhamya ntiyigeze abona Munyakazi afasha Tarek Aziz, kandi Interahamwe zakoreraga inama ku biro bya Komine aho kuzikorera kwa Munyakazi[957]. Kuva ku itariki ya 7 Mata 1994, Tarek Aziz n'abandi bantu batangiye gushyira iterabwoba kuri Munyakazi bamurega ko acumbikiye umwanzi. Ku itariki ya 7 Mata, Tarek Aziz yarimutse ava mu nzu ya Munyakazi maze ajya kubana n'itsinda ry'abajandarume[958].

462. Mbere y'itariki ya 6 Mata 1994, ELB ntiyigeze abona Tarek Aziz afite imbunda. Ku itariki ya 7 Mata 1994, mu masaa mbiri za mu gitondo, ni bwo bwa mbere umutangabuhamya yabonye Tarek Aziz afite imbunda[959]. Icyo gihe, Tarek Aziz yari imbere ya bariyeri y'abajandarume, yambaye ishati ya gisirikare. Yabwiye umutangabuhamya ko umujandarume w'inshuti ye witwa Enoch yari yamuhaye iyo shati, imbunda yo mu bwoko bwa Kalashnikov n'amagerenade abiri[960]. Umutangabuhamya avuga kandi ko nyuma y'uko Esidras Musengayire aterwa ku itariki ya 7 Mata, yabonye Tarek Aziz afite gerenade imwe gusa maze yumva ko Tarek Aziz yari yateye gerenade ya kabiri ku nzu ya Munyakazi[961].

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[955] Inyandikomvugo y'iburanisha, 16 Nzeri 2009, imp. 13-14.
[956] Ikimenyetso gihamya cy'Ubwunganizi cyahawe nº 27 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.
[957] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 3-4.
[958] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
[959] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 8.
[960] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 9.
[961] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10.

463. Umutangabuhamya yabwiye Urugereko ko yagiye mu gitero cyagabwe kuri CIMERWA mu Bugarama ku itariki ya 16 Mata 1994[962].

Ibimenyetso kuri Munyakazi na Thomas Mugunda

<u>Umutangabuhamya ushinja wiswe BWU</u>

464. BWU ni Umuhutu wari umuhinzi mu mwaka wa 1994[963]. Umutangabuhamya yagize uruhare mu byaha byakorewe kuri Paruwasi ya Shangi muri Mata 1994[964]. Umutangabuhamya yavuze amazina y'abantu bafatanyije muri ibyo byaha barimo Munyakazi, avuga ko yari ayoboye Interahamwe zo mu Bugarama muri icyo gitero[965].

465. Thomas Mugunda yari Interahamwe ikomeye yo mu Bugarama kandi umutangabuhamya yabimenye nyuma y'intambara ubwo yari afunganywe na Mugunda. Umutangabuhamya yahuye na Mugunda bwa mbere ku itariki ya 29 Mata 1994 mu gitero cyagabwe kuri Paruwasi ya Shangi[966].

466. Ku itariki ya 29 Mata 1994, Munyakazi n'Interahamwe ze bagiye gufasha abandi kwica abasiviri b'Abatutsi bari bahungiye kuri Paruwasi ya Shangi. Munyakazi yageze kuri bariyeri mu masaa cyenda z'amanywa ari kumwe na Mugunda n'Interahamwe zigeze kuri 50 cyangwa 60[967]. Abo bagabo bombi bahageze mu modoka zitandukanye[968]. Icyo gitero kirangiye, umuyobozi wa CDR witwa Gatamobwa yahaye Mugunda amafaranga yo gukoresha mu kwakira abagabye icyo gitero[969].

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[962] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
[963] Ikimenyetso gihamya cya Porokireri cyahawe nº 13 (Inyandiko y'umwirondoro).
[964] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 3-4.
[965] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 4; umutangabuhamya yavuze Pascal Ndayisabe, Grégoire Ntezimana; Jacques Mirambi; Nicodème Nyagasaza; Étienne Gatamobwa; Aimé Matos na Mategeko.
[966] Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 24
[967] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp.6-9, 24.
[968] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8, 24, 27.
[969] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 8-9.

Umutangabuhamya ushinja wiswe LCQ

467. Umutangabuhamya wiswe LCQ ni Umututsi wari umuhinzi muri Mata 1994. Ku itariki ya 8 Mata 1994, umutangabuhamya yahungiye kuri Paruwasi ya Mibilizi ari kumwe n'umugore we n'abaturanyi babo bageze kuri 20[970]. Ku itariki ya 30 Mata 1994, mu masaa kumi z'amanywa, umutangabuhamya yabonye Munyakazi yinjira kuri Paruwasi ari kumwe n'itsinda ry'Interahamwe zahise zigaba igitero kuri Paruwasi[971]. Mu bantu bagabye icyo gitero, umutangabuhamya yamenyemo abagabo babiri gusa ari bo Munyakazi na Thomas Mugunda[972].

Umutangabuhamya ushinja witwa Esidras Musengayire

468. Esidras Musengayire ni Umututsi, muri Mata 1994 akaba yari atuye muri *Cité* Bugarama[973]. Mu bantu bari mu mutwe w'Interahamwe zo mu Bugarama, uwo yari aziranye na we mbere y'abandi yari Athanase Ndutiye. Abandi barimo uwitwa « Mugunda » na we wakoraga muri CAVECUVI[974].

Yussuf Munyakazi

469. Mu buhamya bwe mu Rukiko, Munyakazi avuga ko umuyobozi w'Interahamwe zo muri Komine ya Bugarama yari Athanase Ndutiye, bahimba Tarek Aziz. Indi Nterahamwe nkuru yari Thomas Mugunda[975].

Umutangabuhamya ushinjura wiswe ELB

470. ELB yinjiye mu mutwe w'Interahamwe muri Komine ya Bugarama muri Gashyantare 1993, kandi muri Mata 1994 yari akiri muri uwo mutwe. Umutangabuhamya yari

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[970] Ikimenyetso gihamya cya Porokireri cyahawe nº 11 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 15-16.
[971] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 20-22.
[972] Inyandikomvugo y'iburanisha, 28 Mata 2009, imp. 27, 33.
[973] Ikimenyetso gihamya cya Porokireri cyahawe nº 5 (Inyandiko y'umwirondoro); Inyandikomvugo y'iburanisha, 23 Mata 2009, urup. 49.
[974] Inyandikomvugo y'iburanisha, 24 Mata 2009, urup. 1; Inyandikomvugo y'iburanisha, 27 Mata 2009, urup. 12.
[975] Inyandikomvugo y'iburanisha, 14 Ukwakira 2009, urup. 22.

Visi-Perezida w'Interahamwe mu rwego rwa Komine naho Perezida ari Athanase Ndutiye bahimbaga Tarek Aziz[976]. Nta ruhare Munyakazi yagize mu mutwe w'Interahamwe[977].

471. Umutangabuhamya yagiye mu gitero cyahitanye abantu benshi cyagabwe kuri CIMERWA muri Komine ya Bugarama ku itariki ya 16 Mata 1994. Bamwe mu bagabye icyo gitero bari Interahamwe, abandi bari Abarundi[978] kandi Munyakazi ntiyakigizemo uruhare[979]. Uretse igitero cyagabwe kuri CIMERWA, nta kindi gitero umutangabuhamya yigeze ajyamo[980].

Isesengura ry'Urugereko

<u>Intangiriro</u>

472. Porokireri avuga ko Munyakazi yitabiriye umugambi mubisha uhuriweho wari ugamije gukora jenoside yibasiye Abatutsi. Ashingira ku buryo bw'ibanze bw'ubu buryozwacyaha[981].

473. Mu Nyandiko y'ibirego havugwa amazina y'abantu bakurikira bafatanyije n'Uregwa muri uwo mugambi: Ndutiye bahimba Tarek Aziz, Ndereya, Mundere, Samuel Rekeraho, Théobald Habineza, Zacharie bahimba Mariyo, Marcel Sebatware, Casimir Ndolimana, Thomas Muguna, Emmanuel Ngarukiye, na Elias Bakundize.

474. Ku byerekeye uruhare rwihariye Uregwa yagize muri uwo mugambi mubisha uhuriweho, mu Myanzuro mbanzirizarubanza ya Porokireri avuga ko: « …hagati y'itariki ya 6 n'iya 16 Mata 1994, Uregwa yakoresheje ububasha yari afite budakomoka ku mategeko n'ijambo rye nk'umuyobozi w'Interahamwe zo mu Bugarama, kugira ngo ashyire mu bikorwa intego z'umugambi mubisha uhuriweho. Yabikoze acura umugambi, ategeka, ahamagarira cyangwa afasha ndetse

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976 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 2.
977 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 3.
978 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11- 12, 14.
979 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11.
980 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 12, 16.
981 Inyandiko y'ibirego, igika cya 4; Imyanzuro mbanzirizarubanza ya Porokireri, ibika14-16; Imyanzuro nsozarubanza ya Porokireri, igika cya 18.

anashishikariza abandi bantu gukora jenoside n'itsembatsemba »[982]. Uru ruhare rw'Uregwa rusubirwamo mu gika cya 49 cy'Imyanzuro nsozarubanza ya Porokireri. Muri iyo Myanzuro, Porokireri yongera kwibutsa ko « … ashingira ku ihame ry'umugambi ku giti cye »[983]. Ku byerekeye uruhare rwihariye rw'abantu bavugwa ko bafatanyije, mu Nyandiko y'ibirego no mu Myanzuro mbanzirizarubanza havugwa ko Ndutiye bahimba Tarek Aziz, yagize uruhare mu gushaka abantu bo kwinjiza mu mutwe w'Interahamwe zo mu Bugarama no guha imyitozo abagize uwo mutwe[984]. Mu Nyandiko y'ibirego, Thomas Mugunda aregwa ko yafatanyije na Munyakazi mu gutanga imodoka zo kujyana Interahamwe ahantu hakorerwaga ibyaha[985]. Urugereko rusanga, uretse ibi, mu Nyandiko y'ibirego no mu Myanzuro mbanzirizarubanza ye, Porokireri avuga gusa amazina y'abantu bafatanyije n'Uregwa gukora ibyaha ariko ntasobanure imyanya bari bafite n'uruhare bagize mu mugambi mubisha uhuriweho[986].

475. Cyakora, Urugereko runazirikana ko Ubwunganizi butarwanyije ibyo kuba Porokireri yarabumenyesheje mu buryo budasobanutse neza ibyerekeranye n'ubu buryo bw'uburyozwacyaha. Urugereko rero rugomba gushaka ku buryo bucukumbuye ibyinshi mu bikorwa bishobora kuba bigize umugambi mubisha uhuriweho.

476. Urugereko rusanga hataratanzwe ibimenyetso ku bantu benshi bavugwa mu gika cya 4 cy'Inyandiko y'ibirego. Abandi bavuzwe gusa mu buryo bwo kwihitira, ariko hatavugwa mu buryo bwihariye uruhare rwabo mu bikorwa by'Interahamwe zo mu Bugarama cyangwa ngo hagaragazwe aho bari bahuriye n'Uregwa. Rumaze gusuzuma ibyo bimenyetso mu buryo bwuzuye, Urugereko rusanga muri abo bantu bavugwa mu gika cya 4 cy'Inyandiko y'ibirego, Porokireri yaratanze ibimenyetso bifite ireme bigaragaza ko Munyakazi yakoranaga n'abantu babiri gusa ari bo Tarek Aziz na Thomas Mugunda. Kubera iyo mpamvu, Urugereko rurasuzuma gusa amakuru yerekeranye n'aho Uregwa ahuriye n'abo bantu bombi.

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982 Imyanzuro mbanzirizarubanza ya Porokireri, igika cya 18.
983 Imyanzuro nsozarubanza ya Porokireri, igika cya 18.
984 Inyandiko y'ibirego, igika cya 8; Imyanzuro mbanzirizarubanza ya Porokireri, igika cya 8.
985 Inyandiko y'ibirego, igika cya 10.
986 Imyanzuro mbanzirizarubanza ya Porokireri, igika cya17.

477. Kuvuga ko Munyakazi na Tarek Aziz bafatanyije gucura umugambi mubisha uhuriweho bishingiye ahanini ku buhamya bw'abagabo bashinja ari bo abiswe BWX na BWW, na Esidras Musengayire. Mu buhamya bwabo, abagabo bashinja biswe BWU, LCQ na Esidras Musengayire bo bavuga ko Munyakazi yafatanyije na Thomas Mugunda.

<u>Munyakazi na Tarek Aziz</u>

478. Urugereko rusanga Porokireri avuga ko Munyakazi yari umuyobozi w'Interahamwe zo mu Bugarama kandi ko yari yungirijwe na Tarek Aziz cyangwa bakoranira hafi. Ibi bishaka kuvuga ko aba bagabo bombi bari bahuriye ku mugambi wo gukora ibyaha bivugwa mu Nyandiko y'ibirego.

479. Impande zombi ntizihakana ko Tarek Aziz yari acumbitse mu nzu ya Munyakazi muri Serire ya Misufi, ndetse ko yari umwe mu bantu bari bahacumbitse bishyura ubukode. Abatangabuhamya bashinja ntibavuga igihe Tarek Aziz yatangiriye gucumbika kwa Munyakazi mu gihe, mu buhamya bwe mu Rukiko, Munyakazi avuga ko Tarek Aziz yaje kuba muri iyo nzu mbere cyane y'ibyabaye bivugwa mu Nyandiko y'ibirego. Ibivugwa na Munyakazi kuri iki kibazo bishyigikirwa n'umutangabuhamya ushinjura wiswe YMC. Nta wamenya neza niba Munyakazi yarabaga mu gipangu kimwe na Tarek Aziz cyangwa ahandi. Cyakora, niyo abo bagabo bombi baba barabaga mu gipangu kimwe imiryango y'inzu zabo yegeranye ndetse umwe akodesha inzu y'undi, ntibyaba bihagije ngo hemezwe ko bari basangiye intego yo kurimbura Abatutsi, ko kandi bafatanyije kuyigeraho.

