Umuryango w'Abibumbye

Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda

URUGEREKO RWA MBERE RW'IREMEZO II

Umwimerere: Icyongereza

Abacamanza:

William H. Sekule, Presiding
Winston C. Matanzima Maqutu
Arlette Ramaroson

Gerefiye: Adama Dieng

Itariki: **1 Ukuboza 2003**

UNICTR
JUDICIAL RECORDS/ARCHIVES
RECEIVED
2014 FEB 25 A 9:53

POROKIRERI

Aburana na

Juvénal KAJELIJELI

Urubanza N° ICTR-98-44A-T

INYANDIKO Y'URUBANZA

Umushinjacyaha:
Ifeoma Ojemeni

Abavoka bunganira Uregwa:
Lennox S. Hinds
Nkeyi M. Bompaka

II03-0063K

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

AMASHAKIRO

UMUTWE WA I : INTANGIRIRO ... 8

A. URUKIKO N'UBUBASHA BWARWO ... 8
B. UREGWA ... 9
C. UKO IMIBURANISHIRIZE YAGENZE ... 9
1. Icyiciro kibanziriza iburanisha ... 9
2. Inyandiko y'ibirego yahinduwe yo ku itariki ya 25 Mutarama 2001 ... 11
3. Icyiciro cy'iburanisha ... 13
D. IBYEREKERANYE N'IBIMENYETSO ... 17
1. Amahame rusange yerekeranye n'isesengura ry'ibimenyetso ... 17
2. Ukwizerwa kw'abatangabuhamya ... 17
3. Gushyigikirana k'ubuhamya ... 20
4. Ubuhamya bushingiye ku nkuru mbarirano ... 21
E. IBIBAZO BIREBANA NO KURINDA UMUTEKANO 'ABATANGABUHAMYA ... 22

II. UMUTWE WA II : IBIVUGWA N'UBWUNGANIZI ... 23

A. INTANGIRIRO ... 23
B. IBIDASHOBOKA ... 23
1. Ibivugwa n'Ubwunganizi ... 23
2. Ibimenyetso ... 23
3. Umwanzuro w'Urugereko ... 25
C. UMUTANGABUHAMYA W'IMPUGUKE ... 26
1. Ibimenyetso ... 26
2. Umwanzuro w'Urugereko ... 31
D. IBIVUGWA KO UREGWA YAHIGWAGA ... 32
1. Ibivugwa n'Ubwunganizi ... 32
2. Ibimenyetso ... 32
(a) Iterabwoba FPR yashyize k'Uregwa ... 32
(b) Ibyo umutangabuhamya ushinjura wiswe ZLA arega AVEGA ... 34
3. Umwanzuro w'Urugereko ... 35
E. IBINDI BIVUGWA N'UBWUNGANIZI ... 35
1. Ibivugwa ... 35
2. Ibimenyetso ... 36
3. Umwanzuro w'Urugereko ... 41
F. KUVUGURUZA IBIMENYETSO BYATANZWE NA POROKIRERI ... 42
1. Ibivugwa n'Ubwunganizi ... 42
2. Ibimenyetso ... 43
3. Umwanzuro w'Urugereko ... 49
G. IBIVUGWA KO UBWICANYI BWAKOREWE ABATUTSI ATARI IGIKORWA CYATEGUWE KO AHUBWO CYATEWE N'IBYABAYE ... 52
1. Ibivugwa n'Ubwunganizi ... 52
2. Umwanzuro w'Urugereko ... 53
H. IMYIREGURIRE YA SINARI MPARI (ALIBI) ... 53
1. Amategeko akurikizwa ... 54
2. Ufite inshingano yo gutanga ibimenyetso by'imyiregurire ya sinari mpari ... 54
3. Kumenyekanisha imyiregurire ya sinari mpari ... 56
4. Isesengura ry'imyiregurire ya sinari mpari y'Uregwa ... 57
(a) Ibyemezwa n'Ubwunganizi ... 57

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

(b) Ibimenyetso 58
- Ijoro ryo ku itariki ya 6 Mata 1994 rishyira iya 7 Mata 1994 58
- 7 Mata 1994: 60
  - Ubuhamya bw'Uregwa 60
  - Abatangabuhamya bashinjura 64
- Itariki ya 8 Mata 1994 66
  - Ubuhamya bw'Uregwa 66
  - Abatangabuhamya bashinjura 67
- Itariki ya 9 Mata 1994 – Ubuhamya bw'Uregwa 69
- Itariki ya 10 Mata 1994 –Ubuhamya bw'Uregwa 70
- Itariki ya 11 Mata 1994 – Ubuhamya bw'Uregwa 71
- Itariki ya 12 Mata 1994 – Ubuhamya bw'Uregwa 71
- 13 Mata 1994 – Ubuhamya bw'Uregwa 71
- Itariki ya 14 Mata 1994 – Ubuhamya bw'Uregwa 71

(c) Umwanzuro w'Urugereko 72
- Ku itariki ya 6 n'iya 7 Mata 1994 72
- Ku itariki ya 8 Mata 1994 73
- Itariki ya 9 Mata 1994 74
- Kuva ku itariki ya 10 kugeza ku ya 14 Mata 1994 74

5. Umwanzuro rusange ku myiregurire ya sinari mpari 75

III. UMUTWE WA III : IBIVUGWA NA POROKIRERI 76

A. INTANGIRIRO 76
B. IGIKA CYA 2.1 CY'INYANDIKO Y'IBIREGO 77
1. Ibivugwa 77
2. Umwanzuro w'Urugereko 77
C. IGIKA CYA 2.2 CY'INYANDIKO Y'IBIREGO 77
1. Ibivugwa 77
2. Umwanzuro w'Urugereko 78
D. IBIKA BYA 3.1, 3.2 NA 3.3 BY'INYANDIKO Y'IBIREGO 78
1. Ibivugwa 78
2. Umwanzuro w'Urugereko 78
E. IGIKA CYA 3.5 CY'INYANDIKO Y'IBIREGO 79
1. Ibivugwa 79
2. Ibimenyetso 80
3. Umwanzuro w'Urugereko 86
F. IGIKA CYA 3.4 N'ICYA 3.6 BY'INYANDIKO Y'IBIREGO 86
1. Ibivugwa 86
2. Ibimenyetso 87
3. Umwanzuro w'Urugereko 88
G. IBIKA BYA 4.6, 4.6.1 NA 5.2 BY'INYANDIKO Y'IBIREGO 89
1. Ibirego 89
2. Ibimenyetso 90
3. Umwanzuro w'Urugereko 100
H. IBIKA BYA 4.10, 4.15, 4.12, 4.13, 4.16, NA 4.16.1 BY'INYANDIKO Y'IBIREGO 101
1. Ibirego 101
2. Ibimenyetso 102
3. Umwanzuro w'Urugereko 120
(a) Ishyirwaho ry'Interahamwe muri Komini ya Mukingo 120
(b) Itozwa ry'Interahamwe 122

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

(c) Guha Interahamwe iniforume n'intwaro 123
(d) Ubuyobozi bw'Interahamwe muri Komini ya Mukingo n'iya Nkuli 124
I. IBIVUGWA KO UREGWA YARI UMUYOBOKE W'ISHYAKA MRND N'UKO YARI MURI KONGERE YA PEREFEGITURA Y'IRYO SHYAKA 126
1. Ibivugwa *126*
2. Ibimenyetso *126*
3. Umwanzuro w'Urugereko *131*
J. IBIKA 4.9, 4.12.1, 4.17, 4.18, 4.18.1, 4.19 NA 4.20 BY'INYANDIKO Y'IBIREGO 131
1. Ibivugwa *131*
2. Inama zo mu ruhame n'izakozwe mu ibanga mbere ya Mata 1994 ..... *133*
(a) Ibimenyetso 133
(b) Umwanzuro w'Urugereko 136
3. Gutoza Interahamwe nk'ikimenyetso kigaragaza uruhare mu bwumvikane *137*
(a) Ibimenyetso 137
(b) Umwanzuro w'Urugereko 137
K. IBIKA 4.12.2, 4.18, 4.19.1, 4.24, 5.2, 5.3, 5.4 NA 5.9 BY'INYANDIKO Y'IBIREGO 138
1. Ibivugwa *138*
2. Ibyabaye *139*
(a) Itariki ya 6 Mata 1994—Inama yabereye kuri kantine yegeranye n'ibiro bya Komini ya Nkuli nyuma y'urupfu rwa Perezida Habyarimana 139
- Ibimenyetso 139
- Umwanzuro w'Urugereko 141
(b) Itariki ya 7 Mata 1994 - Kugemura intwaro ku biro bya Komini ya Nkuli no kuzitanga 142
- Ibimenyetso 142
- Umwanzuro w'Urugereko 144
(c) Itariki ya 7 Mata 1994—Inama yabereye ku biro bya Komini ya Mukingo 145
- Ibimenyetso 145
- Umwanzuro w'Urugereko 146
(d) Itariki ya 7 Mata 1994—Iyicwa ry'Abatutsi bari batuye muri Serire ya Kinyababa muri Komini ya Nkuli 147
- Ibimenyetso 147
- Umwanzuro w'Urugereko 148
(e) Itariki ya 7 Mata 1994 – Kuba Uregwa yari ku isoko ryo mu Byangabo n'ibyo yahakoreye 149
- Ibimenyetso 149
- Umwanzuro w'Urugereko 158
  - o Uruhare rwa Liyetona Mburuburengero 159
  - o Kuba Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo 160
  - o Amabwiriza Uregwa yahaye Interahamwe 162
(f) Itariki ya 7 Mata 1994—Iyicwa ry'Abatutsi ku gasozi ka Busogo muri Serire ya Rwankeri 163
- Ibimenyetso 163
- Umwanzuro w'Urugereko 167
(g) Itariki ya 7 Mata 1994— Iyicwa ry'Abatutsi babaga kwa Rudatinya muri Serire ya Rwankeri 169
- Ibimenyetso 169
i) Umwanzuro w'Urugereko 169
(h) Itariki ya 7 Mata 1994 — Kuba Uregwa hamwe n'Interahamwe bariyakiriye mu kabri ke

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

ku isoko ryo mu Byangabo 170
- Ibimenyetso 170
- Umwanzuro w'Urugereko 172

(i) Itariki ya 7 Mata 1994 — Iyicwa ry'Abatutsi babaga kwa Munyemvano, muri Serire ya Manjari II, Komini ya Mukingo, n'iry'abari kuri Paruwasi ya Busogo 172
- Ibimenyetso 172
- Umwanzuro w'Urugereko 183

Igitero cyagabwe kwa Munyemvano 183
a. Ubwicanyi bwabereye ku kigo cy'ababikira 184

(j) Itariki ya 8 Mata 1994— Ubwicanyi bwakorewe Abatutsi muri Segiteri ya Gitwa, muri Komini ya Nkuli 186
- Ibimenyetso 186
- Umwanzuro w'Urugereko 186

(k) AMatariki kuva ku ya 12 kugeza ku ya 14 Mata 1994 — Ubwicanyi bwakorewe Abatutsi bari bahungiye ku Rukiko rw'ubujurire rwa Ruhengeri 187
- Ibimenyetso 187
- Umwanzuro w'Urugereko 190

L. IBIKA BYA 4.18, 5.3 NA 5.5 BY'INYANDIKO Y'IBIREGO 192
1. Ibivugwa *192*
2. Ibimenyetso *193*
3. Umwanzuro w'Urugereko *207*

M. IGIKA CYA 2.3 CY'INYANDIKO Y'IBIREGO 213
1. Ibivugwa *213*
2. Ibimenyetso *213*
3. Umwanzuro w'Urugereko *213*

N. IGIKA CYA 5.7 GIFATIWE HAMWE N'IBIKA BYA 4.7, 4.8 NA 4.9 BY'INYANDIKO Y'IBIREGO 214
1. Ibivugwa *214*
2. Ibigize ibyo byaha *215*

(a) Imyitozo y'Interahamwe yari ikubiyemo no gukoresha imvugo ya rutwitsi igaragaza ko hariho umugambi wo kurimbura Abatutsi 215
- Ibimenyetso 215
- Umwanzuro w'Urugereko 216

(b) Itariki ya 7 Mata 1994—Inama abagabye ibitero bagiranye n'Uregwa muri kantine yo muri Komini ya Nkuli 216
- Ibimenyetso 216
- Umwanzuro w'Urugereko 216

(c) Itariki ya 7 Mata 1994 — Inama Uregwa yakoranye n'Interahamwe muri ISAE azishimira ko zatsotsobye ubwicanyi 218
- Ibimenyetso 218
- Umwanzuro w'Urugereko 218

(d) Itariki ya 8 Mata 1994— Uregwa yasabwe guhagarika ubwicanyi ariko arabyanga 219
- Ibimenyetso 219
- Umwanzuro w'Urugereko 219

(e) Itariki ya 8 Mata 1994 — Umunsi mukuru mu kabari k'Uregwa bishimira ubwicanyi bwakorewe muri Komini ya Mukingo 220
- Ibimenyetso 220
- Umwanzuro w'Urugereko 220

(f) Itariki ya 8 Mata 1994 — Iyicwa ry'Umututsikazi kuri bariyeri yari imbere y'iduka ry'Uregwa ku isoko ryo mu Byangabo 221
- Ibimenyetso 221

- Umwanzuro w'Urugereko ... 221

O. Igika cya 5.6 cy'Inyandiko y'ibirego ... 222

1. Ibivugwa ... *222*

2. Ibimenyetso ... *223*

(a) Nk'umuyobozi w'Interahamwe n'uwa MRND, ndetse nka Burugumesitiri, Uregwa yari afite ububasha bwo kuburizamo ubwicanyi bwakorewe Abatutsi ... 223

(b) Itariki ya 8 Mata 1994—Uregwa yingingiwe guhagarika ubwicanyi ariko arabyanga . 224

(c) (c)Abantu barishwe na/cyangwa basambanywa ku gahato n'Interahamwe Uregwa ahari ... 224

3. Umwanzuro w'Urugereko ... *227*

IV. UMUTWE WA IV : IMYANZURO Y'URUGEREKO YO MU RWEGO RW'AMATEGEKO ... 233

A. Ibitagibwaho Impaka n'Ababuranyi ... 233

B. Guhamya Uregwa ibyaha binyuranye hashingiwe ku bikorwa bimwe ... 233

C. Uburyozwacyaha ... 236

1. Inyandiko y'ibirego ... *236*

2. Sitati ... *236*

3. Ubukemuramanza ... *237*

(a) Uburyozwacyaha buteganywa n'Ingingo ya 6.1 ya Sitati ... 237

- Uburyo icyaha cyakozwemo ... 238
- Igitekerezo cyo gukora icyaha ... 241

(b) Uburyozwacyaha buvugwa mu Ngingo ya 6 (3) ya Sitati ... 242

- Kuba uregwa yari akuriye mu kazi uwatsotsobye icyaha ... 243
- *Umugambi wo gukora icyaha, ugaragazwa n'uko yari azi cyangwa yagombaga kumenya* ... 244
- Kuba ukuriye abandi agenzura nyabyo abo akuriye ku buryo ashobora kuburizamo ikorwa ry'icyaha cyangwa guhana abagikoze ... 245

4. Umwanzuro w'Urugereko ... *246*

D. Jenoside n'ibyaha bijyanye na yo ... 246

1. Sitati ... *246*

2. Ubwumvikane bugamije gukora Jenoside ... *247*

(a) Inyandiko y'ibirego ... 247

(b) Ubukemuramanza ... 248

(c) Umwanzuro w'Urugereko ... 250

(d) Icyemezo ... 251

3. Jenoside ... *251*

(a) Inyandiko y'ibirego ... 251

(b) Ubukemuramanza ... 251

- **Ikimenyetso cy'umugambi wihariye** ... 252
  - o Kurimbura abantu ... 254
  - o Bose cyangwa igice cyabo ... 254
- Amatsinda arengerwa mu mategeko mpuzamahanga ... 255
- Igikorwa kigize icyaha ... 255
  - o Kwica abantu bagize itsinda runaka ... 256
  - o Gutera abantu bagize itsinda runaka ububabare bubazahaza umubiri cyangwa mu mutwe ... 256

(c) Umwanzuro w'Urugereko ... 258

- Umugambi wo kurimbura Abantu bagize ubwoko bw'Abatutsi bose cyangwa igice cyabo ... 258

- Kwica abantu bo mu bwoko bw'Abatutsi 260
- Uburyozwacyaha bw'Uregwa nka gatozi w'ibyo yakoze ku giti cye (Ingingo ya 6.1 ya Sitati) 261
- Uburyozwacyaha bw'Uregwa nk'ukuriye abandi (Ingingo ya 6.3 ya Sitati) 261

(d) Icyemezo cy'Urugereko 262

4. Kuba ikitso cy'Abakoze Jenoside 262

(a) Inyandiko y'ibirego 262

(b) Umwanzuro w'Urugereko 263

5. Guhamagarira abantu mu ruhame kandi mu buryo butaziguye gukora jenoside 263

(a) Inyandiko y'ibirego 263

(b) Ubukemuramanza 264

(c) Umwanzuro w'Urugereko 266

(d) Icyemezo cy'Urugereko 267

E. IBYAHA BYIBASIYE INYOKOMUNTU 267

1. Ibigize icyaha cyibasiye inyokomuntu muri rusange 267

(a) Inyandiko y'ibirego 267

(b) Sitati 267

(c) Ubukemuramanza 268

- Isano iri hagati y'ibikorwa bimaze kuvugwa n'ibigize icyaha cyibasiye inyokomuntu muri rusange 268
- Ibyangombwa bigize ibyo bikorwa muri rusange 268
  - Igitero 268
  - Igitekerezo cyo gukora icyaha mu byaha byibasiye inyokomuntu 274

(d) Umwanzuro w'urugereko 274

2. Ibyaha byibasiye inyokomuntu - ubuhotozi 274

(a) Inyandiko y'ibirego. 274

(b) Ubukemuramanza 275

(c) Umwanzuro w'Urugereko 275

(d) Icyemezo cy'Urugereko 276

3. Ibyaha byibasiye inyokomuntu - Itsembatsemba 276

(a) Inyandiko y'ibirego 276

(b) Ubukemuramanza 277

(c) Umwanzuro w'Urugereko 279

(d) Icyemezo cy'Urugereko 281

4. Ibyaha byibasiye Inyokomuntu –gusambanya ku gahato 281

(a) Inyandiko y'ibirego 281

(b) Ubukemuramanza 282

(c) Umwanzuro w'Urugereko 284

- Uburyozwacyaha bushingiye ku Ngingo ya 6(1) 285
- Uburyozwacyaha bushingiye ku Ngingo ya 6(3) 286

(d) Icyemezo cy'Urugereko 286

5. Ibyaha byibasiye inyokomuntu – Gutoteza 286

(a) Kuvana ikirego mu Nyandiko y'ibirego 286

(b) Umwanzuro w'Urugereko 287

6. Ibyaha byibasiye inyokomuntu – Ibindi bikorwa bibi birenze kameremuntu 287

(a) Inyandiko y'ibirego 287

(b) Ubukemuramanza 288

(c) Umwanzuro w'Urugereko 289

- Uburyozwacyaha bushingiye ku Ngingo ya 6(1) 289
- Uburyozwacyaha bushingiye ku Ngingo ya 6(3) 290

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

(d) Conclusion 290
V. UMUTWE WA V. IMIKIRIZE Y'URUBANZA 291
VI. UMUTWE WA VI.GENAGIHANO 292
A. IBIKURIKIZWA MURI RUSANGE MU KUGENA IGIHANO 292
B. IMPAMVU NYOROSHYAGIHANO 294
C. IMPAMVU NKOMEZACYAHA 295
D. URUTONDE RW'IBIHANO 297
E. GUKURA MU GIFUNGO IGIHE CYOSE UREGWA AMAZE AFUNZWE BY'AGATEGANYO 297
F. ICYEMEZO CY'URUGEREKO 298
IMIGEREKA 300

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

UMUTWE WA I : INTANGIRIRO

A. Urukiko n'ububasha bwarwo

1. Uru rubanza *Porokireri aburana na Juvénal Kajelijeli* rusomwe n'Urugereko rwa Mbere rw'Iremezo II (« Urugereko rwa Mbere rw'Iremezo » cyangwa « Urugereko ») rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (« Urukiko » rugizwe n'abacamanza William Sekule (Perezida w'Inteko), Winston C. Matanzima Maqutu na Arlette Ramaroson.

2. Urukiko rwashyizweho n'Inama Ishinzwe Amahoro ku Isi y'Umuryango w'abibumbye, imaze kubona raporo zinyuranye zashyizwe ahagaragara n'uwo Muryango zivuga ko ibikorwa bya jenoside n'ibindi byaha binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byakorewe mu Rwanda mu rwego rw'ibitero rusange kandi biri kuri gahunda[1]. Inama Ishinzwe Amahoro ku Isi imaze kubona ko ibyo bikorwa bikomeje kubangamira amahoro n'umutekano mu rwego mpuzamahanga; imaze kwiyemeza guhagarika ikorwa ry'ibyo byaha no gufata ingamba zihamye kugira ngo ababikoze bashyikirizwe ubucamanza; imaze kumva neza ko gukurikirana abo bantu mu bucamanza byatanga umuganda mu nzira y'ubwiyunge bw'Abanyarwanda no mu kugarura no kubungabunga amahoro; ku itariki ya 8 Ugushyingo 1994, ishingiye ku Mutwe wa 7 w'Amategeko Shingiro y'Umuryango w'Abibumbye, yafashe Icyemezo 955 gishyiraho Urukiko[2].

3. Urukiko rugengwa na Sitati yometse ku Cyemezo 955 cy'Inama Ishinzwe Amahoro ku Isi (« Sitati »), rugengwa kandi n'Amategeko yarwo yerekeranye n'Imiburanishirize n'Itangwa ry'Ibimenyetso (« Amategeko »).

4. Nk'uko biteganywa na Sitati, Urukiko rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byakorewe ku ifasi y'u Rwanda, hamwe n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda. Ku

---

[1] Raporo y'Umunyamabanga w'Umuryango w'Abibumbye ku Rwanda, 1994/924; Raporo y'impuguke ishingiye ku Cyemezo 935, 1994/1125; Raporo z'Intumwa y'Umunyamabanga Mukuru w'Umuryango w'Abibumbye, 1994/1157, Imigereka 1 na 2

[2] Inyandiko y'Umuryango w'Abibumbye, S/RES/955 (1994).

birebana n'ububasha bushingiye ku gihe icyaha cyakorewe, nk'uko biteganywa n'Ingingo ya 1 ya Sitati, Urukiko rufite ububasha bwo kuburanisha gusa ibyaha byakozwe hagati y'itariki ya 1 Mutarama 1994 n'iya 31 Ukuboza 1994. Ku byerekeye ububasha bushingiye ku cyaha cyakozwe, Urukiko rufite ububasha bwo kuburanisha abantu bakoze icyaha cya jenoside, ibyaha byibasiye inyokomuntu n'ibindi byaha binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve (« Ingingo ya 3 ihuriweho ») n'Inyongera yayo ya 2 nk'uko biteganywa n'Ingingo ya 2, iya 3 n'iya 4 za Sitati. Ingingo ya 2 n'iya 3 ziraza kuvugwaho mu mutwe wa IV hano hasi.

B. Uregwa

5. Juvénal Kajelijeli (« Uregwa ») yavukiye muri Segiteri ya Rwinzovu, Komini ya Mukingo, Perefegitura ya Ruhengeri, mu Rwanda, Ku itariki ya 26 Ukuboza 1951[3].

6. Uregwa yabaye Burugumesitiri wa Komini ya Mukingo muri Perefegitura ya Ruhengeri kuva mu wa 1988 kugeza mu wa 1993. Yongeye gushyirwa kuri uwo mwanya wa Burugumesitiri wa Komini ya Mukingo muri Kamena 1994, awugumaho kugeza hagati muri Nyakanga 1994[4].

C. Uko imiburanishirize yagenze

1. Icyiciro kibanziriza iburanisha

7. Ku itariki ya 5 Kamena 1998, bisabwe na Porokireri, ubutegetsi bwo muri Bénin bwafatiye Uregwa kwa Joseph Nzirorera muri icyo gihugu.

8. Ku itariki ya 29 Kanama 1998, rumaze gusuzuma no kwemeza Inyandiko y'ibirego yo ku itariki ya 22 Kanama 1998, yakorewe Uregwa n'abandi bantu barindwi[5], Urukiko rwatanze manda yo gufata iherekejwe na manda yo kwimura no gufunga[6] Uregwa (icyo gihe yari afungiye muri Bénin), hakurikijwe icyifuzo Porokireri yatanze ashingiye ku Ngingo ya 40 *bis* y'Amategeko.

---

[3] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 3 na 4 (Uregwa); Inyandiko y'ibirego, igika 1.1.

[4] Inyandiko y'ibirego, igika 3.5; reba kandi hano hasi : Umutwe wa III, Icyiciro E.

[5] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 29 Kanama 1998, Kwemeza Inyandiko y'ibirego; Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 27 Nzeri 1999, Kuvanaho Icyemezo cyo kudashyira ahagaragara.

[6] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 29 Kanama 1998, Urwandiko rwo gufata.

9. Uregwa yimuriwe ku cyicaro cy'Urukiko Arusha Ku itariki ya 9 Nzeri 1998. Nyuma, Porokireri yashyikirije Ibiro bya Gerefiye Inyandiko y'ibirego ariko irimo ibice bimwe bisibasibye. Iyo Nyandiko ikaba yarakozwe mu rwego rwo gufasha mu birebana n'umuhango wo kwitaba Urukiko bwa mbere k'Uregwa, wari uteganyijwe ku itariki ya 28 Ugushyingo 1998.

10. Kwitaba bwa mbere byasubitzwe inshuro nyinshi bitewe n'uko Avoka wunganira Uregwa yatinze gushyirwaho. Byageze aho ariko ku itariki ya 7 n'iya 8 Mata 1999, Uregwa yitaba Urukiko bwa mbere mu Rugereko rwa Mbere rw'Iremezo II (icyo gihe rwari rugizwe n'abacamanza Sekule, Ostrovsky na Khan). Uregwa yahakanye ibyaha byose aregwa uko ari 11.

11. Ku itariki ya 8 Gicurasi 2000, Urugereko rwa Mbere rw'Iremezo ntirwemeye icyifuzo cy'Ubwunganizi cyarusabaga kwemeze ko ifatwa n'ifungwa by'Uregwa bitaciye mu nzira zemewe n'amategeko. Urugereko rwasanze ifatwa ry'Uregwa ryarakurikije amategeko kuko « yakekwagaho » icyaha, nk'uko biteganywa n'Ingingo ya 40 (A) (i) y'Amategeko[7]. Ubwunganizi bwajuririye icyo cyemezo cy'Urugereko. Ku itariki ya 11 Kanama 2000, Urugereko rw'Ubujurire ntirwakiriye ubwo bujurire kubera impamvu zirebana n'imihango y'imiburanishirize.

12. Ku itariki ya 29 Kamena 2000, Urugereko rwa Mbere rw'Iremezo II, icyo gihe rwari rugizwe n'abacamanza Laïty Kamana, Sekule na Mehmet Güney ntirwakiriye icyifuzo cya Porokireri cyasabaga gukoMatanya imanza *Porokireri yaburanaga na Ngirumpatse, Nzirorera na Kajelijeli icyo* gihe bareganwaga n'abandi bantu batanu, ntirwemeye kandi icyo cyifuzo mu mizi yacyo cyasabaga ko urubanza rwa Ngirumpatse, Nzirorera na Kajelijeli rutandukanywa n'iz'abandi bantu batanu baregwaga hamwe[8].

13. Ku itariki ya 6 Nyakanga 2000, Urugereko rwa Mbere rw'Iremezo II rwemeye icyifuzo cy'Uregwa cyasabga Urugereko gutandukanya urubanza rwe n'urwa bagenzi be no kumuburanisha wenyine, maze rutegeka Porokireri gutanga, bitarenze Ku itariki ya

[7] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 8 Gicurasi 2000, Icyifuzo cy'Ubwunganizi cyerekeye ifatwa rinyuranyije n'amategeko.

[8] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 29 Kamena 2000, Gukomatanya no gutandukanya imanza.

15 Kanama 2000, Inyandiko y'ibirego yihariye ishinja Uregwa wenyine kandi igomba guhabwa N° 98-44A[9].

14. Ku itariki ya 12 Ukwakira 2000, Urugereko rwa Mbere rw'Iremezo rwemereye Porokireri gukosora « Inyandiko y'ibirego yahinduwe » yari yatanzwe Ku itariki ya 15 Kanama 2000 kugira ngo imyandikire y'ikirego cya 2 n'icya 4 ise n'iy'ikirego cya 4 n'icya 3 by'Inyandiko y'ibirego yo mu ikubitiro yo ku itariki ya 29 Kanama 1998. Urukiko rwategetse Porokireri gukosora iyo myandikire mu minsi 15 ikurikira Icyemezo cyarwo[10].

15. Ku itariki ya 12 Ukuboza 2000, mu nama mbanzirizarubanza yabaye hashingiwe ku Ngingo ya 73 *bis* y'Amategeko, Urugereko rwa Mbere rw'Iremezo II rwemeye icyifuzo cy'Ubwunganizi cyanengaga Inyandiko y'ibirego yo ku itariki ya 25 Ukwakira 2000. Mu cyemezo Urugereko rwafashe mu magambo, rwategetse Porokireri gutanga Inyandiko y'ibirego ijyanye n', rwatanze, kuko rwasanze atarubahirije icyemezo cyarwo cyo ku itariki ya 6 Nyakanga 2000.

16. Ku itariki ya 22 Ukuboza 2000, Porokireri yagejeje ku Rugereko icyifuzo kirusaba gukosora Inyandiko y'ibirego yatanze hakurikijwe icyemezo cyarwo cyo ku itariki ya 12 Ukuboza 2000, kinarusaba guhindura iyo Nyandiko y'ibirego. Ku itariki ya 25 Mutarama 2001, Urugereko rwa Mbere rw'Iremezo rwemeye icyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego, hashingiwe ku Ngingo ya 50 y'Amategeko. Inyandiko y'ibirego yahinduwe yatanzwe ku itariki ya 25 Mutarama 2001. Uregwa yongeye kwitaba Urukiko ku itariki ya 26 Mutarama 2001 imbere y'Umucamanza Mehmet Güney, maze ahakana ibyaha byose yashinjwaga.

2. Inyandiko y'ibirego yahinduwe yo ku itariki ya 25 Mutarama 2001

17. Inyandiko y'ibirego ishinja Juvéval Kajelijeli ibyaha 11 birimo jenoside, ibyaha byibasiye inyokomuntu n'ibikorwa binyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2. Inyandiko y'ibirego ivuga ko ibyo byaha byakorewe muri Komini ya Mukingo no mu turere twegereye iyo komini muri Perefegitura ya Ruhengeri, hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994. Iyo Nyandiko y'ibirego ivuga ko

[9] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 6 Nyakanga 2000, Gutambamira ibyo gukoMatanya imanza.

[10] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 12 Ukwakira 2000, Icyifuzo gisaba uruhushya rwo gukosora Inyandiko y'ibirego; Inyandiko yo ku wa 16 Ukwakira 2000 ikosora Icyemezo cyo ku wa 12 Ukwakira 2000.

abakorewe ibyo byaha bari abasiviri b'Abatutsi baziraga ubwoko bwabo. Inyandiko y'ibirego yongeraho ko igihe ibivugwa byababaga, ibitero rusange kandi biri kuri gahunda byagabwe ku baturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko, ikavuga kandi ko icyo gihe mu Rwanda haberaga intambara itari iyo mu rwego mpuzamahanga.

18. Inyandiko y'ibirego isobanura ko Uregwa yari Burugumesitiri wa Komini ya Mukingo kuva mu mwaka wa 1988 kugeza mu wa 1993. Nyuma muri Kamena 1994, yongeye gushyirwa muri uwo mwanya kugeza hagati muri Nyakanga 1994. Inavuga ko, nka burugumesitiri, Uregwa yari afite ububasha ku bantu yategekaga barimo nk'abakozi ba Leta, abapolisi ba Komini n'abajandarume, abaturage b'abasiviri bo muri Komini ya Mukingo, n'Interahamwe za MRND. Inyandiko y'ibirego ivuga kandi ko n'igihe Kajelijeli atari burugumesitiri wemewe n'amategeko, mu by'ukuri yasaga nk'aho ari we wari Burugumesitiri wa Komini ya Mukingo kubera umubano yari afitanye na Joseph Nzirorera.

19. Bivugwa ko Uregwa yari umwe mu bashinze kandi bakayobora umutwe w'Interahamwe za MRND, akaba yarajyaga inama kenshi na Joseph Nzirorera wari Umunyabanga mukuru wa MRND mu rwego rw'igihugu ku bijyanye n'imyitozo ya gisirikare, intwaro n'imyambaro byahabwaga Interahamwe, no ku birebana no gukwirakwiza amalisiti y'Abatutsi bagombaga kwicwa.

20. Bivugwa ko kuva muri Mata kugeza muri Nyakanga 1994, Kajelijeli yategetse ko hagabwa ibitero ku Batutsi bo muri Komini ya Mukingo no mu turere bituranye, ko yabiteguye, akabihagarikira ndetse na we ubwe akabijyamo ku buryo butaziguye. Uregwa akurikiranweho kandi ko yategetse abantu gusambanya Abatutsikazi ku gahato no kubakorera ibindi bikorwa by'urugomo rushingiye ku gitsina, kandi ko ibyo byabakorerwaga mu maso ye. Ikindi kandi, araregwa ko atakoresheje ububasha yari afite ngo aburizemo hakiri kare cyangwa ahagarike ubwicanyi bw'Abatutsi muri Komini ye kandi ko yashyize bariyeri mu mihanda. Bivugwa ko yacuze umugambi wo gutsemba Abatutsi abaziza ubwoko bwabo kuko MRND yabafataga nk'umwanzi, ibyo akaba yarabikoze mu rwego rwo gushyira mu bikorwa umugambi wa Guverinoma wo gutsemba uwo ari we we wese washoboraga gushyigikira FPR.

21. Kubera ko Uregwa yitabiriye ibikorwa bivugwa mu Nyandiko y'ibirego, agomba kuryozwa ibyaha bikurikira: ubwumvikane bugamije gukora jenoside (Ikirego cya 1), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; jenoside (Ikirego cya 2), hashingiwe ku Ngingo ya 6(1)

n'iya 6(3) za Sitati; cyangwa icyo cyaha kitamuhama akaba yaryozwa kuba icyitso cy'abakoze jenoside (Ikirego cya 3), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; gushishikariza ku mugaragaro kandi ku buryo butaziguye gukora jenoside (Ikirego cya 4), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; ubuhotozi nk'icyaha cyibasiye inyokomuntu (Ikirego cya 5), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 6), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu (Ikirego cya 7), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) ya Sitati; gutoteza nk'icyaha cyibasiye inyokomuntu (Ikirego cya 8), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; ibindi bikorwa bibi birenze kameremuntu nk'icyaha cyibasiye inyokomuntu (Ikirego cya 9), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati; ibikorwa binyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve hamwe n'Inyongera yayo ya 2 (Ikirego cya 10 n'icya 11), hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati.

22. Ku itariki ya 13 Nzeri 2002, ubwo Porokireri yari amaze gutanga ibimenyetso bishinja, Urugereko rwemeye kuri bimwe icyifuzo cy'Ubwunganizi cyarusabaga guhanaguraho Uregwa ibyaha ashinjwa hashingiwe ku Ngingo ya 98 *bis* y'Amategeko. Bityo, Urugereko rwahanaguyeho Kajelijeli ibyaha bikubiye mu kirego cya 10 n'icya 11 by'Inyandiko y'ibirego (Ibikorwa binyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve hamwe n'Inyongera yayo ya 2)[11].

3. *Icyiciro cy'iburanisha*

23. Urugereko rwa Mbere rw'Iremezo rwafashe ingamba zinyuranye zo kurinda umutekano w'abatangabuhamya muri uru rubanza. Muri izo ngamba harimo ikoreshwa ry'amazina biswe mu rubanza, kudatangaza umwirondoro w'abatangabuhamya no gushyikiriza Ubwunganizi amakuru atuma bumenya buri mutangabuhamya hasigaye nibura iminsi 21 ngo umutangabuhamya yitabe Urukiko. Izo ngamba zarebaga abatangabuhamya bashinja[12]

[11] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 13 Nzeri 2002, Icyifuzo gisaba guhanaguraho Uregwa ibyaha bimwe.

[12] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 6 Nyakanga 2000, Ingamba zo kurinda abatangabuhamya bashinja.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

kimwe n'abashinjura[13]. Porokireri yatanze imyanzuro mbanzirizarubanza ku itariki ya 5 Gashyantare 2001.

24. Iburanisha ry'uru rubanza mu Rugereko rwa Mbere rw'Iremezo II, icyo gihe rwari rugizwe n'abacamanza Laïty Kama, William H. Sekule na Mehmet Günet, ryari riteganyijwe gutangira ku itariki ya 12 Werurwe 2001. Nyamara ariko, ku itariki ya 2 Werurwe 2001, Ubwunganizi bwabyukije ingoboka mbanzirizarubanza buvuga ko Urukiko nta bubasha bushingiye ku gihe ibyaha byakorewe no ku baburanyi rufite. Urugereko rwabanje kumva ibirebana n'iyo ngoboka nuko ku itariki ya 13 Werurwe 2001 rwemeza ko nta shingiro ifite[14]. Ubwunganizi bwarajuriye ariko Urugereko rw'Ubujurire ntirwemeye ubwo bujurire[15]. Urubanza rwimuriwe ku itariki ya 13 Werurwe 2001, kandi uwo munsi nibwo Porokireri yatanze impinamyanzuro yo mu ikubitiro, ni nabwo Urugereko rwumvise umutangabuhamya wa mbere ushinja akaba ari umwe mu bakozi bashinzwe iperereza mu Biro bya Porokireri. Ku itariki ya 15 Werurwe 2001, iburanisha ryarasubitswe kugeza ku itariki ya 25 Nyakanga 2001.

25. Bitewe n'urupfu rw'Umucamanza Laïty Kama, hashingiwe ku Ngingo ya 15 *bis*((C) y'Amategeko, Itegeko rya Perezida w'Urukiko ryo ku itariki ya 29 Kamena 2001[16] ryasomewe mu cyumba cy'iburanisha ku itariki ya 2 Nyakanga 2001, iryo tegeko rikaba ryarasabaga Urugereko rwa Mbere rw'Iremezo gusuzuma niba urubanza rukwiye kongera gutangira bundi bushya cyangwa niba rwakomereza aho rwari rugeze. Ubwunganizi bwa Kajelijeli bwavuze ko gutangira urubanza bundi bushya ari byo biri mu nyungu z'ubutabera. Porokireri nta cyo yabivuzeho. Urugereko rwa Mbere rw'Iremezo rugizwe n'Abacamanza William H. Sekule, Winston C. Matanzima Maqutu na Arlette Ramaroson rwemeye icyifuzo cy'Ubwunganizi cyo gutangira urubanza bundi bushya, n'icyo gusubika iburanisha ho umunsi umwe. Bitewe n'uburwayi bw'umutangabuhamya wa mbere ushinja, urubanza rwatangiye kuburanshwa bundi bushya ku itariki ya 4 Nyakanga 2001. Ku itariki ya 9 Nyakanga 2001, Ubwunganizi bwatanze inyandiko imenyesha ko buziyambaza

---

[13] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 3 Mata 2001, Ingamba zo kurinda abatangabuhamya bashinjura.

[14] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 13 Werurwe 2001, ububasha bw'Urukiko.

[15] Urubanza rwa Kajelijeli mu bujurire, Icyemezo, 18 Nzeri 2001, (Ubujurire ku Cyemezo cyo ku wa 13 Werurwe 2001; Urubanza rwa Kajelijeli mu bujurire, Icyemezo, 16 Ugushyingo 2001, (Ubujurire ku Cyemezo cyo ku wa 13 Werurwe 2001 « cyanga kwakira ingoboka mburabubasha »).

[16] Urubanza rwa Kajelijeli mu rw'iremezo, *Icyemezo* cya Perezida gishingiye ku Ngingo ya 15 *bis* (C) yerekeranye n'ikomeza ry'imiburanishirize.

imyiregurire ya sinari mpari hashingiwe ku Ngingo ya 67(A)(ii) y'Amategeko. Aka kiciro k'iburanisha kasubitswe ku itariki ya 25 Nyakanga 2001.

26. Ku itariki ya 1 Ukwakira 2001 iburanisha ryarasubukuwe ariko Uregwa yasibye. Urugereko rumaze gusuzuma ifishi ye yo kwa muganga rwategetse ko yitaba Urukiko, atiko Ubwunganizi bwahise butanga icyifuzo cyihutirwa gisaba ko urubanza rwasubikwa maze Uregwa akavurwa byihutirwa. Urugereko rwategetse ko muganga yakora irindi suzuma ryerekana uko ubuzima bw'Uregwa bwifashe. Ku itariki ya 2 Ukwakira 2001, Urugereko rumaze kubona ifishi nshya yerekanaga ko Uregwa yashoboraga kwitaba Urukiko, rwafashe icyemezo mu magambo cyanga icyifuzo cy'Ubwunganizi cyasabaga gusubika iburanisha, maze rutegeko Uregwa kurwitaba. Ubwunganizi bwajuririye icyo cyemezo ariko Urugereko rw'Ubujurire rwasanze ubwo bujurire nta shingiro bufite[17]. Urubanza rwasubitswe ku itariki ya 5 Ukwakira 2001 hamaze kumvwa umutangabuhamya umwe. Rwasubukuwe ku itariki ya 26 Ugushyingo 2001, maze rurakomeza kugeza ku itariki ya 13 Ukuboza 2001.

27. Ku itariki ya 8 Mata 2002, Porokireri yamenyesheje Urukiko ko abatangabuhamya banyuma babiri bari bateganyijwe batashoboye kuboneka. Urugereko rwemeye icyifuzo cye cyasabaga ko iburanisha ryasubikwa umunsi umwe. Porokireri yarangije gutanga ibimenyetso bishinja ku itariki ya 10 Mata 2002 amaze guhamagaza abatangabuhamya 14. Yasabye Urugereko kumwemerera kuzahamagaza abatangabuhamya babiri bari basigaye ari bo abiswe GBW na GAR mu gihe cyo gutanga ibimenyetso byo kuvuguruza iby'Ubwunganizi. Yashyikiriye Urugereko ibimenyetso gihamya 35.

28. Inama ibanziriza itangwa ry'ibimenyetso bishinjura hamwe n'inama ntegurarubanza zabaye ku itariki ya 15 Mata 2002. Ku itariki ya 16 Mata 2002, Urugereko rwemereye Porokireri bimwe mu bikubiye mu cyifuzo cye cyarusabaga kwemeza ibintu bimwe na bimwe ababuranyi batagomba kujyaho impaka[18].

29. Ibimenyetso bishinjura byatanzwe mu bice bitatu: kuva ku itariki ya 16 Nzeri 2002 kugeza ku ya 9 Ukwakira 2002, kuva ku ya 18 Ugushyingo 2002 kugeza ku ya 12 Ukuboza 2002, no kuva ku ya 31 Werurwe 2003 kugeza ku ya 24 Mata 2003. Muri rusange Ubwunganizi

---

[17] Urubanza rwa Kajelijeli mu bujurire, Icyemezo, 14 Ukuboza 2001, (Ubujurire ku cyemezo cyo ku wa 2 Ukwakira 2001).

[18] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 16 Mata 2002, Ibyemejwe n'Urugereko ko bitagibwaho impaka n'ababuranyi.

bwahamagaje abatangabuhamya 28 barimo n'Uregwa, watanze ubuhamya nyuma y'abandi. Ubwunganizi bwashyikirije Urugereko ibimenyetso gihamya 56. Ku itariki ya 24 Mata 2003, Urugereko rwasubitse iburanisha rutagennye umunsi rizasubukurirwaho.

30. Ku itariki ya 28 Werurwe 2003, Porokireri yamenyesheje Ubwunganizi ko yifuza guhamagaza abatangabuhamya bo kuvuguruza ibimenyetso bwatanze. Ku itariki ya 11 Mata 2003, hakurikijwe icyemezo cy'Urugereko, Porokireri yatanze icyifuzo gisaba uruhushya rwo guhamagaza abatangabuhamya bo kuvuguruza ibimenyetso bishinjura, ashingiye ku Ngingo ya 85 (A)(ii) y'Amategeko. Ku itariki ya 12 Gicurasi 2003, Urugereko rwanze icyo cyifuzo cya Porokireri[19], maze ku itariki ya 13 Gicurasi 2003 rufata icyemezo gishyiraho aMatariki ababuranyi bazatangiraho imyanzuro nsozarubanza yanditse n'iyo mu magambo[20].

31. Ku itariki ya 1 Nyakanga 2003, Urugereko rwa Mbere rw'Iremezo rwemeye icyifuzo cy'Ubwunganizi cyarusabaga gushyira muri dosiye inyandikomvugo z'ubuhamya bw'umutangabuhamya ushinja wiswe GAO, maze ruzakira nk'ibimenyetso gihamya hashingiwe ku Ngingo ya 89 ((C) y'Amategeko, kandi rubiha numero 8d na 8e zo kubiranga. Icyo gihe, Urugereko rwakiriye kandi raporo y'impuguke yitwa Hagenlocher[21].

32. Ku itariki ya 1 Nyakanga 2003, Urugereko rwashyikirijwe n'Ubwunganizi ibyifuzo bitatu birusaba kwakira inyandikomvugo z'ubuhamya nk'ibimenyetso hashingiwe ku Ngingo ya 92 A na B y'Amategeko, ariko Urugereko ntirwemeye icyo cyifuzo[22].

33. Porokireri yatanze imyanzuro nsozarubanza yanditse uu itariki ya 16 Kamena 2003[23], naho Ubwunganizi buyitanga ku ya 7 Nyakanga 2003[24]. Ku itariki ya 14 n'iya 15 Nyakanga 2003, Porokireri yatanze imyanzuro nsozarubanza mu magambo hanyuma asobanurira

---

[19] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 12 Gicurasi 2003, Ibimenyetso binyomoza.

[20] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo kigena ingengabihe, 13 Gicurasi 2003.

[21] Urubanza rwa Kajelijeli mu rw'iremezo, Kajelijeli, Icyemezo, 1 Nyakanga 2003, Ubuhamya bwanditse bwa GAO.

[22] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo 1 Nyakanga 2003, Inyandiko yakozwe hejuru y'indahiro; Icyemezo, 1 Nyakanga 2003, Videwo kaseti; Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 1 Nyakanga 2003, gitansi y'ubukode bwa RHU 23.

[23] Imyanzuro nsozarubanza yanditse ya Porokireri, 15 Kamena 2003; Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosowe), 19 Kamena 2003.

[24] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, 7 Nyakanga 2003; Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosowe), 11 Nyakanga 2003.

Urugereko ibikubiye mu Mugereka wa 3 yometse ku Myanzuro nsozarubanza « ikosowe »[25]. Ku itariki ya 15 n'iya 16 Nyakanga 2003, Ubwunganizi bwatanze imyanzuro nsozarubanza mu magambo, bunatanga igisubizo ku Mugereka wa 3 watanzwe na Porokireri[26]. Ku itariki ya 16 Nyakanga 2003, Perezida w'Urugereko yasubitse iburanisha kugeza igihe kitavuzwe amaze kwemeza ko abacamanza bagiye kwiherera kugira ngo bace urubanza.

D. Ibyerekeranye n'ibimenyetso

34. Muri iki cyiciro, Urugereko rugiye gusuzuma ibibazo rusange by'itangwa ry'ibimenyetso byabyukijwe mu iburanisha ry'uru rubanza, amwe mu mahame rusange arebana n'isesengura ry'ibimenyetso, ingaruka z'ihahamuka ku batangabuhamya, hamwe n'ibibazo bijyanye no kurinda umutekano w'abatangabuhamya.

35. Urugereko rwasuzumye ibyaha Uregwa ashinjwa rushingiye ku buhamya no ku bimenyetso gihamya byatanzwe n'ababuranyi bashaka kugaragaza ukuri kw'ibivugwa mu Nyandiko y'ibirego cyangwa kubihakana.

1. Amahame rusange yerekeranye n'isesengura ry'ibimenyetso

36. Urugereko rusanga Ingingo ya 89 (A) na (B) y'Amategeko ivuga ko ingereko zitagendera ku mategeko agenga ibimenyetso y'igihugu iki n'iki. Bityo muri uru rubanza, Urugereko rushingiye ku Ngingo ya 89 (B) rwakiriye ikirego rukurikije amategeko agenga ibimenyetso, uko rubibona, yatuma urubanza rucibwa mu buryo buboneye kandi bugendeye mu murongo umwe n'ibiteganywa na Sitati n'amahame rusange y'amategeko, n'ubwo Amategeko y'Urukiko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso atabiteganya gutyo mu buryo bweruye.

2. Ukwizerwa kw'abatangabuhamya

37. Urugereko rusanga benshi mu batangabuhamya barwitabye barabonye amarorerwa kandi bakayakorerwa. Kenshi ayo marorerwa yabaye kuri bo ubwabo, ku miryango yabo cyangwa ku nshuti zabo. Birumvikana ko kubara inkuru cyangwa kongera gusubira mu

---

25 Imyanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosowe), Umugereka wa 3, 15 Nyakanga 2003.

26 Igisubizo cy'Ubwunganizi ku ugereka wa 3 w'Imyanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosowe), 16 Nyakanga 2003.

bintu bibabaje byababayeho bishobora kugira ingaruka ku bushobozi bw'umutangabuhamya mu gusobanura neza ibyo byabaye mu Rukiko. Urugereko rusanga kandi abatangabuhamya bamwe rwumvise bashobora kuba bararwaye cyangwa se na n'ubu bakirwaye indwara zifitanye isano n'ihahamuka.

38. Urugereko ruzirikana kandi igihe gishize ibivugwa bibaye n'icyo abatangabuhamya batangiyeho ubuhamya mu Rukiko.

39. Bityo, mu gusuzuma ukwizerwa kw'abatangabuhamya, Urugereko ntirushobora kwiyibagiza ibintu inkiko zashingiyeho zifata ibyemezo bivugwa hano hasi. Duhereye ku myanzuro y'Urukiko rw'ubujurire rw'Urukiko Mpanabyaha Mpuzamahanga rw'Icyahoze Yyitwa Yugosilaviya (TPIY)[27], aho rwagize ruti :

> [...] Urugereko rwa Mbere rw'Iremezo rufite nta shiti ububasha bwo gusesengura ivuguruzanya iryo ari ryo ryose, bwo kureba niba ubuhamya bwose uko bwakabaye ari ubwo kwizerwa no kwemerwa, n'ubwo kwemera cyangwa kutemera « ibintu by'ingenzi » bivugwa mu buhamya. Kuba mu buhamya harimo ivuguruzanya ubwabyo ntibituma Urugereko rwa Mbere rw'Iremezo rushyira mu gaciro rwanga kubwemera ku mpamvu ko butakwizerwa. Na none, ibintu bimwe birimo nk'igihe gishize kuva ibivugwa bibaye kugeza ku itangwa ry'ubuhamya, kuba abandi bantu bashobora gutuma ubuhamya bw'umutangabuhamya hari icyo buhindukaho, ukwivuguruza k'umutangabuhamya cyangwa kuba umutangabuhamya yari ari mu bihe bikomenye igihe ibintu byabaga, ibyo byose ntibyabuza Urugereko gushingira kuri ubwo buhamya. Nyamara ariko, Urugereko rugomba kuzirikana ibyo bintu iyo rurimo rusesengura ubuhamya, rureba uburemere bwahabwa.

40. Muri uwo mwanzuro, Urugereko rwa TPIY rwasubiragamo ibyo rwari rwaremeje mbere mu rubanza rwa Delalić, aho rwagiraga ruti[28] :

> Hakurikijwe isesengura rimaze kuvugwa, ibindi bibazo byabyukijwe na Delić anenga ukwizerwa kw'abatanguhamya, Urugereko rwa Mbere rw'iremezo rwasanze imiterere yabyo itashingirwaho n'umucamanza ushyira mu gaciro ngo yange ubuhamya bwabo. Urugereko rw'Ubujurire rwemera ko mu buhamya

[27] Inyandiko y'urubanza rwa Kupreškić mu bujurire, igika 31; reba n'Inyandiko y'urubanza rwa Musema mu bujurire, igika 20; hamwe n'Inyandiko y'urubanza rwa Akayezu mu rw'iremezo, ibika 142 na 143.

[28] Urubanza rwa Delalić na bagenzi be mu bujurire, (urubanza rwitiriwe Čelebići), igika 485.

bwashyikirijwe Urugereko rwa Mbere rw'Iremezo, urwo Rugereko rwari rufite ububasha bwo kwemera ibyo rwise « ibintu by'ingenzi » byari bibukubiyemo.

[...]

Delić avuga kandi ko mu buhamya bw'uwakorewe ibyaha harimo ibintu bimwe bivuguruzanya, ko bityo bigaragaza ko adakwiye kwizerwa. Urugereko rw'Ubujurire rusanga Urugereko rwa Mbere rw'iremezo, mu ntangiriro y'imyanzuro yarwo ishingiye ku byabaye no ku mategeko akurikizwa, rwarasesenguye by'umwihariko imiterere y'ibimenyetso rwashyikirijwe. Rwavuze ko kenshi ubuhamya rwagejejweho mu iburanisha bwavugaga « inkuru z'ibintu by'agahomamunwa », kandi ko akenshi « kwibuka no kubara inkuru y'ibintu bihahamura, bishobora kuviramo umutangabuhamya ibibazo byo mu mutwe n'ibyo guhahamuka [...]. Ibyo bishobora gutuma abo batangabuhamya igihe bari mu rukiko badashobora gusobanura neza cyangwa ngo bavuge inkuru yose uko yakabaye y'ibyo baciyemo ». Ikindi kandi, rwazirikanye igihe gishize ibivugwa bibaye, « n'ingorane zo kwibuka amakuru ku buryo burambuye y'ibyabaye nyuma y'imyaka ingahe, n'ukuntu bisa n'ibidashoboka ko umuntu yatanga amakuru mu buryo bumwe kandi asa nk'intobo buri gihe cyose abajijwe [...] ». Urugereko rwa Mbere rw'Iremezo rwavuze kandi ko uretse ivuguruzanya riboneka mu buhamya bw'umutangabuhamya ari ikintu cy'ingenzi « mu gusuzuma uburemere ubwo buhamya bwahabwa, ariko ko ubwaryo atari impamvu yashingirwaho ngo rwemeze ko ubuhamya bw'umutangabuhamya bwose uko bwakabaye budakwiye kwizerwa ».

Niyo mpamvu Urugereko rwa Mbere rw'Iremezo rwemeye, nk'uko rwari rubifitiye ububasha, ko kuba umutangabuhamya yibagiwe cyangwa yitiranyije utuntu duto akenshi aba abitewe n'ihahamuka, kandi ko bidatubya byanze bikunze agaciro k'ubuhamya yatanze ku bintu by'ingenzi birebana n'icyaha. Ku birebana n'izo nkuru, Urugereko rwa Mbere rw'Iremezo rumaze kwibonera uwakorewe ibyaha, kumva ubuhamya bwe (n'ubw'abandi batangabuhamya) no kubona uko yitwaye mu gihe cy'ibaza rinyomoza, rwahisemo kwizera ubuhamya bwe. Birumvikana rero ko rwafashe uwo mwanzuro ruzirikana isesengura rwakoze muri rusange ku birebana n'imiterere y'ubuhamya rwumvise. N'ubwo Urugereko mu myanzuro yarwo nta cyo

rwavuze ku ivuguruzanya ngo riri mu buhamya bw'uwakorewe ibyaha nk'uko bivugwa na Delić, umuntu ashobora kuvuga ko rwasanze nta kamaro bifite kuko icyangombwa kwari ugukemura ikibazo cy'ibanze, ni ukuvuga icyo kumenya niba Delić yarasambanije abagore ku gahato nk'uko yabishinjwaga. Urugereko rw'Ubujurire rusanga nta mpamvu yatuma rubona ko Urugereko rwa Mbere rw'Iremezo rwakoze amakosa rufata uwo mwanzuro.

Mu Nyandiko y'urubanza, Urugereko rwa Mbere rw'Iremezo ntirutegetswe gusobanura imyanzuro yarwo no kuyitangira impamvu kubirebana na buri ngingo yatanzwe mu iburanisha. Rufite ububasha busesuye bwo guha agaciro ibibazo birebana n'ivuguruzanya byabyukijwe, no kureba niba usuzumiye hamwe ubuhamya bw'umutangabuhamya bwose uko bwakabaye, wabona ko akwiye kwemerwa ndetse ko n'ubuhamya bwe bwakwizerwa. Delić ntiyabashije kwerekana ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ryo kutazirikana ivuguruzanya ngo ryaba ryarabayeho ubwo rwasuzumaga ubuhamya bwose uko bwakabaye maze rukemeza ko ari ubwo kwizerwa, cyangwa iryo kwemeza ko ubuhamya bwose uko bwakabaye buhagije guhamya Uregwa icyaha nta gushidikanya, hashingiwe kuri izo mpamvu.

3. Gushyigikirana k'ubuhamya

41. Urugereko rwa Mbere rw'Iremezo rugendeye ku ihame rusange, rwahaye - cyangwa ntirwahaye- agaciro ubuhamya bwa buri mutangabuhamya cyangwa buri kimenyetso gihamya, rukurikije uko ari ingirakamaro n'uko bwakwizerwa. Urugereko ruributsa ko rudategetswe kugendera ku mategeko y'igihugu iki n'iki agenga ibimenyetso, kandi ko kubera ibyo rugendera ku mahame yavuzwe haruguru hagamijwe guca mu buryo buboneye urubanza rwaregewe. By'umwihariko, Urugereko rusanga hari umwanzuro wafashwe mu bujurire bwa Tadić uvuga ko ishyigikirana ry'ubuhamya atari ihame ryo mu mategeko mpuzamahanga ashingiye ku muco, bityo rero mu bihe bisanzwe Urukiko mpuzamahanga rukaba rutagomba gufata iryo shyigikirana ry'ibimenyetso nk'ikintu cya ngombwa[29].

42. Urugereko rusanga kandi, nk'uko bigaragara mu cyemezo cyafashwe mu bujurire bwa Aleksovski, gushingira ku buhamya bw'umutangabuhamya umwe rukumbi nk'ikimenyetso kigaragaza igikorwa cy'ingenzi cyabaye biterwa n'ibintu byinshi bigomba gusuzumwa

[29] Inyandiko y'urubanza rwa Tadić mu bujurire, igika 65; reba n'Inyandiko y'urubanza rwa Akayesu mu bujurire, ibika 132-136.

hashingiwe ku miterere ya buri rubanza.[30] Birashoboka ko Urugereko rwasaba ko ubuhamya bw'umutangabuhamya runaka bwakwemeza n'undi, ariko ukurikije ubukemuramanza bwimakajwe muri uru Rukiko no muri TPIY, usanga atari ikintu cya ngombwa gisabwa[31].

43. Mu rubanza rwa *Aleksovski*, Urugereko rwa Mbere rw'Iremezo rwemeje ko rushobora gushingira ku buhamya bw'umutangabuhamya umwe rukumbi, iyo rubona ubwo buhamya ari ingirakamaro kandi bwakwizerwa[32]. Rwakomeje rugira ruti :

> […] birakwiye gufata umwanzuro ucukumbuye ko kuba Urugereko rufite ububasha bwo gushingira ku buhamya no ku bindi bimenyetso bitavuga ko rutegetswe byanze bikunze kugendera ku buhamya bufite ubundi bubushyigikira, ahubwo rugendera ku isesengura rukora rugena agaciro k'ibimenyetso rwashyikirijwe.
>
> Urugereko rugena mu bwisanzure ireme ry'ibimenyetso byatanzwe n'ukwizerwa kwabyo. Urugereko rusanga ubwo bwisanzure bwo kugena agaciro kahabwa ibimenyetso bugenda bukagera no buhamya bufite ubundi bubushyigikira; kuba ubuhamya bufite ubundi bubushyigikira, kabone n'ubwo bwaba bushyigikiwe n'abatangabuhamya benshi, si byo bigaragaza ko bwakwizerwa[33].

44. Mu rubanza rwa *Musema*, Urugereko rw'Ubujurire rwasanze ibimaze kuvugwa bihuje nyabyo n'ibiteganywa n'amategeko ku birebana n'ububasha busesuye bw'Urugereko rwa Mbere rw'Iremezo bwo gusesengura ubuhamya n'ibimenyetso rwashyikirijwe[34].

4. Ubuhamya bushingiye ku nkuru mbarirano

45. Urugereko rusanga Ingingo ya 89(C) y'Amategeko iteganya ko « Urugereko rushobora kwakira ikimenyetso cyose rusanze gifitanye isano n'urubanza iyo rubona gifite agaciro ». Rusanga iyo ngingo itanga ububasha bwo kwakira ubuhamya bushingiye ku nkuru mbarirano, kabone n'iyo inkomoko yabwo idashobora kugenzurwa cyangwa n'iyo bwaba

[30] Inyandiko y'urubanza rwa Aleksovski mu bujurire, igika 63 kivuga ko rubanza mu bujurire rwa Tadić, igika 5.

[31] Inyandiko y'urubanza rwa Aleksovski mu bujurire, igika 62' (« mu mategeko ntaho biteganyijwe ko ubuhamya bw'umutangabuhamya umwe rukumbi bugomba byanze bikunze gushyigikirwa n'ubundi »); Inyandiko y'urubanza rwa Tadić mu bujurire, igika 65; Inyandiko y'urubanza rwa Čelebići mu bujurire, ibika 492 na 506.

[32] Inyandiko y'urubanza rwa Aleksovski mu rw'iremezo, ibika 45-47.

[33] Inyandiko y'urubanza rwa Aleksovski mu rw'iremezo, ibika 45-47.

[34] Inyandiko y'urubanza rwa Musema mu bujurire.

budashobora gushyigikirwa n'ibimenyetso bitaziguye. Ariko kandi, Urugereko rusanga n'ubwo rushobora kwakira bene ubwo buhamya, rufite ububasha busesuye bwo kureba, iyo bumaze gutangwa, niba hari uburemere bufite cyangwa niba ntabwo. Urugereko rufata icyo cyemezo kirebana n'uburemere bw'ubuhamya iyo rumaze kugenzura niba ari « ingirakamaro, bufite agaciro kandi bwakwizerwa »[35]. Kubera iyo mpamvu, Urugereko rusanga iyo hatanzwe ubuhamya bigaragara ko« bushingiye ku nkuru mbarirano » bitavuga ko ubwabwo budakwiye kwakirwa; ahubwo burasuzumwa bugahabwa agaciro nk'ibindi bimenyetso byose, hashingiwe k'ukwizerwa byagiririrwa n'akamaro bifitiye urubanza.

E. Ibibazo birebana no kurinda umutekano 'abatangabuhamya

46. Ubuhamya bumwe bwatanzwe n'ababuranyi mu muhezo kubera impamvu z'umutekano wabo. Urugereko rumaze gusuzuma ubuhamya bwatangiwe mu muhezo rwashyikirijwe muri uru rubanza, rwirinze kudatangariza abanyamakuru cyangwa rubanda amakuru ashobora gutuma umwirondoro w'abatangabuhamya barindiwe umutekano umenyekana. Ikindi kandi, rwitwararitse gushyira mu nyandiko y'urubanza, uko bishobotse kose, ibisobanuro birambuye kugira ngo rworohereze uwo ariwe wese gukurikira imitekerereze yarwo. Kubera izo mpamvu, aho Urugereko rwagiye rwifashisha ubuhamya bwatangiwe mu muhezo muri uru rubanza, rwakoze uko rushoboye mu gukoresha amagambo adahishura amakuru agomba kugirirwa ibanga, ariko na none yuzuye bihagije ku buryo imitekereze yarwo yumvikana[36].

---

[35] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 51.

[36] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 37.

II. UMUTWE WA II : IBIVUGWA N'UBWUNGANIZI

A. Intangiriro

47. Mu rwego rwo kwerekana ko ibimenyetso byatanzwe na Porokireri bidahagije, Ubwunganizi bwatanze ingingo zinyuranye zivugwa hano hasi, zikubiyemo n'imyiregurire ya sinari mpari (*alibi*).

48. Ibimenyetso byatanzwe n'Ubwunganizi birasuzumirwa hamwe n'ibyatanzwe na Porokireri mu mutwe wa III. Kuri buri kirego, Urugereko rwasuzumye mu buryo burambuye ibimenyetso byatanzwe muri uru rubanza, habariwemo n'ibitangwa n'Ubwunganizi bigamije kuvuguruza mu buryo butaziguye ibivugwa na Porokireri, hamwe n'ibirebana n'imyiregurire ya sinari mpari Uregwa yiyambaje.

49. Iki gice kirebana n'ibibazo byihariye byatanzwe n'Ubwunganizi, birimo icy'uko ibivugwa k'Uregwa bitashobokaga, ibibazo byabyukijwe n'umutangabuhamya w'impuguke, n'ibivugwa ko Uregwa yibasiwe n'Ubushinjacyaha mu buryo budakwiye.

B. Ibidashoboka

1. Ibivugwa n'Ubwunganizi

50. Ubwunganizi bwemeza ko bitari gushobokera Uregwa kujya we ubwe mu bikorwa ashinjwa cyangwa kuba ahantu havugwa mu Nyandiko y'ibirego. By'umwihariko, ku bivugwa na Porokireri birebana no gusambanya ku gahato byaba byarabereye mu gace ka Susa, Ubwunganizi buvuga ko nyuma y'ihanurwa ry'indege ya Perezida, by'umwihariko nyuma y'itariki ya 7 Mata 1994, abasiviri batashoboraga kugendagenda mu gace ka Susa[37].

2. Ibimenyetso

51. **Umutangabuhamya ushinjura wiswe FMB** yavuze ko kubera imirimo yakoraga mu nzego z'ubutasi bwa gisirikare, yari afite amakuru y'imvaho ku kuntu ibintu byari byifashe muri Komini ya Kinigi kuva muri Gashyantare 1993 kugeza ubwo imirwano yatangiriga mu wa 1994[38]. Ku birebana n'amaKomini yari mu turere tutagenzurwaga n'ingabo z'u Rwanda, nta

[37] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 110; Imyanzuro nsozarubanza yanditse y'Ubwunganizi (inyandiko ikosora), ibika 116-117.

[38] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 28 (FMB).

makuru nk'ayo yari ayafiteho[39]. Ubwo yabazwaga ibibazo binyomoza, yasubije ko yaganiriye n'abandi « ku buryo burambuye» ibirebana n'umutekano ubwo yari mu Ruhengeri ku itariki ya 7 Mata 1994, ariko yemeje ko mu by'ukuri yari i Kigali kuri uwo munsi uvugwa[40].

52. Ubwo **FMB** yabazwaga ibibazo by'inyongera, yasubije ko nta bwicanyi bwakorewe Abatutsi yari yigeze yumva mbere y'ubwakorewe ku Rukiko rw'ubujurire [41]. Yavuze kandi ko nta bwicanyi bwakorewe kuri za bariyeri mu mujyi wa Ruhengeri[42].

53. **FMB** yavuze ko kuva ku itariki ya 7 kugeza ku ya 10 Mata 1994, igice cya Susa kiri muri Komini ya Kinigi cyari cyarafashwe na FPR [43] naho ikindi gice cya Susa cyari muri Komini ya Mukingo kikaba cyaragenzurwaga na Guverinoma y'u Rwanda[44]. Ikindi kandi, imodoka zari zemerewe kugenda hagati ya Komini ya Mukingo na Susa zari imodoka za gisirikare zonyine, kandi kubera impamvu z'umutekano zagombaa gupakurura abantu n'ibyo zabaga zitwaye mbere y'uko zigera i Shingiro cyangwa mu burengerazuba bwa Kimonyi[45].

54. **FMB** yavuze ko ku itariki ya 9 Mata 1994, ku muhanda uva muri Mukingo ugana muri Susa muri Komini ya Kinigi, ku « birindiro bya Shingiro », « mbere yo kwambuka umugezi wa Susa », hari bariyeri yarashweho urufaya rw'ibisasu bya milimetero 81, kandi ko umunsi wose, hato na hato, haraswaga ibisasu bya milimetero 61[46]. Ku itariki ya 10 Mata 1994 hari ibimenyetso bigaragaza ko mu karere ka Kinigi, haraswaga ibisasu bya milimetero 120 nko mu ntera ya kilometero ziri hagati ya 8 na 10 kandi ko « ibi byakomezaga no muri Komini ya Nkumba »[47]. FMB yakomeje avuga ko uko kubuza imodoka kugenda bitigeze bivanwaho, kandi ko imodoka za gisiviri zitigeze zikomorerwa. Byongeye kandi, ngo iyo haza kugira umusiviri ugerageza kugendesha imodoka aho hantu cyangwa ubisabira

[39] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 70 (FMB).
[40] Inyandikomvugo y'iburanisha, 3 Mata 2003, imp. 22-23 (FMB) (mu muhezo).
[41] Inyandikomvugo y'iburanisha, 3 Mata 2003, urup. 76 (FMB).
[42] Inyandikomvugo y'iburanisha, 3 Mata 2003, urup. 79 (FMB).
[43] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 60 (FMB) (mu muhezo).
[44] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 62 (FMB) (mu muhezo).
[45] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 46 (FMB).
[46] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 47 (FMB).
[47] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 48 (FMB).

uruhushya nta kuntu yari kubiyoberwa kubera ko yari mu bantu basinyaga inzandiko z'inzira cyangwa izindi nyandiko zemereraga abantu gukora ingendo nk'izo[48].

55. Ubwo **FMB** yabazwaga ibibazo binyomoza, yemeye ko hari izindi nzira zari gucibwamo umuntu avuye muri Mukingo agana Susa, nyamara mbere yari yaravuze ko hari umuhanda umwe gusa[49]. Mu bibazo by'inyongera, yavuze ko guca muri iyo mihanda yindi umuntu agana muri Susa avuye muri Mukingo nyuma y'itariki ya 6 Mata 1994 « bitashobokaga » cyangwa « bitashoboraga gukorwa »[50].

3. Umwanzuro w'Urugereko

56. Hashingiwe ku buhamya bwatanzwe n'Uregwa mu rukiko[51], Urugereko rusanga yarashoboraga kugenda akoresheje cyangwa adakoresheje imodoka ye hagati y'itariki ya 8 Mata 1994 kugeza nibura ku ya 14 Mata 1994.

57. Urugereko rusanga n'ubwo abasiviri n'abandi bari babujijwe kugenda hirya no hino kandi bakaba barahagarikwaga ku mabariyeri, kandi n'ubwo Uregwa yahisemo kujya agenda ku minsi imwe n'imwe cyangwa mu bihe runaka, ibimenyetso byatanzwe bigaragaza yashoboraga gutembera muri kiriya gihe.

58. Urugereko rusanga FMB atarigeze agera ahantu hanyuranye (kuri za bariyeri, ku Rukiko rw'ubujurire rwa Ruhengeri) yatanzeho ubuhamya, kandi yaragendeye kuri za raporo yashyikirijwe. Urugereko rusanga, mu rwego rw'akazi ke yaragombaga kumenyeshwa uko umutekano wari wifashe muri rusange mu duce tumwe twa Perefegitura ya Ruhengeri, ko ariko umwanya yarimo utatumaga byanze bikunze amenyeshwa mu buryo burambuye imiterere nyayo y'ibyaberaga ahantu havugwa muri uru rubanza.

59. Mu mutwe wa 3 w'iyi Nyandiko y'urubanza, Urugereko rurasuzuma ikibazo cyihariye kirebana n'ibivugwa ko bitashobokaga kugera mu gace ka Susa[52].

---

[48] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 48 (FMB).

[49] Inyandikomvugo y'iburanisha, 2 Mata 2003, urup. 56 (FMB).

[50] Inyandikomvugo y'iburanisha, 3 Mata 2003, imp. 57-58 (FMB).

[51] Reba hano hasi: Umutwe wa II, Icyiciro H.

[52] Reba hano hasi: Umutwe wa III, Icyiciro L.

C. Umutangabuhamya w'impuguke

60. Ubwunganizi bwahamagaje **Dr. François Xavier Bangamwabo** nk'umutangabuhamya w'impuguke[53] Dr. Bangamwabo yatanze raporo[54], kandi yumviswe n'Urugereko ku itariki ya 7, iya 8 n'iya 9 Mata 2003.

61. **Dr. Bangamwabo** yatanze ubuhamya ku bibazo binyuranye, byaba ibyo mu rwego rwa rusange, urw'amateka, urwa politiki, yewe no ku bijyanye n'ubumenyi bw'indimi. Ibyinshi mu bibazo byasuzumwe n'uyu mutangabuhamya nta kamaro bifite ku birebana no kumenya ibyo Uregwa yakoze cyangwa imyitwarire ye muri uru rubanza. Urugereko ntirwiroha mu mpaka zirebana n'ibibazo by'amateka cyangwa bya politiki byabaye nyirabayazano y'intambara yo mu Rwanda. Urugereko rufite inshingano ikurikira : kuburanisha Uregwa ku birebana n'uburyozwacyaha bwe nka gatozi no n'uburyozwacyaha bwe nk'ukuriye abandi, hashingiwe ku birego ashinjwa mu Nyandiko y'ibirego.

62. Porokireri yavuze ko **Ikimenyetso gihamya cy'Ubwunganizi cyahawe N° D52A, ari cyo raporo y'umutangabuhamya w'impuguke,** nta shingiro gifite kuko kiterekana icyo cyagendeyeho cyangwa ubushakashatsi bwa gihanga byo gushyigikira imyanzuro ikubiyemo. Na none, byagaragaye ko uyu mutangabuhamya w'impuguke yari abogamye anagendera ku marangamutima ubwo yatangaga ubuhamya mu rukiko[55].

63. Urugereko rwasuzumye ubuhamya bwose uko bwakabaye bwatanzwe na **Dr. Bangamwabo**. Icyakora, bitewe n'uko raporo ye n'ubuhamya bwe bivuga ibintu mu rwego rwa rusange cyane, bitewe kandi n'uko azobereye gusa mu bumenyi bw'indimi, Urugereko rurasuzuma gusa ibibazo bijyanye n'ubumenyi bw'indimi bifite aho bihuriye n'uru rubanza.

1. Ibimenyetso

---

[53] Ubwo Dr Bangamwabo yasubizaga ikibazo yari abajijwe n'Inteko, yasobanuye neza ko yari ataragera ku ntera yo kwitwa Porofeseri, kandi ko atari amenyereye kwiyita Porofeseri Bangamwabo nk'uko byari byavuzwe mbere n'Ubwunganizi. Kubera izo mpamvu, Urugereko ruzajya rwita uyu mutangabuhamya Dr Bangamwabo. Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 94.

[54] Raporo y'impuguke Porofeseri François Xavier Bangamwabo: *LES RELATIONS INTERETHNIQUES AU RWANDA, LE CONFLIT D'OCTOBRE 1990, LE MULTIPARTISME SUR LES EVENEMENTS DE 1994*. [IMIBANIRE Y'AMOKO MU RWANDA, INTAMBARA YO MU UKWAKIRA 1990 N'AMASHYAKA MENSHI KU BIREBANA N'iBYABAYE MU WA 1994], Ibimenyetso gihamya by'Ubwunganizi 52a na 52b.

[55] Imyanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosora) ibika 306 na 307.

64. **Dr Bangamwabo** yavuze ko hari inyandiko zimwe na zimwe yasomye zisobanura ko ijambo « Interahamwe » rivuga « abantu bagaba igitero hamwe », ko nyamara icyo gisobanuro gikosamye cyane bitewe n'uko ijambo « Interahamwe » rikomoka ku nshinga « gutera »,[56] isobanura gutera imyaka, kandi rishobora no gusobanura abantu bameze kimwe cyangwa basa. Yavuze ko umuntu afashe ijambo« interahamwe » ukwaryo nta kindi rikomozaho, risobanura kungurana ibitekerezo, cyangwa kugira intego imwe, kandi ko iryo jambo rikunda gukoreshwa mu kuvuga abantu bashyize hamwe[57].

65. Mu ibaza rinyomoza, **Dr. Bangamwabo** yavuze ko ijambo Interahamwe risobanura abantu babona ibintu kimwe kubera ko bari kumwe, abantu bareshya, abasangirangendo, binashoboka ko bafite intego imwe, kandi bivugwa ko bashyize hamwe. Ntabwo risobanura abantu bagaba igitero hamwe[58].

66. Ku kibazo **Dr Bangamwabo** yabajijwe n'Urugereko rushaka kumenya impamvu by'umwihariko yavuze ko bitaba ari byo umuntu avuze ko kimwe mu bisobanuro by'ijambo Interahamwe ari « abagaba igitero hamwe », yemeye ko « yashyize ku ruhande » bimwe mu bisobanuro by'iryo jambo. Yanavuze ko yasomye mu binyamakuru bimwe ari mu bigo by'impunzi muri Zayire mu wa 1994, aho iryo jambo ryasobanurwaga ngo ni « abagaba igitero hamwe », nyamara mu « rwego rw'ubumenyi bw'indimi, ijambo Interahamwe uko rikoreshwa muri rusange atari mu buryo bw'igikorwa gifatika runaka, ahubwo ko rikoreshwa ryonyine nta kindi rikomozaho»[59].

67. **Dr Bangamwabo** yavuze ko mu wa 1991 Murenzi Desiree, umwe mu barwanashyaka ba MRND, yashyizeho Interahamwe nk'itsinda ryo guhuriza hamwe ibitekerezo by'urubyiruko, hagamijwe kurukangurira ibya politiki no gushaka abayoboke b'ishyaka[60]. Dr. Bangamwabo yavuze ko ijambo Interahamwe ryavugaga abakozi ba Leta b'abasore n'inkumi bibumbiye hamwe, kugira ngo bashyire mu bikorwa intego za politiki cyangwa icengezamatwara[61].

---

[56] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 70 (Dr Bangamwabo).

[57] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 70 (Dr Bangamwabo).

[58] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 64 (Dr Bangamwabo).

[59] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 104 (Dr Bangamwabo).

[60] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 70 (Dr Bangamwabo).

[61] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 70 (Dr Bangamwabo).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

68. **Dr. Bangamwabo** yavuze ko, uko uruhando rw'amashyaka menshi rwagendaga rurushaho gukara, Interahamwe zabaye iz'abanyamujyi, maze andi mashyaka na yo ashyiraho imitwe yayo y'urubyiruko agamije gupiganwa n'Interahamwe.[62] Ishyaka rya MDR ryashyizeho umutwe w'urubyiruko witwaga Inkuba[63].

69. **Dr Bangamwabo** yavuze ko andi mashyaka nka FDC yavugaga ko Interahamwe ari abantu bitwara gisirikare, kuko yari yarananiwe kubatsimbura muri Kigali. Icyakora, mu by'ukuri ntabwo Interahamwe zari zigizwe n'abantu bitwara gisirikare, ni abantu bari bashinzwe gususurutsa abandi mu rwego rwa politiki, nko kuririmba no kubyina mu gihe cya za mitingi[64].

70. **Dr Bangamwabo** yavuze ko mu wa 1994, igihe ibintu byari bimaze kurenga igaruriro, abagizi ba nabi basanzwe cyangwa amabandi babonye intwaro, maze bishora mu bikorwa by'ubugizi bwa nabi[65]. Abantu bose bagiye mu bwicanyi bwibasiye Abatutsi bari mu mashyaka ashyigikiye Guverinoma, bityo ijambo Interahamwe ryitirirwa abakoze ibyo bikorwa, kugeza ubwo ryaje gusobanurwa ko rivuga « *abajenosideri* »[66].

71. Mu gihe cy'ibaza ry'inyongera, **Dr Bangamwabo** yavuze ko mu rwego rw'ibyabaye muri Mata 1994, uburyo ijambo Interahamwe ryakoreshwaga mu ikubitiro bwahindutse nk'uko byagenze mu birebana n'imibanire y'abantu na politiki, maze abantu bose barwanyaga FPR bari ku ruhande rwa Habyarimana bitwa Interahamwe. Ingaruka y'ibi bintu yabaye ko igihe ibintu byari bimaze gukomera, abantu biyitaga iryo zina n'iyo babaga batari mu ishyaka ryatangije umutwe w'Interahamwe[67].

72. **Dr Bangamwabo** yavuze ko ijambo Inkotanyi, ryabayeho kuva kera, mu wa 1990 FPR yaryise abasirikare bayo n'abandi bashoboraga kuba abakangurambaga ba FPR Inkotanyi[68].

---

[62] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 71 (Dr Bangamwabo).

[63] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 71 (Dr Bangamwabo).

[64] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 71 (Dr Bangamwabo).

[65] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 71 (Dr Bangamwabo).

[66] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 72 (Dr Bangamwabo).

[67] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 92 (Dr Bangamwabo).

[68] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 73 (Dr Bangamwabo).

Dr Bangamwabo yavuze ko ijambo Inkotanyi ritahawe igisobanuro cyaguye mu gihe cy'intambara, nk'uko byagenze ku ijambo Interahamwe[69].

73. **Dr Bangamwabo** yavuze ko ijambo Inyenzi ryakoreshejwe muri za 1960, n'abantu bari bashyigikiye ingoma ya cyami, risobanura inyeshyamba zarwanyaga Repubulika yari ikimara kujyaho[70]. Yavuze ko iryo jambo ritashakaga kuvuga « agakoko kitwa inyenzi », ko ahubwo ryari impine abasirikare bo mu itsinda ryari rishyigikiye ingoma ya cyami biyitaga, kandi ko ryakomotse ku cyivugo umuntu avuga yirata ibigwi. Dr Bangamwabo yavuze ko iryo jambo rikomoka ku rindi ryitwa Ingangurarugo[71] risobanura « Unkurikiye yiyemeje kuba ingenzi »[72], rikomoka mu gihe cy'ingoma y'Umwami Rwabugiri[73]. Yavuze ko ibyo bisobanuro bintu bitari bizwi n'abantu bose, bityo akaba ariho ashingira avuga ko abantu bakoresheje nabi iryo jambo bita FPR agakoko kitwa inyenzi[74].

74. **Dr. Bangamwabo** yavuze ko ijambo *Inkotanyi* n'ijambo Umututsi bidasobanura kimwe, bitewe n'uko ahanini FPR yari igizwe n'abasirikare b'Abagande, n'ubwo harimo n'Abahutu bake nka A. Kanyarengwe, T. Lizinde, S. Biseruka, na S. Sendashonga[75]; ngo cyakora abenshi muri FPR bari Abatutsi.

75. **Dr. Bangamwabo** yavuze ko ijambo Inyenzi n'ijambo Umututsi bidasobanura kimwe. N'ubwo umutwe w'Inyenzi wari ushyigikiye ingoma ya cyami, warimo n'Abahutu bake nka François Rukeba wari Perezida w'ishyaka rya UNAR ryari rishyigikiye ingoma ya cyami[76], na we witwaga Inyenzi. Kwita Umututsi Inyenzi byari gufatwa nk'igitutsi, nyamara ariko igisobanuro cyahabwaga iryo jambo nticyari nyakuri[77].

76. Mu ibaza rinyomoza, **Dr Bangamwabo** yavuze ko nta kimenyetso afite kirebana n'ikinyamakuru icyo ari cyo cyose cyaba cyaranditse ko ijambo Inkotanyi cyangwa Inyenzi

---

[69] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 73 (Dr Bangamwabo).

[70] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 73 (Dr Bangamwabo).

[71] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 74 (Dr Bangamwabo).

[72] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 73 (Dr Bangamwabo).

[73] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 74 (Dr Bangamwabo).

[74] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 74 (Dr Bangamwabo).

[75] Inyandikomvugo y'iburanisha, 7 Mata 2003, imp. 74-75 (Dr Bangamwabo).

[76] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 75 (Dr Bangamwabo).

[77] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 75 (Dr Bangamwabo).

bivuga Abatutsi[78]. Yanavuze ko yumvise ijambo Inkotanyi aryumvanye abanyamakuru kuri radiyo bavuga abasirikare ba FPR, ariko ko atigeze yumva hari uvuga ko Abatutsi bari Inyenzi[79].

77. **Dr Bangamwabo** yavuze ko MRND itigeze yemera ko umutwe w'Interahamwe wari ishami ryayo, kandi ko Minisiteri y'Ubutabera nta buzima gatozi yari yarazihaye. Bityo rero, umutwe w'Interahamwe ukaba nta sitati yemewe n'amategeko yazigengaga yariho, ko ahubwo hariho gusa komite iwuyobora i Kigali.[80] Yanavuze ko abayobozi bakuru b'Interahamwe batari Abahutu gusa, kuko n'Umututsi witwa Robert Kajuga[81] yazibereye Perezida kugeza mu wa 1994[82].

78. Ku birebana n'amagambo « Umwanzi - inyenzi - inkotanyi »[83], **Dr Bangamwabo** yavuze ko Inyenzi n'Inkotanyi zari zisangiye ingengabitekerezo, naho ijambo Umwanzi ryavugaga impande ebyiri zarwanaga ari zo FPR n'Ingabo z'u Rwanda. Dr Bangamwabo yavuze ko izi mpande zombi zari abanzi, bityo Ingabo z'u Rwanda zikaba zarakoreshaga ijambo Umwanzi zivuga abari bashyamiranye na zo, ari bo abasirikare ba FPR n'abantu bari bashyigikiye FPR[84].

79. Mu ibaza rinyomoza, ubwo Porokireri yabazaga impamvu raporo igibwaho impaka itavuga imibare y'abantu bishwe n'Ingabo z'u Rwanda n'Interahamwe, **Dr Bangamwabo** yasubije ko muri raporo ye yavuze abaturage b'Abanyarwanda bapfuye muri rusange atitaye ku babishe[85].

80. Mu gihe cy'ibaza rinyomoza, **Dr Bangamwabo** yavuze ko n'ubwo habaye amaperereza mpuzamahanga ku birebana n'abakorewe ibyaha, hari ikibazo cy'uko ayo maperereza

[78] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 60 (Dr Bangamwabo).

[79] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 61 (Dr Bangamwabo).

[80] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 75 (Dr Bangamwabo).

[81] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 76 (Dr Bangamwabo).

[82] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 75 (Dr Bangamwabo).

[83] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 76 (Dr Bangamwabo)

[84] Inyandikomvugo y'iburanisha, 7 Mata 2003, urup. 76 (Dr Bangamwabo).

[85] Inyandikomvugo y'iburanisha, 9 Mata 2003, imp. 47-48 (Dr Bangamwabo).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

yabogamye kuko yitaye gusa ku itsinda rimwe ry'abakorewe ibyaha, irindi tsinda ntiryitabweho na gato[86].

2. Umwanzuro w'Urugereko

81. Urugereko rusanga mu buhamya bwe, Dr Bangamwabo yaravuze uko we yumva amateka y'u Rwanda n'imibanire y'amoko mu Rwanda. Byongeye kandi, Urugereko rusanga uyu mutangabuhamya yaravuze ibintu mu buryo budatanga isura yuzuye y'ubwicanyi bworetse imbaga mu Rwanda mu wa 1994. Ahubwo, yibanze ku byaha ngo byaba byarakozwe na FPR, yitwaje ko ashaka kugaragaza igice cy'intambara yo mu Rwanda cyirengagijwe n'ibinyamakuru n'imiryango mpuzamahanga. Urugereko, rukurikije uko rwabonye imyitwarire y'uyu mutangabuhamya mu rukiko, rusanga yari abogamye. Bityo, rumaze kumva ubuhamya bwa Dr Bangamwabo no gusuzuma raporo yatanze, rusanze rutamufata nk'umutangabuhamya w'inzobere uvuga ibintu uko biteye kandi wigenga wafasha Urugereko kumenya ukuri ku byabaye.

82. Urugereko rushingiye ku buhamya bwa Dr Bangamwabo n'ibimenyetso byose rwashyikirijwe[87], rusanze Interahamwe mu wa 1994 ari izina ryari ryarahawe ishami ry'urubyiruko rwa MRND kandi igihe ibivugwa byabaga hagati ya Mata na Nyakanga 1994 ndetse na nyuma yaho, abaturage muri rusange bagiye bakoresha iryo jambo bashaka kuvuga abajenosideri.

83. Urugereko ruzirikana ko kubera kwamamara kw'ijambo Interahamwe, iyo umutangabuhamya arivuze mu Rukiko ashobora kuba ashaka kuvuga itsinda ryihariye ryabaga muri Komini ya Mukingo no mu duce duturanye na yo, cyangwa ashaka kuvuga abajenosideri cyangwa abicanyi nk'uko abaturage bagiye barikoresha muri rusange. Urugereko ruzirikana kandi ko rimwe na rimwe, hashobora kubaho uruhurirane rw'ibi bisobanuro byombi. Rutirengagije ibimaze kuvugwa, ubwo rwasuzumaga ibimenyetso rwagiye rucukumbura ngo rumenye neza icyo umutangabuhamya yabaga ashaka kuvuga iyo yakoreshaga ijambo Interahamwe.

---

[86] Inyandikomvugo y'iburanisha, 9 Mata 2003, urup. 48 (Dr Bangamwabo).

[87] Umutwe wa II n'uwa III ikubiyemo incamake y'ibimenyetso byagejejwe ku Rugereko.

D. Ibivugwa ko Uregwa yahigwaga

1. Ibivugwa n'Ubwunganizi

84. Ubwunganizi ntibwahwemye kuvuga ko Uregwa yafashwe mu buryo bunyuranyije n'amategeko, ko nyuma yo gufatwa ariho Porokireri yatangiye gushaka ibimenyetso bishyigikira iri fatwa rinyuranyije n'amategeko.

85. Ubwunganizi bwavuze ko Uregwa yashyikirijwe Urukiko azira gusa ko yasanzwe mu nzu ya Joseph Nzirorera, ubwo Nzirorera yafatwaga bisabwe n'Ibiro bya Porokireri. Ubwunganizi buvuga ko Uregwa amaze gufatwa muri ubwo buryo, Porokireri yashakishije ibimenyetso byo kumushinja ari muri gereza hagati ya 1998 na 2000. Mu gutsindagira ibyo buvuga kuri icyo kibazo, Ubwunganizi bwavuze ko inyandikomvugo y'ubuhamya bwa GBV ya mbere yakozwe n'abapererezi ku itariki ya 31 Nyakanga 1998, nyamara Uregwa yari yarafashwe ku itariki ya 5 Kamena 1998.

86. Ubwunganizi bwavuze ko mu ikubitiro nta byaha birebana no gusambanya ku gahato Uregwa yashinjwaga, ko ariko imanza zimaze gutandukanywa Porokireri yatangiye gusuzuma ibirego byo gusambanya ku gahato kandi abatangabuhamya batanze ubuhamya ku iri ki kibazo abenshi muri bo barabajijwe kuva mu wa 1999 kugera mu wa 2000.

87. Ubwunganizi bwavuze ko Uregwa yahigwaga na FPR, kandi ko FPR yari imaze igihe kirekire imushyiraho iterabwoba n'ibikangisho. Mu gushyigikira ibyo buvuga kuri iki kibazo, Ubwunganizi bwifashishije ubuhamya bw'abatangabuhamya bashinjura biswe JK312 na SMR2[88].

2. Ibimenyetso

(a) Iterabwoba FPR yashyize k'Uregwa

88. **Umutangabuhamya ushinjura wiswe SMR2**, ufitanye isano ya hafi n'Uregwa, yavuze ko Uregwa n'umugore we wa kabiri bumvaga ibiganiro byanyuraga kuri Radiyo Rwanda no kuri Radiyo Muhabura. Izina ry'Uregwa ryavugwaga kenshi kuri Radiyo Muhabura kandi

[88] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 32, 73 and 74.

ari na ko iyo radiyo imutuka. Uyu mutangabuhamya yumvise kuri iyo radiyo bavuga ko Uregwa ngo yicaga Abatutsi kandi ko yaryaga abana[89].

89. **Umutangabuhamya ushinjura wiswe JK312** ni Umututsi, akaba yaravuze ko kuri Radiyo Muhabura hanyuzeho ikiganiro cyakangishaga Uregwa ko FPR izamwivugana ndetse ko hanyujijweho n'indirimbo yo kumutera ubwoba. Uregwa « yari yaragizwe shitani », ari yo mpamvu yabaga mu rugo rwe muri Nkuli aho kuba mu rugo rwe rwa kabiri rwo muri Mukingo. Uyu mutangabuhamya yavuze ko indirimbo yanyujijwe kuri Radiyo Muhabura icyo gihe yafata Uregwa nk'umuryoko urya abana. Icyo gihe Radiyo Muhabura yari mu maboko ya FPR[90].

90. **Umutangabuhamya ushinjura wiswe DMR3**, ufitanye isano n'Uregwa, yavuze ko yumvise ikiganiro kuri Radiyo Muhabura cyavugaga ko Uregwa ari umuntu utegekesha igitugu, kandi ko nafatwa bazamugira nka Gasana wari Burugumesitiri wa Komini ya Kinigi, wiciwe na FPR mu mujyi wa Ruhengeri ku itariki ya 8 Gashyantare 1992 [sic][91]. Uyu mutangabuhamya yavuze ko Uregwa n'umuryango we basuherewe kubera iryo terabwoba, ko kandi hari igihe cyageze umuryango w'Uregwa ukimuka kubera ko FPR Inkotanyi yari yatangiye guhiga Uregwa[92].

91. **Uregwa** yavuze mu buhamya bwe ko mu wa 1992 yari yaravanye umuryango we muri Komini ya Mukingo, igihe FPR yigaruriraga Komini ya Kinigi n'iya Nkumba. Yarekeye umuryango we ahandi hantu kugeza ubwo hatangazwaga ihagarikwa ry'imirwano[93]. **Umutangabuhamya ushinjura wiswe SMR2** yahamije ko umuryango w'umugore wa kabiri w'Uregwa wimukiye ku Gisenyi mu wa 1992 —mu rugo rw'umuntu w'inshuti yabo witwa Eliap Ndorayabo— kubera impamvu z'umutekano wabo[94].