480. Mu buhamya bwe mu Rukiko, umugabo ushinja wiswe BWX avuga ko ubwo Tarek Aziz yageraga mu Bugarama mu ntangiriro ya za 90, Munyakazi yamufashije kubona akazi muri CAVECUVI. Urugereko rwemeye ko ubu buhamya bushobora kuba ari ukuri kubera ko umutangabuhamya yakoreraga hafi cyane y'igipangu cya Munyakazi muri Serire ya Misufi mu mwaka wa 1994, ku buryo yashoboraga kubona ibyaberaga aho hantu. Cyakora, umutangabuhamya ntavuga ukuntu yamenye iby'imyitozo yaberaga muri CAVECUVI. Byongeye kandi, Urugereko rusanga n'ubwo avuga ko mbere ya Mata 1994 yajyaga mu rugo kwa Munyakazi hafi buri munsi kandi ko

bamufataga nk'umwe mu bagize umuryango wa Munyakazi, BWX ntazi niba Tarek Aziz yarabaga kwa Munyakazi nk'umuntu ukodesha. Kubera ko abandi bagabo bose batanze ubuhamya ku hantu Tarek Aziz yari acumbitse bari bazi ko uyu yabaga mu nzu ya Munyakazi akodesha, kuba BWX adashobora kumenya ibyo bituma umuntu ashidikanya k'ukwizerwa kwe. Mu buhamya bwe mu Rukiko, Munyakazi avuga ko yahuye na Tarek Aziz bwa mbere ubwo uyu yazaga mu Bugarama gukora ikizamini cy'akazi muri CAVECUVI. Ahakana ko yafashije Tarek Aziz kuhabona akazi. N'ubwo Urugereko rusanga BWX yakwizerwa kuri bimwe, ibyo avuga ko Munyakazi yashakiye akazi Tarek Aziz nta wundi mugabo ubishimangira kandi ntibinasobanuye bihagije. Kubera iyo mpamvu, Urugereko ntirwagaragarijwe bihagije ko Munyakazi yashakiye akazi Tarek Aziz mu mwaka wa 1991. N'ubwo yaba yarakamushakiye kandi, ntibyaba ari ikimenyetso gihagije kigaragaza ko aba bagabo bombi bari bafitanye ubucuti bukomeye mu mwaka wa 1994.

481. BWX avuga kandi ko Tarek Aziz yari umwe mu barinda umutekano wa Munyakazi babaga kenshi bari kumwe na we. Ku rundi ruhande, umutangabuhamya ushinja wiswe BWW, wemeye ko yari umwe mu Nterahamwe zo mu Bugarama, avuga ko Munyakazi yari afite Interahamwe zimurinda, ariko muri izo Nterahamwe ntavugamo Tarek Aziz. Na none, umutangabuhamya ushinja witwa Esidras Musengayire, wishyikiraga cyane kuri Munyakazi, kandi wari uzi Tarek Aziz, avuga gusa ko abantu babonye Munyakazi ari kumwe n'Interahamwe. Kubera ubu buhamya buvuguruzanya n'inenge ziri mu buhamya bwa BWX ku byerekeye isano yari hagati ya Tarek Aziz na Munyakazi, Urugereko rusanga rutashingira kuri ubu buhamya bwonyine ngo rwemeze nta gushidikanya ko Tarek Aziz yari umwe mu barindaga umutekano wa Munyakazi.

482. Umutangabuhamya ushinja wiswe BWW avuga ko Tarek Aziz yari yungirije Munyakazi ariko ntatanga ibindi bisobanuro[987]. Ku rundi ruhande, umutangabuhamya ushinja wiswe BWU avuga ko Thomas Mugunda ari we wari wungirije Munyakazi[988]. Urugereko ruributsa ko BWW na BWU bombi bari ibyitso by'Uregwa bityo rukaba rwaha ubuhamya bwabo agaciro kanini aho rwasanga gusa bufite ubundi bubushyigikira. Esidras Musengayire ntavuga ko Munyakazi yari akuriye Tarek Aziz.

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[987] Inyandikomvugo y'iburanisha, 29 Gicurasi 2009, urup. 7.
[988] Inyandikomvugo y'iburanisha, 4 Kamena 2009, imp. 9, 27-28.

Abatangabuhamya bashinjura biswe MPCC, AMB, YMC, ELB, NRB na NKM, hamwe na Théobald Gakwaya Rwaka bose bavuga ko Tarek Aziz na Munyakazi batari bafitanye ubucuti bwihariye. Koko rero, ELB avuga ko nyuma y'itariki ya 7 Mata 1994 imibanire ya Munyakazi na Tarek Aziz yabaye mibi. Rumaze gusuzuma ubuhamya bwose bwatanzwe, Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, ko Tarek Aziz yari yungirije Munyakazi cyangwa se ko bakoranaga mu buryo bwa hafi.

483. Byongeye kandi, Urugereko rusanga Porokireri ataratanze ibimenyetso bigaragaza ko Tarek Aziz yari mu bitero byagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no ku ya Mibilizi ku itariki ya 30 Mata 1994, cyangwa ko yagize uruhare urwo ari rwo rwose muri ibyo bitero. Urugereko ruributsa kandi ko rutagaragarijwe ku buryo budashidikanywaho ko Munyakazi yagize uruhare mu myitozo yahawe Interahamwe zo mu Bugarama (Reba Umutwe wa III.4).

484. Kubera iyo mpamvu, Urugereko rusanga ibimenyetso byatanzwe ku isano iri hagati ya Munyakazi na Tarek Aziz bidahagije ku buryo umuntu yabigenderaho byonyine ngo yemeze ko abo bagabo bombi bitabiriye umugambi mubisha uhuriweho wo kurimbura Abatutsi.

Munyakazi na Thomas Mugunda

485. Porokireri avuga ko Munyakazi yakoranye n'abantu barimo Thomas Mugunda mu mugambi mubisha uhuriweho wo kurimbura Abatutsi. Ikirego cyihariye gikomoka kuri ibi bivugwa ni uko Munyakazi yafatanyanije na Thomas Mugunda n'abandi bantu mu kugaburira Interahamwe zo mu Bugarama no mu kuzitwara mu modoka.

486. Umutangabuhamya ushinja wiswe BWU wari icyitso cy'Uregwa, avuga ko Munyakazi yari Perezida w'Interahamwe zo mu Bugarama kandi ko yari yungirijwe na Thomas Mugunda. Umutangabuhamya ushinjura wiswe ELB na we wari icyitso cy'Uregwa ariko wari uzi inzego z'Interahamwe zo mu Bugarama kurusha BWU, avuga ko Mugunda yari Visi-Perezida w'Interahamwe zo mu Bugarama naho Tarek Aziz akaba Perezida wazo. BWU ni we mutangabuhamya ushinja wenyine uvuga ko

Munyakazi na Mugunda bakoranaga muri ubu buryo. Byongeye kandi, BWU yakomokaga mu gace ka Shangi ntavuka mu Bugarama. Ibyo avuga ni ibyo yabonye gusa mu gitero yemera ko yagiyemo cyagabwe ku itariki ya 29 Mata 1994. Ikindi cyitso cya gatatu cy'Uregwa ni umutangabuhamya BWW ushinja wemera ko yari mu mutwe w'Interahamwe zo mu Bugarama, akaba kandi yarashoboraga kumenya kurusha BWU isano yari hagati ya Munyakazi na Mugunda. Mu buhamya bwe mu Rukiko, BWW ntacyo yavuze kuri Mugunda. Musengayire na we uvuga ko Munyakazi yakoranaga n'Interahamwe, yemeza gusa ko umuntu witwa « Mugunda » yari acumbitse mu nzu ya Munyakazi kandi ko yakoraga muri CAVECUVI.

487. N'ubwo BWU avuga ko Mugunda yari mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 kandi ko yari yungirije Munyakazi muri icyo gitero, ELB we avuga ko Mugunda atari ahari. N'ubwo Urugereko rwemera ko, bitewe n'impamzu zimwe na zimwe, ELB ashobora kuba yarabeshye ku byerekeranye no kumenya niba Mugunda yari aho icyaha cyakorewe, ubuhamya bwe bugaragaza ko ubuhamya bw'abagabo babiri b'ibyitso by'Uregwa buvuguruzanya. Urugereko rusanga umutangabuhamya ushinja wiswe BWW, atavuga ko Mugunda yari aho hantu kandi na we yemera ko yari muri icyo gitero. Urugereko ntirushobora gushingira gusa ku buhamya bwa BWU budafite ubundi bubushyigikira ngo rwanzure ruvuga ko Munyakazi na Mugunda bari mu mugambi mubisha uhuriweho wo gutsembatsemba Abatutsi kuri Paruwasi ya Shangi. Urugereko rusanga kandi, mu myanzuro nsozarubanza ye yaba iyanditse cyangwa iyo mu magambo, nta na hamwe Porokireri avuga ko Mugunda yari kuri Paruwasi ya Shangi. Muri rusange, Urugereko ntirwumvise ubuhamya buhagije kuri Mugunda bwatuma rusuzuma uko bikwiye niba hari uruhare yagize mu gitero cyagabwe i Shangi.

488. Umutangabuhamya ushinja wiswe LCQ ni umwe mu bahohotewe mu gitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata. Avuga ko mu bagabye igitero uwo munsi yashoboye kumenyamo babiri, ari bo Munyakazi na Thomas Mugunda. N'ubwo rwemeza ko ubuhamya bwa LCQ bwakwizerwa muri rusange, Urugereko rusanga ari we mutangabuhamya wenyine uvuga ko Thomas Mugunda yari kuri Paruwasi ya Mibilizi. Rusanga kandi uyu mugabo atavuga ukuntu yamenye Mugunda ndetse ntanasobanure uruhare uyu muntu yagize muri icyo gitero. ELB

avuga ko Mugunda atari muri icyo gitero ariko Urugereko ruributsa ko uyu mutangabuhamya afite impamvu yo kugira ibyo ahisha. Umutangabuhamya ushinja wiswe BWW, wemera ko yari mu gitero, ntavuga ko Mugunda yari akirimo. Ahubwo avuga ko icyo gitero cyayobowe n'abantu babiri ari bo Munyakazi na Edouard Bandetsi, ariko izina ry'uyu Bandetsi ntirivugwa haba mu Nyandiko y'ibirego cyangwa no mu Myanzuro mbanzirizarubanza ya Porokireri. Urugereko rusanga kandi mu Myanzuro ye nsozarubanza, yaba iyanditse cyangwa iyo mu magambo, Porokireri atavuga ko Mugunda yari kuri Paruwasi ya Mibilizi. Urugereko rusanga ibimenyetso byatanzwe bidahagije bityo rukaba rudashobora kwemeza ko Thomas Mugunda na Munyakazi bari mu mugambi mubisha uhuriweho wo gutsembatsemba Abatutsi kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994.

Umwanzuro w'Urugereko ku mugambi mubisha uhuriweho

489. Urugereko rusanga ibivugwa na Porokireri mu buryo budasobanuye neza, mu gika cya 4 cy'Inyandiko y'ibirego, ko Uregwa yari mu mugambi mubisha yari ahuriyeho n' «Interahamwe zo mu Bugarama», bitumvikana bityo bikaba bitashingirwaho mu guhamya umuntu icyaha.

490. Nk'uko byavuzwe haruguru, Porokireri ntiyatanze ibimenyetso bihagije byo gushyigikira ibivugwa mu buryo busobanuye kurushaho ko Uregwa, na Tarek Aziz, bari kumwe cyangwa batari kumwe na Thomas Mugunda n'abandi bantu bavugwa amazina mu Nyandiko y'ibirego, bari mu mugambi mubisha uhuriweho. Kubera iyo mpamvu, Urugereko rwanze kwakira umugambi mubisha nk'uburyo bw'uburyozwacyaha muri uru rubanza.

Umwanzuro rusange w'Urugereko ku bundi buryo bw'uburyozwacyaha

491. Urugereko ruributsa ko Munyakazi yari umuntu ukomeye mu Bugarama kubera ko yari umukungu kandi akaba yari yarigeze kuba mu buyobozi muri Banki y'Abaturage n'ubwa CAVECUVI. Yafatwaga rero nk'umuyobozi ahantu hakorewe ibyaha. Urugereko ruributsa ko n'ubwo Porokireri atashoboye kugaragaza, ku buryo budashidikanywaho, ko Munyakazi ubwe yishe Abatutsi b'abasiviri ahantu hakorewe

ibyaha, rusanga Porokireri yaragaragaje ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, n'icyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994 (reba Umutwe wa II.8 n'uwa II.9). Rusanga kandi ibyo bitero byari bigamije kurimbura Abatutsi b'abasiviri bari bahungiye aho hantu. Kubera ko yafatwaga nk'umuyobozi aho hantu hakorewe icyaha, Urugereko rusanga muri ubwo bwicanyi Munyakazi yaragize uruhare rungana n'urw'abantu yafashije kubukora. Rusanga kandi Uregwa yaremeye icyemezo cyo gukora ibyaha ndetse akitabira ishyirwa mu bikorwa ryacyo. Urugereko rusanga rero agomba kuryozwa icyaha cyo « gukora » ubwicanyi kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994.

2 <u>JENOSIDE (IKIREGO CYA 1 N'ICYA 2)</u>

492. Mu Kirego cya mbere cy'Inyandiko y'ibirego, Munyakazi aregwa icyaha cya jenoside hashingiwe ku Ngingo ya 2 (3)(a) ya Sitati. Mu gushyigikira iki kirego, Porokireri ashingira ku bwicanyi bwabereye kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994, ubwabereye kuri Paruwasi ya Shangi ku ya 29 Mata 1994 n'ubwabereye kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994. Porokireri avuga ko iki cyaha kiramutse kitamuhamye, Uregwa yashinjwa icyaha cyo kuba icyitso cy'abakoze jenoside kivugwa mu kirego cya kabiri. Ibindi bivugwa mu gushyigikira ibyo birego ntibyatangiwe ibimenyetso bibihamya. Urugereko ruramutse rusanze Munyakazi ahamwa n'icyaha kivugwa mu kirego cya mbere, ntirwakwiririrwa rusuzuma uburyozwacyaha bwe buvugwa mu kirego cya 2.

2.1 Amategeko

493. Umuntu aryozwa icyaha cya jenoside (Ingingo ya 2(3)(a) ya Sitati) iyo yakoze kimwe mu bikorwa biteganywa n'Ingingo ya 2(2) ya Sitati (igikorwa gifatika cy'icyaha) agamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, bazira icyo bari cyo (« igitekerezo cyo gukora jenoside »)[989]. N'ubwo nta mubare runaka ugomba guherwaho, uwakoze icyaha agomba kuba yari yaritswemo n'umugambi wo kurimbura byibura igice kinini cy'abantu bagize itsinda

[989] Urubanza rwa Nahimana mu bujurire, igika cya 492.

ryibasiwe[990]. Si ngombwa ko uwakoze icyaha aba yari yiritswemo gusa n'umugambi wo gukora jenoside, ndetse no kuba yari afite impamvu ze bwite ntibimubuza kuba yari afite igitekerezo cyihariye cyo gukora jenoside[991].

494. Ubukemuramanza bwemera ko umugambi wo gukora jenoside ugaragazwa kenshi n'ibimenyetso biziguye[992]. Iyo nta bimenyetso bitaziguye bihari, umugambi wo gukora jenoside ushobora kugaragarira mu bikorwa bya ngombwa no mu miterere y'ibintu byatumye, ku buryo budashidikanywaho, habaho uwo mugambi. Mu bintu bishobora kugaragaza ko habayeho igitekerezo cyihariye cyo gukora icyaha, havugwa ibi bikurikira n'ubwo atari byo byonyine: (a) urwego rusange ibindi byaha byakozwemo byibasiye mu buryo butaziguye kandi buri kuri gahunda abantu bagize iryo tsinda, byaba byarakozwe n'umuntu umwe cyangwa abandi; (b) ingano y'amarorerwa yakozwe; (c) imiterere y'ayo marorerwa muri rusange, (d) uko yakozwe mu karere runaka cyangwa mu gihugu hose (e) kuba abakorewe ibyaha ari abantu batoranijwe ku bushake kandi mu buryo buri kuri gahunda bazira gusa ko bari mu itsinda runaka; (f) kuba abantu bagize andi matsinda bo bataribasiwe; (g) ibiterekerezo bya politiki byabaye imbarutso y'ibikorwa bivugwa; (h) inshuro ibyo bikorwa bya kirimbuzi kandi bishingiye ku ivangura byakozwe ; na (i) ikorwa ry'ibyaha bihungabanya umuzi w'iryo tsinda cyangwa se ibyo abakoze ibyaha bafataga nk'umuzi waryo[993].

495. Mu Nyandiko y'ibirego, Munyakazi ashinjwa icyaha cyo kwica Abatutsi. Hagaragajwe ku buryo budasubirwaho ko abasiviri b'Abatutsi bagizwe itsinda rigomba kurindwa[994], kandi Ubwunganizi ntibubijyaho impaka. Ubwicanyi buvugwa bugomba kuba bufite aho buhuriye n'igitekerezo cyo kurimbura abantu bose, cyangwa igice cyabo, bagize itsinda ririnzwe[995]. Muri uru rubanza, Ubwunganizi

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[990] Urubanza rwa Bagosora na bagenzi be mu rw'Iremezo, igika 2115; Urubanza rwa *Gacumbitsi* mu bujurire, igika cya 44.
[991] *Urubanza rwa Ntakirutimana mu bujurire*, ibika 302-304; Urubanza rwa *Niyitegeka* mu bujurire, ibika 48-54.
[992] *Urubanza rwa Nahimana mu bujurire*, igika cya 524; *Urubanza rwa Gacumbitsi* mu bujurire, ibika 40, 41 na 44.
[993] *Urubanza rwa Seromba mu bujurire*, igika cya 176, hasubirwamo ibivugwa mu rubanza rwa *Seromba* mu rw'Iremezo, igika cya 320.
[994] Reba kandi *Urubanza rwa Bagosora na bagenzi be mu rw'iremezo*, igika cya 2116 n'igisobanuro cyo hasi hasi ku rupapuro gifite nomero 2338 («Byongeye kandi, urubanza rwose rwaciwe n'uru Rukiko ku birebana na jenoside rwemeje ko ubwoko bw'Abatutsi ari itsinda ririnzwe mu mategeko »).
[995] *Urubanza rwa Kayishema na Ruzindana mu bujurire*, igika cya 151.

ntibujya impaka ku bisabwa mu rwego rw'amategeko kugira ngo hemezwe ko icyaha cya jenoside cyakozwe.

2.2 Ikurikizwa ry'ayo mategeko muri uru rubanza

496. Urugereko rwamaze kwemeza ko Munyakazi yayoboye igitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994, akaba n'umwe mu bayoboye igitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata 1994 (reba Umutwe wa II.8 n'uwa II.9). Ibimenyetso byose byatanzwe bigaragaza ko, uretse abantu bake cyane bakoraga kuri paruwasi n'abajandarume batishwe muri ibyo bitero, abandi bantu bari kuri ayo maparuwasi yombi bari biganjemo abasiviri b'Abatutsi. Abagabye igitero bishe impunzi ziri hagati y'ibihumbi bitanu na bitandatu mu gitero cyagabwe kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994[996]. Agatsiko k'abo bicanyi kishe abandi Batutsi babarirwa hagati ya 60 na 100 mu gitero cyagabwe kuri Paruwasi ya Mibilizi ku itariki ya 30 Mata[997]. Kubera ko impunzi zarokotse ibyo bitero ari mbarwa, Urugereko rwemeza ko, muri rusange, abagabye igitero bari bagambiriye kurimbura abantu bagize itsinda ririnzwe babaziza ubwoko bwabo. Ubwunganizi ntibwerekanye ko hari indi mpamvu, umugambi cyangwa se igitekerezo runaka byatumye ibyo bitero bigabwa.

497. Urugereko ruributsa ko rutemeye ibivugwa na Porokireri ko Munyakazi yakoze ibyaha aho hantu hombi mu rwego rw'umugambi mubisha uhuriweho. Cyakora, rwemeje ko, hashingiwe ku Ngingo ya 6 (1) ya Sitati, Munyakazi « yakoze » ubwicanyi (Reba Umutwe III.1.1.2).

498. Urugereko rusanga haratanzwe ibimenyetso bitaziguye bike cyane bigaragaza igitekerezo Munyakazi yari afite. Umutangabuhamya ushinja wiswe LCQ, warokotse igitero kandi Urugereko rwasanze yakwizerwa, avuga ko Uregwa yabwiye impuzi zari kuri Paruwasi ya Mibilizi ngo: « Mwishe Umukuru w'igihugu… Mugiye kwishyura ibyo mwakoze »[998]. Uretse ibyo, Porokireri ntiyatanze ikindi kimenyetso

[996] BWR, Inyandikomvugo y'iburanisha, 22 Mata 2009, urup. 54; BWU, Inyandikomvugo y'iburanisha, 4 Kamena 2009, urup. 30.
[997] MM, Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 63-64; Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 10; MP, Inyandikomvugo y'iburanisha, 27 Mata 2009, imp. 45, 50-51.
[998] Inyandikomvugo y'iburanisha, 28 Mata 2009, urup. 20.

kitaziguye cyerekana ko Uregwa yari ahuje n'abandi bantu umugambi wo kwanga Abatutsi nk'uko byari bimeze muri rusange icyo gihe.

499. Nta n'umwe mu baburanyi uhakana ko abantu bari barahungiye kuri izo paruwasi bari biganjemo abasiviri b'Abatutsi. Muri Mata 1994, izo paruwasi zombi zagabweho ibitero, kandi ibimenyetso byatanzwe bigaragaza ko mu mpera za Mata abagabye ibitero bateye kuri Paruwasi ya Shangi n'iya Mibilizi kugira ngo batsembatsembe abantu benshi bari bararokotse ubwicanyi bwibasiye impunzi bwari bwaratangiwe n'andi matsinda y'abicanyi. Hashingiwe ku bimenyetso byatanzwe, umwanzuro rukumbi Urugereko rushobora gufata n'uko abagabye ibitero bakoze ubwicanyi kuri izo paruwasi zombi ku itariki ya 29 n'iya 30 Mata 1994 bari bagamije kurimbura abasiviri b'Abatutsi bo muri utwo duce, bakabica bose cyangwa bakica benshi muri bo.

500. Urugereko rusanga kandi, hakurikijwe ibimenyetso byose byatanzwe mu iburanisha, umwanzuro rukumbi ushyize mu gaciro rwafata ari uko, mu gihe yayoboraga ibitero aho hantu hari impunzi, Uregwa yari azi ko ibyo bitero byari mu rwego rw'ibindi bitero rusange byibasiye abasiviri b'Abatutsi. Ibyo bitero byombi byahitanye abasiviri babarirwa mu bihumbi, kandi nta kimenyetso na kimwe kigaragaza ko Abahutu bakoraga aho hantu n'abajandarume bari kuri izo paruwasi ku minsi ivugwa na bo bibasiwe n'ibitero nk'uko byagendekeye Abatutsi bari bahahungiye. Munyakazi yaba yarayoboye ibyo bitero kuko yari asangiye n'abandi umugambi wo kwanga Abatutsi, cyangwa yabitewe no gushaka kwikundisha ku bantu bari bahuje ibitekerezo bya politiki cyangwa abategetsi. Ibyo ari byo byose, Urugereko rusanga mu kuyobora ibitero, Munyakazi yari ahuje n'abandi umugambi wihariye wo kurimbura itsinda ry'abantu barinzwe bari bahungiye kuri izo paruwasi zombi.

2.3 Umwanzuro w'Urugereko

501. Kubera izo mpamvu, Urugereko rusanze Munyakazi ahamwa n'icyaha cyo gukora jenoside (Ikirego cya 1), hashingiwe ku Ngingo ya 6 (1), kubera ubwicanyi bwakorewe abasiviri b'Abatutsi kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994

no kuri Paruwasi ya Mibilizi ku itariki ya30 Mata 1994. Bityo rero, ntahamwa n'icyaha kitari icy'ibanze cyo kuba icyitso cy'abakoze jenoside (Ikirego cya 2).

3. <u>IBYAHA BYIBASIYE INYOKOMUNTU (IKIREGO CYA 3)</u>

502. Mu kirego cya 3 cy'Inyandiko y'ibirego, Munyakazi ashinjwa itsembatsemba nk'icyaha cyibasiye inyokomuntu, hashingiwe ku Ngingo ya 3 (b) ya Sitati. Mu gushyigikira iki kirego cya 3, Porokireri ashingira ku bwicanyi bwakorewe kuri Paruwasi ya Nyamasheke ku itariki ya 16 Mata 1994, kuri Paruwasi ya Shangi ku ya 29 Mata 1994, no ku ya Mibilizi ku itariki ya 30 Mata 1994.

3.1 Igitero rusange kandi kiri kuri gahunda

503. Kugira ngo icyaha cyose giteganywa n'Ingingo ya 3, nk'itsembatsemba, kitwe icyaha cyibasiye inyokomuntu muri TPIR, Porokireri agomba kugaragaza ko icyo cyaha cyakozwe mu rwego rw'igitero rusange kandi kiri kuri gahunda cyibasiye abaturage b'abasiviri bazira ubwenegihugu, ibitekerezo bya politiki, ubwoko cyangwa idini byabo[999]. Igitero kigabwe ku baturage b'abasiviri ni igikorwa cyibasiye abo baturage kiri mu rwego rw'ibikorwa by'urugomo cyangwa by'ubugizi bwa nabi biteganywa mu Ngingo ya 3, kuva ku gaka (a) kugeza kuri (i)[1000]. Ibisabwa by'ingenzi biratandukanye: « igitero rusange » bivuga ingano y'igitero n'umubare w'abantu bibasiwe, naho « igitero kiri kuri gahunda » bivuga uburyo ibikorwa by'urugomo biba byateguwe no kuba bidatunguranye[1001].

504. Ku birebana n'igitekerezo cyo gukora icyaha, uwagikoze agomba kuba yari azi neza ko kiri mu rwego rw'igitero rusange, ariko si ngombwa ko aba ahuje umugambi cyangwa intego n'abandi bantu bose bari mu gitero[1002]. Ku buryo bw'inyongera, kugira ngo hemezwe ko hakozwe ibyaha byibasiye inyokomuntu, TPIR isaba ko ibyaha byibasiye inyokomuntu biba byarakozwe hashingiwe ku « mpamvu

[999] Sitati ya TPIR, Ingingo ya 3.
[1000] Urubanza rwa *Nahimana na bagenzi* be mu bujurire, ibika 915-918; Urubanza rwa *Kordić na Čerkez* mu bujurire, igika 666; Urubanza rwa *Kunarac na bagenzi be* mu bujurire, igika cya 89.
[1001] Urubanza rwa *Nahimana na bagenzi be* mu bujurire, igika cya 920.
[1002] Urubanza rwa *Gacumbitsi* mu bujurire, ibika 86, 103.

z'ubwenegihugu, ibitekerezo bya politiki, ubwoko cyangwa idini », ariko ntibivuga ko hagomba kugaragazwa ko nyiri ukugikora yari yaritswemo n'igitekerezo cyo kuvangura[1003].

505. Urugereko rwasuzumye ibimenyetso byose byatanzwe, by'umwihariko rusuzuma ibyerekeranye n'ubwoko bw'abantu bishwe mu byabaye bivugwa muri uru rubanza. Urugereko rusanga haragaragajwe ko habayeho igitero rusange kandi kiri kuri gahunda cyibasiye abaturage b'abasiviri bazira ubwoko bwabo. Nk'uko byavuzwe haruguru, hazirikanwe imiterere yihariye y'ubwicanyi bwabaye n'uburyo bwakozwe, Urugereko runemera ko Munyakazi yari azi ko ubwicanyi yiroshyemo bwari mu rwego rw'icyo gitero rusange.