---

[89] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 72-74 (SMR2) (mu muhezo).

[90] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 47, 101-102 na 106 (JK-312) (mu muhezo).

[91] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 8-9 (mu muhezo); Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 15-17 (DMR3) (HC).

[92] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 8-9 (DMR3) (mu muhezo).

[93] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 43 (Uregwa).

[94] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 72, 74 (SMR2) (mu muhezo); Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 7 (SMR2) (mu muhezo).

(b) Ibyo umutangabuhamya ushinjura wiswe ZLA arega AVEGA

92. **Umutangabuhamya ushinjura witwa ZLA** ni umututsikazi wahoze ari umusirikare. Yavuze ko yahunze ava mu Ruhengeri no mu Rwanda muri Nyakanga 1994, icyo gihe akaba yaragiye muri Zaire ari kumwe n'abandi bantu bo mu muryango we n'abandi Batutsi barimo Madamu Niyoyita, Madamu Bahempera na Madamu Munyamasoko. ZLA yavuze ko we na bagenzi be barinzwe n'Uregwa bari mu nzira bagana muri Zaire. ZLA yabanje kuba mu nkambi ya Kibumba nyuma aba mu nkambi ya Gatare. Uyu mutangabuhamya yamaze muri Zaire imyaka ibiri, kandi yatahutse asubira mu Rwanda mu wa 1996.

93. **ZLA** yabanje gukorera mu Ruhengeri akazi k'ubudozi, nyuma aza kujya i Kigali kugerageza gusubirana umutungo we[95].

94. **ZLA** yavuze ko ahagana mu wa 1999, ubwo yari i Kigali, yatumiwe n'umuturanyi we w'Umututsikazi witwa Rubayita, akahahurira n'abagore babiri atibuka amazina. Abo bagore bari bahahagarariye AVEGA kandi bamubwiye ko AVEGA ari umuryango uharanira inyungu z'abari n'abategarugore. Abo bagore basabye uyu mutangabuhamya kuba umunyamuryango wa AVEGA no gushinja Uregwa ibinyoma ko yamusambanyije ku gahato mu wa 1994. Bamwijeje ko igihembo bazamuha ari ukumufasha gusubirana imitungo ye no guhabwa imfashanyo nk'uwarokotse. Uyu mutangabuhamya yavuze ko nta muntu wigeze amusambanya ku gahato mu wa 1994 kandi ko yabwiye abo bagore ko atazashinja ibinyoma Uregwa. Abo bagore ngo bakomeje kugenderera uyu mutangabuhamya bamusaba kubafasha[96].

95. **ZLA** yavuze ko nyuma y'ibyo yagiye gusura se noneho akamara ibyumweru bibiri abana na benewabo. Ubwo yasubiraga i Kigali gusaba umutungo we, Konseye Kabandana yamubajije icyo ashaka noneho amwita Interahamwe. Uyu mutangabuhamya byaramutangaje anagira ubwoba kuko ijambo Interahamwe ryakoreshwaga ku Bahutu

[95] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 93-94 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, urup. 15 (ZLA) (mu muhezo).

[96] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 94-96 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, imp. 22-24 (ZLA) (mu muhezo).

bagize uruhare mu bwicanyi. Umutangabuhamya yiyemeje kuva mu gihugu ajya gusaba ubuhungiro mu kindi gihugu cyo muri Afurika[97].

3. Umwanzuro w'Urugereko

96. Urugereko rusanze ibivugwa n'Ubwunganizi ko Uregwa akurikiranwe mu Rukiko kubera akagambane ka FPR nta shingiro bifite.

97. Urugereko rwazirikanye ibi bintu byose bivugwa n'Ubwunganizi. Rusanga Uregwa akurikiranwe muri uru Rukiko mu buryo bukwiye kandi Porokireri yamuregeye Urukiko mu buryo buboneye. Rushingiye ku bimenyetso byatanzwe muri uru rubanza, Urugereko rusanga kandi Uregwa adakurikiranwe ku maherere, ahubwo afite ibyo ashinjwa mu Rukiko agomba kwireguraho.

98. Ibivugwa ko habayeho guhimbahimba ibimenyetso bishinja Uregwa icyaha cyo gusambanya ku gahato, Urugereko ruri bubisuzume mu myanzuro yarwo iri hano hasi (reba, Umutwe wa 3)[98].

E. Ibindi bivugwa n'Ubwunganizi

1. Ibivugwa

99. Porokireri yavuze ko Uregwa yafataga abaturage bose b'Abatutsi bo mu Ruhengeri nk'ibyitso bya FPR[99]. Ubwunganizi bwavuze ko ubuhamya bwatanzwe n'abatangabuhamya budashyigikira ibyo bivugwa na Porokireri. Byongeye kandi, Ubwunganizi bwibukije Urugereko ko abatangabuhamya bane batanze ubuhamya bavuga ko bakesha ubuzima Uregwa. Ko bityo rero bitumvikana ukuntu umuntu yavuga ko Uregwa yangaga Abatutsi kandi bamwe muri bo baravuze ko ariwe bakesha ubuzima, ko kandi yagize uruhare mu kubarwanaho. Ubwunganizi bwavuze ko **Umutangabuhamya ushinjura wiswe RHU26**, utari ufite impamvu yatuma abeshya, yafatwaho urugero. Na none, **Umutangabuhamya ushinjura wiswe ZLA** yatanze ubuhamya ku ruhare Uregwa yagize mbere ya 1994 mu kumurokora. Ubwunganizi bwibukije ko **Umutangabuhamya ushinjira wiswe RHU21**, **Umutangabuhamya ushinjura wiswe RHU26** n'**Umutangabuhamya ushinjura wiswe**

---

[97] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 28, 96-97 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, urup. 27 (ZLA) (mu muhezo).

[98] Reba hano hasi: Umutwe wa III, Icyiciro L.

[99] Imyanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosora), igika 41.

JK312 baje gushinjura Kajelijeli n'ubwo bari bashyizweho iterabwoba kandi na Guverinoma y'u Rwanda itabibemereye.

2. Ibimenyetso

100. **Umutangabuhamya ushinjura wiswe ZLA** ni Umututsikazi wahoze ari umusirikare. Yavuze ko ubwo FPR yari imaze kugaba igitero mu Rwanda mu wa 1990, yiboneye Uregwa akoresha amanama y'umutekano muri uwo mwaka, mu maSegiteri anyuranye. Uyu mutangabuhamya yavuze ko nyuma y'igitero cya FPR, habayeho umwuka mubi ariko ko Uregwa yagerageje gusaba abaturage gutuza no kwirinda gusubiranamo. Uregwa kandi yiyamye abaturage ababwira ko uwo ari we wese uzishora mu bikorwa by'urugomo yitwaje amoko cyangwa ibindi azahanwa. Uyu mutangabuhamya ubwe yagiye muri zimwe muri izo nama[100.]

101. **ZLA** yavuze ko mu wa 1991, Uregwa yatabaye umukecuru w'Umututsikazi witwa Nyirakavuke ubwo urugo rwe rwagabwagaho igitero n'Abahutu bari baturutse muri Segiteri ya Kitabura no muri Mukingo. Uregwa yazanye n'abapolisi, bafata abari mu gitero barabafunga kandi ategeka abajandarume kurinda uwo muryango. Abari mu gitero, basabwe kuriha ibintu bya Nyirakavuke bari bangije[101].

102. **Umutangabuhamya ushinjura wiswe RHU26** ni Umututsikazi[102], akaba yaravuze ko yahungiye mu rugo rw'Uregwa kubera ko: « Mu wa 1992 ubwo Abatutsi batoragurwaga, yakoranyije Abatutsi bose bari basigaye, yewe n'abatari bajyanywe kure, abateranyiriza mu kigo cya ISAE maze ajya gushaka abajandarume mu Ruhengeri bo kubarindira umutekano »[103].

103. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko Uregwa yari yarashyizeho uburyo bwo kurinda Abatutsi, kandi ko igipango cya Munyemvano cyari cyarabaye nk'ubuvumo[104]. Uyu mutangabuhamya yavuze kandi ko Uregwa atakomeje kurinda Abatusi kugera igihe Perezida yapfiriye ku itariki ya 6 Mata 1994; mu wa 1993 Uregwa yavuye ku mwanya wa burugumesitiri. Ingamba zo kwiyambaza abajandarume ngo barinde

---

[100] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 88 (ZLA).

[101] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 91 (ZLA).

[102] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 11-12 (RHU-26) (mu muhezo).

[103] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, urup. 18 (RHU-26).

[104] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, urup. 76 (RHU-23) (mu muhezo).

Abatutsi ntabwo zakoreshejwe mu wa 1994[105]. Uyu mutangabuhamya yavuze ko hari impunzi zigera kuri 30 mu gipango cyo kwa Munyemvano mu wa 1993, igihe burugumesiti yasabaga abantu kurinda Abatutsi bari mu kaga[106].

104. **ZLA** yavuze ko mu wa 1993 FPR yagabye igitero mu karere ka Ruhengeri ikica abayobozi benshi b'Abahutu. Abantu bararakaye bashaka kugaba ibitero ku Batutsi bari mu kigo cy'Ishuri rikuru ry'ubuhinzi n'ubworozi cya Busogo. Uregwa yazanye abajandarume bo kurinda abo Batutsi[107]. Uyu mutangabuhamya yavuze ko abaturanyi be bashatse kumutera, agahungira ku biro bya komini. Uyu mutangabuhamya yabibwiye Uregwa, nawe amusaba gusanga abandi Batutsi kuri Busogo. Uyu mutangabuhamya yasabye Uregwa kumufasha kugera i Kigali kugira ngo asange benewabo. Uregwa yashatse abapolisi bo guherekeza umuryango we n'abandi Batutsi maze bajya i Kigali[108].

105. **Umutangabuhamya ushinjura wiswe SMR2**, ufitanye isano ya hafi n'Uregwa, yavuze ko umugore wa kabiri w'Uregwa, yamenye inkuru y'urupfu rwa Perezida mu ijoro ry'itarii ya 7 Mata 1994 [*sic*] ubwo Abatutsi babiri ari bo umutangabuhamya ushinjura wiswe RHU21 n'umugore we, bageraga mu rugo rw'umugore wa kabiri w'Uregwa muri Komini ya Mukingo nka saa munani z'ijoro, bahahungiye[109]. Uyu mutangabuhamya yari aziranye n'uyu mugabo n'umugore we kandi yavuze abo ari bo mu buhamya bwe[110]. Bombi bari batuye muri Segiteri ya Ruhingiro yegeranye n'aho umugore wa kabiri w'Uregwa yabaga muri Segiteri ya Rwinzovu[111]. Uyu mutangabuhamya yavuze ko RHU21 yari yakutse umutima cyane kuko yari yumvise abantu bavuga iby'urupfu rwa Perezida Habyarimana[112]. Yanavuze ko RHU21 yari yarigeze gufungwa mbere kuko bamufataga nk'icyitso cy'Inkotanyi kandi ko Uregwa, akiri burugumesitiri, ari we wamufunguje. RHU21 yaje mu rugo rw'Uregwa kuko yari yizeye ko Uregwa azamufasha. Uyu mutangabuhamya yemeje ko ku itariki ya 7 Mata 1994 mu gitondo, mwishywa w'Uregwa witwa Dominique Maniraguha yaje mu rugo rw'umugore wa kabiri w'Uregwa aje kubabwira inkuru y'urupfu

[105] Inyandikomvugo y'iburanisha, 26 Nzeri 2002, urup. 106-107 (RHU-23) (mu muhezo).

[106] Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, urup. 94 (RHU-23).

[107] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 91 na 92 (ZLA).

[108] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 92 (ZLA)

[109] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 76-77 (SMR2) (mu muhezo).

[110] Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 9 (SMR2) (mu muhezo).

[111] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, urup. 79 (SMR2) (mu muhezo).

[112] Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 10 (SMR2) (mu muhezo).

rwa Perezida. Uyu mutangabuhamya yavuze ko hagati ya saa mbiri n'igice na saa tatu za mu gitondo, hari Umututsikazi, akaba n'umutangabuhamya ushinjura wiswe RHU26, n'abana be bageze mu rugo rw'umugore wa kabiri w'Uregwa bahahungiye[113]. Uyu mutangabuhamya yavuze uwo mugore uwo ari we mu buhamya bwe, yongeraho ko uwo mugore yari afitanye ubucuti n'umugore wa kabiri w'Uregwa.[114]

106. **Umutangbuhamya wiswe RHU21**, ni umugabo w'Umututsi, akaba yaravuze ko Uregwa yamurokoye inshuro ebyiri. Ubwa mbere hari mu wa 1990, icyo gihe uyu mutangabuhamya akaba yari yafashwe n'abayobozi ba selire y'iwabo, yoherezwa ku biro bya Komini ya Mukingo arahafungirwa, maze Uregwa aramufunguza. Uyu mutangabuhamya yavuze ko ubwa kabiri Uregwa yamurokoye ari muri Mata 1994 ubwo yahungiraga mu rugo rw'Uregwa muri Komini ya Mukingo. Uyu mutangabuhamya amaze kumenya inkuru y'urupfu rwa Perezida Habyarimana ku itariki ya 6 Mata 1994 ari iwe, yahise ashya ubwoba kuko byavugwaga ko Abatutsi n'ibyitso byabo bahanuye indege. Uyu mutangabuhamya yagiye gusaba ubuhungiro mu rugo rw'Uregwa kubera ko mbere yari yaramweretse ko agira impuhwe. Nyuma y'amasaha make yamaze mu bihuru, uyu mutangabuhamya yageze mu rugo rw'Uregwa saa munani zo mu gicuku. Umutangabuhamya yavuze ko yari kumwe n'umugore we wa mbere. Yakomeje avuga ko umugore w'Uregwa yaberetse icyumba birirwagamo mu gihe cy'ukwezi n'igice we n'umugore we bamaze mu rugo rw'Uregwa. Uyu mutangabuhamya yemeje ko hari umugore w'Umututsikazi n'umwana we w'uruhinja na bo bahungiye mu rugo rw'Uregwa muri icyo gihe[115].

107. **RHU26**[116] yavuze ko amaze kumenya inkuru y'urupfu rwa Perezida yagize ubwoba maze akiyemeza guhunga. Yavuye iwe ahetse umwana yerekeza mu mu rugo rw'Uregwa kubera ko « yari umuntu mwiza». Uyu mutangabuhamya avuga ko Uregwa yari umuntu mwiza yabikomoye ku kuntu yafashije Abatutsi mu wa 1992, ubwo yabateranyirizaga mu kigo cya ISAE maze akajya kuzana abajandarume mu Ruhengeri bo kubarindira umutekano[117]. Uyu mutangabuhamya yavuze ko yabonye umugore w'Uregwa ageze mu rugo rwe, kandi yemeje ko atari inshuti y'uwo mugore mbere yo guhungira iwe, ko ariko baje kuba inshuti nyuma

[113] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 79, 81 na 82 (SMR2) (mu muhezo).

[114] Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 12 (SMR2) (mu muhezo).

[115] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 40, 41, 44, 46-48, 60-61 (RHU-21).

[116] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 11-12 (RHU-26) (mu muhezo).

[117] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, urup. 18 (RHU-26).

y'izo ngorane. Umugore w'Uregwa yahise ajyana uyu mutangabuhamya mu cyumba cyari kihishemo umugabo n'umugore we b'Abatutsi. Nyamara ariko, mu nyandikomvugo y'ubuhamya uyu mutangabuhamya yatanze mbere, yavuze ko mu rugo rw'Uregwa yahasanze umugabo w'Umututsi wenyine ku itariki ya 7 Mata 1994. Umutangabuhamya yavuze ko iryo nyuranya ryakomotse ku ikosa ry'umuntu wakoze inyandikomvugo y'ubuhamya bwe[118]. Uyu mutangabuhamya yavuze ko impunzi zirirwaga zisenga kandi ko zitigeze zibona Uregwa[119].

108. **Umutangabuhamya ushinjura wiswe DMR3**, ufitanya isano n'Uregwa, yavuze ko yumvise inkuru y'ihanuka ry'indege ya perezida saa kumi n'ebyiri za mu gitondo ku itariki ya 7 Mata 1994, mu makuru ya Radiyo Rwanda. Uyu mutangabuhamya yavuye iwe saa mbiri n'igice za mu gitondo agiye kwa sekuru, avugana na sekuru na se wabo ku birebana n'uko ibintu byari byifashe. Uyu mutangabuhamya nta masasu yigeze yumva cyangwa ibintu biturika hafi y'iwe cyangwa hafi yo kwa sekuru, ariko yumvise ibintu « byaturikiraga mu cyerekezo cya Kinigi, Nkumba, Butaro na Shingiro, ahagana mu gace ka Cyamuhuzi ». Umutangabuhamya yagiye mu rugo rw'Uregwa muri Komini ya Mukingo hafi ya saa tatu n'igice za mu gitondo ku itariki ya 7 Mata 1994. Yahasanze umugore w'Uregwa, abana be n'umuyaya[120]. Uyu mutangabuhamya yavuze ko atigeze abona Uregwa mu rugo rwe muri icyo gihe yari ahari[121]. Uyu mutangabuhamya yagumye mu rugo rw'Uregwa nko hagati y'iminota 45 n'isaha[122].

109. **Umutangabuhamya ushinjura wiswe DMR3** yavuze ko yavuye mu rugo rw'Uregwa muri Komini ya Mukingo ku itariki ya 7 Mata 1994 hafi ya saa tanu z'amanywa, asubiye iwe. Ageze iwe, yagiye kuvoma kandi nta bantu yabonye bafite intwaro mu nzira yanyuzemo ajya kuvoma. Uyu mutangabuhamya yasubiye mu rugo rw'Uregwa hafi ya sa cyenda n'igice nyuma ya saa sita, yongera kuvugana n'umugore w'Uregwa. Umugore w'Uregwa yari afite impungenge ko ashobora kongera kurara atabonye umugabo we. Uyu

[118] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 37-38 (RHU-26) (mu muhezo).

[119] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 19, 20, 21 (RHU-26).

[120] Inyandikomvugo y'iburanisha, 23 Nzeri 2002, imp. 38-41 (DMR3).

[121] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 6-8 (DMR3) (mu muhezo).

[122] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 41, 43 (DMR3) (mu muhezo).

mutangabuhamya yahamaze nk'igihe kirenga isaha imwe n'igice. Yaje gusubira iwe ntiyongera kuhava uwo munsi[123].

110. **Umutangabuhamya ushinjura wiswe JK312** ni umugabo w'Umututsi. Yamenye inkuru y'ihanuka ry'indege ya Perezida ku itariki ya 7 Mata 1994 mu gitondo abibwiwe n'umujandarume[124]. Uyu mutangabuhamya yahamagaye Uregwa amusaba kumufasha kuko yari afite impungenge z'umutekano we n'uw'umugore we n'abana be babiri. Uregwa yamusubije ko ntacyo yamufasha, ko ariko agomba gutuza. Nyuma uwo munsi, uyu mutangabuhamya yagiye mu rugo rw'Uregwa muri Nkuli kwibutsa ubufasha yari yasabye. Icyo gihe, uyu mutangabuhamya yari yamaze kumva abantu bataka n'urundi rusaku mu mihanda, kandi yumvaga nta mutekano afite kubera ko yibukaga ukuntu Abatutsi bari baherutse kugabwaho ibitero byo kwihimura. Uyu mutangabuhamya yavuze ko ku itariki ya 7 Mata 1994 mu gitondo ubwo yajyaga mu rugo rw'Uregwa, yasanze yambaye ipinjama y'ubururu irimo imisitari na kambambiri z'ubururu. Uyu mutangabuhamya yahabonye abandi bantu babiri cyangwa batatu bari kumwe n'Uregwa ariko ntabwo yari abazi. Yavuze ko Uregwa ko yasubiyemo ibyo yari yavuze mbere kuri telefone, agira ati « Nkulikije ibyawe, n'ukuntu ibintu bimeze, ushobora kujya iwawe naho ubundi sinzi uko nagufasha. Sinzi neza ibirimo kuba, ariko niba hari icyo nagufasha, nagerageza kureba icyo nakora. Ariko hagati aho ugomba gutuza. Jya imuhira uhategerereze »[125].

111. **JK312** yavuze ko ubwo yasubiye mu rugo, maze we n'umuryango we bifungirana mu nzu. Nyuma ya saa sita, umuhungu w'Uregwa witwa Ingabire, yaje mu rugo rw'uyu mutangabuhamya abashyiriye ubutumwa bw'Uregwa bwavugaga ko uyu mutangabuhamya n'umuryango we bazahungishwa bukeye bwaho « kubera ko ibintu byari bimaze kuba urudubi »[126]. Ku gicamunsi, hari umugore wahungiye iwe; uwo mugore akaba « yari ameze nabi cyane » kuko yari hafi kubyara kandi umugabo we yari yishwe uwo munsi. Uwo mugore yabyariye mu rugo rw'uyu mutangabuhamya muri iryo joro « mu buryo bugoye cyane »[127]. Uyu mutangabuhamya yavuze ko we, umugore we n'abana, wa mugore n'uruhinja rwe, bahungishijwe ku munsi wakurikiyeho ku itariki ya 8 Mata 1994, mu

[123] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 10-13, 43 (DMR3) (mu muhezo).

[124] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 43 (JK-312) (mu muhezo).

[125] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 45, 47-49, 51-52 na 87 (JK-312).

[126] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 53 (JK-312).

[127] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 54 (JK-312).

masaha abanza ya nyuma ya saa sita. « Nahungishijwe n'Uregwa kandi ni we nkesha kuba ndiho »[128].

112. **JK312** yavuze ko atasabye Uregwa kumufasha abitewe n'uko yabonaga afite ubushobozi bwo kumuhungisha, ko ahubwo yabikoze gusa bitewe n'uko yabonaga Uregwa « mbere na mbere ari umujyiraneza kurusha kuba burugumesitiri »[129]. Uyu mutangabuhamya yavuze ko Uregwa atari we ubwe wamuhungishije n'umuryango we. Yagize ati: « Icyo nzi ni uko nahungishijwe, kubera ko yari yabiteguye. Niba atari uko byagenze, ubwo hari ibyo ntazi. Icyo nzi ni uko ari we wabihagurukiye»[130].

113. Ubwo **JK312** yasubizaga ikibazo cy'Urugereko, yavuze ko we n'umuryango we bimuwe n'abajandarume bagera ku ijana, bakajyanwa ahantu mu Ruhengeri, nko ku birometero 50 umuntu avuye muri Nkuli. Banyuze kuri za bariyeri nyinshi zari zirinzwe n'abantu uyu mutangabuhamya avuga ko bari Interahamwe. Uyu mutangabuhamya yavuze ko barebanaga umwaga kandi bitwaje « intwaro gakondo » ariko ntabwo bahutaje abari mu ikamyo kuko yarimo abajandarume benshi kandi Abatutsi bari bihishe. Umutangabuhamya yavuze ko atibwira ko Uregwa yari afite ijambo ku buryo yashoboraga kubona abajandarume 100 bo kumuhungisha kandi ibintu byari bimaze kumera nabi ndetse « nta muntu washoboraga guhagarika ibyababaga. Boherejwe guhungisha umuryango wanjye wose, […], ntibari baje kurwana ahubwo bari bazanywe no kutujyana kuduhisha […]»[131].

3. Umwanzuro w'Urugereko

114. Urugereko ruzirikana ibimenyetso by'ubwunganizi bivuga ko Uregwa yarokoye Abatutsi mbere ya 1994. Ariko ntabwo byaba biboneye gufata ibi bimenyetso byo kwiregura mu rwego Ubwunganizi bwifuza ko bifatwamo. Ibi bivuzwe kubera ko, mu gihe Porokireri yatangaga ibimenyetso bishinja, Ubwunganizi bw'Uregwa bwakomenje kugenda butambamira, kandi bukabyemererwa, ibibazo Porokireri yageragezaga kubaza abatangabuhamya ku birebana n'imyitwarire y'Uregwa n'ibyo yakoreye Abatutsi mbere ya 1994, bwibutsa ko ububasha bw'Urukiko bushingiye ku gihe ibyaha byakorewe bugarukira

[128] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 55 (JK-312).

[129] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 77 (JK-312).

[130] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 94 and 95 (JK-312).

[131] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 102-104 (JK-312) (mu muhezo).

ku byabaye mu wa 1994 gusa[132]. Kubera izo mpamvu, Ubwunganizi bwabujije Porokireri mu gihe yatangaga ibimenyetso bye gucukumbura imyitwarire y'Uregwa ku birebana n'ibyo yakoreye Abatutsi mbere ya 1994.

115. Ibyo ari byo byose, Urugereko rusanga ibimenyetso byatanzwe n'Ubwunganizi birebana n'ibikorwa byiza Uregwa yaba yarakoreye Abatutsi mu gihe ibivugwa byabaga mu wa 1994 na mbere yaho bidahagije gutesha agaciro ibyatanzwe na Porokireri byerekeranye n'umugambi Uregwa yari afite wo kwica Abatutsi n'ubwicanyi yabakoreye. Umugambi w'Uregwa n'ibikorwa bye muri urwo rwego, birasuzumwa mu buryo bunonosoye mu mutwe wa III.

F. Kuvuguruza ibimenyetso byatanzwe na Porokireri

1. Ibivugwa n'Ubwunganizi

116. Ubwunganizi bwavuze ko abatangabuhamya bashinja badakwiye kwizerwa kandi ko ibimenyetso Porokireri yatanze byo gushyigikira ibirego bimwe na bimwe biri mu Nyandiko y'ibirego bidahagije[133].

117. Ubwunganizi buvuga ko abatangabuhamya bashinja biswe GBV, GBE, GDD na GAO ari imfungwa, ko rero bafite bafite inyungu zabo bwite bakeneye kurengera, bityo bakaba barakoze iyo bwabaga kugira ngo batange ubuhamya bw'ikinyoma bushinja Uregwa.

118. Ubwunganizi buvuga ko mu buhamya bwa bamwe mu batangabuhamya harimo uguhuzagurika. Buvuga kandi ko hari ubuhamya buvuguruzanya n'ubudashobora kubangikanywa bwatanzwe n'abatangabuhamya bashinja ku birebana n'uruhare rw'Uregwa mu byabaye ahantu hatandukanye, uko babonye Uregwa ahantu runaka, amasaha n'aMatariki ibintu bimwe byabereyeho, n'ukuntu abatangabuhamya bamwe bitwaye muri rusange igihe batangaga ubuhamya mu iburanisha. Urugereko ruzirikana kandi ko mu rwego rwo kugaragaza ko bamwe muri aba batangabuhamya badakwiye kwizerwa, bwanagize icyo buvugwa ku isura abo bantu bafite muri rubanda. Muri uko kunenga ukwizerwa kw'abatangabuhamya, Ubwunganizi bwasabye Urugereko kutemera ibyo bavuga.

[132] Nk'urugero, reba Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 11-16 (ACM) (mu muhezo).

[133] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 389.

119. Ubwunganizi bwibukije Urugereko ko abatangabuhamya bashinja babajijwe mu iperereza Uregwa yaramaze gufatwa. Ubwunganizi bwibukije ko umutangabuhamya wa mbere ushinja yabajijwe bwa mbere mu iperereza ku itariki ya 31 Nyakanga 1998, hashize iminsi 36 yose Uregwa yarafashwe[134]. Ubwunganizi bwavuze ko ibi bishyigikira kurushaho ibyo bunenga ko babanje gufata Uregwa noneho Porokireri agashaka ibimenyetso nyuma byo gushyigikira iryo fatwa rinyuranyije n'amategeko. Bityo, Ubwunganizi bwasabye Urugereko gusuzuma ibimenyetso byatanzwe na Porokireri ruzirikana ibyo bintu byose[135].

120. Mu gihe cy'isesengura ry'ibimenyetso bishinja (reba Umutwe wa 3 hano hasi), nibwo Urugereko ruza gusuzuma ku buryo bwuzuye inenge zivugwa n'ubwunganizi ku birebana n'ukwizerwa n'ukwemerwa kw'abatangabuhamya bashinja.

121. Igihe Uregwa yatangaga ubuhamya mu iburanisha, na we yavuze ibintu binyuranye byo kunenga batangabuhamya runaka bashinja.

2. Ibimenyetso

122. **Uregwa** yavuze ko akiri mutoya aribwo yamenye umutangabuhamya ushinja wiswe GBV, ubwo uwo mutangabuhamya yari umukozi wo mu busitani kuri paruwasi[136]. Uregwa yongeyeho ko GBV yishe abantu benshi barimo umuntu wari umuhinzi n'undi wari ufite ipete rya koloneli. Uregwa yongeyeho ko GBV ari umwe mu bantu bagize uruhare mu iyicwa ry'Abahutu batahutse bava mu buhungiro.[137]

123. **Uregwa** yavuze ko azi umutangabuhamya ushinja wiswe GBE. Yavuze ko uyu mutangabuhamya yacungaga resitora yajyaga ahishamo abajura, kandi ko yabaga ashakishwa kubera guhishira ibyibano[138]. Uregwa yavuze ko igihe impunzi zatahukaga, uyu mutangabuhamya yafashwe agafungirwa i Nyakinama hamwe n'undi mutangabuhamya ushinjura wiswe GAO. Yavuze ko aba bagabo bombi ari abayisilamu kandi ko bagiranye amasezerano na Samvura Epimac, wari Burugumesitiri mu Ruhengeri, ayo masezerano akaba yaravugaga ko abo bagabo bombi biyemeje gukorana n'umuryango IBUKA[139].

[134] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 33.

[135] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 35.

[136] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 17 (Uregwa).

[137] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 17 (Uregwa).

[138] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 17 (Uregwa).

[139] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 18 (Uregwa).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Uregwa yavuze ko igihe yari burugumesitiri, uyu mutangabuhamya yakoranaga n'amabandi yo muri Mukingo kandi ko yagiye afatwa akanafungwa[140]. Uregwa yavuze ko we ubwe yafashe akanafunga GBE inshuro zinyuranye kubera ubujura[141].

124. Mu gihe cy'ibaza rinyomoza, **GBE** yavuze ko yafashwe agafungwa mu wa 1985 kubera kwiba inkweto[142]. Mu ibaza ry'inyongera, yasobanuye ko yahaniwe kugura umuguru w'inkweto zari zibwe, ko ariko atari azi ko zari inyibano ubwo yaziguraga[143].

125. **Uregwa** yavuze ko akiri mutoya aribwo yamenye umutangabuhamya ushinja wiswe GBH. Uregwa yongeyeho ko GBH yashatse gusenya igipangu kugira ngo azakoreshe ibyo akivanyeho yubaka inzu ye bwite maze anigarurire igice kimwe cy'isambu yari aho hantu[144]. Uregwa yavuze ko yafashe uyu mutangabuhamya akamufungira muri kasho ya komini kubera kugerageza kwigarurira iyo sambu[145].

126. Ubwo Ubwunganizi bwababazaga **GBH** ibibazo binyomoza, bwagerageje kugaragaza ko hari ugushidikanya ku kwizerwa kwe, buvuga ko ashinja Uregwa kubera inzika amufitiye ko yamufunze amuziza ko yashatse kwigarurira isambu ya komini[146]. GBH yavuze ko mu by'ukuri atigeze afungirwa muri kasho, ko ahubwo yaraye mu modoka y'uregwa afungiyemo, bwacya agafungurwa na Perefe[147]. GBH yakomeje avuga ko hari isambu ye yari yarigaruriwe n'Uregwa kandi nta ndihano yayo yigeze ahabwa. GBH yavuze ko nta nzika afitiye Uregwa bitewe n'uko yizeye ko igihe kizagera Leta ikamuha indihano[148]. GBH yavuze kandi ko afite impapuro zigaragaza ko Uregwa yari yaramusezeranyije ko azamuha indi sambu[149].

127. **Uregwa** yavuze ko azi umutangabuhamya ushinja wiswe GAO bitewe n'uko yari umujura, ingegera mu Byangabo. Uregwa yavuze ko GAO yari karaningufu, yapakiraga

[140] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 18 (Uregwa).

[141] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 18 (Uregwa).

[142] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 123-124 (GBE) (mu muhezo).

[143] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 39 (GBE) (mu muhezo).

[144] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 19 (Uregwa).

[145] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 19 (Uregwa).

[146] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 94 (GBH).

[147] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 95 (GBH).

[148] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 95 (GBH).

[149] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 95 (GBH).

akanapakurura amamodoka hamwe n'udutsiko twe tw'abana yakoranaga na two, ko yararaga aho bwije kandi ko yajyaga amufata kubera kutubahiriza amasaha y'umukwabu[150].

128. **Uregwa** yavuze ko yari azi umutangabuhamya ushinja wiswe GDD. Uregwa yavuze ko ubwo yari Kontabure wa Komini ya Nkuli, yagenzuye konti ya GDD kuko yari yarigishije amafaranga, noneho bituma akatwa 200.000 Frw[151] yagiye avanwa ku mushahara we[152]. Uregwa yavuze ko GDD n'abavandimwe be bishe umuntu wari umutekinisiye mu by'ubuhinzi mu mushinga wa AIDR wakoreraga muri Komini ya Mukingo[153]. Uregwa yongeyeho ko GDD yakatiwe igifungo cya burundu kubera icyo cyaha mu wa 1992, ko ariko bitewe n'uko se yari umucamanza, yagerageje kumvikana n'umuryango w'uwakorewe icyaha ku ndishyi z'akababaro kugira ngo igifungo cye kigabanywe gishyirwe ku myaka irindwi. Uregwa yavuze ko GDD yaje kurekurwa, ko ariko bitewe n'uko atari kongera kwigisha yagizwe umuyobozi w'urubyiruko kubera ko se yabimugiriyemo. Icyakora, n'ako kazi yaje kukirukanwaho kubera ko atagakoraga neza[154]. Uregwa yavuze ko ubwo intambara yabaga GDD atari akibarirwa mu bakozi ba komini kandi ko atahembwaga[155]. Uregwa yongeyeho ko GDD yaje gutanga ubuhamya bw'ikinyoma, kandi ko bigaragazwa n'uko abavoka be bamugejejeho ibyo GDD yavugiye mu Rwanda, kandi ntiyamuvuze icyo gihe[156].

129. **GDD** yavuze ko mu wa 1982 yakatiwe n'Urukiko rwa mbere rw'iremezo rwa Ruhengeri ubwo yari umwarimu kubera urupfu rw'umuntu. Yavuze ko we na muramu we bakatiwe kubera urupfu rw'uwo mugabo. GDD yasobanuye ko atakatiwe igifungo cya burundu, ko ahubwo yakatiwe igifungo cy'imyaka irindwi[157]. GDD yasobanuye ko kubera ko yahamwe n'icyo cyaha cy'ubwicanyi, yavanywe ku mwanya we w'ubuyobozi bwa Serire ya

---

[150] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 21 (Uregwa).

[151] Mu nyandikomvugo y'iburanisha yo mu cyongereza handitse umubare wa 250.000. Naho mu y'igifaransa handitse umubare wa 200.000. Uyu mubare wa nyuma ni wo Urugereko rwemeje ko ugomba kugenderwaho.

[152] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 22 (Uregwa).

[153] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 22 (Uregwa).

[154] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 22 (Uregwa).

[155] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 22 (Uregwa).

[156] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 23. Inyandiko z'iburanisha zerekana ko Uregwa yavuze: « Umutangabuhamya GDE », ariko ukurikije uko ibintu biteye biragaragara ko habaye ikosa mu kwandika, cyangwa se ko Uregwa yacitswe. Ikigaragara neza ni uko Uregwa yavuze umutangabuhamya wiswe GDD.

[157] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 141 na 143 (GDD).

Kinyababa mu rwego rwa MRND. GDD yavuze ko amaze kurekurwa avuye muri gereza, amategeko atamwenerereraga kuba yajya mu mwanya wa politiki uwo ari wo wose[158]. GDD yaragize ati « sinigeze mvuga ko nari umuyobozi w'Interahamwe »[159].

130. Mu ibaza ry'inyongera **GDD** yasobanuye ko yafunzwe igihe cy'imyaka itatu n'igice kubera ko yafunguwe by'agateganyo na Minisitiri w'Ubutabera, amaze kurangiza icyakabiri cy'igifungo yari yakatiwe[160].

131. Mu ibaza ry'inyongera, **GDD** yahakanye ko adashinja Uregwa kubera icyaha cyamuhamye mu wa 1982 n'icyo yahamijwe kubera ubwicanyi yakoze mu wa 1994. Yemeje ko mu buhamya bwe bwose yatanze muri uru Rukiko yavuze ukuri[161]. GDD yakomeje avuga ko igihe Nzirorera n'Uregwa bamusabaga gutoza Urubyiruko bari bazi neza ko yari yarakatiwe igihano mu wa 1982[162].

132. **Uregwa** yavuze ko umutangabuhamya ushinja wiswe GDQ yakurikiranywe mu butabera kubera ko, afatanyije na Michel Niyigaba, bateye umuntu icumu muri Komini ya Kinigi. Uregwa yongeyeho ko GDQ yarekuwe kubera ko yavuze ko shebuja ari we wari wamutegetse gukora icyo cyaha[163]. Uregwa yavuze ko Urukiko rwa mbere rw'iremezo rwakatiye GDQ igihano cy'igifungo cy'amezi atandatu; ko kandi atari we wamufungishije ubwo ibyo byababaga kuko yari muri konje, ko ahubwo byakozwe na konseye wari uhagarariye ubutegetsi bwa komini[164].

133. Mu ibaza rinyomoza, **GDQ** yasobanuye ko yafashwe ku itariki ya 20 Mata 1995 kubera iyicwa rya Gazominari na Nyiramutuzo, biciwe bombi imbere y'iwe. Yemeye ko yarezwe icyaha cya jenoside yo mu wa 1994[165]. GDQ yavuze inomero y'idosiye y'urubanza rwe mu Rwanda[166]. GDQ yavuze ko ku birebana n'ifatwa rye mu Rwanda, yabajijwe n'abategetsi

---

[158] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 162; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 18, 19 na 20 (GDD).

[159] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 111 (GDD).

[160] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 166 (GDD).

[161] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 167 na 168 (GDD).

[162] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 169 (GDD).

[163] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 25 (Uregwa).

[164] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 25 (Uregwa).

[165] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 48 (GDQ).

[166] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 55 (GDQ).

bo mu Rwanda mu wa 1995, 1996, 1997, 1998 na 1999 kandi ko yasinyaga inyandikomvugo z'ubuhamya bwe iyo yamaraga gusomerwa ibyanditswemo[167]. Mu ibazwa rinyomoza, GDQ yavuze ko atigeze aregwa kwica abantu no kubahamba mu gikari cy'umuvandimwe we, yewe ko atarezwe no kwica abana babiri. Yatsindagiye ko yahaye Ubwunganizi inomero y'idosiye y'urubanza rwe mu Rwanda, ko rero bushobora kuzajya kugenzura ayo makuru atanze[168].

134. **Uregwa** yavuze ko yabonye bwa mbere umutangabuhamya ushinja wiswe ACM akiri umukobwa mutoya[169]. Uregwa yavuze ko yamubonye bwa nyuma mu wa 1993 ubwo FPR yagabaga igitero muri Perefegitura ya Ruhengeri, kandi ko ari we wamurokoye muri iyo ntambara yo muri Gashyantare 1993[170].

135. Mu iburanisha ryo mu muhezo **ACM** yavuze ko azi Uregwa « neza » kandi ko yari inshuti y'umuryango we[171]. Uregwa yajyaga kenshi iwabo[172]. ACM yavuze ko Uregwa yari inshuti ikomeye y'umwe muri basaza be kandi ko yibuka ko sewabo yari yarahaye Uregwa inka nk'ikimenyetso cy'ubucuti[173]. ACM yavuze ko Uregwa yari yarabyaye muri batisimu umwe muri basaza be[174]. ACM yavuze kandi ko azi Uregwa ari umubaji kuri Paruwasi ya Busogo[175] iri hafi y'iwabo.

136. **ACM** yavuze ko Uregwa yahagaritse ubucuti n'umuryango we mu wa 1990 igihe Inkotanyi zateraga u Rwanda[176]. Icyo gihe Uregwa akaba yaravugaga ko abantu bo mu muryango w'uyu mutangabuhamya bagize uruhare mu bitero by'Inkotanyi[177]. ACM yavuze ko

[167] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 57 na 58 (GDQ).

[168] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 94 na 95 (GDQ).

[169] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 26 (Uregwa).

[170] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 26 (Uregwa).

[171] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 8. (ACM) (mu muhezo).

[172] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 8 (ACM) (mu muhezo).

[173] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 9 (ACM) (mu muhezo).

[174] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 9 (ACM) (mu muhezo).

[175] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 9 (ACM) (mu muhezo).

[176] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 10 (ACM) (mu muhezo).

[177] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 10 (ACM) (mu muhezo).

yabonye Uregwa bwa nyuma ku itariki ya 7 Mata 1994, kandi ko yamubonye inshuro eshatu uwo munsi[178].

137. **Uregwa** yavuze ko azi umutangabuhamya ushinja wiswe GAS kuva kera.[179] Uregwa yavuze ko GAS yagiye ahindura akazi inshuro nyinshi kandi ko, amaze kuba umubikira, yabaye umwarimukazi mu kigo cya gisirikare cya Kigali abigiriwemo na Nzirorera yari azi neza kubera ko bakomoka mu gace kamwe[180]. Uregwa yavuze ko ubwo yari burugumesitiri mu gihe cy'intambara, GAS yakundaga kuzana na Musenyeri Kalibushi ku biro bya Komini gusaba indangamuntu. Uregwa yavuze ko uyu mutangabuhamya yamubwiye ko yifuzaga kujyana abantu bamwe na bamwe ku Nyundo, ko kubera izo mpamvu yari akeneye impapuro za ngombwa, nuko Uregwa arazimuha[181].

138. **Uregwa** yavuze ko IBUKA ari yo yateguye ubuhamya bwa GAS[182].

139. **Uregwa** yavuze ko umuhungu w'umutangabuhamya ushinja wiswe GAP yafashwe n'abayobozi ba komini ari mu gatsiko k'abantu bari batwitse igikoni cy'Umututsi mu gihe cy'intambara yo ku itariki ya 23 Gashyantare [1993][183]. Uregwa yongeyeho ko bitewe n'uko GAP yanze kuzana umuhungu we, yafatiriye kimwe cya kane cy'umushahara we, noneho agasaba umupolisi kujya kumuzana. Uregwa yongeyeho ko uwo muhungu wa GAP yafungiwe muri kasho ya komini ko kandi se ari we wamutangiye ihazabu[184].

140. Uregwa yavuze ku ubwo muri Kinigi hagabwaga igitero, GAP yari mu gatsiko k'abantu basenye amazu y'Abatutsi, kandi ko yanze gufatanya n'abapolisi bari boherejwe kurengera imitungo y'abo Batutsi, bikaba byaratumye amuhana[185].

141. **Uregwa** yavuze ko kugeza avanwa ku mwanya wa burugumesitiri mu wa 1993 atumvikanaga na GAP, ikaba ari yo mpamvu yaje kumushinja[186].

---

178 Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup.18 (ACM) (mu muhezo). Reba hano hasi: Umutwe wa III, Icyiciro K.

179 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 26 (Uregwa).

180 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 26 (Uregwa).

181 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 27 (Uregwa).

182 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 27 (Uregwa).

183 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 29 (Uregwa) (mu muhezo).

184 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 29 (Uregwa) (mu muhezo).

185 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 29 (Uregwa) (mu muhezo).

142. **Uregwa** yavuze ko igihe atari akiri burugumesitiri, uwamusimbuye yazamuye GAP mu ntera mu wa 1993[187].

143. Mu gihe cy'ibaza rinyomoza, **Uregwa** yavuze ko atari azi niba hagati ya 1993 na 1994 GAP yaratozaga Interahamwe ibya gisirikare. Uregwa yongeyeho ko atashoboraga kubimenya kuko icyo gihe atari akiri burugumesitiri[188].

144. GAP yavuze ko igihe Uregwa yari burugumesitiri na we yakoreraga komini bakorana neza bisanzwe, kandi ko « yategekwaga n'Uregwa mu kazi kose yakoraga »[189].

145. Mu gihe cy'ibaza rinyomoza, **GAP** yavuze ko mu wa 1996 yafashwe n'abategetsi bo mu Rwanda[190]. GAP yavuze ko yarezwe ubwicanyi bwabaye mu wa 1991 igihe Uregwa yari burugumesitiri[191]. Yavuze ko yarezwe kwica Kisaho Ndayambage na Kabanga bari bafunze mu wa 1991. GAP yavuze ko Uregwa n'umushoferi witwa Muhunde ari bo bavanye abo bantu mu Ruhengeri bakabajyana ku biro bya Komini ya Mukingo kuhabicira[192]. Yasobanuye ko atireze ngo anemere ibyo byaha kuko Uregwa ari we wabikoze[193]. Uyu mutangabuhamya yavuze ko agifungiye ibyo byaha[194].

3. Umwanzuro w'Urugereko

146. Muri aka kiciro, Urugereko rurasuzuma muri rusange ibivugwa n'Ubwunganizi bukemanga ukwizerwa kw'abatangabuhamya bashinja. Nyuma mu myanzuro ku byabaye, aho biza kuba ngombwa, ruraza gutanga impamvu z'inyongera mu isesengura rirebana n'ukwizerwa kw'abo batangabuhamya.

147. **Ku byerekeye umutangabuhamya ushinja wiswe GBV**, Urugereko rusanga Uregwa yaravuze mu buhamya bwe ko GBV yishe umuntu w'umuhinzi n'undi ufite ipete rya koloneli. Nyamara ariko, Urugereko rusanga mu gihe cy'ibaza rinyomoza GBV,

[186] Inyandikomvugo y'iburanisha, 16 Mata 2003, imp. 29 na 30 (Uregwa) (mu muhezo).

[187] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 30 (Uregwa) (mu muhezo).

[188] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 56 (Uregwa).

[189] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 93 (GAP) (mu muhezo).

[190] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 41 (GAP).

[191] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 42 (GAP).

[192] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 79 (GAP).

[193] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 45 (GAP).

[194] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 47 (GAP).

Ubwunganizi butaramubajije kuri ibi byavuzwe n'Uregwa. Urugereko rusanga mu kunenga ukwizerwa kwa GBV, Ubwunganizi butarashoboye kwerekana aho ibyo bivugwa ko uyu mutangabuhamya yakoze bihuriye no kuba yashinja Uregwa ibinyoma. Urugereko, rukurikije uko ibintu biteye, ruzasuzumana ubwitonzi bwa ngombwa ubuhamya bwa GBV.

148. **Ku byerekeye umutangabuhamya ushinja wiswe GBE**, Urugereko rusanga Uregwa yaravuze mu buhamya bwe ko GBE yari umujura kandi ko igihe yari burugumesitiri, GBE yafashwe agafungwa inshuro zinyuranye. Urugereko rwabifashe nk'aho Uregwa yagerageje kuvuga ko, kuba yarafashe agafunga GBE, bishobora gutuma abogama akamushinja ibitari byo. Urugereko rusanga mu gihe cy'ibaza rinyomoza Ubwunganizi butarigeze bubaza GBE ibibazo kuri ibyo bintu. Mu by'ukuri, icyo uyu mutangabuhamya yabajijweho kuri ibyo, ni ukumenya niba atarigeze gufungwa kubera kugura umuguru w'inkweto zibwe. Urugereko rusanga ibivugwa n'Ubwunganizi bukemanga ukwizerwa k'uyu mutangabuhamya bidasobanutse neza, ibyo ari byo byose ntabwo bihagije kugaragaza ko hari impamvu yatuma atanga ubuhamya bw'ibinyoma bushinja Uregwa.

149. **Ku byerekeye umutangabuhamya ushinja wiswe GBH**, Urugereko rusanga by'umwihariko, Ubwunganizi buvuga ko GBH afitiye inzika Uregwa, akaba ariyo mpamvu yamushinje. N'ubwo umuntu usanzwe ashobora kumva ko GBH yaba afititiye Uregwa inzika amaranye igihe kirekire, Urugereko si ko rubibona. Koko rero, rumaze kurebana ubwitonzi imyitwarire y'uyu mutangabuhamya mu gihe cy'iburanisha, kandi rumaze gusuzumana ubushishozi ubuhamya bwe, rusanga nta gushidikanya ari umunyakuri. Kuri iki kibazo, Urugereko rusanga uyu mutangabuhamya yarashinje umuhungu we bwite ko yagize uruhare mu iyicwa ry'abasiviri b'Abatutsi ryabaye mu wa 1994. Urugereko rurasuzuma birushijeho ukwizerwa kwa GBH mu mutwe wa III w'iyi Nyandiko y'urubanza[195].

150. **Ku byerekeye umutangabuhamya ushinja wiswe GAO**, Urugereko rusanga Uregwa yaravuze ko uyu mutangabuhamya yari umujura n'ingegera. Nyamara ariko, Urugereko ruributsa ko mu gihe cy'ibaza rinyomoza, nta cyo umutangabuhamya yabajijwe kirebana n'ibyo avugwaho. Ibyo Ubwunganizi bwavuze kuri we byari ibintu byo mu rwego rwa rusange cyane bikaba bitari bisobanutse neza. Bityo, Urugereko rusanga Ubwunganizi butarashoboye kugaragaza impamvu GAO yakwifuza gushinja Uregwa ibinyoma.

[195] Reba hano hasi: Umutwe wa III, Icyiciro N.

Urugereko ruragaruka ku kwizerwa kwa GAO mu buryo burambuye mu mutwe wa III w'iyi Nyandiko y'urubanza[196].

151. **Ku byerekeye umutangabuhamya ushinja wiswe GDD**, Urugereko rusanga Uregwa yaravuze mu buhamya bwe ko GDD yigeze kurigisa amafaranga kandi ko yishe umuntu afatanyije n'umuvandimwe we. Uregwa yavuze kandi ko GDD yaje kumushinja ibinyoma. Urugereko rusanga Uregwa atarashoboye kugaragaza impamvu yumvikana ituma uyu mutangabuhamya yamugirira inzika. Urugereko rusanga uyu mutangabuhamya atagirira Uregwa inzika kubera icyaha cyakozwe mu wa 1982. Ikindi kandi, nk'uko uyu mutangabuhamya yabivuze mu gihe cy'ibaza rinyomoza, igihe Uregwa yamuhaga akazi, yari azi ko yahamwe n'icyaha mu wa 1982.

152. **Ku byerekeye umutangabuhamya ushinja wiswe GDQ**, Urugereko rusanga Uregwa atarashoboye kugaragaza impamvu yari gutera uyu mutangabuhamya irari ryo kumushinja. Urugereko rusanga mu gihe cy'ibaza rinyomoza, GDQ yaremeye ko ari mu bantu bakoze jenoside mu wa 1994. Urugereko rusanga Ubwunganizi butarashoboye kugaragaza isano iri hagati y'ubuhamya bw'uyu mutangabuhamya kuri iki kibazo no kuba ashobora kubogama mu gushinja Uregwa.

153. **Ku byerekeye umutangabuhamya ushinja wiswe ACM**, w'Umututsikazi, Urugereko rusanga Uregwa yaravuze ko yigeze kurokora ACM. Nyamara ariko kuri iki kibazo, Urugereko rusanga n'iyo byagaragazwa ko Uregwa yarokoye ACM, ibi bitari kumubuza kwibasira no kwica Abatutsi. Urugereko rusanga kandi ACM yaravuze mu buhamya bwe ko n'ubwo Uregwa yari inshuti y'umuryango wabo, nyuma ubwo bucuti bwaje kuyoyoka.

154. **Ku byerekeye umutangabuhamya ushinja wiswe GAS**, Urugereko rusanga Uregwa yaravuze mu buhamya bwe ko ubuhamya bwa GAS bwahimbwe n'abandi bantu. Urugereko rusanga mu gihe cy'ibaza rinyomoza uyu mutangabuhamya nta kibazo yabajjwe kuri ibyo.

155. **Ku byerekeye umutangabuhamya ushinja wiswe GAP**, Urugereko rwumvise ibyo Uregwa yavuze byo kurwanya uyu mutangabuhamya. Urugereko rusanga mu gihe cy'ibaza rinyomoza, Ubwunganizi nta cyo bwigeze bukomozaho kuri ibyo. Urugereko rusanga Ubwunganizi bwaravuze ko hari uguhuzagurika mu nyandikomvugo y'ubuhamya uyu mutangabuhamya yagejeje ku Biro bya Porokireri.

[196] Reba hano hasi: Umutwe wa III, Icyiciro K.

156. Mu gusuzuma uburemere bugomba guhabwa ubuhamya runaka, Urugereko rusuzuma ubwo buhamya bwose uko bwakabaye (imyifatire y'umutangabuhamya mu iburanisha, uko ubuhamya bwe bushyigikirwa n'ubundi, ukwizerwa, n'ibindi).

157. Urugereko rusanga ahantu henshi, mu gihe cy'ibaza rinyomoza, Ubwunganizi nta cyo bwigeze buvuga ku byo bunenga abatangabuhamya bashinja, bityo bukaba butarabahaye umwanya wo kubitangaho ibisubizo. Urugereko rwazirikanye iki kintu mu gufata imyanzuro ku bivugwa n'Ubwunganizi ko abatangabuhamya bashinja atari abo kwizerwa.

G. Ibivugwa ko ubwicanyi bwakorewe Abatutsi atari igikorwa cyateguwe ko ahubwo cyatewe n'ibyabaye

1. Ibivugwa n'Ubwunganizi

158. Ubwunganizi bwavuze ko ibyo Porokireri avuga ko ubwicanyi bwakorewe mu ma Komini ya Mukingo, Nkuli na Kinigi bwari mu rwego « rwa gahunda ndende kandi yateguwe neza » ari ikinyoma. Ubwunganizi buvuga ko ahubwo ubwicanyi bwabaye muri icyo gihe bwari igikorwa gihutiyeho, cyakozwe n'Abahutu kubera uburakari bw'uko Perezida wabo yari yishwe. Ubwunganizi bwakomeje buvuga ko, bitewe n'uko ubwo bwicanyi butateguwe, nta kuntu Uregwa ashobora guhamwa n'icyaha cyo gucura umugambi ugamije ubwicanyi kuko atashoboraga kuba umuyobozi w'agatsiko k'abantu barakariye ku buryo busanzwe ihanurwa ry'indege ya Perezida wabo cyangwa ngo abe ari we wateguye ako gatsiko[197]. Nk'urugero, nta bimenyetso bigaragara byerekana ko ubwicanyi bwakorewe muri Perefegitura ya Ruhengeri kuva muri Mata 1994, bwari « bwaracuriwe umugambi kuva kera kandi buteguwe neza ». Ubwunganizi buvuga ko Urupfu rwa Perezida rwatunguye abaturage muri rusange, ko kandi imyitwarire bagize bakorera ibikorwa by'urugomo Abatutsi itari yateguwe[198].

159. N'ubwo Ubwunganizi budahakana ko habaye ibikorwa by'urugomo n'ubwicanyi mu wa 1994 nyuma y'urupfu rwa Perezida, buvuga ko ari ingaruka y'uburakari bwinshi n'urujijo bitateguwe byatutumbaga kuva muri za 1990. Hagati ya 1990 na 1994, ibitero FPR yagabye ku baturage b'Abahutu byarabahitanye, abandi basigara nta ngo bagira ndetse baba

[197] Imyanzuro nsozarubanza yanditse y'ubwunganizi (Inyandiko ikosora), igika 372.

[198] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 372.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

n'impunzi hirya no hino mugihugu[199]. Abahutu bakunze kugenda bihimura. Nyamara ariko iyo mirwano abaturage bo mu Rwanda bayifataga nk'intambara yo mu gihugu imbere. Ibi byemejwe n'abatangabuhamya bavuze ko igihugu cyari mu ntambara[200]. Ibyo kandi byabaye intandaro y'ibitero FPR yagabaga hato na hato kandi buri gihe ibyo bitero bigakurikirwa n'uko abaturage bihimuraga ku bantu bafatwaga nk'Abatutsi mu gihugu. Ubwunganizi buvuga ko ibyabaye atari jenoside ko ahubwo byari mu rwego rw'imirwano y'imbere mu gihugu hagati y'Abahutu n'Abatutsi, kandi ko iyo mirwano yabagaho rimwe na rimwe, ko itanganyaga ubukana ndetse ko nta mugambi uhamye yabaga igenderaho. Perezida amaze gupfa, abantu beshi bashinje urupfu rwe FPR, maze gushiguka n'umubabaro by'abaturage byuzuramo urwango ku Batutsi. Ibivugwa na Porokireri ko intagondwa z'Abahutu zari zirekereje zitegereje kwereka Abatutsi uko zambarwa si byo, ahubwo igihugu cyaguye mu kangaratete ku itariki ya 7 Mata 1994, nta buyobozi gifite kandi nta bundi « bushya » umuntu yabonaga bwajyaho vuba[201].

2. Umwanzuro w'Urugereko

160. Ibimenyetso byatanzwe n'impande zombi kuri iki kibazo, bigaragara mu mutwe wa III.

161. Rushingiye kuri ibyo bimenyetso byose, Urugereko rusanga muri Komini ya Mukingo no mu duce tuyegereye, ubwicanyi bwakorewe Abatutsi atari igikorwa kitateguwe cyakozwe n'Abahutu barakaye kubera urupfu rwa Perezida. Ibimenyetso byatanzwe bigaragaza ko mu bicanyi harimo Interahamwe zari zarahawe , yo kwica Abatutsi bose, zaratewe inkunga ndetse zikanahabwa intwaro zo kubikora.

162. Ikibazo cyo kumenya niba Uregwa yarumvikanye n'abandi mu gutegura umugambi wo gutsemba abasiviri b'Abatutsi kirasuzumwa hano hasi mu mutwe wa III w'iyi Nyandiko y'urubanza[202].

H. Imyiregurire ya sinari mpari (Alibi)

163. Urubanza rumaze gutangira, Ubwunganizi bwiyambaje imyiregurire ya sinari mpari hashingiwe ku Ngingo ya 67 y'Amategeko Agenga Imiburanishirize n'Itangwa

[199] Inyandikomvugo y'iburanisha, 7 Mata 2003, imp. 50, 51 na 55-57 (Dr Bangamwabo).

[200] Inyandikomvugo y'iburanisha, 7 Mata 2003, imp. 50, 51 na 55-57 (Dr Bangamwabo).

[201] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 467.

[202] Reba hano hasi : Umutwe wa III, Icyiciro J.

ry'Ibimenyetso. Mu myiregurire ye ya sinari mpari, Uregwa yemeza ko mu gihe cyose kivugwa mu Nyandiko y'ibirego, by'umwihariko ku itariki ya 7 n'iya 8 Mata 1994, atigeze akandagira ahantu na hamwe hakorewe ubwicanyi[203].

1. Amategeko akurikizwa

164. Hashingiwe ku Ngingo ya 67(A)(ii), Ubwunganizi bumenyesha Porokireri bidatinze, ariko ibyo ari byo byose mbere y'uko urubanza rutangira kuburanishwa, ko buteganya kuzireguza imyiregurire ya sinari mpari (alibi). N'ubwo Ingingo ya 67(B) iteganya ko kudatanga integuza nk'iyo bitavutsa Uregwa uburenganzira bwo kwiyambaza imyiregurire ya sinari mpari, Urugereko rushobora kuzirikana uko kudatanga integuza iyo rusuzuma niba iyo myiregurire ari iyo kwizerwa[204].

2. Ufite inshingano yo gutanga ibimenyetso by'imyiregurire ya sinari mpari

165. Nk'uko byemejwe n'Urugereko rw'Ubujurire mu rubanza rwa Čelibići, imyiregurire ya sinari mpari Ubwunganizi bwiyambaza ubwayo ntifatwa nk'ingingo nyirizina yo kwiregura[205]. Akiciro k'urwo rubanza kuri icyo kibazo kagira kati :

> « Imyiregurire ya sinari mpari abantu benshi bakunda kuyibeshyaho bayifata nk'aho ari « ingingo yo kwiregura ». Iyo uregwa abyukije imyiregurire ya sinari mpari, aba ashaka kuvuga gusa ko gukora icyaha ashinjwa ari ibintu bitari kumushobokera. Ibyo rero si ingingo yo kwiregura ubwayo nk'uko bisanzwe bizwi. Iyo Uregwa abyukije iyo myiregurire ya sinari mpari, ntibibuza Porokireri gutanga

---

[203] Inyandiko y'Ubwunganizi imenyekanisha ko iziyambaza imyiregurire ya sinari mpari (*alibi*) yatanzwe ku wa 9 Nyakanga 2001.

[204] Urubanza rwa Kayishema nu rw'iremezo, Icyemezo, 3 Nzeri 1998, Ingingo ya 67 (A)(ii), (Raporo ya TPIR, 1998, imp. 1003-1006) – cyibukijwe mu Nyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 237. Reba na none: Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 107; Inyandiko y'urubanza rwa Nyitegeka mu rw'iremezo, igika 50; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 82. Urugereko rw'Ubujurire rwavuze mu rubanza rwa Rutaganda ko, hatitaweho ibiteganywa n'Ingingo ya 67 (B), kutamenyekanisha mu gihe cyateganyijwe ko uziyambaza imyiregurire ya sinari mpari bishobora kugira ingaruka ku myanzuro y'urugereko; Inyandiko y'urubanza rwa Rutanganda mu bujurire, inyandiko isabanura yo hasi ku rupapuro, 392.

[205]Inyandiko y'urubanza rwa Delalic na bagenzi be mu bujurire *(urubanza rwitiriwe Celebici)*, igika 581.

ibimenyetso bidashidikanywaho byerekana ko iyo myiregurire idashobora kugira ishingiro»[206].

166. Bityo rero, hakurikijwe ubukemuramanza bwashinze imizi bw'uru Rukiko kandi nk'uko bivugwa n'Ubwunganizi[207], iyo Uregwa yiyambaje imyiregurire ya sinari mpari, Porokireri ni we uba afite inshingano zo gutanga ibimenyetso bidashidikanywaho by'ibyo avuga byose uko byakabaye[208]. Koko rero, Porokireri agomba gutanga ibimenyetso bihamya ko « Uregwa yari ahantu hakorewe ibyaha ashinjwa kandi ko yabikoze, bityo akaba avuguruje imyiregurire ya sinari mpari »[209]. Iyo imyiregurire ya sinari mpari umuntu ushyira mu gaciro yumva ko ishobora kuba ifite ukuri, igomba kwemerwa[210].

167. Hakurikijwe Ingingo ya 67(A)(ii), mu cyiciro kibanziriza iburanisha, Ubwunganizi bugomba gusa - iyo bwamaze kumenyekanisha ko buzireguza imyiregurire ya sinari mpari -, kumenyesha Porokireri ibimenyetso buteganya kuzashingiraho mu kwerekana ko iyo myiregurire ifite ishingiro[211]. Bityo rero, mu gihe cy'iburanisha, Ubwunganizi nta nshingano buba bufite yo gutanga ibimenyetso ku byabaye bigaragaza ko Uregwa adahamwa n'icyaha. Nyamara ariko, muri icyo gihe cy'iburanisha, Uregwa yemerewe gutanga ibimenyetso, bikubiyemo n'ibyerekana ko atari aho icyaha cyakorewe igihe cyakorwaga, kugira ngo yerekane ko ibivugwa na Porokireri birimo ugushidikanya[212]. Icyakora, ni ngombwa gutsindagira ko iyo Ubwunganizi budashoboye gutanga ibimenyetso byakwemerwa kandi

---

[206]Inyandiko y'urubanza rwa Delalic na bagenzi be mu bujurire *(Urubanza rwitiriwe Celebici)*, igika 581.

[207] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 98.

[208]Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 234 – ibikubiye muri iki gika byemejwe mu Nyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 113; Inyandiko y'urubanza rw Musema mu rw'iremezo, igika 108 – ibikubiye muri iki gika byemejwe mu Nyandiko y'urubanza rwa Musema mu bujurire igika 200; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igka 294; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 51.

[209]Inyandiko y'urubanza rwa Musema mu bujurire, igika 205*;* Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 108.

[210]Inyandiko y'urubanza rwa Musema mu bujurire, ibika. 205-206*;* Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 108; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 294; Inyandiko y'urubanza rwa Niyitigeka mu rw'iremezo igika 51.

[211]Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 111; Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 242.

[212]Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 111; Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 242.

bikwiye kwizerwa bishyigikira imyiregurire ya sinari mpari, ntibigomba gufatwa nk'ikintu cyerekana ko Uregwa ahamwa n'icyaha[213].

3. Kumenyekanisha imyiregurire ya sinari mpari

168. Inyandiko y'Ubwunganizi yo ku itariki ya 9 Nyakanga 2001 imenyekanisha ko buziyambaza imyiregurire ya sinari mpari igira iti :

> Ibihe byose by'ingenzi bivugwa mu Nyandiko y'ibirego, by'umwihariko ibirebana n'ibikorwa byabaye ku itariki ya 7 Mata 1994, Kajelijeli yamaze uwo munsi wose ari mu rugo rwe muri Nkuli no muri kantine ya Nkuli.
>
> Kajelijeli azashingira ku buhamya bw'abatangabuhamya bakurikira mu gushyigikira iyi myiregurire ye: JK27; SMR1; JK31; JK312.
>
> Ku itariki ya 8 Mata 1994, yari mu rugo rwe muri Nkuli icyo gitondo cyose, akaba yarahavuye gusa agiye gusura urundi rugo rwe muri Mukingo mu masaa sita z'amanywa. Icyo gihe yarebye Burugumesitiri wa Komini ya Mukingo nk'iminota 30, nyuma amarana n'umuryango we mu rugo rwe muri Mukingo nk'isaha imwe. Yasubiye mu rugo rwe muri Nkuli mu masaa munani n'igice z'amanywa aba ariho aguma.
>
> Kajelijeli azashingira ku buhamya bw'abatangabuhamya bakurikira mu gushyigikira iyi myiregurire ye: LMR1; SMR2; JK311; DMR3.
>
> Ubwunganizi buracyakora iperereza mu Rwanda, Malawi, Zimbabwe, Togo, Kameruni, Afurika y'epfo, n'ahandi […]. Ubwunganizi bushobora kuzongera abandi batangabuhamya ku rutonde rw'abo bashyigikiye iyo myiregurire ya sinari mpari.

169. Kuri icyo kibazo, Porokireri yatanze icyifuzo gisaba Urugereko uruhushya rwo guhamagaza abatangabuhamya bo kunyomoza ab'Ubwuganizi bashyigikira imyiregurire ya sinari mpari, bitewe muri bimwe n'uko Ubwunganizi bwateshutse ku nshingano yabwo yo kumenyekanisha mu gihe giteganyijwe iyo myiregurire yabwo. Urugereko ntirwemeye icyo

[213]Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 112; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 148.

cyifuzo kuko rwasanze guhamagaza abo batangabuhamya atari ikintu cy'ingirakamaro muri uru rubanza[214].

170. N'ubwo Ubwunganizi butamenyekanishije mu gihe giteganyijwe ko buteganya kwireguza imyiregurire ya sinari mpari nk'uko biteganywa n'Ingingo ya 67 (A), Porokireri ntacyo yabivuzeho mu myanzuro nsozarubanza ye. Bityo rero, Urugereko rwa Mbere rw'Iremezo rurasuzuma niba rugomba ubwarwo kubyutsa icyo kibazo.

171. Bitewe n'imiterere y'uru rubanza by'umwihariko, Urugereko rwemeje ko ruzasuzuma mu mizi imyiregurire ya sinari mpari y'Uregwa rushingiye ku biteganywa n'Ingingo ya 67(B), hatitaweho iby'uko Ubwunganizi butubahirije ibiteganywa n'Ingingo ya 67(A).

4. Isesengura ry'imyiregurire ya sinari mpari y'Uregwa

(a) Ibyemezwa n'Ubwunganizi

172. Ubwunganizi bwemeza ko Uregwa yari ahantu hakurikira : ku itariki ya 6 Mata 1994 yari iwe mu rugo kuva saa kumi n'imwe z'igicamunsi kugera bukeye mu masaa tatu za mu gitondo ku itariki ya 7 Mata 1994; ku itariki ya 7 Mata 1994 yari ku biro bya Komini ya Nkuli kuva mu masaa tatu za mu gitondo kugera saa tanu z'amanywa, n'iwe mu rugo cyangwa imbere y'iwe mu kindi gice cy'uwo munsi n'ijoro ryawo; ku itariki ya 8 Mata 1994 yari iwe mu rugo mu gitondo, mu masaa sita n'iminota 45 z'amanywa yari ku biro bya Komini ya Mukingo, nyuma yaho yari mu rugo rw'umugore we muri Komini ya Mukingo, yasubiye mu rugo rwe rwo muri Komini ya Nkuli saa cyenda z'amanywa aba ariho aguma; ku itariki ya 9 Mata 1994 yari ku biro bya Komini ya Mukingo mu masaa tatu cyangwa saa ine za mu gitondo, nyuma yaho yagiye mu muhango wo gushyingura Burugumesitiri Harerimana uwo munsi wose; ku itariki ya 10 Mata 1994 yari mu rugo iwe muri Komini ya Nkuli; ku itariki ya 11 Mata 1994 yari mu nzira agenda, no ku Mukamira kugeza bukeye mu gitondo ku itariki ya 12 Mata 1994; ku itariki ya 12 Mata 1994 yari iwe mu rugo muri Komini ya Nkuli kuva mu gitondo kugeza saa tatu n'igice za mu gitondo, aribwo yahavaga yerekeza muri Komini ya Mukingo, uwo munsi mu masaa kumi z'igicamunsi na nyuma yaho yari iwe mu rugo muri Komini ya Nkuli; ku itariki ya 13 Mata 1994 mu gihe kitazwi neza na nyuma yaho yagiye i Rusiza no ku biro bya Komini ya Nkuli, noneho nyuma yaho mu masaa kumi n'igice z'igicamunsi yari iwe mu rugo muri Komini ya Nkuli; ku itariki ya

[214] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 12 Gicurasi 2003, Ibimenyetso nyomoza.

14 Mata 1994 mu gihe kitazwi neza na nyuma yaho yari mu ishyamba ry'i Kareba, Komini ya Nkuli, noneho mu masaa kumi n'imwe z'igicamunsi na nyuma yaho yari iwe mu rugo muri Komii ya Nkuli.

(b) Ibimenyetso

173. Abatangabuhamya bakurikira nibo batanze ubuhamya ku birebana n'aho Uregwa yari hagati y'itariki ya 6 Mata n'iya 9 Mata 1994 : Uregwa, umutangabuhamya ushinjura wiswe JK27, umutangabuhamya ushinjura wiswe LMR1, umutangabuhamya ushinjura wiswe JK31, umutangabuhamya ushinjura wiswe JK312, umutangabuhamya ushinjura wiswe SMR2, umutangabuhamya ushinjura wiswe JK311, n'umutangabuhamya ushinjura wiswe DMR3. N'ubwo ku birebana n'igihe kiva ku itariki ya 10 Mata 1994 kugeza ku ya 14 Mata 1994 Ubwunganizi butamenyekanishije ko buzashingira ku myiregurire ya sinari mpari ndetse bukaba butaranayishingiyeho mu myanzuro yabwo nsozarubanza mu magambo, Uregwa yatanza ubuhamya ku birebana n'aho yari kuri ayo Matariki, bityo ubwo uhamya bwe bukaba buri busesengurwe hano hasi.

- **Ijoro ryo ku itariki ya 6 Mata 1994 rishyira iya 7 Mata 1994**

174. **Uregwa** yavuze ko mu gitondo cy'itariki ya 6 Mata 1994 yari iwe muri Nkuli.[215] Yari afite ingo ebyiri: rumwe muri Komini ya Nkuli n'urundi muri Komini ya Mukingo[216]. Uregwa yavuze ko kubera impamvu z'umutekano yashoboraga kurara rimwe muri Nkuli ubundi akarara muri Mukingo[217].

175. **Uregwa** yavuze ko uwo munsi yavuye iwe saa tatu za mu gitondo agiye muri Serire ya Mukamira[218] aho yakurikiranaga imirimo y'ubwubatsi[219]. Yagendaga mu modoka ya Toyota Hilux itukura yari yanditseho inyuguti STB[220]. Uregwa yavuze ko yiriwe uwo munsi aho hantu agataha saa kumi n'imwe n'igice z'igicamunsi[221]. Uregwa yavuze ko ageze imuhira

[215] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 33 (Uregwa).

[216] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 33 (Uregwa).

[217] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 32-34 (Uregwa).

[218] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 34 (Uregwa).

[219] Inyandikomvugo y'iburanisha, 15 Matas 2003, urup. 34 (Uregwa).

[220] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 35 (Uregwa).

[221] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 34 (Uregwa).

yahagaritse imodoka mu gipangu cye[222], kandi ko yari ananiwe cyane ku buryo atongeye kuva mu rugo uwo munsi[223]. We n'abandi barebye kaseti ya videwo, baryama saa tatu za nijoro kandi ubusanzwe bararyamaga hagati ya saa ine na saa ine n'igice za nijoro[224]. Bafunguye radiyo saa cyenda zo mu gicuku [ku itariki ya 7 Mata 1994] bumva ihitisha umuziki utarimo amagambo witwa « *classical music* »[225].

176. Byongeye kandi, Uregwa yavuze ko atari gushobora gusohoka kubera ibibazo by'umutekano n'amasaha y'umukwabu, kuko buri wese yagombaga kuba ari mu rugo hagati ya saa kumi n'ebyiri z'umugoroba na saa kumi n'ebyiri za mu gitondo[226].

177. Mu gihe cy'ibaza rinyomoza, **Uregwa** yavuze ko atari mu biro bya Komini ya Nkuli kuva saa ine za nijoro kugera mu masaha ya kare y'itariki ya 7 Mata 1994[227].

178. **Uregwa** yavuze ko ku itariki ya 7 Mata 1994 saa kumi n'ebyiri za mugitondo, hatangajwe inkuru y'urupfu rwa Perezida. Uregwa yavuze ko yari akiryamye ariko yakangutse. Baguye mu kantu kandi barumirwa bumvise ayo makuru, ku buryo Uregwa yabuze uko abyifatamo. Inkuru y'urupfu rwa Perezida w'u Rwanda n'uw'Uburundi yakurikiwe n'itangazo rya Minisitiri w'ingabo ryasabaga abantu kuguma mu ngo zabo[228].

179. **Umutangabuhamya wiswe LMR1**, ufitanye isano ya hafi n'Uregwa, yavuze ko Uregwa yaraye mu rugo rw'umugore mukuru ku mugoroba w'itariki ya 6 Mata 1994, kandi ko yahagumye kugeza bukeye ku itariki ya 7 Mata 1994 mu masaa tatu za mu gitondo ubwo yahavaga agiye kureba Burugumesitiri wa Komini ya Nkuli.

---

[222] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 35 (Uregwa).

[223] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 34 (Uregwa).

[224] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 37 (Uregwa).

[225] Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 43 (Uregwa). Ibimenyetso gihamya, D55A na D55B.

[226] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 36 (Uregwa).

[227] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 67 (Uregwa).

[228] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 38 (Uregwa).

- **7 Mata 1994:**

  - **Ubuhamya bw'Uregwa**

180. **Uregwa** yavuze ko mushiki we yaje iwe hafi ya saa kumi n'ebyiri n'iminota 15 za mu gitondo[229]. Yahise abyuka akimara kumenya ko hari umuntu waje kumusura[230]. Uregwa yavuze ko mushiki we yatashye hafi ya saa mbiri n'igice za mu gitondo[231]. Uregwa yari azi ko nta mutekano uri muri Komini ya Nkuli, ariko mushiki we yari atuye nko kuri kilometero imwe bityo hakaba nta cyamubuzaga gusubira iwe[232].

181. **Uregwa** yavuze ko umutangabuhamya ushinjura wiswe JK312 yamuhamagaye kuri telefone[233]. JK312 yashakaga kumubaza niba yamenye inkuru y'urupfu rwa Perezida rwakomotse ku mpanuka y'indege, anabwira Uregwa ko afite ubwoba[234]. Uregwa yavuze ko JK312 yaje mu rugo rwe akahaguma kugeza saa mbiri n'igice mu gitondo[235]. Baganiriye bari mu rugo, urugi rw'igipangu rufunguye[236]. Uregwa yari acyambaye ipinjama na kambambili[237]. JK312 yasabye Uregwa kumucumbikira ariko arabyanga kuko yari yamaze kwakira abantu 11 akaba atari gushobora gucumbikira abandi batanu[238]. Ikindi kandi, JK312 yari arinzwe n'abajandarume[239]. Uregwa yongeyeho ko urugo rwe rwari ku muhanda ku buryo umuntu wese yari azi aho atuye; yakekaga ko ibintu bishobora kuzaba bibi kurushaho[240]. Uregwa yavuze ko JK312 yahunze amaze kumva inkuru y'urupfu rwa

---

229 Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 68 na 69 (Uregwa). Hari ukunyuranya kudakanganye hagati y'inyandikomvugo y'iburanisha yo mu gifaransa n'iy'icyongereza; handitse saa kumi n'ebyiri n'igice mu nyandikomvugo yo mu gifaransa (Inyandikomvugo y'iburanisha, 17 Avril 2003, urup. 67).

230 Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 69 (Uregwa).

231 Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 69 (Uregwa).

232 Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 69 (Uregwa).

233 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 38 (Uregwa).

234 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 38 (Uregwa).

235 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 41 (Uregwa).

236 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 41 (Uregwa).

237 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 41 (Uregwa).

238 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 41 (Uregwa).

239 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 38 (Uregwa).

240 Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 71 (Uregwa).

Perezida kuko hari mu bihe by'intambara kandi urugo rwe rwarashoboraga gufatwa nk'ahantu hihishe abantu[241].

182. **Uregwa** yavuze ko yaterefonye muramu we witwa Nzabarusha Lupaul[242] wari ufite ipeti rya Ajida shefu aba mu kigo cya gisirikare cya Mubona mu Ruhengeri, kugeza mu masaa tatu za mu gitondo[243]. Uregwa yamubwiye ko afite inshuti, ari yo umutangabuhamya JK312 ikeneye gufashwa, amusaba ko yaza akamujyana muri icyo gitondo saa mbiri[244] [sic]. Uregwa yavuze ko atasabye abasirikare kumufasha; ko muramu ari we wemeranyijwe n'umukuru wa jandarumori ko ari bwohereze abajandarume barindaga JK312[245]. Ubwo noneho, Uregwa yafashe ifunguro rya mu gitondo[246].

183. **Uregwa** yavuze ko nyuma y'icyo kiganiro kuri telefone, Angelina Ntawigomwa, akaba ari mushiki we wo kwa mukase, yaje iwe ngo bavugane ibirebana no kwishyura amafaranga y'ishuri. Uwo mushiki we yasubiye iwabo amaze kumva inkuru y'urupfu rwa Perezida.

184. **Uregwa** yavuze ko yavuye iwe nka saa tatu za mu gitondo agiye ku biro bya Komini ya Nkuli akahagera saa tatu n'iminota itanu cyangwa saa tatu n'iminota 10 z'icyo gitondo gitondo[247]. Uregwa yavuze ko intera iri hagati y'ibiro n'urugo rwe iri nko hagati ya metero 150 na 200[248]. Mu nzira agenda, Uregwa yahuye kandi yavuganye na Burugumesitiri Gatsimbanyi Dominique [249] bari hanze y'ibiro bya komini.[250] Uregwa yamubwiye ko yari afite impungenge z'umutekano w'umuryango we wo muri Komini ya Mukingo; uwo muburugumesitiri wari uvuye muri Komini ya Mukingo ako kanya yamusubije ko hari hakiri ituze ubwo yahava[251]. Baganiriye nk'iminota 10[252]. Burugumesitiri yari aherekejwe

---

[241] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 70 (Uregwa).

[242] Hari ukunyuranya mu myandikire y'izina hagati y'inyandikomvugo y'iburanisha yo mu gifaransa n'iyo mu cyongereza. Mu nyandikomvugo yo mu gifaransa, izina ryanditse ni: Leopold.

[243] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 72 (Uregwa).

[244] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 72 (Uregwa).

[245] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 77 (Uregwa).

[246] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 44 (Uregwa).

[247] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 47 (Uregwa).

[248] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 47 (Uregwa).

[249] Inyandikomvugo y'iburanisha, 15 Avril 2003, urup. 49 (Uregwa).

[250] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 47 (Uregwa).

[251] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 47 (Uregwa).

[252] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 62 (Uregwa).

n'abapolisi babiri, kandi hari n'abandi bantu: abapolisi barimo Sebagabo na Sebazungu, n'abagabo b'abacuruzi barimo Daniel Mihigo, Kabonanye na Ntagahira[253]. Uregwa yavuganye n'abo bacuruzi burugumesitiri amaze kugenda[254]. Uregwa yavuganye kandi na Pheneas Karekesi, Perezida w'urusengero rw'abadivantisiti b'umunsi wa karindwi wari waje gutabaza. Amaze kubona ko burugumesitiri atagihari, Elias Karekesi yasubiye kuri misiyoni ye[255].

185. Uregwa yavuze ko yagumye ku biro bya Komini ya Nkuli hagati ya saa ine na saa tanu mbere ya saa sita, nyuma agaasubira iwe[256]. Hafi y'icyo gihe, Uregwa yumvise urusaku rw'amasasu ruturuka mu cyerekezo cya Miniariga na misiyoni ya Ruhenkeli muri Komini ya Nkuli. Uregwa yavuze kandi ko yumvise urusaku rw'ibibunda bya rutura rwakomokaga mu cyerekezo cya Komini ya Mukingo, ariko nyuma yaje guhakana ko atigeze avuga ko urusaku rw'amasasu rwavaga mu cyerekezo cya Komini ya Mukingo[257]. Uregwa yavuze ko yumvise urusaku rw'amasasu rwumvikanaraga mu cyerekezo cya Kinigi, mu cyerekezo cya Kinyababa, hafi ya Gitwa, no ku rusengero rw'abadivantisiti b'umunsi wa karindwi ruri ahitwa Rwankeri[258].

186. **Uregwa** yavuze ko mu masaa tanu za mu gitondo yari yageze iwe[259]. Uregwa yagumye hafi y'urugo rwe, arebera hafi ibiri kuba kandi nta kindi yakoze[260]. Ku itariki ya 7 Mata 1994 nyuma ya saa sita, yareberaga abahisi n'abagenzi[261].

187. **Uregwa** yavuze ko umupalanto wo mu Rukiko rwa Kanto rwa Nkuli yanyuze iwe akamubwira ko Abatutsi bo muri Serire ya Kinyababa bari gukubitwa bakanicwa[262].

---

[253] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 48 (Uregwa).

[254] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 48 (Uregwa).

[255] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 48 (Uregwa).

[256] Inyandikomvugo y'iburanisha, 15 Mata 2003 urup. 50 (Uregwa).

[257] Inyandikomvugo y'iburanisha, 17 Mata 2003 urup. 74 (Uregwa).

[258] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 73 (Uregwa). Inyandikomvugo y'iburanisha, yo mu gifaransa yerekana aho hantu ku buryo bunyuranye ho gato : Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 73 (Uregwa). Igice cy'ibyanditswe: « Ibyo navuze — kandi nongere mbisubiremo, mushobora kubigenzura —, numvise urusaku rw'amasasu rwaturukaga mu cyerekezo cya Kinyababa, hafi ya Gitwa, hafi ya Rwankeri, hafi y'urusengero rw'abadivantisiti b'umunsi wa karindwi, no mu cyerekezo cya Mukamira».

[259] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 51 (Uregwa).

[260] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 51 (Uregwa).

[261] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 53 (Uregwa).

188. **Uregwa** yavuze ko hagati ya saa cyenda na saa kumi z'amanywa yumvise kuri radiyo ko ibintu byadogereye i Kigali kandi ko Minisitiri w'Intebe yishwe[263].

189. **Uregwa** yavuze ko yumvise bavuga ko hari Abatutsi biciwe mu kigo cy'ababikira muri Komini ya Mukingo ku itariki ya 7 Mata 1994[264], kandi ko ayo makuru yayabwiwe n'umuforomokazi witwa Agnes[265].

190. **Uregwa** yavuze ko yumvise amasasu aturikira mu cyerekezo cya Komini ya Mukingo, noneho akiyemeza kujya muri Mukingo kuvanayo umuryango we[266]. Uregwa yongeyeho ko hagati ya saa cyenda na saa kumi n'igice z'amanywa hatanzwe , kuri radiyo abuza abantu gusohoka, noneho mu rwego rwo gukurikiza ayo mabwiriza agasubira iwe mu rugo[267]. Uregwa yavuze ko yiyemeje kutajya kureba umuryango we muri Mukingo kubera ibibazo by'umutekano mukeya, n'ubwo yararaga nabi ijoro ryose[268]. Uregwa yavuze ko ingamba yafashe zo gutabara JK312 atari zo yafashe ku birebana n'umuryango we wari muri Mukingo kubera ko JK312 yari Umututsi akaba atari afite ibibazo bimwe n'iby'Uregwa[269].

191. Uregwa yavuze ko nta mambwiriza yahaye Dusabe ku itariki ya 7 Mata 1994 kubera ko atigeze ava iwe mu rugo[270]. Uregwa yahakanye ibyavuzwe ko ku itariki ya 7 Mata 1994 nyuma ya saa sita yaguze lisansi yo kuzuza ijerikani Interahamwe zari zakoresheje[271]. Uregwa yahakanye ibyavuzwe ko hari abantu bamubonye ku kabari ka Karorero muri Komini ya Nkuli n'iby'uko yaguriye inzoga Interahamwe zimaze kwica Abatutsi.[272]

---

[262] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 53 (Uregwa).

[263] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 54 (Uregwa).

[264] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 75 (Uregwa).

[265] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 75 (Uregwa).

[266] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 55 (Uregwa).

[267] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 55 (Uregwa).

[268] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 55; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 75 Uregwa).

[269] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 78 (Uregwa).

[270] Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 57 na 58 (Uregwa).

[271] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 79 (Uregwa).

[272] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 79 (Uregwa).

192. Mu gihe cy'ibaza rinyomoza, **Uregwa** yavuze ko akeka ko hagati y'ibiro bya Komini ya Nkuli n'ibya Mukingo hari intera y'ibirometro umunani cyangwa icyenda kandi ko hari urugendo rw'iminota igera kuri 20[273].

193. Mu gihe cy'ibaza rinyomoza, **Uregwa** yavuze ko ashobora kugereranya igihe yagiye akoraho ibintu bitandukanye kubera ko yumvaga radiyo muri icyo gihe, kandi amakuru akaba yaratambukaga ku masaha runaka azwi[274].

- **Abatangabuhamya bashinjura**

194. **Umutangabuhamya ushinjura wiswe JK27** yavuze ko mu masaa moya n'igice za mu gitondo yafashe otobisi akajya iwabo muri Nkuli. Yavuze ko amaze kugera iwabo yabonye Uregwa bwa mbere mu masaa tatu, yongera kumubona saa tanu ari ku biro bya komini, yongera no kumubona saa cyenda imbere y'iwe [Uregwa] arimo kuganira n'abandi bantu[275]. JK27 yemeje ko yiboneye Uregwa kandi ko hagati ye na we nta nyubako cyangwa ikintu icyo ari cyo cyose cyamubuzaga kumubona neza[276].

195. **Umutangabuhamya ushinjura wiswe LMR1**, ufitanye isano n'Uregwa, yavuze ko umugore mukuru w'Uregwa yakoze ku buryo Uregwa abanza kuvugana n'abashyitsi mbere y'uko ajya gukaraba. LMR1 yavuze ko Uregwa yavuye iwe mu masaa tatu za mu gitondo akajya ku biro bya Komini ya Nkuli no gusuhuza burugumesitiri w'iyo komini. Uregwa yagarutse iwe mu rugo mu masaa tanu kandi ntiyongeye kuhava. LMR1 yavuze ko Uregwa yagumye mu rugo rwe muri Nkuli mu ijoro ryo ku itariki ya 7 Mata 1994. LMR1 yavuze kandi ko Uregwa yari afite imodoka yo mu bwoko bwa Hilux itukura yari yanditseho inyuguti « STB ». Uregwa ntiyigeze akoresha imodoka ku tariki ya 7 Mata 1994 ahubwo yayikoresheje ku ya 8 Mata 1994[277].

196. **Umutangabuhamya ushinjura wiswe JK312** ni Umututsi. Yavuze ko nyuma y'ihanuka ry'indege ya Perezida, mu gitondo cya ku itariki ya 7 Mata 1994[278] yahuruje Uregwa kugira ngo amufashe kuko yari afite umpungenge z'umutekano we, uw'umugore we n'uw'abana

[273] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 80 (Uregwa).

[274] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 82 (Uregwa).

[275] Inyandikomvugo y'iburanisha, 17 Nzeri 2002, urup. 105 (JK27).

[276] Inyandikomvugo y'iburanisha, 18 Nzeri 2002, urup. 63 (JK27).

[277]Inyandikomvugo y'iburanisha, 18 Nzeri 2002, imp. 104-107 (LMR1).

[278] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup.43 (JK312) (mu muhezo).

be babiri. Uregwa yabwiye uyu mutangabuhamya ko nta cyo yamumarira amusaba gutuza[279]. JK312 yavuze ko nyuma ku manywa yaje kujya mu rugo rw'Uregwa muri Nkuli kugira ngo yongera amusabe kumufasha. Icyo gihe nibwo yumvise induru n'urundi rusaku mu mihanda. Akurikije ko hari haherutse kubaho ibikorwa cyo kwihimura ku Batutsi[280], yumvise yugarijwe. Yabonye Uregwa mu gitondo cyo ku itariki ya 7 Mata 1994 yambaye ipinjama y'ubururu iciyemo imisitari n'inkweto za kambambiri. Yamubonye ari hamwe n'abantu babiri cyangwa batatu atari azi[281]. Uregwa yongeye kumubwira ko atabasha kumufasha maze amusaba gutaha[282].

197. **JK312** yavuze ko yaje kujya iwe mu rugo yifungirana mu nzu hamwe n'umuryango we. Nyuma ya saa sita, umuhungu w'Uregwa witwa Ingabire yaje mu rugo rw'uyu mutangabuhamya amuzaniye ubutumwa bw'Uregwa bwavugaga ko we n'umuryango we bazahungishwa bukeye « kuko ibintu byari bikomeje kumera nabi »[283]. Muri iryo joro, mu rugo rw'uyu mutangabuhamya hari umugore wahabyariye akana « mu buryo bugoranye »[284]. Uyu mutangabuhamya yavuze ko we, umugore we n'abana be hamwe n'uwo mugore wari wahungiye mu rugo rwe[285] n'uruhinja rwe, bahungishijwe bukeye ku itariki ya 8 Mata 1994 nyuma gato ya saa sita, kubera ko Uregwa yabibagiriyemo kandi ko ariwe akesha kuba ariho[286].

198. **JK312** yavuze ko Uregwa atari we ubwe wamwimuye n'umuryango we. Uyu mutangabuhamya yagize ati: « Icyo nzi ni uko nahungishijwe, kubera ko yari yabiteguye. Niba atari uko byagenze, ubwo hari ibyo ntazi. Icyo nzi ni uko ari we wabihagurukiye[287].

---

[279] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 47-49 (JK312)

[280] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 45, 87 (JK312).

[281] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 51-52 (JK312).

[282] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 47-49, 52 (JK312)

[283] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 53 (JK312).

[284] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup.54 (JK312).

[285] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 54 (JK312).

[286] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, urup. 55 (JK 312).

[287] Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 94-95 (JK312).

- **Itariki ya 8 Mata 1994**

o **Ubuhamya bw'Uregwa**

199. **Uregwa** yavuze ko ku itariki ya 8 Mata 1994 mu gitondo yari iwe mu rugo muri Komini ya Nkuli[288]. Yari yabyutse saa kumi n'ebyiri n'iminota icumi za mu gitondo. We n'umugore we bafashe gahunda yo kwitegura kwakira benewabo mu rugo. Inkuru abantu bavugaga uwo munsi n'iy'Abatutsi bo muri Komini ya Mukingo bari bahungiye mu kigo cy'ababikira n'iya Perefe wa Perefegitura ya Ruhengeri wari wishwe na FPR. FPR yari yagabye ibitero mu Ruhengeri, Uregwa yibazaga niba ashobora kujya kuzana umuryango we wari muri Mukingo. Ku itariki ya 8 Mata 1994 mu gitondo nta hantu na hamwe yashoboraga kujya[289].

200. **Uregwa** yavuze ko yasubiye iwe mu rugo kugira ngo ategure urugendo rwe[290]. Izo nkuru zitangiye kuvugwa, yafashe imodoka ye ajya muri Komini ya Mukingo. Yifuzaga kuvugana na burugumesitiri w'iyo komini kuko ni we washoboraga kumusobanurira neza uko umutekano wifashe. Uregwa yavuze ko yageze ku biro bya Komini ya Mukingo nka saa munani n'iminota mirongo ine n'itanu z'amanywa agasanga bariyeri yari hafi y'ibiro bya komini yongerewe ingufu[291]. Nyamara ariko yaje kuvuga nyuma ko yageze ku biro bya Komini ya Mukingo saa sita na mirongo ine n'itanu z'amanywa kandi ko yavuganye na burugumesitiri mu masaa saba z'amanywa. Bavuganye iby'urupfu rwa Perezida n'iby'urwa Sylvestre Bariyanga wari Perefe wa Perefegitura ya Ruhengeri[292]. Burugumesitiri yabwiye Uregwa ko icyemezo yafashe cyo kuza muri Komini ya Mukingo ari cyiza ariko ko atizera ko gahunda ze ziri bushobore gutungana[293]. Burugumesitiri yanamubwiye ko yafashe ingamba zikwiye ku birebana n'ishyingurwa ry'Abatutsi bari biciwe mu kigo cy'ababikira ku itariki ya 7 Mata 1994[294].

201. **Uregwa** yavuze ko yaje kujya muri selire ya Rwinzovu aho ababyeyi be bari batuye akabonana na se, nyina na bamwe mu bana. Yaba yaramaze iminota 15 mu rugo

---

[288] Inyandikomvugo y'iburanisha, 22 Mata 2003, imp. 5-6 (Uregwa).

[289] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 56 (Uregwa).

[290] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup.57 (Uregwa).

[291] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 59 (Uregwa).

[292] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 58 (Uregwa).

[293] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 59 (Uregwa).

[294] Inyandikomvugo y'iburanisha, 22 Mata 2003, imp. 3-5 (Uregwa).

rw'ababyeyi be maze akabona kugenda[295]. Yavuze ko yanze kuhatinda kugira ngo abaturanyi badahururа baza kumureba[296].

202. **Uregwa** yavuze ko ubwo yageraga mu rugo umugore we yumvise imodoka ije noneho akihutira kumujyana mu ruganiriro aho yamubwiriyera ko bafite abashyitsi, ari bo abagore babiri, umugabo n'umwana. Uregwa yari asanzwe abazi; yari umutangabuhamya ushinjura wiswe RHU21, umugore we ari na we umutangabuhamya ushinjura wiswe RHU26 n'umwana we. Bose ni Abatutsi. Uregwa yabwiye umugore we gukinga imiryango yose iganisha ku nzu babagamo kuko yari afite impungenge z'umutekano w'abo bashyitisi, ubwicanyi bwakorewe Abatutsi bwari bwatangiye[297].

203. **Uregwa** yavuze ko ku itariki ya 8 Mata 1994 yasubiye iwe mu rugo rwo muri Nkuli mu masaa cyenda z'amanywa kandi ko yaciye mu nzira yanyuzemo agenda[298]. Yavuze ko ageze mu rugo yavuganye n'umugore we. Uregwa yavuze ko ababaye kandi ananiwe, kandi ko yahamye mu rugo umugoroba wose areba kaseti za videwo hamwe n'umuryango we yumva n'amakuru[299]. Umugore we na we ubwe ntibigeze basinzira muri iryo joro[300].

- **Abatangabuhamya bashinjura**

204. **Umutangabuhamya ushinjura wiswe LMR1**, ufitanye amasano ya hafi n'Uregwa, yavuze ko Uregwa yavuye iwe mu rugo mu masaa saba z'amanywa ari mu modoka ye ya kamyoneti Hilux itukura agiye kureba abana be, umugore we, n'ababyeyi be babaga muri Komini ya Mukingo agira ngo abazane muri Komini ya Nkuli. Uregwa yagarutse iwe mu masaa cyenda, se amaze kumwangira kujyana abana. Uyu mutangabuhamya yavuze ko Uregwa yahamye iwe mu rugo rwo muri Nkuli kuva ubwo kandi ko ariho yaraye[301].

[295] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 63; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 84 (Uregwa).

[296] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 84 (Uregwa).

[297] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 68 (Uregwa).

[298] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 69; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 90 (Uregwa).

[299] Inyandikomvugo y'iburanisha, 15 Mata 2003, imp. 69-70; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 90 (Uregwa).

[300] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 71 (Uregwa).

[301] Inyandikomvugo y'iburanisha, 18 Mata 2002, imp. 107-108 (LMR1)

205. **Umutangabuhamya ushinjura wiswe RHU31** yavuze ko yagiye ku biro bya Komini ya Mukingo ku itariki ya 8 Mata 1994 saa moya za mugitondo. Burugumesitiri [Harerimana] yahageze saa tatu n'igice. RHU31 yavuze ko Uregwa yaje ku biro bya komini wenyine mu masaa saba z'amanywa ari mu modoka y'ubwoko bwa Toyota Hilux itukura yanditseho inyuguti « STB », kandi ko yari aturutse mu cyerekezo cyo mu Byangabo. Uregwa yahamaze iminota 15 agenda aciye mu cyerekezo yari yajemo. Uyu mutangabuhamya yahavuye mu masaa cyenda; Burugumesitiri Harerimana yagumye ku biro bya komini. Uyu mutangabuhamya ntiyongeye kubona Uregwa uwo munsi wose[302].

206. **Umutangabuhamya ushinjura wiswe JK312** yavuze ko ku itariki ya 8 Mata 1994 yasuwe n'abantu babiri b'inshuti ze. Umwe muri bo yatashye mbere y'amakuru ya saa sita na mirongo ine n'itanu z'amanywa. Amakuru arangiye, JK312 yasohokanye n'iyo nshuti yindi bakomeza ibiganiro bahagaze hagati y'urugo rw'iwe n'umuhanda. Mu masaa saba z'amanywa, uyu mutangabuhamya na mugenzi we bagihagaze aho babonye Uregwa ahita atwaye kamyoneti yo mu bwoko bwa Toyota ifite ibara ry'umutuku yanditseho mu rubavu inyuguti « STB ». JK312 na mugenzi we bapeperanye n'Uregwa[303].

207. **Umutangabuhamya ushinjura wiswe DMR3** yavuze ko yagiye mu rugo rw'ababyeyi b'Uregwa ku itariki ya 8 Mata 1994 mu masaa tanu z'amanywa kandi ko Uregwa yahageze hagati ya saa saba n'iminota mirongo ine n'itanu na saa saba n'iminota mirongo itanu n'itanu z'amanywa ari mu modoka yo mu bwoko bwa Toyota Hilux itukura yari yanditseho mu rubavu inyuguti « STB »[304]. Umutangabuhamya yagereranyije icyo gihe ashingiye ku isaha ya saa saba n'iminota cumi n'itanu z'amanywa amakuru y'igifaransa avugwaho. DMR3 yavuze ko Uregwa yahagaritse imodoka iwe[305]. Yavuze ko Uregwa yamaze mu nzu hafi iminota 30 kandi ko yasabye abo mu muryango we kwihangana ababwira ko ashaka kubajyana. Uyu mutangabuhamya yavuze ko nyuma yaho Uregwa yasubiye iwe[306].

208. **Umutangabuhamya ushinjura wiswe SMR2** yavuze ko Uregwa yaje iwe mu rugo ku itariki ya 8 Mata 1994 mu masaa munani z'amanywa. Akihagera yamubwiye azanywe no kubajyana ahantu hari umutekano bitewe n'ibisasu byaturikiraga ahagana muri Segiteri ya

---

[302] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, imp. 47-49, 53, 73, 75 na 94 (RHU31), (mu muhezo)

[303] Inyandikomvugo y'iburanisha, 17 Nzeri 2002, imp. 14, 17 na 18 (JK311) (mu muhezo).

[304] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 18-19 (DMR3) (mu muhezo).

[305] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, urup. 60 (DMR3) (mu muhezo).

[306] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 20-21 (DMR3) (mu muhezo).

Shingiro muri Komini ya Kinigi[307]. Yavuze ko atazi aho Uregwa yari ari n'ibyo yaba yarakoze mbere y'uko azi iwe ku itariki ya 8 Mata 1994. Uregwa yamubwiye ko yari muri Komini ya Nkuli ku itariki ya 7 Mata 1994 no mu gitondo cyo ku ya 8 Mata 1994[308]. Uregwa yabanje kujya gusuhuza ababyeyi be mbere y'uko aza mu rugo rw'uyu mutangabuhamya, nk'uko yari asanzwe abikora iyo yabaga yaje muri Mukingo. Uyu mutangabuhamya yabwiye Uregwa ko hari abantu bari bahungiye mu rugo rwe, arabamwereka maze arabasuhuza. Uyu mutangabuhamya yavuze ko Uregwa atari gushobora guhungisha abo bantu bari bahungiwe iwe bitewe no gutinya ko abantu babimenya. Uyu mutangabuhamya ntiyavuye iwe mu rugo kuko nibwo yari akimara kubyara kandi yari ananiwe cyane ku buryo atabashaga kugenda[309].

209. **Umutangabuhamya ushinjura wiswe RHU26** ni Umututsikazi[310], akaba yaravuze ko yabonye Uregwa ku itariki ya 8 Mata 1994 nyuma gato y'ifunguro ryo ku manywa, ubwo Uregwa yazaga mu rugo rw'umutangabuhamya wiswe SMR2 muri Komini ya Mukingo. Akihagera yavuganye na SMR2, nyuma yaho avugana n'abantu bari bahahungiye barimo n'uyu mutangabuhamya. Uyu mutangabuhamya yavuze ko yabaye aho mu rugo rwa SMR2 igihe cy'amezi abiri n'igice naho ko umutangabuhamya ushinjura wiswe RHU21 n'umugore we bo bahamaze ukwezi n'igice[311].

210. **Umutangabuhamya ushinjura wiswe RHU21** ni Umututsi, akaba yarahungiye mu rugo rw'umutangabuhamya wiswe SMR2. Yavuze ko Uregwa yaje muri urwo rugo we aharaye kabiri, kandi ko yahamubonye ku itariki ya 8 Mata 1994 ari nabwo bwa nyuma yamubonye[312].

- **Itariki ya 9 Mata 1994 – Ubuhamya bw'Uregwa**

211. **Uregwa** yavuze ko yamenye iby'urupfu rwa Emmanuel Harerimana, wari Burugumesitiri wa Komini ya Mukingo, ku itariki ya 9 Mata 1994 saa kumi n'ebyiri za mu gitondo ari uko

---

[307] Inyandikomvugo y'iburanisha, 19 Nzeri 2002, urup. 86 (SMR2) (mu muhezo); Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 18 (SMR2) (mu muhezo).

[308] Inyandikomvugo y'iburanisha, 23 Nzeri 2002, imp. 12-13, 18 (SMR2) (mu muhezo).

[309] Inyandimvugo y'iburanisha, 19 Nzeri 2002, imp. 86-87 (SMR2) (mu muhezo); Inyandikomvugo y'iburanisha, 23 Nzeri 2002, urup. 11 (SMR2) (mu muhezo).

[310] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 11-12 (RHU-26) (mu muhezo).

[311] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 21, 22, 23 (RHU-26).

[312] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 41, 48 (RHU-21).

yumvise itangazo ribika kuri radiyo[313]. Uregwa yavuze ko yagiye ku biro bya Komini ya Mukingo kugira ngo atare amakuru asobanutse kurushaho. Yashakaga kumenya ingamba zafashwe no kuba hafi y'umuryango wari wagize ibyago bitewe n'uko uwo muburugumesitiri yari mwenewabo kandi ari n'inshuti ye[314]. Yavuze ko yahageze hagati ya saa tatu na saa ine za mu gitondo[315].

212. **Uregwa** yavuze ko imihango yo gushyingura yamaze umwanya munini kandi ko yagejeje mu masaa kumi n'igice z'igicamunsi kuko FPR yarasaga ibisasu biremereye muri ako gace, ku buryo byababaga ngombwa ko abari maje muri iryo shyingura bibetaga bakihisha gato[316].

213. **Uregwa** yavuze ko yasubiwe iwe mu rugo mu masaa kumi n'imwe n'igice z'igicamunsi kandi ko nyuma yaho atongeye kuhava bitewe n'uko umutekano wari muke. Yavuze ko umugore we yari arwaye. Muri iryo joro, Uregwa yamenyesheje abantu bari mu rugo iwe uko ibintu byifashe; yakurikiranye amakuru kuri radiyo areba n'amakasete videwo[317].

- **Itariki ya 10 Mata 1994 –Ubuhamya bw'Uregwa**

214. **Uregwa** yavuze ko yari iwe mu rugo muri Komini ya Nkuli ku itariki ya 10 Mata 1994 kandi ko atigeze ahasohoka[318]. Kare mu gitondo, yamenye ko nyirarume w'umugore we Laurence yicanywe n'abandi Batutsi mu bwicanyi bwabaye ku itariki ya 10 Mata 1994. Uregwa yavuze ko umugore we ari Umututsikazi. Abishwe biciwe ahantu hiswe *« commune rouge »* imirambo yabo irenzwaho agataka[319]. Uregwa yavuze ko umugore we yari arwaye kandi ko yamusabye kumujyana n'imodoka ku bitaro, ko ariko bitewe n'uko atashakaga gutwara imodoka yamuretse akijyana[320].

[313] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 72 (Uregwa).

[314] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 72 (Uregwa).

[315] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 72 (Uregwa).

[316] Inyand Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 73 (Uregwa).

[317] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 73 (Uregwa).

[318] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 4 (Uregwa).

[319] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 74 (Uregwa).

[320] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 73 (Uregwa).

- **Itariki ya 11 Mata 1994 – Ubuhamya bw'Uregwa**

215. **Uregwa** yavuze ko yasubiye ku Mukamira ku itariki ya 11 Mata 1994 kugira ngo abwire abantu bahakoraga imirimo y'ubwubatsi kuyikomeza[321]. Yavuze ko kuri iyo tariki habayehe ihagarikwa ry'imirwano n'ubwo bwose amakuru yo kuri radiyo yavugaga ko imirwano ikaze kandi ko isatira Komini ya Mukingo[322].

- **Itariki ya 12 Mata 1994 – Ubuhamya bw'Uregwa**

216. **Uregwa** yavuze ko yavuye ku Mukamira ku itariki ya 12 Mata 1994 mu gitondo maze agasubira iwe mu rugo. Yavuye mu rugo mu masaa tatu n'igice za mu gitondo atwaye imodoka agiye muri Komini ya Mukingo aho abakozi be bari barimo gutema ibiti[323]. Yavuze ko yasubiye iwe mu rugo rwo muri Komini ya Nkuli mu masaa kumi z'amanywa[324]. Uregwa yavuze ko nta kindi yakoze ku itariki ya 12 [Mata 1994][325].

- **13 Mata 1994 – Ubuhamya bw'Uregwa**

217. **Uregwa** yavuze ko yajyanye n'umugore we Laurence i Rusiza kwa nyirarume w'umugore, akaba ari kuri kilometero ebyiri cyangwa eshatu uvuye mu rugo rwe rwo muri Nkuli[326]. Basubiye mu rugo mu masaa kumi n'igice z'igicamunsi[327].

- **Itariki ya 14 Mata 1994 – Ubuhamya bw'Uregwa**

218. **Uregwa** yavuze ko ku itariki ya 14 Mata [1994] yiriwe mw'ishyamba yari afite i Kareba muri Komini ya Nkuli ahagarikiye abakozi batemaga ibiti[328]. Aho hantu hari kure ku buryo umuntu yagomba kubanza guca mu ishyamba rya Karago kugira ngo ahagere[329]. Uregwa yasubiye iwe mu rugo mu masaa kumi n'imwe z'igicamunsi[330]. Uregwa yavuze ko

---

[321] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 4(Uregwa).

[322] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 6 (Uregwa).

[323] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 6 (Uregwa).

[324] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 6 (Uregwa).

[325] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 6 (Uregwa).

[326] Inyandikomvugo y'iburanisha, 16 Mata 2003, imp. 6, 7 (Uregwa).

[327] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7 (Uregwa).

[328] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7 (Uregwa).

[329] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7 (Uregwa).

[330] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7 (Uregwa).

atumvise radiyo uwo munsi kuko yari ananiwe cyane akaba yararyamye akimara gufata ifunguro ya nijoro[331].

(c) Umwanzuro w'Urugereko

219. Urugereko rugiye gusuzuma ibimenyetso birebana n'imyiregurire ya sinari mpari y'Uregwa.

- **Ku itariki ya 6 n'iya 7 Mata 1994**

220. Uregwa yavuze ko yageze iwe muri Komini ya Nkuli ku itariki ya 6 Mata 1994 saa kumi n'imwe n'igice z'igicamunsi kandi ko atongeye kuhava. Niho yaraye hamwe n'umugore we mukuru.

221. Umutangabuhamya ushinjura wiswe JK27 yavuze ko yabonye Uregwa inshuro eshatu ku itariki ya 7 Mata 1994: inshuro ebyiri yamubonye ku biro bya Komini ya Nkuli, saa tatu na saa tanu za mu gitondo, indi nshuro yamubonye imbere y'iwe [Uregwa], hafi y'ibyo biro, mu masaa cyenda z'amanywa.

222. Umutangabuhamya ushinjura wiswe JK312 ni Umututsi uba muri Komini ya Nkuli. Yavuze ko Uregwa yari iwe muri Komini ya Nkuli mu gitondo cyo ku itariki ya 7 Mata 1994, kandi ko ubwo yajyagayo yasanze yambaye ipinjama na kambambiri. Muri icyo gitondo yari yabanje guhamagara Uregwa kuri telefone. Uregwa yamusabye kuguma iwe ariko nyuma uyu mutangabuhamya yiyemeje kujya kumureba kugira ngo yongere amugezeho ikibazo cye.

223. Urugereko rumaze gusuzuma ubuhamya bwa JK312, rusanga butakwizerwa ku birebana n'imyiregurire ya sinari mpari y'Uregwa. JK312 yavuze ko yagiye n'amaguru mu rugo rw'Uregwa ku itariki ya 7 Mata 1994 kugira ngo amutabaze. Urugereko rusanga bitumvikana ukuntu uyu mutangabuhamya, w'Umututsi watinyaga kwicwa, yaba yaragiye n'amaguru mu rugo rw'Uregwa cyane cyane ko yavuze mu ibazwa rinyomoza ko yari yabanje guhamagara Uregwa kuri telefone amubwira ibirebana n'umutekano we kandi amutabaza. Urugereko rusanga mu ibaza rinyomoza uyu mutangabuhamya yaragiye asubiza akikira nkana ibibazo ubwo yabazwaga ubushobozi Uregwa yari afite bwo kumutabra n'impamvu ari we yahisemo gutabaza. Rukurikije imyitwarire y'uyu mutangabuhamya mu

[331] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7 (Uregwa).

gihe cy'iburanisha, Urugereko rusanga ubwo yasubizaga ibyo bibazo n'ibindi yarasaga n'ushishikajwe no kurengera Uregwa aho gusubiza mu buryo butaziguye ibyo yabaga abajijwe. Byongeye kandi, ku birebana n'ibyabaye ku itariki ya 8 Mata, Urugereko rusanga bisa nk'ibidashoboka ko mu gihe Abatutsi barimo kwicwa ku manywa y'ihangu, uyu mutangabuhamya yaba yarahagaze imbere y'iwe aganira n'abashyitisi cyane cyane ko, hakurikijwe ubuhamya bwe, yivugiye ko yari yaraye atabaje Uregwa amusaba kumuhungisha bitewe n'uko yari asumbirijwe. Mu kurangiza, Urugereko rusanga uyu mutangabuhamya yarivugiye mu buhamya bwe ko Uregwa yigeze kumurokora mu mwaka wa 1992.

224. Urugereko rumaze kuzirikana amasano ari hagati y'umutangabuhamya wiswe LMR1 n'Uregwa, rusanze n'ubwo uyu mutangabuhamya yavuze ko mu ijoro ryo ku itariki ya 6 Mata uregwa yaraye iwe, atarigeze asobanura isaba nyirizina yari mu rugo.

225. Urugereko rumaze gusuzuma ubuhamya bw'abatangabuhamya Ubwunganizi bwahamagaje ngo bashyigikire imyiregurire ya sinari mpari y'Uregwa ku birebana n'itariki ya 6 n'iya 7 Mata 1994, rusanga iyo myiregurire ya sinari mpari atari iyo kwemerwa ku birebana n'ayo Matariki yombi.

- **Ku itariki ya 8 Mata 1994**

226. Urugereko rwumvise ubuhamya bw'Uregwa ku birebana n'aho yari ku itariki ya 8 Mata 1994. Rwumvise kandi ubuhamya bw'abatangabuhamya bashinjura biswe LMR1 (ufitanye isano ya hafi n'Uregwa), DMR3 (Uregwa ni sewabo), JK312 (Umututsi ngo warokowe n'Uregwa), RHU26 (Umututsikazi wahishwe n'umugore wa kabiri w'Uregwa) na RHU31. Buri buhamya bwari bugamije kwerekana ahantu Uregwa yari ku gihe iki n'iki cyo kuri iyo tariki ya 8 Mata 1994.

227. Urugereko rwasuzumanye ubushishozi imyiregurire ya sinari mpari y'Uregwa ku birebana n'itariki ya 8 Mata, maze rufata umwanzuro ukurikira. Nta wuhakana ko Uregwa yasuye ababyeyi be n'umugore we muri Komini ya Mukingo nk'uko abatangabuhamya bashinjura babivuze. Nyamara ariko, muri rusange, ubwo buhamya ntibuhabanye n'ibyavuzwe ko Uregwa yagiye ahantu hanyuranye haba muri Komini ya Mukingo haba n'iya Nkuli ku itariki ya 8 Mata 1994; mu by'ukuri, ubuhamya bwerekeranye n'imyiregurire ya sinari mpari bushyigikira ibyo bivugwa. Uregwa yari umuntu ukomeye muri ako gace,

washoboraga kujya hirya no hino nta nkomyi[332] uretse ko n'ahantu yagendaga habaga ari hafi. Bityo, Urugereko rusanze imyiregurire ya sinari mpari yatanzwe ku birebana n'itariki ya 8 Mata 1994 itavuguruza ibivugwa na Porokireri ko Uregwa yitabiriye ibikorwa by'ubugizi bwa nabi ku itariki ya 8 Mata 1994. Urugereko rurazirikana ibimenyetso byatanzwe n'ubwunganizi byo gushyigikira imyiregurure ya sinari mpari y'Uregwa ku birebana n'itariki ya 8 Mata 1994, ubwo ruza kuba rusuzuma ikibazo cyo kumenya niba Porokireri yaratanze ibimenyetso bihamya ku buryo budashidikanywaho ko Uregwa yitabiriye ibikorwa by'ubugizi bwa nabi ku itariki ya 8 Mata 1994.

- **Itariki ya 9 Mata 1994**

228. Urugereko ruzirikana imyiregurire ya sinari mpari y'Uregwa ku birebana n'itariki ya 9 Mata 1994. Rushingiye ku buhamya bw'Uregwa, rusanga uwo munsi yaragiye hirya no hino muri Komini ya Nkuli n'iya Mukingo. Urugereko rurazirikana kandi ubuhamya bw'umutangabuhamya ushinja wiswe GAP wavuze ko ku itariki ya 9 Mata 1994, Uregwa yagabiye abantu amasambu y'Abatutsi[333]. Urugereko rumaze gusuzuma ubwo buhamya bwombi k'ubirebana n'imyiregurire ya sinari mpari y'Uregwa, rusanze nta wuhakana ko ku itariki ya 9 Mata 1994, Uregwa yaragiye hirya no hino muri Komini ya Nkuli n'iya Mukingo.

229. Bityo, Urugereko rusanze imyiregurire ya sinari mpari y'Ubwunganizi ku birebana n'ibyabaye ku itariki ya 9 Mata 1994 itavuguruza ibivugwa na Porokireri ko Uregwa yitabiriye ibikorwa by'ubugizi bwa nabi kuri iyo tariki. Urugereko rurazirikana ibimenyetso byatanzwe n'ubwunganizi byo gushyigikira imyiregurure ya sinari mpari y'Uregwa ku birebana n'itariki ya 9 Mata 1994, ubwo ruza kuba rusuzuma ikibazo cyo kumenya niba Porokireri yaratanze ibimenyetso bihamya ku buryo budashidikanywaho ko Uregwa yitabiriye ibikorwa by'ubugizi bwa nabi ku itariki ya 9 Mata 1994.

- **Kuva ku itariki ya 10 kugeza ku ya 14 Mata 1994**

230. Urugereko rusanga ubuhamya bw'Uregwa bugaragaza ko ku itariki ya 10 Mata 1994, yarimo kugend hiryo no hinzo, ibyo bikaba bihuza n'ubuhamya bw'umutangabuhamya ushinja wiswe GBE buvuga ko ku itariki ya 10 Mata 1994, kuri bariyeri yari hagati y'ikigo

---

332 Reba Ibimenyetso : Umutwe wa III, Ibyiciro G na H.

333 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 47 (GAP).

cya ISAE na Busogo, yabonye Kajelijeli avugana na Majoro Bizibarimana wabaga mu kigo cya gisirikare cyo ku Mukamira muri Komini ya Nkuli[334]. Urugereko rusanga nta kimenyetso kigaragaza ko, kuva ku tariki ya 10 kugeza ku ya 14 Mata 1994, bitari gushobokera Uregwa gukora indi mirimo ye, nk'uko yabivuze mu buhamya bwe, ayibangikanyije n'ibikorwa by'ubugizi bwa nabi Porokireri amushinja. Urugereko ruzirikana ibimenyetso byatanzwe n'ubwunganizi byo gushyigikira imyiregururе ya sinari mpari y'Uregwa ku birebana no kuva ku itariki ya 10 kugeza ku ya 14 Mata 1994, ubwo ruza kuba rusuzuma ikibazo cyo kumenya niba Porokireri yaratanze ibimenyetso bihamya ku buryo budashidikanywaho ko Uregwa yitabiriye ibikorwa by'ubugizi bwa nabi guhera ku itariki ya 10 kugeza ku ya 14 Mata 1994.

5. Umwanzuro rusange ku myiregurire ya sinari mpari

231. Urugereko rurashimangira ko umwanzuro warwo ku birebana n'imyiregurire ya sinari mpari udakuraho inshingano Porokireri afite yo gutanga ibimenyetso. Porokireri ni we ukomeza kugira inshingano zo gutanga ibimenyetso bidashidikanywaho na gato bihamya ko Uregwa ahamwa n'ibyaha ashinjwa. Uretse ibivugwa n'Ubwunganizi ku buryo butaziguye buhinyuza ibimenyetso bishinja, Urugereko rurasuzuma kandi ibimenyetso byose byatanzwe ku birebana n'imyiregurire ya sinari mpari mbere yo gufata umwanzuro.

[334] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 111 (GBE) (mu muhezo).

III. Umutwe wa III : Ibivugwa na Porokireri

A. Intangiriro

232. Hari ibika bimwe by'Inyandiko y'ibirego Urugereko rutari bufateho imyanzuro kubera impamvu zikurikira:

- Ibika bya 2.4, 2.5.1 na 5.8 bikubiyemo ibibazo bitakiri ngombwa gusuzumwa muri uru rubanza, bitewe n'uko Uregwa yahanaguweho ibyaha bivugwa mu kirego cya 10 n'icya 11 by' Inyandiko y'ibirego;
- Ibika bya 2.5, 4.1, 4.2, 4.2.1, 4.3, 4.4, 4.5 na 5.1 biteye mu buryo bwa rusange, byerekeye amateka, ntibifitanye isano itaziguye n'uru rubanza, kandi/cyangwa biteye ku buryo Urugereko rusanga nta mpamvu yatuma rubifataho imyanzuro;
- Ibika bya 4.11, 4.14, 4.21, 4.22 na 4.23 birebana n'ibyabaye ariko Urugereko ntirwagejejweho ibimenyetso bibishyigikira.

233. Mu mutwe wa 3, Icyiciro cya 1, harasuzumwa iby'uko Uregwa yari umuyoboke wa MRND nk'uko bivugwa na Porokireri mu myanzuro mbanzirizarubanza ye ku birebana n'ibika bikurikira by'Inyandiko y'ibirego: 3.6, 4.6, 4.8, 4.9, 4.10, 4.11, 4.12, 4.12.1, 4.12.2, 4.14, 4.15, 4.16.1, 4.17, 4.18, 4.18.1, 4.21, 4.22, 4.23, 5.1, 5.7 na 5.9.

234. Igika cya 1.1 cy'Inyandiko y'ibirego cyasuzumwe mu mutwe wa I (Intangiriro), Icyiciro B (Uregwa), w'iyi Nyandiko y'urubanza.

235. Ibirego (Icyiciro cya 6 cy'Inyandiko y'ibirego) birasuzumwa mu mutwe wa IV (Imyanzuro yo mu rwego rw'amategeko) w'iyi Nyandiko y'urubanza.

236. Mu byiciro by'iyi Nyandiko y'urubanza biri hano hasi muri uyu mutwe niho Urugereko rusuzuma ibika bikurikira by'Inyandiko y'ibirego : 2.1 (Icyiciro cya 2); 2.2 (Icyiciro cya 3); 3.1, 3.2 na 3.3 (Icyiciro cya 4), 3.5 (Icyiciro cya 5); 3.4 na 3.6 (Icyiciro cya 6); 4.6, 4.6.1 na 5.2 (Icyiciro cya 7); 4.10, 4.12, 4.13, 4.15, 4.16 na 4.16.1 (Icyiciro cya 8); 4.9, 4.12.1, 4.17, 4.18, 4.18.1, 4.19 na 4.20 (Icyiciro cya 10); 4.12.2, 4.18, 4.19.1, 4.24, 5.2, 5.3, 5.4 na 5.9 (Icyiciro cya 11); 4.18, 5.3 na 5.5 (Icyiciro cya 12); 2.3 (13); 5.7 gifatiwe hamwe na 4.7, 4.8 na 4.9 (Icyiciro cya 14); 5.6 (Icyiciro cya 15).

237. Muri buri cyiciro cy'uyu mutwe, Urugereko rurasuzuma ibivugwa na Porokireri, ibimenyetso byatanzwe n'ababuranyi, hanyuma rubone kubifataho imyanzuro ikwiye. Ibimenyetso bikubiye mu twiciro, ni incamake y'ubuhamya bw'abatangabuhamya n'iy'ibikubiye mu bimenyetso gihamya.

B. Igika cya 2.1 cy'Inyandiko y'ibirego

1. Ibivugwa

238. Igika cya 2.1 cy'Inyandiko y'ibirego kigira kiti :

> Ibyaha bivugwa muri iyi Nyandiko y'ibirego byakorewe mu Rwanda, by'umwihariko muri Komini ya Mukingo n'agace byegeranye, muri Perefegitura ya Ruhengeri, hagati y'itariki ya 1 Mutarama 1994 n'iya 31 Ukuboza 1994.

2. Umwanzuro w'Urugereko

239. Igika cya 2.1 cy'Inyandiko y'ibirego cyerekana ko ibyaha Porokireri ashinja Kajelijeli byakorewe muri Komini ya Mukingo no mu bice bituranye na yo, muri Perefegitura ya Ruhengeri mu Rwanda. Nta wushidikanya ko bashakaga kuvuga Komini ya Mukingo na komini za Perefegitura ya Ruhengeri zihana imbibi na Mukingo ari zo Nkuli, Nyakinama, Kigombe, Kinigi, kimwe n'izindi komini za Perefegitura ya Ruhengeri ni ukuvuga iya Nyamutera, Gatonde, Ndusu, Nyarutovu, Ruhondo, Nyamugali, Cyeru, Nkumba, Kidaho, Butaro hamwe n'umujyi wa Ruhengeri[335]. Rushingiye ku bimenyetso byatanzwe muri uru rubanza kugeza ubu, Urugereko rurasuzuma gusa bwicanyi bwabereye muri Komini ya Mukingo, iya Nkuli, iya Kinigi n'iya Kigombe; ubwabereye muri Komini ya Kigombe burebana n'igitero cyagabwe ku Rukiko rw'ubujurire rwo mu Ruhengeri.

C. Igika cya 2.2 cy'Inyandiko y'ibirego

1. Ibivugwa

240. Mu gika cya 2.2 cy'Inyandiko y'ibirego handitse ko:

> Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Abatutsi bafatwaga nk'abantu bagize ubwoko bwihariye.

---

[335] Reba: Ikarita ya Perefegitura ya Ruhengeri, Ikimenyetso gihamya cya Porokireri cyahawe n° P4.

2. Umwanzuro w'Urugereko

241. Urugereko rwemeje ko ibi bikurikira ari ikintu kitakigibwaho impaka n'ababuranyi :

> Hagati y'itariki ya 6 Mata 1994 n'iya 17 Nyakanga 1994, buri Munyarwanda gakondo yabarirwaga muri bumwe mu bwoko butatu bukurikira: Abatutsi, Abahutu n'Abatwa[336].

242. Kubera iyo mpamvu, muri urubanza hagaragajwe ko mu Rwanda hari ubwoko bw'Abatutsi.

D. Ibika bya 3.1, 3.2 na 3.3 by'Inyandiko y'ibirego

1. Ibivugwa

243. Ibika bya 3.1, 3.2 na 3.3 by'Inyandiko y'ibirego bigira biti:

> Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, u Rwanda rwari rugizwe na perefegitura 11 zirimo iya Ruhengeri. Iyi Perefegitura yari igabanyijemo amakomini arimo iya Mukingo. Komini na yo yari igabanyijemo amaSegiteri na yo agabanyijemo amaserire.
>
> Perefe yari ahagarariye ubutegetsi nyubahirizategeko ku rwego rwa Perefegitura. Yashyirwagaho na Perezida wa Repubulika abigiriwemo inama na minisitiri w'ubutegetsi bw'igihugu ari na we wari ukuriye perefe mu mirimo ye. Perefe yari afite ububasha muri perefegitura yose kandi ni we wayiyoboraga.
>
> Nk'umuyobozi wa perefegitura, Perefe yari ashinzwe kubungabunga amahoro, ituze n'umutekano w'abantu n'ibintu. Perefe ni we wari ukuriye abakozi ba Leta bose n'abandi bantu bose bakora imirimo ya Leta muri perefegitura, barimo ababurugumesitiri n'abakonseye b'amaSegiteri.

2. Umwanzuro w'Urugereko

244. Urugereko rwemeje ko ibi bikurikira ari ibintu bitagibwaho impaka n'ababuranyi[337] :

---

[336] Urubanza rwa Kajelijeli mu rw'iremezo, *Icyemezo,* 16 Mata 2002, Ibyemejwe n'Urugereko ko bitagibwaho impaka n'ababuranyi, Umugereka A.

[337] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 16 Mata 2002, Ibyemejwe n'Urugereko ko bitagibwaho impaka n'ababuranyi, Umugereka A.

Igihe ibivugwa mu Nyandiko y'ibirego byabaga, mu Rwanda hari inzego z'ubutegetsi zikurikira:

Perefegitura 11 : Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali-Ville, Kigali-Ngari na Ruhengeri.

Buri Perefegitura yari igabanyijemo amakomini.

Buri Komini yari igabanyijemo amaSegiteri.

Buri Segiteri yari igabanyijemo amaserire.

Hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, inshingano za perefe zari izi zikurikira:

Perefe yari ahagarariye ubutegetsi nyubahirizategeko mu rwego rwa perefegitura.

Perefe yashyirwagaho na Perezida wa Repubulika abisabwe na Minisitiri w'Ubutegetsi bw'Igihugu, kandi yarangizaga inshingano ze abiyowemo n'uwo muminisitiri ari na we wari umukuriye mu kazi.

Perefe yari afite ububasha muri perefegitura yose.

Nk'umuyobozi wa perefegitura, perefe yari ashinzwe kubungabunga amahoro, ituze rya rubanda n'umutekano w'abantu n'uw'ibintu.

Perefe yari afite ububasha ku bakozi ba Leta bose n'abantu bose bakoraga imirimo ya Leta muri perefegitura ye, harimo n'ababurugumesitiri na ba konseye b'amaSegiteri, kandi yari abakuriye mu kazi.

E. Igika cya 3.5 cy'Inyandiko y'ibirego

1. Ibivugwa

245. Igika cya 3.5 cy'Inyandiko y'ibirego kigira kiti :

> Uregwa yabaye Burugumesitiri wa Komini ya Mukingo kuva mu mwaka wa 1988 kugeza mu wa 1993. Yongeye kugirwa burugumesitiri w'iyo komini muri Kamena 1994 maze aguma kuri uwo mwanya kugera hagati muri Nyakanga 1994.

246. Ubwunganizi ntibuhakana ko Kajelijeli yabaye Burugumesitiri wa Komini ya Mukingo kuva mu wa 1988 kugeza mu wa 1993. Uregwa amaze kuva kuri uwo mwanya w'ububurugumesitiri mu wa 1993 yagiye kwikorera ku giti cye, ntiyongera kugira uruhare mu bikorwa bya politiki, haba ku rwego rwa perefegitura, urwa komini cyangwa urwa Segiteri. Ubwunganizi bwashimangiye ko nta gikorwa na kimwe mu bivugwa mu Nyandiko

y'ibirego cyabaye mu wa 1994 Kajelijeli ari burugumesitiri. Hakurikijwe ububasha bw'Urukiko bushingiye ku gihe ibyaha byakorewe, Uregwa yatorewe umwanya wo kuba burugumesitri mu mpera za Kamena 1994 kandi yakoze uwo murimo mu gihe kitagera ku byumweru bitatu, ni ukuvuga kuva icyo gihe atorwa kugera hagati muri Nyakanga 1994[338].

2. *Ibimenyetso*

247. **Umutangabuhamya ushinja wiswe GBH** yavuze ko Nzirorera, nka minisitiri akaba na depite, yerekanye Uregwa nka burugumesitiri imbere y'abaturage ku kibuga cy'umupira w'amaguru[339] Abaturage bari basabwe kuza kwakira Uregwa, nka burugumesitiri wabo. Uyu mutangabuhamya ntiyibuka umwaka ibyo byabereyemo[340].

248. **Umutangabuhamya ushinja wiswe GBH** yavuze ko Uregwa amaze kuvanwa ku mwanya w'ububurugumesitiri yasimbuwe na Semahane, na we wasimbuwe na Harerimana[341].

249. **Umutangabuhamya ushinja wiswe GAO** yavuze ko ku mugoroba w'itariki ya 8 Mata 1994, « hari abantu » bishe Burugumesitiri [Harerimana][342].

250. **Umutangabuhamya ushinja wiswe GBH** yemeza ko, nyuma y'urupfu rwa Harerimana muri jenoside yo mu wa 1994, Uregwa yongeye kuba burugumesitiri. Uyu mutangabuhamya yibuka ko habaye inama Uregwa yerekanwa imbere y'abaturange ba Mukingo, bamenyeshwa ko ariwe burugumesitiri wabo. Ibyo byabaye Interahamwe zaramaze kwica abantu. Mu ibazwa rinyomoza, uyu mutangabuhamya yiyemereye ko kugeza ku itariki ya 26 cyangwa iya 27 Kamena 1994 bishoboka ko Kajelijeli yari atarongera kuba burugumesitiri[343].

251. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Uregwa yongeye kuba burugumesitiri nyuma y'itariki ya 12 Mata 1994. Hashize icyumweru kimwe Harerimana apfuye, hari ubwo Uregwa yazanye telegaramu « ayerekana » avuga ko ariwe wagizwe Burugumesitiri wa komini. Umutangabuhamya yavuze ko Uregwa yemezaga ko iyo telegaramu yoherejwe na

[338] Imyanzuro mbanzirizarubana y'Ubwunganizi, ibika 1.19, 1.21, 1.22, 1.24.

[339] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 90 (GBH).

[340] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 8 (GBH).

[341] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 91 (GBH).

[342] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 92 (GAO).

[343] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 91 na 106 (GBH)

Nzirorera. Nyuma y'aho Inama ya komini iharanira amajyambere yongeye gushyira Uregwa ku mwanya wa Burugumesitiri. Mu itora rya burugumesitiri ryabaye icyo gihe, Kajelijeli ni we waje ku mwanya wa mbere, hakurikiraho Manuel Gaba naho Félicien Semahane aza ku mwanya wa nyuma. Semahane wari wungirije burugumesitiri yashyizweho n'«uwari uhagarikiye amatora » ngo abe burugumesitiri w'agateganyo mu gihe hari hagitegerejwe ibaruwa ya Minisiteri y'Ubutegetsi bw'Igihugu yemeza ko Kajelijeli ari we burugumesitiri. Uyu mutangabuhamya yavuze ko Semahane yabaye burugumesitiri w'agateganyo mu gihe cy'icyumweru kimwe. Uregwa yarahiriye gukora imirimo y'ububurugumesitiri muri Mata cyangwa Gicurasi 1994[344].

252. GAP yavuze kandi ko « ari akuriwe n'Uregwa, akorera ku mategeko ye mu mirimo ye yose » mu gihe Uregwa yari burugumesitiri[345]. Uregwa yahembye uyu mutangabuhamya imishahara ye y'ukwezi kwa Mata, Gicurasi na Kamena 1994[346].

253. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko Asiel Ndisetse yasimbuye by'agateganyo Harerimana ku mwanya wa burugumesitiri mu gihe cy'icyumweru kimwe, kandi ko icyo gihe ubwicanyi bwibasiye Abatutsi muri Mata 1994 bwari bwaratangiye. Felicien Semahane ni we wari wungirije burugumesitiri w'agateganyo Ndisetse kugeza ubwo na we yabaga burugumesitiri mu mpera za Mata 1994. Muri icyo gihe, Jean Damascene Niyoyita ni we wungirije burugumesitiri Semahane. Uregwa yasimbuye Semahane ku mwanya wa burugumesitiri ku itariki ya 17 Kamena 1994[347]. Uyu mutangabuhamya yavuze ko itegeko rigenga amakomini ryateganyaga ko burugumesitiri asimburwa na konseye[348].

254. **Umutangabuhamya ushinjura witwa Joseph Nzirorera,** akaba na we aregwa muri uru Rukiko, yavuze ko Kajelijeli yavanywe ku mwanya we w'ububurugumesitiri muri Werurwe 1993. Ubwo Nzirorera yabazwaga impamvu Kajelijeli yavanywe kuri uwo mwanya, yibukije ko mu gihe cy'imishyikirano hagati ya FPR na Leta y'u Rwanda, FPR yasabye ko abategetsi bamwe mu nzego za komini na perefegitura bavanwaho. Uregwa, « utararebwaga

---

[344] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 16 (GAP); Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 47, 62-64 na 105 (GAP).

[345] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 93 (GAP) (mu muhezo).

[346] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 63 (GAP).

[347] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 32, 89, na 90 (MEM) (mu muhezo).

[348] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 45-47 (MEM) (mu muhezo).

neza » na FPR, yari umwe mu bo FPR yasabiye kuvanwaho. Uyu mutangabuhamya yavuze ko nta cyo azi ku birebana n'uko ko FPR yaba yarasabye ko Uregwa avanwa ku kazi kubera uruhare rwe mu bwicanyi bw'Abatutsi mu wa 1993. Umutangabuhamya yavuze ko Guverinoma y'u Rwanda yubahirije icyifuzo cya FPR, maze Uregwa akagenda mu bakuwe ku mirimo yabo[349].

255. Joseph Nzirorera yavuze ko nyuma y'ijonjora ry'abakandika ryabaye, Uregwa yongeye kuba burugumesitiri mu gice cya kabiri cya Kamena 1994. Bitewe n'uko Perefe wa Ruhengeri yari yarishwe na FPR ku itariki ya 8 Mata 1994, byabaye ngombwa gutegereza ishyirwaho ry'undi muperefe mushya mbere yo kujonjora abakandida. Uregwa yashyizwe ku mwanya wa burugumesitiri mu buryo bwemewe n'amategeko ku itariki ya 7 Kamena 1994. Umutangabuhamya yavuze ko muri Kamena 1994 aribwo abakandika bahataniraga umwanya wa burugumesitiri bajonjowe kandi bashyirwa ku rutonde n'Inama ya komini iharanira amajyambere yari igizwe b'abantu bakomokaga mu mashyaka yose, n'abari bahagarariye serivisi zakoreraga muri komini. Urwo rutonde rwohererejwe ubutegetsi bwari bushinzwe gushyiraho ababurugumesitiri kugira ngo bufate icyemezo[350].

256. Joseph Nzirorera yavuze ko Inama ya komini iharanira amajyambere yagize Uregwa uwa mbere ku rutonde rw'abakandika. Nzirorera yongeye ho ko Minisitiri w'Ubutegetsi bw'Igihugu, Munyazesa Faustin, nta kindi yakoze uretse gushyigikira icyifuzo cyari cyatanzwe cyo kugira Uregwa burugumesitiri[351].

257. **Uregwa** yavuze ko mu wa 1988 ari bwo Iteka rya Perezida ryamugize Burugumesitiri wa Komini ya Mukingo, kandi ko yakoze uwo murimo kuva muri Kanama 1988 kugeza muri Gashyantare 1993[352]. Perefe Zigiranyirazo yabanje gutanga izina rye abisaba minisitiri ufite ibirebana n'amakomini mu nshingano ze na we arigeza kuri Perezida. Ubwo yasubizaga ibibazo binyomoza yabajijwe na Porokireri, Uregwa yavuze ko kuba nta mashuri yize bitari inzitizi ku birebana no gutunganya neza imirimo ya burugumesitiri. Yavuze kandi ko kuba yari afitanye ubumwe bukomeye na Joseph Nzirorera, icyo gihe wari ufite ububasha muri

---

349 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp.7 na 44-47 (Nzirorera)

350 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 48-49 na 60-62 (Nzirorera)

351 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 60-62 (Nzirorera).

352 Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 14 (Uregwa).

MRND ku rwego rwa perefegitura n'urw'igihugu, atari byo byamufashije guhabwa uwo mwanya[353].

258. Uregwa yavuze ko yari akuriwe mu kazi na perefe wa Perefegitura ya Ruhengeri, kandi ko abaperefe bagiye basimburana ku buryo bukurikira muri iyo perefegitura : Zigiranyirazo mu wa 1988 no mu wa 1989, Charles Nzabagerageza kugeza mu wa 1992 na Sylvester Baliyanga kugeza igihe yiciwe na FPR ku itariki ya 8 Mata 1994. Abo ba perefe uko ari batatu bari Abahutu kandi mu gihe cy'ishyaka rimwe rukumbi bari abarwanashyaka ba MRND. Nyamara ariko, Uregwa yavuze ko atamenye amashyaka ya politiki bagiyemo ubwo hadukaga inkubiri y'amashyaka menshi[354].

259. Uregwa yavuze ko muri Gashyantare 1993 yavanywe ku mwanya we hashingiwe ku Iteka rya Perezida, kubera igitutu cyavaga ku mashyaka ataravugaga rumwe n'ubutegetsi bwariho no kuri FPR[355]. Uregwa yemeje ko yaviriyeho rimwe n'abandi baburugumesitiri n'abakozi ba Leta, nyuma y'igitero cya FPR mu Ruhengeri[356].

260. Uregwa yavuze ko yasimbuwe mu buryo bwemewe na Emmanuel Harerimana, washyizwe muri uwo mwanya, ko ariko mu by'ukuri, ubwo bubasha yabweguriye umuntu waje kuba burugumesitiri w'agateganyo, ari we Felicien Semahane war Konseye wa Segiteri[357]. Uregwa yavuze ko hagati ya Gashyantare 1993 n'itariki ya 26 Kamena 1994, yikoreraga ku giti cye imirimo y'ubuhinzi n'ubucuruzi muri Komini ya Mukingo[358].

261. Uregwa yavuze ko n'ubwo nka burugumesitiri yari ahagarariye ubutegetsi bukuru bw'Igihugu mu rwego rwa komini, abakozi ba Leta bakoreraga muri Komini ya Mukingo atari ko bose yari abafiteho ububasha. Hari abakozi bo mu nzego zimwe na zimwe za Leta burugumesitiri atari afiteho ububasha, nk'abakozi ba parike n'abasirikare. Umubare w'abantu Uregwa yari afiteho ububasha warahindagurikaga bitewe n'ukuntu ibintu byabaga

[353] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 51 (Uregwa).

[354] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 52 (Uregwa).

[355] Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 36 (Uregwa).

[356] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 43 (Uregwa).

[357] Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 65 (Uregwa).

[358] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 36 na 65 (Uregwa); Inyandikomvugo y'iburanisha, 16 Mata 2003, imp. 4 na 5 (Uregwa); Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 90 (Uregwa).

byifashe mu rwego rw'ubukungu. Kuva mu wa 1988-1989 kugeza mu wa 1993, abakozi bose yari akuriye bageraga kuri 60[359].

262. Uregwa yavuze ko nka Burugumesitiri, uruhare rwe rwari uguhuza ibikorwa by'inzego za Leta zinyuranye, guteza imbere ubwumvikane mu baturage, kuyobora inama za komini, gutegura umurongo w'ibigomba kwigwa mu nama za komini, gutegura no gushyira mu bikorwa ingengo y'imari, kuyobora inama z'Inama ya komini iharanira amajyambere, guhagararira komini mu nkiko, guteza imbere imishinga ya za Segiteri zinyuranye ziri muri komini, kuyobora inteko ya komini, no kubungabunga umutekano muri komini[360]. Uregwa yavuze ko yari ashinzwe kubungabunga amahoro n'umutekano w'abantu n'uw'ibintu muri Komini ya Mukingo. Iyo byabaga ngombwa, konseye yamenyeshaga ubutegetsi bwa komini ko akeneye inkunga y'abapolisi. Iyo ikibazo cyabaga kirenze ubushobozi bwa burugumesitiri cyashyikirizwaga perefe, washoboraga gufata icyemezo cyo kumwoherereza abajandarume.[361] Nk'urugero rw'inshingano ze mu kubungabunga umutekano w'abaturage ba Mukingo, hagati y'itariki ya 8 n'iya 20 Gashyantare 1993, Uregwa yakoranyije Abatutsi bari bafite ibibazo by'umutekano mu kigo cy'Ishuri ry'ubuhinzi ryo kuri Busogo, hanyuma perefe yohereza abajandarume bo kubarinda[362]. **Umutangabuhamya ushinjura wiswe RHU31**, wahoze ari umutegetsi ukorera Leta mu rwego rw'akarere[363], yemeje ko igihe Uregwa yari burugumesitiri yarwanye ku mpunzi z'Abatutsi zqri mu kigo cya ISAE, ari zo zibimusabye[364]. **Uregwa** yavuze ko atasabye ko jandarumori imutabara, ko ahubwo yabanje kubibaza Perefe, nawe akakira icyifuzo cye kandi agakora uko ashoboye kugira ngo izo mpunze zitabarwe. Uregwa yavuze ko nta bubasha yari afite ku bajandarume ubwo bazaga kumutera inkunga[365].

263. Uregwa yavuze ko gufata ingamba zo kubahirisha amategeko ariyo nshingano ya mbere ya burugumesitiri. Uregwa yemeza ko yari afite ubushobozi bwo gufunga abantu, ariko ko ubwo bushobozi bwari bufite imbibi ntarengwa kandi ko byaterwaga n'ubwoko bw'icyaha

---

[359] Inyandikomvugo y'iburanisha, 16 Mata 2003, imp. 53 na 64 (Uregwa).

[360] Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 60 (Uregwa); Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 53 (Uregwa).

[361] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 55 (Uregwa).

[362] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 38 (Uregwa).

[363] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, urup.18 (RHU31) (mu muhezo)

[364] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, urup.26 (RHU31).

[365] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 54 (Uregwa).

cyakozwe. Jandarumori yari ifite ububasha mu gihugu hose kandi uyihagarariye yashoboraga gufata icyemezo cyo gufata no gufunga uwo ari we wese muri komini atagombye kubivuganaho na burugumesitiri. Byongeye kandi, hariho ubucamanza ku rwego rwa perefegitura bwari bufite ububasha bwo gufata uwo ari we wese butabanje kubivuganaho na burugumesitiri, ndetse bukaba bwaranashoboraga gufata burugumesitiri ubwe[366].

264. Uregwa yavuze ko yatangaga indangamuntu n'ibyemezo binyuranye biri mu nyandikompamo. Ibyo byemezo bikoreshwa mu kwemeza ko habayeho amasezerano yo kugurisha umutungo utimukanwa, kandi uguze n'ugurishije bahabwa kopi y'iyo nyandiko. Uregwa yatangaga kandi n'ibyemezo by'amavuko, iby'abashyingiranywe, hamwe n'uruhusa rwo gucumbika ku bantu batari batuye muri Mukingo. Uretse mu ndangamuntu, izo nyandiko zindi nta bwoko bwa ba nyirazo bwabaga bwanditsemo. Indangamuntu zuzuzwaga zabaga zaraturutse muri Leta[367].

265. Uregwa yavuze ko ku rwego rwa komini, yakoranaga inama n'abakonseye. Muri izo nama, buri mukonseye yatangaga raporo y'uko ibintu byifashe muri Segiteri ye. Izo raporo ni zo Uregwa yashingiragaho kugira ngo amenye ibibera muri Segiteri zinyuranye za Komini ya Mukingo. Uregwa yasobanuraga imirimo na gahunda by'ubutegetsi buriho, kandi agatanga , arebana no gushyira mu bikorwa izo gahunda. Uregwa yavuze ko atigeze asaba abakonseye gukora urutonde rw'Abatutsi babaga muri Komini ya Mukingo. Uregwa yongeyeho ko ibyavugirwaga mu nama byakorerwaga inyandikomvugo kandi ko raporo zazo zashyikirizwaga perefe; nta cyemezo na kimwe cyafatwaga perefe atabyemeye, kandi ubusanzwe yatanga igisubizo mu gihe cy'ibyumweu bibiri[368].

266. Uregwa yavuze ko atahise aba burugumesitiri ubwo Harerimana yari akimara gupfa, ko ahubwo yamubaye nyuma ari uko ashyizwe muri uwo mwanya. Yasibanuye ko atahise asimbura Harerimana kuko hagati y'ubuyobozi bwe n'ubwa Harerimana haciyemo ababurugumesitiri babiri b'agateganyo[369].

---

[366] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 59 (Uregwa).

[367] Inyandikomvugo y'iburanisha, 16 Mata 2003, imp. 60 na 61 (Uregwa).

[368] Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 12-15 (Uregwa).

[369] Inyandikomvugo y'iburanisha, 22 Mata 2003, imp. 33, 36 na 37 (Uregwa).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

267. Uregwa yavuze ko abakandida bahataniraga na we umwanya wa burugumesitiri babarirwaga hagati ya 7 na 15. Hari Félicien Semahane, Niyoyita, Maniragaba na Ndakaza n'abandi atabashije kwibuka amazina. Yashyizwe ku mwanya wa burugumesitiri nyuma y'itora ryakozwe ndetse hakurikijwe icyifuzo cyatanzwe. Uregwa yavuze ko yiyamamaje nk'umukandida wigenga utagira ishyaka ahagarariye. Buri mukandida yiyamamazaga ku giti cye. Itora ryamaze umunsi umwe, kubarura amajwi na byo byabaye uwo munsi. Itangazo rya mbere ryatanzwe ku itariki ya 17 Kamena 1994 naho irindi ritangwa ku munsi ukurikiyeho. Nyuma, Uregwa yahawe kopi y'iteka rya Perezida. Uyu mutangabuhamya yasobanuye ko ku itariki ya 26 Kamena 1994 ariho yabaye burugumesitiri[370].

3. Umwanzuro w'Urugereko

268. Urugereko rusanga nta wuhakana ko Kajelijeli yabaye Burugumesitiri wa Komini ya Mukingo kuva mu wa 1988 kugeza mu wa 1993. Rusanga Uregwa yaravanywe ku mirimo ye muri Gashyantare 1993, kandi ko na nyuma y'urupfu rwa Burugumesitiri Harerimana rwabaye ku itariki ya 8 Mata 1994, Uregwa yagizwe Burugumesitiri wa Komini ya Mukingo, ku nshuro ya kabiri, ku itariki ya 26 Kamena 1994. Ku birebana no gusubiza Uregwa ku mwanya wa burugumesitiri, ibimenyetso byatanzwe n'impande zombi birahura, usibye ubuhamya bw'umutangahamya ushinja wiswe GAP wavuze ku kintu cyabaye muri Mata 1994, aho Uregwa yerekanye telegaramu yari yoherejwe na Joseph Nzirorera imushyira ku mwanya wa burugumesitiri. Urugereko rusanga ubuhamya bwa GAP budasobanautse neza ku byo avuga ko Uregwa yongeye kugirwa burugumesitiri muri Mata 1994.

269. Urugereko rusanga Uregwa yaragumye ku mwanya wa burugumesitiri kugeza ubwo yavaga mu Rwanda hagati muri Nyakanga 1994.

F. Igika cya 3.4 n'icya 3.6 by'Inyandiko y'ibirego

1. Ibivugwa

270. Igika cya 3.4 cy'Inyandiko y'ibirego kigira kiti :

---

[370] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 68, 70 na 71 (Uregwa); Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 35 (Uregwa); Inyandikomvugo y'iburanisha, 23 Mata 2003, urup.66 (Uregwa).

> Burugumesitiri yari ahagarariye ubutegetsi nyubahirizategeko ku rwego rwa Komini. Kimwe na perefe, burugumesitiri yashyirwagaho na Perezida wa Repubulika abigiriwemo inama na minisitiri w'ubutegetsi bw'igihugu. Burugumesitiri yari akuriwe na perefe kandi yari afite ububasha ku bakozi ba Leta bose bakorera muri komini ye. Burugumesitiri yari anafite inshingano zo kugenzura ko amategeko yubahirizwa, kubungabunga ituze, amahoro n'umutekano w'abantu n'ibintu muri Komini ya Mukingo. Mu kurangiza izo nshingano, burugumesitiri yashoboraga kwiyambaza abapolisi ba komini na jandarumori y'igihugu.

271. Igika cya 3.6 cy'Inyandiko y'ibirego kigira kiti:

> Nka Burugumesitiri, Uregwa yari afite ububasha ku bantu yari akuriye barimo abakozi ba Leta, abapolisi ba komini n'abajandarume. Yari afite kandi ububasha ku baturage b'abasiviri bo muri Komini ya Mukingo n'Interahamwe za MRND.

2. *Ibimenyetso*

272. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

273. **Umutangabuhamya ushinja wiswe GAP** yavuze ko «yagenderaga ku mabwiriza y'Uregwa mu mirimo yose yakoraga » igihe Uregwa yari burugumesitiri[371]. Uregwa yahembye uyu mutangabuhamya imishahara ye y'ukwezi kwa Mata, ukwa Gicurasi n'ukwa Kamena 1994[372].

274. **Uregwa** yavuze ko kuva yagirwa burugumesitiri bwa kabiri mu wa 1994 nta bwicanyi bwabaye muri komini. Uregwa yamenyaga ibyaberaga muri komini buri munsi kubera za raporo z'abakonseye. Yavuze ko icyari kimuhangayikishije kurusha ibindi ari ukugarura amahoro muri komini – igice kimwe cya Komini ya Mukingo cyagenzurwaga na FPR— no kubungabunga amahoro mu baturage. Uregwa yavuze ko ubwo yongeraga kuba burugumesitiri mu wa 1994, yafashe ingamba zo gupererеza ngo amenye iby'ubwicanyi bw'Abatutsi bwari bumaze amezi make bubaye. Uregwa yamenye ko hari Abatutsi biciwe mu kigo cy'ababikira cyo kuri Busogo muri Mata 1994, hashize icyumweru iryo shyano

---

371 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 93 (GAP) (mu muhezo).

372 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 63 (GAP)

riguye umutangabuhamya yasabye misa yo kubasabira. Muri Kamena 1994, yagerageje kumenya aho abacitse ku icumu baherereye kugira ngo abasure[373].

275. Uregwa yavuze ko abenshi mu bakoze ubwo bwicanyi ari abantu bari baratorotse igisirikare n'abari barakuwe mu byabo n'intambara. Mu rwego rwo gushakisha abagabye ibitero, Uregwa yafatanyje n'ubutegetsi bw'amaSegiteri n'ubw'amaserire. Inzego zibishinzwe zo muri Parike mu Rwanda zari zarakoze anketi. Muri Kamena 1994, Uregwa yafunze bamwe mu bakoze ubwo bwicanyi, harimo n'ababukoreye muri Komini ya Mukingo muri Mata. Uregwa yatanze urugero rw'uwitwa Musafiri, avuga ko ari umwe mu bafashwe agafungwa[374].

276. Uregwa yavuze ko nijoro atashoboraga kurara muri Komini ya Mukingo. Yazaga muri iyo komini ku manywa gusa, kandi nabwo aherekejwe n'abapolisi ba komini bitewe n'uko abantu bari bashyigikiye FPR bakoraga muri komini bamushyiragaho iterabwoba. Muri icyo gihe cy'umutekano muke, umuryango w'Uregwa wahunze mbere ye ho icyumweru kimwe, mbere y'uko nawe ahungira mu mahanga[375].

3. Umwanzuro w'Urugereko

277. Urugereko rwemeje ko ababuranyi batajya impaka ku birebana n'uko hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, inshingano za Burugumesitiri zari ziteye mu buryo bukurikira: burugumesitiri yari ahagarariye ubutegetsi nyubahirizategeko mu rwego rwa komini; yari akuriwe na Perefe; yari afite ububasha ku bakozi ba Leta bakoreraga muri komini ye; mu rwego rwo kurangiza inshingano ze, burugumesitiri yashoboraga kwitabaza abapolisi ba komini[376].

[373] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 41-42 (Uregwa); Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 31 (Uregwa); Inyandikomvugo y'iburanisha, 23 Mata 2003, imp. 46-48 (Uregwa).

[374] Inyandikomvugo y'iburanisha, 22 Mata 2003, imp. 8 na 34 (Uregwa).

[375] Inyandikomvugo y'iburanisha, 22 Mata 2003, imp. 55 (Uregwa).

[376] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo, 16 Mata 2002, Ibyemejwe n'Urugereko ko bitagibwaho impaka n'ababuranyi, Umugereka A; reba kandi ingingo ya 104 ya: « Itegeko ryo ku itariki ya 23 Ugushyingo 1963 rigena imitegekere y'amakomini » (nk'uko ryagiye rihindurwa) : « Burugumesitiri niwe gusa utegeka abapolisi ba komini, niwe kandi utegeka mu mwanya wa perefe abajandarume batijwe komini ».

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

278. Urugereko ruributsa ko rwasanze Uregwa yaravanywe ku mwanya wa Burugumesitiri wa Komini ya Mukingo muri Gashyantare 1993, akuwusubizwaho ku itariki ya 26 Kamena 1994. Bityo rero, Urugereko rusanga kuva muri Gashyantare 1993 kugeza ku itariki ya 26 Kamena 1994, Kajelijeli atari Burugumesitiri wa Komini ya Mukingo. Rusanga kandi, usibye ibirego birebana n'ubwunvikane bugamije gukora jenoside [reba Umutwe wa 3, Icyiciro J] n'ibirebana n'uko ataburijemo ikorwa ry'ibyaha bivugwa cyangwa ngo ahane ababikoze [reba Umutwe wa 3, Icyiciro O], ibivugwa mu Nyandiko y'ibirego byarabaye muri Mata 1994, ni ukuvuga mu gihe Uregwa atari burugumesitiri.

G. Ibika bya 4.6, 4.6.1 na 5.2 by'Inyandiko y'ibirego

1. Ibirego

279. Igika cya 4.6 cy'Inyandiko y'ibirego kigira kiti:

> **Uregwa** yari abanye neza cyane na Joseph Nzirorera wari Umunyamabanga Mukuru wa MRND, akaba yarigeze no kuba minisitiri muri Guverinoma za MRND zo mu myaka ya 1987, 1989, 1990 na 1991. Byongeye kandi, kuba bombi barakomokaga muri Komini ya Mukingo, byatumaga Uregwa agira ububasha n'icyubahiro.

280. Igika cya 4.6.1 cy'Inyandiko y'ibirego kigira kiti:

> Mu bihe bindi bitandukanye n'ibivugwa haruguru mu gika cya 3.5 [cy'Inyandiko y'ibirego], muri Komini ya Mukingo **Uregwa** yari afite ububasha busa n'ubwa burugumesitiri budakomoka ku mategeko kubera ko yari ashyigikiwe na Joseph Nzirorera kandi bafitanye umubano.

281. Igika cya 5.2 cy'Inyandiko y'ibirego kigira kiti:

> Umubano Uregwa yari afitanye n'umuntu ukomeye nka Joseph Nzirorera watumye asuzugura abategetsi bo muri ako gace, akorera Abatutsi amarorerwa kandi ntakubihanirwa.

282. Urugereko ruributsa ko rwasanze kuva mu wa 1988 kugera muri Gashyantare 1993, no kuva Ku itariki ya 26 Kamena 1994 kugeza muri Nyakanga hagati, Uregwa yari Burugumesitiri wa Komini ya Mukingo. Niyo mpamvu mu gika cya 4.6.1 cy'Inyandiko y'ibirego aho Porokireri agira ati « Mu bihe bindi bitandukanye n'ibivugwa haruguru mu gika cya 3.5

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

cy'Inyandiko y'ibirego», umuntu agomba kumva ko bishaka kuvuga kiriya gihe kiri hagati ya Gashyantare 1993 n'itariki ya 26 Kamena 1994.

2. Ibimenyetso

283. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

284. **Umutangabuhamya ushinjura witwa Joseph Nzirorera,** na we uregwa muri uru Rukiko, yavuze ko Uregwa yari inshuti ye kuva kera kandi ko bakomokaga muri komini imwe. Mu ibaza rinyomoza, Porokireri yerekanye inyandiko yakozwe hejuru y'indahiro (iyo nyandiko Uregwa yayisinyiye imbere y'Urugereko) avuga ko Nzirorera yamugiriye neza. Nzirorera yarahakanye avuga ko atigeze akoresha umwanya n'ububasha yari afite mu nzego za politiki mu Rwanda ngo aheshe Uregwa umwanya w'ubuyobozi. Ubwo Nzirorera yabazwaga niba yarafashije Uregwa mu kazi yagiye akora, yasubije ko **Uregwa** yashyizwe kuri uriya mwanya n'iteka rya Minisitiri w'Ubutegetsi bw'Igihugu ryo mu wa 1988, kandi ko we [Nzirorera] atigeze ayobora iyo minisiteri. Na none kandi, yavuze ko ubwo Uregwa yashyirwaga kuri uriya mwanya muri Kamena 1994 nta jambo yigeze abigiramo. Yanavuze ko Jean Damascene Niyoyita wari Perezida wa MRND muri Komini ya Mukingo ari we wenyine wari ufite ububasha bwo gutumiza inama z'iryo shyaka[377].

285. **Umutangabuhamya ushinja wiswe GBV** yavuze ko Uregwa na Nzirorera « bakundaga » guhurira mu rugo kwa Nzirorera, kandi ko « iyo Nzirorera yabaga hari icyo ashaka gukora muri Komini yabinyuzaga kuri Kajelijeli»[378].

286. **Umutangabuhamya ushinja wiswe GBH** yavuze ko Uregwa, Nzirorera, na perefe bajyaga bakorera inama mu rugo kwa Nzirorera bonyine[379].

287. **Umutangabuhamya ushinja wiswe GBG** yavuze ko yagiye mu nama yari yatumijwe na Nzirorera n'Uregwa, ariko ko atibuka itariki iyo nama yabereyeho. Nyamara ariko,

---

[377] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 31, 70 (Nzirorera).

[378] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, urup. 134 (GBV).

[379] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 9 (GBH).

yasobanuye ko iyo nama yabaye mu mezi ya mbere y'umwaka wa 1993, « mbere y'intambara yo mu wa 1994 », igihe Uregwa yari akiri burugumesitiri[380].

288. GBG yavuze ko muri iyo nama Joseph Nzirorera yavuze ko hagiye gushyirwaho « umutwe w'urubyiruko rufite imyenda iruranga yihariye » rwo « kubafasha gushakashaka ibyitso ». GBG yanavuze ko icyo gihe Uregwa yavuze ko « byaba byiza urwo rubyiruko rubafashije gushakashaka ibyitso bisigaye, kubera ko ibyinshi muri byo cyangwa iby'ingenzi byari byaramaze kwicwa»[381].

289. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Uregwa ari we wayoboraga inama zose zaberaga ku biro bya komini, naho ko izaberaga kwa Nzirorera zayoborwaga na Nzirorera. Yavuze ko izo nama yabaga azirimo, ariko ko nta nama yigeze ajyamo yakorewemo amalisiti y'Abatutsi[382].

290. **Umutangabuhamya ushinja wiswe GDD** yavuze ko mu wa 1992 no mu wa 1993 Uregwa na Shadrak Sendugu bagiye bakoresha amanama, kandi ko Uregwa n'abandi bayobozi bayavugiragamo ko FPR igizwe n'Abatutsi[383]. Muri ayo manama niho GDD yumviye ko ari ngombwa kwinjiza urubyiruko mu mutwe wiswe Amahindure kugira ngo babuze FPR kwigarurira igihugu. Yavuze ko Uregwa ari we wari umuyobozi w'uwo mutwe kandi ko ari we washatse abantu bo kuwinjizamo[384]. Yavuze kandi ko mu nama zabereye ku biro bya Komini ya Nkuli no ku Isimbi ahagana mu mpera z'umwaka wa 1993, Nzirorera n'Uregwa bavuze amagambo agamije gukangurira no guhamagarira abaturage kurwanya umwanzi ari we Mututsi[385].

291. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko na nyuma y'aho Uregwa aviriye ku ku mwanya wa burugumesitiri, yakomeje kugaragara nk'umuyobozi imbere ya rubanda no

[380] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001 imp. 37-39, 93 (GBG).

[381] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 39 (GBG).

[382] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 33 na 105 (GAP).

[383] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, urup. 88 (GDD).

[384] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 56 (GDD).

[385] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001 imp. 71-72, 78-79, 140-144, 162 (GDD).

kwitwara nka burugumesitiri[386], kandi ko yakomeje kuba umuyobozi wa MRND muri Mukingo[387].

292. **Umutangabuhamya ushinja wiswe GBG** yavuze ko muri Mata 1994 « intambara imaze gutangira », Uregwa « yigize burugumesitiri »[388].

293. **Umutangabuhamya ushinja wiswe GAO** yavuze ko Uregwa, Bambonye wari Perezida wa CDR, na Ajida Shefu Karorero, bamwohereje muri Segiteri ya Busogo we n'izindi Nterahamwe kwicayo Abatutsi. Yavuze ko yumviye Uregwa, kubera ko « yazengurukaga [Uregwa] hirya no hino muri komini yitwaje masotera », kandi akaba « yararushaga burugumesitiri wariho ububasha ». GAO yavuze ko Uregwa « yahaga , abaturage ba Komini ya Mukingo », kandi ko Harerimana wari burugumesitiri « nta cyo yashoboraga gukora atabanje kubaza » Uregwa[389].

294. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko Uregwa amaze guhagarikwa ku mwanya wa burugumesitiri atari gushobora kongera gukoresha « imodoka ya komini », kubera ko burugumesitiri wamusimbuye « atari kumwemerera kuyikoresha kandi ari we utegeka »[390].

295. **Umutangabuhamya ushinjura wiswe RHU21** yavuze ko Uregwa yari afite ijambo kubera ko abantu bo muri Komini ya Mukingo bamwumvaga, ariko asobanura ko mu wa 1994 atari akiri burugumesitiri[391].

296. **Umutangabuhamya ushinja wise GDD** yavuze ko mu mpera z'umwaka wa 1993 mu kabari ka Nzirorera kitwaga Isimbi, muri Komini ya Mukingo, habereye inama y'Interahamwe. GDD yavuze ko iyo nama yayigiyemo yatumiwe n'Uregwa wamubwiye hamwe n'abandi ko hari icyo Minisitiri Nzirorera ashaka kubabwira. Abantu baje muri iyo nama baturutse muri Komini ya Nkuli uyu mutangabuhamya na we yakomokagamo ni Sharire Habyimana [NDT : mu nyandikomvugo y'iburanisha iri mu gifaransa handitse Harerimana Gervais] wari Perezida w'ishyaka rya CDR, Sendugu Shadrack wari Perezida wa MRND,

[386] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 93 (GDQ).

[387] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 92 (GDQ).

[388] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 52 (GBG).

[389] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 26, 73, 93 (GAO).

[390] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 19-20 (MEM).

[391] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 66 (RHU21).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Regazimbanyi Dominic [NDT: mu nyandikomvugo y'iburanisha yo mu gifaransa handitse Gatsimbanyi Dominique] wari Burugumesitiri wa Komini ya Nkuli, n'inyinshi mu Nterahamwe zo muri Komini ya Mukingo. Abo bantu bose bari Abahutu : nta Mututsi washoboraga kwinjira muri ako kabari kitwaga Isimbi kuko babaga bafite ubwoba. Yasobanuye ko ako kabari kari muri santere ya Byangabo muri Komini ya Mukingo, kandi inama hafi ya zose niho zaberaga. GDD yagize ati « Muri iyo nama Nzirorera ubwe yivugiye mu buryo busobanutse ko amakuru yose Kajelijeli azajya atugezaho tugomba kujya twumva ko ari we yaturutseho, ko ari minisitiri, bityo ayo makuru akaba aba yayahawe na Guverinoma». GDD yavuze ko Uregwa yari umuvugizi wa Nzirorera, bakaba bari inshuti magara. Yavuze ko Uregwa ari umwe mu bantu bamutegetse kujya « afata » Umututsi wese unyuze kuri bariyeri yari ku muhanda uva mu Ruhengeri ujya ku Gisenyi « akamujyana ku biro bya Burugumesitiri wa Komini ya Nkuli». GDD n'abandi bantu bagabaga ibitero bubahaga Uregwa « kuko yari umuvugizi wa Nzirorera […], bavuga ko udakoze ibyo bamubwiye gukora, ntarwanye umwanzi ari we Mututsi biba bisobanura ko amushyigikiye »[392]. Mu ibaza rinyomoza ariko, n'ubwo GDD yemeje ko iriya nama (cyangwa kuriya kungurana ibitekerezo) yabereye mu Isimbi mu wa 1993 yari yatumijwe na Nzirorera, yemeye ko mu nyandikomvugo y'ubuhamya yatanze mbere ku itariki ya 26 Kamena 2000 yabwiye abapererezi b'Urukiko ko nta nama yatumijwe na Nzirorera yigeze ajyamo, ngo kubera ko ba burugumesitiri n'abacuruzi ari bo bonyine Nzirorera yatumiraga mu nama ze. Yasobanuye ko uko kunyuranya imvugo byatewe n'uko yari yibeshye. GDD yasobanuriye abacamanza ko iriya nama yavuze mu by'ukuri itari inama ahubwo ko ryari ihuriro ryo kungurana ibitekerezo[393]. Mu ibaza ry'inyongera, Porokireri yasomye agace k'ubuhamya bwanditse bwa GDD bwo ku itariki ya 26 Kamena 2000 aho usanga ibiri mu nyandiko yo mu gifaransa bitandukanye n'ibyanditse mu y'icyongereza. Mu nyandiko yo mu gifaransa bavuga ko GDD yajyaga mu « nama » zabaga zatumijwe na Nzirorera, mu gihe mu y'icyongereza bavuga « mitingi. » GDD yasobanuye ko yashakaga kuvuga inama, ko iriya nama yo mu Isimbi ari imwe muri izo nama Nzirorera yatumije[394].

297. **Umutangabuhamya ushinjura witwa Nzirorera** yavuze ko atigeze akoresha umwanya n'ububasha yari afite mu nzego za politiki y'u Rwanda kugira ngo aheshe Uregwa imyanya

---

[392] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001 imp. 59-61 (GDD); Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 49, 140-144 (GDD).

[393] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 144-149 (GDD).

[394] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 183-186 (GDD).

y'ubuyobozi. Bamubajije niba yarafashije Uregwa mu myanya y'akazi yagiye abona, yasubije ko Uregwa yagiye kuri uriya mwanya mu wa 1988 ashyizweho n'iteka rya Minisitiri w'Ubutegetsi bw'Igihugu, kandi ko we atigeze ayobora iyo minisiteri. Yanavuze ko nta ruhare yigeze agira mu gushyira Uregwa ku mwanya wa burugumesitiri muri Kamena 1994[395].

298. **Umutangabuhamya ushinja wiswe GBV** yavuze ko igihe Uregwa yari burugumesitiri abantu bose babaga muri iriya komini bari bategetswe kujya mu nama za MRND[396]. Mu wa 1992 ubwo politiki ishingiye ku mashyaka menshi yatangiraga, abaturage bose bo muri serire uyu mutangabuhamya yari atuyemo bari bagitegetswe kujya mu nama za MRND,[397] abatagiyeyo bagafungwa cyangwa bagacibwa ihazabu. GBV yatanze urugero rw'uwitwa Ntabwiko Faustin wakomokaga i Nyabirehe wakubiswe « bikaza kumuviramo gupfa». Na nyuma y'aho Niyoyita agiriwe perezida w'ishyaka ku rwego rwa komini, Uregwa yakomeje kujya ajya muri mitingi zose za MRND kandi akenshi agafata ijambo. « Mu by'ukuri, ubutegetsi bwari mu maboko ya Kajelijeli. Umuntu yavuga ko ubutegetsi bwa Niyoyita bwari ku izina gusa, kuko ikintu cyose Uregwa yashakaga ko gikorwa muri komini cyarakorwaga. Icyo yifuzaga nta wagiraga icyo arenzaho »[398]. GBV yavuze ko nta kuntu Uregwa yari gushobora gukomeza kuba burugumesitiri na perezida wa MRND icyarimwe kubera ko icyo gihe abayobozi bo mu nzego za Leta bari babujijwe kuba abayobozi b'amashyaka ya politiki[399].

299. **Umutangabuhamya ushinja wiswe GBE** yavuze ko n'igihe Uregwa yari amaze kuvanwa ku mwanya wa burugumesitiri yakomeje kugira ijambo ku baturage kuko yari muri MRND. Kubera ko uwamusimbuye ku mwanya wa burugumesitiri yari umuyoboke wa MDR, abaturage bahitagamo kumvira Uregwa[400]. GBE yavuze ko atazi niba **Uregwa** yarigeze aba perezida wa MRND muri Komini ya Mukingo, ko ariko yari « yarashyizeho » Niyoyita, akaba yaranatumizaga akanayobora inama za MRND ku rwego rwa komini[401].

---

395 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 30-32 (Nzirorera).

396 Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, urup. 92 (GBV).

397 Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 26-27 (GBV).

398 Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 93-94 (GBV).

399 Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 45-46 (GBV).

400 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 76-77 (GBE) (mu muhezo).

401 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 134-135 (GBE) (mu muhezo).

300. **Umutangabuhamya ushinja wiswe GBH** yavuze ko yabonye Interahamwe ziri kugendana n'Uregwa, zambaye imyenda ifite amabara y'umutuku n'umweru, zigenda ziririmba zivuga ngo « Turi Interahamwe »[402]. Yavuze ko Uregwa ari we wayoboraga komini, ko yumva rero ari we wari warahaye Interahamwe iyo myenda[403].

301. **Umutangabuhamya ushinja wiswe GAP** yavuze ko burigadiye wa komini ari we wari ufite inshingano zo kurinda abaturage bayo. Yasobanuye ariko ko kubera ko burigadiye yari afite abapolisi icyenda gusa ayobora atari gushobora guhangana n'Uregwa wari ufite abantu 80 bahawe imyitozo kandi bari bafite imbunda na za gerenade[404].

302. **Umutangabuhamya ushinjura witwa Joseph Nzirorera** yavuze ko hagati ya 1991 na 1994 Uregwa atashoboraga gutumiza inama za MRND cyangwa ngo aziyobore kubera ko nta rwego rwa MRND na rumwe yarimo. Yasobanuye ko Jean Damascene Niyoyita wari Perezida wa MRND muri Komini ya Mukingo ari we wenyine wari ufite ububasha bwo gutumiza inama z'iryo shyaka[405].

303. **Uregwa** yavuze ko mbere ya 1988 atari we wayoboraga MRND muri Komini yabo[406]. Amaze kugirwa burugumesitiri yahise aba umuyobozi wa MRND kubera ko politiki yariho icyo gihe yari ishingiye ku ishyaka rimwe rukumbi, burugumesitiri akaba ari we wabaga ahagarariye ubuyobozi bukuru bw'ishyaka muri komini ayobora[407]. Uregwa yavuze ko muri kiriya gihe ari we wari ushinzwe gushyira mu bikorwa politiki ya ya MRND muri Komini ya Mukingo, naho pererefe wa Ruhengeri akaba ari we wari ufite inshingano nk'izo muri perefegitura. Yavuze ko muri kiriya gihe yari burugumesitiri ari na perezida wa MRND, n'ubwo nyuma yaho nta karita y'ishyaka yigeze atunga. Yavuze ko we nka perezida wa MRND hari igihe yajyaga akoresha inama z'abayoboke b'iryo shyaka muri Komini yayoboraga, ko ariko politiki ishingiye ku mashyaka menshi imaze gutangira yaretse kuba umuyoboke wa MRND.

---

402 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 54 (GBH).

403 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 56-57 (GBH).

404 Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 123 (GAP).

405 Inyandikomvugo y'iburanisha, 3 decembre 2002, imp. 47-49 (Nzirorera).

406 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 49 (Uregwa).

407 Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 53 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 17 (Uregwa).

304. Uregwa yavuze ko we nka Burugumesitiri wa Komini ya Mukingo, yagengwaga na Minisiteri y'Ubutegetsi bw'Igihugu n'Amajyambere ya Komini. Mbere y'uko politiki ishingiye ku mashyaka menshi itangira, iyo minisiteri yagenzurwaga n'ishyaka rya MRND. Nyuma yaho, minisiteri zose zasabwaga kutagira aho zibogamira. Uregwa yemeje ko kuba minisiteri runaka yarayoborwaga n'umuntu wo muri MRND bitasobanuraga ko abo uwo muntu yabaga akuriye bahabwaga , na MRND[408].

305. **Umutangabuhamya ushinja wiswe GBE** yavuze ko ku itariki ya 10, iya 11 n'iya 12 Mata 1994 yashoboye gusubira ku « mirimo ye isanzwe », icyo yasabwaga gusa kikaba kwari ukwitwaza ibyangombwa bye. Yavuze ko mu masangano y'umuhanda ujya mu kigo cya ISAE n'uva kuri Busogo hari bariyeri. Yavuze ko ku itariki ya 10 Mata 1994 yabonye Uregwa kuri iyo bariyeri ari kuvugana na majoro Bizabarimana wari umuyobozi wungirije w'ikigo cya gisirikare. Nyuma abasirikare barindaga Bizabarimana bahaye amasasu Interahamwe zacungaga iyo bariyeri[409].

306. **Umutangabuhamya ushinja wiswe GAO** yavuze ko majoro Bizabarimana yakoranaga n'Uregwa kandi ko yari amushyigikiye[410].

307. **Uregwa** yavuze ko mu wa 1992 ubwo yari burugumesitiri, Minisitiri w'Ingabo yamuhaye uruhushya rwo gutunga no kwitwaza imbunda, ko ariko avuye kuri uwo mwanya muri Gashyantare 1993 iyo mbunda yayisubije jandarumori. Yasobanuye ko muri Kamena 1994 ubwo yongeraga gusubizwa kuri uwo mwanya atari yemerewe kwitwaza intwaro[411]. Yavuze ko mu wa 1994 atashoboraga gusaba abasirikare bo kurinda umuryango we kuko atari agifite ubwo bubasha[412]. Yavuze kandi ko nta bubasha yari afite bwo gusaba abasirikare guherekeza umuntu uwo ari we wese ngo bamujyane muri Komini ya Nkuli cyangwa bwo kubahagurukiriza kwica Abatutsi[413].

308. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko nyuma y'ubwicanyi bwo ku isoko ryo mu Byangabo bwabaye ku itariki ya 7 Mata 1994 mu gitondo, Burugumesitiri Emmanuel

---

[408] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 23 (Uregwa).

[409] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 110-111 (mu muhezo).

[410] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 30 (GAO).

[411] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 16 (Uregwa).

[412] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 43 (Uregwa).

[413] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 73 (Uregwa).

Harerimana yamubwiye ko nta cyo yakora kuko na we ubwe Interahamwe z'Uregwa zarimo zimuhiga kugira ngo Uregwa abe ari we uba burugumesitiri[414].

309. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Uregwa yasabye Burugumesitiri Harerimana gushyingura abantu bari bishwe ku itariki ya 7 Mata 1994 ko ariko Harerimana yabyanze avuga ko atabashyingura atabanje gukora raporo ku rupfu rwabo. Uregwa yatumiye Harerimana ajya kumusengerera mu kabari ka Semahane. GAP yagize ati « bamaze kunywa twasubiye ku biro bya komini maze Harerimana arapfa». Yasobanuye ko Harerimana yapfiriye mu biro bye ku itariki ya 8 Mata 1994 mu masaa cyenda z'amanywa ubwo yarimo asinyira abaturage impapuro z'inzira kugira ngo bajye mu Ruhengeri kuvuga ibyo babonye[415].

310. GAP yavuze ko burugumesitiri amaze gushyingurwa, Uregwa n'Interahamwe baririmbye « intsinzi »[416], Uregwa avuga ko Nzirorera yohereje telegaramu imumenyesha ko yongeye kuba burugumesitiri wa Komini ya Mukingo[417].

311. **Umutangabuhamya ushinja wiswe GAO** yavuze ko ku itariki ya 8 Mata 1994 ni mugoroba « hari abantu » bishe Burugumesitiri Harerimana[418].

312. **Umutangabuhamya ushinjura wiswe RHU31** yavuze ko Uregwa nta bubasha yari afite bwo guha burugumesitiri , kubera ko nta murimo uzwi yari ashinzwe. Ibyo RHU31 yabivuze asubiza Porokireri wari uvuze ko ku itariki ya 8 Mata 1994 Uregwa yagiye ku biro bya komini agasaba burugumesitiri kureba ukuntu imirambo yashyingurwa, bigatuma batongana[419].

313. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko Abatutsi bamaze kwicwa imitungo yabo yahawe Interahamwe, Uregwa na we agafata amwe mu masambu yabo[420]. Andi masambu Interahamwe zayagabanyije abantu, zisambura amabati yari asakaye amazu

[414] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 31-32 (GDQ).

[415] Inyandikomvugo y'iburanisha, 28 Ugushyingo 200, urup. 123 (GAP); Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 12-13 (GAP).

[416] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 16 (GAP).

[417] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 16 (GAP).

[418] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 92 (GAO).

[419] Inyandikomvugo y'iburanisha, 2 Ukwakira 2002, (RHU31) (mu muhezo).

[420] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup.43 (GDQ).

ziyagurisha n'abaturage, amatungo zirayabaga, zinasahura indi mitungo irimo n'amafaranga[421].

314. **Umutangabuhamya ushinja wiswe GAP** yavuze ko ku itariki ya 9 Mata 1994 Uregwa yagabiye Interahamwe amasambu y'Abatutsi, ko kandi zayagurishije maze amafaranga avuyemo zikayanywera[422].

315. **Umutangabuhamya ushinja wiswe GAO** yavuze ko nyuma y'igitero cyagabwe ku Rukiko rw'ubujurire, Uregwa, Konseye Ndisetse, umupolisi witwa Sinaribonye Nahason n'abandi bantu, bashyizeho komite ishinzwe kugurisha imitungo y'Abatutsi. Imitungo y'Abatutsi yatangiye kugurishwa hashize iminsi mike gusa igitero cyo ku Rukiko rw'Ubujurire kibaye, hagati y'itariki ya 12 n'iya 14 Mata 1994[423]. Mu kugororera Interahamwe kubera buriya bwicanyi zari zakoze, **Uregwa** yazemereye kuziha umurima wari haruguru y'iwe wari uw'Umututsikazi witwaga Rachel[424]. Interahamwe zarijujuse zivuga ko uwo murima ukabije kuba muto, nuko Uregwa azibwira kujya ku isoko zikaka buri mucuruzi utari wagiye muri buriya bwicanyi amafaranga 5.000[425]. Zaragiye zaka amafaranga abacuruzi barimo Barayasesa, Bazambanza, Muhura, Bireme, Gatovu, Sebareme, Budura na Durira barayaziha, zinayaka ba nyir'utubari twose twacuruzaga urwagwa na bo barayaziha, maze Michel Niyigaba arayazigabanya[426]. GAO yavuze ko Uregwa yohereje Michel Niyigaba kujya kwaka Bahembira amafaranga 90.000 yari ay'Umututsikazi[427].

316. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko abantu bari barakuwe mu byabo n'intambara basahuye imitungo y'Abatutsi bari bamaze gupfa. Semahane amaze kuba burugumesitiri, Komini yafashe gahunda yo kujya ikodesha amasambu cyangwa ikayagurisha. RHU23 yavuze ko hagati muri Kamena 1994 yakodesheje umurima na komini

[421] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 42-43 (GDQ).

[422] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 77 (GAP).

[423] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 42-43, 46-47 na 111 (GAO); Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 77- 78 (GAO).

[424] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 43, 47, 51; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 79-81 (GAO).

[425] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 87 na 90 (GAO).

[426] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 43 (GAO); Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 82-83 (GAO).

[427] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 77 (GAO).

kugira ngo ahingemo ibirayi, ko kandi nyirawo agarutse avuye muri Zayire yawusubiranye[428].

317. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko atazi icyo imitungo y'Abatutsi bishwe ku itariki ya 7 n'iya 8 Mata 1994 yakoreshejwe. Yanavuze ko atigeze amenya ko isambu ya Rachel yahawe Interahamwe bazishimira ko zakoze buriya bwicanyi[429].

318. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko nyuma y'ibyabaye muri Mata 1994 akanama k'impuguke ka komini kayobowe na burugumesitiri kashyizeho komite ishinzwe gucunga no kugenzura igurishwa cyangwa ikodeshwa ry'imitungo itimukanwa y'Abatutsi. Amafaranga y'ubugure cyangwa y'ubukode yashyikirizwaga iyo komite, ariko uwishyuye agahabwa gitansi na komini. Ayo mafaranga yashyikirizwaga umucungamari agakoreshwa nk'amahoro asanzwe ya komini. MEM yavuze ko amasambu y'Abatutsi bari bishwe atigeze agabirwa Abahutu. Yavuze kandi ko Uregwa nta rwego na rumwe rw'iriya komite ishinzwe gukodesha cyangwa kugurisha imitungo y'Abatutsi yari arimo[430].

319. **Uregwa** yavuze ko amasambu y'Abatutsi yafashwe nk'ayo beneyo bataye. Komini yaje gufata icyemezo cyo gucunga imitungo y'Abatutsi yabonaga ko bashobora kuzagaruka aho kureka ngo abantu bayigarurire. Itegeko rigena uko imitungo iri muri komini igomba gucungwa ryateganyaga ko umutungo utagifite nyirawo wegurirwa komini, nyirawo yagaruka akawusubirana. Muri icyo gihe Komini yabaga igitegereje ko nyir'uwo mutungo wemewe n'amategeko agaruka, yashoboraga kugenda iwukodesha mu gihe cy'umwaka umwe, amafaranga avuye muri ubwo bukode agakoreshwa mu bikorwa byo guteza imbere komini. Byari bibujijwe ariko kugurisha bene uwo mutungo. Iryo tegeko ryari ririho no mu gihe Uregwa yari burugumesitiri hagati ya 1988 na 1993[431].

320. Uregwa yavuze ko amaze kongera kuba burugumesitiri ku itariki ya 16 cyangwa iya 17 Kamena 1994 atagabye amasambu y'Abatutsi. Yavuze ko ubwo yatangiraga imirimo ye atari azi ko komini ari yo icunga imitungo y'Abatutsi, ariko yasobanuye ko bishoboka ko

[428] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 40 na 73 (RHU23) (mu muhezo); Inyandikomvugo y'iburanisha, 26 Nzeri 2002, urup. 105 (RHU23) (mu muhezo).

[429] Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 16-17 (RGM).

[430] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 64-66 na 68-69 (MEM) (mu muhezo); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 91-92 na 96 (MEM) (mu muhezo).

[431] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 14 (Uregwa); Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 50 (Uregwa).

mbere ari uko byari bimeze. Yavuze ko Komini yaba yararengereye ibaye yarakodesheje ayo masambu idakoresheje inyandiko zemewe. Uregwa yavuze ariko ko komini ishobora kuba yarubahirije amategeko[432].

3. Umwanzuro w'Urugereko

321. Urugereko rusanze nta wuhakana ko Joseph Nzirorera n'Uregwa bari inshuti kandi ko bombi bakomoka muri Komini ya Mukingo. Rusanze ariko ibivugwa mu Nyandiko y'ibirego bijyanye n'ukuntu ubucuti Uregwa yari afitanye na Joseph Nzirorera bwatumaga agira ububasha n'icyubahiro bidasobanutse neza, kandi n'ibimenyetso Porokireri yatanze ntibyerekana neza ko ibyo bivugwa ari ukuri. Urugereko ruributsa ko Uregwa yabaye Burugumesitiri wa Komini ya Mukingo kuva mu wa 1988 kugera mu wa 1993, icyo kikaba ari igihe kirekire mbere y'ibyabaye uru Rukiko rufite ububasha bwo gukurikirana, bityo rukaba rusanga abantu bo muri Komini ya Mukingo no mu duce duturanye na yo baramubonaga ku giti cye nk'umuntu ukomeye batitaye ku bucuti yari afitanye na Nzirorera.

322. Urugereko rusanze nta bimenyetso bihagije biriho bigaragaza ko muri kiriya gihe Uregwa atari akiri Burugumestiri wa Komini ya Mukingo, ni ukuvuga kuva muri Gashyantare 1993 kugeza ku itariki ya 26 Kamena 1994, yari afite mu by'ukuri ububasha nk'ubwa burugumesitiri atakomoraga ku mategeko. By'umwihariko, Urugereko rusanze nta bimenyetso bihagije biriho bigaragaza ko muri kiriya gihe cyangwa mu gice icyo ari cyo cyose cya kiriya gihe Uregwa hari ikintu icyo ari cyo cyose yigeze akora ubusanzwe kiri mu bubasha bwa burugumesitiri.

323. Urugereko rwemera ko imitungo y'Abatutsi yagabiwe Interahamwe kandi ko Uregwa yabigizemo uruhare.

324. Ibi Urugereko rwemeje hano bijyanye gusa n'ikibazo cyo kumenya niba kuva muri Gashyantare 1993 kugeza ku itariki ya 26 Kamena 1994 muri Komini ya Mukingo Uregwa yari afite mu by'ukuri ububasha nk'ubwa burugumesitiri adakomora ku mategeko. Ntaho bihuriye no kumenya niba hari ubundi bubasha ubwo ari bwo bwose yari afite.

[432] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 15 (Uregwa); Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 49 (Uregwa).

325. Urugereko ruri busuzume hano hasi [mu mutwe wa III, Icyiciro cya H n'icya L] ikibazo kijyanye no kumenya ububasha Uregwa yari afite mu by'ukuri budafite aho buhuriye no kwitwara nka burugumesitiri, n'ukuntu yabukoresheje. Rurasuzuma kandi ibivugwa ko Uregwa yasuzuguraga abayobozi ba komini agakora ibyaha ntabihanirwe [Umutwe wa III, Icyiciro cya O].

H. Ibika bya 4.10, 4.15, 4.12, 4.13, 4.16, na 4.16.1 by'Inyandiko y'ibirego

1. Ibirego

326. Igika cya 4.10 cy'Inyandiko y'ibirego kigira kiti:

> Mu mwaka wa 1991, MRND yashyizeho ishami ryayo ry'urubyiruko ryitwa « Interahamwe ». Urwo rubyiruko rwashinzwe kubera ibintu bibiri byari bikenewe muri MRND:
>
> (a) Gukangurira urubyiruko ibya politiki, no
>
> *(b)* Kuruhamagarira kuba maso.