3.2 Itsembatsemba

Amategeko akurikizwa

506. Icyaha cy'itsembatsemba ni igikorwa cy'ubwicanyi bworeka imbaga. Igikorwa kigize icyo cyaha ni igikorwa icyo ari cyo cyose umuntu yakoze, icyo yirengagije gukora, cyangwa se byombi, gituma habaho ku buryo buziguye cyangwa butaziguye ubwicanyi buhitana abantu benshi. N'ubwo itsembatsemba ari igikorwa cy'ubwicanyi buhitana abantu benshi, ibyo ntibivuga ko hari umubare wo hasi ugomba guherwaho kugira ngo icyo cyaha kibeho. Igitekerezo cyo gukora icyaha cy'itsembatsemba kigaragazwa n'uko Uregwa yari yaritswemo n'umugambi wo kwica imbaga y'abantu cyangwa se gushyira abantu benshi mu mibireho ishobora gutuma bapfa ahantu henshi kandi mu buryo buri kuri gahunda[1004].

3.3 Ikurikizwa ry'ayo mategeko muri uru rubanza

[1003] Urubanza rwa *Setako* mu rw'Iremezo, igika cya 477, hazubirwamo ibivugwa mu rubanza rwa Urubanza rwa *Bagosora na bagenzi be* mu rw'iremezo, igika cya 2166; Urubanza rwa *Akayesu* mu rw'Iremezo, ibika 464-469, 595; Urubanza rwa *Bagilishema* mu rw'Iremezo, igika cya 81.

[1004] Urubanza rwa *Seromba* mu bujurire igika cya 189; Urubanza rwa *Ntakirutimana* mu bujurire, ibika 516, 522; Urubanza rwa *Ndindabahizi* mu bujurire, igika cya 123 ; Urubanza rwa *Brđanin* mu bujurire, ibika 470, 476 ; Urubanza rwa *Gacumbitsi* mu bujurire, igika cya 86; Urubanza rwa *Semanza* mu bujurire, ibika 268-269; Urubanza rwa *Stakić* mu bujurire, ibika 259-260.

507. Urugereko rwamaze kwemeza ko Munyakazi yakoze icyaha cya jenoside kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994 (reba Umutwe wa II.8 n'uwa II.9). Urugereko rwemera kandi ko umubare w'abantu bahitanywe n'ubwo bwicanyi wari munini bihagije ku buryo umuntu yavuga ko habayeho itsembatsemba. Kubera ko abasiviri b'Abatutsi benshi bari bahungiye kuri izo paruwasi zombi, biragaragara ko Munyakazi yari afite umugambi wo gukora ubwicanyi butsemba imbaga.

3.4 Umwanzuro w'Urugereko

508. Kubera izo mpamvu, Urugereko rusanze Munyakazi ahamwa n'itsembatsemba (Ikirego cya 3) nk'icyaha cyibasiye inyokomuntu, hashingiwe ku Ngingo ya 6 (1), kubera ubwicanyi yakoreye abasiviri b'Abatutsi kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994.

UMUTWE WA IV: IMIKIRIZE Y'URUBANZA

Ikirego cya 1: **Ahamwa** n'icyaha Jenoside.

Ikirego cya 2: **Ntahamwa** n'icyaha cyo kuba icyitso cy'abakoze Jenoside.

Ikirego cya 3: **Ahamwa** n'itsembatsemba nk'icyaha cyibasiye inyokomuntu.

UMUTWE WA V: IGENABIHANO

1. INTANGIRIRO

509. Rumaze kubona ko Yussuf Munyakazi ahamwa na jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu, Urugereko rugiye kumugenera igihano gikwiye.

510. Mu kugena igihano hagomba kuzirikanwa intego zo guhana, guca abandi bantu intege ngo be gukora ibyaha, kugorora uregwa, no kurinda abantu ngo be gukorerwa ibyaha. Rushingiye ku Ngingo ya 23 ya Sitati n'iya 101 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, Urugereko ruzirikana ibihano bitangwa muri rusange n'inkiko zo mu Rwanda, uburemere bw'ibyaha cyangwa imyitwarire y'Uregwa, imibereho bwite y'Uregwa, hakubiyemo n'impamvu nyoroshyacyaha n'impamvu zongera uburyozwacyaha. Urugereko rwa Mbere rw'Iremezo ruzirikana kandi igihe uwahamwe n'icyaha yamaze afungiwe icyo cyaha bitegetswe n'urukiko rw'igihugu iki n'iki[1005]. Nk'uko Urugereko rw'Ubujurire rwabivuze, ibimaze kuvugwa si byo byitabwaho byonyine mu kugena igihano gikwiye. Byongeye kandi, igihe uhamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko, ategereje kuburanishwa cyangwa se arimo kuburanishwa kigomba gukurwa mu gihe cy'igifungo akatirwa[1006].

1.1 Ibivugwa n'ababuranyi

511. Porokireri asaba ko kuri buri kirego kiri mu Nyandiko y'ibirego gihama Munyakazi, Urugereko rwa Mbere rw'Iremezo rwagombye gutanga igihano cy'igifungo cya burundu ariko ibihano bikarangizwa mu buryo bukomatanyije. Yongeraho ko ibyaha Uregwa yakoze biremereye, kandi ko nta mpamvu nyoroshyacyaha zihari. Porokireri asaba kandi Urugereko kuzirikana umwanya Uregwa yari afite mu baturage igihe

[1005] Urubanza rwa *Setako* mu rw'iremezo, igika 494; Urubanza rwa *Renzaho* mu rw'iremezo, igika 814. Reba kandi Ingingo ya 23 (1)-(3) [ya Sitati] n'Ingingo ya 101 (B)(i)-(iv) [y'Amategeko].

[1006] Urubanza rwa *Renzaho* mu rw'iremezo igika cya 814, hasubirwamo ibivugwa mu rubanza rwa *Kajelijeli*, Urubanza mu bujurire, igika cya 290. Reba kandi Ingingo ya 101 (C).

ibyaha byakorwaga, uruhare yagize mu ikorwa ry'ibyaha, impavu zamuteye gukora ibyaha n'uburyo ibyo byaha byakozwe[1007].

512. Porokireri avuga ko impamvu zongera uburyozwacyaha muri uru rubanza zigomba kuba zirimo izatumye Uregwa akora icyaha n'icyo yari agamije, kimwe no gucura umugambi wo gukora icyaha, ubushake yagaragaje bwo gukora icyaha, kuba yarateshutse ku nshingano ze no ku mwanya yari afite mu muryango nyarwanda igihe ibyaha byakorwaga, harimo n'inshingano yari afite ku baturage[1008].

513. Ubwunganizi busaba ko, icyaha kiramutse gihamye Munyakazi, «Urugereko rwakwemeza impamvu nyoroshyacyaha zose uko zivugwa mu buhamya bwose bwatanzwe mu iburanisha ». Ubwunganizi bushimangira ko Munyakazi yarokoye Abatutsi mu ntambara kandi ko yafatanyije n'Urukiko mu iburanisha ryose[1009]. Byongeye kandi, Ubwunganizi busaba ko, mu kugena igihano, Urugereko rwafata nk'impamvu nyoroshyacyaha, imyaka ya Munyakazi, ubuzima bwe no kuba yarakurikizaga inyigisho z'idini rye[1010].

1.2 Isesengura ry'Urugereko

1.2.1 Uburemere bw'icyaha

514. Ibyaha byose biteganywa na Sitati y'Urukiko ni ibikorwa binyuranyije bikomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara[1011]. Mu kugena igihano, Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye, n'ubwo bufite aho bugarukira, bwo gukatira uregwa igihano ku giti cye ruzirikana imibereho ye bwite ndetse n'uburemere bw'ibyaha bimuhama[1012].

[1007]Imyanzuro nsozarubanza ya Porokireri, imp.163-193; Inyandikomvugo y'iburanisha, 28 Mutarama 2010, urup. 17.
[1008] Imyanzuro nsozarubanza ya Porokireri, imp. 49-50.
[1009] Inyandikomvugo y'iburanisha, 28 Mutarama 2010, imp. 47-48.
[1010] Inyandikomvugo y'iburanisha, 28 Mutarama 2010, urup. 49
[1011] Urubanza rwa *Bagosora na bagenzi be* mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu rubanza rwa Urubanza rwa *Kayishema na Ruzindana* mu bujurire, igika 367 (hasubirwamo Ingingo ya 1 ya Sitati).
[1012] Urubanza rwa *Setako* mu rw'iremezo, igika 497; Urubanza rwa *Bagosora na bagenzi* be mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu rubanza rwa *Kajelijeli* mu bujurire, igika cya 291.

515. Mu kugena igihano gikwiye, Urugereko rw'Ubujurire rwemeje ko «abantu bameze kimwe kandi baregwa ibintu bisa, bagomba guhabwa ibihano bifite aho bihuriye ». Cyakora, rwanasanze iryo hame rifite aho rigarukira kubera ko « buri rubanza rugira ibintu byinshi rwihariye, birimo umubare w'ibyaha byakozwe n'imiterere yabyo, imibereho bwite y'uregwa, n'ibindi[1013].

516. Urugereko rwemeje ko Munyakazi yakoze jenoside kuri Paruwasi ya Shangi ku itariki ya 29 Mata 1994 no kuri Paruwasi ya Mibilizi ku ya 30 Mata 1994[1014]. Ibyo byaha biraremeye kandi byahitanye abantu benshi cyane binatera ububabare abandi benshi. « Gukora » ni uburyo butaziguye bwo gukora icyaha.

517. Nk'uko biteganywa n'amategeko yo mu Rwanda, ibyaha bisa n'ibyo Uregwa ashinjwa bishobora guhanishwa igihano cy'igifungo cya burundu, bitewe n'imiterere y'uruhare rw'Uregwa[1015]. Muri uru Rukiko, igihano cy'igifungo cya burundu kigenerwa muri rusange abantu bacuze umugambi wo gukora amarorerwa, abategetse ko akorwa cyangwa abategetsi bo mu myanya yo jehuru[1016]. Urugereko rwa Mbere

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[1013] Urubanza rwa *Setako* mu rw'iremezo, igika 498; Urubanza rwa *Bagosora na bagenzi be* mu rw'iremezo, igika 2263, hasubirwamo ibivugwa mu rubanza rwa *Kvočka na bagenzi be* mu bujurire, igika cya 681.

[1014] Inyandiko y'ibirego, ibika 13-14.

[1015] *Urubanza Porokireri aburanamo na Yussuf Munyakazi*, No. ICTR-97-36AT-R11*bis*, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira uru rubanza muri Repuburika y'u Rwanda, 28 Gicurasi 2008, ibika 24-32; *Urubanza Porokireri aburanamo na Gaspard Kanyarukiga*, No. ICTR-2002-78-R11bis, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira uru rubanza muri Repuburika y'u Rwanda, 6 Kamena 2008, ibika 22-25 (isesengura ry'urutonde rw'ibihano bitangwa mu Rwanda); *Urubanza Porokireri aburanamo na Jean-Baptiste Gatete*, No. ICTR-2000-61-R11bis, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira uru rubanza muri Repuburika y'u Rwanda, 17 Ugushyingo 2008, ibika 22-25. Reba kandi na *n'urubanza rwa Semanza* mu bujurire, igika cya 377 ("ingingo isaba Urugereko rwa Mbere rw'Iremezo kwifashisha imikorere rusange y'inkiko zo mu Rwanda ku bihano by'igifungo, ntitegeka Urugereko rwa Mbere rw'Iremezo gukurikiza byanze bikunze iyo mikorere. Itegeka gusa Urugereko rwa Mbere rw'Iremezo kuzirikana iyo mikorere"), hasubirwamo ibivugwa mu rubanza rwa *Serushago*mu bujurire, igika cya 30; Urubanza rwa *Dragan Nikolić* mu bujurire, igika cya 69.

[1016] Urubanza rwa *Bagosora na bagenzi be* mu rw'iremezo, igika 2270, hasubirwamo ibivugwa mu rubanza rwa *Musema m*u bujurire igika cya 383 (ruvuga ko abayobozi n'abacura umugambi w'imvururu runaka bagomba kubiryozwa kurusha abandi, hagafatwa icyemezo ko uburemere bw'icyaha ari cyo kintu cya mbere cyitabwaho mu kugena igihano). Igihano cy'igifungo cya burundu cyakatiwe abayobozi bakuru bo muri Guverinoma n'abasirikare bakuru: reba Urubanza rwa *Bagosora na bagenzi be* mu rw'iremezo, ibika 2265, 2268-2269, 2277-2279 (Umukuru w'Ibiro bya Ministiri w'Ingabo, Komanda wa batayo y'abaparakomando, na Komanda w'Akarere k'imirwano ka gisirikare ka Gisenyi); *Urubanza rwa Renzaho mu rw'iremezo* ibika 819, 826 (Perefe wa Perefegitura y'Umujyi wa Kigali akaba na Koloneli mu ngabo z'u Rwanda ; Urubanza rwa *Ndindabahizi* mu rw'Iremezo, ibika 505, 508, 511 (Minisitiri w'Imari); Urubanza rwa *Niyitegeka* mu rw'Iremezo, ibika 499, 502 (Minisitiri w'Itangazamakuru); Urubanza rwa *Kambanda* mu rw'Iremezo, ibika 44, 61-62 (Minisitiri w'Intebe); Urubanza rwa *Kamuhanda* mu rw'Iremezo, ibika 6, 764, 770 (Minisitiri w'Amashuri Makuru n'Ubushakashatsi mu by'Ubuhanga). Hari izindi manza zimwe na zimwe, abayobozi bo mu nzego zicirirtse, kimwe n'abantu batakoraga imirimo ya Leta, bakatiwemo igihano cy'igifungo cya burundu. Nk'urugero, reba urubanza rwa *Karera* mu rw'Iremezo, igika cya 585 (Perefe wa Perefegitura ya Kigali-Ngari); Urubanza rwa *Kayishema na Ruzindana* mu rw'Iremezo, (Igenabihano), urup. 8 (Kayishema yari Perefe wa Perefegitura ya Kibuye);

rw'Iremezo rwifashisha izindi manza zirimo n'izo abaregwa bahamijwemo icyaha cyo kugira uruhare rutaziguye muri jenoside n'itsembatsemba ariko ntibakatirwe igihano cy'igifungo cya burundu[1017].

1.2.2 Imibereho bwite y'Uregwa, impamvu zongera n'izigabanya uburyozwacyaha

518. Urugereko rurasuzuma imibereho bwite ya Munyakazi, n'impamvu zongera uburyozwacyaha n'iz'ibworoshya. Impamvu zigabanya uburyozwacyaha zigomba gutangirwa ibimenyetso bigaragaza ko ibintu bishoboka, naho impamvu zongera uburyozwacyaha zigomba gutangirwa ibimenyetso bidashidikanywaho na gato. Ingingo yose yatangwa nka kimwe mu bigize icyaha Uregwa yahamijwe ntiribufatwe nk'impamvu yongera uburyozwacyaha[1018].

519. Urugereko rw'Ubujurire rwemeje ko kuba uregwa yarakoresheje nabi umwanya we w'ubuyobozi cyangwa ijambo yari afite mu baturage bishobora gufatwa nk'impamvu yongera uburyozwacyaha[1019]. Uru Rugereko ruvuga ko n'ubwo Munyakazi atari umuntu ukomeye mu rwego rw'igihugu cyangwa ngo abe umutegetsi, yari umuntu ufite ijambo mu baturage bo mu gace yari atuyemo. Yakoresheje iryo jambo yari afite mu baturage maze afasha kandi ashyigikira Interahamwe zo mu Bugarama mu gukora ibikorwa bibisha kuri Paruwasi ya Shangi no ku ya Mibilizi. Kuba Munyakazi yarakoresheje nabi ijambo yari afite mu baturage bo mu Bugarama ni impamvu yongera ububi bw'icyaha.

Urubanza rwa *Gacumbitsi* mu bujurire, igika cya 206 (*Burugumesitiri*); Urubanza rwa *Musema* mu rw'Iremezo, ibika 999-1008 (Umuyobozi w'Uruganda rw'Icyayi wavugaga rikijyana); Urubanza rwa *Rutaganda* mu rw'Iremezo, ibika 466-473 (Vice-Perezida wa kabiri w'Interahamwe ku rwego rw'igihugu).

[1017] Nk'urugero, reba urubanza rwa *Simba* mu bujurire, ibika 279-288, urup. 103; Urubanza rwa *Semanza* mu bujurire, ibika 388-389; Urubanza rwa *Kayishema na Ruzindana* mu bujurire, ibika 191, 194, 352. Mu rubanza rwa *Simba*, Urugereko rw'Ubujurire rwahamishijeho igihano cy'igifungo cy'imyaka 25 uwo musirikare wari mu kiruhuko cy'izabukuru yakatiwe, kubera ko yagiye mu bitero bibiri byahitanye abantu. Mu rubanza rwa *Semanza*, Urugereko rw'Ubujurire rwakatiye uyu mugabo, wahoze ari Burugumesitiri, igihano cy'igifungo cy'imyaka 25, kubera icyaha cya jenoside yakoze ku buryo butaziguye ahantu hiciwe imbaga y'abantu [Inyandiko y'umusemuzi : Bashobora kuba baribeshye aho banditse ko urugereko rw'Ubujurire rwamukatiye imyaka 25 y'igifungo kandi ari 35]. Uregwa *Ruzindana* yari umucuruzi ukomeye. Urugereko rw'Ubujurire rwarekeyeho igihano yakatiwe cy'igifungo cy'imyaka 25, kubera icyaha cya jenoside cyamuhamye. Yakatiwe icyo gihano kubera kubera uruhare rutaziguye yagize muri ibyo bitero.

[1018] Urubanza rwa *Renzaho* mu rw'iremezo, igika cya 822, hasubirwamo ibivugwa mu rubanza rwa *Ndindabahizi mu bujurire*, igika cya 137.

[1019] Urubanza rwa *Renzaho* mu rw'iremezo, igika cya 822, hasubirwamo ibivugwa mu rubanza rwa *Simba* mu bujurire, ibika 284-285.

520. Urugereko rwasuzumye imibereho bwite ya Munyakazi. Ruzirikana imyaka ya Munyakazi no kuba, mu gihe cya jenoside yaragobotse bamwe mu Batutsi b'inshuti ze. Cyakora, nk'uko Urugereko rw'Ubujurire rw'uru Rukiko rwabyemeje ku buryo bweruye, Urugereko rwa Mbere rw'Iremezo rufite ububasha bwo kudafata nk'impamvu nyoroshyacyaha ibyerekeranye no «kugoboka Abatutsi bamwe na bamwe yihitiyemo »[1020]. Urugereko rusanga kandi «kuba Uregwa yaritwaraga neza mu rwego rw'idini » nta gaciro byahabwa kuko bitamubujije gukora ibyaha cyangwa ngo bitume asaba imbabazi mu iburanisha. Kubera izo mpamvu, Urugereko rusanga ibimaze kuvugwa bitafatwa nk'impamvu nyoroshyacyaha.

1.2.3 Umwanzuro w'Urugereko

521. Urugereko rwamaze kwemeza ko Munyakazi ahamwa na jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu. Ibi byaha bombi biteganywa n'Ingingo ya 2 n'iya 3 za Sitati y'Urukiko. Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo kugena igihano kimwe rukumbi. Kenshi iyi mikorere yifashishwa iyo ibyaha byakozwe bishobora gufatwa nk'aho byari mu mugambi umwe mubisha[1021]. Ibyaha Uregwa yahamijwe muri uru rubanza, ari byo jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu, bishingiye ahanini ku bikorwa bimwe.

522. Kubera impamvu zose zimaze gusesengurwa haruguru, rushingiye ku Ngingo ya 101, Urugereko **RUKATIYE** Yussuf Munyakazi:

Igihano cy'igifungo cy'IMYAKA MAKUMYABIRI N'ITANU (25).

1.3 Icyemezo cy'Urugereko gishingiye kuri uyu mwanzuro

523. Hashingiwe ku Ngingo ya 101 (C) y'Amategeko, mu gihano cy'igifungo Munyakazi akatiwe, hazavanwamo igihe amaze afunzwe kuva yafatwa ku itariki ya 5 Gicurasi 2004. Igihano kimaze gutangwa kizarangirizwa mu gihugu kizagenwa na Perezida

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[1020] Urubanza rwa *Bikindi* mu bujurire, ibika 161-63.
[1021] Urubanza rwa *Renzaho* mu rw'iremezo, igika cya 825, hasubirwamo ibivugwa mu rubanza rwa *Nahimana na bagenzi be* mu bujurire, ibika 1042-1043 ; Urubanza rwa *Simba* mu rw'Iremezo, igika cya 445 ; Urubanza rwa *Ndindabahizi* mu rw'Iremezo, igika cya 497.

w'Urukiko, amaze kugisha inama Urugereko. Gerefiye azamenyesha icyo cyemezo Guverinoma y'u Rwanda n'igihugu kizaba cyagenwe.

524. Mu gihe agitegereje kwimurirwa mu gihugu agomba kurangirizamo igihano cye cy'igifungo, Yussuf Munyakazi araguma muri gereza mu buryo bumwe n'ubwo asanzwe afunzwemo.

525. Nk'uko biteganywa n'Ingingo ya 102 (A) n'iya 103 y'Amategeko, haramutse habaye ubujurire, irangizarubanza rizasubikwa kugeza igihe hazafatirwa icyemezo kuri ubwo bujurire. Cyakora ukatiwe agomba gukomeza gufungwa.

Bikorewe Arusha, ku itariki ya 5 Nyakanga 2010, mu rurimi rw'icyongereza.

Florence Rita Arrey	Mparany Mamy Richard Rajohnson	Aydin Sefa Akay
Perezida w'Inteko	Umucamanza	Umucamanza

[Kashe y'Urukiko]

UMUGEREKA A: AMAVU N'AMAVUKO Y'IBURANISHA

1. IMIHANGO MBANZIRIZARUBANZA

1. Ku itariki ya 10 Ukwakira 1997, Porokireri yatanze Inyandiko y'ibirego ashinjamo Emmanuel Bagambiki, Samuel Imanishimwe na Yussuf Munyakazi[1022].

2. Ku itariki ya 26 Gicurasi 2000, kubera ko Yussuf Munyakazi yari atari yagafatwa, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo cyo kumukura mu Nyandiko y'ibirego, kugira ngo urubanza ruregwamo Emmanuel Bagambiki na Liyetona Samuel Imanishimwe ruburanishwe[1023].

3. Ku itariki ya 29 Ugushyingo 2002, mu rwego rwo gutegura urubanza, Urugereko rwa Mbere rw'Iremezo rwahaye Porokireri uruhushya rwo guhindura Inyandiko y'ibirego[1024]. Ku itariki ya 29 Ugushyingo 2002, Porokireri yatanze Inyandiko y'ibirego yahinduwe ashinjamo Yussuf Munyakazi ibirego bibiri: Ikirego cya 1: Jenoside, cyangwa, mu gihe icyo cyaha cyaramuka kitamuhamye, kuba icyitso cy'abakoze jenoside. Ikirego cya 2: Itsembatsemba nk'icyaha cyibasiye inyokomuntu[1025].

4. Uregwa yafatiwe muri Repuburika Iharanira Demokarasi ya Kongo ku itariki ya 5 Gicurasi 2004, yimurirwa muri Gereza y'Umuryango w'Abibumbye ku itariki ya 7 Gicurasi 2004[1026]. Ku itariki ya 12 Gicurasi 2004, Munyakazi yitabye bwa mbere Urugereko maze ahakana ibyaha byose ashinjwa[1027].

[1022] *Urubanza Porokireri aburana na Munyakazi*, Icyemezo cyemeza Inyandiko y'ibirego, 10 Ukwakira 1997.
[1023] Inyandikomvugo y'iburanisha, 26 Gicurasi 2000, urup. 12.
[1024] *Urubanza Porokireri aburanamo na Munyakazi*, Icyemezo ku Cyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego, 29 Ugushyingo 2002.
[1025] Inyandiko y'ibirego yahinduwe yo ku itariki ya 29 Ugushyingo 2002, No. ICTR-97-36A.
[1026] Icyemezo ku « Cyifuzo gisaba guhindura Icyemezo kibuza umunyururu kubonana n'abandi banyururu», 15 Gashyantare 2005, ibika 1, 2, 10-11; Itangazo rigenewe abanyamakuru rya TPIR], ICTR/INFO-9-2-592-EN, 22 Mata 2009.
[1027] Kwitaba Urukiko bwa mbere na mbere; Inyandikomvugo y'iburanisha, 12 Gicurasi 2004, urup. 9.

5. Mu nama ntegurarubanza yo ku itariki ya 31 Kanama 2007, Porokireri yavuze ko, ashingiye ku Ngingo ya 11 *bis* y'Amategeko, ashaka gutanga icyifuzo gisaba kwimurira mu rundi rukiko, urubanza aburanamo na Yussuf Munyakazi[1028]. Ku itariki ya 7 Nzeri 2007, Porokireri yatanze icyifuzo gisaba kohereza urubanza rwa Munyakazi mu nkiko zo mu Rwanda, hashingiwe ku Ngingo ya 11 *bis*. Ku itariki ya 2 Ukwakira 2007, Ubwunganizi bwatanze igisubizo burwanya icyo cyifuzo. Ku itariki ya 2 Ukwakira 2007, Perezida yashinze Urugereko rwa Mbere rw'Iremezo III [Inteko ya 3] gusuzuma icyo kibazo cyo kwimurira uru rubanza mu rundi rukiko[1029].

6. Urugereko rwemereye Guverinoma y'u Rwanda, Urugaga rw'Abavoka rw'i Kigali, *International Criminal Defence Attorneys Association (ICDAA)* [Ishyirahamwe Mpuzamahanga ry'Abavoka Bunganira Abaregwa mu manza mpanabyaha] na *Human Rights Watch (HRW)* [Umuryango Uharanira uburenganzira bwa muntu] kuza mu rubanza nka *amici curiae* [inshuti z'Urukiko][1030], ngo batange ibikerezo ku byerekeranye no kwimurira uru rubanza mu rundi rukiko. Iburanisha kuri icyo Cyifuzo ryabaye ku itariki ya 24 Mata 2008. Ku itariki ya 28 Gicurasi 2008, Urugereko rwa Mbere rw'Iremezo ntirwemeye icyifuzo cya Porokireri cyo kwimurira uru rubanza mu Rwanda[1031].

7. Porokireri yajuririye Icyemezo cy'Urugereko rwa Mbere rw'Iremezo. Ku itariki ya 18 Nyakanga 2008, Urugereko rw'Ubujurire rwemereye «*ICDAA*» na Repuburika y'u Rwanda gutanga imyanzuro nk'inshuti z'Urukiko[1032]. Ku itariki ya 8 Ukwakira 2008, Urugereko rw'Ubujurire rwemeje ko ubujurire bwa Porokireri nta shingiro bufite

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[1028] Inyandikomvugo y'iburanisha, 30 Kanama 2007, imp. 1-2.

[1029] *Urubanza Porokireri aburanamo na Munyakazi*, Kugena Urugereko rwa Mbere rw'Iremezo rushinzwe gusuzuma Icyifuzo gisaba ko urubanza rwa Yussuf Munyakazi rwimurirwa mu Rwanda, 2 Ukwakira 2007.