327. Igika cya 4.15 cy'Inyandiko y'ibirego kigira kiti:

> Uregwa yashinze Interahamwe muri Komini ya Mukingo kandi anazibera umuyobozi guhera mu mwaka wa 1991 kugera muri Nyakanga 1994.

328. Igika cya 4.12 cy'Inyandiko y'ibirego kigira kiti:

> Guhera mu mwaka wa 1992, hari benshi mu bagize urubyiruko rwa MRND bahawe imyitozo ya gisirikare, banigishwa gukoresha intwaro. Kubera iyo mpamvu, icyari urubyiruko rw'ishyaka cyahindutse umutwe witwara gisirikare.

329. Igika cya 4.13 cy'Inyandiko y'ibirego kigira kiti :

> Guha Interahamwe imyitozo ya gisirikare n'intwaro byakorwaga n'abayobozi ba MRND barimo ba perefe na ba burugumesitiri, bafatanyije n'abofisiye bo mu ngabo z'u Rwanda (FAR). Uregwa yashishikariye igikorwa cyo gutoza Interahamwe no kuziha intwaro.

330. Igika cya 4.16 cy'Inyandiko y'ibirego kigira kiti :

> Guhera mu mwaka wa 1991 kugera muri Nyakanga 1994, Interahamwe zo muri Komini ya Mukingo, zayoborwaga n'Uregwa:
> (a) zahawe imyitozo ya gisirikare bitegurwa n'Uregwa;
> (b) Uregwa yazihaye intwaro na iniforume byabaga byatanzwe na Joseph Nzirorera;
> (c) zahawe amalisiti y'Abatutsi bagombaga kwicwa.

331. Igika cya 4.16.1 cy'Inyandiko y'ibirego kigira kiti :

> Uregwa yagishaga inama kenshi Joseph Nzirorera, wari Umunyamabanga Mukuru wa MRND, ku birebana n'ibivugwa haruguru mu gika cya 4.16.

332. Ubwunganizi buvuga ko Uregwa atari mu bashinze Interahamwe, atari azirimo, atari umuyobozi wazo, atari umuyoboke w'icyubahiro wazo cyangwa perezida wazo w'icyubahiro, haba ku rwego rwa perefegitura, urwa komini cyangwa urwa Segiteri. Bunavuga ko Uregwa nta ruhare yigeze agira mu gutanga intwaro na za iniforume cyangwa mu guha imyitozo imitwe yitwara gisirikare cyangwa Interahamwe[433].

2. *Ibimenyetso*

333. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

334. **Umutangabuhamya ushinja wiswe GDD** yavuze ko Uregwa ari we « wahurije hamwe Interahamwe »[434], ko kandi ari we muntu w'imena mu bashinze umutwe w'Amahindure. Yavuze ko mu bandi bashinze Amahindure harimo Joseph Nzirorera wahoze ari Minisitiri w'Imirimo ya Leta wahaga uwo mutwe amafaranga, Koloneli Ntibitura na Karorero wahoze ari Ajida Shefu mu ngabo z'u Rwanda[435].

335. **Umutangabuhamya ushinja wiswe GAO** yavuze ko igihe Uregwa yari burugumesitiri yafatanyije n'abandi bayobozi gushinga ishami rya MRND ryiswe Umutwe wo kwirwanaho kw'abaturage cyangwa « Umutwe wa Virunga », ukaba wari ushinzwe kurinda abaturage no

---

433 Imyanzuro mbanzirizarubanza y'Ubwunganizi, ibika 1.25, 1.26.

434 Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, urup. 86 (GDD); Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 61 (GDD).

435 Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 95-96 (GDD); Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 49-50, 86-87 (GDD).

kurwanira mu birunga[436]. Yagize ati « uwo Mutwe wari ushinzwe kurinda abaturage, abawugize bari barahawe imyitozo yo gukoresha imbunda. Nyuma ariko abari bawugize ni bo bishe abaturage byitwaga ko bashinzwe kurinda »[437].

336. **Umutangabuhamya ushinja wiswe GBE** yavuze ko Uregwa « yashyizeho » Interahamwe muri Segiteri y'iwabo w'uyu mutangabuhamya muri Komini ya Mukingo[438].

337. **Uregwa** yavuze ko igihe yari Burugumesitiri wa Komini ya Mukingo nta shyirahamwe ryitwaga Umuganda ryariho. Yasobanuye ko amashyaka ya politiki yari ahuriye ku Umuganda wakorwaga mu gihugu hose, ko nta muntu ku giti cye wawiyitiriraga. Yavuze ko muri komini nta gitabo cyandikwagamo abakorerabushake bitabiraga ibikorwa by'umuganda, asobanura ko mu makomini gahunda y'umuganda yarebaga abaturage bose, ko itari umwihariko w'urubyiruko gusa. Yavuze ko abantu bakoraga umuganda, nk'igikorwa cyitabirwaga mu gihugu hose, atari ko bose binjiye byanze bikunze mu mutwe w'Interahamwe ubwo washyirwagaho[439].

338. Uregwa yavuze ko i Kigali hari harashyizweho Interahamwe, zikaba zari umutwe w'urubyiruko rwa MRND, kandi ko mu wa 1994 n'andi mashyaka ya politiki yo mu Rwanda yari afite imitwe y'urubyiruko. Yasobanuye ko Interahamwe zashingiwe i Kigali mu wa 1991 zikaza gusakara mu gihugu hose, harimo no muri Komini ya Mukingo. Yavuze ko atazi impamvu yatumye MRND ishinga uwo mutwe w'urubyiruko, akaba atanibuka igihe Interahamwe zo muri Perefegitura ya Ruhengeri cyangwa izo muri Komini ya Mukingo zashyiriweho.[440]

339. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko nta ruhare azi Uregwa yagize mu ishingwa ry'Interahamwe. Yavuze ko hariho ishyirahamwe ry'urubyiruko ryitwaga Uruyange ryari rigizwe n'abanyamuryango 52. Iryo shyirahamwe nta biro ryagiraga kuko ryari iry'abaturage rwimbi, rikaba ryarakoreraga imbere yo kwa perezida waryo. Ryari rigamije guteza imbere ubuhinzi n'ubworozi no gufasha abanyamuryango baryo kwibonera ibyo bakeneye. RGM yavuze ko iryo shyirahamwe rigitangira yabanje kuba visi-perezida

---

[436] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 53-54 (GAO).

[437] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 53-54 (GAO).

[438] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 75 (GBE) (mu muhezo).

[439] Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 33-34 na 50 (Uregwa).

[440] Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 31-32 (Uregwa).

wungirije waryo, ko mu wa 1992 yatorewe guhagararira urubyiruko, kandi ko nyuma yatorewe kuba perezida waryo. Yavuze amazina ya bamwe mu bari abanyamuryango b'iryo shyirahamwe barimo Alexis Rukundo, Jean Ndamasene Bagabo, Ndalifite, Bararwerakana, Hakuzimana, Nsengiyumva, Mbonankira, Barebereho na Bayisenge[441].

340. RGM yavuze ko mu wa 1985 ari bwo yumvise bwa mbere ijambo « amahindure » ubwo nyina yari arikoresheje ashaka gusobanura imiterere y'imvura. Yavuze ko yongeye kuryumva mu wa 1994 ari mu buhungiro ubwo ikirunga cyarukaga ibintu bitaga ko ari « amahindure ». Yavuze ko nta na rimwe yigeze yumva iryo jambo rikoreshwa bashaka kuvuga Interahamwe[442].

341. RGM yavuze ko muri Gashyantare 1993, urubyiruko rwahuriye kuri Busogo ku kibuga cy'umupira w'amaguru. Icyo gihe Niyoyita Damaseni yaje ari wenyine maze abwira urwo rubyiruko ko hari umutwe w'urubyiruko witwa Uruyange ugiye gushingwa, ko abagize urubyiruko bose bafite imyitwarire myiza, b'indakemwa mu mico no mu myifatire, bafite nibura imyaka 18, bashobora kwiyandikishamo mu ishyaka rya MRND. RGM yavuze ko icyo gihe Asiel Ndisetse ari we wari Burugumesitiri wa Komini ya Mukingo. Bamwe mu banyamuryango b'iryo shyirahamwe bemeye kujya mu mutwe w'Interahamwe n'ubwo atari bose. RGM yavuze ko ishyirahamwe Uruyange ryakomeje ibikorwa byaryo, rifite ubuyobozi bwihariye ndetse ryicungira umutungo, kandi ko bamwe mu banyamuryango baryo bashoboraga no kuba mu mutwe w'Interahamwe[443].

342. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko muri Segiteri ya Busogo hari abagize urubyiruko bashinze babyibwirije umutwe witwa Interahamwe. Urwo rubyiruko nta « myenda iruranga » rwagiraga kandi nta nama rwakoraga. Mbere ya 1994, urwo rubyiruko rwari rwibumbuye mu mashyirahamwe y'ubuhinzi yakusanyaga amafaranga abagize ayo mashyirahamwe bakagenda bajya ibihe mu kuyagabana[444].

343. **Umutangabuhamya ushinja wiswe GBE** yavuze ko rimwe yagiye mu nama yabereye mu Ruhengeri[445]. Yavuze ko atibuka itariki iyo nama yabereyeho[446], ariko nyuma yaje kuvuga

[441] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 20-22, 24-25 na 27-28 (RGM) (mu muhezo).

[442] Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, urup. 17 (RGM).

[443] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 26-28 (RGM) (mu muhezo).

[444] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 56-57 (MEM).

[445] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 138 (GBE) (mu muhezo).

ko yabaye nyuma y'ifatwa rya Ruhengeri, Inkotanyi zimaze kuhava[447]. Mu ibaza rinyomoza, GBE yavuze ko iyo nama yabaye mu wa 1993, imishyikirano ya Arusha ari bwo igitangira[448]. Ubwo GBE yabazwaga niba yarigeze abona Nzirorera ari kumwe n'Uregwa, yasubije agira ati « Oya, Nzirorera n'abandi bayobozi baje baturutse i Kigali, naho abayobozi bo muri ako karere mu makomini atandukanye baje bari kumwe n'Interahamwe n'abandi bayobozi bo mu ishyaka MRND»[449]. Perezida Habyarimana na we yari muri iyo nama[450]. GBE yavuze ko Uregwa yari muri iyo nama ari kumwe n'urubyiruko rwa MRND, rwabyiniye muri sitade ya Ruhengeri[451]. Icyo gihe Uregwa, wari Burugumesitiri wa Komini ya Mukingo, yaje mu modoka ya komini.[452] Nta jambo yafashe muri iyo nama, ariko Perefe Nzabagerageza, Nzirorera, na Mathieu bo bararifashe. Bagendaga berekana Nzirorera ari kumwe n'Interahamwe za buri komini babwira abari aho uwo ari we[453]. GBE yavuze ko yabonye Nzirorera n'Uregwa bari kuganira bicaranye mu myanya yagenewe abayobozi, ariko ko atumvise ibyo bavugaga[454].

344. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko Interahamwe zari umutwe w'urubyiruko rwa MRND rwari rugamije kwamamaza iryo shyaka. Yavuze ko mu nama cyangwa mitingi yayobowe na Perezida Habyarimana ku itariki ya 15 Ugushyingo 1992, Perezida yasobanuye icyo Interahamwe ari cyo n'ibikorwa byazo[455]. Icyo gihe ba burugumesitiri bo mu Ruhengeri n'Uregwa arimo bari bahari, n'ubwo atigeze afata ijambo cyangwa ngo bamwerekane bavuga uwo ari we. Perezida amaze kuhagera, Perefe Charles Nzabagerageza yafashe ijambo, Perezida na we ageza ijambo ku mbaga yari iteraniye aho nyuma abantu barataha. RGM yavuze ko Perezida yabwiye abari aho ko igihe cyo

---

446 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001 imp. 64, 138 (GBE) (mu muhezo).

447 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 140 (GBE) (mu muhezo).

448 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 64, 138 (GBE) (mu muhezo); Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 40 (GBE) (mu muhezo).

449 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 138-139 (GBE) (mu muhezo).

450 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 65 (GBE) (mu muhezo).

451 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 65 (GBE) (mu muhezo).

452 Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 41 (GBE) (mu muhezo).

453 Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 41-42 (GBE) (mu muhezo).

454 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 139 (GBE) (mu muhezo).

455 Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 25 (RGM) (mu muhezo).

guhangana n'andi mashyaka ya Politiki kigeze, ko bagomba rero gushaka abandi bayoboke benshi kugira ngo bazashobore gutsinda amatora[456].

345. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko MRND yari ifite umutwe w'urubyiruko witwa Interahamwe. Yasobanuye ko yumvise bwa mbere iryo zina Interahamwe muri disikuru Perezida Habyarimana yavugiye mu nama yabereye mu Ruhengeri mu wa 1992 cyangwa mu wa 1993, ko kandi na we yari yayitabiriye. Abayoboke bose ba MRND muri Perefegitura ya Ruhengeri harimo na ba burugumesitiri bari batumiwe muri iyo mitingi, ikaba yari igamije kwizihiza ivugururwa rya MRND. MEM yavuze ko Uregwa yari muri iyo mitingi ariko ko nta jambo yafashe[457].

346. Uregwa yavuze ko hagati y'umwaka wa 1991 n'uwa 1994 nta nama ya MRND yigeze ajyamo mu mujyi wa Ruhengeri[458].

347. Uregwa yavuze ko ku itariki ya 15 Ugushyingo 1992 yagiye mu nama yo gusuhuza Perezida wa Repubulika Juvénal Habyarimana. Yavuze ko yari yatumiwe nka Burugumesitiri wa Komini ya Mukingo. Abayoboke ba MRND bagiye muri iyo nama. Joseph Nzirorera ntiyari ayirimo kubera ko yari mu butumwa bw'akazi mu mahanga. Casimir Bizimungu wari Perezida wa MRND yafashe ijambo, kandi Uregwa yari amuzi neza. Uregwa we nta jambo yafashe muri iyo nama, nta n'umuntu yari ahagarariye. Iyo nama yanyujujwe kuri televiziyo y'igihugu, kandi yizihijwe n'imbyino gakondo. Ababyinnye icyo gihe bari bambaye imyenda itandukanye, bamwe bambaye imyenda gakondo, abandi bambaye iranga MRND, hari n'abambaye isanzwe. Uregwa yavuze ko Perezida Habyarimana ari mu bantu bafashe ijambo bwa nyuma. Icyo gihe Perezida yakoresheje ijambo Interahamwe, bukaba ari bwo bwa mbere Uregwa yari aryumvise muri Perefegitura ya Ruhengeri. Muri iyo nama, Interahamwe n'abandi baturage barabyinnye bakira Perezida[459].

348. Uregwa yavuze ko we nk'umuyobozi nta birori byo ku rwego rwa komini yigeze ajyamo ari kumwe n'Interahamwe. Yasobanuye ko Interahamwe yabonye uwo munsi [muri iriya nama yabereye mu Ruhengeri mu Ugushyingo 1992] zari zaturutse i Kigali. Yavuze ko muri iyo

---

[456] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 35-36 (RGM).

[457] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 55-56 (MEM).

[458] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 2 (Uregwa).

[459] Inyandikomvugo y'iburanisha, 15 Mata 2003, imp. 3-4; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 32 (Uregwa).

nama bavuze ku kibazo cy'amatora n'ubwo Perezida atigeze avuga ku matora y'abayobozi ba Komini yagombaga kuba muri Werurwe 1993, cyangwa ku matora « yateganywaga kuzakorwa » mu ishyaka rya MRND. Yavuze ko muri iyo nama ijambo Interahamwe ritegeze rikoreshwa bashaka kuvuga umutwe witwara gisirikare wo kurwanya andi mashyaka[460].

349. Uregwa yavuze ko avuye mu nama yo ku itariki ya 15 Ugushyingo 1992 yamenye ko hariho gahunda yo gushinga umutwe ugamije kwamamaza MRND muri Komini ya Mukingo. Urubyiruko rwakundaga kuza aho ku biro bya komini ni rwo rwatangije umutwe w'Interahamwe. Yavuze ko atakurikiranye iby'uwo mutwe ngo arebe uko byagiye bigenda, yongeraho ko nta muntu n'umwe yigeze ahura na we avuga ko ari Interahamwe. Yari azi gusa abantu bake mu rubyiruko bari muri uwo mutwe, ariko ntiyigeze ashishikazwa no kumenya umwirondoro wabo[461].

350. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko umutwe w'urubyiruko rwa MRND witwaga Interahamwe, kandi ko wariho kuva Perezida Habyarimana yashinga ishyaka rya MRND. Yavuze ko igihe Uregwa yari burugumesiriti, Jean Damascène Niyoyita wari umugenzuzi w'amashuri ku rwego rwa Segiteri ari we wari uhagarariye Interahamwe akaba ari na we wazigenzuraga muri Komini ya Mukingo. GDQ yanavuze ko ijambo « amahindure » risobanura « ibintu biva mu kirunga iyo cyarutse », avuga ko muri Komini ya Mukingo hari urubyiruko rwitwaga Amahindure rwagenzurwaga n'Uregwa[462].

351. **Abatangabuhamya bashinja biswe GDO, ACM, GBH na GBV** bavuze ko Uregwa ari we wari umuyobozi w'Interahamwe[463], uretse ko GBH we yavuze ko bwari Ubuterahamwe[464].

352. **Umutangabuhamya ushinja wiswe GBV** yavuze ko muri imwe mu nama za komini Uregwa yerekanye Interahamwe, asobanurira abantu icyo Interahamwe ari cyo. GBV yavuze ko buri Segiteri yari ifite umutwe wayo w'Interahamwe, asobanura ariko ko hari

---

[460] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 5 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 32-34 (Uregwa).

[461] Inyandikomvugo y'iburanisha, 15 Mata 2003, imp. 5-7 (Uregwa).

[462] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 14-16 (GDQ).

[463] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 46 (GDO); Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 33 (ACM); Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 103 (GBH); Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 96-97 (GBV).

[464] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 46 (GBH).

itsinda ry'abayobozi b'Interahamwe burugumesitiri yiyambazaga igihe cyose yabaga abikeneye[465].

353. **Umutangabuhamya ushinja wiswe GAP** yavuze ko mu wa 1993 Uregwa yabaye umuyobozi w'Interahamwe ubwo yari amaze kuvanwa ku mwanya wa burugumesitiri[466].

354. GAP yavuze kandi ko Perezida Habyarimana amaze gupfa, **Uregwa** yari afite Interahamwe 80 yategekaga, zakomokaga muri Komini ya Mukingo kandi zari zarahawe imyitozo ihagije. Nyuma hari abandi bantu 600 bo muri Komini ya Mukingo n'iya Nkuli binjijwe mu mutwe w'Interahamwe. Izo Nterahamwe ni zo zishe abantu ku itariki ya 7 Mata 1994[467]. Nyuma, GAP yaje kuvuga ko muri Mata 1994 hari nk'Interahamwe 690, ni ukuvuga ririya tsinda rya mbere rigizwe n'Interahamwe 90 na ziriya zindi 600 »[468]. Yemeje ko Uregwa, Ajida Shefu Karorero na Bahera ari bo « bateguye » ririya tsinda rya mbere rigizwe n'Interahamwe 80, nyuma baza kwinjizamo ziriya zindi 600. Yasobanuye ariko ko Nzirorera ari we wari umuyobozi mukuru w'Interahamwe[469] GAP yanavuze ko mu wa 1994 Uregwa amaze kongera kugirwa burugumesitiri ari we wari « perezida » w'Interahamwe muri Mukingo[470].

355. **Umutangabuhamya ushinja wiswe GBH** yavuze ko hari undi mutwe w'urubyiruko witwaga Amahindure washinzwe hagamijwe kongera umubare w'Interahamwe. Yasobanuye ko Interahamwe ari zo zabanje gushingwa, zikaba zariho mbere ya 1993, ariko abantu bakaba baravugaga ko umutwe w'Amahindure ari uwa Nzirorera. GBH yavuze ko yabonye Interahamwe ziri kugendana n'Uregwa zambaye imyenda ifite amabara y'umutuku n'umweru, zigenda ziririmba ngo « Turi Interahamwe». Yavuze ko yari azi Interahamwe ku isura gusa, ariko ko nta muntu n'umwe w'Interahamwe yari azi ku giti cye. Yavuze ko n'iyo Uregwa yaba atari we wari umuyobozi w'Interahamwe, umuntu nka we wari burugumesitiri yagombye kuba yarashoboye guhagarika ibikorwa bya ruriya rubyiruko rwitozaga rwambaye iniforume, ruririmba runabyina, cyangwa gufunga ababyitabiriye»[471].

[465] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 98-99 (GBV).

[466] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 14 (GAP).

[467] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 116-118 (GAP).-

[468] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 27 (GAP).

[469] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 116 (GAP).

[470] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 19 (GAP).

[471] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 47, 50-51, 54 na 104 (GBH).

356. **Umutangabuhamya ushinja wiswe GBE** yavuze ko n'ubwo Uregwa yari burugumesitiri nta na rimwe yigeze yakura Interahamwe, kabone n'iyo zabaga ziri « gukorera abantu ibikorwa by'urugomo cyangwa zibabuza amahwemo »[472].

357. **Umutangabuhamya ushinja wiswe GBG** yavuze ko Uregwa yavugiye mu nama y'urubyiruko ko byaba byiza abagize urubyiruko [Interahamwe] bafashije mu gikorwa cyo gushakisha ibyitso byari bisigaye, kubera ko ibyinshi muri byo cyangwa iby'ingenzi muri byari byarishwe. GB yavuze ko ayo magambo Uregwa yayavugiye mu nama yari yatumije afatanyije na Nzirorera « mbere y'intambara yo mu wa 1994»[473]. Interahamwe zakurikije , y'Uregwa « kubera iyo disikuru ye», no kubera ko ari we wari warazihaye iniforume »[474].

358. GBG yavuze ko icyo Uregwa yari ahuriyeho n'Interahamwe ari « uko bakoraga bimwe», « bari bambaye izo za iniforume, magiye mu modoka ya *Hilux* y'umutuku ya komini », kandi buri gihe Uregwa « yabaga ari kumwe n'izo Nterahamwe »[475].

359. **Uregwa** yavuze ko atari umukuru w'Interahamwe, kandi ko atigeze ashingwa kuziha imyitozo[476].

360. **Umutangabuhamya ushinja wiswe GAO** yavuze ko Uregwa n'abandi bayobozi bashyizeho ishami rya MRND ryitwaga Umutwe wo kwirwanaho kw'Abaturage, uwo mutwe ukaba waranitwaga Virunga cyangwa Amahindure. Abari bagize uwo mutwe bahawe imyitozo yo gukoresha imbunda. Iyo myitozo yatangiye mu wa 1991 irakomeza kugeza mu wa 1994. GAO yagiye mu myitozo mu wa 1993 yigishwa gukoresha za gerenade zitwa M26 na gerenade z'inshinwa, hamwe n'imbunda zitwa *Kalashnikov*, n'izitwa R4[477].

361. GAO yavuze ko Dusabe Karorero, wari Serija mu ngabo za Habyarimana akaba yari na « mwene Nyiramakuba », hamwe n'abakaporari babiri, uwitwa Musafiri n'uwitwa Bimenya, mwene Sebigori, ari bo batanze iyo myitozo. Yasobanuye ko mu by'ukuri Uregwa atatangaga imyitozo, ariko ko buri gitondo yazaga aho yaberaga[478]. Yavuze ko Uregwa

[472] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 76 (GBE) (mu muhezo).

[473] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 39 (GBG).

[474] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 53 (GBG).

[475] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 61-62 (GBG).

[476] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 50 (Uregwa).

[477] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 53-54 na 68 (GAO).

[478] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 51 (GAO).

yababwiraga ko bagomba kurangiza iyo myitozo vuba kugira ngo abohereze mu birunga kurwanya « Inkotanyi ari zo « Inyenzi ». GAO yavuze ko abatangaga iyo myitozo bavuze ko Uregwa yari yarahawe imyitozo n'abasirikare bo mu kigo cya Bigogwe. Bamwe mu bacuruzi bo mu Byangabo na bo bari baraherewe imyitozo mu Bigogwe mu gihe kimwe n'Uregwa[479]. GAO yavuze ko igihe Uregwa yari burugumesitiri, we na Ajida Kororero bahaga Interahamwe imyitozo ya gisirikare, yasobanuye ko « abo bantu babiri ari bo babahaga imyitozo ya gisirikare »[480].

362. **Umutangabuhamya ushinja wiswe GDD** yavuze ko Uregwa, Sendugu Shadrack (wari Perezida wa MRND muri Komini ya Nkuli akaba n'umuyobozi w'ikigo cy'amashuri abanza cya Gitovu mu gace ka Kintobo) n'abandi banyapolitiki, basabye Augustin Habiyambere gutoza urubyiruko rw'Abahutu rwari rumaze kwinjizwa mu mutwe w'Interahamwe kugira ngo « rwitegure kuzakora ibikorwa bibisha»[481]. Bategetse Augustin Habiyambere « kugaba igitero ku mwanzi », kubera ko kuva mu wa 1990 FPR yagendaga igaba ibitero mu Rwanda, bakaba rero « baragombaga kwitegura kuko umunsi umwe bashoboraga kuzaterwa ». Uregwa, afatanyije na Sendugu Shadrack, bagenzuraga iyo myitozo aho urwo rubyiruko rw'Interahamwe rwigishwaga gukoresha intwaro zirimo imbunda zo mu bwoko bwa *Kalashnikov* n'izitwa ML4. GDD yavuze ko « abasirikare babiri batangaga imyitozo, barimo uwari waraturutse mu kigo cya Mukamira n'undi wari warasezerewe mu ngabo z'u Rwanda » buri gihe babaga bari aho imyitozo yatangirwaga. Buri gihe iyo imyitozo ya gisirikare yabaga irangiye habagaho igikorwa cyo gukangurira urubyiruko kwitegura urugamba[482]. GDD yanavuze ko abatangaga imyitozo bari baratorejwe mu kigo cya Mukamira aho bigishijwe uko bakoresha intwaro, kugira ngo na bo bazajyane urwo rubyiruko ku kigo cy'amashuri cyitwa « *Eager School* » baruhe imyitozo yo gukoresha intwaro, by'umwihariko za *Kalashnikov*. Yavuze ko ababahaga imyitozo bari

[479] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 54-55 (GAO); Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 92 (GAO).

[480] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 14 (GAO).

[481] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 9; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 11 (GDD).

[482] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 88, 90 na 95; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 43-49 (GDD).

barabitegetswe n'abanyapolitiki bo muri Komini ya Nkuli barimo uwari umuyobozi w'ingabo muri ako gace n'Uregwa[483].

363. **Umutangabuhamya ushinja wiswe GAP** yavuze ko imyitozo Interahamwe zahawe yari igizwe no gukoresha intwaro na za gerenade, n'imyitozo ya gisirikare. Yavuze ko Uregwa ari we wari ukuriye abatangaga iyo myitozo, « ashinzwe gucengeza amatwara ya politiki », ko kandi yari yungirijwe na Ajida Shefu Karorero wari ushinzwe imyitozo ngororamubiri. Hari n'abandi bari barasezerewe mu gisirikare kugira ngo bafashe muri icyo gikorwa cyo gutoza Interahamwe[484].

364. GAP yavuze ko mbere y'itariki ya 6 Mata 1994 yabonye Interahamwe 80 kuri farumasi Isimbi yari iya Joseph Nzirorera, zirimo guhabwa imyitozo yo gukoresha intwaro zirimo imbunda na za gerenade[485]. Yavuze ko Interahamwe zanitorezaga mu kigo cya gisirikare cya Mukamira[486].

365. GAP yavuze ko hari Interahamwe 600 cyangwa 620[487]zo muri Komini ya Mukingo n'iya Nkuli zatangiye kwitoreza ku biro bya komini ubwo Uregwa yari amaze gusubizwa ku mwanya wa burugumesitiri[488].

366. **Umutangabuhamya ushinja wiswe GBH** yavuze ko hari abantu « babonye Uregwa ari kumwe na ruriya rubyiruko ubwo rwarimo rwitoreza ku kibuga cy'umupira w'amaguru, rukoresha imbunda, n'ibiti byabaga byahawe ishusho y'imbunda»[489].

367. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko mu wa 1993 cyangwa uwa 1994 nta myitozo ya gisirikare y'Interahamwe yigeze ibera muri Segiteri ya Busogo. Yavuze ko inzu y'Uregwa yari ku isoko ryo mu Byangabo yacururizwagamo inzoga yari ayizi, ko ariko

---

483 Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, urup. 79 (GDD) (mu muhezo).

484 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 119-120 (GAP).

485 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 119 (GAP); Inyandikomvugo y'iburanisha, 3 Ukuboza 2001 imp. 25-26 (GAP); Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 84 (GAP).

486 Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 26 na 55 (GAP).

487 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 67 (GAP).

488 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 119 (GAP); Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 18 na 56 (GAP).

489 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 51 (GBH).

atari azi ibindi bintu byayikorerwagamo[490]. Ikindi kandi, abatangabuhamya bashinjura biswe JK312, RGM na MEM bavuze ko nta myitozo ya gisirikare bigeze babona ibera imbere y'ibiro bya Komini ya Mukingo cyangwa muri ibyo biro mu wa 1993 cyangwa mu wa 1994, ndetse ko nta muntu bigeze bumva avuga ko iyo myitozo yabayeho, ko nta n'ibyo bigeze bamenya[491].

368. **Uregwa** yavuze ko Interahamwe nta biro zari zifite nu nzu yitwaga Isimbi yari kuri santere ya Byangabo muri Komini ya Mukingo. Yavuze ko nta cyo azi ku bijyanye n'imyitozo ya gisirikare Interahamwe zaherewe ku biro bya Komini ya Mukingo cyangwa ku Isimbi hagati ya 1993 na 1994[492]. Yavuze ko igihe yari burugumesitiri nta mutwe w'Interahamwe wabaga muri Komini ya Mukingo, ko nta n'imyitozo ya gisirikare yigeze ibera muri iyo komini[493]. Yavuze ko atamenya niba hari imyitozo ya gisirikare Interahamwe zaherewe ahandi hantu muri iyo komini, kubera ko kuba burugumesitiri byatumaga ahorana akazi kenshi. Yavuze ko amaze kuva ku mwanya wa burugumesiriti atongeye kugira akazi akora ku rwego urwo ari rwo wose rutuma agira aho ahurira na rubanda, avuga ariko ko yumva iyo muri Mukingo haza kubera imyitozo ya gisirikare aba yarabimenye[494].

369. Uregwa yavuze ko igihe yari burugumesitiri ari bwo yamenye Karorero wakomokaga muri Komini ya Nkuli, akaba yari Ajida Shefu mu ngabo z'u Rwanda. Yavuze ko Karorero amaze gusezerewa mu gisirikare yakoze umwuga w'ubucuruzi, akaba yari afite kantine mu mazu ya Komini ya Mukingo yari ku biro by'iyo komini. Uregwa yavuze ko Karorero atigeze amufasha gutoza Interahamwe, ko kandi nta myitozo Interahamwe zigeze zihabwa[495].

---

490 Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 29 na 32 (RGM).

491 Inyandikomvugo y'iburanisha, 16 Nzeri 2002, imp. 121-122 (JK312); Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 35 (RGM); Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, urup. 63 (MEM) (mu muhezo).

492 Inyandikomvugo y'iburanisha, 15 Mata 2003, imp.8-9 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 63 (Uregwa).

493 Inyandikomvugo y'iburanisha, 15 Mata 2003, imp. 8-9 (Uregwa).

494 Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 63 (Uregwa).

495 Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 7 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003, imp. 51-52 (Uregwa).

370. **Umutangabuhamya ushinjura wiswe JK27** yavuze akomeje ko nta myitozo y'abantu bo mu mitwe yitwara gisirikare yigeze ibera muri Komini ya Nkuli[496].

371. **Umutangabuhamya ushinja wiswe GBE** yavuze ko yibuka ko mu mpera z'umwaka wa 1991 cyangwa mu ntangiriro z'uwa 1992, hari urubyiruko yabonye rujya mu rugo kwa Nzirorera gufata iniforume. Izo iniforume zari zidoze mu gitenge cy'icyatsi kibisi kirimo n'amabara y'ibendera rya MRND[497].

372. **Umutangabuhamya ushinja wiswe GBG** yavuze ko Nzirorera « afatanije » n'Uregwa bahaye Interahamwe iniforume[498]. Yavuze ko « ahagana mu wa 1993 » yabonye Uregwa aha Interahamwe iniforume zari zidoze mu gitenge cy'amabara y'icyatsi kibisi n'umuhondo[499], ko kandi ibyo byabereye mu nzu ya Nzirorera yari ku isoko ryo mu Byangabo[500]. Interahamwe zakurikizaga amategeko y'Uregwa kubera ko ari we wari warazihaye iniforume[501]. GBG yanavuze ko mbere y'intambara yo mu wa 1994, yabonye Uregwa aha Interahamwe iniforume nyuma y'inama yari yatumijwe na Nzirorera n'Uregwa[502]. Yasobanuye ko icyo gihe wabonaga nta bantu benshi bambaye iniforume y'Interahamwe, kandi ko nta mugore cyangwa « umwana » yigeze abona yambaye iyo myenda. Yavuze ko mu by'ukuri nta wundi muntu yigeze abona yambaye imyenda idoze muri icyo gitenge uretse Interahamwe, avuga ko nta n'amangazini yigeze abonamo icyo gitambaro[503].

373. **Umutangabuhamya ushinja wiswe GDD** yavuze ko nyuma y'urupfu rwa Perezida Habyarimana **Uregwa** yahaye za iniforume Shadrack wari Perezida wa MRND. Yavuze ko « Nzirorera yari yaremereye Interahamwe kuzaziha za iniforume » muri mitingi yari

---

[496] Inyandikomvugo y'iburanisha, 18 Nzeri 2002, urup. 25 (JK27).

[497] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 67 na 140-141 (GBE) (mu muhezo).

[498] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 35-37 na 61 (GBG).

[499] Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 49 (GBG).

[500] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 59-60 (GBG); reba kandi Inyandikomvugo y'iburanisha, yo mu gifaransa: Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 73-75 (GBG); Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 106 (GBG).

[501] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 53 (GBG).

[502] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 39 (GBG); Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 107 (GBG).

[503] Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, imp. 103-104 na 114 (GBG).

yabereye ku biro bya Komini ya Nkuli[504]. Mu gihe cy'ibitero, abagize umutwe w'Amahindure babaga bambaye iriya myenda y'Interahamwe za MRND. Yari imyenda idoze mu gitenge cy'amabara y'umuhondo, icyatsi kibisi n'ubururu bwerurutse, kandi iriho ikirango cya MRND[505].

374. **Umutangabuhamya ushinja wiswe GAO** yavuze ko bamwe mu bagabye ibitero byo ku itariki ya 7 Mata 1994 bari bambaye za iniforume zifite amabara ya simoko bari barahawe na Nzirorera. Yasobanuye ko izo iniforume Nzirorera yari yarazizaniye Uregwa muri Komini ya Mukingo. Nyuma, Uregwa, icyo gihe wari ukiri burugumesitiri, yazishyikirije Michel wari perezida w'Interahamwe ku rwego rwa Segiteri ngo azazitange; yazimuhereye kwa Nyiramakuba. Izo iniforume zari zidoze mu gitenge gisanzwe, gifite amabara y'umuhondo, umweru n'icyatsi kibisi. GAO yavuze ko hari abandi bantu bambaraga ingofero zifite amabara y'umutuku n'umukara bitwaga aba « MRD Parmehutu»[506]. Yavuze ko mu wa 1993 hari ubwo Uregwa yahaye Interahamwe amakarita aziranga, buri karita igiye iriho ifoto ya nyirayo[507].

375. **Umutangabuhamya ushinja wiswe ACM** yavuze ko Nzirorera yatanze iniforume n'intwaro bigenewe Interahamwe, kandi ko Uregwa ari we wabishyikirije Interahamwe mu muhango wo gusoza imyitozo[508].

376. **Umutangabuhamya ushinjura wiswe JK312** yavuze ko Interahamwe zambaraga iniforume ya MRND, kubera ko zose zari abayoboke b'iryo shyaka. Yavuze ko atari gushobora gutandukanya umurwanashyaka usanzwe w'ishyaka rya MRND n'Interahamwe, kubera ko ishyaka rya MRND ryari rifite iniforume imwe gusa[509].

377. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko atigeze abona Uregwa cyangwa Joseph Nzirorera baha Interahamwe za iniforume, kandi ko Interahamwe nta myenda ya gisirikare zambaraga. Yavuze ko MRND yari ifite iniforume zidoze mu gitambaro umuntu

---

[504] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 16, 17, 65, 66 na 69 (GDD).

[505] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 16-17 na 69 (GDD).

[506] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 24, 30-31, 56-57 na 93-94 (GAO).

[507] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 14 (GAO).

[508] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 75 (ACM).

[509] Inyandikomvugo y'iburanisha, 17 Nzeri 2002, imp. 49-53, 56-58 (JK312).

yashoboraga kugura mu maduka kandi buri wese yashoboraga kwambara, baba abayoboke b'ishyaka, abarishyigikiye, abagore, urubyiruko, n'abasaza[510].

378. Uregwa yavuze ko Interahamwe nta iniforume yihariye zambaraga[511].

379. **Umutangabuhamya ushinja wiswe GAP** yavuze ko muri Mata cyangwa Gicurasi 1994 Uregwa na Nzirorera bateguye akarasisi ubwo Uregwa yarahiriraga kuba Burugumesitiri wa Komini ya Mukingo. Icyo gihe Uregwa yafashe ijambo, Nzirorera akurikiraho. Icyo ako karasisi kari kagamije kwari « ukwereka abaturage Interahamwe » no kuzishimira akazi keza zari zarakoze»[512].

380. **Umutangabuhamya ushinja wiswe GBV** yavuze ko Nzirorera « yagize uruhare rukomeye mu ishyirwaho ry'Interahamwe » kubera ko yari « umuntu wo ku rwego rwo hejuru anafite amikoro ». Yasobanuye ko uruhare Uregwa yabigizemo rwari ugushaka urubyiruko rwo kwinjiza mu Nterahamwe no kurushyikiriza amafaranga Nzirorera yabaga yohereje ngo rugure intwaro[513].

381. **Umutangabuhamya ushinja wiswe GBE** yavuze ko buri gihe uko Nzirorera yazaga mu gace k'iwabo yabaga ari kumwe na Kajelijeli[514]. Yavuze ko iyo Nzirorera yazaga gusura nyina Nyiramakuba, Interahamwe n'Interahamwe bajyaga kwa Nzirorera cyangwa kwa Nyiramakuba « hakabera ibirori »[515]. Hagati y'inzu ya Nzirorera yitwaga Isimbi[516] n'iy'Uregwa hanyuragamo inzu imwe gusa[517].

---

[510] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 29, 31 (RGM) (mu muhezo).

[511] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 50 (Uregwa).

[512] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 26-27 (GAP).

[513] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 135-136 (GBV); Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 42-43 (GBE) (mu muhezo).

[514] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 138-139 (GBE) (mu muhezo).

[515] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 68 (GBE) (mu muhezo).

[516] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 54 (GBE) (mu muhezo).

A. [517] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 144 (GBE) (mu muhezo).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

382. **Abatangabuhamya bashinja biswe GBE na GAO** bavuze ko inzu ya Nzirorera yari ku isoko ryo mu Byangabo, yitwaga Isimbi rya Busogo cyangwa Isimbi ya Busogo, yari ifite icyumba cyagenewe Interahamwe ngo zijye zigikoreramo. GAO yavuze ko inama z'Interahamwe zaberaga mu Isimbi, ndetse ko n'inyandiko z'Interahamwe ariho zabikwaga[518]. GBE we yavuze ariko ko inyinshi mu nama z'Interahamwe zaberaga mu rugo kwa nyina wa Nzirorera, asobanura ko kiriya cyumba cyo mu Isimbi cyakoreshwaga gake cyane. Aba batangabuhamya bombi bemeje ko mu Isimbi hari harafunguwe iduka ryacururizwagamo ibinyobwa bidasindisha n'imiti, cyangwa kimwe muri ibyo[519].

383. **Umutangabuhamya ushinja wiswe GAO** yavuze kandi ko inama z'Interahamwe zanaberaga mu nzu ya Nzirorera yari ahitwa kuri Nyiratarengwa. Yavuze ko hari inama ya kabiri y'Interahamwe yabereye kwa Amiel Rucekeri ahacururizwaga imigati[520].

384. **Umutangabuhamya ushinja wiswe GBV** yavuze ko Interahamwe zateraniraga mu rugo kwa Nzirorera cyangwa mu kabari ka murumuna we [wa Nzirorera] witwa Silas Ntamakemwa kari hafi y'urugo rwa Nzirorera rwari muri Segiteri ya Busogo, nko ku ntera ya metero eshanu uvuye ku muhanda. Mu ibaza rinyomoza, GBV yavuze ko Interahamwe zitateraniraga mu nzu ya Nzirorera, ko ahubwo zateraniraga kwa nyina wa Nzirorera. Yavuze ko atigeze yinjira muri iriya nzu, ariko ko yabonaga Interahamwe ziyinjiramo. Yavuze ko rimwe yanyuze ku kabari ka murumuna wa Nzirorera yihitira abonayo Uregwa, Ntamakemwa na Nzirorera, ariko ko atashoboye kumva ibyo barimo bavuga. GBV yavuze ko Nzirorera yari afite indi nzu ku birometero bibiri cyangwa bitatu uvuye ku gasanteri ko mu Byangabo werekeza muri Nkuli[521].

385. **Umutangabuhamya ushinja wiswe GAO** yavuze ko mu nama yabereye mu rugo kwa nyina wa Nzirorera mu wa 1993, Nzirorera yategetse Interahamwe kujya gufata ibendera rya PSD n'irya MDR yari mu gace ka Yaounde n'aka Kabore, no kwica umuntu uwo ari we

[518] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 142-143 (GBE) (mu muhezo); Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 57 (GAO)

[519] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 143 (GBE) (mu muhezo); Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 43 (GBE) (mu muhezo).

[520] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 57 na 60 (GAO); Inyandikomvugo y'iburanisha, 25 Nyakanga 2001, urup. 14 (GAO).

[521] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 99-100 (GBV); Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 68, 70, 72 na 74-76 (GBV).

wese wanze kuziha ayo mabendera[522]. Iyo nama yabaye nyuma y'aho Nzirorera agarukiye avuye i Kigali ubwo yanyuraga mu gace ka Yaounde ari kumwe na Natanzi, Damaseni, Uregwa na Sinarimbonye Nasoni, bari mu modoka ya *Hilux* yari iya STB [ESTB][523]. GAO yavuze ko hari inama yabereye mu rugo kwa Nyiramakuba, uwitwa Kigozi mwene Ntamuhanga agafata icyemezo cyo gufata amabendera ya PSD n'aya MDR. Uregwa yari muri iyo nama[524].

386. **Umutangabuhamya ushinja wiswe GAP** yavuze ko muri Mutarama 1994, Uregwa yagiye mu nama yabereye kwa Joseph Nzirorera ubwo « Nzirorera yarimo ategura gutsembatsemba Abatutsi »[525]. Ubwo iyo nama yabaga, Uregwa ni we wari umuyobozi w'Interahamwe muri Komini ya Mukingo, uwo mwanya akaba yarawugumyeho kugeza ku itariki ya 10 Mata 1994. Abantu bari muri iyo nama yabereye kwa Nzirorera ni aba bakurikira : perezida wa MRND, perezida wa CDR, abagenzuzi b'amashuri, abakonseye, bamwe mu bacuruzi, n'abandi bantu bari bahagarariye amashyaka ya politiki na za komite z'Interahamwe. Amazina ya bamwe mu bari muri iyo nama ni : Jean Damascène Niyoyita, Baheza Esdras, Nyabusore, n'Uregwa[526].

387. GAP yavuze ko atibuka umubare w'inama zabereye muri iriya nzu ya Nzirorera, ariko ko mu mpera za 1994 zabaga « buri wa gatandatu » wa nyuma w'ukwezi[527]. Izo nama « zibandaga ku kureba uburyo amabendera y'andi mashyaka atari MRND cyangwa CDR yari yarazamuwe muri ako karere yarandurwa », ukuntu bakwima akazi abayoboke b'amashyaka ataravugaga rumwe n'ubutegetsi, « gukangurira abantu kumva ko Abatutsi ari bo banzi b'ibanze » no kubahiga. GAP yaje kuvuga nyuma ko mu byasuzumwaga muri izo nama hatarimo ikibazo cyo kwima akazi abayoboke b'andi mashyaka[528].

---

522 Inyandikomvugo y'iburanisha, 25 Nyakanga 2001, imp. 8 na 17 (GAO); Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 97 (GAO).

523 Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 93-95 (GAO).

524 Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 22 na 34 (GAO).

525 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 114 (GAP); Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 45 (GAP).

526 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 114-115 (GAP); Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 22-23 (GAP).

527 Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 21 (GAP).

528 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 115-116; Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 23-24; Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 52, 53, 55 na 57 (GAP).

388. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko mu wa 1993 cyangwa mu wa 1994 nta nama azi Joseph Nzirorera n'Uregwa bakoreye mu nzu yitwaga Isimbi yari iya Ntamakemwa na Joseph Nzirorera[529].

389. **Umutangabuhamya ushinja wiswe GBE** yavuze ko akenshi abantu bajyaga kwa Nzirorera bajyanywe no « kumugezaho ibibazo bitandukanye. » Yemeje ko Uregwa « buri gihe yabaga ari kumwe n'Interahamwe kwa Nzirorera bakorerayo ibirori[530]. Yavuze ko yibuka ko mu mpera z'umwaka wa 1991 cyangwa mu ntangiriro z'uwa 1992 yabonye urubyiruko rujya mu rugo kwa Nzirorera gufata za iniforume. Yasobanuye ko izo iniforume zari zidoze mu gitenge cy'icyatsi kibisi gifite amabara y'ibendera rya MRND[531]. GBE yanavuze ko rimwe na rimwe ibendera rya MRND ryazamurwaga ku Isimbi. Yemeje ko hari igihe yanyuraga ku Isimbi rimwe na rimwe akahabona Interahamwe zirimo zinywa akazisuhuza « kuko yari azizi»[532].

390. **Umutangabuhamya ushinja wiswe GBG** yavuze kandi ko umunsi umwe mu wa 1992 mu masaa sita z'amanywa yabonye Interahamwe zishinga igiti imbere y'inzu ya Nzirorera maze zizamuraho ibendera rya MRND. Buri gitondo zazaga kuzamura iryo bendera, nimugoroba zikaryururutsa. Yavuze ko yiboneye ubwe iryo bendera rizamurwa inshuro ebyiri, akabona baryururutsa inshuro imwe[533]. Yavuze ko rimwe yabonye Nzirorera ahera Interahamwe amafaranga ku nzu ye, zirimo ziririmba ngo « harakabaho ababyeyi bacu». GBG yemeje ko abo babyeyi Interahamwe zavugaga ari Nzirorera n'Uregwa[534].

391. **Umutangabuhamya ushinja wiswe GAP** yavuze ko mbere y'itariki ya 6 Mata yabonye Interahamwe kuri farumasi ya Nzirorera yari mu nzu ye yitwaga Isimbi ziri kwitoza gukoresha intwaro zirimo imbunda na za gerenade[535]. Yavuze ko Interahamwe zanitorezaga mu kigo cya Mukamira. Yasobanuye ko hari Interahamwe 80 zaherewe imyitozo « imbere

---

529 Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 32-35 (RGM).

530 Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 12, 42-43 (GBE) (mu muhezo).

531 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 67, 140-141 (GBE) (mu muhezo).

532 Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 43-44 (GBE) (mu muhezo).

533 Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, imp. 8-13, 102, 112-113 (GBG); Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 3 (GBG).

534 Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 105 (GBG).

535 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 92 (GAP) (mu muhezo); Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 41-42, 45, 47 na 113 (GAP) (mu muhezo).

ya farumasi Isimbi mu Byangabo » zikajya no mu kigo cya Mukamira gukorerayo imyitozo ya gisirikare[536].

392. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko atigeze abona **Uregwa** cyangwa Nzirorera baha Interahamwe za iniforume[537].

393. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko inzu yitwaga Isimbi yari ku isoko ryo mu Byangabo yari iya muramu wa Nzirorera[538]. **Umutangabuhamya ushinjura wiswe TLA** yavuze ko iyo nzu yitwaga Isimbi yari iy'umuryango wa Nzirorera[539]. **Abatangabuhamya bashinjura biswe RGM, MEM** na **TLA** bavuze ko iyo nzu yitwaga Isimbi yari irimo farumasi, akabari, n'ibiro by'umushinga witwaga « BCOM » wari ushinzwe kugeza amazi meza ku baturage[540]. **Abatangabuhamya bashinjura biswe RGM** na **TLA** bemeje ko nta nama Interahamwe zigeze zikorera muri iriya nzu yitwaga Isimbi, ko nta n'imyitozo ya gisirikare y'urubyiruko yigeze ihabera[541].

394. **Abatangabuhamya bashinjura biswe MEM** na **TLA** bavuze ko abarimu bari abayoboke ba MRND bakodeshaga mu gikari cy'iriya nzu yitwaga Isimbi[542]. Bavuze ko abo barimu bazamuraga ibendera rya MRND imbere y'iyo nzu n'ubwo itari iyabo bwose[543]. Aba batangabuhamya bavuze ko ku muhanda uva mu Ruhengeri ujya ku Gisenyi, kuri kariya gace kawo kava ku biro bya Komini ya Mukingo kakagera ku isoko ryo mu Byangabo, nta yindi nzu yari izamuyeho ibendera rya MRND, mu gihe irya CDR, irya MDR n'iry'irya

---

[536] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 119; Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 25-26 na 55; Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 84.

[537] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 31 (RGM).

[538] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 52-53 (MEM).

[539] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 43 (TLA).

[540] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 32-33 (RGM); Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 52-53 (MEM); Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 42-43 (TLA).

[541] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 33 (RGM); Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 44-45 (TLA).

[542] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 7-9 (MEM) (mu muhezo); Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 42-43 (TLA).

[543] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 52-53 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 7-9 (MEM) (mu muhezo).

PSD yari ahazamuye[544]. **Umutangabuhamya ushinjura wiswe RGM** yavuze ariko ko ku isoko ryo mu Byangabo hari ahandi hantu hanze hari hazamuye amabendera ya MRND[545]. **Umutangabuhamya ushinjura wiswe TLA** yavuze ko yabonaga abayoboke ba MRND bazamura ibendera ryayo mu gitondo akanababona nimugoroba baryururutsa[546]. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko abantu bazaga kunywera muri kariya kabari atari abayoboke ba MRND gusa[547].

395. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko mbere ya Mata 1994 nta ntwaro cyangwa imyenda yigeze abona bitangwa, ko nta n'imyitozo y'urubyiruko yigeze abona ibera imbere y'iriya nzu yitwaga Isimbi[548].

3. Umwanzuro w'Urugereko

(a) Ishyirwaho ry'Interahamwe muri Komini ya Mukingo

396. Urugereko rusanze Interahamwe zarashingiwe i Kigali mu mwaka wa 1991 ari ishami ry'urubyiruko rw'ishyaka MRND hanyuma zikaza gukwira mu gihugu cyose, uyu mwanzuro ruka ruwushingira ku buhamya bw'abatangabuhamya bashinja biswe GDD na GDQ, ku bw'Uregwa, no ku bundi bubushyigikira bwatanzwe n'umutangabuhamya ushinjura wiswe MEM. Urugereko rusanga by'umwihariko hari ubuhamya bw'Uregwa buvuga ko Interahamwe zatangiriye i Kigali mu mwaka wa 1991 hanyuma zigakwira mu gihugu cyose, harimo n'uduce tunyuranye twa Perefegitura ya Ruhengeri n'utwa Komini ya Mukingo[549]. Urugereko rusanze muri Perefegitura ya Ruhengeri, Interahamwe zarashyizweho mbere y'impera z'umwaka wa 1992, naho muri Komini ya Mukingo zikaba zarashyizweho mu ntangiriro y'umwaka wa 1993, uyu mwanzuro rukaba ruwushingira ku buhamya bwatanzwe n'abatangabuhamya bashinja biswe GBV[550], GAP[551] na GBH[552].

[544] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 52-53 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 7-9 (MEM) (mu muhezo); Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 45 (TLA).

[545] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 33 (RGM).

[546] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 46 na 126 (TLA) (mu muhezo).

[547] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, urup. 7 (MEM) (mu muhezo).

[548] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, urup. 63 (MEM) (mu muhezo); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 4-5 na 87 (MEM) (mu muhezo).

[549] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 32 (Uregwa).

[550] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, urup. 96 (GBV).

[551] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 14 (GAP).

Urugereko rusanze ibimenyetso byatanzwe bigaragaza neza ko mu kwezi ku Ugushyingo 1992, mu Ruhengeri harabereye inama Perezida Habyarimana yagiyemo akanayifatamo ijambo. Urugereko rusanze Uregwa yari muri iyo nama, rushingiye ku buhamya bw'umutangabuhamya ushinja wiswe GBE nk'uko bushyigikirwa n'ubw'abatangabuhamya bashinjura biswe RGM na MEM hamwe n'ubwatanzwe n'Uregwa. Uregwa yavuze kandi ko Perezida ari we wadukanye ijambo « Interahamwe » muri disikuru ye, ko kandi muri iyo nama harimo Interahamwe n'abandi bayoboke ba MRND. Ibi bikaba bishyigikirwa n'ubuhamya bw'umutangabuhamya ushinjura wiswe MEM wavuze ko MRND yari ifite umutwe w'urubyiruko witwaga Interahamwe*,* kandi ko iryo zina ry'Interahamwe yaryumvise bwa mbere muri iyo disikuru ya Perezida[553]. Nyamara ariko, umutangabuhamya ushinja wiswe GBE, abatangabuhamya bashinjura biswe RGM na MEM ndetse n'Uregwa, bemeza ko Uregwa nta jambo yafashe muri iyo nama. Urugereko rusanze kuri ibi bibazo ubuhamya bwabo ari ubwo kwizerwa, bityo rukaba rusanze nta bimenyetso bihagije bigaragaza ko Uregwa yagiye muri iyo nama nk'uwashyizeho Interahamwe.

397. Urugereko rusanze kandi ubuhamya bw'umutangabuhamya ushinja wiswe GDD buvuga ko Uregwa « yahurije hamwe Interahamwe »[554], n'ubw'umutangabuhamya ushinja wiswe GBE buvuga ko Uregwa « yashyizeho » Interahamwe[555] budatanga amakuru arambuye bihagije ku bintu bimwe by'ingenzi nk'igihe n'ahantu ibivugwa byabereye, kimwe n'uburyo byakozwemo. Kubera ibyo, Urugereko rusanze Porokireri atararangije inshingano ye yo kugaragaza ku buryo budashidikanywaho ko Uregwa ari we washyizeho Interahamwe muri Komini ya Mukingo.

398. Urugereko rusanze haratanzwe ibimenyetso bidahuzagurika kandi byo kwizerwa bigaragaza ko umutwe w'Interahamwe ufite aho uhurira ha bugufi n'umutwe w'Amahindure (uzwi no ku izina rya « *Virunga Force* ») n'uw'Uruyange, ndetse ko rimwe na rimwe iyo mitwe yagendaga ikora bimwe. Iyo sano yagaragaye neza mu buhamya bw'abatangabuhamya bashinja biswe GDD na GBH, no mu bw'umutangabuhamya ushinjura wiswe RGM. GDD yavuze ko yatoje Interahamwe zo muri « batayo y'Amahindure»zari zizwi no ku izina rya

---

[552] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001 (GBH).

[553] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 55 na 56 (MEM).

[554] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, urup. 86 (GDD); Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 61 (GDD).

[555] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 75 (GBE) (mu muhezo).

« *Virunga Force* »[556]. GBH yavuze ko habanje gushingwa umutwe w'Interahamwe, noneho « nyuma hakaza gushingwa uw'Amahindure kugira ngo bongere umubare w'urwo rubyiruko»[557]. Nyamara ariko, ubuhamya bwa GDD buvuga ko Uregwa ariwe washinze Amahindure[558] cyangwa ubwa GAO ubuvuga ko Uregwa ariwe washinze umutwe wa « *Virunga Force* »[559] ntibusobanutse kubera ko butavugwamo igihe nyacyo byakorewe, aho byakorewe, n'uburyo byakozwe. Kubera ibyo rero, Urugereko rusanze nta bimenyetso bihagije byatanzwe bigaragaza ku buryo budashidikanywaho ko Uregwa ari we washinze Amahindure cyangwa Uruyange.

399. Nyamara ariko, uyu mwanzuro urebana n'ikibazo cyihariye cyo kumenya niba Uregwa yarashinze imitwe ikurikira : Interahamwe, Amahindure, *Virunga Force*, n'Uruyange. Uyu mwanzuro ntiwerekeranye n'ikibazo cyo kumenya niba hari aho Uregwa yari ahuriye n'umwe muri iyo mitwe cyangwa iyo mitwe yose : icyo kibazo kirasuzumwa hano hasi.

(b) Itozwa ry'Interahamwe

400. Urugereko rusanze kugeza ku itariki ya 6 Mata 1994 Uregwa yaragize uruhare rufatika mu itozwa ry'Interahamwe. Ibi bigaragarira mu buhamya bw'umutangabuhamya ushinja wabihagazeho, wavuze ko « abantu babonaga Uregwa ari kumwe n'abagize urubyiruko iyo babaga bari mu myitozo ku kibuga cy'umupira w'amaguru bakoresha imbunda, n'ibiti byabaga byahawe ishusho y'imbunda»[560]. Ibimenyetso bishimangira ibyo bigaragara mu buhamya bwa GDD na GAO buvuga rumwe kandi budahuzagurika ku ruhare rw'Uregwa mu itozwa ry'Interahamwe. GDD, wigeze kuba mu mutwe w'Interahamwe, yavuze ko Uregwa n'abandi banyapolitiki bamusabye guha imyitozo abagize urubyiruko binjizwaga mu mutwe w'Interahamwe[561]. GAO wari Interahamwe yemeje na we ko igihe Uregwa yari burugumesitiri yahaga Interahamwe imyitozo ya gisirikare afatanyije n'abandi bantu[562].

---

[556] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 93, 94 na 95 (GDD).

[557] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 47 (GBH).

[558] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 95 na 96 (GDD); Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 49-50 na 86-87 (GDD).

[559] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 53-54 (GAO).

[560] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 51 (GBH).

[561] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 9; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 11 (GAO).

[562] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 14 (GAO).

GAO yavuze kandi ko buri gitondo Uregwa yazaga ku kibuga cyaberagaho imyitozo[563], kandi ko yabwiraga Interahamwe kurangiza imyitozo vuba kugira ngo azohereze mu birunga kurwanya Inkotanyi, Inyenzi[564]. Urugereko rusanze by'umwihariko umutangabuhamya ushinja wiswe GAP yaravuze ko Uregwa yari akuriye abatangaga imyitozo, « ashinzwe gucengeza amatwara ya politiki »[565]. N'ubwo hagati y'ubuhamya bushinja kuri icyo kibazo hari utuntu turimo urujijo ku birebana n'igihe iyo mitwe yitwara gisirikare yaherewe imyitozo inyuranye muri Komini ya Mukingo no mu turere tuyegereye, Urugereko rusanga ubwo buhamya budahuzagurika kandi bugaragaza ku buryo budashidikanywaho ko Uregwa yagize uruhare rufatika mu gikorwa cyo guha imyitozo Interahamwe muri Komini ya Mukingo. Urugereko rusanze ariko nta bimenyetso bihagije biriho bigaragaza ko Uregwa ari we wateguye iyo myitozo.

(c) Guha Interahamwe iniforume n'intwaro

401. Urugereko rumaze gusuzuma byimazeyo ibimenyetso biri muri dosiye, rusanze ibyo bimenyetso bidahagije guhamya ko mbere y'itariki ya 6 Mata 1994 Uregwa yahaye Interahamwe intwaro. Ubuhamya bw'umutangabuhamya ushinja wiswe ACM buvuga ko Joseph Nzirorera ari we wazanye iniforume n'intwaro zigenewe Interahamwe, nyuma Uregwa akazishyikiriza izo Nterahamwe mu muhango wo gusoza imyitozo yazo[566] bushingiye ku nkuru mbarirano. Kuva nta bundi buhamya buriho bubushyigikira, Urugereko rusanze ubwo buhamya budahagije gushingirwaho mu gufata umwanzuro wemeza ko mbere y'itariki ya 6 Mata 1994 Uregwa yatanze intwaro. Urugereko rurasuzuma ibimenyetso byerekeye itangwa ry'intwaro na iniforume nyuma y'itariki ya 6 Mata 1994 hano hasi mu mutwe wa III, icyiciro K.

402. Nyamara ariko, Urugereko rusanze Interahamwe zo muri Komini ya Mukingo zarambaraga iniforume ziziranga, kandi Uregwa yaragize uruhare mu gikorwa cyo gutanga izo iniforume. Aha Urugereko ruributsa ubuhamya budahuzagurika bwatanzwe n'abatangabuhamya

---

[563] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 51 (GAO).

[564] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 53-55 (GAO).

[565] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 120 (GAP).

[566] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 75 (ACM).

bashinja biswe GDD, GAO na GBG[567], bushimangirwa n'ubw'umutangabuhamya ushinjura wiswe JK312, bwemeza ko Interahamwe zagiraga iniforume iziranga. Urugereko rusanze GBG yaravuze ko yiboneye ubwe Uregwa mu gikorwa cyo guha Interahamwe iniforume ku isoko ryo mu Byangabo « ahagana mu mwaka wa 1993 ». Iyi nkuru ihuza n'amakuru ataziguye yatanzwe na GDD[568] na GAO[569]. Bityo rero, Urugereko rusanze Uregwa yarahaye Interahamwe iniforume ku isoko ryo mu Byangabo ahagana mu mwaka wa 1993.

(d) Ubuyobozi bw'Interahamwe muri Komini ya Mukingo n'iya Nkuli

403. Urugereko rwasuzumye ibimenyetso byatanzwe n'abatangabuhamya bashinja biswe GDQ, GAP na GBG bavuze ko Uregwa yari afite aho ahuriye n'Interahamwe kandi ko yari azifiteho ijambo n'ububasha. GDQ yavuze ko muri Komini ya Mukingo hari urubyiruko rwitwaga Amahindure rwayoborwaga n'Uregwa[570]. Umutangabuhamya wiswe GBV yavuze ko Uregwa yerekanye Interahamwe muri imwe mu nama yo ku rwego rwa komini, kandi ko hari itsinda ry'abayobozi b'Interahamwe bahoraga bategereje , bahabwa na Burugumesitiri igihe cyose yabakenera[571]. GAP yavuze ko Uregwa yabaye umuyobozi w'Interahamwe ubwo yari amaze kuvanwa ku mwanya wa burugumesitiri mu mwaka wa 1993[572]. GAP yavuze kandi ko Uregwa yari afite Interahamwe 80 zikomoka muri Komini ya Mukingo zatojwe neza, yategetse Perezida Habyarimana amaze gupfa, kandi ko ari umwe mu « batunganyije imikorere » y'umutwe w'izo Nterahamwe 80 mu ikubitiro, n'iy'izindi 600 zawinjijwemo nyuma yaho[573]. Uyu mutangabuhamya yavuze ko Interahamwe zagenderaga ku mabwiriza zahabwaga n'Uregwa yo gufasha mu gikorwa cyo gushakisha ibyitso[574]. GBG

---

567 Inyandikomvugo y'iburanisha, 17 Nzeri 2002, imp. 49-53 na 56-58 (JK312); Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 16, 17, 65, 66 na 69; Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 24, 30-31, 56-57, 93-94 (GAO); Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 49 (GBG).

568 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 16, 17, 65, 66 na 69 (GDD).

569 Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 24, 30-31, 56-57 na 93-94 (GAO); Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 59-60 (GBG), reba n'Inyandikomvugo y'iburanisha, yo mu rurimi rw'igifaransa, 12 Nyakanga 2001, imp. 73-75 (GBG); Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 106 (GBG); Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, urup. 49 (GBG).

570 Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 14-16 (GDQ).

571 Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 98-99 (GBV).

572 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 14 (GAP).

573 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 116 (GAP).

574 Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 53 (GBG).

yavuze kandi ko Uregwa yabaga « buri gihe ari kumwe n'Interahamwe »[575]. Abatangabuhamya biswe ACM na GBV batanze ubuhamya bwo kwizerwa bushyigikira ibyo, bavuga ko Uregwa yari umuyobozi w'Interahamwe mu mwaka wa 1993[576].

404. Urugereko rusanga by'umwihariko umutangabuhamya ushinja wiswe GBH yaratanze amakuru arambuye kandi yo kwizerwa aho yavuze ko Uregwa « ari we wahaga , abagize urubyiruko mu byo bagombaga gukora ibyo ari byo byose, akaba yarabayoboraga kandi akabaha amategeko … Abari bagize urwo rubyiruko bari Interahamwe »[577]. GBH yavuze kandi ko « umuntu wo ku rwego rw'Uregwa, nka burugumesitiri, yari kubasha gufata cyangwa gufunga abagize urubyiruko bambaraga iniforume, bakora myitozo, babyina banaririmba »[578]. Ubu buhamya bwaje gushyigikirwa n'ubw'umutangabuhamya ushinja wiswe GBE wavuze ko Uregwa atigeze yakura Interahamwe, kabone n'iyo zabaga ziri « gukorera abantu ibikorwa by'urugomo cyangwa zibabuza amahwemo », kandi nyamara nka burugumesitiri yari afite ububasha n'inshingano yo kubikora[579]. Urugereko rusanga ubwo buhamya butanga ishusho igaragara y'isano ikomeye Uregwa yari afitanye n'Interahamwe n'ububasha yari abafiteho. Urugereko rusanze rero Uregwa yari umuyobozi w'Interahamwe muri Komini ya Mukingo, kandi yari afite n'ijambo ku Nterahamwe zo muri Komini ya Nkuli guhera ku itariki ya 1 Mutarama 1994 kugeza muri Nyakanga 1994.

405. Ikibazo cyo kumenya niba Uregwa yarakomeje kuyobora no kugira ububasha nyabwo ku Nterahamwe mu gihe ibivugwa byabaga kuva ku itariki ya 6 Mata 1994 kugera hagati muri Nyakanga 1994, Urugereko ruragisuzuma hano hasi mu mutwe wa III, ibyiciro K na L.

[575] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 61-62 (GBG).

[576] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 46 (GDO); Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 33 (ACM); Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 103 (GBH); Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 96-97 (GBV).

[577] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 45-46 (GBH).

[578] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 47, 50-51, 54 na 104 (GBH).

[579] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 76 (GBE) (mu muhezo).

I. Ibivugwa ko Uregwa yari umuyoboke w'ishyaka MRND n'uko yari muri Kongere ya Perefegitura y'iryo shyaka

1. Ibivugwa

406. N'ubwo Porokireri atabivuga mu Nyandiko y'ibirego, mu myanzuro mbanzirizarubanza ye avuga ko amashyaka menshi amaze kwemerwa ku itariki ya 10 Kamena 1991, Uregwa yakomeje kuba umuyoboke w'ishyaka rya MRND yitabira ibikorwa byaryo[580].

407. Inyandiko y'ibirego ivuga Ishyaka rya MRND mu bika byinshi[581] kandi hari aho yerekana ko Uregwa yari afite ibyo ahuriraho n'abayobozi ba MRND, hamwe n'uruhare rwabo mu bwicanyi bwabaye muri Mata 1994 muri Komini ya Mukingo no mu duce tuyegereye.

408. Urugereko rusanga Uregwa yaramenyeshejwe uko bikwiye ibivugwa na Porokireri ko yari umuyoboke w'ishyaka rya MRND, ko kandi yari afite ibyo ahuriraho n'abandi bayoboke baryo, akaba rero yarabonye amakuru ahagije kugira ngo ategure imyiregurire ye kuri ibyo bivugwa. Uregwa yabashije kubaza abatangabuhamya bashinja ibibazo binyomoza kandi yahamagaje abatangabuhamya bashinjura bo kubivugaho.

2. Ibimenyetso

409. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

410. **Umutangabuhamya ushinja wiswe GBE** yavuzeko Uregwa yashishikarizaga abayoboke ba MDR kujya muri MRND ngo kubera ko MDR « yari ishyaka ry'Inyenzi ». Uregwa yahaga amakarita abayoboke bashya ba MRND ariko si we wasinyaga ayo makarita, yasinywagaho na perezida wa MRND ku rwego rwa komini ari we Alphonse Niyoyita. Uyu mutangabuhamya yavuze ko Uregwa « ari we wari warashyizeho » Niyoyita, kandi ko Uregwa yatumizaga inama zo ku rwego rwa komini akanaziyobora[582].

---

[580] Imyanzuro mbanzirizarubanza ya Porokireri, igika 12.

[581] Ibika bya 3.6, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.11, 4.12, 4.12.1, 4.12.2, 4.13, 4.14, 4.16.1, 4.18, 4.21, 4.22, 4.23, 5.1, 5.7 na 5.9

[582] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 53-54 na 131-135 (GBE) (mu muhezo).

411. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Uregwa yari umunyapolitiki ukomeye[583]. Kuva ishyaka MRND ryashingwa, Uregwa yabaye umwe mu babyobozi baryo. Uyu mutangabuhamya yavuze ko hariho inyandiko zigaragaza ko Uregwa yari umuyobozi wa MRND[584]. Ikindi kandi, uyu mutangabuhamya yakoranye n'Uregwa mu ishyaka rya MRND[585].

412. **Abatangabuhamya bashinjura biswe LMR1 na SMR2** bavuze ko Uregwa yabaye umuyoboke wa MRND kugeza mu mwaka wa 1991 ubwo mu Rwanda hatangiraga politiki y'amashyaka menshi. Aba batangabuhamya bavuze ko kuva ubwo kugeza igihe Uregwa yahagarikwaga mu mwaka wa 1993, ntaho yabogamiye muri politiki kubera ko, nka burugumesitiri, atari yemerewe kugira ishyaka ajyamo. Aba batangabuhamya bavuze ko Uregwa atigeze aba umwe mu bayobozi ba MRND[586].

413. **Umutangabuhamya ushinjura wiswe TLA** yavuze ko Uregwa nta mwanya yari afite mu ishyaka rya MRND, ko yari burugumesitiri gusa, kandi ko nta cyo yari ashinzwe muri MRND ku rwego rwa Perefegitura. Uyu mutangabuhamya yavuze kandi ko ubwo Uregwa yavanwaga ku murimo we mu mwaka wa 1993, nta murimo yashinzwe mu ishyaka MRND kandi ko nta n'ijambo yari arifitemo[587].

414. **Umutangabuhamya ushinjura witwa Joseph Nzirorera** yavuze ko Uregwa atari mu bashinze MRND ko kandi atari muri komite ya MRND mu rwego rwa Perefegitura ya Ruhengeri[588]. Nzirorera yavuze ko Uregwa atari ahari igihe sitati zishyiraho ishyaka rya MRND zasinywaga i Kigali ku itariki ya 5 Nyakanga 1991, kandi ko izina ry'Uregwa ntaho riri mu mazina y'abasinye izo sitati[589]. Ishyaka rya MRND ryanditswe muri Minisiteri y'Ubutegetsi bw'Igihugu ku itariki ya 31 Nyakanga 1991, maze sitati zaryo zitangazwa mu Igazeti ya Leta ya Repubulika y'u Rwanda yo ku itariki ya 15 Kanama 1991[590].

---

583 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 92 (GAP) (mu muhezo).

584 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup.16 (GAP).

585 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 15 (GAP).

586 Inyandikomvugo y'iburanisha, 18 Nzeri 2002, urup. 101 (LMR1); Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 22 na 75-76 (SMR2) (mu muhezo).

587 Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 47-48 (TLA).

588 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, urup. 9 (Nzirorera).

589 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 8-10 (Nzirorera).

590 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 17-19 (Nzirorera).

415. Nzirorera yavuze ko mu matora yo mu ishyaka MRND yakozwe mu wa 1992, Uregwa atari umukandida cyangwa umwe mu batora, bityo akaba atari kubasha gutorwa ku mwanya runaka muri iryo shyaka. Nzirorera yavuze ko Uregwa atigeze ajya muri MRND ivuguruye, bityo akaba atarigeze ayibera umuyoboke[591]. Uyu mutangabuhamya yemeje ko mu gihe cy'ishyaka rimwe rukumbi, burugumesitiri yabaga ari na Perezida wa MRND muri komini, ariko ko iyo mirimo yombi yatandukanyijwe ubwo amashyaka menshi yatangiraga, ko kandi abakozi bo mu butegetsi bwite bwa Leta harimo na burugumesitiri, batari bemerewe gukoMatanya umwanya w'ubuyobozi mu ishyaka rya politiki n'umwanya wo mu buyobozi bwa Leta[592]. Nzirorera avuga ko kubera ibyo, Uregwa atashoboraga kuba Perezida wa MRND muri komini igihe yatorerwaga kuba burugumesitiri muri Kamena 1994[593].

416. **Uregwa** yavuze ko mu mwaka wa 1978 Abanyarwanda bose bari muri MRND, kandi ko nta muntu wamubwiye ko ari muri MRND. Mbere y'uko aba burugumesitiri, nta karita y'ishyaka yari yarigeze atunga. Uregwa yavuze ko mu mwaka wa 1978 yari umutekinisiye, akaba atarajyaga mu nama za MRND[594]. Mbere y'uko politiki ishingiye ku mashyaka menshi itangira mu Rwanda muri Kamena 1991, Uregwa yari umuyoboke w'ishyaka rimwe rukumbi ryariho mu Rwanda, aririyo MRND, kandi kuba umuyoboke w'iryo shyaka bikaba byari itegeko ku bakozi ba Leta. Politiki y'amashyaka menshi imaze gutangira, Uregwa nta shyaka yagiyemo. Uregwa yavuze ko mu gihe cy'amashyaka menshi, ushyizemo n'igihe cyo muri Gashyantare 1993, nta shyaka rya politiki yarimo kubera ko burugumesitiri atari yemerewe kugira ishyaka abera umuyoboke. Uregwa yavuze ko nta gihe yari afite cyo kujya mu bya politiki[595].

417. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Uregwa yari umwe mu bagize Kongere ya MRND ku rwego rwa perefegitura ubwo yari burugumesitiri nyuma y'urupfu rwa Habyarimana. Kongere ya Perefegitura yari igizwe n'abantu bahagarariye za komini,

[591] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 10-11 (Nzirorera).

[592] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 82-83 (Nzirorera).

[593] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 72 na 83 (Nzirorera).

[594] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 40 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 31 (Uregwa).

[595] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 64, 74-76 (Uregwa).

hamwe na ba Perezida ba MRND n'Interahamwe muri buri komini yo muri perefegitura, naho komite ya Perefegitura yari igizwe n'abari muri biro ya perefegitura[596].

418. **Umutangabuhamya ushinja wiswe GDD** yavuze ko Uregwa yari muri Kongere ya perefegitura, akaba n'umwe mu bantu umunani bari bagize komite ya MRND ku rwego rwa perefegitura. Uyu mutangabuhamya ashingiye ku rutonde rw'amazina rwashyizwe ahagaragara yavuze ko azi ko Uregwa yatowe muri komini kugira ngo ajye muri kongere ya MRND ku rwego rwa Perefegitura ya Ruhengeri[597]. GDD yavuze kandi ko ubwo itora ryaberaga kuri sitade ya Ruhengeri muri Komini y'Umujyi ya Kigombe, Uregwa yari umwe mu bakandida umunani, kandi ko yaje gutorerwa kujya muri Komite ya Perefegitura[598].

419. Umutangabuhamya ushinja wiswe GAO yavuze ko Uregwa yari umwe mu bagize komite nkuru ya Perefegitura ya Ruhengeri[599]. Uyu mutangabuhamya yibuka ko habaye inama enye za komite zabaga ku wa kabiri no ku wa kane ku biro bya komini[600]. Komite yari igizwe n'abahagarariye komini zose za Perefegitura ya Ruhengeri. Uregwa akaba yari ahagarariye Komini ya Mukingo, Gatsimbanyi (umuvandimwe w'Uregwa akaba yari na Burugumesitiri wa Komini ya Nkuli) yari ahagarariye Komini ya Nkuli, naho burigadiye Alois yari ahagarariye Komini ya Kinigi[601]. Abandi bari muri komite ya perefegitura barimo Charles, Bazil (perefe wa Ruhengeri) na Nzanana (superefe)[602]. Abari muri komite bose bari abayoboke ba MRND[603]. Uyu mutangabuhamya nta nama yo ku rwego rwa perefegitura yigeze ajyamo, ariko perezida w'Interahamwe yazijyagamo maze akababwira ibizivugirwamo[604].

420. **Umutangabuhamya ushinjura witwa Joseph Nzirorera** yavuze ko Uregwa atari muri komite ya MRND ku rwego rwa Perefegitura ya Ruhengeri. Uyu mutangabuhamya yavuze ko nyuma ya kongere yo ku itariki ya 5 Nyakanga 1991 yemeje ishingwa ry'ishyaka,

---

[596] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 13-14, 20-21 na 105 (GAP).

[597] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 90-91; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 11 (GDD).

[598] T 4 Ukwakira 2001, imp. 13-17 (GDD).

[599] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 13 (GAO).

[600] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 109 (GAO).

[601] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 110-111 (GAO).

[602] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001 imp. 113-115 (GAO).

[603] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 114 (GAO).

[604] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 106, 108 (GAO)

byabaye ngombwa ko MRND ivugurura inzego zayo, ibyo bikaba byaratumye MRND ikoresha amatora ku rwego rwa komini, urwa perefegitura n'urw'igihugu. Muri Gashyantare 1992, MRND yakoresheje amatora ya kongere ya perefegitura muri Ruhengeri, maze iyo kongere itora komite igizwe n'abantu 20 barimo n'uyu mutangabuhamya. Kongere ya Perefegitura yatoye n'abantu bane bagize biro ya komite ya perefegitura igizwe na perezida, visi perezida, umunyamabanga, n'umubitsi. Uyu mutangabuhamya yavuze ko yatowe ku mwanya wa visi perezida, Casimir Bizimungu agatorerwa kuba perezida, Jean-Bosco Bicamumpaka agatorerwa kuba umunyamabanga, naho Celestin Kayinamura agatorwa ku mwanya w'umubitsi. Uyu mutangabuhamya yavuze ko amatora yabaye mu ruhame kandi ko yakurikiranwe n'itangazamakuru rya Leta kimwe n'iryigenga, amajwi agatangazwa kuri radiyo no mu binyamakuru bimwe na bimwe, cyane cyane ibyo mu karere[605].

421. **Uregwa** yavuze ko atari mu bagize komite ya MRND ku rwego rwa perefegitura, yewe habe na mbere y'uko politiki ishingiye ku mashyaka menshi itangira mu Rwanda. Uregwa ntiyajyaga mu nama za komite ya Perefegitura ya Ruhengeri, kandi nta nshingano yari afite yo kuzijyamo kubera ko umwanya we nka burugumesitiri ubwawo watumaga aba perezida wa komite ya MRND ku rwego rwa komini. Uregwa yavuze ko nta nama za MRND yigeze ajyamo mu Ruhengeri hagati y'umwaka wa 1991 n'uwa 1994. Ntiyigeze aba umwe mu bagize komite nyobozi ya MRND, kandi nta mwanya w'ubuyobozi yigeze agira muri MRND[606].

422. **Ikimenyetso gihamya cy'Ubwunganizi cyahawe N° D35** ni kopi ya Sitati za MRND, « Sitati za Muvoma Iharanira Repubulika, Demokarasi n'Amajyambere ya Rubanda (MRND) » zemejwe ku itariki ya 31 Nyakanga 1991[607]. Ingingo ya 9 ivuga ko umuyoboke wa Muvoma yitwa umurwanashyaka kandi ko Muvoma ishobora no kugira incuti. Ingingo ya 10 ya Sitati za MRND ishyiraho ibisabwa kugira ngo umuntu abe umurwanashyaka kubera ko kwinjira muri MRND bikorwa ku bushake, naho ingingo ya 11 ivuga ko kuba umurwanashyaka bigaragazwa n'ikarita y'Ishyaka.

---

605 Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 18, 27, 64 (Nzirorera).

606 Inyandikomvugo y'iburanisha, 15 Mata 2003 (Uregwa); Inyandikomvugo y'iburanisha, 17 Mata 2003 (Uregwa); Inyandikomvugo y'iburanisha, 23 Mata 2003 (Uregwa).

607 Ikimenyetso gihamya D35 cyatanzwe n'Ubwunganizi: Iteka rya minisitiri 23/04.09.01 du 31 Juillet 1991, Igazeti ya Leta ya Repubulika y'u Rwanda yo ku itariki ya 15 Kanama 1991.

423. Ingingo ya 13 ya Sitati za MRND ivuga ko incuti ya Muvoma ari umuntu wese wemera kandi ushyigikira Muvoma ariko atinjira mu mikorere y'inzego zayo[608].

424. Ingingo ya 40 ya sitati za MRND ivuga ko ababurugumesitiri b'abarwanashyaka ba Muvoma ari bamwe mu bagize kongere ya muvoma muri perefegitura bakoramo[609].

425. Izina ry'Uregwa ntiriri ku rutonde rw'amazina y'abasinye izo sitati[610].

3. Umwanzuro w'Urugereko

426. Urugereko rutitaye ku kuba mu myanzuro yarwo ibanza (umutwe wa III, Icyiciro cya H] rwaremeje ko Uregwa yari umuyobozi w'Interahamwe zari zigize ishami ry'urubyiruko rwa MRND, rushingiye ku bimenyetso byatanzwe, rusanze nta bimenyetso bihagije bigaragaza ko : (a) Uregwa yari umurwanashyaka wanditse mu bitabo[611] by'ishyaka rya MRND ivuguruye rigengwa na sitati zo muri Nyakanga 1991, cyangwa (b) ko yari mu bagize komite cyangwa kongere ya perefegitura y'iryo shyaka. Rutitaye kandi kuri ibi bimaze kuvugwa, Urugereko rusanze Uregwa yari afite byinshi ahuriraho na MRND ivuguruye ndetse n'ubuyobozi bwayo, by'umwihariko guhera muri Mutarama 1994 kugeza hagati muri Nyakanga 1994, akaba yaragize uruhare rugaragara mu bikorwa by'iryo shyaka muri Komini ya Mukingo no mu duce tuyegereye. Biranashoboka ko yaba yarabaye umurwanashyaka wa MRND.

J. Ibika 4.9, 4.12.1, 4.17, 4.18, 4.18.1, 4.19 na 4.20 by'Inyandiko y'ibirego

1. Ibivugwa

427. Igika cya 4.9 cy'Inyandiko y'ibirego kigira kiti:

> Byongeye kandi, guhera mu mpera ya 1990 kugera muri Nyakanga 1994,

---

608 Sitati za MRND, Ingingo ya 13 : « Incuti ya Muvoma ni umuntu wese wemera kandi ushyigikira Muvoma ariko atinjira mu mikorere y'inzego zayo». Iteka rya Minisitiri n° 23/04.09.01 ryo ku wa 31 Nyakanga 1991, Igazeti ya Leta ya Repubulika y'u Rwanda yo ku wa 15 Kanama 1991.

609 Sitati za MRND, ingingo ya 40 : « Abagize Kongere ya perefegitura ni: (…) 6. Ababurugumesitiri b'abarwanashyaka ba Muvoma muri iyo peregegitura».

610 Iteka rya Minisitiri n° 23/04.09.01 ryo ku wa 31 Nyakanga 1991, Igazeti ya Leta ya Repubulika y'u Rwanda yo ku wa 15 Kanama 1991.

611 Ingingo ya 9 ya Sitati za MRND ivuga ko abayoboke ba MRND bitwa abarwanashyaka.

abasirikare, abagize Guverinoma, abayobozi mu rwego rwa politiki, abakozi ba Leta n'abandi bantu bakomeye barimo Uregwa, hamwe na Joseph Nzirorera, barumvikanye hagati yabo ndetse bumvikana n'abandi bantu kugira ngo bategure umugambi wo gutsembatsemba abasiviri b'Abatutsi n'abantu batavugaga rumwe n'ubutegetsi kugira ngo MRND igumane ubutegetsi.

428. Igika cya 4.12.1 cy'Inyandiko y'ibirego kigira kiti:

> Uwo mutwe witwaraga gisirikare washyizweho kugira ngo, igihe nikigera, uzakoreshwe mu gushyira mu bikorwa umugambi wa MRND wo gutsembatsemba Abatutsi.

429. Igika cya 4.17 cy'Inyandiko y'ibirego kigira kiti:

> Mu rwego rwo gushyira mu bikorwa umugambi wo gutsembatsemba Abatutsi, hagati y'itariki ya 1 Mutarama 1994 na Mata 1994 habaye inama zinyuranye muri za perefegitura, mu makomini ndetse no ku rwego rwa Guverinoma kugira ngo hashyirweho ingamba zo kugera kuri uwo mugambi. Izo nama zayoborwaga n'abantu bavugwa haruguru mu gika cya 4.9 bari basangiye iyo ntego irangwa n'ubutagondwa.

430. Igika cya 4.18 cy'Inyandiko y'ibirego kigira kiti:

> Muri izo nama, abantu bakomeye barimo Uregwa na Joseph Nzirorera bagiye bafata amagambo bagashishikariza abazitabiriye, biganjemo abayoboke ba MRND n'Abahutu, kugaba ibitero ku Batutsi, kubatsembatsemba no gusambanya ku gahato Abatutsikazi. Abatutsi babaga bahejwe muri izo nama kubera ubwoko bwabo.

431. Igika cya 4.18.1 cy'Inyandiko y'ibirego kigira kiti:

> Usibye izo nama z'abaturage, hari n'utunama twaberaga ahiherereye nko ku biro by'amakomini, mu ngo z'abantu bakomeye nk'abayobozi mu gisirikare, abayobozi ba MRND, ababurugurumesiti cyangwa abaperefe n'abakozi ba Guverinoma, harimo n'urugo rw'Uregwa n'ibiro bya Komini yakoreragamo.

432. Igika cya 4.19 cy'Inyandiko y'ibirego kigira kiti:

> Mu bintu byari bigize uwo mugambi harimo gukoresha urwango n'urugomo bishingiye ku bwoko, gutoza no guha intwaro abantu bitwaraga gisirikare, hamwe no gukora amalisiti y'abantu bagombaga kwicwa.

433. Igika cya 4.20 cy'Inyandiko y'ibirego kigira kiti:

> Ku itariki ya 6 Mata 1994, indege yari itwaye Juvénal Habyarimana, wari Perezida w'u Rwanda, yarahanutse ubwo yiteguraga kugwa i Kigali mu Rwanda. Ibyo byatumye abantu baboneraho maze bashyira wa mugambi mu bikorwa, nuko ubwicanyi bwibasiye Abatutsi buhita butangira mu Rwanda hose.

2. Inama zo mu ruhame n'izakozwe mu ibanga mbere ya Mata 1994

(a) Ibimenyetso

434. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

435. **Umutangabuhamya ushinja wiswe GBG** yavuze ko yagiye mu nama yakoreshejwe na Nzirorera n'Uregwa[612]. Uyu mutangabuhamya ntiyibukaga neza itariki iyo nama yabereyeho, ariko yibwiraga ko yabaye mu mezi make ya mbere y'umwaka wa 1993 « mbere y'intambara yo mu wa 1994 » igihe Uregwa yari akiri burugumesitiri[613]. Muri iyo nama, Nzirorera yavuze ko azashyiraho « umutwe w'urubyiruko rufite imyenda iruranga yihariye » rwo « kubafasha gushakashaka ibyitso »[614]. GBG yanavuze ko icyo gihe Uregwa yavuze ko « byaba byiza urwo rubyiruko rubafashije gushakashaka ibyitso bisigaye, kubera ko ibyinshi muri byo cyangwa iby'ingenzi byari byaramaze kwicwa»[615].

436. **Umutangabuhamya ushinja wiswe GDD** yavuze ko yagiye mu nama zakoreshejwe n'Uregwa afatanyije na Shadrack Sendugu mu mwaka wa 1992 n'uwa 1993. Muri izo nama, Uregwa n'abandi bategetsi bavugaga ko FPR igizwe n'Abatutsi[616]. Ahereye kuri izo nama, uyu mutangabuhamya yumvise ko kwinjiza abasore mu mutwe w'Amahindure byari ngombwa mu rwego rwo kurinda igihugu ngo kitigarurirwa na FPR. Nk'umuyobozi,

[612] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 37-38 (GBG).

[613] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 39, 93 (GBG).

[614] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 39 (GBG).

[615] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 39 (GBG).

[616] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, urup. 88 (GDD).

Uregwa yashakishije abantu bo kwinjiza muri uwo mutwe[617]. Mu nama zabereye muri Komini ya Nkuli no ku Isimbi ahagana mu mpera z'umwaka wa 1993, Nzirorera n'Uregwa bafashe ijambo bakangurira kandi bahamagarira abaturage kurwanya Umututsi ari we mwanzi[618].

437. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko nyuma y'uko politiki ishingiye ku mashyaka menshi itangira, nta nama MRND yigeze ikoreshereza ku biro bya Komini ya Mukingo[619].

438. Uregwa yavuze ko mu mwaka wa 1992 bitari ngombwa ko MRND ishakisha abarwanashyaka ahandi hantu kubera ko yari isanzwe ifite benshi. Uregwa yavuze ko mu myaka ya 1992-1993 atigeze aha Interahamwe , yo kuvanaho amabendera cyangwa ibirango by'andi mashyaka ya politiki.

439. **Umutangabuhamya ushinja wiswe GAP** yavuze ko habaye inama ebyiri zateguriwemo amalisiti yariho amazina y'Abatutsi bagombaga kwicwa. Uregwa yatumije inama ya mbere yabaye mu Ukwakira cyangwa Ugushyingo 1990, kandi abayobozi ba Segiteri zose bayitumiwemo[620]. Uyu mutangabuhamya yavuze ko abakonseye b'amaSegiteri anyuranye baje muri iyo nama, kandi ko nabo bahamagaje abayobozi b'amaserire maze bakabamenyesha ko bagomba gushakisha Abatutsi bose bize bo muri serire zabo. GAP yavuze ko muri iyo nama yari ahagaze ku rugi akaba yarabashaga kumva ibyayivugirwagamo[621].

440. GAP yavuze ko « abayobozi » bateguye urutonde rw'amazina y'abantu bagomba gushakishwa bagafatwa, barimo Gasahane, Kaderevu, Kabango, Segahwege, Rudatinya, Bukumba, Biniga, Sabini, Mutanguha, Ndayambaje, Gihoza, Karyango, Bahiza, Bernard, Kabanda na Ngango[622]. Nyuma y'inama yo mu mwaka wa 1990, abo Batutsi bari kuri urwo rutonde barafashwe ariko baje kurekurwa nyuma. Ubwo intambara yuburaga mu mwaka wa

---

617 Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 56 (GDD).

618 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 71-72 na 78-79; Inyandikomvugo y'iburanisha, 3 Ukwakira 2001 imp. 140-144 na 162 (GDD).

619 Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, urup. 85 (MEM) (mu muhezo).

620 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 97; Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 23-24 na 96 (GAP).

621 Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 53 (GAP).

622 Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 102-107 (GAP).

1991, habaye inama ya kabiri muri Mutarama cyangwa Gashyantare 1991, maze nyuma yayo ba bantu bongera gufatwa baricwa[623].

441. GAP yavuze kandi ko Uregwa na konseye[624] bamusabye ubwabo gukora lisiti y'Abatutsi bo muri serire ye bakorana n'umwanzi. Uyu mutangabuhamya yavuze ko nta lisiti nk'iyo yateguye kubera ko nta « byitso » byari muri serire ye[625]. Byongeye kandi, hari umuntu Uregwa yategetse umutangabuhamya gushyira kuri lisiti y'Abatutsi bo muri serire ye, ariko uyu mutangabuhamya amusubiza ko ibyo atabikora kubera ko uwo muntu yari afite indangamuntu y'Abahutu[626]. Ahagana muri Mata 1991, Uregwa yaburiye uyu mutangabuhamya ko Abatutsi atashyize kuri lisiti bazabavamo babwira « bene wabo » ibyabaye[627].

442. **Umutangabuhamya ushinjura wiswe RHU31** yavuze ko hagati y'umwaka wa 1992 n'uwa 1994 nta lisiti y'Abatutsi yari yateguwe yigeze abona. Uyu mutangabuhamya yavuze ko iyo lisiti nk'iyo iba yarabayeho cyangwa iyo haza kugira Umututsi ufatwa na konseye, n'umupolisi se cyangwa n'umuyobozi wa serire, yari kubimenya[628].

443. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko hagati y'umwaka wa 1991 n'uwa 1994 nta malisiti y'Abatutsi yateguriwe muri izo nama zivugwa[629]. Uyu mutangabuhamya yavuze ariko ko mu mwaka wa 1991 abasirikare bafashe bamwe mu bakuru b'imiryango y'Abatutsi babita ibyitso.

444. **Umutangabuhamya ushinjura wiswe TLA** yavuze ko hagati y'umwaka wa 1991 n'uwa 1994 atigeze yumva ko hari lisiti y'amazina y'Abatutsi yaba yarateguwe igahabwa abantu. Uyu mutangabuhamya yavuze ko imibanire ye na burugumesitiri wa Komini ya Mukingo ntaho yahuriraga na gahunda y'inama za burugumesitiri cyangwa gahunda ye ya buri munsi.

---

[623] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 32, 32, 40-44 (GAP).

[624] Izina ry'uwo mukonseye ryashikirijwe Urugereko, rirakirwa kandi rishyirwaho ubujeni, nk'ikimenyetso gihamya cyahawe n° D9.

[625] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 36, 40 (GAP).

[626] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 109 (GAP).

[627] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 97-98 (GAP).

[628] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002 (RHU31) (HC); Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, imp. 19-20 na 66-67. (RHU31) (mu muhezo)

[629] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, urup. 62 (MEM) (mu muhezo).