[1030] *Urubanza Porokireri aburanamoMunyakazi*, Icyemezo cyemerera Repuburika y'u Rwanda kugira icyo ruvuga, nk'igihugu kirebwa n'Icyifuzo cya Porokireri cyo kohereza mu Rwanda Inyandiko y'ibirego yakorewe Yussuf Munyakazi, 9 Ugushyingo 2007; Icyemezo ku Cyifuzo cy'Urugaga rw'Abavoka rw'i Kigali gisaba kuza mu rubanza nk'inshuti y'Urukiko, 6 Ukuboza 2007; Icyemezo ku Cyifuzo cya « *International Criminal Defence Attorneys Association (ICDAA)* » [Ishyirahamwe mpuzamahanga ry'abavoka bunganira abaregwa mu manza nshinjabyaha] gisaba kugira icyo ruvuga mu rubanza nk'inshuti y'Urukiko, 6 Ukuboza 2007; Icyemezo ku Cyifuzo cya *« Human Rights Watch »* gisaba kuza mu rubanza nk'inshuti y'Urukiko, 10 Werurwe 2008.

[1031] *Urubanza Porokireri aburana na Munyakazi*, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repubulika y'u Rwana, Ingingo 11 *bis* na 74 z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, 28 Gicurasi 2008.

[1032] *Urubanza Porokireri aburanamo na Munyakazi*, Icyemezo ku Cyifuzo cya « *International Criminal Defence Attorneys Association (ICDAA)* » gisaba kugira icyo ruvuga mu rubanza nk'inshuti y'Urukiko, 15 Nyakanga 2008; Icyemezo ku Cyifuzo cya Repuburika y'u Rwanda gisaba kugira icyo ruvuga mu rubanza nk'inshuti y'Urukiko, 18 Nyakanga 2008.

maze rugumishaho icyemezo cy'Urugereko rwa Mbere rw'Iremezo cyangira Porokireri kwimurira uru rubanza mu Rwanda[1033].

8. Ku itariki ya 30 Ukwakira 2008, Urugereko rwa Mbere rw'Iremezo rwemereye na none Porokireri guhindura Inyandiko y'ibirego[1034]. Ku itariki ya 3 Ugushyingo 2008, Porokireri yatanze Inyandiko y'ibirego yahinduwe bwa kabiri, yongera ibisobanuro birambuye mu Nyandiko y'ibirego ibanza[1035]. Ku itariki ya 15 Mata 2009, Perezida w'Urukiko, ari we Dennis C. M. Byron, yagennye Inteko y'abacamanza yo kuburanisha uru rubanza igizwe na Florence Rita Arrey (Perezida w'Inteko), Mparany Mamy Richard Rajohnson na Aydin Sefa Akay.

9. Ku itariki ya 30 Werurwe 2009, Porokireri yatanze imyanzuro mbanzirizarubanza[1036]. Ku itariki ya 17 Mata 2009, Urugereko rwategetse ko uru rubanza rwatangira kuburanishwa ku itariki ya 22 Mata 2009[1037]. Uru rubanza rwatangiye kuburanishwa ku itariki ya 22 Mata 2009.

2. GUSHINJA

10. Porokireri yatangiye kuburana ku itariki ya 22 Mata 2009 maze arangiza ku ya 4 Kamena 2009. Muri iryo burana ryamaze iminsi irindwi, Porokireri yahamagaje abatangabuhamya 11, barimo umwe watanze ubuhamya ari i Kigali[1038]. Porokireri yatanze kandi ibimenyetso gihamya 28.

1033 *Urubanza Porokireri aburanamo na Munyakazi*, Icyemezo ku bujurire bwa Porokireri burebana n'Icyemezo cyafashwe ku Cyifuzo cye cyasabaga kwimurira urubanza mu zindi nkiko hashingiwe ku ngingo ya 11 *bis*, 8 Ukwakira 2008.

1034 *Urubanza Porokireri aburanamo na Munyakazi*, Icyemezo ku Cyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego, 30 Ukwakira 2008.

1035 Inyandiko y'ibirego yahinduwe bwa kabiri, 3 Ugushyingo 2008.

1036 Imyanzuro mbanzirizarubanza ya Porokireri, hashingiwe ku Ngingo ya 73 *bis* (B)(ii) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, 30 Werurwe 2009.

1037 Itegeko rigena itariki urubanza ruzatangiriraho kuburanishwa, hashingiwe ku Ngingo ya 54 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, 17 Mata 2007.

1038 *Urubanza Porokireri aburanamo na Munyakazi*, Icyemezo ku Cyifuzo cyihutirwa cyane cya Porokireri gisaba ko BWW yatanga ubuhamya, 20 Gicurasi 2009.

3. KWIREGURA

11. Nyuma y'inama ibanziriza itangwa ry'ibimenyetso bishinjura yabaye ku itariki ya 9 Kamena 2009, Urugereko rwa Mbere rw'Iremezo rwategetse ko Ubwunganizi bwatangira kwiregura ku itariki ya 31 Kanama 2009[1039]. Ubwunganizi bwatanze imyanzuro yabwo mbanzirizarubanza ku itariki ya 31 Nyakanga 2009[1040].

12. Ku itariki ya 25 Kanama 2009, Urugereko rwa Mbere rw'Iremezo rwategetse Ubwunganizi kugabanya umbare w'abatangabuhamya bwateganyaga gutanga[1041].

13. Ubwunganizi bwatangiye kuburana ku itariki ya 31 Kanama 2009. Mu minsi cumi n'umwe bwamaze buburana, Ubwunganizi bwahamagaje abatangabuhamya 20, barimo n'Uregwa, watanze ubuhamya bwe nyuma y'abandi bose. Ubwunganizi bwatanze kandi ibimenyetso gihamya 29.

4. INDI MIHANGO YAKURIKIYEHO

14. Ku itariki ya 20 Ukwakira 2009, Ubwunganizi bwatanze icyifuzo gisaba Urugereko kujya aho ibyaha bivugwa byakorewe[1042]. Porokireri yatanze Imyanzuro ye nsozarubanza ku itariki ya 16 Ukuboza 2009, naho Ubwunganizi butanga iyabwo ku ya 17 Ukuboza 2009.

15. Imyanzuro nsozarubanza mu magambo yatanzwe mu iburanisha ryo ku itariki ya 28 Mutarama 2010. Ku itariki ya 17 Werurwe 2010, Urugereko rwemeje ko icyifuzo cy'Ubwunganizi kirusaba kugera aho ibyaha byakorewe gifite ishingiro[1043]. Ku itariki ya 7 Gicurasi 2010, Urugereko rwongeye gusuzuma icyifuzo cy'Ubwunganizi cyarusabaga kugera aho ibyaha byakorewe, maze rufata umwanzuro ko, nyuma yo

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[1039] Itegeko rigena ingengabihe y'iburanisha nyuma y'Inama ibanziriza itangwa ry'ibimenyetso bishinjura, 9 Kamena 2009.

[1040] Imyanzuro ya Yussuf Munyakazi mu Nama ibanziriza itangwa ry'ibimenyetso bishinjura, 31 Nyakanga 2009.

[1041] Itegeko ry'urugereko risaba Ubwunganizi kugabanya umubare w'Abatangabuhamya buteganya guhamagaza (Ingingo ya 54 n'iya 73 *ter* (D) z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso), 25 Kanama 2009.

[1042] Icyifuzo cya Yussuf Munyakazi gisaba Urugereko kujya aho ibyaha byakorewe, *(Ingingo 4 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso),* 20 Ukwakira 2009.

[1043] Icyemezo ku Cyifuzo cya Yussuf Munyakazi gisaba Urugereko kujya aho ibyaha byakorewe, 17 Werurwe 2010.

gusuzumana ubushishozi ibimenyetso byose byatanzwe, atari ngombwa ko rujya aho ibyaha byakorewe[1044].

16. Urugereko rwa Mbere rw'Iremezo rwasomye incamake y'uru rubanza ku itariki ya 30 Kamena 2010, hanyuma rutanga Inyandiko yuzuye y'urubanza ku itariki ya 5 Nyakanga 2010.

[1044] Guhindura « Icyemezo ku Cyifuzo cya Yussuf Munyakazi gisaba Urugereko kujya aho ibyaha byakorewe», 7 Gicurasi 2010.

UMUGEREKA B: INYANDIKO ZIFASHISHIJWE, IBISOBANURO BY'AMAGAMBO N'IMPINE Z'AMAGAMBO BYAKORESHEJWE

1. UBUKEMURAMANZA

a. TPIR [Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda]

Akayesu

Urubanza Porokireri aburanamo na Jean-Paul Akayesu mu rw'iremezo, Urubanza No. ICTR-96-4-T, 2 Nzeri 1998 (Urubanza rwa Akayesu mu rw'Iremezo)

Urubanza Porokireri aburanamo na Jean-Paul Akayesu mu bujurire, Urubanza No. ICTR-96-4-A, 1 Kamena 2001 (Urubanza rwa Akayesu mu bujurire)

Bagilishema

Urubanza Porokireri aburanamo na Ignace Bagilishema mu rw'iremezo, Urubanza No. ICTR-95-1A-T, 7 Kamena 2001 (Urubanza rwa Bagilishema mu rw'Iremezo)

Bagosora na bagenzi be

Urubanza Porokireri aburanamo na Théoneste Bagosora na bagenzi be mu rw'iremezo, Urubanza No. ICTR-98-41-T, Icyemezo ku Cyifuzo gisaba inyandiko zakozwe mu manza zo mu Rwanda zirebana n'Abatangabuhamya bashinja (Urugereko rwa Mbere rw'Iremezo), 16 Ukuboza 2003

Urubanza Porokireri aburanamo na Théoneste Bagosora na bagenzi be mu rw'iremezo, Urubanza No. ICTR-98-41-T, Icyemezo ku bujurire ku byemezo by'agateganyo bwatanzwe Aloys Ntabakuze ku itariki ya 29 Kamena 2006, Urugereko rwa Mbere rw'Iremezo I ; Icyemezo ku Cyifuzo gisaba kutemera ibimenyetso runaka (Urugereko rw'Ubujurire), 18 Nzeri 2006

Urubanza Porokireri aburanamo na Théoneste Bagosora na bagenzi be mu rw'iremezo, Urubanza No. ICTR 98-41-T, 18 Ukuboza 2008 (Urubanza rwa Bagosora na bagenzi be mu rw'Iremezo)

Bikindi

Urubanza Porokireri aburanamo na Simon Bikindi mu bujurire, Urubanza No. ICTR-01-72-A, 18 Werurwe 2010.

Gacumbitsi

Urubanza Porokireri aburanamo na Sylvestre Gacumbitsi mu rw'iremezo, Urubanza No. ICTR-2001-64-T, 17 Kamena 2004 (Urubanza rwa Gacumbitsi mu rw'Iremezo).

Urubanza Sylvestre Gacumbitsi aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-2001-64-A, 7 Nyakanga 2006 (Urubanza rwa Gacumbitsi mu bujurire)

Gatete

Urubanza Porokireri aburanamo na Jean-Baptiste Gatete, Urubanza No. ICTR-2000-61-R11bis, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repuburika y'u Rwanda (Urugereko rwa Mbere rw'Iremezo), 17 Ugushyingo 2008.

Kajelijeli

Urubanza Porokireri aburanamo na Juvénal Kajelijeli mu rw'iremezo, No. ICTR-98-44A-T, Urubanza n'igenagihano, 1 Ukuboza 2003 (Urubanza rwa Kajelijeli mu rw'Iremezo).

Urubanza Juvénal Kajelijeli aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-98-44A-A, 23 Gicurasi 2005 (Urubanza rwa Kajelijeli mu bujurire).

Kambanda

Urubanza Porokireri aburanamo na Jean Kambanda mu rw'iremezo, Urubanza No. ICTR-97-23-S, Urubanza n'igenagihano, 4 Nzeri 1998 (Urubanza rwa Kambanda mu rw'Iremezo).

Kamuhanda

Urubanza Porokireri aburanamo na Jean de Dieu Kamuhanda mu rw'iremezo, No. ICTR-95-54A-T, 22 Mutarama 2004 (Urubanza rwa Kamuhanda mu rw'Iremezo)

Kanyarukiga

Urubanza Porokireri aburanamo na Gaspard Kanyarukiga, No. ICTR-2002-78-R11bis, Icyemezo ku Cyifuzo cya Porokireri gisaba kwimurira urubanza muri Repuburika y'u Rwanda (Urugereko rwa Mbere rw'Iremezo), 6 Kamena 2008.

Karera

Urubanza Porokireri aburanamo na François Karera mu rw'iremezo, Urubanza No. ICTR-01-74-T, Urubanza n'igenagihano, 7 Ukuboza 2007 (Urubanza rwa Karera mu rw'Iremezo).

Kayishema na Ruzindana

Urubanza Porokireri aburanamo na Clément Kayishema na Obed Ruzindana mu rw'iremezo, Urubanza No. ICTR-95-I-T, 21 Gicurasi 1999 (Urubanza rwa Kayishema na Ruzindana mu rw'Iremezo).

Urubanza Porokireri aburanamo na Clément Kayishema na Obed Ruzindana mu bujurire, Urubanza No. ICTR-95-I-A, 1 Kamena 2001 (Urubanza rwa Kayishema na Ruzindana mu bujurire).

Mpambara

Urubanza Porokireri aburanamo na Jean Mpambara mu rw'iremezo, Urubanza No. ICTR-01-65-T, 11 Nzeri 2006 (Urubanza rwa Mpambara mu rw'Iremezo).

Muhimana

Urubanza Mikaeli Muhimana aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-95-1B-A, 21 Gicurasi 2007 (Urubanza rwa Muhimana mu bujurire).

Musema

Urubanza Porokireri aburanamo na Alfred Musema mu rw'iremezo, Urubanza No. ICTR-96-13-T, Urubanza n'igenabihano, 27 Mutarama 2000 (Urubanza rwa Musema mu rw'Iremezo).