Yavuze kandi ko yari kumenya ibikorwa byo mu rwego rwa MRND nk'itegurwa rya lisiti y'Abatutsi[630].

445. **Uregwa** yavuze ko yakoranga inama n'abakonseye ku rwego rwa komini, kandi ko atigeze abasaba gukora amalisiti y'Abatutsi batuye muri Komini ya Mukingo. Uregwa yongeyeho ko ibyavugirwaga mu nama byandikwaga maze raporo igashyikirizwa Perefe. Nta cyemezo cyafatwaga perefe atabyemeye, kandi ubusanzwe ntiyarenzaga ibyumweru bibiri adasubije[631].

(b) Umwanzuro w'Urugereko

446. Urugereko rumaze gusuzuma ibimenyetso byose birebana n'iki kibazo, rusanga mbere y'umwaka wa 1994, no mu mwaka wa 1992 n'uwa 1993, Uregwa yaragize uruhare mu nama zo mu karere zarimo abategetsi ba MRND ku rwego rw'akarere n'urw'igihugu nka Shadrack Sendugu na Joseph Nzirorera. Muri zimwe muri izo nama havugiwe ibyerekeye ishyirwaho ry'imitwe y'abantu bo muri ako karere bitwara gisirikare, n'intego z'iyo mitwe zarimo n'iyo kurwanya FPR n'ibyitso byayo byari byiganjemo Abatutsi.

447. Mu gika cya 4.18.1 cy'Inyandiko y'ibirego, Uregwa ashinjwa kuba yaragiye mu nama zabereye mu muhezo mu ngo z'abantu bakomeye barimo abakozi ba Leta. Rushingiye ku buhamya bwakwemerwa bwatanzwe kuri iki kibazo n'umutangabuhamya ushinja wiswe GAP, Urugereko rusanga muri Mutarama 1994, Uregwa yaragiye mu nama yabereye mu rugo rwa Joseph Nzirorera. Iyo nama yarimo abaperezida b'inzego za MRND na CDR muri komini, abagenzuzi b'amashuri, abakonseye, abacuruzi bamwe na bamwe, n'abandi bantu bari bahagarariye amashyaka ya politiki na komite z'Interahamwe. Mu bayigiyemo harimo Joseph Nzirorera wari umusangwa, Uregwa, Jean Darmecene Niyoyita, Baheza Shadras, na Myabisora. Muri iyo nama, ibiganiro byibanze ku buryo bunyuranye bwakoreshwa kugira ngo ishami rya MRND ryo muri ako karere rigumane ubutegetsi. Nyamara ariko, ku birebana n'ibivugwa mu gika cya 4.17 cy'Inyandiko y'ibirego ko abari mu nama bari basangiye umugambi urangwa n'ubutagondwa kandi ko bacuze umugambi wo gutsemba Abatutsi, Urugereko rusanze ibimenyetso byatanzwe bidahagije ku bijyane n'ibyo biganiro cyangwa ku bwumvikane ubwo ari bwo bwose bwaba bwarabivuyemo. Ku birebbana n'ibivugwa mu gika cya 4.18 cy'Inyandiko y'ibirego, Urugereko rusanze nta bimenyetso

---

[630] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 55, 57, 123 (TLA) (mu muhezo).

[631] Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 15 (Uregwa).

bihagije bigaragaza ko muri izo nama zabaye hagati y'itariki ya 1 Mutarama n'iya 6 Mata 1994, Uregwa yavuze amagambo ahamagarira abari mu nama gukorera Abatutsi ibikorwa by'urugomo, kubatsembatsemba no gusambanya Abatutsikazi ku gahato.

448. Urugereko rusanga n'ubwo hari ibimenyetso bifatika bigaragaza ko mbere y'umwaka wa 1992, igihe Uregwa yari burugumesitiri yasabye ko hakorwa lisiti z'Abatutsi, nta bimenyetso bihagije byatanzwe bigaragaza ibivugwa mu gika cya 4.19 cy'Inyandiko y'ibirego ko icyari kigamijwe kwari ukwica abari kuri ayo malisiti, cyangwa ko ayo malisiti yakozwe mu rwego rw'umugambi Uregwa yari afitemo uruhare.

449. Ku birebana n'ibivugwa mu gika cya 4.9 cy'Inyandiko y'ibirego, Urugereko rusanga nta bimenyetso bihagije byatanzwe bigaragaza ko guhera mu mpera z'umwaka wa 1990 kugera muri Nyakanga 1994, Uregwa yumvikanye n'abandi bantu gutegura umugambi wo gutsembatsemba abasiviri b'Abatutsi no kwica abantu batavugaga rumwe n'ubutegetsi kugira ngo MRND igumane ubutegetsi.

3. Gutoza Interahamwe nk'ikimenyetso kigaragaza uruhare mu bwumvikane

(a) Ibimenyetso

450. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II no mu byiciro bibanziriza iki by'uyu mutwe wa III.

451. Ibimenyetso birebana n'uruhare Uregwa yagize mu guha imyitozo abantu bitwaraga gisirikare byamaze gusuzumwa n'Urugereko mu myanzuro yarwo yerekeranye n'ibika 4.10, 4.12, 4.13, 4.15, 4.16 na 4.16.1 by'Inyandiko y'ibirego (reba hano hejuru umutwe wa III, Icyiciro cya H).

(b) Umwanzuro w'Urugereko

452. Urugereko rwamaze kwemeza ko Uregwa yitabiriye asishikaye igikorwa cyo gutoza Interahamwe mbere y'itariki ya 6 Mata 1994[632]. Mu gika cya 4.19 cy'Inyandiko y'ibirego, Porokireri avuga ko igikorwa cyo guha imyitozo abantu bitwaraga gisirikare cyari mu rwego rw'ubwumvikane Uregwa yagiranye n'abandi bwo gutsembatsemba Abatutsi. Nyamara

[632] Reba hano hejuru: Umutwe wa III, Icyiciro H.

ariko, Urugereko rusanze nta bimenyetso byatanzwe bigaragaza ku buryo budashidikanywaho ko iyo myitozo yari igamije kwica Abatutsi.

453. Mu myanzuro yarwo yo mu rwego rw'amategeko, nibwo Urugereko ruri busuzume ikirego cy'ubwumvikane bugamije gukora jenoside rushingiye ku bimenyetso byose byatanzwe muri uru rubanza (reba umutwe wa IV w'iyi Nyandiko y'urubanza).

K. Ibika 4.12.2, 4.18, 4.19.1, 4.24, 5.2, 5.3, 5.4 na 5.9 by'Inyandiko y'ibirego

1. Ibivugwa

454. Igika cya 4.12.2 cy'Inyandiko y'ibirego kigira kiti:

> Abatutsi bafatwaga nk'abanzi ba MRND, abanzi b'igihugu n'ab'Interahamwe.

455. Igika cya 4.18 cy'Inyandiko y'ibirego kigira kiti:

> Muri izo nama, abantu bakomeye barimo Uregwa na Joseph Nzirorera bagiye bafata amagambo bagashishikariza abazitabiriye, biganjemo abayoboke ba MRND n'Abahutu, kugaba ibitero ku Batutsi, kubatsembatsemba no gusambanya ku gahato Abatusikazi. Abatutsi babaga bahejwe muri izo nama kubera ubwoko bwabo.

456. Igika cya 4.19.1 cy'Inyandiko y'ibirego kigira kiti:

> Mu rwego rwo gushyira uwo mugambi mu bikorwa, abantu bavugwa mu gika cya 4.9 n'icya 4.18.1 [by'Inyandiko y'ibirego] bateguye ubwicanyi bwibasiye Abatutsi n'Abahutu batari intagondwa, bategeka ko bukorwa ndetse na bo ubwabo barabukora.

457. Igika cya 4.24 cy'Inyandiko y'ibirego kigira kiti:

> Uregwa yitabiriye uwo mugambi, arawutegura kandi awushyira mu bikorwa muri Komini ya Mukingo no mu turere bihana imbibi.

458. Igika cya 5.2 cy'Inyandiko y'ibirego kigira kiti:

> Umubano Uregwa yari afitanye n'umuntu ukomeye nka Joseph Nzirorera watumye asuzugura abategetsi bo muri ako gace maze akorera Abatutsi amarorerwa kandi ntiyabihanirwa.

459. Igika cya 5.3 cy'Inyandiko y'ibirego kigira kiti:

> Guhera muri Mata kugera muri Nyakanga 1994, Abatutsi benshi bagizwe n'abagabo, abagore n'abana bagabweho ibitero, barashimutwa, basambanywa ku gahato ndetse bicirwa mu ngo zabo cyangwa ahantu bari bahungiye muri Komini ya Mukingo, cyangwa barafatwa, barafungwa, nyuma baza kwicwa. Uregwa yateguye ibyo bitero, ategeka ko bigabwa, arabigenzura kandi na we ubwe arabyitabira.

460. Igika cya 5.4 cy'Inyandiko y'ibirego kigira kiti:

> Mu kwica Abatutsi, abagabye ibyo bitero barimo abapolisi ba komini, abajandarume n'Interahamwe zitwaraga gisirikare zayoborwaga n'Uregwa bakoresheje imbunda, amagerenade, imihoro, amacumu, amahiri n'izindi ntwaro.

461. Igika cya 5.9 cy'Inyandiko y'ibirego kigira kiti:

> Kubera umwanya w'ubutegetsi yari afite, Uregwa, afatanyije n'abandi bantu, yagize uruhare mu gucura umugambi, gutegura no gushyira mu bikorwa gahunda, ingamba cyangwa umugambi uhuriweho wo gukora amarorerwa avugwa haruguru. Bimwe mu byaha bivugwa byakozwe na we ubwe, ibindi bikorwa n'abantu yafashije cyangwa abo yari akuriye barimo abapolisi ba komini, abajandarume, n'Interahamwe za MRND kandi byakozwe abizi ndetse abishyigikiye.

2. Ibyabaye

462. Urugereko rurasuzuma ibyabaye mu byiciro binyuranye hakurikijwe aho byabereye n'uko byagiye bikurikirana kuva ku itariki ya 6 Mata 1994.

(a) Itariki ya 6 Mata 1994—Inama yabereye kuri kantine yegeranye n'ibiro bya Komini ya Nkuli nyuma y'urupfu rwa Perezida Habyarimana

- **Ibimenyetso**

463. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

464. Umutangabuhamya ushinja wiswe GDD yavuze ko ku itariki ya 6 Mata 1994 hagati ya saa ine na saa tanu z'ijoro, Boniface Ntambareshya wari burigadiye wungirije yaje iwe mu rugo

akamubwira ko Uregwa amushaka ku biro bya Komini ya Nkuli[633]. Aho ku biro bya komini, uyu mutangabuhamya yahasanze Uregwa n'abandi bantu - bose b'Abahutu-barimo Shadrack Sendugu wari Perezida wa MRND, Sebazungu wari burigadiye mukuru, Boniface Ntambareshya wari burigadiye wungirije, Iyakaremye wari Perezida wa CDR, na Ajida shefu Karorero. Bisabwe n'Uregwa, abari muri iryo tsinda bagiranye inama muri kantine y'abakozi ba komini.

465. GDD yagize ati: « Kajelijeli yabanje kubabwira bose ngo […] muzi neza ko Abatutsi ari bo bishe—aribo bahanuye indege ya Perezida. Mutegereje iki kugira ngo mwikize umwanzi »[634] ? Uregwa amaze kumenyeshwa na Shadrack Sendugu ko nta ntwaro zihari zo kugaba igitero mu baturage, yasize abagize iryo itsinda aho muri kantine maze ajyana na Boniface Ntabareshya wari burigadiye wungirij gutelefone ra mu mu biro by'abapolisi aho kuri komini[635]. Uregwa agarutse, yamenyesheje abari muri iryo tsinda ko Majoro Bizabarimana yemeye ko azabagezaho « ibikoresho » ku biro bya komini bukeye bwaho. Uregwa yasezeranyije kandi abari aho ko azabohereza Interahamwe zo muri Komini ya Mukingo kugira ngo zibatere inkunga mu kugaba igitero muri Serire ya Kinyababa[636]. Uregwa aherekejwe na Sebazungu wari burigadiye mukuru yasubiye mu rugo rwe rwari kuri metero ziri hagati ya 60 na 70 uvuye kuri iyo kantine. Uregwa amaze kugenda, Sendugu Shadrack n'undi muntu wari mu nama bavuganye uburyo bari bagiye « gushaka abagize urubyiruko bo kudufasha kwica Abatutsi »[637].

466. Uregwa yavuze ko Karorero wari Ajida mu ngabo z'u Rwanda ukomoka muri Komini ya Nkuli yari afite kantine iri mu kigo kirimo ibiro bya Komini ya Nkuli. Uregwa yahakanye ko yahuriye na Karorero kuri kantine ku mugoroba wo Ku itariki ya 6 Mata 1994[638].

---

[633] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 20; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 64-65 (GDD).

[634] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 25; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 105-111 (GDD).

[635] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 25, 112 (GDD).

[636] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 26; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, urup. 71 (GDD).

[637] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 25-28 (GDD).

[638] Inyandikomvugo y'iburanisha, 15 Mata 2003, urup. 7; Inyandikomvugo y'iburanisha, 17 Mata 2003, urup. 52 (Uregwa).

- **Umwanzuro w'Urugereko**

467. Urugereko ruzirikana ko muri iki gihe umutangabuhamya ushinja wiswe GDD ari mu Rwanda aho arangiriza igihano cy'igifungo yakatiwe kubera ubwicanyi bufitanye isano n'ibyabaye Uregwa akurikiranyweho muri uru rubanza. Ku birebana n'imibanire ya GDD n'Uregwa, GDD yavuze ko Kajelijeli yari inshuti kandi ko basangiraga inzoga rimwe na rimwe. Uregwa yemeye ko yari azi GDD kubera ko yigeze kuba umukozi mu nzego z'ubutegetsi bwo muri ako gace. Ubwunganizi bwavuze ko ibyo uyu mutangabuhamya avuga atari ibyo kwemerwa, maze buhamagaza umutangabuhamya ushinjura wiswe JK27 akaba ari umuvandimwe wa GDD. JK27 yabwiye Urugereko ko GDD ari umubeshyi akaba n'umujura wibye n'umutungo w'umuryango we. Ubwunganizi bwerekanye kandi ko mu nyandikomvugo y'ubuhamya GDD yagejeje ku bapererezi b'Urukiko ku itariki ya 23 Kamena 2000, uretse no kuba ataravuzemo ko Uregwa yari mu nama yo ku itariki ya 6 Mata 1994, nta n'aho yamuvuze[639]. Kuri iki kibazo, GDD yasobanuye ko yasubije gusa ibibazo yabajijwe n'abapererezi ubwo bakoraga inyandikomvugo y'ubuhamya bwe, ko kandi ibisubizo bye byari bivunaguye nkana nk'uko bisanzwe bigenda mu butabera bwo mu Rwanda. Yavuze kandi ko ubwo yasinyaga iyo nyandikomvugo y'ubuhamya bwe yumvaga ashobora kuzatanga nyuma andi makuru y'inyongera arambuye[640]. Urugereko rwemera ibisobanuro byatanzwe na GDD birebana n'ibyo atavuze mu nyandikomvugo y'ubuhamya bwe. Byongeye kandi, Urugereko rusanga ubwo GDD yabazwaga ibibazo bwa kabiri n'abapererezi b'Urukiko ku itariki ya 20 Nyakanga 2000, yaravuze koko ko Uregwa yari mu nama yo ku mugoroba wo ku itariki ya 6 Mata 1994. Rumaze gusuzuma byimazeyo ubuhamya bwa GDD bufatiwe hamwe n'ibimenyetso byose byatanze muri uru rubanza kandi ruzirikana imyifatire y'uyu mutangabuhamya igihe yatangaga ubuhamya mu iburanisha, Urugereko rusanze GDD ari umutangabuhamya wo kwizerwa.

468. Uregwa yahakanye ibivugwa ko yagiye muri iyo nama, kandi Ubwunganizi bwavuze ko ubuhamya bwatanzwe kuri iki kibazo budafite ubundi bubushyigikira. Nyamara ariko, Urugereko rusanga ubuhamya GDD yatanze kuri iki kibazo burambuye, ari ubwo kwizerwa, budahuzagurika, kandi buhuza n'ibintu by'ingenzi biranga uru rubanza[641].

---

[639] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (inyandiko ikubiyemo ibyakosowe), igika 135.

[640] Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, pp.74-75, 124-125 (GDD).

[641] Reba hano hejuru : Umutwe wa I, Icyiciro D.

469. Urugereko rusanga ku mugoroba wo ku itariki ya 6 Mata 1994, nyuma y'urupfu rwa Perezida, GDD yarahamagajwe mu nama kuri kantine yegeranye n'ibiro bya Komini ya Nkuli. Mu bari muri iyo nama hari Kajelijeli, Shadrack Sendugu wari Perezida wa MRND, Sebazungu wari burigadiye mukuru, Boniface Ntabareshya wari burigadiye wungirije, Iyakaremye wari Perezida wa CDR, na Ajida Shefu Karorero. Uregwa ni we wayoboye iyo nama kandi yageje ijambo ku bari bayirimo bose bari Abahutu[642]. Ubwo yarababwiye ati: « Muzi neza ko Abatutsi aribo bishe—bahanuye indege ya Perezida. Mutegereje iki kugira ngo mwikize umwanzi »? Ubwo Uregwaga yavugaga ijambo « umwanzi », GDD yumvise ko yashakaga kuvuga Abatutsi[643]. Uku niko n'Urugereko rwa Mbere rw'Iremezo rubyumva kandi ni wo mwanzuro warwo kuri icyo kibazo hashingiwe ku bikubiye muri iryo jambo n'ibihe ryavuzwemo. Ubwo Uregwa yari amaze kumenyeshwa na Sendugu Shadrack ko nta ntwaro zihari zo kugaba igitero mu baturage, yasohotse mu nama ari kumwe na Boniface Ntabareshya wari burigadiye wungirije, maze agarutse abwira abari aho ko Majoro Bizabarimana yemeye kubagezaho « ibikoresho » kuri komini mu gitondo bukeye bwaho. Uregwa yasezeranyije kandi abaraho ko azazana Interahamwe zo muri Komini ya Mukingo kugira ngo zibatere inkunga mu kugaba igitero muri Serire ya Kinyababa.

(b) Itariki ya 7 Mata 1994 - Kugemura intwaro ku biro bya Komini ya Nkuli no kuzitanga

- **Ibimenyetso**

470. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

471. **Umutangabuhamya ushinja wiswe GDD** wagiye mu nama yo ku itariki ya 6 Mata 1994 yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994 yari ku izamu kuri bariyeri yari imbere y'ibiro bya Komini ya Nkuli ku muhanda wa Ruhengeri-Gisenyi. Muri icyo gitondo, hagati ya saa kumi n'imwe na saa kumi n'ebyiri, Shadrack Sendugu yagejejweho intwaro zaje mu modoka ya gisirikare yo mu bwoko bwa *Land Rover*, izo ntwaro zikaba zari zatanzwe na Majoro Bizabarimana wayoboraga ikigo cya Mukamira. Za *Kalashnikov*, amagerenade n'amasanduku y'amasasu byashyizwe imbere y'ibiro by'umugenzuzi w'amashuri abanza

[642] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 28-29 (GDD).

[643] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 39 (GDD).

wari umugore wa Shadrack Sendugu[644], ibyo biro bikaba byari mu kigo kirimo ibiro bya Komini ya Nkuli[645]. Umwe mu bapolisi yagiye kubyutsa Uregwa kugira ngo amumenyeshe ibyerekeye inkunga y'ibikoresho yari ivuye mu kigo cya Mukamira. GDD yavuze ko Uregwa ahageze yavuze ati: « Yee, bwana [izina ryarasibwe], […] Sendugu, Shadrack, ahasigaye ni ahanyu. Ngiye kujya muri Mukingo kureba uko byifashe, kandi dushobora kongera kubonana nyuma ya saa sita maze mukambwira icyo mwakoze »[646]. Nyuma, GDD yaje kuvuga ko Uregwa yababwiye muri icyo gitondo ngo « ni mwe mugomba gukora». Njyanye na Sendugu muri Mukingo »[647]. Nyamara ariko GDD yanavuze ko Uregwa yajyanye mu modoka ye na Iyakaremye n'Interahamwe ebyiri[648].

472. GDD yavuze ko intwaro zari zivuye mu kigo cya gisirikare cya Mukamira zimaze kugezwa ku biro bya Komini ya Nkuli mu gitondo cyo ku itariki ya 7 Mata 1994, Uregwa yavuye ku biro bya Komini ya Nkuli ari mu modoka ye ya kamyoneti *Hilux* itukura. Uregwa yajyanye n'Interahamwe ebyiri zamurindaga, na Iyakaremye wari Perezida wa CDR wagombaga kugarukana n'Interahamwe zo muri Komini ya Mukingo zije gutera inkunga mu ubwicanyi bwakorewe muri Serire ya Kinyababa. GDD wari mu bayoboye igitero cyo muri Serire ya Kinyababa ntiyiboneye Uregwa mu byabereye muri Komini ya Mukingo cyangwa mu bwicanyi bwahabereye ku itariki ya 7 Mata 1994[649].

473. GDD yavuze ko we ubwe na Shadrack Sendugu wari Perezida wa MRND ari bo bayobozi basigaye aho bashinzwe urubyiruko. Aho ku biro bya Komini ya Nkuli bahaye zimwe mu ntwaro abagize urubyiruko bari babikanguriwe, cyane cyane abo muri batayo y'Amahindure, maze izindi bajya kuzitangira aho ubwicanyi bwakorewe. Nyuma, GDD na Sendugu bayoboye igitero cyagabwe muri Serire ya Kinyababa[650].

---

644 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 29-31; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 87-88, 101-104 (GDD).

645 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 31 (GDD).

646 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 32 (GDD).

647 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 39-40 (GDD).

648 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 40 (GDD).

649 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 33-34, 37 na38-40; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 99-101 (GDD).

650 Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 41-42; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 113-116 (GDD).

- **Umwanzuro w'Urugereko**

474. Urugereko rwemera ko ibyo umutangabuhamya ushinja wiswe GDD avuga mu buhamya bwe kuri iki kibazo ari ukuri, kandi rusanga mu gitondo cyo ku itariki ya 7 Mata 1994 hagati ya saa kumi n'imwe na saa kumi n'ebyiri yari ari ku izamu kuri bariyeri yo ku biro bya Komini ya Nkuli ku muhanda wa Ruhengeri-Gisenyi, ubwo imodoka yo mu bwoko bwa *Land Rover* yahageraga ivuye mu kigo cya gisirikare cya Mukamira. Iyo modoka yari izanye imbunda zo mu bwoko bwa *Kalashnikov*, amagerenade n'amasanduku y'amasasu. Sendugu Shadrack wari Perezida w'ishyaka rya MRND muri ako gace akaba ari na we wari wamenyesheje Uregwa mu nama yari yaraye ibaye ku mugoroba ko bakeneye intwaro yakiriye ibyo bikoresho maze abishyira mu biro by'umugore we byari mu kigo cyarimo ibiro bya Komini ya Nkuli. Umupolisi wa komini yoherejwe kujya kubyutsa uregwa kugira ngo amumenyeshe ko hari intwaro zoherejwe na Majoro Bizabarumana uyobora ikigo cya Mukamira. Ubwo Uregwa yageraga ku biro bya Komini ya Nkuli, yibukije abari aho amasezerano bari baraye bagiranye ku mugoroba, maze agira ati « ahasigaye ni ahanyu »[651]. Uregwa yaravuze ati: « Ngiye muri Mukingo kureba uko byifashe, kandi dushobora kongera kubonana nyuma ya saa sita maze mukambwira icyo mwakoze »[652]. Nyuma Uregwa yavuye aho mu modoka ye ya kamyoneti itukura ya *Hilux* ari kumwe na Iyakaremye wari Perezida wa CDR, n'Interahamwe ebyiri.

475. N'ubwo GDD atajyanye n'Uregwa, yabwiye Urugereko ko kubera amasezerano bari baraye bagiranye mu nama yabereye ku biro bya Komini ya Nkuli mu ijoro, yari azi ko Uregwa agiye muri Mukingo gushaka abantu bo kubatera inkunga.

476. Ibi byabaye bigaragaza ko Uregwa yujuje ibyo yari yasezeranyije abari mu nama yo ku mugoroba wo Ku itariki ya 6 Mata 1994, ko azabaha intwaro zo gukoresha mu gitero cyari kugabwa bukeye bwaho. Urugereko rusanga ubuhamya bwatanzwe n'umutangabuhamya wiswe GAO bwerekeye uburyo Interahamwe zabonye intwaro buhuza n'uburyo GDD yasobanuye. Ku birebana n'igitero cyagabwe ku gasozi ka Bosogo muri Serire ya Rwankeri, GAO yabwiye Urugereko ko ubwo basubizwaga inyuma n'Abatutsi mu ikubitiro, Michel Niyigaba wari umukuru w'Interahamwe yababwiye ko Uregwa yari avuye gusaba imbunda mu kigo cya Mukamira, kandi ko Majoro Bizibarimana azazizana. Izo ntwaro zaraje maze

---

[651] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 39-40 (GDD).

[652] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 32 (GDD).

zihabwa abari bazi kuzikoresha[653]. GAO yasobanuye ko Majoro Bizibarimana yari umwe mu bantu « bari bashyigikiye Kajelijeli cyane »[654].

477. Bityo rero, Urugereko rusanze Uregwa yarashakiye Interahamwe intwaro zakoresheje mu bitero zagabye no mu bwicanyi zakoze.

(c) Itariki ya 7 Mata 1994—Inama yabereye ku biro bya Komini ya Mukingo

- Ibimenyetso

478. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

479. Umutangabuhamya ushinja wiswe GAP yavuze ko igihe indege ya Perezida Habyarimana yahanurwaga ku itariki ya 6 Mata 1994, yari ku izamu rya nijoro ku biro bya Komini ya Mukingo. Bukeye bwaho mbere ya saa moya cyangwa saa mbiri mu gitondo, Uregwa yaje ku biro bya komini yitwaje imbunda yo mu bwoko bwa *Kalashnikov* ariko atambaye iniforume, akaba yari kumwe n'umucuruzi witwa Bahesa n'Interahamwe indwi zari zitwaje imbunda n'amagerenade[655]. Muri izo Nterahamwe, zakomokaga zose mu bwoko bw'Abahutu, GAP yamenyemo Michel Niyigaba, Ntamugabumwe Bikete, Noheli, Muhombo na Bereberaho. GAP yari yarazibonye mbere zikora imyitozo, kandi zari zambaye iniforume ya MRND. Uregwa yamaze iminota igera kuri 30 ku biro bya Komini ya Mukingo[656]. Uregwa yasabye Burugumesitiri Harerimana kumuha abapolisi bake bo gufasha Interahamwe kwica Abatutsi, maze Harerimana amusubiza ko abapolisi batari baje ku kazi uwo munsi kubera itangazo ryari ryanyuze kuri radiyo ritegeka abantu bose kuguma mu ngo zabo, ariko ko hashoboraga kuboneka umwe gusa wiswe « JP »[657]. Nyuma yaho, Uregwa yavuye ku biro bya komini aragenda. GAP yavuze ngo guhera saa mbiri za mu gitondo, « bumvise ibintu biturika, gerenade ziturika, n'urusaku rw'amasasu muri Segiteri »[658]. GAP

[653] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 27 (GDD).

[654] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 30 (GAO).

[655] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 15 na 120-121 (GAP).

[656] Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, imp. 15-16, 119 (GAP).

[657] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, urup. 121; Inyandikomvugo y'iburanisha, 3 Ukuboza 2001, urup. 120 (GAP).

[658] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2001, imp. 122-123 (GAP).

ntiyiboneye ubwe ubwicanyi bwabaye ku itariki ya 7 Mata 1994; yari yagumye aho yakoreraga ku biro bya komini[659]. Mu ibaza ry'inyongera, GAP yavuze ko n'ubwo atari aho ubwicanyi bwakorewe, umugambi wo kubukora wari wumvikanyweho ahari[660].

480. Umutangabuhamya ushinjura wiswe RHU31 yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994 yagiye ku kazi ku biro bya Komini ya Mukingo nk'uko bisanzwe. RHU31 ageze ku kazi, nta wundi muntu yahasanze uretse gusa umupolisi umwe wari ku izamu witwa Bigirimana. RHU31 yavuze ko ubwo yageraga ku biro i saa mbiri n'igice za mu gitondo, Bazimenyera wari burigadiye w'abapolisi ba Komini ya Mukingo atari ahari. RHU31 yavuze ko muri Mata 1994, Komini yari ifite imodoka ya kamyoneti *Hilux* itukura yari yanditseho mu rubavu « Komini ya Mukingo ». RHU31 yavuze ko ku itariki ya 7 Mata 1994 saa mbiri n'igice za mu gitondo iyo modoka itari ku biro bya komini, ko kandi na Muhunde Avit wayitwaraga atari ahari. RHU31 yavuze ko yavuye ku biro bya komini saa tanu z'amanywa, ko kandi hagati ya saa mbiri n'igice za mu gitondo na saa tanu z'amaywa atigeze ahabona Uregwa, umushoferi w'Uregwa, burigadiye cyangwa Emmanuel Harerimana. RHU31 yavuze kandi ko nta bariyeri yabonye haba igihe yajyaga ku biro bya komini cyangwa igihe yavagayo.

- **Umwanzuro w'Urugereko**

481. Urugereko rwasuzumye ibimenyetso byatanzwe ku byabereye ku biro bya Komini ya Mukingo mu gitondo cyo ku itariki ya 7 Mata, by'umwihariko ubuhamya bw'umutangabuhamya ushinja wiswe GAP n'ubw'umutangabuhamya ushinjura wiswe RHU31. Urugereko ntirwemera ko mu gitondo cyabayemo ibintu byinshi nk'icyo ku itariki ya 7 Mata 1994, RHU31 yaba ari we mukozi wo mu buyobozi wenyine wageze ku kazi ku biro bya komini. Cyari igihe cy'amahina ku buryo bugaragara, bityo Urugereko rukaba rusanga ubuhamya bwe kuri icyo kibazo ntawabushira amakenga. Nyamara ariko, Urugereko rusanga ibi bitavuga ko byanze bikunze amakuru yatanzwe na RHU31 n'ayatanzwe na GAP adashobora kugira aho ahurira. GAP yavuze ko igihe yabonyeho Uregwa avugana na burugumesitiri ari « mbere ya saa moya cyangwa ya saa mbiri mu gitondo ». Hagati aho birashoboka rero ko RUH31 yageze ku biro bya Komini ya Mukingo

---

[659] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 47-48 (GAP).

[660] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, imp. 75-76 (GAP).

saa mbiri n'igice za mu gitondo agasanga Uregwa, Interahamwe, GAP ndetse na Burugumesitiri baje aho ku biro bya komini bakanagenda ku buryo atabimenye.

482. N'ubw'abatangabuhamya bashinja biswe GDD na GAP batabaga muri komini imwe, ubuhamya bwabo burashyigikirana ku bibazo byinshi by'ingenzi birebana n'aho Uregwa yagiye n'ibyo yakoze mu gitondo cyo ku itariki ya 7 Mata 1994. GDD yavuze ko ubwo Uregwa yari amaze kwakira ku biro bya Komini ya Nkuli intwaro zirimo imbunda zo mu bwoko bwa *kalashnikov* hagati ya saa kumi n'imwe na saa kumi n'ebyiri za mu gitondo, yahavuye mu modoka ye ajya muri Komini ya Mukingo gushaka Interahamwe zo gutera inkunga mu gitero cyari kugabwa uwo munsi muri Komini ya Nkuli. Hashize amasaha agera kuri abiri, GAP yabonye Uregwa ku biro bya Komini ya Mukingo afite imbunda yo mu bwoko bwa *kalashnikov*, ari kumwe n'Interahamwe indwi, kandi ari gusaba abapolisi ba komini bo gutera inkunga mu gitero cyagombaga kwibasira Abatutsi.

483. Urugereko rwemera ko umutangabuhamya GAP avuga ukuri, kandi rusanga Uregwa yarageze ku biro bya Komini ya Mukingo mu gitondo cyo ku itariki ya 7 Mata 1994 mu ma masaa moya cyangwa mu ma saa mbiri za mu gitondo. Uregwa yaje yitwaje imbunda yo mu bwoko bwa *Kalashnikov* ari kumwe n'umucuruzi witwa Bahesa, n'Interahamwe zose zari Abahutu kandi zifite imbunda n'amagerenade. Uregwa yatse burugumesitiri Harerimana abapolisi bo gutera inkunga mu gikorwa cyo kwica Abatutsi, ariko uwo mu burugumesitiri yamumenyesheje ko abapolisi batari baje ku kazi. Nyuma y'cyo kiganiro,, Uregwa yavuye ku biro bya Komini ya Mukingo mu modoka ye.

(d) Itariki ya 7 Mata 1994—Iyicwa ry'Abatutsi bari batuye muri Serire ya Kinyababa muri Komini ya Nkuli

- **Ibimenyetso**

484. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

485. **Umutangabuhamya ushinja wiswe GDD** yavuze ko ku itariki ya 7 Mata 1994 mu masaa kumi n'imwe cyangwa mu ma saa kumi n'ebyiri za mu gitondo, Uregwa yahaye abasore bitwaraga igisikare intwaro ku biro bya Komini ya Nkuli mbere y'uko ajya muri Komini ya Mukingo. Nyuma yaho, uyu mutangabuhamya na Sendugu Shadrack wari Perezida wa

MRND bayoboye igitero cyagabwe muri Serire ya Kinyababa. Abicanyi berekeje muri Serire ya Kinyababa hamaze gutangwa intwaro zari zavuye mu kigo cya Mukamira, kandi n'Uregwa yari amaze kujya muri Komini ya Mukingo[661]. Uyu mutangabuhamya yagereranije ko igitero cyagabwe muri Serire ya Kinyababa cyatangiye ahagana saa tatu za mu gitondo kikamara umunsi wose kugeza saa kumi cyangwa saa kumi n'imwe z'igicamunsi. Abagize urubyiruko barenga ijana bitwaraga gisirikare, bafashijwe n'utundi dutsiko tw'Abahutu ari two: urubyiruko rwo muri Komini ya Nkuli; abantu bahamagariwe icyo gitero bo muri Komini ya Mukingo bari bayobowe na Iyakaremye wakomokaga muri Segiteri ya Gitwa akaba yari Perezida wa CDR; abantu baturutse mu misozi ya Rukoma; abasirikare bavuye ku Mukamira; n'abasirikare bari bambaye imyenda ya gisiviri bari kuri IGA. Abagabye igitero bari bitwaje imbunda cyangwa intwaro gakondo nk'amacumu, amahiri cyangwa imipanga[662].

486. GDD yavuze ko umunsi uciye ikibu, abagabye igitero bari bishe Abatutsi bagera kuri 80 bakomokaga mu miryango irenga 12, bashenye amazu yose yo muri Serire ya Kinyababa, kandi basahuye imitungo y'abishwe[663]. GDD na Sendugu Shadrack wari Perezida wa MRND basahuye inka imwe, maze barayibaga barayigabana mbere yo kujya kuri kantine. Uyu mutangabuhamya yaravuze ati: « Birumvikana ko tutibagiwe Kajelijeli. Twamwoherereje indobo yuzuye inyama »[664]. Uyu mutangabuhamya yavuze ko yabwiye Kajelijeli uko byagenze muri aya magambo: « … Bwana Juvénal, hasigaye umwotsi gusa. Twavanyeho umwanda »[665].

- **Umwanzuro w'Urugereko**

487. Urugereko rushingiye ahanini ku nkuru irambuye kandi idahuzagurika yatanzwe n'umutangabuhamya wiswe GDD ivuga uko igitero cyagabwe ku Batutsi bari batuye muri Serire ya Kinyababa, muri Komini ya Nkuli, cyagenze, rusanze mu gitondo cyo ku itariki ya 7 Mata 1994, ubwo intwaro zari zavuye mu kigo cya Mukamira zari zimaze gutangwa, GDD na Sendugu Shadrack barayoboye igitero cyarimo abagize urubyiruko barenga ijana

---

[661] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 41-42 (GDD).

[662] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 45-46; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 85 na 123-124 (GDD).

[663] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 48 (GDD).

[664] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 48-49 (GDD).

[665] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 51 (GDD).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

bitwaraga gisirikare, bafashijwe n'utundi dutsiko tw'Abahutu ari two: urubyiruko rwo muri Komini ya Nkuli; abantu bahamagariwe icyo gitero bo muri Komini ya Mukingo bari bayobowe na Iyakaremye wakomokaga muri Segiteri ya Gitwa, akaba yari Perezida wa CDR; abantu baturutse mu misozi ya Rukoma; abasirikare bavuye ku Mukamira; n'abasirikare bari bambaye imyenda ya gisiviri bari kuri IGA. Abagabye igitero biraye mu miryango igera kuri 12 y'Abatutsi maze bicamo abantu bagera kuri 80. Urugereko rwemera ko GDD yaranzwe n'umurava mu gikorwa cyo gutegura icyo gitero cyagabwe muri Serire ya Kinyababa, muri Komini ya Nkuli, ku itariki ya 7 Mata 1994 kandi ko yakigiyemo, nk'uko inkiko zo mu Rwanda zamuhamije icyaha cya jenoside rushingiye ku byabaye muri icyo gitero.

488. Urugereko rusanga iki gitero cyarabaye mu rwego rwo gushyira mu bikorwa umugambi wari wumvikanyweho mu nama yari yaraye ibaye mu ijoro, yarimo abayobozi bo muri ako gace banyuranye barimo Uregwa na Iyakaremye wari Perezida w'ishyaka rya CDR muri Segiteri ya Gitwa. Iyakaremye na we kandi yagiye muri icyo gitero. Urugereko rusanze intwaro zashatswe n'Uregwa zikagezwa ku biro bya Komini ya Nkuli kare mu gitondo, zarakoreshejwe muri icyo gitero. Byongeye kandi, rushingiye ku buhamya bwa GDD, Urugereko rusanze ubwo uwo munsi wari ucicye ikibu, GDD ari umwe mu babwiye Uregwa ibyakozwe, bamwizeza ko « bavanyeho umwanda ».

(e) Itariki ya 7 Mata 1994 – Kuba Uregwa yari ku isoko ryo mu Byangabo n'ibyo yahakoreye

- **Ibimenyetso**

489. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

490. **Umutangabuhamya ushinja wiswe GAO** yavuze ko yagiye ku isoko ryo mu Byangabo kuri Busogo ku itariki ya 7 Mata 1994 saa kumi n'ebyiri za mu gitondo[666], kandi ko Uregwa yahageze mu masaa mbiri cyangwa mu masaa tatu za mu gitondo ari mu modoka

[666] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 16 na 58 (GAO).

hamwe na Bambonye na Ajida shefu Karorero. Uregwa amaze kuhagera yabonanye na GAO hamwe n'izindi Nterahamwe 33[667].

491. GAO yavuze ko uregwa yiyamiriye ati: « Abandi barangije akazi kabo, na mwe muracyari hano! Mwihute, munsange ku kabari kanjye. […] Mwice kandi mutsembatsembe abantu bose bo mu Rwankeri »[668]. Uregwa yasubiyemo aya magambo ku kabari ke[669] kari ku muhanda ujya mu Byangabo ku ruhande rw'ibumoso ugana kuri Paruwasi ya Busogo. GAO yavuze ko Uregwa yagize kandi ati: « Abandi barangije akazi kabo, kuki aba bantu mubihorera»[670]? GAO yemeje ko Uregwa yashakaga kuvuga izindi Nterahamwe yayoboraga zo muri Komini ya Nkuli no muri Serire ya Busogo zari zarangije kwica Abatutsi[671].

492. GAO yavuze kandi ko Bambonye yahaye imbaga yari iteraniye aho , agira ati: « Mwice bose, hakubiyemo n'abari mu nda za ba nyina »[672]. GAO yavuze ko Uregwa yatanze andi mabwiriza yo « gutsembatsemba Abatutsi »[673]. Uyu mutangabuhamya yavuze ko mu Nterahamwe zari aho harimo : Michel Niyigaba wari perezida w'interahamwe, Dusabe (mwene Nyiramakuba), Noel (mwene Mutima), Muhombo (mwene Mutima), Musafiri (mwene Rwerasira), Barebee (mwene Sebakamyi), Harera (mwene Nyabindahedya), Nyimuharemye (mwene Zirarusha), Sibomana (umuvandimwe wa Nyimuharemye), Ntebayeyi (ukomoka i Rwinzovu), Gatama (mwene Bugali), na Ntamugabumwe (umwarimu akaba n'umuvandimwe w'Uregwa)[674].

493. **Umutangabuhamya ushinja wiswe GBV** yavuze ko hagati ya saa mbiri na saa tatu za mu gitondo ari bwo yabonye Uregwa ku isoko ryo mu Byangabo ari ku ntera ya metero zigera

---

[667] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup.16; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 28 (GAO).

[668] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 17 na 19-20 (GAO).

[669] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 28-29 (GAO).

[670] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2001, urup. 98 (GAO).

[671] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 19-20 (GAO).

[672] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 17 (GAO).

[673] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 17 (GAO).

[674] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 18-19 (GAO).

kuri 50. Uregwa yavugishaga agatsiko k'Interahamwe, kandi GBV yamwumvise azibwira ngo « mugende mwambare maze mutangire mukore »[675].

494. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko yagiye kuri santere y'ubucuruzi ya Byangabo ku itariki ya 7 Mata 1994 saa moya za mu gitondo, kubera induru yahavugiraga. Ubwo yahageraga, yabonye imbaga y'impunzi zari zakomotse muri Komini ya Cyeru, iya Butaro, iya Kidaho n'iya Kinigi. RGM yavuze ko benshi mu bantu bari aho basakabakaga, kandi ko Asiel Ndisetse wari konseye wa Segiteri ya Busogo yari ahari. Uyu mutangabuhamya yavuze ko Liyetona Mburuburengero yageze aho i saa moya za mu gitondo akabwira abahateraniye ko Abatutsi bagize uruhare mu ihanurwa ry'indege ya Perezida. Uyu mutangabuhamya avuga ko atigeze abona Uregwa ku isoko ryo mu Byangabo muri icyo gitondo cyo ku itariki ya 7 Mata 1994[676].

495. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko ku itariki ya 6 Mata 1994 yakanguwe n'abaturanyi saa tanu z'ijoro, bakamubwira ko indege ya Perezida yahanuwe. MEM yavuze ko kugeza bykeye ku itariki ya 7 Mata 1994 saa kumi n'ebyiri za mu gitondo, we n'abaturanyi batagohetse. Nyamara ariko, MEM yavuze nyuma ko yavuye iwe saa kumi n'ebyiri za mu gitondo agiye ku isoko ryo mu Byangabo, maze akahagera saa kumi n'ebyiri n'igice za mu gitondo. Ubwo yahageraga, yahasanze abantu bavanywe mu byabo n'intambara bo muri Komini ya Butaro n'abandi bo mu gace ka Byangabo. MEM yavuze ko yaganiriye iby'urupfu rwa Perezida n'abacuruzi bari aho. MEM yavuze ko guhera igihe yagereye ku isoko ryo mu Byangabo kugeza mu masaa kumi n'igice z'igicamunsi ubwo yahavaga, atigeze ahabona Uregwa, yewe ko atanahabonye imodoka y'Uregwa ntoya itukura yo mu bwoko bwa *Toyota* yari yanditseho — « ESTB »— mu rubavu, cyangwa imodoka ya komini. MEM yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994 Uregwa atigeze akandagira ku iduka rye ryo ku isoko ryo mu Byangabo, iryo duka rikaba ryaririwe rifunze umunsi wose kimwe n'andi maduka yo kuri iyo santere[677].

---

[675] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 105-106 Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 114-116 (GBV).

[676] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 54-55 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, urup. 60 (RGM).

[677] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 29-33, 47-48, 50-51 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 58-59, 82-83 (MEM) (mu muhezo).

496. **Umutangabuhamya ushinjura wiswe MLNA** yamenye inkuru y'urupfu rwa Perezida Habyarimana ku itariki ya 7 Mata 1994 hagati ya saa kumi n'imwe na saa kumi n'ebyiri za mu gitondo. Amaze kumva iyo nkuru, yajyanye n'umugore ku isoko ryo mu Byangabo. Aho mu Byangabo yahasanze abantu benshi barimo abari bahatuye, impunzi zakomokaga muri Cyeru, Butaro, Byumba na Ruhengeri, hamwe n'abantu bo ku dusozi twegereye aho two muri Nyakinama. Abantu bari bagiye biremamo amatsinda kandi baganira iby'urupfu rwa Perezida Habyarimana. MLNA yari azi benshi muri abo bantu, akaba by'umwihariko yaramenye Asiel Ndisetse wari konseye wa Segiteri ya Busogo. MLNA yashoboye kandi kumenya Michel, Rukundo, Noheli, Mwana, Mufuna, Rugumire, Musafiri, Theogene Muhombo na Dusabe. MLNA yavuze ko atigeze abona Uregwa mu bantu bari bateraniye ku isoko ryo mu Byangabo mu gitondo cyo ku itariki ya 7 Mata 1994, yewe ko atanahabonye imodoka ye itukura yo mu bwoko bwa *Toyota Hilux*. Ubwo MLNA yabazwaga niba bishoboka ko Uregwa yaba yari ahari ariko ntabashe kumubona kubera ubwinshi bw'abantu, uyu mutangabuhamya yemeye ko bishoboka[678].

497. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko ubwo yageraga ku isoko ryo mu Byangabo mu gitondo cyo ku itariki ya 7 Mata 1994, yabonye urubyiruko rwinshi hafi y'ijipe ya gisirikare ruvugana na Ndisetse wari Konseye wa Segiteri ya Busogo. Nyuma, RHU23 yasubiye aho yakoraga mu kigo cya *ISAE*. Ari aho yakoraga, yabonye urwo rubyiruko ruva ku isoko ryo mu Byangabo rwerekeza mu kigo cya *ISAE*, ruvuza induru, rusimbuka kandi rwitwaje ibikoni; ariko nta iniforume cyangwa ibindi bibaranga bari bambaye. Uyu mutangabuhamya yavuze ko urwo rubyiruko rwari ruherekeje abasirikare, bajya mu ngo z'Abatutsi bo muri Serire ya Rwankeli. Nyuma yaho, uyu umutangabuhamya yumvise ibintu biturika abona n'amazu arimo gushya[679].

498. **Umutangabuhamya ushinja wiswe GAP** yavuze ko ku itariki ya 8 Mata 1994 ubwo yari mu nzira yerekeza ku isoko ryo mu Byangabo yabonye Rukara apfa. Uyu mutangabuhamya yavuze kandi ko yabonye Interahamwe ziteraniye ku kabari k'Uregwa zirimo kunywa no kuririmba. Nyuma, uyu mutangabuhamya yagiye kuri Busogo ahabona imirambo itatu y'Abatutsi[680].

[678] Inyandikomvugo y'iburanisha, 31 Werurwe 2003, imp. 29-30, 32, 36, 83 (MLNA) (mu muhezo).

[679] Inyandikomvugo y'iburanisha, 25 Nzeri 2002,, imp. 10-12, 14-15 (RHU23); Inyandikomvugo y'iburanisha, 26 Nzeri 2002, urup. 83 (RHU23)

[680] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 77

499. **Umutangabuhamya ushinja wiswe GAO** yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994 yari ku isoko ryo mu Byangabo. GAO yavuze ko Uregwa akimara kuvuga ijambo aho ku isoko ryo mu bya Byangabo, Interahamwe zahise zica umusore w'Umututsi witwaga Rukara, zikoresheje agashoka. GAO yasobanuye kandi ko Michel Niyigaba wari umukuru w'Interahamwe ariwe wishe Rukara. Ibyo birangiye, iyo mbaga y'abantu yafashe Lucien (mukuru wa Rukara), maze Musafiri (mwene Rugerasira) amurasira iwe [kwa Lucien] mu nzu[681]. Rukara na Lucien bari Abatutsi[682].

500. **Umutangabuhamya ushinja wiswe GBV** yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994 yari ku isoko ryo mu Byangabo. GBV yavuze ko Interahamwe zishe umusore w'Umututsi witwaga Rukara, n'ubwo avuga ko izo Nterahamwe zakoresheje ubuhiri buteyemo imisumari. GBV yavuze kandi ko Uregwa yari ahari igihe Rukara yicwaga, ariko mu ibaza ry'inyongera yavuze ko Uregwa yari « hafi aho … mu rugo rwe »[683].

501. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko mu gitondo cyo ku itariki ya 7 Mata 1994, yahuriye n'Uregwa ku isoko ryo mu Byangabo. GDQ yavuze ko Konseye Ndisetse, umucuruzi witwa Baheza, Liyetona Mburuburengero n'Interahamwe zimwe zari zavuye kuri Busogo no kuri Mogogo bahasanze Uregwa, ariko ko atibuka isaha ibyo byabereyeho. GDQ yavuze ko akihagera, Interahamwe zishe abasore babiri b'Abatutsi aribo Rukara na mukuru we Rudasingwa [Lucien], ko kandi ibyo byabaye Uregwa ahari[684]. GDQ yasobanuye ko Rukara yicishijwe ishoka, naho Rudasingwa [Lucien] akicishwa inkoni[685].

502. GDQ yavuze ko Interahamwe zishe Rudasingwa zarimo Michel Niyigaba wari umukuru w'Interahamwe, Musafiri, Abu Karim Gato, Dusabe, Ezekiel Karambizi, Gakuru, Bagabo, Mwambutsa, Mbonankira, n'abandi. Nyuma y'ubwo bwicanyi, GDQ yagiye kubwira Burugumesitiri Emmanuel Harerimana ibyo yari yabonye kubera ko bwabereye mu maso ya konseye kandi ntagire icyo akora ngo aburwanye. Burugumesitiri yamubwiye ko nta cyo

---

681 Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 16, 25, 58; Inyandikomvugo y'iburanisha, 27 Ugushyingo 2001, urup. 12

682 Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 25-26

683 Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 105-108, 126; Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 114-116, 159

684 Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup.26

685 Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 25-26, 105

yari kubikoraho kubera ko na we Interahamwe z'Uregwa zamuhigaga kugira ngo Uregwa azagirwe burugumesitiri[686].

503. **Umutangabuhamya ushinja wiswe GBE** yavuze ko ku itariki ya 7 Mata 1994 hagati ya saa kumi n'igice na saa kumi n'imwe zo mu rukerera yavuye mu rugo agiye mu mujyi gutega imodoka yerekeza i Kigali. Ageze mu mujyi, yumvise abantu bavuga iby'urupfu rwa Perezida Habyarimana, kandi bari barakaye, bavuga ko « Inyenzi » ari zo zishe « mwene wabo ». GBE yiboneye Michel wari umukuru w'Interahamwe zo kuri Busogo akubita Rukara ishoka. Konseye yagerageje kugira icyo abikoraho ariko Michel amubwira ko atitonze yakwicwa azira kurwana ku Batutsi no kuba baramugabiye inka. Ku isoko hari izindi Nterahamwe zirimo Bagavo, Gakara, Gato, Gakuru, Musafiri, na Rukundo. Ubwo, imbaga y'abantu bari bitwaje imipanga n'izindi ntwaro yatangiye kwisuganya. Ubwo GBE yavaga ku isoko ryo mu Byangabo yerekeza muri Serire ya Rwankeli, yabonye Interahamwe na zo zitangiye kugenda. GBE yavuze ariko ko atigeze abona Uregwa muri icyo gitondo[687].

504. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko Liyetona Mburuburengero yasabye iyo mbaga y'abantu gushakisha Umututsi witwa Rukara wabumbaga aMatafari ya sima yitwa korositara mu kigo cya gisirikare cya Mukamira. RGM ari kumwe na Dusabimana, Musafiri, Mbonankira na Semanza bashakishije Rukara, maze bamubonye baramuhondagura bakoresheje za ferabeto bari batoraguye hafi aho. Nyuma, Liyetona Mburuburengero yabwiye imbaga yari aho ko yifuza ko nagaruka asanga bishe Abatutsi bose. Ubwo Liyetona amaze kugenda, iyo mbaga y'abantu yishe Rukara[688].

505. RGM, nk'umuntu wabihagazeho, yatanze ubuhamya bwerekeye uburyo Rukara yishwe. Yavuze ko Rukara yabinginze ngo bamureke, ko ariko n'ubwo nta kintu kibi yari yakoze bitabujije Michel Niyigaba kumwica[689].

506. RGM yavuze ko Konseye Asiel Ndisetse yagerageje kubuza imbaga y'abantu yari iteraniye aho, cyane cyane urubyiruko, guhorera Perezida. Ubwo Liyetona Mburuburengero yari agarutse ku isoko ryo mu Byangabo bakamumenyesha ko konseye yabujije iyo mbaga

[686] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 28, 31-32

[687] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 77-79, 82-83, 87, 90 (mu muhezo).

[688] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 47-53 (RGM).

[689] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 53-54 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 20, 23 (RGM) (mu muhezo).

kwihorera ku Batutsi, uwo muliyetona yategetse ko konseye yicwa. Nyamara ariko konseye yabashije guhunga, kandi Interahamwe ntizamwirutseho[690].

507. RGM yavuze ko iyo mbaga imaze kwica Rukara, Liyetona Mburuburengero yayitegetse noneho kwica Lucien wari mukuru wa Rukara, akaba yari mu rugo aho bari basanze Rukara. Musafiri yasohoye Lucien, maze amwica amuteye icyuma. RGM yavuze ko umutangabuhamya ushinja wiswe GAO yari ahari ibyo biba[691].

508. RGM yavuze ko Interahamwe ari zo zishe Rukara na Lucien. RGM yasobanuye ko muri icyo gitondo by'umwihariko, mu bishe Rukara na Lucien nta wari wambaye iniforume, kandi ko Michel Niyigaba yari yambaye imyenda isanzwe. RGM yavuze kandi ko muri icyo gitondo cyo ku itariki ya 7 Mata 1994 atigeze abona Uregwa ku isoko ryo mu Byangabo[692].

509. **Umutangabuhamya ushinjura wiswe MEM** yavuze ko ku itariki ya 7 Mata 1994 mu masaa mbiri za mu gitondo, urubyiruko rwo muri Segiteri ya Busogo, hamwe n'abavanywe mu byabo bo muri Komini ya Butaro n'impunzi zari zarakomotse muri Zaire bateraniye hafi y'igiti kiri ku isoko ryo mu Byangabo muri Segiteri ya Busogo, maze bavuga ko bifuza « guhiga ibyitso kugira ngo bahorere Perezida ». MEM yavuze ko abo basore bari barakaye ndetse bariye karungu, kandi ko bari bitwaje amahiri nta zindi ntwaro yababonaye. MEM yatanze inkuru y'imvaho ivuga uburyo konseye Ndisetse yibiyamye ababwira ko nta Batutsi b'ibyitso bari muri Segiteri ya Busogo, kandi ko « ugaba igitero ku Batutsi uwo ari we wese azabiryozwa ».

510. MEM yavuze ko yabonye Michel Niyigaba na Gato Nzabonimpa, murumuna wa Ishabani Rukera, mu bagabye igitero cyafashe Rukara. Muri iyo mbaga y'abantu, uyu mutangabuhamya yamenyemo Niyigaba n'abandi bantu bari mu Nterahamwe. Urubyiruko rwavuganye na Liyetona Mburuburengero wari usumbije ipete abandi basirikare bari aho, maze rumubwira ko Konseye Ndisetse « ari we warubujije guhorera Perezida ». Ubwo, Liyetona Mburuburengero yategetse iyo mbaga y'abantu kwica uwo mukonseye. Uwo

[690] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 51 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, urup. 55 (RGM).

[691] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 54-55 (RGM).

[692] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 54-55 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, urup. 60 (RGM).

mukonseye yahise ahunga ava aho ku isoko ubwo yabonaga urubyiruko rutangiye kumusatira. Icyo gihe ni bwo na MEM yahise ava aho hantu[693].

511. MEM yavuze ko atabonye Uregwa ku isoko ryo mu Byangabo igihe abantu bariho bakubita Rukara. MEM yavuze ko ku itariki ya 7 Mata 1994 hagati ya saa kumi n'ebyiri n'igice za mu gitondo na saa kumi z'amanywa atigeze abona Uregwa, ko yewe atanabonye imodoka ye, cyangwa iya komini ku isoko ryo mu Byangabo cyangwa mu nkengero zaryo[694].

512. **Umutangabuhamya ushinjura wiswe MLNA** yavuze ko iyo mbaga y'abantu yari yateraniye ku isoko ryo mu Byangabo muri icyo gitondo cyo ku itariki ya 7 Mata 1994 yari yasabye Konseye Ndisetse uruhushya rwo kwica Abatutsi ariko ko konseye yari yabyanze. Nyuma, urwo rubyiruko rwahindutse uwo mukonseye maze arahunga akiza amagara ye. Aho ku isoko ryo mu Byangabo haje imodoka ya gisirikare nuko imbaga y'abari aho imaze kuvugana n'abasirikare bari muri iyo modoka ihita yica Rukara, ikomeza yerekeza mu Rwankeri. MLNA yiboneye Michel Niyigaba, Musafiri n'abandi bica Rukara. MLNA yavuze ko Michel Niyigaba ari we wari uyoboye ako gatsiko k'abagabye ibitero nk'uko byagaragariye mu gitero cyagabwe mu Ruhengeri no mu cyahitanye Rukara[695].

513. **Umutangabuhamya ushinjura wiswe TLA** yavuze ko yumvise imirindi y'abantu banyura imbere y'iwe ku muhanda wa kaburimbo ahagana saa moya cyangwa saa moya n'igice za mu gtondo[696]. Ubwo TLA yagenzaga ngo arebe icyabaye, yabonye imbaga y'abantu bari baturutse ku isoko ryo mu Byangabo. Iyo mbaga yari igizwe n'abantu bambaye imyenda isanzwe, usibye abari baravanywe mu byabo n'intambara bari bambaye imyenda yuzuye ico kandi y'ibishwangi, bakaba bari bitwaje amahiri, ibisongo by'imigano, n'amasarabwayi. TLA yavuze ko abo bantu basaga n'abagiye ku rugamba[697], kandi ko umubare wabo ushobora kuba wari hagati ya 500 na 700[698].

---

[693] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 31-34, 38-39, 41-46 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 62, 64, 97 (MEM) (mu muhezo).

[694] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 46-47 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, imp. 82-83 (MEM) (mu muhezo).

[695] Inyandikomvugo y'iburanisha, 31 Werurwe 2003, imp. 36-38, 48-49 (MLNA); Inyandikomvugo y'iburanisha, 1 Mata 2003, urup. 59 (MLNA)

[696] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 25 (TLA) (mu muhezo).

[697] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 27 (TLA).

[698] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 122 (TLA) (mu muhezo).

514. TLA yavuze ko ahagana saa mbiri cyangwa saa mbiri n'igice za mu gitondo, yabonye Konseye Ndisetse yiruka yerekeza mu rugo rwe hafi y'aho uyu mutangabuhamya yari atuye[699]. TLA yavuze ko konseye Ndisetse yari afite ubwoba ko ashobora kwicwa kubera ko yari yagerageje kubuza ya mbaga y'abantu kugaba ibitero ku Batutsi, ariko Liyetona Mburuburengero agategeka ko bamwica. TLA ntiyinjiye mu rugo kwa konseye, ariko yamuvugishije ari iwe, kandi bamaze iminota iri hagati y'itanu n'icumi bavugana hagati ya saa mbiri n'igice na saa mbiri n'iminota mirongo ine n'itanu za mu gitondo. Nyuma yaho ahagana saa tatu n'iminota makumyabiri cyangwa saa tatu n'igice muri icyo gitondo, TLA yabonye Konseye Ndisetse ava aho yari yihishe[700].

515. TLA yavuze ko ya mbaga y'abantu yigabanyijemo amatsinda abiri, itsinda rimwe rikerekeza muri Selire ya Busogo cyangwa iya Rwankeri, naho irindi ryari rigizwe n'abantu bagera kuri magana abiri rikanyura imbere y'iwe. Iryo tsinda ryari rikikije imodoka ya gisirikare yari ihagaze ireba mu cyerekezo cya Komini ya Nkuli. TLA yavuze ko Konseye Ndisetse yamubwiye ko iryo tsinda ryari rigiye kwihorera ku Batutsi ribitegetswe na Liyetona Mburuburengero[701]. TLA ntiyabashije kumenya abari bagize iryo tsinda, uretse abantu nka Michel Niyigaba, Musafiri na Rukindo bari baririmo bahagaze. TLA yavuze ko muri icyo gitondo nta muntu yiboneye yicwa ku isoko, n'ubwo abari muri iryo tsinda basakuzaga bavuga ko hari umuntu wari umaze gupfa[702]. Nyuma ya saa tatu za mu gitondo, ni nk'aho abari muri iryo tsinda bari bamaze gutatana, maze TLA atangira kumva urusaku rw'amagerenade yaturikaga hamwe n'urw'amasasu rwavugiraga mu cyerekezo cya Serire ya Rwankeri. TLA yavuze ko yamaze umunsi wose aho yari arebera ibyo byabaye[703].

516. TLA yavuze ko umugore witwa Nyiramafaranga yakodeshaga inzu y'Uregwa yarayishyizemo akabari. TLA yavuze ko ako kabari katigeze gafungura uwo munsi wose, kandi ko atigeze abona Uregwa ageza ijambo ku rubyiruko imbere y'ako kabari. TLA yemeye ko Uregwa yatwaraga imodoka itukura yo mu bwoko bwa *Toyota Hilux* yanditseho « STB » mu rubavu. TLA yavuze ko ku itariki ya 7 Mata 1994 hagati ya saa kumi n'ebyiri

[699] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, urup. 28 (TLA).

[700] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 32-33, 103, 107 (TLA) (mu muhezo).

[701] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 39, 128-129 (TLA) (mu muhezo).

[702] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 101, 105-106 (TLA) (mu muhezo).

[703] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 40-41 (TLA) (mu muhezo).

n'igice za mu gitondo na saa kumi n'imwe z'igicamunsi atabonye Uregwa ku isoko ryo mu Byangabo ko kandi nta n'imodoka ye yahabonye[704].

517. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko ubwo yajyaga ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo yanyuze ku rugo rw'Uregwa rwari hafi y'ibiro bya komini akabona imodoka y'uregwa ihagaze mu rugo ko ariko atabonye Uregwa. RHU23 yavuze ko ubwo yari ku isoko ryo mu Byangabo atigeze ahabona Uregwa, ko kandi ubwo yari asubiye muri Komini ya Nkuli, yongeye kubona imodoka y'Uregwa igihagaze mu rogo rwe. Iyo modoka RHU23 akaba yarayibwiwe n'uko mu rubavu yari yanditseho « STB », izina ry'ikigo Uregwa yakoragamo[705].

518. **Umutangabuhamya ushinjura wiswe RHU31** yavuze ko ku itariki ya 7 Mata 1994 saa mbiri n'igice za mu gitondo yagiye ku biro bya Komini ya Mukingo, yahagera akahasanga umupolisi wari ku izamu witwa Bigirimana wenyine, nta wundi muntu uhari. RHU31 yavuze ko Bazimenyera wari Burigadiye wa Komini ya Mukingo atari ku biro bya komini. Muri Mata 1994, Komini yari ifite imodoka ya kamyoneti itukura yo mu bwoko bwa *Hilux* yanditseho « Komini ya Mukingo » mu rubavu. RHU31 yavuze ko ku itariki ya 7 Mata 1994 saa mbiri n'igice za mu gitondo iyo modoka itari ku biro bya komini, ko ndetse n'umushoferi wayo Muhunde Avit atari ahari. Saa tanu z'amanywa, RHU31 yavuye ku biro bya komini yerekeza iwe. RHU31 yavuze ko guhera saa mbiri n'igice za mu gitondo kugeza saa tanu z'amanywa atigeze abona ku biro bya komini Uregwa, umushoferi w'uregwa, burigadiye, cyangwa Emmanuel Harerimana. Ubwo yari mu nzira ava ku biro bya komini yerekeza mu rugo, RHU31 nta bariyeri yabonye. RHU31 yavuze ariko atanyuze umuhanda,ko ahubwo yanyuze mu kayira kanyura hafi y'agasozi ka Ruhehe[706].

- **Umwanzuro w'Urugereko**

519. Urugereko rwumvise ubuhamya bwerekeye uburyo ku itariki ya 7 Mata 1994 mu gitondo imbaga y'abantu yiciye abavandimwe babiri, ari bo Rukara na Lucien, ku isoko ryo mu Byangabo muri Segiteri ya Busogo, Komini ya Mukingo. Abatangabuhamya bashinja biswe GAO, GBV, GDQ na GBE, hamwe n'abashinjura biswe RGM na MLNA babonye ubwo

[704] Inyandikomvugo y'iburanisha, 2 Ukuboza 2002, imp. 26, 39, 41-42, 118 (TLA) (mu muhezo).

[705] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 9, 14, 16 (RHU23).

[706] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002 (RHU31) (HC); Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, imp. 40-42 (RHU31) (mu muhezo).

bwicanyi. Inkuru zigenda zitandukana nko ku ntwaro zakoreshejwe, ariko izo nkuru zose zigaragaza ko abo Batutsi bombi bicishijwe inkoni ko ko bishwe n'agatsiko k'Interahamwe zari ziyobowe na Michel Nyigaba wari Perezida w'Interahamwe ku rwego rwa Segiteri. Urugereko rusanze inyuranya riri hagati y'inkuru zerekeye uburyo nyabwo abo batu bishwe ridakomeye kandi ritabuza ko abo batangabuhamya bemerwa. Porokireri avuga ko Uregwa yari ahari ubwo bwicanyi buba kandi ko yashishikaje ababukoze, Ubwunganizi buvuga ko atari ahari rwose.

o **Uruhare rwa Liyetona Mburuburengero**

520. Abatangabuhamya banyuranye bavuze ko ku itariki ya 7 Mata 1994 mu gitondo Liyetona Mburuburengero yari ku isoko ko kandi hari n'imodoka ya gisirikare. Umutangabuhamya ushinjura wiswe MEM yavuze ko ubwo Konseye Ndisetse yageragezaga kwiyama imbaga y'abantu ababwira ko batagomba kwica Abatutsi, Liyetona Mburuburengero yatanze itegeko ryo kumwica, maze biba ngombwa ko uwo mukonseye ahunga kugira ngo akize amagara ye.

521. MEM, ubu ufungiye mu Rwanda, ashinjwa kuba yaragiye mu bikorwa by'ubwicanyi byabaye muri kariya karere mu mwaka wa 1994. Uyu mutangabuhamya kandi yakoranye n'Uregwa mu buryo butaziguye mu rwego rw'imirimo yari ashinzwe, akaba rero yari amaze imyaka myinshi amuzi. Urugereko rusanga ibyo bishobora kuba byaragize icyo bihindura ku buhamya bwe, rukaba rubusuzumana amakenga.

522. Ubwunganizi bukemanga ibivugwa n'umutangabuhamya ushinja wiswe GAO, busobanura ko hari amagambo yitiriye Liyetona Mburuburengero mu buhamya bwanditse yatanze mbere none ubu akaba ayitirira Uregwa. Ubwunganizi buvuga kandi ko ibyo GAO avuga bitakwemerwa kubera ko ubuhamya yatanze mu iburanisha avuga ko Umututsi witwaga Rukara n'umuvandimwe we witwaga Lucien bishwe ahari kandi abyirebera budahuza n'ibaruwa ye yo kwirega yo ku itariki ya 2 Gashyantare 1999 avugamo ko yamenye iby'urupfu rwa Rukara na Lucien nyuma abibwiwe n'abandi bantu. Ubwunganizi busaba Urugereko kuzirikana ko umutangabuhamya w'impuguke yemeje ko igikumwe cya GAO ari cyo kigaragara ku nyandiko yihakana azita impimbano707. Ubwunganizi buvuga kandi ko hari aho iyo baruwa ya GAO yo kwirega idahuza n'ubuhamya bwe bukubiye mu nyandikomvugo yakozwe ku itariki ya 2 Gashyantare 1999. Urugereko rurasuzuma iyo

[707] Ikimenyetso gihamya cy'Ubwunganizi, cyahawe n° D8g.

nyandikomvugo y'ubuhamya GAO yagejeje ku bapererezi b'Urukiko n'ibaruwa ye yo kwirega, hamwe n'ubuhamya yatangiye mu iburanisha, ruzirikana ko uyu mutangabuhamya atize, akaba kandi yaravuze mu buhamya bwe ko atazi gusoma no kwandika. GAO yabwiye Urukiko ko ibaruwa ye ya mbere yo kwirega yayandikiwe na mugenzi we w'umufungwa utarashakaga gushinja Uregwa. Urugereko rwanyuzwe n'ubuhamya bwe kuri iki kibazo. GAO yasobanuye mu rukiko ko atashoboraga gusoma inyandiko bamukoreraga, cyangwa ngo yemeze ibikubiyemo. Iyo Urugereko ruhuye n'umutangabuhamya utarize nk'uko bimeze kuri GAO, ruha agaciro ubuhamya yatangiye mu rukiko karuta kure ubwanditse aba yaratanze mbere. Muri uru rubanza, Urugereko rwanyuzwe n'imyitwarire y'uyu mutangabuhamya mu iburanisha n'ibisubizo yatanze ku bibazo yabarijwe mu rukiko ku birebana n'inyuranya rigaragara hagati y'ubuhamya bwanditse yatanze mbere n'ubwo yatangiye mu Rukiko, no ku birebana n'amakuru yatangiye mu rukiko nk'umuntu wiboneye ubwicanyi bwabereye ku isoko ryo mu Byangabo no ku Rukiko rw'Ubujurire rwa Ruhengeri.

523. Urugereko rusanga bishoboka ko Liyetona Mburuburengero yari koko aho hantu muri icyo gitondo kandi ko yahaye , imbaga y'abantu bari bahateraniye. Nyamara ariko, birumvikana ko ibyo bitabuza ko Uregwa ashobora kuba na we yari ahari muri icyo gitondo. Koko rero, umutangabuhamya ushinja wiswe GDQ yavuze ko yabonye Uregwa ari kumwe na Liyetona Mburuburengero ku isoko ryo mu Byangabo.

- **Kuba Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo**

524. Abatangabuhamya bashinja biswe GAO, GDQ na GBV bavuze bose ko Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo. Ubwunganizi buvuga ko ubuhamya bwa GBV n'ubwa GAO buvuguruzanya kubera ko GBV avuga ko yabonye Uregwa ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo, nyamara GAO we avuga ko Uregwa yari ku isoko ryo mu Byangabo isaa kumi n'ebyiri n'igice z'icyo gitondo. Nyuma yo gusuzuma dosiye neza, Urugereko rusanga nta vuguruzanya riri hagati y'ubuhamya bw'abo batangabuhamya bombi kubera ko amagambo nyayo ya GAO ateye atya : « Kare cyane mu gitondo cyo kuri uwo munsi, nagiye ku isoko saa kumi n'ebyiri n'igice »708. Mu ibaza rinyomoza, ku kibazo yari

[708] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 16 na 58 (GAO).

abajijwe n'Ubwunganizi kigira kiti « Iyo uvuga ko yagusanzeyo [Uregwa], yaje nyuma y'uko wowe uhagera saa kumi n'ebyiri n'igice za mu gitondo »? GAO yasubije agira ati « Yego, yaje nyuma (…), hagati ya saa mbiri na saa tatu za mu gitondo nibwo Kajelijeli yageze ku isoko »709. Mu yandi magambo, ubuhamya bwa GBV n'ubwa GAO burashyigikirana ku birebana n'igihe Uregwa yagereye ku isoko ryo mu Byangabo mu gitondo cyo ku itariki ya 7 Mata 1994.

525. GDQ yavuze ko Uregwa yari ku isoko muri icyo gitondo, ariko ntiyabashije kwibuka isaha. Nyamara ariko, byaba bishyize mu gaciro umuntu avuze ko icyo gihe ari kimwe n'icyo GAO na GBV bamuboneyeho, kubera ko GDQ avuga ko yabonye Uregwa mbere gato y'uko Rukara yicwa.

526. Ubwunganizi buvuga ko Uregwa atari ku isoko muri icyo gitondo. Abatangabuhamya banyuranye bavuze ko bari ku isoko ko ariko batahabonye Uregwa. Umutangabuhamya ushinjura wiswe MEM yavuze ko yavuye ku isoko nyuma y'uko imbaga y'abantu ihindukiranye Konseye Ndisetse, ko ariko ibyakurikiyeho yabibonaga ari iwe mu rugo rwari hafi aho. MEM yavuze ko atabonye Uregwa ku isoko muri icyo gitondo. Nyamara ariko, GDQ, uzi neza MEM, yavuze ko yamubonye ku isoko avugana n'Uregwa, na Liyetona Mburuburengero, n'umucuruzi witwa Bahesa. Nyuma yo gusuzuma ibimenyetso, Urugereko rusanga MEM atavuga ukuri kose ku birebana n'ibyo yabonye muri icyo gitondo. Ikindi, ari na cyo gikomeye kurushaho, Urugereko rusanga aho MEM yari mu rugo iwe ashobora kuba atararebaga neza isoko ryo mu Byangabo ryose, bityo kutabona Uregwa bikaba byarashobokaga rwose.

527. Umutangabuhamya ushinjura wiswe RGM yavuze ko Uregwa atari ku isoko ryo mu Byangabo muri icyo gitondo. Urugereko rwasuzumye niba ibyo RGM avuga byakwemerwa rusanga bitakwemerwa ku birebana no kuba Uregwa yari ari ahabereye ibivugwa muri uru rubanza. Urugereko rwasanze kuri byinshi mu byabaye Uregwa ashinjwa, RGM yaratanze ubuhamya burambuye kandi nk'umuntu uzi ibyo avuga. Nk'uko yabyiyemereye ubwe mu buhamya bwe no mu buhamya bwatanzwe n'abandi batangabuhamya cyane cyane GAO, biragaragara ko RGM yagize uruhare rukomeye mu marorerwa yabereye muri Komini ya Mukingo muri Mata 1994. N'ubwo ubuhamya bwa RGM buha Urugereko amakuru ku byabaye no ku birebana n'uko ibintu byari byifashe icyo gihe, cyane cyane aho abandi

---

[709] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 27-28 (GAO).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

batangabuhamya bagiye bashyigikira ibyo yavuze, Urugereko rusanga icyo ubuhamya bwa RGM bwari bugamije ari ugukingira ikibaba Uregwa ku birebana n'ibyo ashinjwa na Porokireri. Urugereko rusanga by'umwihariko yarasaga n'uwiyemeje guhakana ikintu cyose GAO yavuze mu buhamya bwe, kugeza aho, ubwo yasubizaga ikibazo mu ibaza rinyomoza, yavuze ati « iyo nza kumenya ibyo GAO yavuze, mba narahakanye byinshi muri byo ». Bityo rero, ku bibazo birebana no kumenya niba Uregwa yari ahantu aha n'aha igihe iki n'iki, Urugereko nta gaciro kanini ruha ubuhamya bwe.

528. Mu ibaza rinyomoza, umutangabuhamya ushinjura wiswe MLNA yemeye ko bishoboka ko Uregwa yaba yari ku isoko ryo mu Byangabo, ariko we ntamubone. Urugereko rusanga kuba umuntu wari ku isoko muri icyo gitondo yaba yarabonye ibyahabereye birimo n'iyicwa rya rya Rukara na Lucien ariko ntabone Uregwa ushobora kuba yarimo azenguruka aho atari ikintu kidashoboka.

529. Ubuhamya bwerekeye kuba Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata mu gitondo bushimangirwa kandi n'imiterere y'ibyabaye muri rusange. Umutangabuhamya wiswe GDQ yabonye muri icyo gitondo Uregwa aganira n'umucuruzi witwa Bahesa ku isoko ryo mu Byangabo. Umutangabuhamya ushinja wiswe GAP yavuze ko Uregwa yari mu modoka ari kumwe n'umucuruzi witwa Bahesa ubwo yageraga ku biro bya Komini ya Mukingo kare muri icyo gitondo mbere ya saa moya cyangwa ya saa mbiri aherekejwe n'Interahamwe indwi, kandi ko icyo gihe yasabye abapolisi ba komini bo gutera inkunga mu bwicanyi. Isoko ryo mu Byangabo riri ku ntera ngufi uvuye ku biro bya Komini ya Mukingo, kandi abantu babonye Uregwa aho hantu hombi mu gihe cyegeranye avugana n'umuntu umwe. GAP yavuze amazina ya zimwe mu Nterahamwe zari ziherekeje Uregwa ku biro bya Komini ya Mukingo, kandi zongeye kugaragara ziri kumwe n'Uregwa ku isoko ryo mu Byangabo nyuma yaho gato.

530. Kubera ibyo rero, Urugereko rusanze Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo.

o Amabwiriza Uregwa yahaye Interahamwe

531. Umutangabuhamya ushinja wiswe GAO yavuze ko Uregwa, ari kumwe na Ajida shefu Karorero na Bambonye, yamubwiye we n'izindi Nterahamwe 33 ngo bamusange ku kabari ke. Bahageze, Uregwa yabasubiriyemo bwa butumwa yari yatanze ku isoko bwo « kwica no

gutsembatsemba abantu bose bo mu Rwankeri » no « gutsembatsemba Abatutsi ». Umutangabuhamya ushinja wiswe GBV yavuze ko yabonye Uregwa avugana n'agatsiko k'Interahamwe zari ku isoko, aho yazibwiriye ngo « zigende zikenyere zitangire zikore ». Kubera ibyo rero, Urugereko rusanze ku itariki ya 7 Mata 1994 mu gitondo, Uregwa yarahurije Interahamwe ku isoko ryo mu Byangabo maze akaziha , yo « kwica no gutsembatsemba abo bantu bose bari mu Rwankeri » no « gutsembatsemba Abatutsi ». Uregwa yazitegetse kandi ngo zikenyere « zitangire zikore ».

532. Abatangabuhamya bashinja n'abashinjura babonye itsinda ry'abantu benshi berekeza muri Serire ya Rwankeri, maze hashize umwanya muto bumva urusaku rw'amasasu n'ibintu biturika. Umutangabuhamya ushinjura wiswe TLA yavuze ko abo bantu, babarirwaga hagati ya 500 na 700, banyuze ku rugo rwe muri icyo gitondo hagati ya saa moya na saa moya n'igice kandi ko bari bitwaje intwaro gakondo zisanzwe nk'ibisongo n'amabuye. N'ubwo abatangabuhamya banyuranye badahuza ku birena n'igihe bavuga ko baboneyeho iryo tsinda ry'abantu rigendagenda, ntibituma Urugereko rushidikanya ko abo bantu muri rusange bavuye ku isoko ryo mu Byangabo bagana mu cyerekezo cy'agasozi ka Busongo muri Serire ya Rwankeri.

(f) Itariki ya 7 Mata 1994—Iyicwa ry'Abatutsi ku gasozi ka Busogo muri Serire ya Rwankeri

- **Ibimenyetso**

533. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

534. Umutangabuhamya ushinja wiswe GAO yavuze ko ku itariki ya 7 Mata 1994, Interahamwe zavuye ku isoko ryo mu Byangabo ziririmba ngo « Dutsembatsembe Inyenzi; dutsembatsembe ibyitso, dutsembatsembe Kagame »710. Ubwo Izo Nterahamwe zageraga mu Rwankeri, zahasanze Abatutsi bari bitwaje imiheto. GAO yavuze ko Michel Niyigaba wari umukuru w'Interahamwe yagiye akavugana n'Uregwa, maze Uregwa akamwizeza ko Majoro Bizabarimana ari buzanire Interahamwe imbunda. Icyo gihe, GAO ubwe

[710] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 22-24 (GAO).

ntiyiboneye Uregwa, ariko yamenye ayo makuru kubera ko yari abanye neza cyane na Michel Niyigaba711.

535. GAO yavuze ko yari aho hantu havugwa ubwo Bizabarimana yahageraga azanye imbunda712. Buhire, Michel Niyigaba, n'umuvandimwe wa Nzirorera witwa Dusabe, bahaye izo mbunda abazi kuzikoresha, abatarahawe imbunda bakoresheje imipanga banatwika amazu713. Igitero cyo mu Rwankeri cyatangiye mu gitondo, kirakomeza kugera mu masaa kumi n'imwe y'igicamunsi, ubwo uyu mutangabuhamya n'izindi Nterahamwe bahavaga bagabye igitero ku Batutsi bari bahungiye mu kigo cy'ababikira cyo kuri Paruwasi ya Busogo714. Hari imirambo itabarika : hari hishwe abantu abkomoka mu miryango 80, buri muryango ugizwe n'abantu bari hagati ya 12 na 15. Muri iyo miryango harimo uwa Rudatinya, uwa Epimak, uwa Bukumba, uwa Karasankima, uwa Sebirayi, uwa Gasahane, uwa Gateyiteyi, uwa Kamakora, uwa Bijanja, uwa Rukara, uwa Lucien Karakezi, n'uwa Bihutu715. UGAO yavuze ko bamwe mu bakuru b'imiryango yiciwe mu Rwankeri bari barapfuye mbere ya Mata 1994 (abo bakaba ari Gasahane na Rudatinya ari we se wa Epimak Samvura, burugumesitiri uyobora Komini ya Mukingo muri iki gihe)716.

536. Umutangabuhamya ushinja wiswe GBE yavuze ko mu masaa mbiri za mu gitondo yumvise urusaku rw'amasasu, n'urw'amagerenade yaterwaga hafi y'iwe muri Serire ya Rwankeri, ndetse ko yabonaga n'umwotsi. GBE yabashaga kubona ibyaberaga hafi a anyujije amaso mu ruzitiro rwari ruzengurutse inzu ye. Abantu baratabazaga, ariko nta muntu n'umwe watinyutse kubatabara. Nta Nterahamwe n'imwe GBE yashoboye kumenya mu zo yabonga ari iwe mu rugo kandi ntiyigeze abona Uregwa muri icyo gitondo. Ibyo byabaga, byamaze hafi isaha imwe717.

---

[711] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 26-28 na 45-46 (GAO)

[712] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 27; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 65 (GAO).

[713] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 27; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 65-67 (GAO).

[714] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 31, 38 na 45 (GAO).

[715] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 36-37 (GAO).

[716] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 37-38; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 106 (GAO).

[717] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 79-80, 83-86 na 90 (mu muhezo) (GBE).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

537. Umutangabuhamya ushinjura wiswe MEM yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, yabonye « urubyiruko n'abandi bantu » ku isoko ryo mu Byangabo berekeza mu Rwankeri, ibyo akaba yarabibonye ari aho yari yihishe. Urwo rubyiruko rwari rwambaye imyenda isanzwe, ruri kumwe n'abantu bigeze kuba abasirikare cyangwa abari baratorotse igisirikare bari bambaye imyenda isanzwe. Urwo rubyiruko rumaze kuva ku isoko ryo mu Byangabo, MEM yumvise urusaku rw'amagerenade yaturikiraga mu cyerekezo cy'agasozi ka Busogo hari hatuye Abatutsi. Icyo gihe nibwo MEM yamenye ko Abatutsi bari kwicwa[718].

538. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko, babishishikarijwe na Liyetona Mburuburengero, abenshi mu bantu bari bateraniye ku isoko ryo mu Byangabo bagiye mu gace ka Rwankeri kari gatuwe n'Abatutsi. Iyo mbaga yarimo abantu b'ingeri zose barimo Interahamwe, abantu bavanywe mu byabo n'intambara, n'abaturage bo muri ako gace. Bageze mu Rwankeri, bagabye igitero ku Batutsi bari bahungiye ku gasozi ka Busogo bitwaje imiheto, imyambi n'amacumu. Mu buhamya bwanditse yagejeje kuri Avoka wunganira Uregwa ku itariki ya 24 Nzeri 2001, uyu mutangabuhamya yagize ati « Mu Rwankeri nta ntwaro gakondo zari zikenewe kubera ko, icya mbere na mbere Abatutsi nta ntwaro bari bafite ». Mu buhamya bwe mu rukiko, RGM yasobanuye ko icyo gihe yashakaga kuvuga imbunda, azitandukanya n'imiheto, imyambi, amacumu cyangwa ibikoni. RGM yagize ati « mu Rwankeri nta ntwaro z'inyongera zari zikenewe kubera ko mbere na mbere, Abatutsi nta ntwaro bari bafite, kandi twari dutewe inkunga n'abasirikare bari bitwaje intwaro ». Ikindi kandi, nta ntwaro z'inyongera zari zikenewe kubera ko abagabye igitero barutaga ubwinshi abakorewe ibyaha[719].

539. RGM yavuze ko mbere ya saa sita z'amanywa, mu Rwankeri haje imodoka ebyiri za gisirikare zivuye mu kigo cya gisirikare cya Mukamira, zitwaye abasirikare bitwaje imbunda n'amagerenade, bari bayobowe na Liyetona Mburuburengero. RGM yamenye bamwe mu basirikare barimo Rachel na Mwambutsa bavomye lisansi muri ayo mamodoka kugira ngo bayitwikishe amazu. Abasirikare batangiye kurasa, bituma Abatutsi bifungirana mu mazu yabo. Nyuma y'ibyo, agatsiko karimo uyu mutangabuhamya kamennye amadirishya n'inzugi, naho abasirikare batera amagerenade muri ayo mazu. Abantu bageragezaga guhunga bicishwaga intwaro za gakondo zirimo amahiri, imipanga, n'ibikoni.

[718] Inyandikomvugo y'iburanisha, 25 Ugushyingo 2002, imp. 48-50 (MEM); Inyandikomvugo y'iburanisha, 26 Ugushyingo 2002, urup. 62 (MEM) (mu muhezo).

[719] Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 31, 55-58 na 72 (RGM).

RGM ntiyitabiriye ibyo bikorwa n'ubwo hari ibindi yagizemo uruhare akanasahura. RGM yavuze ariko ko nta kintu na kimwe yajyanye mu byasahuwe icyo gihe. RGM yavuze ko ubwo bwicanyi bwatangiye hagati ya saa mbiri n'igice na saa tatu zamu gitondo bukarangira saa kumi z'igicamunsi, ko kandi nyuma yaho yasubiye iwe mu rugo. Icyo gikorwa cy'ubwicanyi cyamaze umunsi wose kubera ko abantu bagendaga bicwa urusorongo, mu gihe bamwe mu bagabye igitero bari bashishikariye gusahura[720].

540. RGM yavuze ko umubare w'abantu bagiye mu bwicanyi bwo mu Rwankeri wari hagati ya 650 na 700, ko kandi Interahamwe zari aho mu Rwankeri zitari zirenze icumi. Ikindi gice cy'abagabye igitero cyari kigizwe n'abavanywe mu byabo n'intambara, hamwe n'abaturage b'abagabo n'abagore bo muri ako gace. RGM yavuze ko umutangabuhamya ushinja wiswe GAO yari mu Rwankeri, ariko yemeje ko Uregwa atari ahari, ndetse ko nta n'imodoka y'Uregwa yabonye mu Rwankeri ku itariki ya 7 Mata 1994[721].

541. RGM yamenye bamwe mu biciwe mu Rwankeri ari bo: umusaza witwaga Bihutu n'umukobwa we witwaga Karasankima, umukobwa witwaga Nyiraburanga, Sengoga, Seburayi na Gasominari. RGM yavuze ko abantu bari batuye muri kariya gace bashyinguye imirambo y'Abatutsi bari bishwe, ko ariko we aatagiye muri icyo gikorwa cyo gushyingura[722].

542. **Umutangabuhamya ushinjura wiswe MLNA** yavuze ko ku itariki ya 7 Mata 1994 mu masaa mbiri za mu gitondo, imbaga y'abantu bari hagati ya 300 na 400 yerekeje mu Rwankeri no ku gasozi ka Busogo, aho bagabye igitero cyakomeje kugeza saa sita. MLNA yasobanuye ko yakurikiye iyo mbaga kubera ko yari afite amatsiko yo kureba uko abo bantu bagiye gutsotsoba umugambi wabo wo kwica Abatutsi. MLNA yavuze kandi ko Uregwa atari muri icyo gitero. MLNA yibuka ko ku gasozi ka Busogo yahabonye Dusabe, Muhombo, Theogen, Noheli, Musafiri na Rugumire barwana bakoresheje intwaro gakondo zirimo amabuye, imipanga, imiheto n'imyambi, amacumu, n'ibisongo. Abacamanza babajije MLNA uwatanze intwaro zakoreshejwe ku gasozi ka Busogo, maze asubiza ko imipanga, ibibando n'amabuye byabonekaga ku buryo bworoshye mu nzira ijya aho ubwicanyi

[720] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 58-61 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 29, 33 na 74-75 (RGM).

[721] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 59-60 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 61, 66 (RGM).

[722] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 59-60 (RGM).

bwakorewe, bityo rero hakaba nta ntwaro zatanzwe. MLNA yavuze ko ubwo abagabye igitero batangiraga kurasa, abahigwaga birukankiye mu mazu yabo ariko abo bagabye igitero babakurikiranamo babatwikira amazu. Ayo « marorerwa yahabuye MLNA ndetse aranamuhahamura », maze mu masaa moya ku z'umugoroba yiyemeza gusubira mu rugo[723].

543. MLNA yemeje ko abasore bitwa Nzirorera,[724] Musafiri, Michell, Alex, Rukundo, Michel, Mafuna, Rugumire, Theogene Muhombo, Noel na Dusabe bari bagenzi be, ko ariko atari kumwe na bo muri ubwo bwicanyi. MLNA yavuze ko abo basore batari Interahamwe, ahubwo yabise « urubyiruko rwo mu Byangabo ». MLNA yavuze ko abantu bagabye igitero ku Batutsi bari ku gasozi ka Busogo no mu Rwankeri batari Interahamwe, ko kandi batari bambaye « ibirere »[725].

- **Umwanzuro w'Urugereko**

544. Ubuhamya bugaragaza ko ku itariki ya 7 Mata 1994, ku gasozi ka Busogo muri Serire ya Rwankeri, muri Komini ya Mukingo, hiciwe Abatutsi benshi b'abasiviri.

545. Urugereko ruzirikana ubuhamya bwa GAO wavuze ko yavuye ku isoko ryo mu Byangabo akajya mu Rwankeri abitegetswe n'Uregwa, Bambonye wari umuyobozi wa CDR, na Ajida shefu Karorero. GAO yavuze ko yajyanye na Michel Niyigaba maze babonye ko Abatutsi bafite imiheto n'imyambi n'amacumu, Michel Niyigaba akavuga n'Uregwa amusaba inkunga. GAO yavuze ko nyuma yaho Michel Niyigaba yamubwiye ko Uregwa yavuganye na Majoro Bizabarimana, kandi ko uwo Bizabarimana yari bubazanire intwaro zo gukoresha mu gitero. Nyuma, GAO ubwe yiboneye Majoro Bizabarimana ahagera azanye intwaro zahawe abazi kuzikoresha. Abandi bakoresheje imipanga cyangwa batwika amazu.

546. Umutangabuhamya ushinja wiswe GBV yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, ari ku ntera ya metero eshatu cyangwa enye, yabonye Uregwa atwaye imodoka *Toyota Hilux* itukura ya komini agana mu cyerekezo cya Paruwasi ya Busogo mu Rwankeri. GBV yavuze kandi ko muri iyo modoka harimo intwaro n'Interahamwe zigera kuri 20 zari inyuma mu modoka, ndetse ko hari n'izindi Nterahamwe zagendaga n'amaguru. GBV

---

723 Inyandikomvugo y'iburanisha, 31 Werurwe 2003, imp. 41-45 (MLNA); Inyandikomvugo y'iburanisha, 1 Mata 2003, imp. 59-60, 63 (MLNA).

724 Uko Urugereko rubibona, « Nzirorera » uvugwa aha si umwe n'Uregwa muri uru Rukiko unavugwa mu bindi bice by'iyi Nyandiko y'urubanza.

725 Inyandikomvugo y'iburanisha, 31 Werurwe 2003, urup. 52 (MLNA).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

yavuze ko Uregwa yayoboye Interahamwe zari zifite imipanga, imbunda n'amahiri azerekeza ku rugo rwa Rudatinya, abwiriza abagabye igitero ngo « bamwe muri bo berekeze iburyo, abandi bakerekeze ibumoso ». Ubwo Interahamwe zari mu nzira ziva ku muhanda zijya kuri urwo rugo, zabonye umukobwa maze zimwicisha ubuhiri.

547. Umutangabuhamya wiswe GBE yavuze ko ku itariki ya 7 Mata 1994 ku manywa yabonye Uregwa ku kabari ke ari kumwe n'Interahamwe, zarimo Michel Niyigaba, zirimo kunywa inzoga zinaririmba indirimbo zivuga ibyo kwica Inyenzi, Inkotanyi n'ibyitso byazo. Uregwa, hamwe n'izo Nterahamwe bavuye aho mu modoka y'Uregwa banyura imbere y'urugo rw'uyu mutangabuhamya, maze bakomeza berekeza kuri Busogo. Hashize umwanya muto, GBE yumvise urusaku rw'ibintu biturikira kuri Busogo, hanyuma abona Uregwa agarutse ku kabari ke ari wenyine mu modoka ye. Urugereko rusanze ibi bigaragaza ko Uregwa yari mu gikorwa cyo gutwara Interahamwe azivana hamwe azijyana ahandi anazishishikaza mu bikorwa byazo.

548. Urugereko ruzirikana ubuhamya bw'umutangabuhamya wiswe GBH uvuga ko ku itariki ya 8 Mata 1994 yahuriye n'Uregwa kuri Busogo afite imbunda kandi akikijwe n'Interahamwe, arimo gushakisha ababa barokotse anagenzura imirambo. Urugereko rurafata umwanzuro kuri ubu buhamya nyuma[726], ariko ubu rusanga bushyigikira inkuru y'umutangabuhamya wiswe GAO wavuze ko Uregwa ari umwe mu bantu bayoboraga ubwicanyi bwakozwe n'Interahamwe.