Urubanza Alfred Musema aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-96-13-A, 16 Ugushyingo 2001 (Urubanza rwa Musema mu bujurire).

Muvunyi

Urubanza Tharcisse Muvunyi aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-2000-55A-A, 29 Kanama 2008 (Urubanza rwa Muvunyi mu bujurire).

Nahimana na bagenzi be

Urubanza Ferdinand Nahimana na bagenzi be baburanamo na Porokireri mu bujurire, Urubanza No. ICTR-99-52-A, 28 Ugushyingo 2007 (Urubanza rwa Nahimana na bagenzi be mu bujurire).

Ndindabahizi

Urubanza Porokireri aburanamo na Emmanuel Ndindabahizi mu rw'iremezo, Urubanza No. ICTR-2001-71-T, Urubanza n'igenabihano, 15 Nyakanga 2004 (Urubanza rwa Ndindabahizi, mu rw'Iremezo).

Urubanza Emmanuel Ndindabahizi aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-01-71-A, 16 Mutarama 2007 (Urubanza rwa Ndindabahizi mu bujurire).

Niyitegeka

Urubanza Porokireri aburanamo na Eliézer Niyitegeka mu rw'iremezo, Urubanza No. ICTR-96-14-T, Urubanza n'igenabihano, 16 Gicurasi 2003 (Urubanza rwa Niyitegeka mu rw'Iremezo).

Urubanza Eliézer Niyitegeka aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-96-14-A, 9 Nyakanga 2004 (Urubanza rwa Niyitegeka mu bujurire).

Urubanza Eliézer Niyitegeka aburanamo na Porokireri, No. ICTR-96-14-R, Icyemezo ku Cyifuzo gisaba gusubira mu Cyemezo cyafashwe (Urugereko rw'Ubujurire), 30 Kamena 2006.

Nsengimana

Urubanza Porokireri aburanamo na Hormisdas Nsengimana mu rw'iremezo, Urubanza No. ICTR-01-69-T, 17 Ugushyingo 2009 (Urubanza rwa Nsengimana mu rw'Iremezo).

Ntagerura na bagenzi be

Urubanza Porokireri aburanamo na André Ntagerura na bagenzi be mu rw'iremezo, Urubanza No. ICTR-99-46-T, Urubanza n'igenabihano, 25 Gashyantare 2004 (Urubanza rwa Ntagerura na bagenzi be mu rw'Iremezo).

Urubanza Porokireri aburanamo na André Ntagerura na bagenzi be mu bujurire, Urubanza No. ICTR-99-46-A, 7 Nyakanga 2006 (Urubanza rwa Ntagerura na bagenzi be mu bujurire).

Ntakirutimana

Urubanza Porokireri aburanamo na Elizaphan Ntakirutimana na Gérard Ntakirutimana mu bujurire, Imanza No. ICTR-96-10-A na No. ICTR-96-17-A, 13 Ukuboza 2004 (Urubanza rwa Ntakirutimana mu bujurire).

Renzaho

Urubanza Porokireri aburanamo na Tharcisse Renzaho mu rw'iremezo, Urubanza No. ICTR-97-31-T, Urubanza mu rw'Iremezo, 14 Nyakanga 2009 (Renzaho, Urubanza mu rw'Iremezo).

Rutaganda

Urubanza Porokireri aburanamo na Georges Anderson Nderubumwe Rutaganda mu rw'iremezo, Urubanza No. ICTR-96-3-T, Urubanza n'igenabihano, 6 Ukuboza 1999 (Urubanza rwa Rutaganda mu rw'Iremezo).

Urubanza Georges Anderson Nderubumwe Rutaganda aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-96-3-A, 26 Gicurasi 2003 (Urubanza rwa Rutaganda mu bujurire).

Urubanza Georges Anderson Nderubumwe Rutaganda aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-96-03-R, Icyemezo ku Byifuzo bisaba gusubira mu Cyemezo cyafashwe, kugihindura, kugena Avoka wunganira Uregwa, kumenyekanisha inyandiko, no gusobanura neza ibintu bimwe na bimwe, 8 Ukuboza 2006.

Semanza

Urubanza Porokireri aburanamo na Laurent Semanza mu rw'iremezo, Urubanza No. ICTR-97-20-T, Urubanza n'igenabihano, 15 Gicurasi 2003 (Urubanza rwa Semanza mu rw'Iremezo).

Urubanza Laurent Semanza aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-97-20-A, 20 Gicurasi 2005 (Urubanza rwa Semanza mu bujurire).

Seromba

Urubanza Porokireri aburanamo na Athanase Seromba mu rw'iremezo, Urubanza No. ICTR-2001-66-T, 13 Ukuboza 2006 (Urubanza rwa Seromba mu rw'Iremezo).

Urubanza Porokireri aburanamo na Athanase Seromba mu bujurire, Urubanza No. ICTR-2001-66-A, 12 Werurwe 2008 (Urubanza rwa Seromba mu bujurire).

Serushago

Urubanza Omar Serushago aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-98-39-A, Impamvu z'urubanza, 6 Mata 2000 (Urubanza rwa Serushago mu bujurire).

Simba

Urubanza Porokireri aburanamo na Aloys Simba mu rw'iremezo, Urubanza No. ICTR-01-76-T, Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba guhabwa inyandiko z'imanza, hashingiwe ku ngingo ya 68 (Urugereko rwa Mbere rw'Iremezo), 4 Ukwakira 2004

Urubanza Porokireri aburanamo na Aloys Simba mu rw'iremezo, Urubanza No. ICTR-01-76-T, Urubanza n'igenabihano, 13 Ukuboza 2005 (Urubanza rwa Simba mu rw'Iremezo).

Urubanza Aloys Simba aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-01-76-A, 27 Ugushyingo 2007 (Urubanza rwa Simba mu bujurire).

Zigiranyirazo

Urubanza Porokireri aburanamo na Protais Zigiranyirazo mu rw'iremezo, Urubanza No. ICTR-01-73-T, 18 Ukuboza 2008 (Urubanza rwa Zigiranyirazo mu rw'Iremezo).

Urubanza Protais Zigiranyirazo aburanamo na Porokireri mu bujurire, Urubanza No. ICTR-01-73-A, 16 Ugushyingo 2009 (Urubanza Zigiranyirazo mu bujurire).

b. TPIY [Urukiko Mpanambyaha Mpuzamahanga rwashyiriweho Icyahoze ari Yugosilaviya]

Blagojević na Jokić

Urubanza Porokireri aburanamo na Vidoje Blagojević na Dragan Jokić mu bujurire, Urubanza No. IT-02-60-A, 9 Gicurasi 2007 (Urubanza rwa Blagojević na Jokić mu bujurire).

Blaškić

Urubanza Porokireri aburanamo na Tihomir Blaškić mu bujurire, Urubanza No. IT-95-14-A, 29 Nyakanga 2004 (Urubanza rwa Blaškić mu bujurire).

Brđanin

Urubanza Porokireri aburanamo na Radoslav Brđanin mu rw'iremezo, Urubanza No. IT-99-36-T, 1 Nzeri 2004 (Urubanza rwa Brđanin mu rw'Iremezo).

Urubanza Porokireri aburanamo na Radoslav Brđanin mu bujurire, Urubanza No. IT-99-36-A, 3 Mata 2007 (Urubanza rwa Brđanin mu bujurire).

Galić

Urubanza Porokireri aburanamo na Stanislav Galić mu bujurire, Urubanza No. IT-98-29-A, 30 Ugushyingo 2006 (Urubanza rwa Galićmu bujurire).

Halilović

Urubanza Porokireri aburanamo na Sefer Halilović mu bujurire, Urubanza No. IT-01-48-A, 16 Ukwakira 2007 (Urubanza rwa Halilović mu bujurire).

Jelisić

Urubanza Porokireri aburanamo na Goran Jelisić mu bujurire, Urubanza No. IT-95-10-A, 5 Nyakanga 2001 (Urubanza rwa Jelisić mu bujurire).

Kordić na Čerkez

Urubanza Porokireri aburanamo na Dario Kordić na Mario Čerkez mu bujurire, Urubanza No. IT-95-14/2-A, 17 Ukuboza 2004 (Urubanza rwa Kordić na Čerkez mu bujurire).

Krnojelac

Urubanza Porokireri aburanamo na Milorad Krnojelac mu bujurire, Urubanza No. IT-97-25-A, 17 Nzeri 2003 (Urubanza rwa Krnojelac mu bujurire).

Krstić

Urubanza Porokireri aburanamo na Radoslav Krstić mu bujurire, Urubanza No. IT-98-33-A, 19 Mata 2004 (Urubanza rwa Krstić mu bujurire).

Kunarac na bagenzi be

Urubanza Porokireri aburanamo na Dragoljub Kunarac na bagenzi be mu rw'iremezo, No. IT-96-23-T na IT-96-23/1-T, 22 Gashyantare 2001 (Urubanza rwa Kunarac na bagenzi be mu rw'Iremezo).

Urubanza Porokireri aburanamo na Dragoljub Kunarac na bagenzi be mu bujurire, Urubanza No. IT-96-23-A na IT-96-23/1-A, 12 Kamena 2002 (Urubanza rwa Kunarac na bagenzi be mu bujurire).

Kupreškić na bagenzi be

Urubanza Porokireri aburanamo na Zoran Kupreškić na bagenzi be mu bujurire, Urubanza No. IT-95-16-A, 23 Ukwakira 2001 (Urubanza rwa Kupreškić na bagenzi be mu bujurire).

Kvočka na bagenzi be

Urubanza Porokireri aburanamo na Miroslav Kvočka na bagenzi be mu bujurire, Urubanza No. IT-98-30/1-A, 28 Gashyantare 2005 (Urubanza rwa Kvočka na bagenzi be mu bujurire).

Limaj na bagenzi be

Urubanza Porokireri aburanamo na Fatmir Limaj na bagenzi be mu rw'iremezo, Urubanza No. IT-03-66-T, 30 Ugushyingo 2005 (Urubanza rwa Limaj na bagenzi be mu rw'Iremezo).

Dragomir Miloševic

Urubanza Porokireri aburanamo na Dragomir Milošević mu bujurire, Urubanza No. IT-98-29/1-A, 12 Ugushyingo 2009 (Urubanza rwa Dragomir Milošević mu bujurire).

Naletilić na Martinović

Urubanza Porokireri aburanamo na Mladen Naletilić, bahimba «TUTA » na Vinko Martinović, bahimba « ŠTELA » mu bujurire, Urubanza No. IT-98-34-A, 3 Gicurasi 2006 (Urubanza rwa Naletilić na Martinović mu bujurire)

Dragan Nikolić

Urubanza Porokireri aburanamo na Dragan Nikolić mu bujurire, Urubanza No. IT-94-2-A, Urubanza n'Igenabihano, 4 Gashyantare 2005 (Urubanza rwa Dragan Nikolić mu bujurire).

Orić

Urubanza Porokireri aburanamo na Naser Orić, No. IT-03-68-A, Urubanza mu bujurire, 3 Nyakanga 2008 (Orić Urubanza mu bujurire).

Simić

Urubanza Porokireri aburanamo na Blagoje Simić mu bujurire, Urubanza No. IT-95-9-A, 28 Ugushyingo 2006 (Urubanza rwa Simić mu bujurire).

Stakić

Urubanza Porokireri aburanamo na Milomir Stakić mu bujurire, Urubanza No. IT-97-24-A, 22 Werurwe 2006 (Urubanza rwa Stakić mu bujurire).

Tadić

Urubanza Porokireri aburanamo na Duško Tadić mu bujurire, Urubanza No. IT-94-1-A, 15 Nyakanga 1999 (Urubanza rwa Tadić mu bujurire).

Vasiljević

Urubanza Porokireri aburanamo na Mitar Vasiljević mu bujurire, Urubanza No. IT-98-32-A, 25 Gashyantare 2004 (Urubanza rwa Vasiljević mu bujurire).

2. IBISOBANURO BY'AMAGAMBO AMWE N'AMWE YAKORESHEJWE N'IMPINAMAGAMBO [MU MWIMERERE]

Abakombozi

Ishami ry'urubyiruko rwa PSD (Ishyaka riharanira demokarasi n'imibereho myiza y'abaturage).

CAVECUVI

Koperative itera inkunga abahinzi b'umuceri bo mu karere ka Bugarama, mu kuwuhinga no kuwucuruza.

CDR

Coalition pour la Défense de la République [Impuzamugambi ziharanira Repuburika]

CIMERWA

Cement du Rwanda [Uruganda rwa Sima rw'u Rwanda]

CND

Conseil National pour le Développement [Inama y'igihugu iharanira amajyambere]

Imyanzuro nsozarubanza y'Ubwunganizi

Urubanza *Porokireri* aburanamo *Yussuf Munyakazi*, No. ICTR-97-36A, Imyanzuro nsozarubanza y'Ubwunganizi, yatanzwe ku itariki ya 17 Ukuboza 2009.

DRC

Democratic Republic of Congo [Repuburika Iharanira Demokarasi ya Kongo]. Mu wa 1994, icyo gihugu cyitwaga Zayire.

ESO

École des sous-officiers [Ishuri ry'abasuzofisiye]

ICTR cyangwa Urukiko

Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha bya jenoside cyangwa ibindi byaha bikomeye binyuranyije n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994.

ICTY [TPIY]

Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu gihugu cyahoze cyitwa Yugosilaviya ibyaha bikomeye binyuranyije n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara kuva mu wa 1991

Inyandiko y'ibirego

Urubanza Porokireri aburanamo na *Yussuf Munyakazi*, No. ICTR-97-36A, Inyandiko y'ibirego yahinduwe bwa kabiri, 3 Ugushyingo 2008.

JDR

Jeunesses démocratique républicaine [Ishami ry'urubyiruko rwa MDR]

MDR

Mouvement Démocratique Républicain [Ishyaka riharanira demokarasi muri Repuburika]

MRND

Mouvement Révolutionnaire National pour la Démocratie et le Développement [Muvoma Revolisiyoneri Iharanira Demokarasi n'Amajyambere [Ndt : bagomba kuba baribeshye mu

nyandiko y'umwimerere, aho bashyize « Révolutionnaire » hagombaga kuba « Républicain »].