549. Urugereko rusanze rero nk'uko bivugwa mu Nyandiko y'ibirego, ku itariki ya 7 Mata 1994, muri Komini ya Mukingo abasiviri b'Abatutsi baragabweho ibitero cyangwa bariciwe mu ngo zabo cyangwa aho bari bihishe. Nyuma yo gusuzuma ubuhamya bwatanzwe bwose, Urugereko rusanze Uregwa yaragize uruhare muri icyo gitero kubera ko yategetse Interahamwe zari ku isoko ryo mu Byangabo kujya mu gitero muri Serire ya Rwankeri, kandi ni we wari umuhuza n'ikigo cy'abasirikare cya Mukamira yasabyemo inkunga y'abasirikare n'intwaro. Igitero cyo ku gasozi ka Busogo cyahitanye Abatutsi benshi.

[726] Reba ibimenyetso n'umwanzuro w'Urugereko mu Mutwe wa III, Icyiciro N.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

(g) Itariki ya 7 Mata 1994— Iyicwa ry'Abatutsi babaga kwa Rudatinya[727] muri Serire ya Rwankeri

- **Ibimenyetso**

550. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

551. **Umutangabuhamya ushinja wiswe GBV** yavuze ko yabonye Uregwa atwaye imodoka itukura ya komini yo mu bwoko bwa *Toyota Hilux* kandi ko inyuma muri iyo modoka harimo intwaro n'Interahamwe. Ibi byabaye Rukara akimara kwicirwa mu Byangabo. GBV yavuze ko yabonye iyo modoka imucaho yerekeza kuri Paruwasi ya Busogo, kandi ko igeze imbere yahagaze ku rugo rw'uwitwa Rudatinya aho barimo kwica abantu. GBVyavuze ko kubera ko abantu bari batuye ku mpande zombi z'umuhanda, Uregwa ahageze yabwiye abagabye igitero bari bafite imipanga, imbunda n'amahiri ngo « bamwe bajye iburyo, abandi bajye ibumoso ». GBV yabonye umukobwa yicishwa ubuhiri ubwo Uregwa yari akimara kuvuga ibyo [728].

552. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko hagati ya saa mbiri na saa mbiri n'igice mu gitondo, yabonye Abatutsi bari kwicwa mu rugo rwa Rudatinya, ko kandi nyuma ya saa tatu muri icyo gitondo yabonye igitero cyagabwe kuri Paruwasi ya Busogo[729].

i) Umwanzuro w'Urugereko

553. Urugereko rusanga umutangabuhamya ushinja wiswe GBV n'ushinjura wiswe RHU23 baratanze ubuhamya ku bwicanyi bwibasiye Abatutsi kwa Rudatinya. Aba batangabuhamya bombi barahuje ku birebana n'igihe ubwo bwicanyi bwabereye, Urugereko rukaba rusanga bwarabaye hagati ya saa mbiri na saa tatu za mu gitondo. Urugereko rusanze umutangabuhamya yaramenye neza Uregwa wari mu modoka ye, akaba kandi yaramubonye atwaye mu modoka abantu bafite intwaro abajyanye aho ubwicanyi bwabereye kwa

---

727 Inyandikomvugo z'iburanisha zigaragaza ko izina rivugwa ryanditswe ku buryo bubiri bunyuranye, ari bwo « Rutatinya » na « Rudatinya ». Biragaragara ko ayo mazina yombi yerekeranye n'umuntu umwe. Mu rwego rwo kwirinda guhuzagurika, Urugereko rurakoresha imyandikire ya kabiri, ni ukuvuga « Rudatinya », muri iyi nyandiko y'urubanza yose.

728 Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 114-115 na 134 (GBV).

729 Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 39-40 (RHU23) (mu muhezo).

Rudatinya. Urugo rwa Rudatinya rwari hagati y'isoko ryo mu Byangabo no kwa Munyemvano, aho hantu hombi akaba ariho abandi batangabuhamya babonye Uregwa kandi bakamumenya, haba mbere y'ubwicanyi haba na nyuma yabwo[730]. Kubera ibyo rero, Urugereko rusanze Uregwa yaratwaye abantu bafite intwaro inyuma mu modoka itukura yo mu bwoko bwa Toyota Hilux abavana mu cyerekezo cy'isoko ryo mu Byangabo abajyana mu cya Paruwasi ya Busogo, ariko iyo modoka yarahagaze mu nzira. Uregwa ageze ahaberaga ubwicanyi kwa Rudatinya, ku nzira iva ku isoko ryo mu Byangabo ijya kuri Paruwasi ya Busogo, yahaye , abari mu gitero ababwira ngo « bamwe bajye iburyo, abandi bajye ibumoso ».

554. Urugereko rusanze ibimenyetso byatanzwe bidahagije guhamya ko Uregwa yategetse by'umwihariko abantu kwica umukobwa GBV yabonye bicisha ubuhiri. Nyamara ariko, Urugereko rusanze Uregwa yari ahibereye igihe ibyo byabaga.

555. Bityo rero, ku birebana n'ibivugwa mu gika cya 5.3 cy'Inyandiko y'ibirego, Urugereko rusanze muri Komini ya Mukingo Abatutsi baragabweho igitero bakanicirwa mu ngo zabo n'aho bari bahungiye muri Komini ya Mukingo, cyane cyane kwa Rudatinya. Urugereko rusanze kandi Uregwa yarategetse abantu kugaba icyo gitero, ndetse yarakigiyemo kandi akakiyobora.

(h) Itariki ya 7 Mata 1994 — Kuba Uregwa hamwe n'Interahamwe bariyakiriye mu kabri ke ku isoko ryo mu Byangabo

- **Ibimenyetso**

556. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

557. **Umutangabuhamya ushinja wiswe GBE** yavuze ko umutekano umaze kugaruka muri Serire ya Rwankeli, yasubiye ku isoko ryo mu Byangabo hafi y'akabari k'Uregwa kugira ngo arebe ibiri kuhabera. Abantu babwiye GBE ko Abatutsi bo muri Serire ya Rwankeri bari bishwe. GBE yabonye abantu barimo « umukuru w'Interahamwe » [Michel Niyigaba] n'Uregwa bari kunywera ku ibaraza ry'imbere ry'akabari k'Uregwa kari ku isoko ryo mu Byangabo ku muhanda ugana mu Rwankeri. GBE yarebaga akabari ari hakurya y'umuhanda

[730] Reba umwanzuro w'Urugereko mu Mutwe wa III, Icyiciro K.

kandi yabashaga kubona ibibera imbere mu kabari kubera ko uruhande rw'akabari rwari rufunguye rwarebaga mu muhanda. Amaduka yari agifunze, kandi nta zindi modoka zanyuraga mu muhanda uretse iza gisirikare. Imodoka y'Uregwa yo mu bwoko bwa *Toyota Hilux* itukura yari ihagaze aho ku kabari, Interahamwe nazo ziri aho, zimwe zambaye iniforume yuzuye, izindi zambaye ipantalo ya iniforume ariko indi myambaro atari iniforume, izindi zambaye imyambaro ya gisiviri. Izo Nterahamwe zari zifite intwaro zirimo imbunda n'amagerenade, kandi zarimo kuririmba ngo ngo « *Tuzitsembatsembe*», ariko GBE ntiyabashije kumva icyo zavugaga[731]. Iyo ndirimbo yashakaga kuvuga « *Inyenzi*, *Inkotanyi* n'ibyitso byazo », kandi ko zigombwa « kwicwa nta kindi ». Izo Nterahamwe zarakomeje zimara umwanya ziririmba[732].

558. GBE yavuze ko nyuma, Michel, Marrive[733] n'abandi baje kuva aho bari mu modoka y'Uregwa. Iyo modoka yari itwawe n'Uregwa ubwo yanyuraga mu muhanda imbere y'inzu y'Uregwa ikomeza yerekeza kuri Busogo. Hashize umwanya muto, GBE yumvise urusaku rw'ibintu biturikira mu cyerekezo cya Busogo. Uregwa yagarutse ku kabari ke wenyine, kandi rwa rusaku rw'ibintu biturika rurakomeza. Urusaku rw'amasasu ruhagaze, Interahamwe zagarutse mu tubari two kuri santere ziririmba ngo « zarangije icyo zagombaga gukora ». GBE yavuze ko Interahamwe zarimo zivugana amazina y'Abatutsi zahigaga ngo zibice barimo Samuel na Karasankima. Imodoka y'Uregwa yari igihagaze iwe, ariko GBE ntiyamenye igihe Uregwa yaba yaragendeye[734]. Icyo gihe nta zindi modoka GBE yabonaga mu muhanda uretse iza gisirikare[735]. GBE yasubiye iwe mu rugo uwo munsi ariko ntiyibuka neza isaha[736]. Hashize iminsi itatu cyangwa ine, GBE yagiye kuri Busogo abona amazu yarangiritse ku buryo « umuntu yashoboraga kubona ko habereye imirwano ikomeye. [...] Umuntu yabonaga amaraso, kandi byaragaragaraga ko aho hantu hiciwe abantu »[737].

---

731 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 90-91, 93-96 (mu muhezo) (GBE).

732 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 112 (mu muhezo) (GBE).

733 Mu nyandikomvugo y'iburanisha yo mu rurimi rw'igifaransa handitse ko uwo muntu yitwa « Marere ». Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 133-114 (GBE) (HC).

734 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, imp. 96-98 na 100-101 (mu muhezo) (GBE).

735 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 56 (mu muhezo) (GBE).

736 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 104 (mu muhezo) (GBE).

737 Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 99 (mu muhezo) (GBE).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

- **Umwanzuro w'Urugereko**

559. Ku birebana n'ibyabaye bimaze kuvugwa, Urugereko rusanze nk'uko bikubiye muri rusange mu gika cya 5.9 cy'Inyandiko y'ibirego, ku itariki ya 7 Mata 1994, Uregwa yarakoresheje ububasha yari afite ku Nterahamwe, akazifasha kandi akazishishikaza mu bikorwa byazo. By'umwihariko, Urugereko rusanze ku tariki ya 7 Mata 1994 ku manywa, Uregwa yari arimo kunywa ku kabari ke hamwe na Michel Niyigaba, Marrive n'izindi Nterahamwe. Izo Nterahamwe zari zifite imbunda n'amagerenade, zimwe zambaye iniforume, izindi zambaye imyambaro ya gisiviri, kandi ziririmba indirimbo zerekeye kwica Abatutsi. Nyuma, Uregwa yatwaye mu modoka Michel Niyigaba, Marrive n'izindi Nterahamwe zarimo kunywera ku kabari ke abajyana mu cyerekezo cya Bosogo, kandi yagarutse ari wenyine mu modoka ye. Icyo gihe, humvikanaga urusaku rw'ibintu biturika mu cyerekezo cya Busogo. Urugereko rusanze by'umwihariko Michel Niyigaba yari ahari, kandi umuntu ashingiye ku bindi bimenyetso byatanzwe muri uru rubanza, biragaragara ko ari Interahamwe yishe abantu benshi uwo munsi.

(i) Itariki ya 7 Mata 1994 — Iyicwa ry'Abatutsi babaga kwa Munyemvano, muri Serire ya Manjari II, Komini ya Mukingo, n'iry'abari kuri Paruwasi ya Busogo

560. Urugereko rugiye noneho gusuzuma ibyabaye bifitanye isano ishingiye ku gihe byabayemo n'aho byabereye.

- **Ibimenyetso**

561. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

562. **Umutangabuhamya ushinja wiswe GAO** yavuze ko Ntamugabomwo na Bikete, umuvandimwe w'Uregwa, babwiye Interahamwe mu Rwankeri no kuri Busogo ko Abatutsi bahungiye mu kigo cy'ababikira. GAO yari mu itsinda ry'Interahamwe ryari riyobowe n'umutangabuhamya ushinjura wiswe RGM ryagiye ku kigo cy'ababikira ku itariki ya 7 Mata 1994. Igihe bari mu nzira bajyayo, GAO yavuye mu itsinda ajya gusahura inka. Nyuma yaho, GAO yahuye n'umugabo uri guhungana n'abana babiri b'Abatutsi, maze abasubiza aho ubwicanyi bwari bwatangiriye abashyikiriza Gatama (mwene Bugari) waje kwica abo bana afatanyije n'umukobwa witwa Azele wari muri CDR. Interahamwe zari

zagiye ku kigo cy'ababikira zaje kongera guhura na GAO maze bajyana ku kigo cya *ISAE*[738]. GAO yavuze ko agereranije, mu kigo cy'ababikira hiciwe abantu barenga magana atatu. Yasobanuye ko n'ubwo atari ahari ubwo bwicanyi buba, yafatanyije n'abandi mu gushyingura imirambo igera kuri 300 ku munsi wakurikiyeho, ni ukuvuga ku itariki ya 8 Mata 1994[739].

563. **Umutangabuhamya ushinjura wiswe RHU26** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo yumvise urusaku rw'amasasu ruvugira mu cyerekezo cya Segiteri ya Busogo. Yumvise kandi abantu batambukaga bavuga ko mu Rwankeri, kuri Busogo no ku kigo cy'ababikira bari batangiye kwica Abatutsi, ariko RHU26 ntiyiboneye ubwe ubwo bwicanyi. Ubwo RHU26 yasubizaga ikibazo yari abajijwe n'abacamanza, yavuze ko ubwicanyi bwabereye ahantu hose basangaga Abatutsi, ko atari mu kigo cy'ababikira honyine[740].

564. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko atahagaze ku bwicanyi bwabereye mu kigo cy'ababikira kuri Paruwasi ya Busogo ku itariki ya 7 Mata 1994. Nyamara ariko, RGM yabonye ubusahuzi bwahabereye uwo munsi. RGM yabonye kandi yamenye abantu bari batwaye imodoka eshanu zari iz'ababikira hafi ya Byangabo ari bo Rukundo, Theoneste Barebereho, Kwitonda (bahimbaga Sesera), Turgeon Nsengimana na Ndayisabye. RGM yavuze ko intera iri hagati y'agasozi ka Busogo na Paruwasi ya Busogo ari metero 500, kandi ko yabashaga kumva urusaku rw'amasasu n'urw'amagerenade yaturikiraga kuri Paruwasi ya Busogo[741].

565. **Umutangabuhamya ushinjura wiswe JK311** yavuze ko yajyaga mu misa kuri Paruwasi ya Busogo hagati y'itariki ya 7 Mata 1994 n'intangiriro za Nyakanga 1994, ko ariko atigeze abona ko hari ibyahangijwe. JK311 yavuze ko atigeze amenya ko hari ubwicanyi bwahitanye Abatutsi benshi mu kigo cy'ababikira ku itariki ya 7 Mata 1994[742].

---

738 Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 31-32; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 39-40 (GAO).

739 Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 49-50 na124 (GAO).

740 Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 15-17 na 42 (RHU26) (mu muhezo).

741 Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 6-7 na 59-60 (RGM).

742 Inyandikomvugo y'iburanisha, 17 Nzeri 2002, imp. 6 na 25-26 (JK312) (mu muhezo).

566. **Umutangabuhamya ushinjura wiswe SMR2** yavuze ko hari Abatutsi bari barahungiye kwa Munyemvano hafi ya Paruwasi, kandi ko biciwe kuri Busogo ku itariki ya 7 Mata 1994. SMR2 yamenye umwe mu bishwe witwaga Gateyiteyi, akaba yari umuforomo. SMR2 yabwiwe ko Gateyiteyi yiciwe hirya ya paruwasi gato, ariko ntiyabonye umurambo we[743].

567. **Umutangabuhamya ushinja wiswe GBG** yavuze ko kwa Munyemvano hagabwe igitero mu gitondo cyakurikiye urupfu rwa Perezida Habyarimana. Uregwa yahageze mu modoka mu gitondo ari kumwe n'Interahamwe zambaye iniforume, zimwe ziri mu modoka izindi zigenda n'amaguru, ariko Uregwa we nta iniforume yari yambaye. Abagabye igitero barengaga 100, kandi cyabaye guhera saa mbiri za mu gitondo kugeza saa sita z'amanywa. Abagabye igitero barasahuye basenya n'amazu[744].

568. **Umutangabuhamya ushinja wiswe GBG** yavuze ko Uregwa akigera kwa Munyemvano yishe Gateyiteyi wari umuhungu wa Munyemvano, amurasiye ahantu bari baracukuye ingarane[745]. GBG yavuze ko yari yihishe inyuma y'igiti mu rugo rwa Gateyiteyi kandi ko yiboneye Uregwa arasa. Nyuma y'uko kurasa, GBG yakubiswe inkoni mu mutwe maze ariruka ajya kwihisha hafi y'uruzitiro[746].

569. GBG yavuze ko iyicwa rya Gateyiteyi ryari « ikimenyetso ko abantu bagomba kwicwa » : ubwo Interahamwe n'abaturage batangiye kugaba ibitero ku Batutsi bahungaga. Bamwe mu bagabye ibitero bari bitwaje ibisongo, amacumu n'amahiri. Birukankanaga abantu bamwe bakabarasa, naho abandi bakicishwa ibisongo n'intwaro za gakondo. Abenshi mu bakorewe ibikorwa by'urugomo ntibahitaga bapfa. GBG yavuze ko ari umwe mu bantu barokotse ubwo bwicanyi barimo undi mwana n'undi muntu wa gatatu, n'ubwo atazi mu by'ukuri umubare nyawo w'ababurokotse. Ni we wenyine warokotse mu muryango we[747]. GBG yamenye bamwe mu bari bagabye igitero, bose bakaba bari Abahutu barimo Uregwa, Nahason wari burigadiye, Bambara, Tourdi na Kamangu[748].

---

743 Inyandikomvugo y'iburanisha, 19 Nzeri 2002, imp. 88-89 (SMR2) (mu muhezo).

744 Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, imp. 26, 35-36, 49, 51-52 na 54 (GBG).

745 Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 46-47; Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 14 (GBG).

746 Inyandikomvugo y'iburanisha, 16 Nyakanga 2001, imp. 52-53 na 54 (GBG).

747 Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, urup. 41(GBG).

748 Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 47, 49-52, 70; Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 17 (GBG).

570. **Umutangabuhamya ushinja wiswe ACM** yavuze ko ku itariki ya 7 Mata 1994 mu masaa tatu za mu gitondo, yabonye Uregwa azanye Interahamwe zigera kuri 30 mu modoka ya kamyoneti itukura yari iya Komini ya Mukingo, maze azisiga kwa Munyemvano. Izo Nterahamwe zazengurutse aho hantu ziyamira ngo isaha y'Abatutsi yageze. Uregwa yari yambaye inifurume imwe n'iy'Interahamwe, kandi yari yitwaje imbunda. ACM yavuze ko Uregwa yasabye Interahamwe « kutagira umuntu zica, azibwira ko zigomba gutegereza itegeko ryo gutangira ». Nyuma, Uregwa yaragiye asiga Interahamwe aho, kandi yakurikiwe n'ikamyoneti y'umweru ya Baheza, na yo yatwaraga Interahamwe. ACM yamenye zimwe mu Nterahamwe zose zari Abahutu, zirimo Nkundile, Mbarushemana, Tuyeringire na Kazungu.[749]

571. ACM yavuze ko Uregwa yagarutse kwa Munyemvano hagati ya saa tatu na saa ine za mu gitondo. Uregwa yategetse Interahamwe ngo « zigende zice Abatutsi kubera ko ahandi bari batangiye kubica ». Mu kubahiriza itegeko ry'Uregwa, Interahamwe zatangiye kujugunya amagerenede mu mazu no kuyatwika. Bane mu bantu bo mu muryango wa ACM bararashwe, barimo abakecuru batatu n'umugabo wari ikimuga[750].

572. ACM yavuze ko nyuma yaho Uregwa yategetse Interahamwe gufata abarokotse kwa Munyemvano bakabajyana kuri Paruwasu ya Busogo. Felix Ndyambaje yarashe Gateyiteyi wari wanze kujya kuri paruwasi[751]. Nyuma, Uregwa yagiye akurikiye Interahamwe zari zijyanye abantu bari kwa Munyemvano kuri Paruwasi ya Busogo[752].

573. **Umutangabuhamya ushinjura wiswe RHU25** yavuze ko ku itariki ya 7 Mata 1994 saa mbiri za mu gitondo, uwitwa Georgette Madelin yaje ku kigo cy'ababikira kubwira Gateyiteyi ko umuryango we wari wahungiye muri icyo kigo. RHU25 yavuze ko yavuye kuri disipanseri yo ku kigo cy'ababikira cya Busogo ari kumwe na Gateyiteyi utarabanje kureba abantu bo mu muryango we, ahubwo wabanje kujya kureba urugo rwe. RHU25 na Gateyiteyi bumvise urusaku rw'amasasu banahura n'abantu bahungaga bava muri Serire ya Rwankeri. Abo bahungaga bababwiye ko Interahamwe zirimo kugaba ibitero ku Batutsi

[749] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 29, 32-36 na 39 (ACM).

[750] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 40, 42-43 na 74 (ACM).

[751] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 44-45 (ACM).

[752] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 50 na74 (ACM).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

zikabica. Bamwe muri izo mpunzi bavuganye nabo ni Niyobizera Faustin wakomokaga mu Rwankeri, Niyibizi na Callixte[753].

574. RHU25 yavuze ko nyuma we na Gateyiteyi birukankiye mu ishyamba ubwo impunzi zakwiraga imishwaro, ko kandi igihe bari aho mu ishyamba babonye Abatutsi bajya ku kigo cy'ababikira. Gateyiteyi yakomeje yerekeza iwe mu rugo, ariko Ndayambaje yamurashe akiri mu nzira hafi yo kwa Elias Ruziga. Ubwo, RHU25 yahise ahunga[754].

575. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko ku itariki ya 8 Mata 1994 saa tatu za mu gitondo, we n'abandi bantu bagiye kuri paruwasi bari kumwe na burugumesitiri Harerimana wari utwaye imodoka itukura ya komini, kugira ngo batangire gushyingura imirambo. RHU23 yavuze ko abantu babonye imirambo y'abarimu babiri, ari bo Gateyiteyi na Gitanyao. RHU23 yavuze ko Gateyiteyi yari yaraye arasiwe kwa Ruziga, akaba ariho abantu basanze umurambo we. RHU23 yavuze ko Gateyiteyi amaze gupfa umuryango we wahungiye ku kigo cy'ababikira, ariko nyuma uyu mutangabuhamya yavuze ko ayo magambo atigeze ayavuga. RHU23 yavuze ko Gateyiteyi yapfuye mu masaa tanu z'amanywa, nyuma ariko yaje guhindura avuga ko Gateyiteyi yapfuye mu masaa tatu n'igice za mu gitondo, ibyo ku kigo cy'ababikira bimaze iminota igera kuri 30 bibaye. Uyu mutangabuhamya yavuze ko imirambo yashyinguwe kwa Munyemvano[755].

576. **Umutangabuhamya ushinja wiswe ACM** yavuze ko ubwo Interahamwe zageraga kuri Paruwasi, zasohoye abahigwaga umwe ku wundi kugira ngo zibice. ACM yavuze ko yasohowe n'Interahamwe yitwa Manayeri[756], ko ariko yashoboye kwihisha ubwo yari imusize igihe gito wenyine. ACM yavuze ko yihishe mu gihuru cyari hafi ya paruwasi kugeza mu kabwibwi uwo munsi, kandi ko ari aho yari yihishe atabashije kubona Uregwa. Nyuma yaho, ACM yaje guhunga yerekeza muri Komini ya Nkuli[757].

577. **Umutangabuhamya ushinjura wiswe RHU25** yavuze ko abantu bitwaje intwaro (nk'amahiri n'imipanga) bari kumwe n'abasirikare bamuhagaritse ku irembo ry'ikigo cya

---

[753] Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, imp. 3-4, 6, 9-13, 59 na 93 (RHU25).

[754] Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, urup. 26 (RHU25) (mu muhezo).

[755] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 37-38, 78 (RHU23); Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 68, 70, 75 (RHU23) (mu muhezo).

[756] Inyandikomvugo y'iburanisha, 12 Ukuboza 2001, urup. 77 (ACM).

[757] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 49-57 (ACM).

Paruwsi ya Busogo. Muri abo basirikare, RHU25 yamenyemo Rachelle wategetse umubikira witwa Georgette kubwira Abatutsi bari bihishe mu kigo cy'ababikira ngo bahave kugira ngo ikigo kidasenywa, ariko uwo mubikira yarabyanze. Undi mubikira witwa Lennie Roger yaje gusohoka mu kigo, maze mugenzi we Georgette amubwira ko Abatutsi bari bihishe mu kigo barimo gushakishwa kugira ngo bicwe. Georgette yaterefonnye ku biro bya komini asaba ko babatabara, ariko baranga[758]. Georgette yinginze abagabye igitero ngo bagende, ariko umwe muri bo amukubita urushyi, maze yikubita hasi. RHU25 yavuze ko abo bagabye igitero bahise biroha imbere mu kigo bagatangira kurasa no kwica abantu. Ni bwo rero RHU25 yahitaga ahunga[759].

578. RHU25 yavuze ko Uregwa nta ruhare na ruto yigeze agira mu byabereye ku kigo cy'ababikira cya Busogo. RHU25 yavuze kandi ko ku itariki ya 7 Mata 1994 umunsi wose atabonye Uregwa cyangwa imodoka ye ku kigo cy'ababikira[760]. RHU25 yavuze ko nta muntu yigeze yumva avuga ko Uregwa yari kuri icyo kigo, kandi ko iyo Uregwa aza kujya muri ubwo bwicanyi, izina rye riba ryaragaragaye ku rutonde rw'abagiye mu bwicanyi. RHU25 yemeye ariko ko Uregwa ashobora kuba yarageze kuri paruwasi we yamaze kuhava[761].

579. **Umutangabuhamya ushinjura wiswe MLCF** yavuze ko yavuye iwe ku itariki ya 7 Mata 1994 mu masaa moya za mu gitondo. MLCF yavuze ko yari imbere y'ikigo cy'ababikira ubwo amasasu yatangiraga kuvuga, kandi ko agereranyije hari hagati ya saa mbiri n'igice na saa tatu za mu gitondo. Nyuma, « hashize iminota mike », MLCF yasubiye iwe mu rugo gukora isuku. Ubwo yari mu nzu, yumvise amasasu n'ibintu biturika, icyo gihe hakaba hari nka saa mbiri za mu gitondo agereranyije. Urwo rusaku rw'amasasu n'ibintu biturika rwasaga n'uruva mu cyerekezo cya Byangabo[762].

580. MLCF yavuze ko yabonye nibura abantu 30 bahungaga bava ku kigo cy'ababikira cyo kuri Paruwasi ya Busogo. Abahungaga basaga n'abakutse umutima kandi bari biganjemo abagore n'abana. Hashize umwanya muto, yumvise urusaku rw'abantu benshi bavaga mu

---

758 Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, imp. 27 na 29-30 (RHU25) (mu muhezo).

759 Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, imp. 33-36 (RHU25).

760 Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, imp. 32, 42 (RHU25).

761 Inyandikomvugo y'iburanisha, 21 Ugushyingo 2002, imp. 84-86 (RHU25).

762 Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, imp. 39-42 (MLCF); Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 3 (MLCF) (mu muhezo).

kigo cy'ababikira no kuri disipanseri. Ubwo MLCF yari kuri icyo kigo, yabonye imbaga y'abantu bambaye iniforume ya gisirikare n'abandi bari bambaye imyenda ya gisiviri ishaje kandi yuzuye ico bari bagose icyo kigo, barimo kurasa ku kigo no gutera amagerenade. MLCF na bagenzi be batatu begereye aho ibyo byaberaga, maze babona bamwe muri abo bantu barimo kurira urukuta rw'icyo kigo kandi bafite imipanga, amacumu, n'impiri. MLCF yabonye n'umusirikare wari witwaje imbunda. MLCF yavuze ko hari abantu b'indorerezi kandi hari n'akaduruvayo cyane. Ubwo MLCF yageraga imbere y'inzu, yumvise urusaku rw'abantu batabazaga bari mu nzu imbere. MLCF yavuze ko bantu bari mu gitero yamenyemo batatu ari bo Rachel, Noel na Bagabo, kandi ko Rachel yarashishaga imbunda imbere mu nzu anyujije mu madirishya naho abandi bitwaje imipanga. MLCF yavuze ko agereranyije icyo gitero cyamaze iminota igera kuri 45, kandi ko kubera guhahamuka yasubiye iwe mu rugo mu masaa ine za mu gitondo akanywa ibinini kugira ngo abashe gusinzira. Kuri uwo mugoroba, MLCF yasuwe n'umuntu wamubwiye ko burugumesitiri yari yageze ku kigo cy'ababikira kureba imirambo[763].

581. MLCF yavuze ko atigeze abona Uregwa mu bagabye icyo gitero, ndetse ko atanabonye imodoka Uregwa yatwaraga[764].

582. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo yagiye ku kazi n'igare ku kigo cya *ISAE*. RHU23 yabanje kuvuga ko yagiye kuri *ISAE* mbere ya saa kumi n'ebyiri za mu gitondo, ariko nyuma yaje kubikosora avuga ko hari hagati ya saa kumi n'ebyiri n'igice na saa moya n'iminota cumi n'itanu za mu gitondo, kandi ko yari agiye gushaka iradiyo ye ariko Liyetona Mburuburengero akaba yaramuhagarikiye mu nzira[765]. RHU23 yavuze ko nta Mututsi yabonye hafi aho, kandi ko umuryango wa Munyemvano wari wamaze guhungira kuri paruwasi we atarabyuka ahagana saa kumi n'igice zo mu rukerera. Amakuru yerekeranye n'uko Abatutsi bahungiye kuri paruwasi ku itariki ya 7 Mata 1994 mu masaa kumi n'igice zo mu rukerera, RHU23 yayabwiwe n'impunzi zari kuri paruwasi[766]. RHU23 yavuze ko yasubiye mu rugo iwe saa mbiri za mu gitondo avuye kuri *ISAE*. Yavuze ko yabonye ko Abatutsi bari bahungiye ku

[763] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, imp. 42-45, 50-51, 56-57, 59-60 (MLCF); Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, urup. 24 (MLCF) (mu muhezo).

[764] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, imp. 58, 61 (MLCF).

[765] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, imp. 88, 90 (RHU23) (mu muhezo); Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 7-8 (RHU23).

[766] Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 3, 45, 47 (RHU23) (mu muhezo).

kigo cy'ababikira cyo kuri Paruwasi ya Busogo, kandi ko imbaga y'abantu yari igizwe n'urubyiruko n'abasirikare yagendaga igana muri icyo cyerekezo[767]. RHU23 yavuze ko hagati ya saa mbiri na saa mbiri n'igice za mu gitondo yabonye Abatutsi bagabwaho igitero kwa Rudatinya, naho nyuma ya saa tatu muri icyo gitondo akabona igitero cyagabwe kuri Paruwasi ya Busogo hari impunzi zirenga 1.500. RHU23 yavuze ko yabashaga kumva neza amajwi y'Abatutsi bicirwaga kuri paruwasi[768]. RHU23 yavuze ko ubwo bwicanyi bwo kuri paruwasi bwibasiye imiryango icyenda, kandi ko nta Batutsi bakomoka mu tundi duce bahaguye. RHU23 yavuze ko abagabye igitero kuri Paruwsi ya Busogo bari Abahutu bakomokaga mu tundi duce[769]. RHU23 yavuze ko abantu bavanywe mu byabo n'intambara ari bo bangije banasenya amazu yo kwa Munyemvano, barangije basahura ibiti. RHU23 yavuze ko nta muntu wiciwe kwa Munyemvano kubera ko nta mirambo yahabonetse. Ubwo RHU23 yageraga kuri Paruwasi ya Busogo mu masaa tatu za mu gitondo, yahasanze imirambo maze akoresha ingorofani mu kuyihavana[770]. RHU23 yavuze ko atigeze abona Uregwa kuri Paruwasi uwo munsi[771].

583. RHU23 yavuze ko ku itariki ya 8 Mata 1994 saa tatu za mu gitondo, we n'abandi bantu bagiye kuri paruwasi bari kumwe na burugumesitiri Harerimana wari utwaye imodoka itukura ya komini, kugira ngo batangire gushyingura imirambo. RHU23 yavuze ko abantu babonye imirambo y'abarimu babiri, ari bo Gateyiteyi na Gitanyao. RHU23 yavuze ko Gateyiteyi yari yaraye arasiwe kwa Ruziga, akaba ariho abantu basanze umurambo we. RHU23 yavuze ko Gateyiteyi amaze gupfa umuryango we wahungiye ku kigo cy'ababikira, ariko nyuma RHU23 yavuze ko ayo magambo atigeze ayavuga. RHU23 yavuze ko Gateyiteyi yapfuye mu masaa tanu z'amanywa, nyuma ariko yaje guhindura avuga ko Gateyiteyi yapfuye mu masaa tatu n'igice za mu gitondo, ibyo ku kigo cy'ababikira bimaze iminota igera kuri 30 bibaye. Uyu mutangabuhamya yavuze ko imirambo yashyinguwe kwa Munyemvano[772].

[767] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 12, 22 (RHU23).

[768] Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 39-40 (RHU23) (mu muhezo).

[769] Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 101-102, 108 (RHU23) (mu muhezo).

[770] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 37-39 (RHU23) (mu muhezo).

[771] Inyandikomvugo y'iburanisha, 26 Nzeri 2002, urup. 88 (RHU23).

[772] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, imp. 37-38 na78 (RHU23); Inyandikomvugo y'iburanisha, 26 Nzeri 2002, imp. 68, 70 na 75 (RHU23) (mu muhezo).

584. **Umutangabuhamya ushinjura wiswe RHU29** yavuze ko abantu bose bari kwa Munyemvano bahungiye kuri Paruwasi ya Busogo ku itariki ya 7 Mata 1994 mu masaa kumi n'ebyiri za mu gitondo. Kare muri icyo gitondo, RHU29 yabonye abasirikare bari bambaye iniforume ya gisirikare kandi bitwaje imbunda, bari kumwe n'abasiviri bari bambaye imyenda inyuranye, bitwaje amacumu n'amahiri berekeza kuri Paruwasi ya Busogo. RHU29 yavuze ko uretse umusirikare witwa Rachele nta wundi muntu yamenye muri abo basiviri cyangwa abo basirikare. Nyamara ariko, RHU29 yabonye bamwe mu bantu bari kumwe n'abo basirikare bari Interahamwe. RHU29 yagize ati « […] bageze ku kiriziya, numvise amasasu avuga, numva abantu bavuza induru, hanyuma inkuru irakwira ko abo basiviri n'abasirikare bari bagabye igitero ku mpunzi zari kuri kiriziya yo kuri Busogo ». Urusaku rw'amasasu n'induru y'abantu byamaze isaha imwe[773].

585. RHU29 yavuze ko kuri Paruwasi ya Busogo hari impunzi z'Abatutsi nyinshi zakomokaga muri Komini ya Cyeru, iya Butaro, iya Kinigi n'iya Nkumba[774]. Uyu mutangabuhamya yavuze ko yabonye Burugumesitiri Harerimana n'umushoferi we Mohunde kuri paruwasi mu masaa tatu za mu gitondo, kandi ko yumvise ko Harerimana yari yasabye umukonseye gushyingura imirambo y'abishwe[775].

586. RHU29 yavuze ko yari azi neza umuryango wa Munyemvano kandi ko yari aturanye na wo[776]. RHU29 yavuze ko Nyirabushashi n'abantu bose bo mu muryango wa Munyemvano baguye kuri Paruwasi ya Busogo, kandi ko nta bwicanyi bwabereye kwa Munyemvano ndetse ko nta n'umuntu n'umwe wahiciwe[777]. RHU29 yavuze ko kwa Munyemvano cyangwa kuri Paruwasi ya Busogo atigeze ahabona imodoka ya *Toyota* itukura yari yanditseho « *ESTB* », iyo modoka ikaba yarakoreshwaga n'Uregwa ariko ari iy'ishuri ryayoborwaga na we[778].

587. **Umutangabuhamya ushinjura wiswe KAA** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, we n'abandi basore batatu bagiye ku isoko ryo mu Byangabo bakurikiye urusaku

---

773 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, imp. 17-20, 25 (RHU29).

774 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, urup. 63 (RHU29).

775 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, urup. 21 (RHU29).

776 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, imp. 12-13 (RHU29) (mu muhezo).

777 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, imp. 21, 56, 58 (RHU29).

778 Inyandikomvugo y'iburanisha, 7 Ukwakira 2002, imp. 19-20 (RHU29).

rwa za gerenade, kandi ko agereranyije hari nka saa mbiri za mu gitondo[779]. Bari mu nzira berekeza mu Byangabo, KAA na bagenzi be bamaze kugenda nka metero 15 cyangwa 20 bavuye aho umuhanda barimo uhurira n'ujya kuri Paruwasi ya Busogo, babonye imbaga y'abantu iza ibagana. Iyo mbaga yari igizwe n'abantu bambaye iniforume ya gisirikare n'abandi bambaye imyenda isanzwe, abasirikare bakaba bari bitwaje imbunda banafite amagerenade ku mikandara, naho abasiviri bitwaje imipanga, amahiri, inkoni cyangwa amabuye. KAA ntiyabashije gutanga ikigereranyo cy'umubare w'abo bantu, ariko yasobanuye ko bari mu byiciro binyuranye kandi ko byasaga nk'aho ari benshi cyane. KAA ntiyabashije kumenya uwari uyoboye iyo mbaga y'abantu, kandi yavuze ko we na bagenzi be biyemeje kureka abo bantu gatambuka kubera ko babonaga badafite imigambi myiza. KAA yavuze ko icyo abo bantu bari bagamije cyagaragaraga ukurikije intwaro bari bitwaje no kubera ko bagendaga baririmba ngo « tubatsembatsembe », ndetse bamwe muri bo bari baravanywe mu byabo n'intambara baravugaga ngo « abo bantu babirukanye mu byabo ko rero badashobora kugumya kubyihanganira »[780]. KAA yavuze ko bitari ubwa mbere yumva iyo ndirimbo kubera ko iyo abasirikare b'u Rwanda babaga bagiye ku rugamba baririmbaga ngo « tubatsembatsembe ». KAA yongeyeho ko abo baririmbaga bashakaga kuvuga abasirikare ba FPR. KAA yabonye bamwe mu bari bagize iyo mbaga ari abavanywe mu byabo n'intambara bitewe n'uko babaga mu Byangabo no mu duce two hafi y'iwe. KAA yavuze ko abo bantu ari abari barakuwe mu byabo ku ngufu : imyenda yabo ikaba yari itandukanye n'iy'abandi baturage kubera ko yari yuzuye ico kandi ari ibishwangi[781].

588. KAA yavuze ko ya mbaga y'abantu igabanutse, we na bagenzi be biyemeje kuyikurikira kugera kuri Paruwasi ya Busogo. Uyu mutangabuhamya yavuze abitsindagira ko atari mu itsinda ry'abagabye igitero. KAA yavuze ko byafashe igihe kirekire kugira ngo bagere kuri paruwasi, abicanyi bakaba bari bahageze mbere yabo cyane. Asubiza ikibazo yari abajijwe n'abacamanza, KAA yavuze ko yari azi ko iyo mbaga itashakaga kumwica kubera ko iyo iza kubishaka iba yaramwishe igihe yabanyuragaho ku muhanda[782]. KAA yavuze ko we na bagenzi be babonye iyo mbaga, yari igizwe n'Abahutu, yerekeza by'umwihariko ku kigo

[779] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, urup. 75 (KAA); Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 13, 20-21, 76 (KAA).

[780] Inyandikomvugo y'iburanisha, 3 Ukuboza 2002, imp. 77-78 (KAA); Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 2, 16, 21 (KAA).

[781] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 3, 21 (KAA).

[782] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 3, 23, 34-35 (KAA).

cy'ababikira cyo kuri Paruwasi ya Busogo. Ubwo KAA yageraga ku kigo cy'ababikira, yabonye imbaga y'abantu bari batangiye igitero, bamwe bakoresha amahiri, imbunda n'amagerenade, abandi batera amabuye bakoresha n'inkoni. Iyo igitero cyabaga kirimbanyije, KAA n'izindi ndorerezi barirukaga bakarebera kure, ariko haba agahenge bakagaruka gukurikirira hafi ibiri kuba. KAA yavuze ko abantu bari kuri paruwasi atari ko bose bari mu gitero, bamwe muri bo bari indorerezi bafite amatsiko kimwe na we. KAA yamenye bamwe mu bari bagabye igitero. KAA yasobanuye ko yabonye umusirikare witwa Rachel wari wambaye ingofero ya gisirikare y'umukara n'ikoti, anafite umugozi yazengurukije ku rukenyerero, yambaye inkweto za gisirikre kandi yitwaje amagerenade n'imbunda yo mu bwoko bwa R4. KAA yavuze ko abantu bari imbere mu kigo cy'ababikira batarasaga, ko ariko ibyo atashoboye kubigenzura. KAA yumvise abantu bari imbere mu kigo cy'ababikira batakamba baranguruye amajwi kandi batabaza, indi nduru ikaba yaravaga inyuma y'inzu. KAA yasobanuye ko yashoboraga kumva iyo nduru iyo ya mbaga y'abantu yabaga ihagaritse kurasa ku nzu. KAA yavuze ko atamenye abantu bari imbere mu kigo hamwe n'ababikira[783].

589. KAA yavuze ko mu kanyatsi kari imbere ya paruwasi bahasanze umwana wari wihishe mu byatsi maze umuntu wari umuvumbuye akamutera ikibuye. KAA yavuze ko we na bagenzi be bavugije induru, ko ariko uwo muntu wari ufite n'imbunda yabutse inabi, maze bagahita biruka. Nyuma yaho, KAA na bagenzi be baje kugaruka aho ubwo bwicanyi bwabereye. Kubera ko agahenge kari kagarutse, KAA yinjiye mu mbuga y'imbere mu kigo cy'ababikira anyuze ku irembo, maze ahabona imirambo yari ihuzuye harimo n'iy'abana bato. Umutangabuhamya yabonye ko imwe muri iyo mirambo yari iy'Abatutsi. KAA yavuze ko we na bagenzi be batunguwe n'ibyari byabaye, ko byabatangaje ndetse bikabahahamura, maze bagasubira mu rugo. KAA yavuze ko agereranyije, icyo gitero cyamaze isaha imwe cyangwa isaha imwe n'iminota 20[784].

590. Ubwo Porokireri yavugaga ko KAA adashobora kwihandagaza ngo yemeze nta shiti ko Uregwa atageze kuri Paruwasi ya Busogo igihe Abatutsi barimo kwicwa ku itariki ya 7 Mata 1994, KAA yasubije ko adashobora guhakana yivuye inyuma ko Uregwa atahageze.

[783] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 3-7, 11, 23-26, 35 (KAA).

[784] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 7-8, 11, 18, 24, 26 (KAA).

Nyamara ariko, KAA yemeje ko guhera igihe yahuriyeho n'abagabye igitero kugeza igihe yaviriye kuri Paruwasi ya Busogo, yemeza byimazeyo ko Uregwa atari ahari[785].

- **Umwanzuro w'Urugereko**

Igitero cyagabwe kwa Munyemvano

591. Abatangabuhamya bashinja biswe GBG na ACM batanze ubuhamya ku byo biboneye birebana n'igitero cyagabwe kwa Munyemvano, muri Serire ya Rwankeli, ku itariki ya 7 Mata 1994 mu gitondo. Aba batangabuhamya bombi bavuze ko bari kwa Munyemvano igihe igitero cyabaga, ko kandi barokotse ubwicanyi bwahakorewe icyo gihe. Basobanuye ko icyo gitero cyari kiyobowe n'Uregwa, waje mu modoka ye atwaye Interahamwe.

592. GBG yavuze ko Interahamwe zari muri icyo gitero zari nka 100, naho ACM yavuze ko zari nka 30. Aba batangabuhamya bombi bashoboye gutanga amazina ya zimwe mu Nterahamwe zari zihari, kandi bavuze ko zose zari Abahutu.

593. GBG yavuze ko Uregwa yatangije igitero arasa Gateyiteyi mwene Munyemvano. Ubwo Interahamwe zakomerejeho zica impunzi zose zari kwa Munyemvano zikoresheje ibisongo cyangwa izindi ntwaro gakondo. Zimwe muri izo Nterahamwe zari zifite n'imbunda, kandi na zo zarazikoresheje. GBG yarusimbutse kubera ko yabanje kwihisha inyuma y'igiti, hanyuma akomeza yegera uruzitiro. GBG yavuze ko Uregwa nta iniforume yari yambaye.

594. ACM yavuze ko Uregwa yabanje kujya kwa Munyemvano atwaye abagabye igitero kandi aherekejwe n'indi modoka ya kabiri yari iya Bahesa. Yasizeyo abari mu gitero ababwiye ko batagombaga gutangira kugaba igitero batarabiherwa itegeko. Nyuma y'isaha imwe yagarutse aho hantu aje gutanga itegeko, kandi amaze kuritanga igitero cyahise gitangira. Gateyiteyi yabaye umwe mu barokotse icyo gitero, kandi kirangiye, abakirokotse bajyanywe ku kigo cy'ababikira n'amaguru. Gateyiteyi yanze kujyayo, maze uwitwa Felix Ndayambaje aramurasa. Muri icyo gitero hatewe amagerenade ndetse n'amazu aratwikwa. ACM yavuze ko Uregwa yari yambaye iniforume isa n'iyo Interahamwe zari zambaye

595. N'ubwo ubuhamya bwa GBG n'ubwa ACM bunyuranye ku birebana n'umubare bavuga w'abagabye igitero no ku birebana n'imyenda Uregwa yari yambaye, Urugereko rurabyumva kubera ko abo batangabuhamya bari bafite ubwoba bwo kwicwa, bityo

[785] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 30, 32 (KAA).

umutima wabo ukaba wari uri ahandi, aho kwibanda ku tuntu duto. Nyamara ariko, ruzirikanye ko ACM na GBG banyuranya ku birebana n'umuntu wishe Gateyiteyi amurashe, Urugereko rusanze umwirondoro w'uwishe Gateyiteyi utaragaragajwe.

596. Amakuru yatanzwe n'abatangabuhamya bashinjura biswe RHU29 na RHU23 bavuga ko nta bwicanyi bwabereye kwa Munyemvano ntiyanyuze Urugereko, rukaba ntaho rwahera ruyemera. Ikindi kandi, RHU29 yavuze ko abantu bose bo mu muryango wa Munyemvano biciwe kuri Paruwasi ya Busogo, nyamara Urugereko rushingiye ku buhamya bwa ACM, rusanga ayo makuru atari impamo. Ibimenyetso byatanzwe bigaragaza ko kwa Munyemvano hakorewe ubwicanyi, by'umwihariko rwanyuzwe n'ubuhamya bwa GBG na ACM kuri icyo kibazo.

597. Urugereko rwasuzumye ibimenyetso byose birebana n'ubwo bwicanyi, rukaba rusanze ku birebana by'umwihariko n'igika cya 5.3, icya 5.4 n'icya 5.9 by'Inyandiko y'ibirego, ku itariki ya 7 Mata 1994, Abatutsi benshi barimo abagabo, abagore n'abana baragabweho igitero bakicirwa aho bari bahungiye muri Komini ya Mukingo, muri uru rubanza aho hakaba ari ahitwa kwa Munyemvano muri Serire ya Rwankeri. Uregwa yari ahari igihe igitero cyagabwaga, kandi kubera ububasha yari afite ku Nterahamwe zari muri icyo gitero, yategetse ko gikorwa kandi arakiyobora. Interahamwe zari muri icyo gitero cyagabwe kwa Munyemvano zakoresheje intwaro gakondo, imbunda n'amagerenade mu iyicwa ry'Abatutsi.

a. <u>Ubwicanyi bwabereye ku kigo cy'ababikira</u>

598. Umutangabuhamya ushinja wiswe GAO yavuze ko Ntamugabomwo na Bikete, umuvandimwe w'Uregwa, bamenyesheje Interahamwe zari mu Rwankeri no kuri Busogo ko Abatutsi bari bahungiye ku kigo cy'ababikira. GAO yavuze ko yari mu gatsiko kagiye ku kigo cy'ababikira ku itariki ya 7 Mata 1994 kari kayobowe n'umutangabuhamya ushinjura wiswe RGM. Nyamara ariko, GAO yavuze ko ubwo yageraga mu nzira yavuye muri ako gatsiko akajya gusahura inka, bityo ko atagiye mu bwicanyi bwabereye ku kigo cy'ababikira. Yavuze ariko ko ku munsi wakurikiyeho yitabiriye igikorwa cyahabereye cyo gushyingura imirambo yageraga kuri 300.

599. Urugereko rusanga hari ubuhamya bwatanzwe n'umutangabuhamya ushinjura wiswe RHU25 uvuga ko yari kumwe n'umubikira witwa Georgette ku irembo rya paruwasi ubwo

abantu bitwaje intwaro nk'amahiri n'imipanga bamuhagarikaga. RHU25 yamenye Rachel nk'umwe mu basirikare basabye Georgette kubwira Abatutsi ngo basohoke mu kigo cy'ababikira kugira ngo kidasenywa. Urugereko rusanga kandi RHU25 yaravuze ko Georgette yahamagaye ku biro bya komini abatabaza ariko bakanga. Urugereko rusanga na none uyu mutangabuhamya yaravuze ko Georgette yinginze abagabye igitero ngo bave aho ariko bakanga ahubwo bakiroha imbere mu kigo bagatangira kwica Abatutsi barimo babarashe.

600. Urugereko rusanga hari ubuhamya bw'abatangabuhamya bashinjura biswe RHU26, RGM, RHU25, KAA, na MLCF buvuga ko ku itariki ya 7 Mata 1994 bumvise urusaku rw'amasasu cyangwa ibintu biturika bivugira mu cyerekezo cya Segiteri ya Busogo (aho ikigo cy'ababikira kiri). RHU26 na RGM bavuze ko nta bwicanyi babonye bubera ku kigo cy'ababikira muri Segiteri ya Busogo ku itariki ya 7 Mata kubera ko batari aho hantu. Nyamara ariko, RGM yavuze ko yabonye imodoka eshanu zari zasahuwe mu kigo cy'ababikira, izo modoka zikaba zari zitwawe na Alex Rukundo, Theoneste Barebereho, Kwitonda bahimbaga Sesera, Turgeon Nsengimana na Ndayisabye.

601. Urugereko rusanga hari n'ubuhamya bwa MLCF buvuga ko yamenye abantu batatu aho hantu habereye ubwicanyi ari bo Rachel, Noel na Bagabo. KAA na RHU25 na bo bavuze ko aho hantu bahamenye Rachel wari umusirikare.

602. Urugereko rwamaze kubona kandi ubuhamya bw'umutangabuhamya ushinjura wiswe JK311 wavuze ko yajyaga ajya mu misa kuri Paruwasi ya Busogo hagati y'itariki ya 7 Mata n'intangiriro za Nyakanga 1994 kandi ko nta kintu yabonye cyahangiritse, ariko rwasanze ubwo buhamya atari ubwo kwizerwa kubera ko icyo bugamije ari ukuvuga ko nta gitero cyagabwe kuri Paruwasi ya Busogo.

603. Urugereko rusanga hari ubuhamya bwatanzwe n'umutangabuhamya ushinja wiswe ACM wari ku kigo cy'ababikira ku itariki ya 7 Mata 1994 akaba kandi yariboneye ibyahabereye. ACM yavuze ko aho kuri paruwasi Interahamwe zasohoye abantu zikabajyana hanze kubicirayo. ACM yavuze ko yasohowe n'Interahamwe yitwa Manayeri ariko akabasha kuyicika ubwo yari imusize wenyine akanya gato.

604. Urugereko rushingiye ku bimenyetso byatanzwe byose, rusanga mu gitondo cyo ku itariki ya 7 Mata 1994 ku kigo cy'ababikira cyo kuri Paruwasi ya Busogo harabereye ubwicanyi bwahitanye Abatutsi benshi. Umubare w'imirambo yashyinguwe bukeye bwaho ni

ikimenyetso kigaragaza ko icyo gitero cyahitanye Abatutsi bagera kuri 300. Icyo gitero cyagabwe n'Interahamwe.

(j) Itariki ya 8 Mata 1994— Ubwicanyi bwakorewe Abatutsi muri Segiteri ya Gitwa, muri Komini ya Nkuli

- **Ibimenyetso**

605. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

606. Umutangabuhamya ushinja wiswe GDD yavuze ko ku itariki ya 8 Mata 1994 mu gitondo, we n'abandi bantu bari mu gitero bishe umugore witwa Nyirabusoro n'abana be batanu. Uwo Nyirabusoro yari umugore w'Umuhutu witwa Muvuka. GDD yavuze ko ubwicanyi bwabaye hakurikijwe itegeko Uregwa yari yatanze ryo kujagajaga Segiteri ya Gitwa[786]. GDD yavuze kandi ko yishe abana batanu b'ibyimanyi by'Umuhutu n'Umutusikazi kubera « , yatanzwe n'abategetsi … barimo Nzirorera na Kajelijeli »[787].

607. GDD yavuze ko ku itariki ya 8 Mata 1994 nyuma ya saa sita, we n'umuntu wigeze kuba umusirikare witwa Barabara bakomeje guhiga Abatutsi bubahiriza , y'Uregwa yo kujagajaga komini bahiga Abatutsi. GDD na Barabara « barazamutse bajya kwa Ruhafi aho abana babiri ba Seruyombo bari bihishe […]. Ndagijimana … nijye wamwishe murashe na *Kalashnikov* yanjye […] naho Nyirabukobwa, mushiki we, yicishijwe ubuhiri »[788].

- **Umwanzuro w'Urugereko**

608. Urugereko rusanze ku itariki ya 8 Mata 1994, umutangabuhamya ushinja wiswe GDD, wari Interahamwe, yaravuye iwe akica abantu umunani. Abo yishe kandi yavuze amazina ni umugore w'Umututsikazi, n'abana barindwi b'ibyimanyi by'Umuhutu n'Umututsi. Uyu mutangabuhamya yavuze yakoreye ubwo bwicanyi muri Segiteri ya Gitwa muri Komini ya Nkuli yubahiriza , y'Uregwa yo kujagajaga Komini ya Nkuli bahiga Abatutsi. Urugereko rusanze ibivugwa ariko byagenze koko.

---

[786] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 52, na 56-59 (GDD).

[787] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 56-57 (GDD).

[788] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 53, 57 na 113-114 (GDD).

609. Rushingiye ku bimenyetso byose byatanzwe birebana n'ibyabaye guhera ku itariki ya 6 Mata 1994 kugeza ku ya 8 Mata 1994, Urugereko rwemeje nta gushidikanya ko kuri ayo Matariki Uregwa yari afite ububasha nyabwo kandi yakomeje kubugira ku Nterahamwe zo muri Komini ya Mukingo n'iya Nkuli.

(k) AMatariki kuva ku ya 12 kugeza ku ya 14 Mata 1994 — Ubwicanyi bwakorewe Abatutsi bari bahungiye ku Rukiko rw'ubujurire rwa Ruhengeri

- **Ibimenyetso**

610. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

611. **Umutangabuhamya ushinja wiswe GAO** yavuze ko rimwe hagati y'itariki ya 12 n'iya 14 Mata 1994, Abatutsi bajyanywe ku Rukiko rw'ubujurire rwa Ruhengeri bavanywe muri Komini ya Ndusu, muri SuPerefegitura ya Busengo[789], muri Perefegitura ya Ruhengeri. GAO yavuze ko Interahamwe zo mu Byangabo zanze kwitabira impuruza y'Interahamwe zo mu gace karimo Urukiko rw'ubujurure rwa Ruhengeri zasabaga inkunga. GAO yavuze ko Uregwa ari kumwe na Ajida Shefu Karorero baje kuri sitasiyo ya lisansi Petrorwanda ya Esdras Baheza yari hafi y'ikigo cya Mukamira. GAO yavuze ko Uregwa ubwe yamubwiye ko Abatutsi bari ku Rukiko rw'ubujurire bari bakumiriye igitero, kandi ko « abandi » bari bakeneye inkunga. GAO yamusubije ko adafite « ibikoresho » bya ngombwa byo gufasha mu gitero, maze Uregwa aramubwira ati « ntugire ikibazo, ngwino tujyane. Jya mu modoka. Ibikoresho birahari kandi urabihabwa »[790].

612. GAO yavuze ko ubwo yagiye mu modoka y'Uregwa ya *Toyota Hilux* yari itwawe n'Uregwa ubwe ari kumwe na Karorero. GAO yavuze ko Uregwa yerekeje mu rugo rwa Karorero muri Komini ya Nkuli. Bahageze, uwo Karorero yahaye GAO gerenade enye zo mu bwoko bwa M26 no mu bwoko bukorerwa mu Bushinwa. Nyuma, bagiye mu rugo rwa Gervais wari umukuru wa CDR akaba n'umucuruzi ku Mukamira, kugira ngo basabe abandi bayoboke ba

[789] Hari ahanditse kandi ko ari « Busenge ».

[790] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 39-40, 45; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 61-62 (GAO).

CDR bo kubatera inkunga. GAO yavuze ko Gervais yahaye Uregwa abandi bayoboke ba CDR kugira ngo bajyane na we[791].

613. GAO yavuze ko nyuma Uregwa yasubiye kuri sitasiyo ya lisansi Petrorwanda akahagura lisansi. Nyuma yaho bagiye mu Byangabo aho GAO yahaye gerenade umutangabuhamya ushinjura wiswe RGM, kandi uwo RGM wasigaye aho igihe Interahamwe zajyaga mu modoka yazijanye ku Rukiko rw'ubujurire. Uregwa ntiyaziherekeje ku Rukiko rw'ubujurire, kandi GAO ntiyongeye kumubona uwo munsi kugeza igihe yagarukiye saa mbiri cyangwa saa tatu z'ijoro avuye mu Ruhengeri. Interahamwe zigeze ku Rukiko rw'ubujurire, abajandarume babiri bari bahari barahunze. Interahamwe yitwa Musafiri yafunguye urugi rwo ku Rukiko rw'ubujurire ikoresheje imbunda yayo, naho indi yitwa Toto yarashe inyujije mu rugi ikoresheje imbunda yitwa « s*tream* ». Interahamwe zishe abantu bose bari ku Rukiko rw'ubujurire ; haguye Abatutsi bagera kuri 300. GAO yavuze ko hari abagabye igitero bahagije bari buzuye imodoka ebyiri zo mu bwoko bwa *Daihatsu* zari zavuye mu Ruhengeri, kandi bose bari Abahutu[792].

614. **Umutangabuhamya ushinja wiswe GAP** yavuze ko Nzirorera yahamagaye Uregwa kuri telefone amumenyesha ko hari Abatutsi bimuriwe ku Rukiko rw'ubujurire rwa Ruhengeri bavuye kuri SuPerefegitura ya Busengo, kandi ko « byari byoroshye kubafatira aho »[793]. GAP yavuze ko rimwe hagati y'itariki ya 10 n'iya 15 Mata 1994, mbere yo kujya kwica Abatutsi ku Rukiko rw'ubujurire, Interahamwe zagiye ku biro bya Komini ya Mukingo gusaba burigadiye wa komini gerenade. Burigadiye yazibwiye ko nta gerenade zihari, maze Interahamwe zamubwira ko « araba agira Imana nizitaha amahoro nta we uhuye n'ikibazo ». Nyuma y'ubwicanyi bwabereye ku Rukiko rw'ubujurire, Interahamwe zaragarutse zibwira burigadiye ziti « ugira Imana, twagarutse twese, nta n'umwe watuvuyemo »[794].

615. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko ku itariki ya 14 Mata 1994 habaye igitero cyagabwe ku Rukiko rw'ubujurire rwa Ruhengeri. RGM yavuze ko atiboneye ubwe ubwicanyi bwakorewe ku Rukiko rw'ubujuririre, ko ahubwo amakuru yerekeye icyo gitero

---

[791] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 40-41 na 45; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 63-65 (GAO).

[792] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 41-42 na 44-46; Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 64 (GAO).

[793] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 106 (GAP).

[794] Inyandikomvugo y'iburanisha, 4 Ukuboza 2001, urup. 78 (GAP).

yayabwiwe n'abakigabye. RGM yavuze ko umutangabuhamya ushinja wiswe GAO, Musafiri, Uyamuremye, Sebunane na Mbonakira bagiye muri icyo gitero hamwe n'abandi bantu atamenye. Mbere y'uko igitero kiba, abo bantu bari ku isoko ryo mu Byangabo, maze burira imodoka ebyiri za *Daihatsu* y'ubururu n'iy'umweru, berekeza mu Ruhengeri. Izo modoka zari zitwawe na Isa na Sebuhinja bahimbaga Cyaca zabanje kujya ku Mukamira, zigarutse zongera guhagarara ku isoko ryo mu Byangabo. RGM yavuze ko uwo munsi atigeze abona Uregwa cyangwa imodoka ye mu Byangabo, ko kandi n'abantu bagiye muri kiriya gitero ntaho bamuvuga[795].

616. **Umutangabuhamya ushinjura wiswe FMB** yavuze ko yamenye iby'ubwicanyi bwabereye ku Rukiko rw'ubujurire abibwiwe n'uwari umukuriye mu gisirikare ubwo yari ageze kuri etamajoro. FMB ntiyabashije kwibuka itariki Abatutsi bo ku Rukiko rw'ubujurire biciweho. FMB yavuze ko yagiye ku Rukiko rw'ubujurire kureba uko byifashe, nyuma ajya ku bitaro, ahasanga abarokotse. FMB yavuze ko imiterere y'umwanya we mu kazi itamwemereraga kuba yakora iperereza ku mubare w'Abatutsi bishwe cyangwa uwabishe, ariko ko umujandarume umwe yamubwiye ko Abatutsi bari bishwe n'urubyiruko rw'ibisambo. FMB yavuze kandi ko perefe n'abayobozi bo mu nzego za gisiviri ari bo bari bafite ububasha bwo gukoresha iperereza iryo ari ryo ryose kuri ubwo bwicanyi. FMB yavuze ko ari mu buhungiro ari bwo yamenye ko hari abasirikare bagize uruhare mu bwicanyi bwabereye mu Ruhengeri. FMB yavuze abitsindagira ko ubwo bwicanyi butakozwe n'abasirikare bahawe amategeko n'ubuyobozi; ibyaha bishobora kuba byarakozwe n'abasirikare bari mu kiruhuko cyangwa batorotse[796].

617. **Uregwa** yavuze mu buhamya bwe ko yumviye kuri radiyo ko Guverinoma yari yavuye i Kigali yimukiye i Gitarama. Uregwa yatanze aMatariki ku buryo buhuzagurika, avuga ko byabaye ku itariki ya 12 cyangwa iya 15 Mata 1994. Uregwa yavuze ko akurikije ibyavugwaga mu makuru, impunzi zari zakambitse ku Rukiko rw'ubujurire rwa Ruhengeri, ko kandi ingabo z'igihugu ari zo zari zahagabye igitero zikahatera amabombe. Uregwa yavuze ko uwo munsi nta yandi makuru arambuye yamenye kuri icyo kibazo. Nnyuma yaho yaje guhura n'umudogiteri w'umusirikare wo mu Ruhengeri witwa Martin wamubwiye ko ayo makuru atari ukuri, ko ari Abatutsi bari bahungiye ku Rukiko rw'ubujurire nyuma

---

[795] Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 8-9, 14-16 na 47 (RGM).

[796] Inyandikomvugo y'iburanisha, 3 Mata 2003 imp. 26, 30-31 na74 (FMB) (mu muhezo).

bakahicirwa. Uregwa yavuze ko yumvise ko impunzi zo ku Rukiko rw'ubujurire zagabweho igitero n'abantu bihitiraga barushije imbaraga abajandarume[797].

- **Umwanzuro w'Urugereko**

618. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

619. Ubwunganizi ntibuhakana ko ku Rukiko rw'ubujurire hagabwe igitero. Buvuga ariko ko ibyo umutangabuhamya ushinja wiswe GAO avuga bitakwemerwa kubera ko iyo Uregwa aza kuba yarageze mu Byangabo akamuha intwaro yakoresheje mu gitero cyagabwe ku Rukiko rw'ubujurire, uyu mutangabuhamya aba yarabivuze mu ibaruwa yo kwirega icyaha yandikiye ubutegetsi bwo mu Rwanda ku itariki ya 2 Gashyantare 1999, cyangwa mu buhamya bwanditse yagejeje ku bahagarariye Urukiko ku itariki ya 7 Gicurasi 1999[798]. Ubwunganizi bwibukije kandi ko ibyo GAO avuga ko Uregwa yari mu Byangabo ku munsi igitero cyagabiweho ku Rukiko rw'ubujurire byahakanywe n'umutangabuhamya wiswe RGM. Urugereko rwasesenguye mbere ubuhamya bwa RGM kandi rwasanze ibyo avuga byerekeranye n'aho Uregwa yari bitakwemerwa (reba umutwe wa III, icyiciro cya K).

620. Urugereko rwasuzumye ubuhamya bwa GAO busanga inkuru atanga yerekeranye n'ibyabereye ku Rukiko rw'ubujurire ku itariki ya 14 Mata 1994 cyangw ahafi y'iyo tariki ari ayo kwizerwa. Abatangabuhamya bose bavuze kuri iki kibazo bahuriza ku nkuru y'uko Uregwa atari ku Rukiko rw'ubujurire igihe ubwicanyi bwahakorwaga. Nyamara ariko, Urugereko rusanga n'ubwo Uregwa atari ahahagaze, yaragize uruhare rukomeye mu gufasha no gutegura ibyabereye ku Rukiko rw'ubujurire rwa Ruhengeri. Urugereko rufashe uyu mwanzuro rushingiye ku buhamya bwa GAO wiboneye ubwo bwicanyi kandi wabugiyemo ku buryo butaziguye. Urugereko rusanze kandi RGM yaremeje ko GAO yari mu gatsiko kagiye mu gitero cyagabwe ku Batutsi bari ku Rukiko rw'ubujurire rwa Ruhengeri.

621. Urugereko rusanze ku itariki ya 14 Mata 1994 cyangwa hafi y'iyo tariki, Uregwa yaragiye kureba GAO akamusaba gufasha « abandi » ku Rukiko rw'ubujurire rwa Ruhengeri bari

---

[797] Inyandikomvugo y'iburanisha, 16 Mata 2003, urup. 7-9 (Uregwa).

[798] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikubiyemo ibyakosowe), igika 358.

bakumiriwe n'Abatutsi[799]. GAO yabwiye Uregwa ko nta « bikoresho » bya ngombwa byo gufasha afite, maze Uregwa amutwara mu modoka amujyana ahantu bamuhaye amagerenade. Nyuma, Uregwa yakomeje ajya gushaka abandi bantu bo gutera inkunga. N'ubwo RGM yavuze ko uwo munsi atigeze abona Uregwa[800], yavuze ko kuri santere ya Byangabo yahabonye imodoka ebyiri zo mu bwoko bwa *Daihatsu* kandi ko izo modoka ari zo zatwaye Interahamwe zagiye ku Rukiko rw'ubujurire rwa Ruhengeri zirimo umutangabuhamya ushinja wiswe GAO, Musafiri, Uyamuremye, Sebunane na Mbonakira bari mu Nterahamwe. GAO na RGM bavuze kandi amazina ya zimwe mu Nterahamwe zagiye muri icyo gitero. Urugereko rusanga kandi uregwa yarorohereje abagabye igitero kuva ahantu hamwe bajya ahandi, kandi n'ubwo atigeze ajya ku Rukiko rw'ubujurire ubwe, yaguze lisansi yo gushyira muri izo modoka zombi zo mu bwoko bwa *Daihatsu* zatwaye Interahamwe zizijyana ku Rukiko rw'ubujurire [801].

622. Urugereko rusanze aho ku Rukiko rw'ubujurire rwa Ruhengeri, Interahamwe zarimo Abahutu gusa, zarishe Abatutsi bagera kuri 300. Muri icyo gitero, imwe mu Nterahamwe yitwa Musafiri yagiye ku Rukiko rw'ubujurire mu modoka yaguriwemo lisansi n'Uregwa, yafunguje umuryango imbunda yayo, naho indi Nterahamwe yitwa Toto yarashe inyujije mu rugi ikoresheje imbunda yitwa « *stream* ».

623. Urugereko rwasuzumye kandi ubuhamya bw'umutangabuhamya ushinjura wiswe FMB, burebana no kubyo yumvise ko urubyiruko rw'ibisambo ari rwo rwiswe Abatutsi ku Rukiko rw'ubujurire rwa Ruhengeri ariko rusanga atari ubwo kwizerwa, kandi rusanga bushingiye gusa ku nkuru mbarirano.

624. Urugereko rusanze ubuhamya bwa GAP uvuga ko ku munsi ubwicanyi bwo ku Rukiko rw'ubujurire rwa Ruhengeri bwakozweho Interahamwe zaje ku biro bya Komini ya Mukingo gushaka amagerenade n'izindi ntwaro, ari ubwo kwemerwa. Ibi bijyana n'umwanzuro w'Urugereko uvuga ko Interahamwe zitari zifite ibikoresho bikwiriye byo gukoresha muri kiriya gitero, kandi ko Uregwa yabwiye uwo mutangabuhamya ko ibikoresho biza gutangwa. Nyamara ariko, ku birebana n'ibivugwa na Porokireri ko Nzirorera yahamagaye Uregwa kuri telefone akamubwira ko Abatutsi bari bajyanywe ku Rukiko rw'ubujurire kugira ngo « kubageraho byorohe », Urugereko rusanze nta

[799] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 44 (GAO).

[800] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[801] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, urup. 64 (GAO).

bimenyetso bihagije byatanzwe bihamya ko ayo magambo ari yo yavuzwe koko kubera ko GAP atari muri icyo kiganiro cyo kuri telefoni. Porokireri ntiyatanze kandi bimenyetso bihamya ko GAP yari kumwe n'umwe mu bavuganaga kuri telefoni igihe icyo kiganiro cyabaga.

625. Nyuma yo gusuzumana ubushishozi ibimenyetso byose byatanzwe birebana n'ubwicanyi bwabereye ku Rukiko rw'ubujurire rwa Ruhengeri ku itariki ya 14 Mata 1994 cyangwa hafi y'iyo tariki, Urugereko rusanze Uregwa yaragize uruhare rukomeye muri icyo gikorwa nk'umuntu wateguye Interahamwe n'abandi bagabye igitero kandi akabibafashamo. Ibyo akaba yarabikoze abaha intwaro, ahuriza hamwe Interahamwe anazorohereza urugendo rwo kujjya ku Rukiko rw'ubujurire rwa Ruhengeri kuko ari we waguze lisansi y'imodoka zabatwaye. Izo Nterahamwe zagombaga gutanga inkunga mu iyicwa ry'Abatutsi bari bashyizwe ku Rukiko rw'ubujurire rwa Ruhengeri bavanywe muri Komini ya Ndusu, muri SuPerefegitura ya Busengo, kandi kugeza icyo agihe abo Batutsi bari barashoboye kwirwanaha bahangana n'ibitero bagabwagaho n'imitwe yitwara gisirikare yo muri ako gace.

626. Urugereko rwamaze kwemeza ko guhera ku itariki ya 6 kugeza ku ya 8 Mata 1994, Uregwa yari afite kandi yakomeje kugira ububasha nyabwo ku Nterahamwe[802]. Rushingiye ku bimenyetso byatanzwe birebana n'igitero cyo ku Rukiko rw'ubujurire rwa Ruhengeri, no ku mwanzuro werekeye uruhare rw'Uregwa muri icyo gitero, Urugereko rusanze Uregwa yari afite kandi yarakomeje kugira ububasha nyabwo ku Nterahamwe zo muri Komini ya Mukingo n'iya Nkuli kuva ku itariki ya 6 Mata kugeza ku ya 14 Mata 1994 nibura.

L. Ibika bya 4.18, 5.3 na 5.5 by'Inyandiko y'ibirego

1. Ibivugwa

627. Igika cya 4.18 cy'Inyandiko y'ibirego kigira kiti:

> Muri izo nama, abantu bakomeye barimo Uregwa na Joseph Nzirorera bagiye bafata amagambo bagashishikariza abazitabiriye, biganjemo abayoboke ba MRND n'Abahutu, kugaba ibitero ku Batutsi, kubatsembatsemba no gusambanya ku gahato Abatutsikazi. Abatutsi babaga bahejwe muri izo nama kubera ubwoko bwabo.

[802]Reba hano hejuru, Umutwe wa III, Icyiciro K.

628. Igika cya 5.3 cy'Inyandiko y'ibirego kigira kiti:

> Guhera muri Mata kugera muri Nyakanga 1994, Abatutsi benshi bagizwe n'abagabo abagore n'abana bagabweho ibitero, barashimutwa, basambanywa ku gahato ndetse bicirwa mu ngo zabo cyangwa ahantu bari bahungiye muri Komini ya Mukingo, cyangwa barafatwa barafungwa, nyuma baza kwicwa. Uregwa yateguye ibyo bitero, ategeka ko bigabwa, arabigenzura kandi na we ubwe arabyitabira.

629. Igika cya 5.5 cy'Inyandiko y'ibirego kigira kiti:

> Uregwa yategetse abantu gusambanya Abatutsikazi ku gahato no kubakorera ibindi bikorwa by'iterasoni n'iby'urugomo, kandi bikorwa abirebera. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Uregwa, nk'umuntu wari ufite ububasha ku bagababaga ibitero, ntiyafashe ingamba zo guhagarika ibyo bikorwa by'urukozasoni byakorewe Abatutsikazi.

630. Ubwunganizi bwibukije Urugereko ko ibirego byo gusambanya ku gahato byabyukijwe nyuma y'aho rufatiye icyemezo ku itariki ya 6 Nyakanga 2000 cyo gutandukanya urubanza rw'Uregwa n'urw'abo bashinjwaga hamwe. Icyo gihe Porokireri yategetswe gutanga Inyandiko y'ibirego ihinduwe. Inyandikomvugo z'ubuhamya buvugwamo ibikorwa byo gusambanya ku gahato zakozwe hagati y'itariki ya 1 Werurwe 2000 n'iya 8 Werurwe 2000[803]. Ubwunganizi buvuga mu buryo bweruye ko hari imiryango itegamiye kuri Leta, by'umwihariko IBUKA na AVEGA yagerageje kuka igitutu Urukiko no guhungabanya ubwigenge bwarwo ku birebana n'ibyo bikorwa byo gusambanya ku gahato[804].

2. Ibimenyetso

631. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, icyiciro cya H cyerekeranye n'imyiregurire ya sinari mpari, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

632. **Umutangabuhamya ushinja wiswe GAO** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, we n'Interahamwe bagiye muri Serire ya Rwankeri Uregwa amaze guha abari bateraniye ku isoko ryo mu Byangabo , yo « kwica no gutsembatsemba ». Mu Rwankeri, GAO yabonye Interahamwe ebyiri ari zo Gapfobo Mbonankira na Rugumire Ntuziyiremye zisambanya ku

---

[803] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 147 na 294.

[804] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 249.

gahato umukobwa witwaga Joyce mu rugo rwa Rudatinya[805]. Zimaze kumusambanya, zamuteye icumu mu rubavu no mu myanya ndangagitsina[806], noneho amaze gupfa zimutwikiriza ijipo ye[807].

633. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko nta bikorwa byo gusambanya abagore ku gahato yabonye bikorerwa mu Rwankeri, kandi ko yumvise bwa mbere ko bene ibyo bikorwa byabayeho ubwo habaga inama ya Gacaca muri gereza ya Ruhengeri, aho abafungwa 47 batanze ubuhamya[808].

634. **Umutangabuhamya ushinja wiswe GAO** yavuze ko yabonye Uyamuremye mwene Nzirarusha aca ibere ry'umukobwa witwaga Nyiramburanga, noneho amaze kurica ararinyuzuza kandi arigata amaraso. GAO yavuze kandi ko yumvise abandi bantu bavuga ko Uyamuremye yanasambanyije ku gahato umugore witwa Kizungu. Icyo gihe GAO akaba yarimo kwica abantu ku ntera ya metero zigera kuri 30 uvuye aho icyo gikorwa cyabereye[809].

635. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko atamenye ko Uyamuremye[810] yaciye umugore w'Umututsikazi ibere maze akarigata amaraso ye. RGM yabanje kuvuga ko yabonye Uyamuremye atera umukobwa icumu mu gatuza, nyuma mu ibaza rinyomoza aza kwikosora avuga ko Uyamuremye yateye uwo mukobwa icyuma mu gatuza[811].

636. **Umutangabuhamya ushinja wiswe ACM** yavuze ko yarokotse ubwicanyi bwabereye kuri Paruwasi ya Busogo ku itariki ya 7 Mata 1994 maze akihisha mu gihuru cyari hafi ya paruwasi. ACM yavuye aho yari yihishe ku mugoroba, ajya muri Komini ya Nkuli. ACM yavuze ko yahagaritswe kuri bariyeri yari icunzwe n'Interahamwe yari hafi ya paruwasi, muri Serire ya Kabyaza, Segiteri ya Gitwa, Komini ya Nkuli. Mu Nterahamwe zari zicunze

---

[805] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2001, urup. 112 (GAO).

[806] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 30 (GAO).

[807] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 28 (GAO).

[808] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 61 (RGM).

[809] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 28-30 na 36-37 (GAO).

[810] Indi myandikire y'iryo zina ikoreshwa mu nyandikomvugo z'iburanisha ni « Yamuremye » [ikoreshwa cyane cyane na RGM] na « Uyamuremye » [ikoreshwa cyane cyane na GAO]. Urugereko rubona ko umuntu uvugwa ari umwe. Mu rwego rwo kwirinda guhuzagurika, rurakoresha iyo myandikire ya nyuma ari yo « Uyamuremye ».

[811] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, imp. 61, 71 (RGM); Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 33-34, 37, 44-45 (RGM).

iyo bariyeri, ACM yamenyemo Felix, Nyakamwe, Tuyiringire, Mbarushimana na Twarayisenze, kandi yari yazibonye mbere uwo munsi kwa Munyemvano. ACM yavuze ko izo Nterahamwe zari zambaye iniforume zinitwaje imbunda n'imipanga. ACM yavuze ko izo Nterahamwe zamuhagaritse, maze Felix na Tuyiringire bakamusambanya ku gahato. Felix na Tuyiringire bamaze kumusambanya baramubwiye ngo niyigendere ngo kuko abandi bari kuri bariyeri bashoboraga kumwica. ACM yavuze ko yaviriranaga cyane kandi ko yahise ahungira muri Komini ya Nkuli ku Muhutu w'inshuti[812].

637. **Umutangabuhamya ushinja wiswe GDO** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo cya kare yabonye Uregwa mu modoka ya kamyoneti itukura yo mu bwoko bwa *Toyota*. GDO yavuze ko icyo gihe yari ahungiye mu rugano n'abana be batatu barimo umukobwa w'ikimuga w'imyaka 15, kandi mu nyandikomvugo yagejeje ku bapererezi b'Urukiko yavuze ko yari ku ntera ya metero hafi 50 uvuye aho Uregwa yari ari. Mu buhamya yatangiye mu Rukiko, GDO yavuze ko atigeze abwira abapererezi b'Urukiko ko yari ku ntera ya metero 50 uvuye aho Uregwa yari ari, atsindagira ko atari azi uburyo bwo kugereranya intera muri za metero[813]. GDO yavuze ko Uregwa yabwiye Interahamwe ati « mugomba gushakisha Abatutsikazi mukabasambanya ku gahato kandi mukabica ». GDO yavuze ko Uregwa yategetse Interahamwe gusambanya Abatutsikazi ku gahato avunga ngo « agomba gutandukanya ingano n'urumamfu »[814].

638. GDO yavuze ko Interahamwe zatangiye kujagajaga ishyamba zishaka Abatutsi maze zikavumbura umukobwa we, zikamukubita hasi, zikamwambura nuko zikamusambanya ku gahato. GDO yavuze ko atabashije kubara Interahamwe zasambanyije umukobwa we, ko ariko aho yari ari mu bwihisho yashoboraga kubona Uregwa ari mu modoka ye hamwe n'izindi Nterahamwe zari zasigaye. Nyuma, Interahamwe zari mu gikorwa cyo kujagajaga ishyamba zabonye GDO n'umwana yari ahetse. Izo Nterahamwe zambuye GDO imyenda ziranamukubita kugeza ataye ubwenge, ariko zari zabanje kumwaka umwana zamushyize hasi. Igihe izo Nterahamwe zamuhohoteraga, ntiyabashije kureba niba zari zitwaje intwaro. Yongeye kugarura akenge, yabonye wa mukobwa we wari wasambanyijwe ku gahato yapfuye, yasamye kandi amaguru atandaraje. Umwana wundi yari yuzuyeho amaraso

[812] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 57-62 (ACM).

[813] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 29 (GDO).

[814] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, imp. 38, 47 na 51-52 (GDO).

yavaga mu gitsina cy'uwo wari wasambanyijwe ku gahato, kandi yarimo kuririra iruhande rw'umurambo[815].

639. **Umutangabuhamya ushinjura wiswe RHU30** yatanze ubuhamya ku bijyana n'urupfu rw'umwana wari ikimuga. RHU30 yavuze ko agereranyije, uwo mwana w'umukobwa yari afite imyaka iri hagati ya 17 na 20 muri Mata 1994, ko kandi yari ikimuga ku buryo yagenderaga ku mbago[816].

640. RHU30 yavuze ko umutangabuhamya wiswe GDO, wigeze gutura mu gace k'iwabo mbere y'umwaka wa 1990, yimukiye mu yindi serire mu mwaka wa 1994. Mu mwaka wa 1991 cyangwa uwa 1992 mu gihe cy'intambara, GDO yavuye mu rugo rwe ahungira ku rusengero rwa Mugali asize umukobwa we mu kigo cy'ibimuga cy'i Gategara. RHU30 yaje kumva nyuma bavuga ko Inkotanyi zaje ku rusengero rwa Mugali mu ijoro noneho zigatwara Abatutsi bari barahahungiye barimo na GDO[817].

641. RHU30 yavuze ko umukobwa w'ikimuga wa GDO yaje kuba iwe ku itariki ya 7 Mata 1994[818]. Nyamara ariko, ubwo GDO yasubizaga ikibazo yari abajijwe n'abacamanaza, yavuze ko uwo mukobwa yageze iwe Ku itariki ya 5 Mata 1994[819]. Mu gusubiza ibindi bibazo byo kumenya impamvu uwo mukobwa yaje iwe mbere y'urupfu rwa Perezida, GDO yavuze ko yaje ku itariki ya 5 Mata 1994 kubera ko « imirwano hagati y'ingabo z'igihugu n'Inkotanyi yari igikomeza. […] Twari hagati y'amenyo nk'ururimi kubera intambara». Ubwo yasubizaga abacamanza, GDO yaragize kandi ati « sinshobora kwibuka aMatariki yose, ariko icyo nzi ni uko ku itariki ya 7 uwo mukobwa yari iwanjye »[820].

642. RHU30 yavuze ko ku itariki ya 8 Mata 1994 yabyutse mu ma saa mbiri za mu gitondo akabona abasore birukanka berekeza iwe. Nta iniforume abo basore bari bambaye, kandi biyitaga « Interahamwe Amahindure »[821]. RHU30 yagize ati « nagize ubwoba kubera ko bwari ubwa mbere mu buzima bwanjye numva ijambo Amahindure. Ku birebana n'Interahamwe, numvaga abantu bavuga ko ziriho, ariko zari zitaragera mu gace

[815] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, imp. 41, 43, 57-58, 60-61 na 63 (GDO).

[816] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 59-61, 67 (RHU31) (mu muhezo).

[817] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 59-62 (RHU30) (mu muhezo).

[818] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, urup. 62 (RHU30) (mu muhezo).

[819] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, urup. 8 (RHU30) (mu muhezo).

[820] Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, urup. 10 (RHU30) (mu muhezo).

[821] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 64, 66, na 73 (RHU30) (mu muhezo).

k'iwacu »[822]. RHU30 yavuze ko ubwo Interahamwe zageraga iwe mu rugo, umukobwa w'umutangabuhamya wiswe GDO n'undi mukobwa witwa Esther Nyiragitaliro bari mu nzu. RHU30 yabajije izo Nterahamwe icyo zifuzaga, nazo ziramusubiza ziti « Turi gushaka Abatutsi. Turi gushaka ibyitso, kandi gira vuba tutarakugirira nabi».

643. RHU30 yavuze ko umwe mu Nterahamwe witwa Ndahayo yafashe umukobwa w'umutangabuhamya wiswe GDO ikamurasa. GDO yavuze ko we na Nyiragitaliro bakubiswe n'Interahamwe kandi ko imwe muri izo Nterahamwe yamukangishije kumutwara, noneho indi ikavuga iti « Mumureke ashyingure umaze gupfa, tuzagaruka kumureba nyuma cyangwa igihe nikigera ». Interahamwe zimaze kugenda, RHU30 yafashe umusambi maze, afatanyije n'abaturanyi bari aho, bashyingura uwo mukobwa wa GDO iruhande rw'inzu ye [RHU30]. RHU30 yibutse amazina ya bamwe mu baturanyi bamufashije muri icyo gikorwa cyo gushyingura ari bo Hakizimana bitaga Magwanga, Bahembera, Serugendo na Nyerakamili[823].

644. RHU30 yamenye ebyiri mu Nterahamwe ari zo L'homme na Ndahayo. Ubwo RHU30 yasubizaga ikibazo yari abajijwe na Avoka wunganira Uregwa, yavuze ko yari azi Bugeli ariko ko uwo Bugeli atari aho hantu muri icyo gitondo, ko kandi atazi Bizimana[824].

645. RHU30 yavuze ko umukobwa wa GDO atasambanyijwe ku gahato, ko kandi GDO atari ahari igihe uwo mukobwa we yicwaga. RHU30 yavuze kandi ko atigeze abona Uregwa mu gace kabereyemo ubwo bwicanyi ku itariki ya 8 Mata 1994 mu gitondo[825].

646. **Umutangabuhamya ushinjura wiswe RHU27** yavuze ko yari azi umutangabuhamya wiswe GDO. Yavuze kandi ko umugabo w'uwo GDO yashimuswe n'abasirikare mu mwaka wa 1991. GDO n'umugabo we bari bafitanye abana. GDO yari afite umukobwa w'ikimuga wari mu kigero cy'imyakair iri hagati ya 16 na 18 mu mwaka wa 1994[826]. RHU30 yavuze ko urugo rwa GDO rwari ku ntera ya metero 200 cyangwa 300 uvuye ku rugo rwe n'ubwo

---

[822] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, urup. 79 (RHU30) (mu muhezo).

[823] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 64-65 na67 (RHU30) (mu muhezo).

[824] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 66-67 (RHU30) (mu muhezo).

[825] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, imp. 64-65 (RHU30) (mu muhezo).

[826] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, imp. 5-6, 28 (RHU27) (mu muhezo).

izo ngo zombi zari mu maserire atandukanye. RHU27 yavuze ko umuryango we n'uwa GDO yari ibanye neza[827].

647. RHU27 yaragize ati « nyuma y'igitero FPR yagabye ku mujyi wa Ruhengeri ku itariki ya 8 Gashyantare 1993 kigahitana abantu muri Kinigi, Bisate na Susa, GDO n'abandi bagore b'Abatutsikazi bagize ubwoba bahungira ku rusengero rw'Abadivantisiti rwa Mugari ». Nyuma, GDO yatwawe n'abasirikare ba FPR bacengeye mu rusengero rwa Mugari ninjoro, noneho bakamujyana i Kinihira. RHU27 yavuze ko ku itariki ya 7 cyangwa iya 8 Mata 1994, GDO atashoboraga kwihisha mu rugo rw'Umuhutu kubera ko iyo aza kubikora, we n'uwo Muhutu bari kwicwa. RHU27 yavuze ko ku itariki ya 8 Mata 1994 nta shyamba GDO yari yihishemo kubera ko hari impunzi zari zaratemye ibiti byose zishaka inkwi[828].

648. RHU27 yavuze ko umukobwa wa GDO yagiye kuba mu rugo rw'umutangabuhamya wiswe RHU30 iminsi mike mbere y'urupfu rwa Perezida. RHU27 yavuze ko ubwo yari agiye ku kazi aribwo yabonye uwo mukobwa wa GDO muri urwo rugoi. RHU27 ntiyabajije RHU30 impamvu umukobwa wa GDO yari mu rugo rwe, kandi ntiyari azi ibyo RHU30 ahuriraho n'umuryango wa GDO. Ku itariki ya 8 Mata 1994, ahagana saa ine za mu gitondo, RHU27 yavuye ku kazi aho yari yaraye, maze umugore we amubwira ko wa mukobwa w'ikimuga yishwe kandi yamaze gushyingurwa. RHU27 yavuze ko uwo mukobwa wa GDO yiciwe muri serire imwe yo muri Segiteri ya Bushingiro mu rugo rwa RHU30 kandi ko ariho yashyinguwe. RHU27 ntiyamenye niba GDO yari ahari igihe umukobwa we yicwaga. RHU27 yavuze ko Munyengango bitaga Kagingi, Ndahayo na Ndayahoze aribo bishe umukobwa wa GDO, kandi ko nyuma y'ubwo bwicanyi atigeze abonana na RHU30[829].

649. RHU27 yaragize ati « Ku itariki ya 7 nari mu gatsiko kamwe na Ndayahoze, Muzuka, Ngwijabanza na Nyamada. Ku itariki ya 8, Ndahayo, Munyengango na Ndayahoze bagiye kwica umukobwa wa GDO. Ndagira ngo mbabwire ko Munyengango banamwitaga Kagingi. Abo bantu bagiye rero kwica umukobwa wa GDO ariko sinzi ubwoko bw'intwaro bakoresheje »[830].

---

[827] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 38-40 (RHU27) (mu muhezo).

[828] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 41-43 (RHU27) (mu muhezo); Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, urup. 16 (RHU27) (mu muhezo).

[829] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 41-43 (RHU27) (mu muhezo).

[830] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, urup. 73 (RHU27) (mu muhezo).

650. **Umutangabuhamya ushinjura wiswe KNWA** yatanze ubuhamya ku birebana na GDO n'urupfu rw'umukobwa we [wa GDO][831]. KNWA yavuze ko yibuka ko GDO yabyaye abana batanu n'ubwo bane gusa ari bo bari bakiriho mu mwaka wa 1994. Ubwa nyuma KNWA yabonye umukobwa wa GDO hari ku cyumweru ku itariki ya 3 Mata 1994 ku rusengero rwa Nyiragihima[832].

651. KNWA yavuze ko kuva ku itariki ya 2 kugeza ku ya 6 Mata 1994 yari mu rugo iwe, muri icyo gihe akaba atarabonye GDO. KNWA yavuze ko yari azi ko GDO adahari kubera ko yari inshuti y'umuryango we, kandi imiryango yabo ikaba yarasuranaga kenshi. KNWA yavuze ko amaze gufungurwa ari bwo yongeye kubona GDO mu mwaka wa 1999 ubwo uwo GDO yari aje kumureba. Bombi baganiriye ku bibazo binyuranye bahuye na byo mu myaka yashize, ari na bwo KNWA yamenye uko umukobwa wa GDO yapfuye abibwiwe na GDO. GDO yabwiye KNWA ko muri Mata 1994, FPR n'umuhungu we bamuhungishije bakamujyana hamwe n'abandi Batutsi muri Uganda. GDO yabwiye KNWA ko n'ubwo atiboneye iyicwa ry'umukobwa we, yamenye ko Ndahayo ari we wamwiciye muri Serire ya Rukoma, kandi ko ari naho yashyinguwe. KNWA yavuze ko nta kindi kintu GDO yavuze cyaba cyarabaye ku mukobwa we. KNWA yavuze kandi ko GDO atigeze avuga izina ry'Uregwa mu birebana n'urupfu rw'umukobwa we[833].

652. **Umutangabuhamya ushinja wiswe GDT** ni Umututsikazi[834], akaba yaravuze ko ku itariki ya 7 Mata 1994 mu masaa ine za mu gitondo hari umwana w'umuturanyi waje mu rugo iwe[835], akaba yari yoherejwe na nyina ngo amuburire ko agiye guterwa, ko rero agiye guhunga akajya kwihisha. Umwana yongeyeho ko nyirabukwe wa se w'uyu mutangabuhamya [cyangwa nyina wabo] wari Umututsikazi yari amaze kwicwa[836]. Umwana amaze kugenda, GDT nta cyo yakoze kubera ko Interahamwe n'abasirikare bagera kuri 20 bahageze maze agatangira kumva urusaku rwinshi ruva mu cyerekezo cya Komini ya Mukingo[837].

---

[831] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, urup. 62 (KNWA) (mu muhezo).

[832] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, imp. 53-59, 65 (KNWA) (mu muhezo).

[833] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, imp. 58, 60-62 (KNWA) (mu muhezo).

[834] Inyandikomvugo y'iburanisha, 7 Ukuboza 2001, urup. 41 (GDT).

[835] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 81 (GDT).

[836] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 82-83 (GDT).

[837] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 84 (GDT).

653. GDT yavuze ko yihishe munsi y'igitanda ko ariko Interahamwe zinjiye mu nzu zikamubona we n'umugabo we wari wihishe mu musarani[838], maze zikabwira umugabo we ko zigiye kubica bombi[839]. N'ubwo umutangabuhamya atabirebaga, umukobwa we w'imyaka 16 yarashwe n'umuntu wari umuri hafi cyane ubwo yirukaga ava mu rugo, kandi nyuma yacitse ukuguru[840].

654. GDT yavuze ko nyuma Interahamwe zamujyanye ku mugezi wa Kazi uri ku ntera ya metero 30 cyangwa 40 uvuye ku rugo rwe[841]. GDT yari ananiwe cyane kubera uburyo Interahamwe zari zamukubise[842]. Zigeze hafi y'umugezi zamukubise hasi, zitandaraanya amaguru ye, maze zitangira kumusambanya ku gahato. Uko umutangabuhamya abyivugira, buri wese muri abo bantu yamwinjije imboro mu gituba, bagenda bamusimburanwaho. Ubwo uwa gatandatu yari arangije kumusambanya, yataye ubwenge ku buryo atabashije kumenya umubare w'abamusambanyije ku gahato[843]. GDT yavuze ko atari kubasha kubarwanya kubera ko Interahamwe zari zifite intwaro, kandi n'iyo aza kuba nawe afite intwaro, asanga iyo ntwaro nta cyo yari kumumarira[844].

655. GDT yavuze ko nyuma ari bwo yabonye ko Interahamwe zari zamukase igice cy'igitsina, ariko ntiyabashije kumenya ubwoko bw'igikoresho cyangwa intwaro byakoreshejwe[845]. Interahamwe zasize GDT aho hantu zibwira ko yapfuye[846]. Uruhu rw'aho bamukase igice cy'igitsina rwamuviriyemo ingaruka ku magara ye kubera ko atakibasha kubyara mu buryo busanzwe[847]. GDT yavuze ko yumva Uregwa ari we watumye asambanywa ku gahato kubera ko abamuhohoteye bavugaga ko yababwiye ngo « bagire vuba bagaruke aho yari mbere y'uko arangiza kunywa icupa rye ry'inzoga ». Byongeye kandi, umwe mu bamukoreye icyaha yavuze ko mu Ruhengeri niharamuka habaye iperereza rigamije

---

838 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 84-85 (GDT).

839 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 85 (GDT).

840 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 94 (GDT).

841 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 86-87 (GDT).

842 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 86 (GDT).

843 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 90-91 (GDT).

844 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 91 (GDT).

845 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 92 (GDT).

846 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 92 (GDT).

847 Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 93, 108 na 124 (GDT).

kumenya abicanyi b'ingenzi, Uregwa azaza ku mwanya wa mbere, ko kandi mu nama Uregwa yakoresheje, yahaye abaturage imbunda zo kwica abantu[848].

656. GDT yavuze ko mu bantu bamujyanye ku mugezi yamenyemo Gahamanyi, Munyarimbanje na Bugeri, bose bakaba ari Abahutu bo muri Komini ya Mukingo. Nyamara ariko, Munyarimbanje ntiyari kumwe nabo igihe bamanukaga bajya ku mugezi[849]. GDT yavuze ko Gahamanyi yari umusirikare, Bugeri akaba yari umupolisi urinda pariki, ko kandi bose uko ari batatu bari Interahamwe. Uwo munsi Bugeri yari yambaye iniforume y'abapolisi barinda pariki[850]. GDT yavuze ko yagerageje kurega Bugeri, Gahamanyi na Ndahayo mu Rwanda kubera icyo gikorwa cyo kumusambanya ku gahato. Ku birebana na Gahamanyi, GDT yavuze ko yamureze ariko ubutegetsi ntibugire icyo bubikoraho kubera ko atari mu Rwanda, naho ko Munyaribanje yapfuye mu « ntambara y'abacengezi ». GDT yavuze ko Bugeri na Ndahayo bafungiye muri Gereza ya Ruhengeri kubera ko yabareze, bakaba kandi bashinjwa abantu bishe mu wa 1994[851]. Umutangabuhamya yavuze kandi ko yareze Kajelijeli i Kigali mu mwaka wa 2000[852].

657. **Umutangabuhamya ushinjura wiswe RHU27** yavuze ko ku itariki ya 7 Mata 1994 yajyanye n'abagabo bane ubwo yari agiye kwica Abatutsi. Batatu muri bo barimo we ubwe, Ndayahoze na Nyamada, bari bafite imbunda zo mu bwoko bwa *Kalashnikov*, naho Ngwijabanza na Muzuka bitwaje ubuhiri. Abo bantu bane bo mu gatsiko ke biyitaga Interahamwe kandi bari bambaye imyenda isanzwe. RHU27 yavuze ko yishe abagore babiri, umukobwa w'imyaka 20, n'abagabo bane, ko ariko nta mwana n'umwe yigeze yica. RHU27 yavuze ko agatsiko ke katangiye icyo gikorwa cy'ubwicanyi mu masaa tanu z'amanywa, kakarangiza mu masaa cyenda z'amanywa. Ubwo bwicanyi bwabereye ahantu hakurikira, hose ho muri Komini ya Mukingo : Serire ya Rukoma, Segiteri ya Shingiro; Serire ya Mucaca, Segiteri ya Muhingo; no kuri Susa muri Serire ya Kinege, Segiteri ya Shingiro. RHU27 yavuze ko yishe Abatutsi babiri muri Susa, kandi ko aribo bonyine bari muri Susa. RHU27 yavuze abitsindagira ko igihe yagendaga yica abantu atari kumwe na Munyarimbaje, Ndahayo na Gahamonye nk'uko Porokireri abivuga. RHU27 yavuze ko

[848] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 121-122 (GDT).

[849] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 88-90 (GDT).

[850] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 89; Inyandikomvugo y'iburanisha, 7 Ukuboza 2001, urup. 36 (GDT).

[851] Inyandikomvugo y'iburanisha, 7 Ukuboza 2001, urup. 38 (GDT).

[852] Inyandikomvugo y'iburanisha, 7 Ukuboza 2001, urup. 39 (GDT).

atabonye Ndahayo uwo munsi ariko ko yari mu gatsiko kakoze ubwicanyi ku itariki ya 8 Mata 1994[853].

658. RHU27 yavuze ko mbere y'urupfu rwa Perezida Habyarimana, umugezi wa Susa ugabanya Komini ya Mukingo n'iya Kinigi wari mu karere katarangwamo imirwano, hakaba nta modoka yasoboraga kugera mu gace ka Susa kubera ko abasirikare ba FPR bigeze kugacengera bakica abahatuye. Hashyizweho Ingabo za LONI zo gucunga umuhanda wo muri ako gace kugira ngo hatagira abasirikare ba FPR cyangwa aba Leta y'u Rwanda bahagera. RHU27 yabashaga kwambuka ako gace kagenzurwaga n'ingabo za MINUAR, ariko nyuma y'urupfu rwa Perezida ibintu byarahindutse[854].

659. **Umutangabuhamya ushinja wiswe GDF** yavuze ko we, umugabo we, murumuna we n'abana bagiye kwihisha bamaze kumva inkuru y'urupfu rwa Perezida Habyarimana umunsi umwe mu gitondo mu mwaka wa 1994. GDF yari atuye muri Segiteri ya Susa muri Komini ya Kinigi. Perezida Habyarimana amaze iminsi ine apfuye, ku itariki ya 10 Mata 1994 mu masaa ine za mu gitondo, GDF n'umuryango we bavuye mu bwihisho basubira mu rugo gushaka ibiribwa[855].

660. GDF yavuze ko anyujije amaso mu myenge y'urugo rwe rwari rwubakishije imigano, yabonye Uregwa mu modoka itukura idafunze igice cy'inyuma. Mbere, yari yarigeze kubona rimwe Uregwa afite iyo modoka. Uregwa yari kumwe n'Interahamwe zambaye iniforume, kandi inyuma mu modoka nta kintu cyarimo. GDF yavuze ko icyatandukanyaga iniforume z'interahamwe n'iza jandarumori ari igitambaro gitukura Interahamwe zazengurutsaga ku mutwe. Zimwe mu Nterahamwe zari zitwaje imbunda n'amahiri. GDF yavuze kandi ko kumenye ko abo bantu ari Interahamwe bitatewe gusa n'uko bari bambaye iniforume kandi bitwaje intwaro, ahubwo byanatewe n'uko bari baherekeje Uregwa. GDF yavuze ko ighe Uregwa n'Interahamwe bahageraga, hari abantu bo muri ako gace bari bahari ariko ko atashboye kubamenya[856].

---

[853] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 24, 51-52, 68, 69, 70 na 74-76 (RHU27) (mu muhezo).

[854] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 34, 38, 50 (RHU27) (mu muhezo).

[855] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 66-67 na 69-70; Inyandikomvugo y'iburanisha, 11 Nyakanga 2001, imp. 35-37 na 46 (GDF).

[856] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 71-75, 89-90 (GDF).

661. GDF yavuze ko ari aho yari yihishe, yabonye Uregwa avugana n'Interahamwe. GDF ntiyabonye niba hari intwaro Uregwa yari afite, ariko yabonye ko yari yambaye imyambaro ya kaki. GDF yavuze ko Interahamwe 12 zegereye urugo rwe ubwo Uregwa yari amaze kuganira na zo asubiye mu modoka[857].

662. GDF yavuze ko we na murumuna we birutse bakihisha mu murima w'ibigori, ubwo bari bamaze kubona ko Interahamwe n'abaturage bo muri ako gace bazaga begera urugo rwabo bari babatahuye[858]. Zimwe mu Nterahamwe zaje aho GDF na murumuna we bari bihishe, zibanza gukorera murumua we ibikorwa by'urugomo. Nyuma, Interahamwe enye zigabije GDF zimwambura imyenda[859], azirwanyije zimutimbura hasi[860]. Mbere yo kumusambanya ku gahato, Interahamwe ya mbere yaravuze iti « Mundeke ndongore Umututsikazi numve uburyohe bwe »[861]. Igihe iyo Nterahamwe yarimo isambanya GDF, niko bagenzi be bamutsindagiraga ku butaka, bamukanuriye kandi bamukwena. Nyuma yaho, abandi babiri nabo bamusambanyije ku gahato, kandi buri wese yamumaragaho iminota igera kuri 20[862].

663. GDF yavuze ko Interahamwe ya kane yarebye igitsina cye ikavuga iti: « Sinshobora kujya hejuru y'Umututsikazi ». Nyuma y'ayo magambo, iyo Nterahamwe yashyize mu gitsina cye agace k'isegereti yari imaze gutumuraho maze imutera imigeri. Icyo gihe, GDF yataye ubwenge ntiyongera kugira ikindi yumva. Umutangabuhamya ntiyashoboye kumenya abagabye igitero, ariko yaragize ati « icyo nabonye uwo munsi ni uko Kajelijeli yazanye n'Interahamwe ze. Ni we wenyine namenye mu bantu baje »[863].

664. GDF yavuze ko atari yarigeze asambanywa ku gahato mbere. GDF yavuze ko ubu afite « udukomere ahantu hose » no ku gitsina, ko amabere n'igifu bimurya, ko kandi akomeza kuvirirana amaraso mu gitsina. GDF yavuze ko kuva yasambanywa ku gahato nta wundi mugabo yashatse kandi ko atongeye kugira imibonano mpuzabitsina[864]. GDF yavuze ko murumuna we na we « ari uko byamugendekeye », ko n'ubwo atabonye bamusambanya ku

---

[857] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 74-75 (GDF).

[858] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 74 na 77 (GDF).

[859] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 83 (GDF).

[860] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 90 (GDF).

[861] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 85 (GDF).

[862] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 84-85 (GDF).

[863] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 86-87 (GDF).

[864] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 90-91 (GDF).

gahato ariko yari hafi aho[865]. GDF yavuze ko murumuna we wari ufite imyaka 15 icyo gihe ubu « yahungabanye mu mutwe » akaba avurirwa indera, « kubera ibyo byamubayeho ». GDF yavuze ko asanga Uregwa ari we ugomba kuryozwa ibyamubayeho[866].

665. GDF yavuze ko Inkotanyi zamuvuriye mu bitaro bya Apicure mu Ruhengeri. Nyuma ariko uyu mutangabuhamya yasobanuye imiterere y'aho hantu yavuriwe nk'ikigo cya gisirikare kurusha uko byaba ari ibitaro. Yavuze ko yamaze amezi atatu muri ibyo bitaro bya Apicure, nyuma akajyanwa ku muntu wo mu Ruhengeri[867].

666. **Umutangabuhamya ushinjura wiswe ZLG** yavuze ko se yishwe na FPR mu gitero cyo ku itariki ya 8 Gashyantare 1993. Muri icyo gitero, FPR yagenzuraga Komini ya Kinigi yose, n'igice cya Komini ya Kigombe n'icy'iya Mukingo. Muri icyo gihe cyose, byari bigoye kugera mu Kinigi kubera ko hari bariyeri zashyizweho n'abasirikare ba Leta, n'izindi zari zarashyizweho n'Inkotanyi. Iyo ZLG yajyaga kuri santere y'ubucuruzi ya Susa, yabonaga bariyeri ya FPR yari iteganye n'iy'ingabo z'igihugu, izo bariyeri zikaba zari ku muhanda uhuza Kinigi na Kigombe, na Kinigi na Mukingo. ZLG yavuze ko ako gace katagendwaga kubera izo bariyeri zabuzaga abantu kugera mu Kinigi[868]. Nyuma y'Amasezerano y'amahoro, ako gace kashyizwe mu karere katarangwamo imirwano kagenzurwaga na MINUAR, maze abantu bashobora gutembera bava cyangwa bajya mu Kinigi. Bariyeri zacungwaga na FPR mbere zavanyweho maze imodoka zibasha gutambuka nta nkomyi zijya muri Komini ya Mukingo, ariko ntazashoboraga kwambuka zijya muri Susa ho muri Komini ya Kinigi zidaherekejwe n'ingabo za MINUAR[869]. Ubwo ZLG yageragezaga gusura umuntu wo mu muryango we wari utuye ku ntera ya metero zigera kuri 800 uvuye kuri Susa mu kwezi k'Ukuboza 1993 n'ukwa Werurwe 1994, nibwo yabonye ko imodoka zitashoboraga kugenda hagati ya Kinigi na Mukingo zidaherekejwe n'ingabo za

---

[865] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 86-87; Inyandikomvugo y'iburanisha, 11 Nyakanga 2001, urup. 53 (GDF).

[866] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 93-94 (GDF).

[867] Inyandikomvugo y'iburanisha, 11 Nyakanga 2001, imp. 26-28, 48 na 53 (GDF).

[868] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 65-66 na 69 (ZL(G).

[869] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, imp. 60, 62-63 na70-71 (ZL(G).

MINUAR[870]. ZLG ntiyamenye igihe abasirikare ba MINUAR baviriye muri Komini ya Kinigi kubera ko atari muri Kinigi muri icyo gihe[871].

667. ZLG yavuze ko Susa yari muri Segiteri ya Nyarugina, muri Komini ya Kinigi, ko kandi Segiteri ya Nyarugina yegeranye na Tero na Bisate ndetse na Shingiro[872]. Ku itariki ya 10 n'iya 11 Mata 1994, umubare w'ibisasu byagwaga ku mujyi wa Ruhengeri wariyongereye[873]. ZLG yavuze ko yari iwe muri Komini ya Kigombe[874] kandi ko abantu bavaga muri Tero, Nyarugina, Musanze na Gihora bamubwiye ko bari babonye Inkotanyi nyinshi zigera muri ako gace[875].

668. ZLG yavuze ko Apicur cyari ikigo cy'ishuri ryisumbuye cyari giteganye n'ikigo cya gisirikare cya Hoza, mukuru we akaba yarize muri iryo shuri. Yavuze ko muri Mata 1994 FPR itigeze ifata iryo shuri cyangwa icyo kigo cya gisirikare[876].

669. **Umutangabuhamya ushinjura wiswe FMB** yavuze ko ku itariki ya 8 Gashyantare 1993 ingabo za FPR zagabye igitero muri Perefegitura ya Ruhengeri maze zigafata umujyi wa Ruhengeri. FMB yavuze ko bitagarukiye aho, ko ahubwo byakoze no kuri Komini ya Kigombe, iya Kinigi, igice cya Komini za Mukingo, Nkumba, Kidaho, Ruhondo n'icyari gisigaye cya Komini ya Butaro. Komini ya Kinigi ntiyagenzurwaga na FPR ahubwo yashyizwe mu karere katarangwamo imirwano kandi ku itariki ya 7 Mata 1994 yari ikikarimo. Ingabo zari zemerewe kugendagenda mu karere katarangwamo imirwano zari iza MINUAR zonyine, ariko abasiviri bari bemerewe kugatemberamo[877].

670. FMB yavuze ko hagati ya Gashyantare 1993 n'itariki ya 6 Mata 1994 abantu babaga bari mu modoka za gisiviri babanzaga kugenzurwa kuri bariyeri mbere y'uko bariyeri ifungurwa kugira ngo imodoka ikomeze. Mu turere twahanaga imbibi cyangwa twari twegeranye n'utugenzurwa n'ingabo z'igihugu, abaturage bagendaga nta nkomyi, n'ubwo imodoka zahagarikwaga kuri bariyeri zigasakwa mu rwego rwo kwirinda ko hagira intwaro zinjizwa.

[870] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, urup. 72 (ZL(G).

[871] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, urup. 20 (ZL(G).

[872] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, urup. 8 (ZL(G).

[873] Inyandikomvugo y'iburanisha, 4 Ukuboza 2002, urup. 79 (ZL(G).

[874] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, urup. 16 (ZL(G).

[875] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, imp. 13-14 (ZL(G).

[876] Inyandikomvugo y'iburanisha, 5 Ukuboza 2002, urup. 18 (ZL(G).

[877] Inyandikomvugo y'iburanisha, 1 Mata 2003, imp. 75, 77 na 81 (FMB) (mu muhezo).

Izo modoka zagombaga kugaragaza uruhushya rwasinyweho n'umusirikare mukuru uyobora ingabo muri ako gace mbere y'uko zemererwa gukomeza. MINUAR niyo yari ishinzwe kugenzura urujya n'uruza rw'abasiviri mu gace katarangwagamo imirwano muri Komini ya Kinigi[878].

671. FMB yavuze ko muri Perefegitura ya Ruhengeri hari bariyeri zitari munsi y'eshanu, kandi ko yari mu nzego z'ubuyobozi zari zishinzwe kwemeza aho zishyirwa. Hari bariyeri ebyiri ku mihanda yavaga muri Komini ya Mukingo ijya muri Komini ya Kinigi: imwe ikaba yari kuri Shingiro ahateganye na Susa, naho indi yari ku gahanda gato kava i Kimonyi kagana mu Kinigi no mu mudugudu muto w'aho[879].

672. FMB yavuze ko kuva ku itariki ya 6 Mata 1994 kugeza hagati muri Nyakanga 1994 ikigo cy'ishuri rya *Apicur* ryo mu mujyi wa Ruhengeri kitigeze kigenzurwa na FPR, ko kandi nta kindi kigo azi kigeze cyitwa izina nk'iryo mu karere ka Ruhengeri. FMB yavuze ko atazi niba icyo kigo cy'ishuri cyarigeze gikoreshwa nk'ibitaro, ko kandi icyo gihe ibitaro bya Ruhengeri byari bigikora[880].

673. **Umutangabuhamya ushinjura wiswe ZLA** yavuze ko yahunze yavuye mu Ruhengeri no mu Rwanda muri Nyakanga 1994 ubwo yahungiraga muri Zaïre hamwe n'umuryango we n'abandi Batutsi. ZLA yavuze ko bajya muri Zaïre, we n'abo bari kumwe bari barinzwe n'Uregwa[881].

674. ZLA yavuze ko ahagana mu mwaka wa 1999, ubwo yari i Kigali yigeze gutumirwa mu rugo rw'umuturanyi we w'Umututsikazi witwa Rubayita, akahahurira n'abadamu babiri atibuka amazina. Abo badamu bari bahagarariye AVEGA, bavuga ko ari umuryango w'abagore uharanira inyungu z'abagore. Abo badamu basabye ZLA kwinjira muri AVEGA, banamusaba ko yazashinja Uregwa ibinyoma ko yamusambanyije ku gahato mu mwaka wa 1994. Abo badamu bijeje ZLA ko nabo bazamufasha gusubirana umutungo we, no kubona imfashanyo nk'umuntu wacitse ku icumu. ZLA yavuze mu Rukiko ko nta muntu wigeze

---

[878] Inyandikomvugo y'iburanisha, 1 Mata 2003, imp. 80 na 86 (FMB); Inyandikomvugo y'iburanisha, 2 Mata 2003, imp. 25 na 32 (FMB).

[879] Inyandikomvugo y'iburanisha, 1 Mata 2003, imp. 80, 86 (FMB).

[880] Inyandikomvugo y'iburanisha, 2 Mata 2003, imp. 50-51 (FMB).

[881] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 93-94 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, urup. 15 (ZLA) (mu muhezo).

amusambanya ku gahato mu mwaka wa 1994, kandi ko yabwiye abo badamu ko atazashinja ibinyoma Uregwa. ZLA yavuze ko abo badamu bakomeje kugenda bamusura bamusaba kubafasha[882].

675. ZLA yavuze ko nyuma y'icyo kiganiro yagiye gusura se hanyuma akamara ibyumweru bibiri mu muryango we. Agarutse i Kigali kwaka umutungo we, Konseye Kabandana yamubajije icyo yifuza, maze amushinja kuba Interahamwe. Ibyo byatunguye ZLA binamutera ubwoba, kubera ko ijambo Interahamwe ryakoreshwaga gusa bavuga Abahutu bakoze ubwicanyi. ZLA yiyemeje kuva mu gihugu mu ntangiriro z'umwaka wa 2000[883].

3. Umwanzuro w'Urugereko

676. Urugereko ruributsa umwanzuro rwafashe mu mutwe wa 3, icyiciro cya K uvuga ko Uregwa yakoranyirije Interahamwe ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo, maze akazitegeka « kwica no gutsembatsemba abo bantu bose bo mu Rwankeri » no « gutsembatsemba Abatutsi ». Uregwa yabwiye kandi izo Nterahamwe ko zigomba gukenyera « zigatangira gukora ». By'umwihariko, Urugereko ruributsa ubuhamya bw'abatangabuhamya bashinja biswe GAO na GBV. GAO yavuze ko Uregwa yategetse Interahamwe « gutsembatsemba Abatutsi »[884], agira ati « ko abandi barangije gukora akazi kabo, abo bantu mwe mubabitsemo iki » ?[885] Umutangabuhamya ushinja wiswe GBV yavuze ko Uregwa yasabye agatsiko k'Interahamwe « gutangira gukora »[886].

677. GAO yavuze kandi ko ku itariki ya 7 Mata 1994 mu gitondo, we n'izindi Nterahamwe bagiye muri Serire ya Rwankeri babitegetswe n'Uregwa[887]. GAO yaragize ati « kuri uwo munsi, bari baduhaye , yo gutsemba abo bantu, tutaretse n'impinja zikiri mu nda za ba nyina. Jye sinari nzi icyo bari bagamije »[888]. GAO yavuze ko ubwo we na bagenzi be

---

[882] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 94-96 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, imp. 22-24 (ZLA) (mu muhezo).

[883] Inyandikomvugo y'iburanisha, 10 Ukuboza 2002, imp. 28 na 96-97 (ZLA); Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, urup. 27 (ZLA) (mu muhezo).

[884] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 17 (GAO).

[885] Inyandikomvugo y'iburanisha, 26 Ugushyingo 2001, urup. 98 (GAO).

[886] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 105-106; Inyandikomvugo y'iburanisha, 5 Nyakanga 2001, imp. 114-116 (GBV).

[887] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 26 (GAO).

[888] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 22 (GAO).

bageraga muri Serire ya Rwankeri, yabonye Interahamwe ebyiri, uwitwa Gapfobo Mbonankira na Rugumire[889]barimo basambanya ku gahato Umututsikazi witwaga Joyce. Bamaze « kumusambanya, bamwishe bamuteye icumu mu rubavu no mu gitsina, hanyuma bamutwikiriza ingutiya ye »[890]. Urugereko rusanze ubuhamya bwa GAO kuri ibyo byabaye ari ubwo kwizerwa, bityo rwemeje ko ku itariki ya 7 Mata 1994 Umututsikazi witwaga Joyce yasambanyijwe ku gahato kandi akicwa n'Interahamwe muri Serire ya Rwankeri. Urugereko rusanze kandi Interahamwe zarateye Joyce icumu mu rubavu no mu gitsina, hanyuma umurambo we zikawutwikiriza ingutiya ye.

678. GAO yavuze na none ko yabonye Interahamwe ebyiri, iyitwa Ntenzireyerimye n'iyitwa Iyamuremye zikata ibice by'umubiri by'Umututsikazi witwaga Nyiramburaga. GAO yavuze ko yabonye Uyamuremye akata ibere ry'uwo mukobwa arangije araririgata[891]. Ubuhamya bwa GAO ku byo yiboneye bwashyigikiwe n'ubw'umutangabuhamya ushinjura wiswe RGM, wavuze mu ibaza rinyomoza ko « Uyamuremye yateye umukobwa icumu mu gituza ariko ko atamenya niba yaramuciye ibere cyangwa atarariciye »[892]. N'ubwo Urugereko rusanga hari ibintu bito bigenda binyurana ku birebana n'ubwoko bw'intwaro yakoreshejwe n'uwo mugabo wari mu gitero, rusanga ubwo buhamya bwombi bushyigikirana kuri ibyo byabaye. Kubera iyo mpamvu, rusanze ku itariki ya 7 Mata 1994 mu gitondo, Interahamwe yitwa Ntenzireyerimye n'iyitwa Uyamuremye zaraciye Umututsikazi witwaga Nyiramburanga ibere zirangije ziraririgata.

679. Ubundi buhamya bwizewe buvuga ku gikorwa cyo gusambanya ku gahato ni ubw'umutangabuhamya ushinja wiswe ACM. ACM yavuze ko ku itariki ya 7 Mata 1994 nimugoroba, ubwo yarimo ahunga ubwicanyi bwabereye kuri Paruwasi ya Busogo, Interahamwe ebyiri zari kuri bariyeri yari hafi aho, muri Serire ya Kabyaza, Komini ya Nkuli, zamufashe maze zikamusambanya ku gahato. Abamusambanyije yarabamenye, ni Felix na Twarayisenze[893]. Urugereko rusanga ubwo buhamya bwa ACM busobanuye ku buryo burambuye ari ubwo kwizerwa. Kubera iyo mpamvu, rusanze umutangabuhamya

---

[889] Mu nyandikomvugo z'iburanisha zo mu gifaransa izina ry'uwo muntu ryanditse ko ari « Ntuziyiremye », Inyandikomvugo y'iburanisha, 23 Nyakanga 2001.

[890] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 28 (GAO).

[891] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, urup. 28 na (GAO).

[892] Inyandikomvugo y'iburanisha, 19 Ugushyingo 2002, imp. 34 (RGM). Izina rya Uyamuremye ryandikwa kandi ko ari « Yamuremye ».

[893] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, imp. 57-62 (ACM).

w'Umututsikazi wiswe ACM yarasambanyijwe ku gahato n'Interahamwe muri Serire ya Kabyaza ku itariki ya 7 Mata 1994.

680. Umutangabuhamya ushinja wiswe GDO yatanze ubuhamya ku byabaye yiboneye ubwe birebana n'ukuntu umukobwa we yasambanyijwe ku gahato kandi akicwa ku itariki ya 7 Mata 1994, muri Serire ya Rukoma, Segiteri ya Shiringo. GDO yavuze ko yari yihishe mu ishyamba ry'imigano ryari mu isambu ye hamwe n'abana be batatu barimo n'uwo mukobwa wahohotewe wari ufite imyaka 15 akaba n'ikimuga[894]. Icyo gihe, Interahamw*e* zajagajaze ishyamba zihiga Abatutsi maze zivumbura umukobwa we, zimukubita hasi maze zimwambika ubusa, hanyuma zimusambanya ku gahato. GDO yavuze ko igihe yari mu bwihisho yashoboraga kubona aho Uregwa yari mu modoka ye hamwe n'izindi Nterahamwe. Yavuze ko Uregwa yategetse Interahamwe gusambanya ku gahato abagore b'Abatutsikazi. By'umwihariko, yemeje ko Uregwa yabwiye Interahamwe ko « zigomba gushakisha Abatutsikazi, zikabasambanya ku gahato kandi zikabica », ko kandi « agomba kuvangura urumamfu n'ingano »[895]. GDO yavuze ko igihe umukobwa we yasambanywaga ku gahato, na we ubwe yambitswe ubusa, arahondagurwa kugeza aho atereye ubwenge. Amaze kubugarura niho yabonye umurambo w'umukobwa we umunwa wasamye kandi aamaguru ye atandaraje. Urugereko rwumvise kandi ubuhamya bw'abatangabuhamya bashinjura biswe RHU30[896], RHU27[897] na KNWA[898] bemeje ko umukobwa w GDO yishwe n'Interahamwe ariko ko atasambanyijwe ku gahato kandi ko GDO atari aho umukobwa we yiciwe. Urugereko ntirwemera iyi nkuru y'ibyabaye bitewe n'inyuranya riboneka mu buhamya bw'aba batangabuhamya bashinjura ku birebana n'itariki ibyo byabereyeho n'imyaka y'uwakorewe icyaha, binatewe ndetse ndetse n'uko RHU27 na KNWA batari bahari igihe ibivugwa byabaga, ko ahubwo ubuhamya bwabo bushingiye ku nkuru mbarirano. Urugereko rusanga ubuhamya bwa GDO bukwiye kwizerwa. By'umwihariko, rwabonye imyitwarire y'uwo mutangabuhamya igihe yatangaga ubuhamya, akababaro yagaragaje ubwo yabaga yibutse ibyabaye n'ukuntu yageraga aho ishavu rikamurenga.

---

[894] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 29 (GDO).

[895] Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, imp. 38, 47 na 51-52 (GDO).

[896] Inyandikomvugo y'iburanisha, 30 Nzeri 2002, urup.62 (RHU30) (mu muhezo); Inyandikomvugo y'iburanisha, 1 Ukwakira 2002, urup.8 (RHU30) (mu muhezo).

[897] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2002, imp. 41-43 (RHU27) (mu muhezo); Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, urup. 16 (RHU27) (mu muhezo).

[898] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2002, imp. 53-59, 60-62, 65 (KNWA) (mu muhezo).

Kubera izo mpamvu, Urugereko rwemera ubuhamya bwa GDO, aho avuga ko ku itariki ya 7 Mata 1994 umukobwa we yasambanyijwe ku gahato kandi akicwa n'agatsiko k'Interahamwe muri Serire ya Rukoma, Segiteri ya Shiringo. Nyamara ariko, usibye Umucamanza Ramaroson watanze igitekerezo kinyuranye n'icya bagenzi be, Urugereko ku bwiganze bw'amajwi rusanga hariho inyuranya hagati y'ubuhamya bwanditse uyu mutangabuhamya yatanze mbere (aho yavuze ko Uregwa yari ku ntera ya metero 50 kandi ko gusambanya ku gahato byabaye saa kumi zo mu gicuku) n'ubwo yatangiye mu iburanisha (aho yavuze abitsindagira ko atazi uko bagereranya intera muri metero, kandi ko yibukaga gusa ko ibyo byabaye mu gitondo cya kare)[899]. Urugereko rusanga kandi ibyo byarabereye mu ishyamba bityo, ku bwiganze bw'amajwi, rukaba rusanga kubona no kumva ibyabaga byari bikomeye cyane. Kubera iyo mpamvu, Urugereko rushidikanya ku birebana n'uko Uregwa yari aho ibyo bivugwa byabereye. Bityo, ku bwiganze bw'amajwi, uretse Umucamanza Ramaroson watanze igitekerezo kinyuranye n'icya bagenzi be, Urugereko rusanze Porokireri atagaragaje ku buryo budashidikanywaho ko Uregwa yari aho umukobwa wa GDO yasambanyirijwe ku gahato cyangwa se ko by'umwihariko yategetse Interahamwe gusambanya uwo mukobwa no kumwica.

681. Umutangabuhamya ushinja wiswe GDT yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, agatsiko k'Interahamwe n'abasirikare bagera kuri 20 kateye mu rugo rwe ruri muri Segiteri ya Susa, Komini ya Kinigi. Interahamwe zinjiye mu nzu, ziramufata zimujyana ku mugezi wa Kazi, wari nko mu ntambwe 30 cyangwa 40 uvuye iwe[900]. Mu bantu bamujyanye ku mugezi, GDT yamenyemo batatu ari bo Gahamanyi, Munyarimbanje na Bugeri, bose bakaba bari Interahamwe zo muri Komini ya Mukingo[901]. GDT yavuze ko bageze ku mugezi, Interahamwe zamukubise hasi, zimutagaranya amaguru, hanyuma zimusambanya ku gahato. Yavuze ko Interahamwe ya gatandatu imaze kumusambanya yahise ata ubwenge, bityo akaba atarabashije kumenya umubare nyawo w'Interahamwe zamusambanyije ku gahato[902]. GDT yavuze ko amaze kugarura ubwenge yasanze Interahamwe zamukase igice cy'igitsina cye[903], bikaba byaramuviriyemo ubumuga buhoraho ku mubiri[904]. GDT yavuze

---

[899] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 36 (GDO).

[900] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 86-87 (GDT).

[901] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 89; Inyandikomvugo y'iburanisha, 7 Ukuboza 2001, urup. 36 (GDT).

[902] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 90-91 (GDT).

[903] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 92 (GDT).

ko Uregwa ari we wari nyirabayazana w'icyo gitero. GDT yavuze ko nyuma yaho, yumvise abari mu bitero bavuga ko Uregwa yababwiye ngo « bagire vuba bagaruke aho ari mbere y'uko amara icupa ry'inzoga yanywaga ». GDT yavuze kandi ko umwe mu bamukorye ibyaha yavuze ko anketi ku bicanyi b'ingenzi iramutse ikorewe mu Ruhengeri, Kajelijeli yaza ku mwanya wa mbere[905]. Ubwunganizi buvuga ko Porokireri atigeze azana umutangabuhamya n'umwe wo kwemeza koko ko Uregwa yari muri kabari anywa inzoga hagati ya saa tatu na saa ine za mu gitondo. Ahubwo, abatangabuhamya bashinja biswe GAO, GBV, GBG, na ACM bavuga ntaho bavuga ko Uregwa yari mu kabari ku itariki ya 7

682. Mata 1994 saa ine za mu gitondo[906]. Ubwunganizi buvuga ko umutangabuhamya wiswe GDT adakwiye kwemerwa ku birebana n'inkuru y'ibyabereye ku mugezi, aho avuga ko yasambanyirijwe ku gahato kandi aho hantu hataragerwaga. Mu gushyigikira igitekerezo cyabwo, Ubwunganizi bushingira ku buhamya bw'abatangabuhamya bashinjura biswe ZLG na FMB. Abo bombi bavuze ko agace gakikije umugezi wa Kazi kari mu karere katarangwagamo imirwano kugeza muri Werurwe cyangwa Mata 1994. Ngo ntibyari gushobokera rero Interahamwe iyo ari yo yose yitwaje intwaro kunyura kuri za bariyeri. Nyamara ariko, aba batangabuhamya bombi ntibabashije guha Urugereko amakuru y'uko ako karere kari kifashe mu rwego rwa gisirikare nyuma y'itariki ya 7 Mata 1994. Byongeye kandi, Urugereko rusanga hakurikijwe ibikubiye mu buhamya bwa GDT n'igihe gishize ibivugwa bibaye, kuba atarabashije gusobanura neza ahantu ibikorwa byo gusambanya ku gahato byabereye nta cyo bitubyaho ukwizerwa kwe muri rusange. Urugereko, rumaze gusuzumana ubushishoze ibimenyetso rwashyikirijwe, rwemeye nta gushidikanya ko GDT yasambanyijwe ku gahato n'Interahamwe ku itariki ya 7 Mata 1994 muri Segiteri ya Susa, Komini ya Kinigi. Ibivugwa ko Uregwa atari aho GDT yasambanyirijwe ku gahato nta wabihakanye. Usibye Umucamanza Ramaroson watanze igitekerezo kinyuranye n'icya bagenzi be, Urugereko rusanze, ku bwiganze bw'amajwi, Porokireri ataratanze ibimenyetso bihamya ko uwo munsi Uregwa yatanze itegeko ryihariye ryo gusambanya Abatutsikazi ku gahato muri Segiteri ya Susa, Komini ya Kinigi. Umutangabuhamya ushinja wiswe GDF yavuze ko ku itariki ya 10 Mata 1994, yasambanyirijwe ku gahato mu murima w'ibigori wari hafi y'iwe muri Segiteri ya Susa, Komini ya Kinigi. GDF yavuze ko mu masaa ine za mu gitondo uwo munsi, yabonye Uregwa mu modoka ye itukura ari kumwe n'Interahamwe

---

[904] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 93, 108 na 124 (GDT).

[905] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, imp. 121-122 (GDT).

[906] Imyanzuro nsozarubanza yanditse y'Ubwunganizi, igika 260.

zari zambaye iniforume kandi zitwaje intwaro. Uregwa yavuganye n'Interahamwe, hanyuma asubira mu modoka, ari na cyo gihe Interahamwe 12 zaje zisatira urugo rwe[907]. Hashize umwanya muto, ako gatsiko k'Interahamwe kashakishije aho umutangabuhamya na murumuna we bari bihishe, maze kabasanga mu murima w'ibigori. Mu gihe GDF na murumuna we barimo basambanywa ku gahato n'Interahamwe nibura eshatu, hari izindi zari zifatiye GDF hasi zimukanuriye kandi zimukwena. GDF yavuze ko mbere yo gusambanywa ku gahato, Interahamwe ya mbere yaravuze iti « nimureke ndongore Umututsikazi numve uburyohe bwe »[908]. Interahamwe imwe yashyize agace k'isegereti yari imaze gutumuraho mu gitsina cya GDF maze ahita ata ubwenge. GDF yavuze ko ibyababayeho we na murumuna we byabateye ubumuga bwo ku mubiri no mu mutwe na nubu butarakira. GDF yavuze ko n'ubwo atabonye murumuna we asambanywa ku gahato, yari hafi y'aho byabereye[909]. GDF yavuze ko murumuna we « yahungabanye mu mutwe » akaba avurirwa indera, « kubera ibyo byamubayeho »[910]. Ubwunganizi bwakemanze ubuhamya bwa GDF ku mpamvu zimwe n'izo bwatanze bukemanga ubuhamya bwa GDT, bwemeza ko ku itariki ya 10 Mata aho hantu hatagendwaga. Urugereko ruributsa umwanzuro rwafashe mu cyiciro kibanziriza iki ku kibazo cyo kumenya niba aho hantu harashoboraga kugendwa cyangwa niba bitarashobokaga, aho rwasanze GDT ari umungabuhamya wo kwizerwa no kwemerwa. Urugereko rwemera ko GDF yasambanyijwe ku gahato n'Interahamwe ku itariki ya 10 Mata 1994. Usibye Umucamanza Ramaroson watanze igitekerezo kinyuranye n'icya bagenzi be, Urugereko, ku bwiganze bw'amajwi, ntirwemera ko Uregwa yari aho igikorwa cyo gusambanywa ku gahato cyabereye igihe cyakorwaga.

683. Hashingiwe ku buhamya buri hano hejuru bw'abatangabuhamya bashinja biswe GAO, ACM, GDO, GDT na GDF, Urugereko rwemera nta gushidikanya ko Interahamwe, zirimo izo muri Komini ya Mukingo ndetse n'izo mu bice bituranye nayo, zakoze ibikorwa byo gusambanya ku gahato n'iby'urugomo rushingiye ku gitsina muri Perefegitura ya Ruhengeri hagati y'itariki ya 7 n'iya 10 Mata 1994. Urugereko rusanga Ubwunganizi budahakana ko ibikorwa byo gusambanya ku gahato n'iby'urugomo rushingiye ku gitsina

[907] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 74-75 (GDF).

[908] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 85 (GDF).

[909] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, imp. 86-87; Inyandikomvugo y'iburanisha, 11 Nyakanga 2001, urup. 53 (GDF).

[910] Inyandikomvugo y'iburanisha, 10 Nyakanga 2001, urup. 94 (GDF).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

byabayeho koko. Ahubwo, buvuga ko ubuhamya buvuga ko Uregwa yari aho ibyo bikorwa byabereye ari ubuhimbano. Ikindi kandi, Urugereko ruzirikana ubuhamya bw'umutangabuhamya ushinjura wiswe ZLA wavuze ko abahagarariye umuryango utegamiye kuri Leta witwa AVEGA wagerageje kumwoshya gutanga ubuhamya bw'ikinyoma ko Uregwa yamusambanyije ku gahato mu wa 1994, bamusezeranya ko bazamufasha kugaruza umutungo we no guhabwa imfashanyo nk'uwacitse ku icumu. Rumaze gusuzumana ubushishozi ibivugwa na Porokireri n'Ubwunganizi kimwe n'ibimenyetso byatanzwe n'izo mpande zombi, rusanze bidahagaije guhamya ko habayeho ibikorwa byo koshya abantu gutanga ubuhamya bw'ikinyoma cyangwa byo kubotsa igitutu, kubera ko ibivugwa na ZLA nta wundi mutangabuhamya wabishyigikiye. Nyama ariko, usibye Umucamanza Ramaroson watanze igitekerezo kinyuranye n'icya bagenzi be, Urugereko, ku bwiganze bw'amajwi, ntirwemera ko Uregwa yari ahantu hakorewe igikorwa icyo ari cyo cyose cyo gusambanya ku gahato cyangwa cy'urugomo rushingiye ku gitsina. Kubera iyo mpamvu, Urugereko, ku bwiganze bw'amajwi, rusanze Porokireri ataratanze ibimenyetso bihamya ko Kajelijeli yari ahantu habereye ibikorwa byo gusambanya ku gahato n'iby'urugomo rushingiye ku gitsina igihe nyirizina Interahamwe zabikoraga.

M. Igika cya 2.3 cy'Inyandiko y'ibirego

1. Ibivugwa

684. Igika cya 2.3 cy'Inyandiko y'ibirego kigira kiti:

> Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, mu Rwanda hose hagabwe ibitero rusange cyangwa biri kuri gahunda, byibasiye abaturage b'abasiviri bazira impamvu z'ubwoko cyangwa iza politiki.

2. Ibimenyetso

685. Muri iki cyiciro, Urugereko ruributsa ibimenyetso birebana n'icyo kibazo byatanzwe mu mutwe wa III, ibyiciro bya K na L.

3. Umwanzuro w'Urugereko

686. Rushingiye ku bimenyetso byose byatanzwe birebana n'ibyabaye hagati y'itariki ya 6 Mata 1994 n'iya 14 Mata 1994, Urugereko rusanze hagati y'itariki ya 7 n'iya 14 Mata 1994,

harakozwe ubwicanyi bwahitanye imbaga y'Abatutsi muri Komini ya Mukingo, Nkuli no ku Rukiko rw'Ubujurire rwo mu Ruhengeri muri Komini ya Kigombe. Ibyo bitero byagabwaga n'udutsiko tw'abantu twibasiye abakorewe ibyaha benshi cyane, bazira ubwoko bwabo bw'Abatutsi. Abibasiwe bari Abatutsi bagabweho ibitero aho bari muri ako gace, aho bari bihishe cyangwa barahungiye. Mu duce tumwe, Imiryango yose uko yakabaye yazimye burundu kimwe n'abaturage baho. Kubera iyo mpamvu, Urugereko rusanze muri Mata 1994, muri Komini ya Mukingo no mu makomini aturanye na yo ya Perefegitura ya Ruhengeri, haragabwe ibitero rusange ku basiviri b'Abatutsi bazira ubwoko bwabo.

687. Bitewe n'uko Urugereko rwamaze gufata umwanzuro wemeza ko ibitero byibasiye abasiviri b'Abatutsi byari rusange, ntibikiri ngombwa gusuzuma niba ibyo bitero byari no kuri gahunda.

N. Igika cya 5.7 gifatiwe hamwe n'ibika bya 4.7, 4.8 na 4.9 by'Inyandiko y'ibirego

1. Ibivugwa

688. Igika cya 5.7 cy'Inyandiko y'ibirego kigira kiti:

> Uregwa yari afite igitekerezo cyo kurimbura Abatutsi nk'abantu bagize ubwoko MRND yari yamaze kwita abanzi nk'uko bisobanurwa haruguru mu bika bya 4.7, 4.8 na 4.9 [by'Inyandiko y'ibirego], mu rwego rwo gushyigikira politiki ya Guverinoma yo gutsinda FPR, gutsemba Abatutsi no kugundira ubutegetsi.

689. Ibika bya 4.7, 4.8 na 4.9 by'Inyandiko y'ibirego bigira biti:

> Nyuma y'igitero ku Rwanda mu Ukwakira 1990 cyagabwe na FPR, byavugwaga ko igizwe n'Abatutsi, udutsiko tumwe tw'abantu muri Guverinoma y'icyo gihe, no mu gisirikare twatangiye kwita Abatutsi umwanzi ugomba kurimburwa mu Rwanda.
>
> Hasobanurwaga ko umwanzi w'ibanze ari Umututsi wari mu gihugu cyangwa hanze washakaga kwigarurira ubutegetsi, ngo utarigeze yemera na rimwe impinduramatwara yo mu mwaka wa 1959, kandi ngo washakaga guhangana yifashishije intwaro. Hasobanurwaga kandi ko umwanzi wo mu rwego rwa kabiri yari Umuhutu utari intagondwa wateraga inkunga, iyo ari yo yose, cyangwa wari ushyigikiye umwanzi w'ibanze, cyangwa utaravugaga rumwe na Guverinoma cyangwa utaremeraga politiki ya MRND.

Byongeye kandi, guhera mu mpera ya 1990 kugera muri Nyakanga 1994, abasirikare, abagize Guverinoma, abayobozi mu rwego rwa politiki, abakozi ba Leta n'abandi bantu bakomeye barimo Uregwa hamwe na Joseph Nzirorera, barumvikanye hagati yabo ndetse bumvikana n'abandi bantu kugira ngo bategure umugambi wo gutsembatsemba abasiviri b'Abatutsi n'abantu batavugaga rumwe n'ubutegetsi, kugira ngo MRND ikomeze igundire ubutegetsi.

2. Ibigize ibyo byaha

(a) Imyitozo y'Interahamwe yari ikubiyemo no gukoresha imvugo ya rutwitsi igaragaza ko hariho umugambi wo kurimbura Abatutsi

- **Ibimenyetso**

690. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

691. **Umutangabuhamya ushinja wiswe GAO** yavuze ko Uregwa n'abandi bategetsi bashinze ishami rya MRND ryitwaga Gahunda yo kwirwanaho kw'abaturage, cyangwa Umutwe wa Virunga cyangwa Amahindure. GAO yavuze ko Uregwa yabwiye abari bagize iryo shami ko bagomba kurangiza imyitozo vuba kugira ngo abohereze mu birunga kurwanya Inyenzi - Inkotanyi[911].

692. **Umutangabuhamya ushinja wiswe GDD** yavuze ko Uregwa, Sendugu Shadrack wari Perezida wa MRND muri Komini ya Nkuli hamwe n'abandi banyapolitiki, bamushyizeho ngo ahe imyitozo Interahamwe z'Abahutu zari zimaze gutoranywa, mu rwego rwo « kwitegura gukora ibikorwa by'urugomo ». Bamuhaye , yo « kugaba igitero ku mwanzi » kubera ko u Rwanda rwari rwaratewe na FPR kuva mu wa 1990 kandi bagiraga bati « tugomba guhora turi maso kuko igihe cyose dushobora guterwa ». GDD yavuze ko nyuma ya buri cyiciro cy'imyitozo ya gisirikare, hakorwaga inama yo gukangurira urubyiruko kwitabira urugamba[912].

[911] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 53-55 (GAO).

[912] Inyandikomvugo y'iburanisha, 2 Ukwakira 2001, imp. 88-90; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 44-49 (GDD).

- **Umwanzuro w'Urugereko**

693. Urugereko rusanga ishyirwaho ry'imitwe yitwaraga gisirikare no kuyiha imyitozo mbere y'ibyabaye mu wa 1994 bidahamya ubwabyo ko hariho umugambi wo kwica Abatutsi.

(b) Itariki ya 7 Mata 1994—Inama abagabye ibitero bagiranye n'Uregwa muri kantine yo muri Komini ya Nkuli

- **Ibimenyetso**

694. **Umutangabuhamya ushinja wiswe GDD** yavuze ko abitabiriye ubwicanyi bagiye muri kantine yo muri Komini ya Nkuli kuhahurira n'Uregwa nk'uko byari biteganyijwe, akaba yaragombaga kuhagera nimugoroba kureba niba bakoze akazi nk'uko bari babiseseranye. Abari mu bitero barisengereye kuko bari bafite amafaranga basahuye. GDD yavuze ko Uregwa yajekuri kantine mu modoka ye ya STB [ESTB] itukura, maze akabaza ati « ba sha, mwakoze ibyo twasezeranye »? GDD n'abandi bari muri kantine babwiye Uregwa ko « bamazeho byose ». GDD yavuze ko Uregwa yahembye abo bantu ibinyobwa n'amafaranga[913]. Hanyuma, Uregwa yasabye abagabye igitero « kujagajaga ako gace bahiga Abatutsi kugira ngo hatagira n'umwe usigara muri Segiteri ya Gitwa ». Abari muri iyo nama basezeranyije Uregwa ko bagiye kubikora, nuko aragenda asubira ku mugore we mukuru[914].

- **Umwanzuro w'Urugereko**

695. Urugereko rusanga ubuhamya bushinja busa n'ubwerekana ko Kajelijeli yari ahantu habiri hatandukanye mu mugoroba umwe wo Ku itariki ya 7 Mata 1994. Umutangabuhamya wiswe GAO yavuze ko Uregwa yari mu birori byarimo kubera kuri ISAE, mu gihe uwiswe GDD we yemeza ko yari ku biro bya Komini ya Nkuli. Ibyo bibyutsa ikibazo cyo kumenya uko Uregwa yagiye agenda hirya no hino. Urugereko rwasuzumanye ubushishozi ubuhamya rwagejejweho ndetse n'ibimenyetso gihamya byatanzwe mu rubanza. Bumwe na bumwe muri ubwo buhamya buvuga ku ntera iri hagati y'uduce runaka n'aho tugenda duhurira. Hagati y'utwo duce hari intera ngufi. Urugereko rusanga Kajelijeli yari umuntu ukomeye cyane muri rubanda: yari afite imodoka ye bwite, kandi nk'uko abyivugira mu buhamya

[913] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 51 (GDD).

[914] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, imp. 49 and51-52; Inyandikomvugo y'iburanisha, 4 Ukwakira 2001, imp. 136-137 (GDD).

bwe, yari afite impapuro za ngombwa zatumaga ajya hirya no hino. Urugereko rumaze gusuzuma ubuhamya bwose uko bwakabaye, rusanze mu mugoroba wo ku itariki ya 7 Mata 1994 byari byoroheye Kajelijeli gukora urugendo ruri hagati ya ISAE n'ibiro bya Komini ya Nkuli, ku buryo yashoboraga kujya aho hantu hombi mu mugoroba umwe.

696. Ikindi kandi, Urugereko rusanga hagati y'ahantu hose h'ingenzi ho muri Komini ya Mukingo na Nkuli Uregwa yaba yarageze hari intera ngufi. Urugereko rusanze igihe ibivugwa byababaga kuva ku itariki ya 6 Mata kugeza ku ya 14 Mata 1994, Uregwa yarashoboraga kuva ahantu hamwe akajya ahandi muri Komini ya Mukingo na Nkuli mu gihe gito cyane. Ubuhamya bwatanzwe n'Ubwunganizi bwemeza ko byari bigoye kujya hirya no hino ntibwahawe agaciro kanini. Urugereko rumaze gusuzuma ibimenyetso rwashyikirijwe, rusanga Uregwa yarabashaga kujya ahantu hanyuranye ho muri Komini ya Nkuli cyangwa iya Mukingo umunsi umwe cyangwa umugoroba umwe.

697. Urugereko rwamaze gufata umwanzuro wemeza ko ubuhamya GDD yatangiye imbere y'uru Rugereko ari ubwo kwizerwa[915]. Urugereko rwemera ubuhamya bwa GDD ku byabaye ku itariki ya 7 Mata 1994 ku birebana n'inama yo gusuzuma ibyakozwe yaje ikurikirana n'iyari yatangiwemo intwaro muri icyo gitondo, aho Uregwa yari yagize ati « ubu ngiye muri Mukingo gukurikiranira hafi uko ibintu byifashe, dushobora kongera guhura nyuma ya saa sita, maze mukangezaho raporo y'akazi mwakoze »[916]. Urugereko rusanze ku itariki ya 7 Mata 1994 nimugoroba, iyo nama yo kureba ibyakozwe yarabereye koko muri kantine yo ku biro bya Komini ya Nkuli. Abari bitabiriye ubwicanyi bagiye kuri kantine uwo mugoroba bisengerera ibinyobwa mu rwego rwo kwiyakira, bakoresheje amafaranga bari basahuye. Uregwa yageze kuri kantine nyuma ari mu modoka ye maze arababaza ati « yemwe ba sha, mwakoze ibyo twasezeranye »? GDD n'abandi bari aho bamusubije ko « bamazeho byose », maze Uregwa ahemba abo bantu ibinyobwa n'amafaranga. Nyuma, Uregwa yasabye abari mu bitero « kujagajaga ako karere bahigisha uruhindu Abatutsi ku buryo nta n'umwe usigara muri Segiteri ya Gitwa ». Abari mu nama basezeranyije Uregwa ko bagiye kubikora, nyuma aragenda.

[915] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[916] Reba hano hejuru: Umutywe wa III, Icyiciro K.

(c) Itariki ya 7 Mata 1994 — Inama Uregwa yakoranye n'Interahamwe muri ISAE azishimira ko zatsotsobye ubwicanyi

- **Ibimenyetso**

698. **Umutangabuhamya ushinja wiswe GAO** yavuze ko yagiye ku kigo cya ISAE ku itariki ya 7 Mata 1994 nimugoroba, maze akahasanga Uregwa n'inshuti ye magara witwa Nyabusore, wari Diregiteri wa ISAE. Nyabusore yasengereye GAO n'izindi Nterahamwe ibinyobwa. GAO yavuze ko Uregwa yabwiye Interahamwe ati « ndizera ko mwabishe bose, nta n'umwe mwasize … ngaho nibabahe inzoga na mwe munywe »[917]. Uregwa yaguriye Interahamwe inzoga ariko Nyabusore niwe wari wabanje kugura. Ku kibazo cy'Ubwunganizi cyo kumenya niba icyo gihe muri Mata 1994 ikigo cya ISAE cyarakoreshwaga nk'icyicaro cy'ingabo za LONI z'indorerezi, GAO yasubije ko nta ngabo za LONI zari zihari, ko ayo mazu yari mu maboko ya Nyabusore[918].

699. **Umutangabuhamya ushinjura wiswe RHU23** yavuze ko yagiye mu kigo cya ISAE ku itariki ya 7 Mata 1994 nimugoroba[919], ko ariko ko atigeze ahabona Uregwa[920].

700. **Umutangabuhamya ushinjura wiswe RGM** yavuze ko iyo nkuru ivuga ko Interahamwe zagiye kunywera inzoga muri ISAE wo ku itariki ya 7 Mata 1994 nimugoroba atigeze ayimenya, ko nta n'umuntu azi waba yaragiye mu kabari kari mu nzu y'Uregwa nyuma y'ubwicanyi bwabereye muri Serire ya Rwankeri. RGM yavuze ko n'ubwo atari aho hantu yemeza ariko ko ku itariki ya 7 Mata 1994 nimugoroba ikigo cya ISAE cyari gifunze[921].

- **Umwanzuro w'Urugereko**

701. Urugereko ruributsa ubuhamya bwatanzwe n'umutangabuhamya ushinjura wiswe RHU23, wari umuturanyi w'Uregwa kuva akiri mu mashuri yisumbuye. Urugereko rusanga ubwo buhamya bwuzuye amakabyankuru no kwivuguruza ku bintu by'ingenzi. Ibyo byaratahuwe

---

[917] Inyandikomvugo y'iburanisha, 23 Nyakanga 2001, imp. 33-35 (GAO).

[918] Inyandikomvugo y'iburanisha, 24 Nyakanga 2001, imp. 51-52 (GAO).

[919] Inyandikomvugo y'iburanisha, 24 Nzeri 2002, urup. 76 (RHU23) (mu muhezo).

[920] Inyandikomvugo y'iburanisha, 25 Nzeri 2002, urup. 35 (RHU23) (mu muhezo); Inyandikomvugo y'iburanisha, 26 Nzeri 2002, urup. 88 (RHU23)

[921] Inyandikomvugo y'iburanisha, 18 Ugushyingo 2002, urup. 71 (RGM); Inyandikomvugo y'iburanisha, 19 gushyingo 2002, imp. 57-58 (RGM).

ubwo yasubizaga ibibazo binyomoza ndetse n'iby'Abacamanza. Urugereko rusanze ubuhamya bwa RHU23 atari ubwo kwizerwa.

702. Urugereko rwanyuzwe n'ubuhamya bwatanzwe na GAO ku birebana n'inama yabereye mu kigo cya ISAE ku itariki ya 7 Mata 1994 kuko rwasanze burimo ukuri. Urugereko rusanze umuyobozi wa ISAE hamwe n'Uregwa wari inshuti ye barasengereye Interahamwe inzoga, maze Uregwa akabwira Interahamwe zari ziteraniye aho ko yizeye ko nta n'umwe zasigaje.

(d) Itariki ya 8 Mata 1994— Uregwa yasabwe guhagarika ubwicanyi ariko arabyanga

- **Ibimenyetso**

703. **Umutangabuhamya ushinja wiswe GBH** yavuze ko ku itariki ya 8 Mata 1994 yahuye n'Uregwa, wari witwaje imbunda ku rutugu kandi akikijwe n'Interahamwe[922]. Uregwa hamwe n'Interahamwe barimo bagenzura imirambo bashakamo ababa barokotse. GBH yinginze Uregwa ngo ahagarike ubwicanyi ariko amutera utwatsi. GBH yagize ati « nahuye na we afite imbunda. Twarasuhuzanyije, twahanye imikono. Hanyuma yarambajije ati 'ariko se wa musaza we, ubundi urakora iki aha ' ? Naramusubije nti 'nanjye naje kureba ibyabaye. Naje kureba imirambo'. Hanyuma, naramwinginze ngo ahagarike ubwicanyi, mubwira ko abantu bamaze gupfa ari benshi bihagije, ko igihe kigeze cyo guhamba iyo mirambo. Yanteye utwatsi, avuga ko ahubwo ari ngombwa gukomeza gushakisha cyangwa guhiga abarokotse. Ubwo naramuretse arakomeza »[923]. Uregwa, hamwe n'Interahamwe bahise berekeza mu rugo rw'Umututsikazi witwa Rachelle ruri ku isoko ryo mu Byangabo gushakisha aho Abatutsi baba bihishe. GBH yavuze ko atigeze abona Uregwa yica umuntu uwo ari we wese[924].

- **Umwanzuro w'Urugereko**

704. Ubwunganizi bwagerageje kwerekana ko ubuhamya bwa GBH ari ubwo gushidikanywaho buvuga ko uyu mutangabuhamya afitiye Uregwa inzika, ngo kuko hari igihe Uregwa yafashe igice cy'isambu ye akagikoreramo ibikorwa bya Komini, GBH akaba na n'ubu atarabiherwa indihano. Urugereko rwasuzumye ubuhamya bw'uyu mutangabuhamya rusanga ari ubwo kwizerwa cyane. Koko rero, rwanyuzwe n'ubuhamya burambuye yatanze,

---

922 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 33 na 111 (GBH)..

923 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 61 (GBH)..

924 Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 59-61 (GBH).

butarangwamo ukwivuguruza cyangwa amakabyankuru, ndetse rwananyuzwe n'imyitwarire ye mu iburanisha. Byongeye kandi, yari yiteguye gushinja umuhungu we ko yagize uruhare mu bwicanyi bwo mu wa 1994. Na none, Urugereko rukurikije imyitwarire ye mu gihe cy'iburanisha, nta rwango urwo ari rwo rwose cyangwa inzika rwabonye yaba afitiye Uregwa.

705. Urugereko rusanze ku itariki ya 8 Mata 1994, GBH yarahuye na Kajelijeli wari utwaye imbunda ku rutugu, akikijwe n'Interahamwe. Uregwa hamwe n'Interahamwe barimo bagenzura imirambo, bashakamo ababa barokotse. Bitewe n'uko GBH yari asanzwe amwisangaho binakubitiyeho ko yari umusaza, yaramwegereye aramwinginga ngo ahagarike ubwicanyi, ariko Uregwa yamuteye utwatsi avuga ngo « ahubwo ni ngombwa gukomeza gushakisha cyangwa guhiga abarokotse ».

(e) Itariki ya 8 Mata 1994 — Umunsi mukuru mu kabari k'Uregwa bishimira ubwicanyi bwakorewe muri Komini ya Mukingo

- Ibimenyetso

706. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

707. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko ku itariki ya 8 Mata 1994, Interahamwe zakoze umunsi mukuru mu kabari k'Uregwa zishimira intsinzi zari zaraye zitahanye[925]. GDQ yavuze ko mu gihe Uregwa yari aho[926], baririmbye indirimbo ivuga ngo « Tubatsembatsembe ». GDQ yavuze ko igihe Interahamwe zaririmbaga iyo ndirimbo, zabaga zishaka kuvuga abantu zitaga abanzi b'igihugu ari bo, mu yandi magambo, Abatutsi-Bigogwe[927].

- **Umwanzuro w'Urugereko**

708. Urugereko rwamaze gufata umwanzuro wemeza ko ku itariki ya 7 Mata 1994 nimugoroba habaye inama ebyiri zitandukanye, aho Interahamwe zateranye zikanywa inzoga zishimira

---

[925] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 55, 100-103 (GDQ) (mu muhezo).

[926] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001 urup.30 (GDQ).

[927] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 30-31 (GDQ).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

ubwicanyi zari ziriwe zikora. Urugereko rusanga ubuhamya bwa GDQ ari ubwo kwizerwa, kandi rusanze harabaye umunsi mukuru mu kabari k'Uregwa ku itariki ya 7 Mata 1994 nimugoroba, aho Interahamwe ziyakiriye zinaririmba nyuma y'ubwicanyi bwari bwkozwe uwo munsi. Uregwa na we yari muri ibyo birori.

(f) Itariki ya 8 Mata 1994 — Iyicwa ry'Umututsikazi kuri bariyeri yari imbere y'iduka ry'Uregwa ku isoko ryo mu Byangabo

- **Ibimenyetso**

709. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

710. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko ku itariki ya 8 Mata 1994 hagati ya saa cyenda na saa kumi z'amanywa, yabonye Uregwa kuri bariyeri yari imbere y'iduka rye, aho Interahamwe zarimo kumwereka Umututsikazi wari umugore wa Kanoti, n'umuhungu we[928]. Interahamwe yitwa Musafiri yishe uwo mugore n'umuhungu we Uregwa ahari. GDQ yavuze ko igihe ibyo byabaga, Uregwa yaravuze ngo « nta Mututsi ugomba kurusimuka muri Mukingo »[929]. Interahamwe ntizishe Kanoti kuko yari Umuhutu[930].

711. **Umutangabuhamya ushinjura wiswe MLNL** yavuze ko afitanye isano n'uwitwa Kanoti kandi ko azi ko umugore wa Kanoti wa mbere witwaga Valentine Ayingorore yari akiriho muri Werurwe 2000. UMLNL yagize kandi ati « ubusanzwe Kanoti yahoraga ashaka abagore. Yashakaga umugore uyu munsi, ejo akaba yamutaye, agashaka undi bityo bityo, ni uko yari ateye".[931]

- **Umwanzuro w'Urugereko**

712. Urugereko rwasesenguye ubuhamya bw'Umutangabuhamya ushinja wiswe GDQ ku birebana n'ubwicanyi yabonye kuri bariyeri imwe. GDQ yavuze ko ku itariki ya 8 Mata 1994, kuri bariyeri yari imbere y'iwe hiciwe umugore w'Umututsikazi n'umuhungu we.

---

[928] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 55, 100, 103 (GDQ) (mu muhezo).

[929] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 39 (GDQ).

[930] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, imp. 38-42 (GDQ).

[931] Inyandikomvugo y'iburanisha, 11 Ukuboza 2002, urup. 62 (MLNL).

Yavuze ko umugore yabonye yicwa yari « uwa Kanoti ». Mu rwego rwo kuvuguruza ubwo buhamya buvuga ko umugore wa Kanoti yiciwe kuri iyo bariyeri mu wa 1994 n'urwo gukemanga ukwizerwa kwa GDQ, Ubwunganizi bwahamagaje umutangabuhamya ushinjura wiswe MLNL, wavuze ko umugore wa Kanoti yari akiriho muri Werurwe 2000.

713. Rumaze gusuzuma ubuhamya bwa MLNL, Urugereko rusanga uwo mutangabuhamya yaranavuze ko Kanoti yahoraga ashaka abagore. Bityo, birashoboka rwose ko yaba yarabonye umugore wa Kanoti akiriho mu wa 2000, ariko biranashoboka ko uwaba yariciwe kuri bariyeri mu wa 1994 ari undi mugore cyangwa se uwo Kanote yatunze mbere. Birashoboka kandi ko Kanoti yaba yari kumwe n'umugore uwo munsi kuri bariyeri, maze GDQ akaba yaraketse ko ari « uwa Kanoti » kandi yibeshya. Urugereko rusanga urujijo ruri muri ubwo buhamya ruhagije kugira ngo habeho ugushidikanya ku mwirondoro w'umugore GDQ yavuze ko yiciwe kuri bariyeri. Ibi ariko nta cyo bihungabanyaho ukwizerwa k'ubuhamya bwa GDQ ku birebana n'ibyo byabaye muri rusange.

714. Bityo, Urugereko rumaze gusuzuma ibimenyetso byose uko byakabaye, rusanze umugore bivugwa ko yari Umututsikazi hamwe n'umuhungu we barafatiwe kuri bariyeri yari imbere y'urugo rwa GDQ ku itariki ya 8 Mata 1994, maze bicwa n'Interahamwe yitwa Musafiri. Umuhutu witwa Kanoti na we yari aho ariko ntiyishwe. Uregwa yari kuri bariyeri igihe ibyo byabaga, kandi abantu bumvise avuga ngo « nta Mututsi n'umwe wo muri Mukingo ugomba kurokoka ».

O. Igika cya 5.6 cy'Inyandiko y'ibirego

1. Ibivugwa

715. Igika cya 5.6 cy'Inyandiko y'ibirego kigira kiti:

> Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Uregwa yari afite ububasha bwo guha impapuro z'inzira abantu bo muri komini ye mbere y'uko bahungishwa bavanwa muri iyo komini, nyamara yanze gukoresha ubwo bubasha kugira ngo aburizemo cyangwa ahagarike ubwicanyi bwibasiye Abatutsi muri komini ye. Ahubwo yakoresheje uburyo bunyuranye burimo gushyiraho amabariyeri kugira ngo ababuze kugenda nta nkomyi muri komini cyangwa kujya hanze yayo.

716. Ubwunganizi buvuga ko hakurikijwe ibivugwa mu Ngingo ya 6(3) ya Sitati y'Urukiko, Uregwa nta bubasha bwo kugenzura abandi bantu yari afite cyangwa inshingano runaka

muri kiriya gihe kivugwa ari na cyo Urukiko rufite ububasha bwo kuburansiha ibyagikozwemo. Byongeye kandi, Ubwunganizi buvuga ko Uregwa nta bubasha bufatika yari afite bwo kuburizamo ibyaha bivugwa byakozwe muri Mata 1994, n'ubwo Porokireri we abibona ukundi[932]

2. Ibimenyetso

717. Muri iki cyiciro, Urugereko rurasuzuma ibimenyetso bikurikira byiyongera ku byo rwasuzumye mu mutwe wa II birebana n'iki kibazo, no mu byiciro bibanziriza iki by'uyu mutwe wa III.

(a) Nk'umuyobozi w'Interahamwe n'uwa MRND, ndetse nka Burugumesitiri, Uregwa yari afite ububasha bwo kuburizamo ubwicanyi bwakorewe Abatutsi

718. **Umutangabuhamya ushinja wiswe GBH** yavuze ko n'iyo Uregwa yari kuba atari umuyobozi w'Interahamwe, « umuntu wari ufite umwanya nk'uriya wa burugumesitiri yari afite ububasha bwo kubuza urubyiruko gukora ibyo rwakoze cyangwa bwo kurufunga, dore ko yarubonaga rwambaye iniforume, rukora imyitozo ya gisirikare, rurimba kandi rubyina »[933].

719. **Umutangabuhamya ushinja wiswe GBE** yavuze ko n'ubwo Uregwa yari burugumesitiri nta na rimwe yigeze yakura Interahamwe, kabone n'iyo zabaga ziri « gukorera abantu ibikorwa by'urugomo cyangwa zibabuza amahwemo[934].

720. **Umutangabuhamya ushinja wiswe GDQ** yavuze ko na nyuma yo guhagarikwa ku mwanya wa burugumesitiri, Uregwa yakomeje kugaragara nk'aho ariwe muyobozi mu baturage[935]. GDQ yavuze ko mu gihe ibivugwa byabaga muri Mata 1994, mu by'ukuri

---

[932] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, imp. 58-59 (Impinamyanzuro yo mu ikubitiro); Imyanzuro nsozarubanza yanditse y'Ubwunganizi, ibika 57 na 341.

[933] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, urup. 104 (GBH). Reba kandi inyandikomvugo z'iburanisha mu gifaransa: Inyandikomvugo y'iburanisha, 17 Nyakanga 2001 (GBH) mu rwego rwo kumenya ibisobanuro nyabyo by'amagambo yakoreshejwe n'uyu mutangabuhamya.

[934] Inyandikomvugo y'iburanisha, 9 Nyakanga 2001, urup. 76 (GBE) (mu muhezo).

[935] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 10 (GDQ).

Uregwa atigeze atakaza umwanya we nka burugumesitiri bitewe n'uko yitwaraga nka we[936].

721. **Umutangabuhamya ushinja wiswe GBG** yavuze ko muri Mukingo, Uregwa yari burugumesitiri ari we rero ushinzwe ubutegetsi no « kubungabunga umutekano w'abaturage », ko ariko atubahirije inshingano ze kuko abaturage bamwe barishwe kandi « yagize uruhare mu rupfu rwabo »[937].

(b) Itariki ya 8 Mata 1994—Uregwa yingingiwe guhagarika ubwicanyi ariko arabyanga

722. **Umutangabuhamya ushinja wiswe GBH** yavuze ko ku itariki ya 8 Mata 1994 Uregwa yingingiwe guhagarika ubwicanyi ariko akabyanga[938].

(c) (c)Abantu barishwe na/cyangwa basambanywa ku gahato n'Interahamwe Uregwa ahari

723. **Abatangabuhamya bashinja biswe GAO na GDQ** batanze ubuhamya bw'ibyo biboneye, bavuga ko Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo igihe Umututsi witwaga Rukara yicwaga[939].

724. **Umutangabuhamya ushinja wiswe GBV** yavuze ko Uregwa yari kwa Rudatinya muri Serire ya Rwankeri ku itariki ya 7 Mata 1994 mu gitondo gihe umukobwa w'Umututsikazi yicwaga[940].

725. **Abatangabuhamya bashinja biswe GBG na ACM** batanze ubuhamya bw'ibyo biboneye, bavuga ko Uregwa yari kwa Munyemvano ku itariki ya 7 Mata 1994 mu gitondo ahagarikiye ubwicanyi bwahabereye. Byongeye kandi, GBG yavuze ko Uregwa yishe Gateyiteyi mu rwego rwo guha Interahamwe ikimenyetso ko zigomba gutangira kwica abantu bari kwa Munyemvano. ACM yavuze ko Uregwa yahagarikiye ihunga ry'Abatutsi bavaga kwa Munyemvano bajya kuri Paruwasi ya Busogo, aho abacitse ku icumu biciwe[941].

---

[936] Inyandikomvugo y'iburanisha, 5 Ukuboza 2001, urup. 93 (GDQ).

[937] Inyandikomvugo y'iburanisha, 12 Nyakanga 2001, imp. 29-30 (GBG).

[938] Inyandikomvugo y'iburanisha, 17 Nyakanga 2001, imp. 59-61; Reba hano hejuru: Umutwe wa III, Icyiciro N.

[939] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[940] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[941] Reba hano hejuru: Umutwe wa III, Icyiciro K.

726. **Umutangabuhamya ushinja wiswe GDO** yavuze ko ku itariki ya 7 Mata 1994 mu gitondo, hari ahantu Uregwa yari maze ategeka Interahamwe gusambanya ku gahato Abatutsikazi, ingaruka yakurikiyeho ikaba iy'uko umukobwa wari ikimuga w'uyu mutangabuhamya yahise asambanywa ku gahato, nyuma akicwa[942].

727. **Abangabuhamya bashinja biswe GDD na GAO** bavuze ko Uregwa yasuye Interahamwe zari ziteraniye kuri kantine yo muri Komini ya Nkuli no ku kigo cya ISAE muri Komini ya Mukingo, mu rwego rwo kwishimira ubwicanyi bwakorewe Abatutsi[943].

728. **Abatangabuhamya bashinja biswe GDQ na GBE** bavuze ko Uregwa wabonywe kuri za bariyeri zari yarashyiriweho gufata Abatutsi. GDQ yavuze ko Uregwa yari ahari igihe umugore w'Umututsikazi yafatwaga akicwa n'Interahamwe zari zicunze bariyeri[944].

729. **Abatangabuhamya bashinja biswe GAO na GAP** bavuze ko Uregwa yahaye inkunga ikomeye abagiye mu gitero cyagabwe ku Rukiko rw'ubujurire mu Ruhengeri, hari harahungiye Abatutsi[945].

730. Ubwunganizi nta mutangabuhamya wihariye bwigeze buhamagaza wo gutanga ubuhamya kuri iki kibazo. Ku birebana n'ubuhamya buvuga ko Uregwa nta bubahsa yari afite muri Komini ya Mukingo muri kiriya gihe kivugwa, reba hano hejuru : umutwe wa III, Icyiciro cya E. Ku birebana n'ubuhamya bw'abatangabuhamya bashinjura buvuga ahantu Uregwa yabaga ari mu gihe ibivugwa byababaga muri Mata 1994, reba hano hejuru : umutwe wa II, Icyiciro cya H[946]. Reba kandi ubuhamya bw'abatangabuhamya bashinjura aho bavuga ko Uregwa atari aho ubwicanyi bwagiye bubera igihe bwababaga[947].

731. **Uregwa** yavuze ko atigeze abona ubwicanyi nyuma y'itariki ya 26 Kamena 1994, ko nta n'ubwabaye mu gihe yari burugumesitiri. Buri gitondo, raporo z'abakonseye zamumenyeshaga ibyababaga byabaye muri Komini[948].

---

[942] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[943] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[944] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[945] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[946] Reba hano hejuru: Umutwe wa II, Icyiciro H.

[947] Reba hano hejuru: Umutwe wa III, Ibyiciro K na L.

[948] Inyandikomvugo y'iburanisha, 14 Mata 2003, imp. 41-42 (Uregwa); Ikbmenyetso gihamya by'Ubwunganizi byahawe n° D55A na n° D55B.

732. Uregwa yavuze ko ubwo yasubiraga ku mwanya wa burugumesitiri, intego ye ya mbere yari ugusubiza ibintu mu buryo – hari igice cya Komini ye cyagenzurwaga na FPR – no kubungabunga umutekano mu baturage[949].

733. Uregwa yavuze ko ibintu yari yimirije imbere amaze gusubira ku mwanya wa burugumesitiri, yamazeho ibyumweru bibiri, byari umutekano w'abaturage, imibereho myiza yabo no kubana mu mahoro[950].

734. Uregwa yavuze ko yumviye nyuma kuri radiyo amakuru y'ubwicanyi bwabereye mu Rwankeri no kuri Busogo. Ubwo yasubiraga ku mwanya wa burugurumesitiri, yafashe ingamba zo gupererereza ngo amenye uko byagenze. Yumvise ko hari Abatutsi biciwe mu kigo cy'ababikira. Hashize icyumweru ayo mahano abaye muri Mata 1994, hasomwe misa yasabye yo kwibuka abayaguyemo[951].

735. Uregwa yavuze ko ubwicanyi bwarangiye muri Mata 1994, ko ubwo yasubiraga ku mwanya we wa burugumesitiri muri Kamena nta bwicanyi bwariho. Icyo gihe, yabonye Abatutsi bari bakiriho. Abarokotse bavuye mu bwihisho, kandi nta muntu wigeze atoteza Abatutsi cyangwa Abahutu[952]. Muri Kamena 1994, yagerageje gushakisha abarokotse kandi yarabasuraga[953].

736. Uregwa yavuze ko abenshi mu bakoze ubwo bwicanyi ari abantu bari baratorotse igisirikare. Abari baravanywe mu byaho n'intambara na bo bagize uruhare mu bikorwa by'urugomo. Icyo gihe yafatanyaga n'abagetetsi ba za Segiteri na za serire. Inzego zibishinzwe za Parike zari zarakoze anketi. Uregwa yavuze ko muri Kamena 1994, yafunze bamwe mu bakoze ubwicanyi harimo n'abakoze ibyaha muri Mata muri Komini ya Mukingo. Uwitwa Musafiri ni umwe mu bantu yafashe aramufunga[954].

737. Uregwa yavuze ko igihe yari burugumesitiri, habayeho igikorwa cyo guhiga abantu b'inzererezi n'inkozi z'ibibi. Bamwe barafashwe ariko baza gufungurwa kubera ko nta

---

[949] Inyandikomvugo y'iburanisha, 14 Mata 2003, urup. 49 (Uregwa); Ibimenyetso gihamya by'Ubwunganizi byahawe n° D55A na n° D55B.

[950] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 46 (Uregwa).

[951] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 31 (Uregwa).

[952] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 38 (Uregwa).

[953] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 48 (Uregwa).

[954] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 39 (Uregwa).

biribwa byariho byo kubatunga. Ikibabaje gusa n'uko anketi zakozwe nta cyo zagezeho. Uregwa yasabaga abapolisi n'abakonseye amakuru. Bashakaga kumenya abakoze ubwicanyi. Nta gereza bari bafite. Bagerageje gukora ibarura ry'abantu bishwe[955].

738. Uregwa yavuze ko ubwo yabaga burugumesitiri ku nshuro ya kabiri, nta mutekano yumvaga afite. Abasirikare batorotse urugamba bamushyiragaho iterabwoba. Hari igice cya Komini ya Mukingo abaturage bari baravuyemo. Hari abantu benshi bari barishwe na FPR. Abantu bahungaga ubwicanyi. Abantu bavugaga ndetse ko FPR yari yaracengeye muri ako karere. Nta mukozi wa Leta wari ukijya ku kazi uko yabyifuzaga. Ninjoro, Uregwa ntiyashoboraga kurara muri Mukingo. Yarahirirwaga gusa, kandi ku manywa yazengurukaga aherekejwe n'abapolisi ba Komini. Hari abambari ba FPR bakoreraga muri komini. Abantu bo muri FPR bari bazi Uregwa, kandi ntiyashoboraga kubihisha. Icyo gihe, umuryango we warahunze, hashize icyumweru nawe arahunga[956].

3. Umwanzuro w'Urugereko

739. Ururugereko ruributsa imyanzuro rwafashe mbere iteye itya :

- Uregwa yabaye Burugumesitiri wa Komini ya Mukingo kuva mu wa 1988 kugeza mu wa 1993. Uregwa yavanywe kuri uwo mwanya muri Gashyantare 1993. Nyuma y'urupfu rwa Burugumesitiri Harerimana ku itariki ya 8 Mata 1994, Uregwa yagizwe Burugumesitiri wa Mukingo ubwa kabiri ku itariki ya 26 Kamena 1994[957].

- Uregwa yagumye ku mwanya wa burugumesitiri kugeza ubwo yavaga mu Rwanda hagati muri Nyakanga 1994[958].

- Uregwa yari umuyobozi w'Interahamwe kandi yagenzuraga Interahamwe zo muri Komini ya Mukingo. Yari afite kandi ijambo ku Nterahamwe zo muri Komini ya Nkuli kuva ku itariki ya ya 1 Mutarama 1994 kugera muri Nyakanga 1994[959].

---

[955] Inyandikomvugo y'iburanisha, 23 Mata 2003, urup. 46 (Uregwa).

[956] Inyandikomvugo y'iburanisha, 22 Mata 2003, urup. 55 (Uregwa).

[957] Reba hano hejuru: Umutwe wa III, Icyiciro E.

[958] Reba hano hejuru: Umutwe wa III, Icyiciro E.

[959] Reba hano hejuru: Umutwe wa III, Icyiciro H.

- Uregwa yashakiye Interahamwe intwaro zo gukoresha mu bwicanyi[960].

- Uregwa yageze ku biro bya Komini ya Mukingo ku itariki ya 7 Mata 1994 hagati ya saa moya na saa mbiri za mu gitondo[961].

- Abatutsi bari batuye muri Serire ya Kinyababa, muri Komini ya Nkuli, bagabweho ibitero ku itariki ya 7 Mata 1994 mu gitondo[962]. Icyo gitero cyagabwe mu rwego rwo gushyira mu bikorwa ibyari byumvikanyweho mu nama yari yaraye ibaye[963], yarimo abayobozi batandukanye bo muri ako karere, barimo Uregwa, na Iyakaremye wari Perezida w'ishyaka rya CDR muri Segiteri ya Gitwa. Intwaro zatanzwe n'Uregwa, zageze ku biro bya Komini ya Nkuli mu gitondo cya kare uwo munsi[964], zakoreshejwe muri icyo gitero. Ikindi kandi, umutangabuhamya wiswe GDD ni umwe mu bantu bahaye raporo Uregwa ku byari byagezweho uwo munsi, banamumenyesha ko « nta n'ibuye ryasigaye rigeretse ku rindi»[965].

- Uregwa yakoranyirije Interahamwe ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo, anaziha , yo «gutsemba abo bantu bose bari mu Rwankeri » no « gutsemba Abatutsi ». Yarababwiye kandi ati mukenyere « mutangire mukore »[966].

- Ku itariki ya 7 Mata 1994, Abatutsi bagabweho ibitero cyangwa bicirwa ku gasozi ka Busogo, muri Serire ya Rwankeri, Komini ya Mukingo, mu ngo zabo cyangwa aho bari bahungiye, nk'uko bivugwa mu Nyandiko y'ibirego. Uregwa yagize uruhare muri icyo gitero yohereza Interahamwe zaturutse ku isoko ryo mu Byangabo muri Serire ya Rwankeri, kujya muri icyo gitero, kandi anitwara nk'umuhuza hagati y'izo Nterahamwe n'ikigo cya gisirikare cya Mukamira mu rwego rwo gushaka inkunga ya gisirikare n'iy'intwaro[967].

---

960 Reba hano hejuru: Umutwe wa III, Icyiciro K.
961 Reba hano hejuru: Umutwe wa III, Icyiciro K.
962 Reba hano hejuru: Umutwe wa III, Icyiciro K.
963 Reba hano hejuru: Umutwe wa III, Icyiciro K..
964 Reba hano hejuru: Umutwe wa III, Icyiciro K..
965 Reba hano hejuru: Umutwe wa III, Icyiciro K.
966 Reba hano hejuru: Umutwe wa III, Icyiciro K.
967 Reba hano hejuru: Umutwe wa III, Icyiciro K..

- Ku itariki ya 7 Mata 1994, Uregwa yatwaye abantu bitwaje intwaro inyuma muri kamyoneti Hilux itukura abavanye ku isoko ryo mu Byangabo abajyana kuri Paruwasi ya Busogo, ariko iyo modoka ye yaje guhagarara mu nzira. Uregwa ageze ku rugo rwa Rudatinya ahaberaga ubwicanyi, hakaba ari ku nzira ituruka ku isoko ryo mu Byangabo yerekeza kuri Paruwasi ya Busogo, yahaye , abari mu gitero ababwira ngo « bamwe bagote bahereye iburyo abandi ibumoso »[968].

- Abatutsi bagabweho ibitero banicirwa mu ngo zabo n'aho bari bahungiye muri Komini ya Mukingo, by'umwihariko mu rugo rwa Rudatinya. Uregwa yategetse abantu kugaba icyo gitero, yarakiyoboye, kandi na we yakigiyemo. Ku birebana n'ibyo byabaye, Uregwa, nk'umuntu wai ufite ububasha ku Nterahamwe, yaziteye inkunga kandi yaraszishishikaje mu byo zakoze ku itariki ya 7 Mata 1994, nk'uko bivugwa mu buryo bwa rusange mu gika cya 5.9 cy'Inyandiko y'ibirego[969].

- Ibika bya 5.3, 5.4 na 5.9 by'Inyandiko y'ibirego bivuga by'umwihariko ko, ku itariki ya 7 Mata 1994, Abatutsi bari bagizwe n'abagabo, abagore n'abana, bagabweho ibitero banicirwa aho bari bahungiye muri Komini ya Mukingo. Aho hantu havugwa aha hakaba ari ahitwaga kwa Munyemvano, muri Serire Rwankeri. Uregwa yari muri icyo gitero kandi, nk'umukuru w'interahamwe zari zikirimo, yarakiyoboye aranakigenzura. Interahamwe zari mu gitero cyagabwe kwa Munyemvano zakoresheje intwaro gakondo, imbunda, n'amagerenade mu kwica Abatutsi[970].

- Ku itariki ya 7 Mata 1994 mu gitondo, mu kigo cy'ababikira cyo kuri Paruwasi ya Busogo hiciwe Abatutsi benshi. Hakuriijwe umubare w'imirambo yashyinguwe ku munsi wakurikiyeho, icyo gitero cyahitanye abantu bagera kuri 300. Interahamwe ni zo zagabye icyo gitero[971].

- Umutangabuhamya ushinja wiswe GDD, wari Interahamwe, yishe Abatutsi umunani ku itariki ya 8 Mata 1994. Abo yishe, nk'uko yabivuze, ni umugore w'Umututsikazi n'abana barindwi bari byimanyi by'Umuhutu n'Umututsi. GDD

---

968 Reba hano hejuru: Umutwe wa III, Icyiciro K.

969 Reba hano hejuru: Umutwe wa III, Icyiciro K.

970 Reba hano hejuru: Umutwe wa III, Icyiciro K.

971 Reba hano hejuru: Umutwe wa III, Icyiciro K.

yavuze ko yiciye abo bantu muri Segiteri ya Gitwa, muri Komini ya Nkuli, ashyira mu bikorwa , y'Uregwa yo « kujagajaga » Komini ya Nkuli bahiga Abatutsi[972].

- Ku itariki ya 7 Mata 1994 nimugoroba, Diregiteri wa ISAE n'Uregwa, bari inshuti, baguriye Interahamwe inzoga noneho Uregwa abwira Interahamwe zari zateraniye aho, ko yizera ko nta n'umwe zasize zitishe[973].

- Ku itariki ya 7 Mata1994 nimugoroba, ku kabari k'Uregwa habereye umunsi mukuru, aho Interahamwe ziyakiriye kandi ziririmba nyuma y'ubwicanyi bwakozwe uwo munsi. Uregwa yari ahari[974].

- Umugore byavugwaga ko ari Umututsikazi hamwe n'umuhungu we, bashyizwe ku ruhande kuri bariyeri yari imbere y'urugo rwa GDQ ku itariki ya 8 Mata 1994, maze Interahamwe yitwa Musafiri irabica. Umuhutu wari aho witwa Kanoti we ntiyishwe. Uregwa yari kuri iyi bariyeri ubwo ibi byabaga, kandi abantu bumvise avuga ngo « Nta Mututsi ugomba gusigara muri Mukingo »[975].

- Hagati y'itariki ya 6 n'iya 8 Mata 1994, Uregwa yagenzuraga nyabyo Interahamwe zo muri Komini ya Mukingo n'iya Nkuli kandi ubwo bubasha bwo kuzigenzura yarabugumanye[976].

- Uregwa yagize uruhare rukomeye nk'umuntu wateguye Interahamwe n'abandi bagabye igitero cyagabwe ku Rukiko rw'Ubujurire rwa Ruhengeri ku itariki ya 14 Mata 1994 cyangwa hafi y'iyo tariki, kandi wabibafashijemo. Ibyo akaba yarabikoze abaha intwaro, ahuriza hamwe Interahamwe anazorohereza urugendo rwo kujjya ku Rukiko rw'ubujurire rwa Ruhengeri kuko ari we waguze lisansi y'imodoka zabatwaye. Izo Nterahamwe zagombaga gutanga inkunga mu iyicwa ry'Abatutsi bari bashyizwe ku Rukiko rw'ubujurire rwa Ruhengeri bavanywe muri Komini ya Ndusu, muri SuPerefegitura ya Busengo, kandi kugeza icyo agihe abo Batutsi bari barashoboye kwirwanaha bahangana n'ibitero bagabwagaho n'imitwe yitwara gisirikare yo muri ako gace yashakaga

972 Reba hano hejuru: Umutwe wa III, Icyiciro K.

973 Reba hano hejuru: Umutwe wa III, Icyiciro K.

974 Reba hano hejuru: Umutwe wa III, Icyiciro K.

975 Reba hano hejuru: Umutwe wa III, Icyiciro K.

976 Reba hano hejuru: Umutwe wa III, Icyiciro K.

kubatsembatsemba »[977].

- Ku birebana n'igitero cyagabwe ku Rukiko rw'ubujurire rwa Ruhengeri, Uregwa yagenzuraga nyabyo Interahamwe zagabaga ibitero zo muri Komini ya Mukingo n'iya Nkuli, kandi ubwo bubasha bwo kuzigenzura yarabukomeje kuva ku itariki ya 6 Mata kugeza nibura ku ya 14 Mata 1994[978].

- Ku itariki ya 8 Mata 1994, umutangabuhamya wiswe GBH yabonye Uregwa, yitwaje imbunda ku rutugu kandi akikijwe n'Interahamwe. Uregwa n'Interahamwe bagenzuraga imirambo bashakamo abarokotse. GBH yinginze Uregwa ngo ahagarike ubwicanyi, ariko Uregwa yamuteye utwatsi avuga ngo « ni ngombwa gukomeza gushakisha cyangwa guhiga abarokotse »[979].

740. Ibimenyetso byatanzwe muri iki cyiciro, hamwe n'imyanzuro Urugereko rwafashe ku birebana n'uko Uregwa na we ubwe yishoye mu bwicanyi bwakorewe muri Komini ya Mukingo, iya Nkuli n'iya Kigombe muri Mata 1994, bigaragaza ko Uregwa yari azi ko Interahamwe zo muri Komini ya Mukingo n'iya Nkuli —yagenzuraga nyabyo icyo gihe – zakoraga ubwo bwicanyi. Urugereko rusanze Uregwa nta ngamba yafashe izo arizo zose zo kuburizamo ubwo bwicanyi cyangwa zo kubuhagarika. Uyu mwanzuro ushyigikirwa kandi n'ubuhamya bw'umutangabuhamya ushinja wiswe GBH, wavuze ko yinginze Uregwa ngo ahagarike ubwicanyi ariko akamutera utwatsi avuga ngo « ni ngombwa gukomeza gushakisha cyangwa guhiga abarokotse »[980]. Bityo, n'ubwo Porokireri atashoboye gutanga ibimenyetso bihamya ko Uregwa yari afite koko ububasha bwo gutanga impapuro z'inzira hagati y'itariki ya 1 Mutarama 1994 n'iya 26 Kamena 1994 cyangwa se ko yanze kuzitanga, Urugereko rusanga Uregwa nta cyo yakoze ngo aburizemo cyangwa ahagarike ubwicanyi bwakozwe kuva mu ntangiriro z'ukwezi kwa Mata 1994 kugeza hagati muri uko kwezi muri Komini ya Mukingo, iya Nkuli n'iya Kigombe.

741. Urugereko rwasuzumye ubuhamya bw'Uregwa aho avuga ko yagerageje guhana abagize uruhare mu bwicanyi, ariko rusanga atari ubwo kwizerwa. Bityo rero, Urugereko rusanze hataratanzwe ibimenyetso bihamya ko Uregwa yafashe ingamba zo guhana abagabye

---

[977] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[978] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[979] Reba hano hejuru: Umutwe wa III, Icyiciro K.

[980] Inyandikomvungo y'iburanisha 17 Nyakanga 2001, imp. 59-61 (GBH).

ibitero. Nyamara ariko, Urugereko Porokireri atarabashije gutanga ibimenyetso byerekana ko ukurikije uko ibintu byari bimeze mu mpera za Kamena 1994 Uregwa, nka burugumesitiri mushya, yari afite ububasha bufatika bwo guhana abakoraga ubwicanyi. Bityo rero, Urugereko rusanze Uregwa ataryozwe ko atahannye abakoze ubwicanyi.

742. Urugereko ruri busuzume hano hasi uburyozwacyaha bw'Uregwa nk'ukuriye abandi, hashingiwe ku biteganywa n'Ingingo ya 6(3), kuri buri kirego kivugwamo ibirebana n'iki kibazo[981]

[981] Reba hano hasi: Umutwe wa IV, Imyanzuro yo mu rwego rw'amategeko.

IV. Umutwe wa IV : Imyanzuro y'Urugereko yo mu rwego rw'amategeko

743. Muri uyu mutwe, Urugereko rurafata imyanzuro yo mu rwego rw'amategeko, rushingiye ku myanzuro irebana n'ibyabaye rwafashe hano hejuru mu mutwe wa II n'uwa III.

A. Ibitagibwaho Impaka n'Ababuranyi

744. Urugereko rwemeje ko ibintu bikurikira bitagibwaho Impaka n'ababuranyi[982] :

> Hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, u Rwanda rwari kimwe mu bihugu byasinye Amasezerano yo kuburizamo Icyaha cya Jenoside no guhana abagikoze (yo mu wa 1948) – rukaba rwarayasinye ku itariki ya 12 Gashyantare 1975; kandi
>
> Hagati y'itariki ya 1 Mutarama 1994 n'iya 17 Nyakanga 1994, U Rwanda rwari kimwe mu bihugu byasinye Amasezerano y'i Jeneve yo ku itariki ya 12 Kanama 1949 n'Inyongera yayo ya II yo ku itariki ya 8 Kamena 1977 – rukaba rwarasinye amasezerano y'i Jeneve yo ku itariki ya 12 Kanama 1949 ku itariki ya 5 Gicurasi 1964, rukanasinya Inyongera yayo yo Ku itariki ya 8 Kamena 1977 ku itariki ya 19 Ugushyingo 1984.

B. Guhamya Uregwa ibyaha binyuranye hashingiwe ku bikorwa bimwe

745. Mu manza hafi ya zose zaciwe n'uru Rukiko, hagiye hagaruka ikibazo cyo kumenya niba byemewe guhamya Uregwa ibyaha binyuranye hashingiwe ku bikorwa bimwe. Urubanza rwa Musema[983] rwatumye Urugereko rw'Ubujurire ruboneraho umwanya wo gufata icyemezo kuri icyo kibazo. Muri urwo rubanza, hari ikibazo cyo kumenya niba Uregwa ashobora guhamywa icyarimwe icyaha cya jenoside n'icyaha cy'itsembatsemba (nk'icyaha cyibasiye inyokomuntu) hashingiwe ku bikorwa bimwe. Urugereko rw'Ubujurire rwa TPIR

---

[982] Urubanza rwa Kajelijeli mu rw'iremezo, N° ICTR-98-44-A-T, Icyemezo cyafashwe ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibintu bitagibwaho impaka n'ababuranyi hashingiwe ku Ngingo ya 94 y'Amategeko, 16 Mata 2002, Umugereka A.