Urup. (imp.)

Urupapuro (Impapuro).

PDC

Parti Démocrate Chrétien [Ishyaka rya gikirisitu riharanira demokarasi]

PDI

Parti Démocrate Islamique [Ishyaka riharanira demokarasi ya kiyisilamu]

PL

Parti Libéral [Ishyaka riharanira ukwishyira ukizana kwa buri muntu]

Imyanzuro mbanzirizarubanza ya Porokireri

Urubanza Porokireri aburanamo na Yussuf Munyakazi, No. ICTR-97-36A, Imyanzuro mbanzirizarubanza ya Porokireri, hashingiwe ku Ngingo ya 73 *bis* (B)(ii) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, 30 Werurwe 2009.

Imyanzuro nsozarubanza ya Porokireri

Urubanza Porokireri aburanamo na Yussuf Munyakazi, No. ICTR-97-36A, Imyanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 16 Ukuboza 2009.

PSD

Parti Social Démocrate [Ishyaka riharanira demokarasi n'imibereho myiza y'abaturage]

RP (RPP)

Impapuro zo mu biro bya Gerefiye (hashingiwe kuri nomero y'urupapuro rwa dosiye icungwa n'ibiro bya Gerefiye)

RPF

Rwandese Patriotic Front [Umuryango wa FPR]

RTLM

Radio Télévision Libre des Mille Collines [Radiyo RTLM]

Amategeko

Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Sitati

Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, rwashyizweho n'Inama Ishinzwe Amahoro ku Isi, mu Cyemezo 955.

UMUGEREKA C: INYANDIKO Y'IBIREGO

URUKIKO MPANABYAHA MPUZAMAHANGA RWASHYIRIWEHO U RWANDA

Urubanza N° ICTR-97-36A-I

Umwimerere : ICYONGEREZA

POROKIRERI

ABURANA NA

Yussuf MUNYAKAZI

INYANDIKO Y'IBIREGO YAHINDUWE BWA KABIRI

Ashingiye ku bubasha ahabwa n'ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda ("Sitati y'Urukiko"), Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("Porokireri") ararega:

Yussuf Munyakazi

Icyaha cya JENOSIDE, cyaba kitamuhamye akamurega **KUBA ICYITSO CY'ABAKOZE JENOSIDE,** n'**ITSEMBATSEMBA NK'ICYAHA CYIBASIYE INYOKOMUNTU.** Ibyo byaha bigiye kuvugwa, biteganywa n'Ingingo ya 2 n'iya 3 za Sitati y'Urukiko.

UREGWA

1. **Yussuf Munyakazi** yavukiye muri Komine ya Rwamatamu, Perefegitura ya Kibuye mu mwaka wa 1935. Mu gihe kivugwa muri iyi nyandiko y'ibirego, **Yussuf Munyakazi** yari umucuruzi akaba n'umuhinzi ukomeye wacuruzaga ibyo yejeje, wo muri Komine ya Bugarama (Perefegitura ya Cyangugu). Yari n'umukuru w'Interahamwe za MRND zo mu Bugarama azifiteho ububasha adakomora ku mategeko ("Interahamwe zo mu Bugarama").

INCAMAKE Y'IBYABAYE, HAKUBIYEMO N'IBIREGO

2. Hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994, buri Munyarwanda yabarirwaga muri bumwe muri ubu bwoko bukurikira: Umututsi, Hutu cyangwa Twa.

3. Hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, mu Rwanda hose hagabwe ibitero rusange kandi biri kuri gahunda byibasiye abasivili, bazira ubwoko bwabo bw'Abatutsi, kutavuga rumwe na MRND, gukekwaho kutavuga rumwe n'iryo shyaka, cyangwa se gushyigikira Abatutsi. Ibyo bitero byahitanye abantu benshi bo mu bwoko bw'Abatutsi n'abandi bafatwaga nk'abatavuga rumwe na MRND, barimo n'Abahutu batari intagondwa.

4. Muri icyo gihe kivugwa muri iyi nyandiko y'ibirego, **Yussuf Munyakazi** we ubwe yakoze ibyaha cyangwa se yafatanyije n'abandi kubikora mu rwego rw'umugambi mubisha uhuriweho, ari bo: Ndutiye bahimba Tarek Aziz, Ndereya Mundere, Samuel Bekeraho, Theobald Habineza, Zacharie alias Mariyo, Marcel Sebatware, Casimir Ndolimana, Thomas Mugunda, Ngarukiye, Elias Bakundukize, Interahamwe zo mu Bugarama n'abandi. Muri uwo mugambi mubisha uhuriweho, bari bafite intego yo gukora jenoside n'ibyaha byibasiye inyokomuntu babikorera Abatutsi. Mu gutsotsoba uwo mugambi mubisha uhuriweho, **Yussuf Munyakazi** yafatanyije n'abari bagize uwo mugambi bagamije kurimbura Abatutsi bose cyangwa se igice cyabo.

IBIREGO

UBURYOZWACYAHA BW'UMUNTU KU GITI CYE

Ingingo ya 6.1 ya Sitati

5. Hashingiwe ku *Ngingo ya 6.1 ya Sitati*, **Yussuf Munyakazi** aryozwa ibyaha bivugwa muri iyi nyandiko y'ibirego kubera ko yacuze umugambi wo gukora ibyaha, agategeka kandi agahamagarira abantu kubikora, akabikora na we ubwe, cyangwa se mu bundi buryo ubwo ari bwo bwose agafasha kandi agashishikariza abantu gucura umugambi wo gukora ibyaha, kubitegura cyangwa kubitsotsoba. Byongeye kandi, Uregwa yagize uruhare mu mugambi mubisha uhuriweho wari ugamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa se igice cyabo, muri Perefegitura ya Cyangugu n'iya Kibuye. Mu kugera kuri uwo mugambi mubisha, Uregwa, we ubwe cyangwa afatanyije n'abandi bantu bazwi cyangwa batazwi, yagize uruhare rukomeye mu gusohoza uwo mugambi mubisha uhuriweho. Uwo mugambi mubisha uhuriweho wari ugamije gukora ibyaha bivugwa muri iyi Nyandiko y'ibirego.

Ikirego cya mbere : JENOSIDE

6. Porokireri arega **Yussuf Munyakazi** jenoside, icyaha giteganywa n'ingingo ya 2.3 a) ya Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, muri Perefegitura ya Cyangugu n'iya Kibuye, Yussuf Munyakazi, agamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa igice cyabo, yacuze umugambi wo gukora ibyaha, ategeka kandi ahamagarira abantu kubikora, arabikora na we ubwe cyangwa se mu bundi buryo ubwo ari bwo bwose, afasha kandi ashishikariza abandi bantu gucura umugambi, gutegura no gutsotsoba icyaha cy'ubwicanyi bwibasiye Abatutsi cyangwa se icyo kubatera ububabare bukomeye bwaba ubw'umubiri cyangwa se ubwo mu mutwe, nk'uko bivugwa mu bika bikurikira birebana n'ibyabaye:

Icyo cyaha kiramutse kitamuhamye,

Ikirego cya kabiri : Kuba icyitso cy'abakoze jenoside

7. Porokireri ararega **Yussuf Munyakazi** kuba icyitso cy'abakoze jenoside, icyaha giteganywa n'ingingo ya 2.3 e) ya Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994, cyangwa se kuri ayo matariki, muri Perefegitura ya Kibuye n'iya Cyangugu, **Yussuf Munyakazi**, agambiriye kurimbura ubwoko bw'Abatutsi cyangwa azi ko abandi bantu bashaka kurimbura ubwo bwoko bwose cyangwa igice cyabwo, kandi azi ko inkunga ye yari gutuma icyaha cya jenoside gikorwa, yashishikarije abantu kwica Abatutsi cyangwa kubatera ububabare bukomeye bwaba ubw'umubiri cyangwa ubwo mu mutwe, cyangwa mu bundi buryo ubwo ari bwo bwose yateye inkunga abandi bantu mu gucura umugambi, gutegura cyangwa se gutsotsoba icyo cyaha, nk'uko bivugwa mu bika bikurikira birebana n'ibyabaye:

IBIVUGWA BIREBANA N'IBYABAYE

8. Hagati y'Ukwakira 1993 na Mata 1994, **Yussuf Munyakazi**, abiziranyeho na Ndutiye bahimba Tarek Aziz, Ndereya Mundere, Samuel Rekeraho na Théobald Habineza, yatoranyije Interahamwe zo mu Bugarama azitoza ibya gisirikare no gukoresha imbunda n'izindi ntwaro ku matariki atandukanye, bikorerwa ahantu hanyuranye muri Komine ya Bugarama no mu duce duhana imbibi n'iyo Komine. Iyo myitozo yahawe Interahamwe yabereye cyane cyane ku bibuga by'umupira bibiri biri muri Cité Bugarama no ku kibuga cya CIMERWA, aho hose hakaba ari muri Komine Bugarama.

9. Hagati ya Mutarama na Nyakanga 1994, **Yussuf Munyakazi** yahaye Interahamwe zo mu Bugarama imbunda, za gerenade n'izindi ntwaro zakundaga kubikwa iwe muri Cité Bugarama, muri Komine Bugarama.

10. Hagati ya Mutarama na Nyakanga 1994, **Yussuf Munyakazi**, abiziranyeho na Zacharie bahimba Mariyo, Marcel Sebatware, Casimir Ndorimana, Thomas Mugunda, Ngarukiye na Elias Bakundukuze, yahaye Interahamwe zo mu Bugarama ibiribwa,

azitwara cyangwa azikura ahantu hatandukanye havugwa muri iyi nyandiko y'ibirego hakorewe ubwicanyi, cyangwa azorohereza kujyayo cyangwa kuvayo.

11. Ku itariki ya 11 cyangwa iya 13 Mata 1994, cyangwa se hafi y'ayo matariki, **Yussuf Munyakaz**i, afatanyije n'Interahamwe zo mu Bugarama, yateye abasivili b'Abatutsi bari bahungiye kuri kiriziya y'i Cyangugu arabahungabanya. Muri icyo gitero, Interahamwe zarashe ku Batutsi bari bahahungiye maze kubera ubwoba bakwira imishwaro. Icyo gihe abasirikare bajyanye abasivili batandatu b'Abatutsi mu kigo cya gisirikare, aho batanu muri bo biciwe.

12. Ku itariki ya 16 Mata 1994 cyangwa ahagana kuri iyo tariki, **Yussuf Munyakazi**, ari kumwe n'Interahamwe zo mu Bugarama, akoresheje imbunda n'intwaro gakondo, yateye kandi yica abasivili b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Nyamasheke, Komine ya Kagano (Perefegitura ya Cyangugu). Muri icyo gitero**, Yussuf Munyakazi** yatwaye Interahamwe azijyana kuri Paruwasi ya Nyamasheke kandi we ubwe arasa ku basivili b'Abatutsi.

13. Ku itariki ya 29 Mata 1994 cyangwa hafi yayo, **Yussuf Munyakazi**, ari kumwe n'Interahamwe zo mu Bugarama, akoresheje imbunda n'intwaro za gakondo, yateye kandi yica abasivili b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Shangi, Komine ya Gafunzo (Perefegitura ya Cyangugu). Muri icyo gitero, **Yussuf Munyakazi** yatwaye Interahamwe azijyana kuri Paruwasi ya Shangi kandi we ubwe yica abasivili b'Abatutsi benshi abarashe.

14. Ku itariki ya 30 Mata 1994 cyangwa hafi yayo, **Yussuf Munyakazi**, ari kumwe n'Interahamwe zo mu Bugarama, akoresheje imbunda n'intwaro gakondo, yateye kandi yica abasivili b'Abatutsi babarirwa mu magana bari bahungiye kuri Paruwasi ya Mibirizi, Komine ya Cyimbogo (Perefegitura ya Cyangugu). **Yussuf Munyakazi** yatwaye Interahamwe azijyana kuri Paruwasi ya Mibirizi azitegeka kwica gusa Abatutsi b'abagabo, maze zirabikora.

15. Ku itariki ya 13 n'iya 14 Gicurasi 1994 cyangwa hafi y'ayo matariki, **Yussuf Munyakazi**, ari kumwe n'Interahamwe zo mu Bugarama kandi yabyumvikanyeho n'abandi bantu, yateye kandi yica abasivili b'Abatutsi babarirwa mu bihumbi bari

bahungiye mu Bisesero (Perefegitura ya Kibuye). Yussuf Munyakazi yajyanye Interahamwe mu Bisesero kandi yari ahari igitero kiba.

IKIREGO CYA 3: ITSEMBATSEMBA NK'ICYAHA CYIBASIYE INYOKOMUNTU

16. Porokireri ararega **Yussuf Munyakazi** Itsembatsemba nk'icyaha cyibasiye inyokomuntu**,** giteganywa n'ingingo ya 3 b) ya Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 Mata n'iya 17 Nyakanga 1994 cyangwa kuri ayo matariki, muri Perefegitura ya Cyangugu n'iya Kibuye, **Yussuf Munyakazi** yishe cyangwa akicisha abantu benshi azi ko ubwo bwicanyi bukozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasivili bazira umutwe wa politiki barimo cyangwa ubwoko bwabo.

17. Iki kirego cya 3 gishingiye kandi ku bivugwa mu bika kuva ku cya 2 kugeza ku cya 15 by'iyi Nyandiko y'ibirego, bitiriwe byongera kwandukurwa.

Ibyo Yussuf Munyakazi yakoze n'ibyo yirengagije gukora, nk'uko biri muri iyi Nyandiko y'ibirego, bihanwa hakurikijwe Ingingo ya 22 n'iya 23 za Sitati y'Urukiko.

Bikorewe Arusha, ku itariki ya 3 Ugushyingo 2008

Porokireri Hassan Bubacar Jallow

[Umukono]