[983] Inyandiko y'urubanza rwa Musema mu bujurire, 16 Ugushyingo 2001, ibika 346-370.

mu rubanza rwa Musema, rushingiye ku ihame Urugereko rw'Ubujurire rwa TPIY rwakurikije rukemura ikibazo nk'icyo mu rubanza rwa *Delalic na bagenzi be* (« urubanza rwiswe urwa *Celebič* »)[984], rwemeje ko byemewe rwose guhamya uregwa ibyo byaha byombi hashingiwe ku bikorwa bimwe.

746. Mu rubanza rwa *Celebič*, ibyo bisabwa byasobanuwe mu buryo bukurikira:

> Urugereko rw'Ubujurire, rumaze gusuzuma ikibazo cyose uko cyakabaye, haba uko giteye muri uru Rukiko cyangwa mu zindi nkiko, rugendeye kandi ku gitekerezo cyo gucira Uregwa urubanza mu buryo buboneye n'icy'uko ibyaha bitandukanye ari byo byonyine bishobora guhanishwa ibihano bitandukanye, rusanga ibyaha binyuranye bishingiye ku gikorwa kimwe bishobora guhanishwa ibihano binyuranye iyo mu byangombwa bigize buri cyaha harimo nibura ikintu kimwe kiboneka hamwe ntikiboneke handi. Icyangombwa kigize icyaha runaka kiba gitandukanye n'icy'ikindi cyaha iyo kigomba gutangirwa ikimenyetso kidasabwa muri icyo kindi.
>
> Iyo ibyo bisabwa bituzuye, Urugereko ni rwo rwemeza icyaha ruhamya uregwa. Rugomba kubikora ruzirikana ko ingingo ikubiyemo ibyangombwa byihariye bigize icyaha ari yo igomba gushingirwaho. Bityo, niba hariho ibikorwa binyuranye bigengwa n'ingingo ebyiri ariko imwe muri izo ngingo ikaba ifite ikintu cy'inyongera kitari mu yindi, Urugereko rugendera kuri iyo ngingo ikubiyemo ikintu cy'inyongera.

747. Mu rubanza rwa Musema, Urugereko rw'Ubujurire rwibukije kandi ibi bikurikira:

> Mu rubanza rwa *Jelisic* mu bujurire*,* Urugereko rw'Ubujurire rwa TPIY, rugendeye ku mitekerereze yarwo mu rubanza rwa *Celibici,* rwasanze guhamya icyarimwe uregwa ibyaha binyuranye hakurikijwe Ingingo ya 3 n'iya 5 za Sitati ya TPIY byemewe, kubera ko buri ngingo ifite ikintu kiyigize cy'umwihariko kigomba gutangirwa ikimenyetso, kandi mu yindi ngingo icyo kimenyetso kidasabwa.

748. Urugereko rw'Ubujurire mu rubanza rwa Musema, rumaze gusuzuma ubwo bukemuramanza bwa TPIY, rwasanze mu bisabwa bivugwa haruguru harimo « ibigenderwaho rusange kandi bitagendera ku marangamutima bituma Urugereko rwemeza igihe rushobora guhamya umuntu ibyaha binyuranye hashingiwe ku bikorwa bimwe »[985].

---

[984] Inyandiko y'urubanza rwiswe urwa Celebici mu bujurire (Delalic na bagenzi be), 20 Gashyantare 2001, igika 370.

[985] Inyandiko y'urubanza rwa Musema mu bujurire, 16 Ugushyingo 2001, igika 363

Urwo Rugereko rw'Ubujurire rwa TPIR rwemeje rero ko « icyo gisabwa ari cyo kigomba kugenderwaho mu guhamya Uregwa ibyaha binyuranye biteganywa na Sitati ya TPIR »[986].

749. Ku birebana n'ibyangombwa bigize icyaha bigomba kwitabwaho mu gihe cyo gukurikiza iryo hame ngenderwaho, Urugereko rw'Ubujurire rwa TPIR rwemeje ibivugwa hano hasi.

750. Urugereko rw'Ubujurire rwemera kandi imitekerereze ikubiye mu rubanza rwa *Celebici* mu bujurire, ku birebana n'ibyangombwa bigize icyaha bigomba kuzirikanwa mu gukurikiza iryo hame ngenderwaho. Mu kubahiriza iryo hame, hagomba kuzirikanwa ibyangombwa byose bigize icyaha biri mu ngingo runaka hakubiyemo n'ibiri mu nteruro y'iyo ngingo[987].

751. Urugereko rw'Ubujurire mu rubanza rwa *Musema* rwakurikije isesengura rimaze kuvugwa kuri icyo kibazo maze rwemeza ibi bikurikira:

> Ukurikije ibigenderwaho bimaze kuvugwa hano haruguru, ikibazo cya mbere ni icyo kumenye niba ingingo runaka yo muri Sitati hari icyangombwa cy'umwihariko kiyigize kitaboneka mu yindi ngingo. Icyangombwa kigize icyaha runaka kiba gitandukanye n'ikigize ikindi iyo kigomba gutangirwa ikimenyetso kidasabwa muri icyo kindi.
>
> Icyaha cya jenoside gisaba ko hatangwa ibimenyetso bigaragaza igitekerezo cyo kurimbura abantu bose cyangwa igice cyabo bahuriye ku bwenegihugu, ku bwoko cyangwa idini; ibi bitandukanye n'ibisabwa ku itsembatsemba nk'icyaha cyibasiye inyokomuntu. Hagomba gutangwa ibimenyetso bigaragaza ko cyakozwe mu rwego rw'igitero rusange kandi biri kuri gahunda cyibasiye abaturage b'abasiviri, kandi ibyo bimenyetso ntibisabwa ku cyaha cya jenoside.
>
> Kubera iyo mpamvu, igisabwa kigenderwaho mu guhamya umuntu icyaha cya jenoside n'icy'itsemambatsemba nk'icyaha cyibasiye inyokomuntu kirujujwe; biremewe rero guhamya umuntu ibyo byaha byombi hashingiwe ku byabaye bimwe. Bityo rero, impamvu y'ubujurire bwa Musema kuri icyo kibazo nta shingiro ifite.

752. Nyamara ariko, n'ubwo rwakemuye icyo kibazo gutyo muri urwo rubanza, Urugereko rw'Ubujurire rwarifashe ku kibazo cyo kumenya niba ku bikorwa bimwe, buri gihe

---

[986] Inyandiko y'urubanza rwa Musema mu bujurire, 16 Ugushyingo 2001, igika 363.

[987] Inyandiko y'urubanza rwa Musema mu bujurire, 16 Ugushyingo 2001, igika 363.

byemewe guhamya uregwa ibyaha binyuranye hashingiwe ku ggingo zinyuranye za Sitati[988].

753. Muri uru rubanza, Urugereko rusanga atari ngombwa gufata umwanzuro kuri icyo kibazo, cyane cyane ko rutabisabwe n'Ababuranyi.

C. Uburyozwacyaha

1. Inyandiko y'ibirego

754. Inyandiko y'ibirego igira iti:

> Kubera ibikorwa byose bivugwa mu bika bikurikira byerekeranye na buri kirego, Uregwa yacuze umugambi, ahamagarira abantu gukora ibyaha, abategeka kubikora, arabikora ubwe cyangwa ashyigikira abandi bantu mu gucura umugambi, gutegura no gukora ibyo bikorwa.
>
> Kandi,
>
> Uregwa yari azi cyangwa yagombaga kumenya ko abantu yayoboraga biteguraga gukora cyangwa ko bari bakoze kimwe cyangwa byinshi mu bikorwa biteganywa kuva ku Ngingo ya 2 kugera ku ya 4 za Sitati y'Urukiko. Nyamara ariko, ntiyafashe ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ibyo bikorwa, cyangwa ahane ababikoze.

2. Sitati

755. Ingigo ya 6 ya Sitati ku birebana n'Uburyozwacyaha bw'umuntu nka gatozi igira iti :

> **6.** Umuntu uwo ari we wese wacuze umugambi, akawuhamagarira abandi, agategeka ko icyaha gikorwa, akagikora cyangwa ku bundi buryo ubwo ari bwo bwose, agashyigikira abandi mu gucura umugambi, gutegura, cyangwa gutsotsoba icyaha icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 z'iyi Sitati, akiryozwa nka gatozi.
>
> **6.** Urwego rw'umurimo uregwa akora cyangwa yakoraga muri Leta, yaba umukuru w'igihugu cyangwa uwa guverinoma, yaba umukozi wa Leta wo mu rwego rwo

[988] Inyandiko y'urubanza rwa Musema mu bujurire, 16 Ugushyingo 2001, igika 368.

hejuru, ntirumubuza kuryozwa icyaha kandi ntirushobora kumubera impamvu yo kugabanyirizwa igihano.

6. Kuba igikorwa icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 z'iyi Sitati cyarakozwe n'umuntu wari ukuriwe n'undi ntibibuza uwari umukuriye kukiryozwa, iyo yari azi cyangwa yaragombaga kuba azi ko uwo akuriye agiye gukora icyaha cyangwa ko yagikoze ariko ntafate ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ikorwa ry'icyo cyaha cyangwa ngo ahane abagikoze.

6. Kuba uregwa yarakoze icyaha ashyira mu bikorwa itegeko rya Guverinoma cyangwa ry'umukuriye ntibikuraho uburyozwacyaha bwe, uretse ko bishobora kuba impamvu yo kumugabanyiriza igihano iyo Urukiko Mpuzamahanga Rwashyiriweho u Rwanda rubona ko ari byo binogeye ubutabera.

3. Ubukemuramanza

(a) Uburyozwacyaha buteganywa n'Ingingo ya 6.1 ya Sitati

756. Ingingo ya 6(1) yerekeranye n'uburyozwacyaha bw'uregwa kubera imyitwarire ye inyuranyije n'amategeko, kandi ikurikizwa ku byiciro byose uko ari bitatu by'ibyaha (jenoside n'ibindi byaha biyashamikiyeho; ibyaba byibasiye inyokomuntu; n'ibikorwa binyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II).

757. Ingingo ya 6 (1) igaragaza ihame rivuga ko uryozwa icyaha giteganyijwe na Sitati atari uwagitsotsobye wenyine, ko ahubwo icyo cyaha kiryozwa n'undi muntu wese wafashije ku buryo ubwo ari bwo bwose mu kugikora, kuva ku icurwa ry'umugambi wo kugikora kugera ku itsotsobwa ryacyo, nk'uko bigaragara mu byiciro bitanu by'ibikorwa bikubiye muri iyo Ngingo ari byo: gucura umugambi w'icyaha, guhamagarira abantu kugikora, gutegeka abantu kugikora, kugikora, no gushyigikira abagikora[989].

758. Hashingiwe ku Ngingo ya 6 (1), umuntu ntashobora kuryozwa icyaha cyo gucura umugambi wo gukora icyaha cyangwa gutegura imikorere y'icyaha kiri mu bubasha bw'urukiko iyo

[989] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 377; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 185; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 114; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 33; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, Ibika196-197; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 473.

icyo cyaha kitatsotsobwe. Bityo rero, ubwinjiracyaha butagize icyo bugeraho ntibuhanwa, keretse gusa ku birebana n'ibikorwa bigize icyaha cya jenoside bivugwa mu ngingo ya 2 (3), (b), (c) na (d) ya Sitati.[990]

759. Ubukemuramanza bwemeje ko kugira ngo Uregwa aryozwe icyaha hakurikijwe Ingingo ya 6 (1) ya Sitati, ari ngombwa ko hatangwa ikimenyetso kigaragaza ko yagize uruhare rukomeye mu ikorwa ry'icyaha giteganywa na Sitati, cyangwa se ko imyitwarire ye yabaye inkunga ikomeye mu ikorwa ry'icyaha[991].

760. Ibyangombwa bigize icyaha cya jenoside, ibyaha byibasiye inyokomuntu n'ibikorwa binyuranyije n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Geneve hamwe n'Inyongera yayo ya II, bivugwa mu Ngingo ya 2, iya 3 n'iya 4 za Sitati, bigaragarira mu buryo butanu icyaha kigomba kuba cyakozwemo buvugwa mu Ngingo ya 6 (1), ari na bwo bushobora gutuma Uregwa aryozwa icyaha. Ubwo buryo butanu icyaha kigomba kuba cyakozwemo ni bwo bugiye gusuzumwa hano hasi.

- **Uburyo icyaha cyakozwemo**

(i) Gucura umugambi

761. « Gucura umugambi », bisaba ko umuntu umwe cyangwa benshi bapanga uburyo icyaha kizakorwa haba mu cyiciro cyo gutegura kugikora haba no mu cyo kugitsotsoba[992]. Kuba haracuzwe umugambi bishobora kugaragazwa hakoreshejwe ibimenyetso biziguye[993]. Mu rubanza rwa Bagilishema, hemejwe ko uruhare uregwa yagize mu gucura umugambi wo

---

[990] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 378; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 115; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 34; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 473.

[991] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, ibika 186 na 198; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 787; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, ibika 30, 33; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 126; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 43; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 199 na 207; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 477.

[992] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 380; Inyandiko y'urubanza rwa Blaskic, mu rw'iremezo, igika 386; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 119; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 480.

[993] Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, igika 278.

gukora icyha rugomba kuba rukomeye, nko gutegura uwo mugambi cyangwa se gushyigikira umugambi wateguwe n'undi muntu.[994]

(ii) Guhamagarira abandi gukora icyaha

762. Uburyo bwa kabiri bwo gukora icyaha ni « uguhamagarira abandi gukora icyaha », bikaba bisaba ko uregwa aba yakanguriye undi muntu gukora icyaha[995]. Si ngombwa ko guhamagarira abandi gukora icyaha biba ku buryo butaziguye cyangwa se ko bibera mu ruhame[996]. Umuntu ashobora kuryozwa guhamagarira abandi gukora icyaha yaba yakoze ibikorwa bifatika cyangwa se yaba yirengagije gukora ibitegetswe[997]. Igikorwa cyo guhamagarira abandi gukora icyaha gihanirwa iyo hatanzwe ibimenyetso bigaragaza isano hagati y'icyo gikorwa n'itsotsoba ry'icyaha[998].

(iii) Gutegeka

763. Uburyo bwa gatatu bwo gukora cyaha ni « ugutegeka abandi kugikora», bikaba bibaho iyo umuntu ufite umwanya w'ubutegetsi akoresheje uwo mwanya agategeka abo akuriye gukora icyaha[999]. Si ngombwa ko habaho isano izwi mu mategeko hagati y'umuyobozi n'uyoborwa kugira ngo hemezwe ko habayeho « igikorwa cyo gutegeka abandi gukora icyaha », bipfa gusa kugaragazwa ko Uregwa yari afite ububasha bwo gutanga amategeko[1000].

(iv) Gukora icyaha

764. « Gukora icyaha » ubusanzwe bisobanura ko umuntu ku giti cye aba yatsotsobye icyaha cyangwa se yateshutse ku nshingano ziteganywa n'amategeko ku buryo iyo myitwarire iba

[994] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 30.

[995] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 381; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 30; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 482.

[996] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 381; Inyandiko y'urubanza rwa Akayesu mu bujurire, ibika 478-482.

[997] Inyandiko y'urubanza rwa Kordic na Cerkez mu rw'iremezo, igika 387.

[998] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 381; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 30.

[999] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 382; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 30; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 39; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 483.

[1000] Inyandiko y'urubanza rwa Kordic na Cerkez mu rw'iremezo, igika 388.

ihanwa n'amategeko ahana. Muri uru rwego, umuntu umwe cyangwa benshi bashobora gukora icyaha kimwe iyo imyitwarire ya buri wese muri bo yujuje ibyagombwa bigize icyaha[1001].

(v) Gushyigikira no gushishikaza mu gucura umugambi, gutegura, cyangwa gutsotsoba icyaha

765. « Gushyigikira no gushishikaza» mu gukora icyaha ni ibintu bibiri bitandukanye mu mategeko[1002]. « Gushyigikira » bisobanura gutera muntu inkunga mu gukora icyaha. « Gushishikaza » bisobanura korohereza umuntu, kumuha inama cyangwa kumwoshya mu gukora icyaha[1003]. Mu rwego rw'amategeko, ndetse no muri Sitati n'ubukemuramanza bwa TPIR na TPIY, akenshi ayo magambo yombi arakoMatanywa ku buryo ageraho agafatwa nk'ijambo rimwe ryaguye[1004].

766. « Gushyigikira no gushishikaza », nk'uko bigaragara mu bukemuramanza bw'Inkiko mpuzamahanga zidahoraho, byerekeranye n'ibikorwa byo gutera inkunga hagamijwe ku bushake gushishikariza abantu cyangwa kubashyigikira mu ikorwa ry'icyaha[1005]. Igikorwa cyo gutera inkunga gishobora kuba ari igikorwa gifatika cyangwa se ukwirengagiza gukora igitegetswe, kandi gishobora kubaho mbere y'itsotsobwa ry'icyaha, mu gihe kirimo

---

[1001] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 187; Inyandiko y'urubanza rwa Tadic mu bujurire, igika 188; Inyandiko y'urubanza rwa Kunarac, Vukovac Kovac mu rw'iremezo, igika 390; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 383.

[1002] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 385; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 484.

[1003] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 384; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 787; Inyandiko y'urubanza rwa Akayesu, igika 484.

[1004] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 384, ahifashishijwe ibyanditswe na Mewett & Manning, *Criminal Law* (3rd ed. 1994), p. 272 (havugwa ko amagambo abiri yo mu cyongereza ari yo « *aiding* » [gufasha] na « *abetting* » [gushishikaza] hafi buri gihe akoreshwa akoMatanyijwe.

[1005] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 186; Inyandiko y'urubanza rwiswe urwa Celebici mu bujurire, igika 347; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 385; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 787; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, ibika 33, 36; Inyandiko y'urubanza rwa Musema mu rw'iremezo, ibika 125-126; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 200-202; reba Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 484.

gutsotsobwa cyangwa nyuma yaho[1006]. Uruhare rw'ushyigikira akanatera inkunga mbere y'ikorwa ry'icyaha cyangwa mu gihe kirimo gukorwa rushobora kuba rugizwe n'igikorwa gifatika yakoze, icyo gushishikaza cyangwa icyo gutera undi muntu akanyabugabo, kandi bigomba kuba byaragize ingaruka ikomeye ku ikorwa ry'icyaha[1007]. Si ngombwa ko igikorwa nk'icyo cyo gutera inkunga mbere y'ikorwa ry'icyaha cyangwa mu gihe kirimo gikorwa biba ari byo byatumye umuntu atsotsoba icyaha, ariko bigomba kuba byaragize ingaruka ikomeye ku ikorwa ryacyo[1008].

- **Igitekerezo cyo gukora icyaha**

767. Kugira ngo umuntu aryozwe icyaha ashinjwa, agomba kuba yaragikoze abishaka kandi azi neza icyo akora[1009].

768. Ku birebana n'uburyozwacyaha bw'icyitso, igitekerezo cyo gukora icyaha kiba kiriho iyo umuntu w'icyitso aba azirikana ko ibyo arimo gukora bifasha undi cyangwa abandi gutsotsoba icyaha. N'ubwo atari ngombwa ko Uregwa aba azi icyaha kirimo gutsotsobwa n'undi muntu cyangwa abandi bantu, agomba ariko kuba azirikana ibyangombwa by'ingenzi bigize icyaha, ku buryo aba abona neza ko imyitwarire ye ari inkunga mu ikorwa ry'icyo cyaha[1010].

769. Kuba Uregwa akuriye abandi ubwabyo si impamvu ihagije yashingirwaho mu gufata umwanzuro wemeza ko kuba yari gusa aho icyaha cyakorewe, byashishikaje kandi bigashyigikira abandi mu gutsotsoba icyaha. Nyamara ariko, kuba Uregwa yari aho icyaha cyakorewe bishobora gufatwa nk'impamvu ikomeye yatuma umuntu atekereza ko

---

[1006] Inyandiko y'urubanza rwa Kunarac, Vukovic nad Kovac mu rw'iremezo, igika 391; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 386.

[1007] Inyandiko y'urubanza rwa Kayishema na Ruzindana, mu bujurire, igika 186; Inyandiko y'urubanza rwa Kunarac, VuKovac na Kovac, mu rw'iremezo, igika 391; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 385.

[1008] Inyandiko y'urubanza rwa Kunarac, Vukovic na Kovac mu rw'iremezo, igika 391; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 386.

[1009] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 187; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 387.

[1010] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, ibika 186-187; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 387; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 32; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 201.

yashishikaje cyangwa yashyigikiye mu ikorwa ry'icyaha[1011]. Igitekerezo cyo gukora icyaha gishobora kugaragazwa hashingiwe ku isesengura ry'uko ibintu byari byifashe, hakubiyemo n'uko uregwa yari asanzwe yitwara atyo na mbere, ko atahannye abakoze ibyaha cyangwa ko yabashishikaje mu magambo[1012].

(b) Uburyozwacyaha buvugwa mu Ngingo ya 6 (3) ya Sitati

770. Ingingo ya 6 (3) ya Sitati ya TPIR ivuga ko umuntu ukuriye abandi aryozwa icyaha iyo yari azi ibikorwa abantu akuriye biteguraga gukora, bakoze cyangwa birengagije gukora, ariko ntafate ingamba za ngombwa zo kubiburizamo, gukebura cyangwa guhana abo bantu. Ihame ry'uburyozwacyaha bw'umuntu ukuriye abandi, rikomoka ku rindi hame rivuga ko uburyozwacyaha ari gatozi k'uwakoze icyaha nk'uko ryakurikijwe mu manza zaciwe n'Urukiko rw'i Nuremberg n'urw'i Tokyo, kandi rikaba ryaraje nyuma gushyirwa mu mategeko nk'Ingingo ya 86 y'Inyongera ya I y'Amasezerano y'i Jeneve. Iyo ngingo yemejwe mu mwaka wa 1977. Ingingo ya 6 (3) ikoreshwa ku byaha bya jenoside, ku byaha byibasiye inyokomuntu no ku bikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo II iteye itya:

> «Kuba igikorwa icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 z'iyi Sitati cyarakozwe n'umuntu wari ukuriwe n'undi ntibibuza uwari umukuriye kukiryozwa, iyo yari azi cyangwa yaragombaga kuba azi ko uwo akuriye agiye gukora icyaha cyangwa ko yagikoze ariko ntafate ingamba za ngombwa kandi

---

1011 Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 186; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 32; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 201.

1012 Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 388; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 201 na 205; Inyandiko y'urubanza rwa Aleksovski mu bujurire, igika 162; Inyandiko y'urubanza rwa Vasiljevic mu rw'iremezo, igika 71; Inyandiko y'urubanza rwa Krnejelac mu rw'iremezo, ibika 75 na 90; Inyandiko y'urubanza rwa Kvocka mu rw'iremezo, ibika 255 na 262; Inyandiko y'urubanza rwa Kunarac mu rw'iremezo, igika 392; Inyandiko y'urubanza rwa Furundzija mu rw'iremezo, igika 249. Ariko reba Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 787 (ahavugwa ko guhamya uregwa ko yashyigikiye abandi mu gukora icyaha nk'uko bivugwa mu Ngingo ya 6(1) bisaba ko hagaragazwa ko yari afite umugambi wo gukora icyaha cy'ibanze, nk'urugero ko yari afite umugambi wo gukora jenoside); Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, ibika 485 na 547. Urugereko rwa Mbere rw'Iremezo rwibutsa ko izi manza nta gisobanuro zitanga cyerekana impamvu ibirebana n'umugambi w'icyaha ugomba kugaragazwa mu gushyigikira abandi nk'uko bivugwa mu Ngingo ya 6(1) byatandukanywa n'ibisabwa mu kwerekana ko uregwa yabaye icyitso kuko ho hatagaragazwa ko yari afite umugambi wo gukora icyaha cy'ibanze.

zishyize mu gaciro kugira ngo aburizemo ikorwa ry'icyo cyaha cyangwa ngo ahane abagikoze[1013].

771. Mu bukemuramanza bwa TPIR na TPIY, hemejwe ko umuntu ukuriye abandi mu rwego rwa gisiviri cyangwa rwa gisirikare, yaba abikomora ku mategeko mu buryo buzwi cyangwa se atabiyakomoraho, ashobora kuryozwa ibyaha byakozwe n'abantu ayobora iyo abagenzura nyabyo[1014]. Hagati y'umuyobozi n'uwo akuriye, hashobora kuba hanyuzemo undi mutegetsi cyangwa se nta we unyuzemo[1015].

772. Hari ibintu bitatu bisabwa ku buryo bukoMatanye kugira ngo ukuriye abandi ashobore kuryozwa icyaha cyakozwe n'abo akuriye:

(i) Kuba uregwa yari akuriye mu kazi uwatsotsobye icyaha;

(ii) Kuba ukuriye abandi yari azi cyangwa yaragombaga kumenya ko icyaha kigiye gukorwa cyangwa ko cyakozwe[1016];

(iii) Kuba ukuriye abandi atarubahirije inshingano ze zo kugenzura nyabyo kugira ngo aburizemo ikorwa ry'icyaha cyangwa se ahane abagikoze[1017].

- **Kuba uregwa yari akuriye mu kazi uwatsotsobye icyaha**

773. Ikigenderwaho mu gusuzuma isano iri hagati y'umuntu ukuriye abandi n'abo akuriye kivugwa mu ngingo ya 6 (3), ahasobanurwa ko hagomba kuba hariho intera zo mu rwego rw'akazi zigaragaza ko uregwa yari afite ububasha akomora ku mategeko cyangwa

[1013] Sitati ya TPIR, Ingingo ya 6(3).

[1014] Inyandiko y'urubanza rwa Semanza, igika 400; Inyandiko y'urubanza rwa Bagilishema mu bujurire, ibika 50, 51; Inyandiko y'urubanza rwa Kayishema na Ruzinda, igika 294; Inyandiko y'urubanza rwa Musema, igika 148; n'Inyandiko y'urubanza rwiswe urwa Čelebići mu bujurire, ibika 192-196.

[1015] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 400.

[1016] Ni ukuvuga ibyaha Urukiko rufite ububasha bwo kuburanisha.

[1017] Inyandiko y'urubanza rwiswe urwa Čelebići mu bujurire, ibika 189-198, 225-226, 238-239, 256 na 263; Inyandiko y'urubanza rwiswe urwa Čelebići mu rw'iremezo, igika 346; Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, igika 294; Inyandiko y'urubanza rwa Aleksovski mu rw'iremezo, igika 69; Inyandiko y'urubanza rwa Kordic mu rw'iremezo, igika 401; Inyandiko y'urubanza rwa Kunarac na Kovac mu rw'iremezo, igika 395; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 217-231; Inyandiko y'urubanza rwa Bagilishema mu bujurire, ibika 26-62; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, ibika 38-50; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 400; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 477.

atayakomoraho, kandi ko yagenzuraga nyabyo abo yari akuriye mu gihe batsotsobaga icyaha. Kuba uregwa agomba ku afite aho ahurira mu kazi n'uyoborwa ntibiba mu nzego za gisirikare gusa, ahubwo bishobora no kuba mu rwego rw'abategetsi b'abasiviri[1018].

774. « Kugenzura nyabyo » bivuga kuba umuntu ukuriye abandi, yaba umuyobozi wa gisirikare cyangwa wa gisiviri, aba afite ubushobozi akomora ku mategeko cyangwa atayakomoraho bwo kubuza abantu akuriye gukora ibyaha cyangwa guhana ababikoze[1019]. Mu rubanza rwa Bagilishema mu bujurire*,* Urugereko rw'Ubujurire rwasobanuye muri aya magambo ikigenderwaho mu gusuzuma isano iri hagati y'umuntu ukuriye abandi n'abo akuriye :

> Kumenya niba Uregwa yaragenzuraga nyabyo abantu yari akuriye ntibihagararira gusa ku kibazo cyo kumenya niba yarabategekaga mu rwego rw'amategeko. Mu rubanza rwa *Čelebići*, Urugereko rw'Ubujurire rwa TPIY rwemeje ko umuntu ukuriye abandi, abagenzura nyabyo kandi ashobora no kubabuza gukora ibyaha cyangwa kubahana igihe babikoze, aryozwa ibyo byaha iyo yateshutswe mu gukoresha ubwo bushobozi bwo kubagenzura yari afite[1020].

- ***Umugambi wo gukora icyaha, ugaragazwa n'uko yari azi cyangwa yagombaga kumenya***

775. Kugira ngo umuntu ukuriye abandi aryozwe ibyaha byakozwe n'abo ayobora, Urugereko rugomba kuba rudashidikanya ko uwo muntu yari yaritswemo n'umugambi mubisha wo gukora icyaha, ni ukuvuga ko yari azi cyangwa yagombaga kumenya iyo myitwarire y'abo akuriye.

776. Umuntu uri mu ntera z'inzego z'ubutegetsi ntashobora kuryozwa icyaha hashingiwe gusa ku mpamvu ko ari we wari umuyobozi mu karere aka n'aka[1021]. N'ubwo kuba umuntu yari mu mwanya w'ubutegetsi ari impamvu ishobora gutuma watekereza ko yari azi ibikorwa

---

[1018] Inyandiko y'urubanza rwiswe urwa Čelebići mu bujurire, ibika 192-193 and 197-198.

[1019] Inyandiko y'urubanza rwiswe urwa Čelebići mu bujurire igika 186; Inyandiko y'urubanza rwa Bagilishema mu bujurire, ibika 59-61.

[1020] Inyandiko y'urubanza rwa Bagilishema mu bujurire, igika 61

[1021] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 404; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, ibika 44-45; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 489.

by'abo ayobora cyangwa ko yagombaga kubimenya, ubwabyo si ikimenyetso kidacukumbuye cyashingirwaho mu kwemeza ko yari azi ibikorwa by'abo yayoboraga[1022].

777. Umuntu ukuriye abandi mu buyobozi afite inshingano yo kugira icyo akora kuva aho amenyeye cyangwa aho yagombye kumenyera ko abantu ayobora benda gukora icyaha cyangwa bakoze ibyaha biteganywa n'Ingingo ya 2, iya 3, n'iya 4 za Sitati[1023].

778. Hakurikijwe ubukemuramanza bw'iki gihe ku birebana n'Ingingo ya 6 (3), umuntu ukuriye abandi azahamwa n'uko yari afite igitekerezo cyo gukora icyaha ku buryo yaryozwa ibyakozwe n'abo akuriye iyo, hamaze gusuzumwa impamvu zinyuranye, Urugereko rwemera ko (1) hashingiwe ku bimenyetso bitaziguye cyangwa biziguye byagaragaye ko yari azi neza ko abantu yari akuriye bari hafi gukora cyangwa ko bakoze icyaha giteganywa na Sitati, cyangwa ko (2) amakuru ukuriye abandi yashoboraga kumenya yari hagije kumwereka ko abo bantu yari akuriye bakoze ibyaha[1024].

- **Kuba ukuriye abandi agenzura nyabyo abo akuriye ku buryo ashobora kuburizamo ikorwa ry'icyaha cyangwa guhana abagikoze**

779. Iyo bigaragaye ko umuntu runaka yari akuriye abandi mu kazi nk'uko bivugwa mu Ngingo ya 6 (3) kandi ko yamenye imyitwarire yabo, aryozwa icyaha iyo gusa « atafashe ingamba za ngombwa kandi zishyize mu gaciro » zo kuburizamo ikorwa ry'icyaha kiri mu bubasha bw'Urukiko cyangwa guhana abagikoze yari akuriye. Amagambo « ingamba za ngombwa kandi zishyize mu gaciro » asobanura ingamba ziri mu « bushobozi bufatika » bw'uwo muyobozi, kabone n'iyo yaba adafite « ububasha akomora ku mategeko » bwo gufata izo ngamba[1025]. Bityo rero, ukuriye abandi afite inshingano yo kugira icyo akora iyo agenzura nyabyo abo akuriye, hakurikijwe uko ibintu byifashe, kandi ibyo nibyo Urugereko

[1022] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 404; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 45.

[1023] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 405; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 46; Inyandiko y'urubanza rwiswe urwa Celebici mu rw'iremezo, ibika 384-386.

[1024] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 405; Inyandiko y'urubanza rwa Bagilishema mu bujurire igika 28; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 46; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 228; Inyandiko y'urubanza rwiswe urwa Celebici mu bujurire igika 239; Inyandiko y'urubanza rwiswe urwa Čelebići mu rw'iremezo, ibika 390-393.

[1025] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 406; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 302; Inyandiko y'urubanza rwiswe urwa Čelebići mu rw'iremezo, igika 395.

rugenderaho mu gusesengura niba yarafashe cyangwa atarafashe ingamba zishyize mu gaciro zo kuburizamo cyangwa guhagarika ikorwa ry'icyaha, cyangwa guhana abagikoze yari akuriye[1026].

4. Umwanzuro w'Urugereko

780. Urugereko rwamaze kwemeza ko Uregwa yari umuyobozi w'Interahamwe, agenzura Interahamwe muri Komini ya Mukingo ndetse afite n'ijambo ku Nterahamwe zo muri Komini ya Nkuli kuva ku itariki ya 1 Mutarama 1994 kugera muri Nyakanga 1994, kandi ko kuva ku itariki ya 6 Mata 1994 kugeza ku ya 14 Mata 1994 nibura, yagenzuraga nyabyo Interahamwe zo muri Komini ya Mukingo n'iya Nkuli, kandi ntiyigeze ahwema kuzigenzura[1027].

781. Bityo rero, Urugereko rusanze mu bihe byose bivugwa mu Nyandiko y'ibirego, Uregwa yari akuriye Interahamwe zo muri Komini ya Mukingo n'iya Nkuli.

782. Mu byiciro biri hano hasi birebana na buri kirego kiri mu Nyandiko y'ibirego, niho Urugereko rusuzuma uburyozwacyaha bw'Uregwa nka gatozi w'ibyo yakoze ku giti cye biteganywa n'Ingingo ya 6(1) ya Sitati, n'uburyozwacyaha bwe nk'ukuriye abandi nk'uko biteganywa n'Ingingo ya 6(3) ya Sitati.

D. Jenoside n'ibyaha bijyanye na yo

783. Mu kirego cya 1 cyo mu Nyandiko y'ibirego, Uregwa ashinwa ubwumvikane bugamije gukora jenoside. Mu kirego cya kabiri ashinjwa jenoside. Mu kirego cya 3 ashinjwa kuba icyitso cy'abakoze jenoside naho mu kirego cya 4 ashinjwa guhamagarira abantu mu ruhame kandi mu buryo butaziguye gukora jenoside.

1. Sitati

784. Ingingo ya 2 ya Sitati yerekeranye na jenoside igira iti:

[1026] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 406; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 228-230.

[1027] Reba hano hejuru: Umutwe wa III, Ibyiciro H (ibika 403-405) na K.

1. Urukiko Mpuzamahanga Rwashyiriweho u Rwanda rufite ububasha bwo gukurikirana abantu bakoze icyaha cya jenoside, nk'uko gisobanurwa mu gika cya 2 cy'iyi Ngingo, cyangwa bakoze kimwe mu bikorwa bivugwa mu gika cya 3 cy'iyi Ngingo.

2. Icyaha cya jenoside ni kimwe mu bikorwa bikurikira cyakozwe kigamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, bazira icyo bari cyo:

a) Kwica abo bantu;

b) Kubatera ububabare buzahaza umubiri cyangwa mu mutwe;

c) Gushyira ku bushake abo bantu mu nzitane z'ubuzima zigomba gutuma bose cyangwa igice cyabo barimbuka;

d) Gushyiraho ingamba zigamije kubabuza kubyara;

e) Kubanyaga urubyaro ukarushyira mu rindi tsinda.

Ibikorwa bikurikira birahanirwa:

a) Jenoside;

b) Ubwumvikane bugamije gukora jenoside;

c) Guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside;

d) Ubwinjiracyaha bwa jenoside;

e) Kuba icyitso cy'abakoze jenoside.

2. Ubwumvikane bugamije gukora Jenoside

(a) Inyandiko y'ibirego

785. Ikirego cya mbere cyo mu Nyandiko y'ibirego kigira kiti:

Ikirego cya 1: Ubwumvikane bugamije gukora jenoside, hashingiwe ku Ngingo ya 2(3)(b) ya Sitati

Kubera ibyo yakoze cyangwa ibyo yirengagije bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;

Juvénal Kajelijeli yumvikanye n'abandi bantu kugira ngo bice cyangwa bateze Abatutsi ububabare bubazahaza umubiri cyangwa mu mutwe, bagamije kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Kubera iyo impamvu, yakoze icyaha cy'**UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE** nk'uko giteganywa n'ingingo ya 2(3)(b), kandi kigahanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

786. Kubera impamvu zavuzwe mu mutwe wa III, icyiciro cya A cy'iyi Nyandiko y'urubanza, Urugereko rwafashe iyi myanzuro rushingiye gusa ku bika by'Inyandiko y'ibirego byifashishwa mu kirego cya 1.

(b) Ubukemuramanza

787. Mu rubanza rwa Musema, Urugereko rwa Mbere rw'Iremeze rwemeje ko ubwumvikane bugamije gukora jenoside ari « amasezerano hagati y'abantu babiri cyangwa benshi yo gukora icyaha cya jenoside »[1028]. Porokireri ashobora kugaragaza iby'ayo masezerano mu buryo ubwo ari bwo bwose, ariko ibimenyetso atanga bigomba kwerekana ko ayo masezerano yagezweho koko. Ikimenyetso cy'uko hariho ibiganiro byarimo kuba ntigihagije kugaragaza ko habayeho ubwumvikane bwo gukora icyaha. Kuri iki kibazo, Urugereko rwemera ibitekerezo bikurikira bya ba Porofeseri Smith na Hogan :

> Birashoboka ko ubwumvikane nk'uko busanzwe buzwi mu rwego rw'amategeko agenga amasezerano butaba ngombwa. Ariko abo bureba bagomba nibura kuba biyemeje gukora ikintu kinyuranyije n'amategeko. Mu rubanza rwa Walker, icyemezo cy'Urukiko rwa mbere cyarasheshwe n'ubwo « byagaragaraga rwose »

[1028] Inyandiko y'urubanza rwa Musema, igika 189; Inyandiko y'urubanza rwa Niyitegeka, igika 423; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard, igika 798.

ko uwiswe D yari yaganiriye n'abandi bantu kuri gahunda yo kwiba imishahara yose y'abakozi, kubera ko nta bimenyetso byari byatanzwe bigaragaza ko bari barenze urwego rw'ibiganiro, ubwo D yivanaga muri iyo gahunda[1029].

788. Kubirebana n'igikorwa kigize icyaha (*actus reus)* cy'ubwumvikane bugamije gukora jenoside, ubwumvikane nibwo buhanirwa, bwaba bwarakurikiwe cyangwa se butarakurikiwe n'itsotsobwa rya jenoside[1030].

789. Ubwo Urugereko rwa Mbere rw'Iremezo mu rubanza rwa Musema rwasuzumaga niba umuntu ashobora guhanirwa icyarimwe icyaha cy'ubwumvikane bugamije gukora jenoside n'icya jenoside, rwabanje gusuzuma uko ibintu bigenda mu muryango w'amategeko akomoka ku Baromani (« *civil law »*). Mu rwego rw'ayo mategeko, iyo ubwumvikane bwageze ku cyo bwari bugamije maze icyaha bwari bugendereye kigatsotsobwa, uregwa ahamwa n'icyaha cy'ibanze cyonyine, ntahamywa icy'ubwumvikane bwo kugikora[1031].

790. Urwo Rugereko rwa Mbere rw'Iremezo rwasanze kandi, mu muryango w'amategeko akomoka ku Bongereza (« co*mmon law »)*, Uregwa ashobora guhamywa icyarimwe icyaha cy'ibanze n'ubwumvikane bwari bugamije kugikora by'umwihariko iyo ubwo bwumvikane bwari bugamije ibyaha byinshi biruta ibyakozwe ubwabyo. Urugereko rwa Mbere rw'Iremezo rwasanze iyo myumvire yo muri *common law* yaragiye inengwa[1032].

791. Mu gusoza mu rubanza rwa *Musema,* Urugereko rwa Mbere rw'Iremezo rwahisemo gukurikiza igisobanuro gifitiye Uregwa akamaro kivuga ko atagomba guhamywa icyarimwe icyaha cya jenoside n'icy'ubwumvikane bugamije kuyikora hashingiwe ku bikorwa bimwe, rukaba rwarakoze iryo hitamo ruzirikana icyari kigamijwe mu masezerano yo mu wa 1948 yerekeranye na Jenoside nk'uko bigaragara mu nyandiko zateguye ayo masezerano[1033].

[1029] Ibyanditswe na : Smith and Hogan, *Criminal Law* [Amategeko ahana], urup. 246. Reba kandi: G. Williams, *Textbook of Criminal Law* (1978) [Igitabo cy'amategeko ahana], urup. 351.

[1030] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 193.

[1031] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 196.

[1032] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 197.

[1033] Komite ya 6 y'Inama rusange, igihembwe cy'inama cya 3, Incamake y'ibyavuzwe mu nama, 21 Nzeri-10 Ukuboza 1948.

792. Ku rundi ruhande, mu rubanza rwa Niyitegeka, Urugereko rwa Mbere rw'Iremezo rwahamije Niyitegeka icyaha cya jenoside kandi rumuhamya n'icyaha cy'ubwumvikane bugamije gukora jenoside ndetse ruranakimuhanira[1034].

793. Ku birebana n'uru rubanza rurimo rusuzumwa by'umwihariko, Urugereko rusanga atari ngombwa guhitamo hagati y'imitekerereze ikubiye mu rubanza rwa Musema n'ikubiye mu rwa Niyitegeka.

(c) Umwanzuro w'Urugereko

794. Urugereko rusanze nta bimenyetso bihagije byatanzwe bigaragaza ku buryo budashidikanywa ho ko, nk'uko bivugwa mu gika cya 4.9 cy'Inyandiko y'ibirego, kuva mu wa 1990 kugeza nk'ahagana muri Nyakanga 1994, Uregwa yumvikanye n'abandi bantu kurimbura abaturage b'Abatutsi bose uko bakabaye cyangwa se igice cyabo no kwikiza abantu batavugaga rumwe n'ubutegetsi, kugira ngo ishyaka rya MRND rikomeze kugundira ubutegetsi[1035]. Urugereko rusanze kandi nta bimenyetso byatanzwe bihamya ko imyitozo yahawe Interahamwe mbere y'itariki ya 6 Mata 1994 yari igamije kwica Abatutsi[1036].

795. Urugereko rusanze Porokireri ataratanze ibimenyetso bihamya ku buryo budashidikanywaho ko ubwicanyi bwabaye nyuma y'itariki ya 6 Mata 1994 bwari ingaruka y'ubwumvikane Uregwa yagiranye n'abandi, nk'uko Porokireri abivuga.

796. BItyo rero, Urugereko rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko Uregwa yumvikanye n'abandi kwica Abatutsi cyangwa kubatera ububabare bubazahaza umubiri cyangwa mu mutwe, hagamijwe kurimbura ubwoko bw'Abatutsi.

797. Urugereko ruributsa ko *Porokireri* ataniyumije atanga ibimenyetso by'ibyo avuga mu kirego cya 1 cy'Inyandiko y'ibirego ko Uregwa yumvikanye n'abandi gukora jenoside kubera « guteshuka ku nshingano ze », ko bityo agomba kuryozwa iby'ubwumvikane bugamije gukora jenoside abo yari akuriye bishoyemo.

[1034] Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, ibika 429, 480 and 502.

[1035] Reba hano hejuru: Umutwe wa III, Icyiciro J.

[1036] Reba hano hejuru: Umutwe wa III, Icyiciro J.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

(d) Icyemezo

798. Kubera izo mpamvu, Urugereko rwemeje ko Uregwa ADAHAMWA N'ICYAHA cy'UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE, ashinjwa mu **kirego cya 1.**

3. Jenoside

(a) Inyandiko y'ibirego

799. Ikirego cya 2 cyo mu Nyandiko y'ibirego, kigira kiti:

> *Ikirego cya 2: Jenoside, hashingiwe ku Ngingo ya 2(3)(a) ya Sitati*
>
> Kubera ibyo yakoze cyangwa ibyo yirengagije gukora bivugwa mu bika bikurikira:
>
> Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.8, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7 na 5.9;
>
> Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;
>
> **Juvénal Kajelijeli** yishe Abatutsi cyangwa abatera ububabare bubazahaza umubiri cyangwa mu mutwe agambiriye kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Kubera iyo mpamvu, yakoze icyaha cya **JENOSIDE** giteganywa n'ingingo ya 2(3)(a) kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

800. Kubera impamvu zavuzwe mu mutwe wa III, icyiciro cya A cy'iyi Nyandiko y'urubanza, Urugereko rwafashe iyi myanzuro rushingiye gusa ku bika by'Inyandiko y'ibirego byifashishwa mu kirego cya 2.

(b) Ubukemuramanza

801. Urukiko rufite ububasha bwo kuburanisha icyaha cya jenoside nk'uko giteganywa n'Ingingo ya 2 ya Sitati.

802. Ingingo ya 2 ya Sitati y'Urukiko isubiramo uko zakabaye, Ingingo ya II n'iya III z'Amasezerano agamije gukumira no guhana icyaha cya jenoside yemejwe ku itariki ya 9 Ukuboza 1948[1037].

803. Nk'uko bimeze ku bindi byaha, kugira ngo hemezwe ko icyaha cya jenoside cyakozwe, hagomba kugaragazwa ko habayeho igitekerezo cyo gukora icyo cyaha, hamwe n'igikorwa kikigize. Igitekerezo cyihariye cyo gukora jenoside kigaragarira mu mugambi wihariye uvugwa mu buryo bwa rusange mu Ngingo ya 2 (2) ya Sitati y'Urukiko: ni ukuvuga gukora igikorwa kigize icyaha cya jenoside « *hagamijwe kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwenegihugu, ubwoko cyangwa idini »*. Igikorwa kigize icyaha cya jenoside cyo ni kimwe muri bitanu bivugwa mu Ngingo ya 2 (2) ya Sitati, nk'uko byarondowe hano hejuru[1038].

- **Ikimenyetso cy'umugambi wihariye**

804. Ku birebana n'umugambi wihariye w'icyaha cya jenoside, hakwifashishwa igitekerezo gikurikira cyatanzwe n'Urugereko rwa Mbere rw'Iremezo mu rubanza rw'Akayesu:

> « [i] birakomeye, ndetse nta n'ubwo byoroshye, kumenya umugambi w'umuntu bitewe n'uko ari ibintu bijyana n'imiterere bwite ye. Niyo mpamvu iyo Uregwa atemeye icyaha, umugambi mubisha ushobora kugaragarira mu bikorwa bye bimwe na bimwe. Urugero ni uko Urugereko rusanga bishoboka ko ibikorwa n'imvugo zose z'Uregwa bishobora kugaragaza umugambi we wa jenoside warangaga icyaha igihe cyakorwaga; na none uwo mugambi ushobora kugaragazwa n'umwuka wariho mw'ikorwa ry'ibindi byaha byari kuri gahunda byibasiye itsinda ry'abo bantu, byaba byarakozwe n'uwo muntu uregwa cyangwa se byaba byarakozwe n'abandi bantu. Hari n'ibindi bintu bishobora gutuma Urugereko rumenya imigambi yo gukora jenoside, twavuga ingano y'ibikorwa by'agahomamunwa, uko byasakaye mu karere cyangwa mu gihugu cyangwa se guhitamo, byagambiriwe kandi biri kuri

---

[1037] Umushinga w'Amasezerano wemejwe n'Inteko Rusange y'Umuryango w'Abibumbye mu nama rusange yayo ku majwi 55, kandi nta muntu n'umwe wayarwanyije cyangwa wifashe. Amasezerano yahise ashyirwaho umukono n'ibihugu 20. U Rwanda rwayemeje mu Itegeko-teka ryerekeranye n'Amasezerano ya jenoside ryo ku itariki ya 12 Gashyantare 1975. Reba na none Inyandiko y'urubanza rwa Jelisi mu rw'iremezo, igika 60; n'Inyandiko y'urubanza rwa Akayesu mu rw'Irenmezo, 2 Nzeri 1998, igika 496.

[1038] Reba hano hejuru: Umutwe wa IV, Icyiciro D.

gahunda, abakorerwa icyaha kubera ko bari mu bagize itsinda runaka ry'abantu, havanywemo abantu bagize andi matsinda »[1039].

805. Urugereko rushyigikiye iyo mitekerereze muri rusange, ariko rwongeraho ko atari buri gihe bigorana cyangwa bidashoboka kumenya umugambi uwakoze icyaha yari afite, kabone n'iyo cyaba icya jenoside, uhereye ku miterere ya buri rubanza.

806. Mu rubanza rwa Kayishema na Ruzindana[1040], Urugereko rwa Mbere rw'Iremezo II rwemeye ko bigoye kubona gihamya ko abakoze icyaha bagaragaje umugambi wabo ku buryo bweruye. Urwo Rugereko rwasanze uwo mugambi ushobora kugaragarira mu bikorwa bya ba gatozi, hakubiyemo n'ibimenyetso biziguye[1041], kandi rwavuze ko zimwe mu mpamvu umuntu yagenderaho kugira ngo amenye uwo mugambi ari: « ibimenyetso bigaragaza ko hibasiwe itsinda ry'abantu runaka n'imitungo yabo; kuba harakoreshejwe amagambo atukana ku bantu bagize itsinda ryibasiwe; intwaro zakoreshejwe, n'ingano y'ibikomere abantu batewe; ubuhanga umugambi wacuranywe, n'uburyo ubwicanyi bwakozwe hakurikijwe gahunda »[1042]. Mu nyandiko y'urubanza rwa Jelisić, Urukiko rwa TPIY rwifashishije raporo y'akanama k'impuguke kuri icyo kibazo, ahagira hati« […] hashobora kandi kuba jenoside iyo hibasiwe abayobozi bose b'itsinda runaka. Abo bayobozi bashobora kuba ari abo mu rwego rwa politiki cyangwa mu butegetsi, ab'idini, abantu bize kaminuza n'abandi banyabwenge, abacuruzi n'abandi. Iyo abo bantu bose bibasiwe, bituma rwose umuntu ashobora kuvuga ko ari jenoside, hatitawe ku mubare w'abishwe »[1043].

807. Mu rubanza rwa Bagilishema, Urugereko rwa Mbere rw'Iremezo rwavuze ko mu kwerekana ko uregwa yari afite « umugambi wihariye » hashingiwe ku byo yavuze no ku byo yakoze,

[1039] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 523.

[1040] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 93.

[1041] Urugereko rwafashe umwanzuro rwifashishije inyandiko yo mu rwego rw'amategeko yavugaga ibiri muri raporo ya nyuma y'Akanama k'impuguke isobanura ko umugambi wihariye ugomba kugaragarira mu bikorwa bifatika nk'umubare w'abantu bo mw'itsinda runaka bakorewe ibyaha: reba Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 93.

[1042] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 93.

[1043] Inyandiko y'urubanza rwa Jelisic mu rw'iremezo, 14 Ukuboza 1999, igika 82.

kandi imvugo ze n'ibikorwa bye bitagaragaza neza uwo mugambi, biba ngombwa gushyira ku munzani imvugo ze n'ibikorwa bye n'uburyo yitwayemo nkana mu by'ukuri[1044].

- **Kurimbura abantu**

808. Uregwa ashobora kuryozwa ibyo yakoze hashingiwe ku Ngingo ya 2 ya Sitati iyo yaari afite « umugambi wo kurimbura itsinda ry'abantu ». Ingereko za Mbere z'Iremezo z'uru Rukiko, by'umwihariko mu rubanza rwa Semanza, zagiye zigendera kuri Raporo yakozwe n'Akanama gashinzwe amategeko mpuzamahanga, ivuga ko kurimbura biteganywa n'Ingingo ya 2 ya Sitati bisobanura « kwica itsinda ry'abantu hakoreshejwe ingufu cyangwa udukoko duhitana ubuzima », ntabwo ari ugusibanganya ubwenegihugu, ururimi, idini, umuco cyangwa ibindi biranga iryo tsinda »[1045]

- **Bose cyangwa igice cyabo**

809. Hakurikijwe ingingo ya 2 ya Sitati, uregwa ashobora kuryozwa icyaha iyo yagikoze afite « umugambi wo kurimbura abantu bose bagize itsinda runaka, cyangwa igice cyabo ». Nk'uko bigarararira mu bukemuramanza bwa TPIR, kugira ngo herekanwe ko habayeho umugambi wo kurimbura « abantu bose cyangwa igice cyabo », si ngombwa kugaragaza ko uwakoze icyaha yari agamije kurimbura bantu bose bagize itsinda runaka aho bari hose ku isi. Nyamara ariko, ni ngombwa kugaragaza ko uwakoze icyaha yari afite umugambi wo kurimbura abantu batari bake bo mu itsinda ryibasiwe[1046]. Ni yo mpamvu mu rubanza rwa *Semanza,* Urugereko rwa Mbere rw'Iremezo rwavuze ko Porokireri agomba kugaragaza, mu buryo budashidikanywaho na gato, umugambi uwakoze icyaha yari afite wo kurimbura

---

[1044] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, 7 Kamena 2001, igika 63; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 93.

[1045] Reba raporo yakozwe na ILC [Komisiyo y'amategeko mpuzamahanga], 1996 : Umushinga w'amategeko yerekeranye n'ibyaha bihungabanya amahoro n'umutekano bya muntu, urup. 90; Urubanza rwa Semanza, 15 Gicurasi 2003, igika 315; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 95.

[1046] Reba raporo yakozwe na ILC, 1996 : Umushinga w'Amategeko yerekeranye n'ibyaha bihungabanya amahoro n'umutekano bya muntu, urup. 90, p. 90; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 64; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 96; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 496 - 499; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 316.

abantu bose bagize itsinda ryibasiwe cyangwa igice cyabo, cyakora nta mubare ntarengwa wo hasi w'abakorewe ibyaha usabwa kugira ngo bigaragazwe ko hakozwe jenoside[1047].

810. Mu rubanza rwa Kayishema na Ruzindana, Urugereko rwa Mbere rw'Iremezo rwifashishije raporo ya Sukomisiyo kuri jenoside, aho Intumwa yihariye yagize iti «kurimbura abantu cyangwa kugerageza kubarimbura, hakozwe igikorwa icyo ari cyo cyose kirondorwa mu ngingo ya II n'iya III z'Amasezerano yerekeye jenoside, ni ikimenyetso gikomeye cyerekana ko nyirugukora icyaha yari yaritswemo n'umugambi usabwa wo kurimbura abantu bose bagize itsinda runaka cyangwa igice cyabo» [1048].

- Amatsinda arengerwa mu mategeko mpuzamahanga

811. Nk'uko ingingo ya 2 ya Sitati ibivuga, ni ngombwa kwerekana ko mu gukora jenoside, Uregwa yari afite umugambi wo kurimbura « abantu bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini ». Inteko z'Urugereko rwa Mbere rw'Iremezo rwa TPIR zisanga ayo magambo adasobanurwa kimwe muri rusange cyangwa mu rwego mpuzamahanga. Ayo magambo agomba rero gusuzumwa hakurikijwe uko ibintu byari byifashe mu rwego rwa politiki, urw'imibereho y'abaturage, urw'amateka n'umuco[1049]. Bityo, « mu rwego rwo kubahiriza Amasezerano yerekeye jenoside, kuba umuntu abarirwa mu itsinda runaka ntibishingira ku mpamvu ziriho zidafite aho zibogamiye, ahubwo bishingira ku marangamutima, aho uwakoze icyaha akurikiza uko abyumva maze akabarira umuntu runaka mu bagize itsinda ryibasiwe»[1050]. Kugena rero itsinda ryibasiwe bigomba gukorwa hakurikijwe imiterere ya buri kibazo, hifashishijwe impamvu ziriho zidafite aho zibogamiye hamwe n'izindi zigendera ku marangamutima gusa[1051].

- Igikorwa kigize icyaha

812. Igikorwa kigize icyaha cya jenoside gisobanurwa mu ngingo ya 2 (2) ya Sitati. Kubera ko ibibazo byo muri urwo rwego byabyukijwe muri uru rubanza ari mbarwa, Urugereko

---

[1047] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 316.

[1048] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 93.

[1049] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 65; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 161.

[1050] Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 56; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 161; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 317.

[1051] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 317.

rurasuzuma gusa ibisobanuro by'ibikorwa bikurikira: (a) « kwica abantu bagize itsinda runaka » no (b) gutera abantu bo mu itsinda runaka ububabare bubazahaza umubiri cyangwa mu mutwe ».

- **Kwica abantu bagize itsinda runaka**

813. Ubukemuramanza bwa TPIR busobanura neza ko kugira ngo uregwa ashobore kuryozwa jenoside kubera kwica abantu bagize itsinda runaka, Porokireri agomba kugaragaza ko uregwa ubwicanyi yishe umuntu umwe cyangwa benshi mu bagize iryo tsinda kandi ko yari yaritswemo n'umugambi wo kurimbura abo bantu bose cyangwa igice cyabo, abaziza icyo bari cyo. Bitewe n'uko igitekerezo cyo gukora icyaha cy'ubwicanyi cyavuzweho ku mugambi wihariye wo gukora jenoside, si ngombwa gutanga ibindi bimenyetso bihamya ko uwakoze ubwo bwicanyi yari yabigambiriye[1052]. Iyo ukoze isesesengura cyangwa se iyo urebye ubukemuramanza bw'uru Rukiko, usanga hagomba gutangwa ibimenyetso bigaragaza ko uwakorewe icyaha cyangwa abakorewe icyaha (a) bari mu itsinda ryibasiwe ry'abantu basangiye ubwoko, ubwenegihugu cyangwa idini [1053] cyangwa se (b) ko n'uwakoze icyaha ariko yafataga uwo muntu cyangwa se abi bantu.

- **Gutera abantu bagize itsinda runaka ububabare bubazahaza umubiri cyangwa mu mutwe**

814. Ku byerekeranye n'Ingingo ya 2(2)(b) ivuga ko kugira ngo umuntu aryozwe icyaha cyo gutera abantu bagize itsinda runaka ubumuga bubazahaza umubiri cyangwa mu mutwe, Akanama gashinzwe amategeko mpuzamahanga kerekanye ko ububabare buvugwa buri ukubiri ari bwo, ari bwo ubuzahaza umubiri hakubiyemo n'ibikomere bimwe na bimwe, n'ubuzahaza mu mutwe burimo n'ubwangiza ubwenge. Akanama gashinzwe amategeko mpuzamahanga kavuze kandi ko ubwo bumuga buzahaza umubiri cyangwa mu mutwe

---

[1052] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 319; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, ibika 55, 57 na 58; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 155; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, ibika 49 na 50; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 103; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 151; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 501.

[1053] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 319; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 55; Inyandiko y'urubanza Semanza mu rw'iremezo, ibika 154 na 155; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 60; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 99; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 499.

abantu bo mu itsinda runaka baba batejwe, bugomba kuba bukomeye ku buryo bushobora gutuma abantu bose bo muri iryo tsinda cyangwa igice cyabobarimbuka[1054].

815. Ingereko za Mbere z'Iremezo z'uru Rukiko zemeje ko ibyitwa « ububabare buzahaza umubiri » cyangwa « ububabare buzahaza mu mutwe » bigomba kwemezwa hashingiwe ku miterere ya buri kibazo. Izo Ngereko zavuze ko ku birebana n'ibikorwa bizahaza umubiri atari ngombwa ko biba byateye ubumuga buhoraho cyangwa budashobora kuvurwa[1055], ko kandi bikubiyemo n'ibikorwa by'urugomo bishingiye ku gitsina, ibyo gusambanya ku gahato, ibyo guca ingingo z'umubiri n'ibyo kubaza abantu ubakubita kandi / cyangwa ubakangisha kubica[1056]. Naho ku birebana n'ibikorwa bizahaza mu mutwe, mu rubanza rwa *Kayishema na Ruzindana,* Urugereko rwa Mbere rw'Iremezo rwemeje ko hakubiyemo n'ibitera ubumuga bugomba kuba burenze ubworoshye cyangwa ubw'igihe gito, nk'ibikura umuntu umutima cyangwa iby'iterabwoba, ibititiza umuntu cyangwa ibikangisho[1057]. Ahari ariko, igisobanuro cy'ayo mategeko kigaragara neza mu mwanzuro wafashwe n'Urugereko rwa Mbere rw'Iremezo mu rubanza rwa *Semanza*, rumaze gusuzuma ubukemuranza :

> Urugereko rushyigikiye ibigenderwaho byavuzwe haruguru nk'uko byagaragajwe mu rubanza rwa Akayesu no mu rwa Kayishema na Ruzindana, ku birebana n'ububabare buzahaza umubiri cyangwa mu mutwe. Na none, ku birebana n'ububabare buzahaza mu mutwe, bugomba kuba bwarateye ubumuga buhoraho cyangwa butavurwa[1058].

816. Uru rugereko rwemera ko umwanzuro umaze kuvugwa uhuje rwose n'icyo amategeko ateganya kuri iki kibazo.

[1054] Reba Raporo (1996) yakozwe na ILC, urup. 91.

[1055] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 320; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 502; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 108.

[1056] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 320; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 502; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 108.

[1057] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 110; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 321.

[1058] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 322.

(c) Umwanzuro w'Urugereko

817. Urugereko rusanze, mu rwego rw'uru rubanza, byaragaragajwe ko Abatutsi bari bagize bumwe mu bwoko bwo mu Rwanda[1059].

818. Urugereko rugiye gusuzuma ibi bibazo kimwe ku kindi uko bikurikirana : (1) umugambi wo kurimbura abantu bose bagize ubwoko bw'Abatutsi cyangwa igice cyabo; (2) igikorwa kigize icyaha cya jenoside; (3) uburyozwacyaha bw'Uregwa ku byo yakoze ku giti cye; (4) uburyozwacyaha bw'Uregwa nk'uwari ukuriye abandi.

- Umugambi wo kurimbura Abantu bagize ubwoko bw'Abatutsi bose cyangwa igice cyabo

819. Urugereko rusanze mu nama yabereye muri kantine yo ku biro bya Komini ya Nkuli ku itariki ya 6 Mata 1994 ninjoro, nyuma y'urupfu rwa Perezida wa Repubulika y'u Rwanda, Uregwa yarabwiye ijambo abari bayirimo bose b'Abahutu agira ati –« Muzi neza ko ari Abatutsi bishe – bahanuye indege ya Perezida. Mutegereje iki kugira ngo mwikize umwanzi»? Urugereko rusanze ubwo Uregwa yakoreshaga ijambo « umwanzi » yarashakaga kuvuga Abatutsi.

820. Urugereko rusanze ku itariki ya 7 Mata 1994 mu gitondo, Uregwa yaribukije abari ku biro bya Komini ya NKuli ibyo bari baraye bumvikanyeho, kandi ko noneho aribo « baramukiwe gukora ».

821. Urugereko rusanze ku itariki ya 7 Mata mu gitondo, ubwo Uregwa yari ku biro bya Komini ya Mukingo yarasabye Burugumesitiri Harerimana abapolisi bo kumufasha mu kwica Abatutsi, ariko yasubijwe ko abapolisi batari baje ku kazi.

822. Urugereko rusanze ku itariki ya 7 Mata 1994 mu gitondo, haragabwe igitero ku miryango igera kuri 12 y'Abatutsi yarimo abantu bagera kuri 80 bari batuye muri Serire ya Kinyababa. Urugereko rusanze iki gitero cyaragabwe mu rwego rwo gushyira mu bikorwa ibyari byavugiwe mu nama yari yaraye ibereye ku biro bya Komini ya Nkuli ninjoro, yarimo bamwe mu bayobozi bo muri ako karere barimo n'Uregwa. Urugereko rusanze umutangabuhamya wiswe GDD ari umwe mu bantu bahaye raporo Uregwa ku byagezweho uwo munsi kandi amumenyesha ko « bamazeho byose ».

[1059] Reba haruguru: Umutwe wa III, Icyiciro C.

823. Urugereko rusanze ubwo Uregwa yari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo, yarakoranyije Interahamwe maze akaziha , akurikira « mwice kandi mutsembe abo bantu bose bari mu Rwankeri » kandi « mutsembe Abatutsi ». Yarababwiye kandi ati nimukenyere « mutangire mukore ».

824. Urugereko rusanze ku itariki ya 7 Mata 1994, Abatutsi b'abasiviri bo muri Serire ya Busogo, muri Komini ya Mukingo, baragabweho igitero cyangwa bakicirwa mu ngo zabo cyangwa aho bari barahungiye. Urugereko rusanze Uregwa yaragize uruhare muri icyo gitero kubera ko yacyoherejemo Interahamwe zari ku isoko ryo mu Byangabo muri Serire ya Rwankeri, kandi akaba yarabaye umuhuza n'ikigo cya gisirikare cya Mukamira asaba inkunga y'abasirikare n'intwaro. Agatsiko k'Interahamwe zagabye igitero ku gasozi ka Busogo kabarirwaga mu itsinda rinini kurushaho ryagabaga ibitero ku Batutsi muri Busogo. Icyo gitero cyahitanye imiryango y'Abatutsi igera kuri 80.

825. Urugereko rusanze umutangabuhamya ushinja wiswe GDD akaba n'Interahamwe, ku itariki ya 8 Mata 1994 yarasohotse iwe maze akajya kwica Abatutsi 8 muri Segiteri ya Gitwa muri Komini ya Nkuli. Abo yishe kandi yavuze abo bari bo ni umugore w'Umututsikazi n'abana barindwi bari ibyimanyi by'Umuhutu n'Umututsi. Urugereko rwasanze GDD yarakoze ubu buhotozi mu rwego rwo gushyira mu bikorwa , Uregwa yari yatanze yo kujagajaga Komini ya Nkuli bahiga Abatutsi.

826. Urugereko rusanze umugore wafatawga nk'Umututsikazi hamwe n'umuhungu we bararobanuwe mu bandi kuri bariyeri yari imbere yo kwa GDQ ku itariki ya 8 Mata 1994, noneho baza kwicwa n'Interahamwe yitwa Musafiri. Abo bishwe bari kumwe na Kanoti w'Umuhutu wari ubaherekeje, ariko we ntiyishwe. Uregwa yari kuri iyi bariyeri ubwo ibi byabaga, kandi abantu bumvise avuga ngo « Nta Mututsi ugomba kurokoka muri Mukingo ».

827. Urugereko rusanze ku itariki ya 8 Mata 1994, Uregwa n'Interahamwe baragenzuye imirambo bashakamo abarokotse. Umutangabuhamya wiswe GBH yinginze Uregwa ngo ahagarike ubwicanyi ariko Uregwa yamusubije avuga ngo « ni ngombwa gukomeza gushakisha no guhiga abarokotse ».

828. Hashingiwe ku bikorwa byatangiwe ibimenyetso, Urugereko rusanze ubwicanyi bwakorewe muri Komini ya Mukingo, iya Nkuli n'iya Kigombe bwari bwibasiye abasiviri b'Abatutsi, mu bihe byose bivugwa mu Nyandiko y'birego. Amagambo n'ibikorwa by'Uregwa,

bigaragaza neza ko yayoboye ubwo bwicanyi kandi nawe akabukora afite igitekerezo cyihariye cyo kurimbura ubwoko bw'Abatutsi.

- Kwica abantu bo mu bwoko bw'Abatutsi

829. Urugereko rusanze ku itariki ya 7 Mata 1994, Abatutsi b'abasiviri bo muri Serire ya Busogo, muri Komini ya Mukingo, baragabweho igitero cyangwa bakicirwa mu ngo zabo cyangwa aho bari barahungiye. Urugereko rusanze Uregwa yaragize uruhare muri icyo gitero kubera ko yacyoherejemo Interahamwe zari ku isoko ryo mu Byangabo muri Serire ya Rwankeri, kandi akaba yarabaye umuhuza n'ikigo cya gisirikare cya Mukamira asaba inkunga y'abasirikare n'intwaro. Agatsiko k'Interahamwe zagabye igitero ku gasozi ka Busogo kabarirwaga mu itsinda rinini kurushaho ryagabaga ibitero ku Batutsi muri Busogo. Icyo gitero cyahitanye imiryango y'Abatutsi igera kuri 80.

830. Igitero cyagabwe kwa Rudatinya ni kimwe mu bitero byagabwe ku itariki ya 7 Mata 1994 ku Batutsi muri Komini ya Mukingo. Uregwa yategetse ko icyo gitero kigabwa, yarakigenzuye kandi nawe yakigiyemo.

831. Ku birebana n'ibyo byabaye, Urugereko rusanze Uregwa, nk'umuntu wari ufite ububasha ku Nterahamwe, yaraziteye inkunga kandi yarazishishikaje mu bikorwa byazo ku itariki ya 7 Mata 1994.

832. Urugereko rusanze ku itariki ya 7 Mata 1994, Abatutsi b'abagabo, ab'abagore n'abana baragabweho igitero kandi bakicirwa aho bari barahungiye mu gipango cyo kwa Munyemvano, muri Serire ya Rwankeri, Komini ya Mukingo. Urugereko rusanze Uregwa, nk'umuntu wari ufite ubushobozi ku Nterahamwe, yari aho hantu igitero cyagabwe, yarakiyoboye kandi yaragihagarikiye

833. Urugereko ruributsa umwanzuro warwo wemeje ko umutangabuhamya ushinja wiswe GDD wari Interahamwe, ku itariki ya 8 Mata 1994 yasohotse iwe akajya kwica Abatutsi 8 muri Segiteri ya Gitwa, muri Komini ya Nkuli, kandi ko GDD yakoze ubwo bwicanyi mu rwego rwo gushyira mu bikorwa , Uregwa yari yatanze yo « kujagajaga » Komini ya Nkuli bahiga Abatutsi.

834. Urugereko rusanze ku itariki ya 14 Mata 1994 cyangwa hafi yayo, Interahamwe zariciye mu Rukiko rw'ubujurire rwa Ruhengeri Abatutsi bagera kuri 300. Urugereko rwasanze Uregwa

yaragize uruhare rukomeye mu rwego rwo gutegura no korohereza Interahamwe n'abandi bantu bari muri icyo gitero. Ibyo akaba yarabikoze abaha intwaro, ahuriza hamwe Interahamwe anazorohereza urugendo rwo kujjya ku Rukiko rw'ubujurire rwa Ruhengeri kuko ariwe watanze lisansi y'imodoka zabatwaye.

835. Bityo rero, Urugereko rusanze harabaye ubwicanyi bwo mu rwego rwa jenoside bwibasiye ubwoko bw'Abatutsi muri Komini ya Mukingo, iya Nkuli n'iya Kigombe (ku Rukiko rw'ubujurire) muri Mata 1994, kandi Uregwa yakoze ubwo bwicanyi.

- Uburyozwacyaha bw'Uregwa nka gatozi w'ibyo yakoze ku giti cye (Ingingo ya 6.1 ya Sitati)

836. Urugereko rushingiye ku myanzuro yarwo irebana n'ibyabaye n'iyo mu rwego rw'amategeko, rusanze Uregwa yaragize uruhare mu bwicanyi bwakorewe muri Komini ya Mukingo n'iya Nkuli ahamagarira abantu kugaba ibitero ku Batutsi, ategeka kandi yoshya Interahamwe kwica Abatutsi.

837. Urugereko rusanze Uregwa yaragize uruhare mu iyicwa ry'Abatutsi biciwe mu Rukiko rw'ubujurire rwa Ruhengeri rwubatse muri Komini ya Kigombe, kubera ko yashyigikiye abantu muri icyo gikorwa.

838. Urugereko rusanze mu gihe Uregwa yagiraga uruhare muri ubwo bwicanyi, yari yaritswemo n'umugambi wo kurimbura Abatutsi bose cyangwa igice cyabo.

- Uburyozwacyaha bw'Uregwa nk'ukuriye abandi (Ingingo ya 6.3 ya Sitati)

839. Urugereko rushingiye ku bimenyetso byose byasuzumwe mu mutwe wa III kandi rushingiye ku myanzuro rwafashe mbere, rusanze Uregwa yari azi cyangwa yaragombaga kumenya ko Interahamwe zari hafi gukora ibikorwa bigize cyaha cya jenoside muri Komini ya Mukingo n'iya Nkuli no ku Rukiko rw'ubujurire rwa Ruhengeri muri Komini ya Kigombe hagati y'itariki ya 7 n'iya 14 Mata 1994.

840. Rushingiye ku bimenyetso byatanzwe no ku myanzuro rwafashe mbere ndetse no ku miterere yihariye y'uru rubanza, Urugereko rusanze Uregwa atarafashe ingamba za

ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ibikorwa bigize icyaha cya jenoside byakozwe n'abo yari akuriye.

841. Nyamara ariko, nta bimenyetso bihagije Urugereko rwashyikirijwe byatuma rufata umwanzuro wemeza ko Uregwa atafashe ingamba za ngombwa kandi zishyize mu gaciro zo guhana abo yari akuriye kubera ibikorwa bigize icyaha cya jenoside bakoze.

(d) Icyemezo cy'Urugereko

842. Mu kwanzura, Urugereko rwemeje nta gushikanya ko Uregwa agomba kuryozwa ibyo yakoze ku giti cye byo guhamagarira, gutegeka, no gushyigikira abantu mu bwicanyi bwibasiye Abatutsi muri Komini ya Mukingo n'iya Nkuli, no mu Rukiko rw'ubujurire rwa Ruhengeri ruri muri Komini ya Kigombe, hashingiwe ku Ngingo ya 6(1) ya Sitati.

843. Urugereko rwemeje nta gushidikanya ko Uregwa agomba kuryozwa ibikorwa bigize icyaha cya jenoside (ubwicanyi bwibasiye Abatutsi) byakozwe n'abo yari akuriye muri Komini ya Mukingon'iya Nkuli, no ku Rukiko rw'ubujurire rwa Ruhengeri ruri muri Komini ya Kigombe, hashingiwe ku Ngingo ya 6(3) ya Sitati.

844. Kubera ko Urugereko rwamaze kwemeza ko Uregwa agomba kuryozwa ubwicanyi bwibasiye Abatutsi ahantu havuzwe haruguru, ntiruri busuzume ikibazo kigamije kumenya niba Uregwa cyangwa abo yari akuriye barateye Abatutsi ububabare bubazahaza umubiri no mu mutwe.

845. Kubera izo mpamvu, Urugereko rwemeje ko Juvénal Kajelijeli AHAMWA N'ICYAHA CYA JENOSIDE, hashingiwe ku Ngingo ya 2(3)(a), nk'uko akiregwa mu **Kirego cya 2** cy'Inyandiko y'ibirego.

4. Kuba ikitso cy'Abakoze Jenoside

(a) Inyandiko y'ibirego

846. Mu kirego cya 3 cy'Inyandiko y'ibirego, Uregwa ashinjwa ibi bikurikira mu gihe ibivugwa mu kirego cya 2 byaramuka bitamuhamye:

> *Ikirego cya 3: Kuba icyitso cy'abakoze jenoside, hashingiwe ku Ngingo ya 2(3)(e) ya Sitati*

Kubera ibyo Kajelijeli yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22,4.23,4.24, 5.3, 5.4, 5.6, 5.7, 5.8 na 5.9;

Ashinjwa kwica Abatutsi no kubatera ububabare bubazahaza umubiri no mu mutwe, agamije kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Yakoze rero icyaha cyo KUBA ICYITSO CY'ABAKOZE JENOSIDE giteganywa n'ingingo ya 2(3)(e) kandi kigahanwa hashingiwe ku ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

(b) Umwanzuro w'Urugereko

847. Urugereko ruributsa ko Uregwa yaryozwa ibyo ashinjwa mu kirego cya gatatu mu gihe gusa ibivugwa mu kirego cya kabiri byaramuka bitamuhamye, kandi ruributsa ko ibyo birego byombi bishingiye ku bikorwa bimwe. Kubera ko, rwasanze Uregwa ahamwa n'icyaha cya jenoside ashinjwa mu kirego cya 2, hashingiwe ku Ngingo ya 2 (3) (a) ya Sitati, nta mwanzuro ruri bufate ku kirego cyo kuba icyitso cy'abakoze jenoside giteganywa n'Ingingo ya 2 (3) (e) ya Sitati. Kubera iyo mpamvu ikirego cya gatatu nticyakiriwe.

5. Guhamagarira abantu mu ruhame kandi mu buryo butaziguye gukora jenoside

(a) Inyandiko y'ibirego

848. Ikirego cya 4 cyo mu Nyandiko y'ibirego giteye gitya:

Ikirego cya 4: Guhamagarira abantu mu ruhame kandi ku buryo butaziguye gukora jenoside, nk'uko biteganywa n'Ingingo ya 2(3)(c) ya Sitati.

Kubera ibyo Juvénal Kajelijeli yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika biri hano hasi :

<u>Hashingiwe ku Ngingo ya 6(1)</u>: Ibika 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.10, 4.16, 4.18, 4.18.1, 4.19, 4.19.1, 4.23;

Hashingiwe ku Ngingo ya 6(3): Ibika 2.1, 2.2, 2.3, 2.4, 2.5,.5, 3.6, 4.10, 4.16, 4.18, 4.18.1, 4.19, 4.19.1, 4.23;

Ashinjwa icyaha cy'ubwicanyi n'icyo gutera Abatutsi ubumuga bubazahaza umubiri cyangwa mu mutwe agambiriye kurimbura abantu bose bagize ubwoko cyangwa igice cyabo. Kubera iyo mpamvu, yakoze icyaha cyo guhamagarira abantu mu ruhame kandi ku buryo butaziguye gukora jenoside, nk'uko biteganywa n'Ingingo ya 2 (3) (e) ya Sitati y'Urukiko kandi icyo cyaha gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 z'iyo Sitati.

849. Kubera impamvu zavuzwe mu mutwe wa III, icyiciro cya A cy'iyi Nyandiko y'urubanza, Urugereko rwafashe iyi myanzuro rushingiye gusa ku bika by'Inyandiko y'ibirego byifashishwa mu kirego cya 4.

(b) Ubukemuramanza

850. Mu nkiko zigendera ku muryango w'amategeko ya « *common law* », guhamagarira abandi gukora icyaha, ni ukubashishikariza cyangwa kuboshya gukora icyo cyaha, haba hakoreshejwe iterabwoba cyangwa se ubundi buryo bw'igitugu[1060], kabone n'iyo icyo cyaha cyaba kitakozwe[1061]. Mu muryango w'amategeko ya « *civil law »,* icyaha cyo guhamagarira abandi gukora icyaha, mu ruhame kandi ku buryo butaziguye, gihanwa iyo umuntu abona ko ari igikorwa kigizwe n'amagambo, induru cyangwa ibikangisho, cyangwa ubundi buryo bw'itumanaho rikoresha amashusho, kigamije ku buryo butaziguye koshya abandi gutsotsoba icyaha cy'ubugome cyangwa igikomeye[1062].

851. Kimwe mu byangombwa bigize icyaha cyo guhamagarira abandi gukora jenoside ni ukuba byakorewe « mu ruhame », bikaba bisuzumwa hitaweho uburyo byakozwemo—nko kumenya aho byakorewe ndetse no kumenya niba abo byabwiwe bari cyangwa batari abantu batoranyijwe cyangwa mbarwa. Urugereko rwa Mbere rw'Iremezo mu rubanza rwa Akayesu rwifashishije ibyanditswe na Komisiyo ishinzwe amategeko mpuzamahanga, aho ivuga ko guhamagarira abantu mu ruhame gukora icyaha, ari ugusaba abantu runaka gukora

---

[1060] Igitabo cyanditswe na Ashworth, cyitwa « *Principles of Criminal Law* » [Amahame y'amategeko ahana], urup. 462, kivugwaho mu Nyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 555.

[1061] Igitabo cyanditswe na G. Williams, cyitwa *« Textbook of Criminal Law »* [Igitabo cy'amategeko ahana], (1978), urup. 384.

[1062] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 555, ahifashishijwe Igitabo cy'amategeko ahana ibyaha mu Bufaransa

icyaha, bikorewe ahantu hagerwa na bose, cyangwa bibwiwe rubanda muri rusange hifashishijwe itangazamakuru, nka radiyo cyangwa televiziyo[1063].

852. Kimwe mu byangombwa bigize icyaha cyo guhamagarira abandi gukora jenoside ni ukuba byakozwe « ku buryo butaziguye », bikaba bivuga ko ari « ugusaba abandi bantu gukora icyaha utabiciye ku ruhande, aho kubivuga ugenekereje gusa mu buryo budasobanutse cyangwa burimo urujijo »[1064]. Mu muryango w'amategeko wa « *civil law* », hakoreshwa ijambo gusembura, rivuga kimwe no guhamagarira, rifatwa ko ari uburyo bwo kubwira abantu utabiciye ku ruhande ngo bakore icyaha runaka. Mu kirego nk'iki, Porokireri agomba gutanga ibimenyetso bigaragaza ko hari isano nyakuri hagati y'igikorwa kivugwa ko ari uguhamagarira cyangwa ugusembura n'icyaha runaka cy'ibanze[1065].

853. Mu rubanza rwa Akayesu, Urugereko rwa Mbere rw'Iremezo rwagendeye ku myanzuro rwafashe irebana n'bimenyetso maze rwemeza ko amagambo « ku buryo butaziguye » agize icyaha guhamagarira abandi gukora icyaha, agomba gusuzumwa hazirikanwa indangamuco y'aho byabereye n'ururimi byavuzwemo[1066]. Mu kurangiza, Urugereko rwa Mbere rw'Iremezo rwavuze ko, « hatitawe ku miryango y'amategeko agenderwaho, guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora icyaha bigomba gusobanurwa mu rwego rwo kugira ngo Ingingo ya 2(3)c) [ya Sitati] yumvikane ko ari ugusaba abantu utabiciye ku ruhande gukora icyaha cya jenoside, hakoreshejwe amadisikuru, induru cyangwa iterabwoba bibereye mu giterane cyangwa mu nama rusange z'abaturage, cyangwa hakoreshejwe inyandiko, ibitabo cyangwa ibindi byandikiwe mu icapiro biguzwe cyangwa byatangiwe ubuntu, byagurishijwe cyangwa byatangarijwe mu biterane cyangwa mu nama, cyangwa hakoreshejwe aMatangazo amanitse cyangwa amashusho byeretswe rubanda cyangwa ubundi buryo bwose bwo kumenyekanisha amakuru hakoreshejwe ibyuma bifata amajwi cyangwa byerekana amashusho»[1067].

854. Mu rubanza rwa Akayesu hemejwe ko igitekerezo cyo gukora icyaha cyo gushishikariza abandi ku buryo butaziguye kandi mu ruhame gukora icyaha cya jenoside kigaragazwa

[1063] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 556.

[1064] Raporo ya ILC (1996), Umushinga w'Amategeko y'ibyaha bihungabanya amahoro n'umutekano bya muntu, Ingingo ya 2(3)(f) ivugwaho mu Nyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 557.

[1065] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 557.

[1066] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 557.

[1067] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 559.

n'umugambi umuntu aba afite wo koshya abandi gukora icyo cyaha cyangwa gutuma bagikora. Urugereko rwa Mbere rw'Iremezo rwavuze ko uhamagarira abandi gukora icyaha cya jenoside agomba kuba agamije kubatsindagira mu bwonko igitekerezo cyo gukora icyo cyaha, ko kandi na we ubwe aba yaritswemo n'umugambi wihariye wo gukora jenoside[1068].

855. Nk'uko byavuzwe mbere, mu muryango w'amategeko ya « *common law »,* guhamagarira abandi gukora icyaha ubwabyo ni icyaha gitegura ikindi, bityo kikaba gihanwa kabone n'ubwo umugambi wari ugamijwe waba utagezweho. Mu rubanza rwa Akayesu, Urugereko rwa Mbere rw'Iremezo rwavuze ko, « [icyaha cya jenoside kiri mu rwego rw'ibyaha biremereye cyane ku buryo guhamagarira abandi ku buryo butaziguye kandi mu ruhame kugikora bigomba ubwabyo guhanwa, kabone n'ubwo umugambi wari ugamijwe waba utagezweho »[1069]. Uru rugereko rwemera iyo mitekerereze.

(c) Umwanzuro w'Urugereko

856. Urugereko rwamaze kwemeza ko ku itariki ya 7 Mata 1994 mu gitondo, Uregwa yahaye Interahamwe , ku isoko ryo mu Byangabo kandi ko yahamagariye imbaga y'abari bahateraniye « kwica no gutsembatsemba abo bantu bose bo mu Rwankeri » no « gutsembatsemba Abatutsi ». Yanahaye kandi Interahamwe amategeko agira ati nimukenyere maze « mutangire mukore ».

857. Urugereko rwamaze kwemeza ko mu byo yakoze, Uregwa yari afite umugambi wo kurimbura Abatutsi bose cyangwa igice cya bo.

858. Bityo rero, Urugereko rusanze ku itariki ya 7 Mata 1994, ubwo Uregwa yari ku isoko ryo mu Byangabo, muri Komi ya Mukingo, yarahamagariye Interahamwe n'imbaga y'abari aho mu ruhame kandi mu buryo butaziguye gukora jenoside yibasiye Abatutsi.

859. Nyamara ariko, rushingiye ku bimenyetso byatanzwe, Urugereko rusanga abantu bashobora gufatwa nk'abari bakuriwe n'Uregwa bataragize uruhare mu bikorwa byo guhamagarira abandi mu ruhame kandi ku buryo butaziguye gukora jenoside yibasiye Abatutsi, mu rwego rw'ibiteganywa n'Ingingo ya 6(3) ya Sitati.

[1068] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 560.

[1069] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 562.

860. Mu kwanzura, Urugereko rusanze haratanzwe ibimenyetso bigaragaza ku buryo budashidikanywaho ko Uregwa ahamwa n'icyaha cyo guhamagarira mu ruhame kandi mu buryo butaziguye Interahamwe n'imbaga y'abantu, gukora jenoside bica Abatutsi bo muri Rwankeri, muri Komini ya Mukingo, cyangwa babatera ubumuga bubazahaza umubiri cyangwa mu mutwe.

(d) Icyemezo cy'Urugereko

861. Kubera izo mpamvu, Urugereko rwemeje ko Juvénal Kajelijeli AHAMWA N'ICYAHA CYO GUHAMAGARIRA ABANDI MU RUHAME KANDI KU BURYO BUTAZIGUYE GUKORA JENOSIDE, nk'uko abishinjwa mu **kirego cya 4** cy'Inyandiko y'ibirego.

E. Ibyaha byibasiye inyokomuntu

1. Ibigize icyaha cyibasiye inyokomuntu muri rusange

(a) Inyandiko y'ibirego

862. Uregwa ashinjwa ibikorwa bikurikira nk'ibyaha byibasiye inyokomuntu: ubuhotozi (Ikirego cya 5); Itsembatsemba (Ikirego cya 6); Gusambanya ku gahato (Ikirego cya 7) n'ibindi bikorwa bibi birenze kameremuntu (Ikirego cya 9).

(b) Sitati

863. Ingingo ya 3 ya Sitati igira iti :

> Urukiko Mpuzamahanga Rwashyiriweho u Rwanda rufite ububasha bwo gucira imanza abantu bakekwaho kuba barakoze ibyaha bikurikira, mu gihe byakozwe mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri abo ari bo bose bazira ubwenegihugu bwabo, impamvu za politiki, ubwoko bwabo cyangwa idini ryabo:
>
> (a) Ubuhotozi;
> (b) Itsembatsemba;
> (c) Gushyira mu bucakara;
> (d) Gucira ishyanga;
> (e) Gufunga;

(f) Ibikorwa by'urugaraguro;
(g) Gusambanya ku gahato;
(h) Gutoteza bishingiye ku mpamvu za politiki, iz'ubwoko n'iz'idini;
(i) Ibindi bikorwa bibi birenze kameremuntu.

(c) Ubukemuramanza

- **Isano iri hagati y'ibikorwa bimaze kuvugwa n'ibigize icyaha cyibasiye inyokomuntu muri rusange**

864. Uregwa ashinjwa ibikorwa by'ubuhotozi, iby'itsembatsemba, ibyo gusambanya ku gahato n'ibindi bikorwa bibi birenze kameremuntu, nk'ibyaha byibasiye inyokomuntu[1070]. Kuba Uregwa yarakoze kimwe muri ibyo bikorwa, byitwa icyaha cyibasiye inyokomuntu iyo Urugereko rusanze cyarakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri kubera impamvu z'ubwenegihugu, iza politiki, iz'ubwoko, cyangwa iz'idini.

865. Ku birebana na buri kirego gishinja Uregwa icyaha cyibasiye inyokomuntu, Porokireri agomba gutanga ibimenyetso bigaragaza ko habayeho ibisabwa bigize icyaha cyibasiye inyokomuntu byavuzwe harugru.

866. Igikorwa runaka gishobora kuba mu rwego rw'igitero rusange cyangwa kiri kuri gahunda bitabaye ngombwa ko kigira ibyangombwa byose bisabwa ku bindi bikorwa bigize icyo gitero nk'aMatariki n'ahantu ibyo bikorwa byakorewe. Rugendereye kwemeza niba igikorwa runaka kiri mu rwego rw'igitero rusange kandi kiri kuri gahunda, Urugereko ruzasuzuma ibikigize, icyo kiba kigamije, imiterere n'ingaruka zacyo.

- **Ibyangombwa bigize ibyo bikorwa muri rusange**

- **Igitero**

867. Urugereko rwemera igisobanuro Urukiko rwahaye ijambo « igitero », aho ruvuga muri rusange ko ari « buri gikorwa cyangwa ikintu cyabaye […] cyangwa buri ruhererekane

[1070] Mu myanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosora], yavanye mu Nyandiko y'ibirego Ikirego cya 7 cyerekeranye n'itoteza rishingiye ku mpamvu za politiki, iz'ubwoko cyangwa iz'idini nk'icyaha cyibasiye inyokomuntu, 19 Kamena 2003, ibika 138-139.

rw'ibikorwa, bisa n'ibyavuzwe haruguru biteganywa n'Ingingo ya 3 kuva ku gaka (a) kugeza ku ka (i) ya Sitati, kandi binyuranyije n'amategeko »[1071]. Icyo gisobanuro nticyigeze gihinduka mu bukemuramanza bwose bw'Urukiko[1072].

868. Byongeye kandi, si ngombwa ko igitero gishingiye ku mpamvu iyi n'iyi y'ivangura gikorwa hifashishijwe intwaro: gishobora kuba kigizwe n'ubundi bwoko bw'ibikorwa birenze kameremuntu byibasiye abaturage b'abasiviri.[1073]

Igitero kigomba kuba ari rusange cyangwa kiri kuri gahunda

869. Ingingo ya Sitati yanditse mu rurimi rw'igifaransa ntivuga kimwe n'iyanditse mu rurimi rw'icyongereza kuri icyo kibazo n'ubwo zombi zemewe. Mu nyandiko ya Sitati iri mu gifaransa hakoreshwa icyungo « kandi », bivuga ko igitero kigomba kuba ari rusange kandi kiri no kuri gahunda, naho mu cyongereza hakoreshwa icyungo « cyangwa » bivuga ko igitero gishobora kuba ari rusange ariko kitari kuri gahunda cyangwa ko gishobora kuba kiri kuri gahunda ariko kitari rusange[1074]. Mu bukemuramanza bw'Urukiko rwa TPIR n'ubw'urwa TPIY, izo nkiko zombi zahisemo gukurikiza inyandiko yo muri Sitati yanditse mu cyongereza[1075] kuko ari yo ihuje n'amategeko mpunzamahanga ashingiye ku muco [1076].

[1071] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 327.

[1072] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 205; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 70; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 581.

[1073] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 327; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 205; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 70; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 581.

[1074] Ingingo ya 3 ya Sitati irebana n'icyo kibazo, mu rurimi rw'igifaransa igira iti « *généralisée et systématique* » [rusange kandi biri kuri gahunda].

[1075]Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 328; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 804; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 77; Inyandiko y'urubanza rwa Musema mu rw'iremezo, ibika 202-203; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 68; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 123; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 579. Iyi mitekerereze niyo yanemejwe na TPIY ikoresha. Nyamara ariko, ni ngombwa gushimangira ko Ingingo ya 5 ya Sitati ya TPIY ntaho iteganya ko ibyaha bigomba kuba byarakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda, ahubwo ibyo byinjijwe mu bukemuramanza bwa TPIY hakurikijwe amategeko mpuzamahanga ashingiye ku muco. Inyandiko y'urubanza rwa Tadic mu rw'iremezo, ibika 646-648. Reba na none Inyandiko y'urubanza rwa rwa Kunarac mu bujurire, igika 93; Inyandiko y'urubanza rwa Tadic mu bujurire, igika 248; Inyandiko y'urubanza rwa Krnejelac mu rw'iremezo, igika 55; Inyandiko y'urubanza

870. Mu rubanza rwa Semanza, Urugereko rwa Mbere rw'Iremezo III rwavuze ko « rusanga nta mpamvu n'imwe yo kunyuranya n'ubukemuramanza buhuje bw'izo nkiko zombi »[1077]. Uru Rugereko rurakurikiza ubwo bukemuramanza, bityo rukaba rwifashisha inyandiko ya Sitati iri mu cyongereza aho ikigenderwaho ari kimwe muri ibyo bisabwa ari byo « rusange cyangwa kiri kuri gahunda ».

Igitero rusange

871. Ijambo « rusange » nka kimwe mu biranga igitero, nk'uko rivugwa mu Ngingo ya 3 ya Sitati, ryagiye rihabwa ibisobanuro bihabanye gato mu manza zinyuranye zaciwe n'Ingereko za Mbere z'Iremezo z'uru Rukiko. Nyamara ariko, ibyo bisobanuro byagiye bishingira ku ngano y'igitero no ku mubare w'abantu cyahitanye[1078]. Urugereko rukurikije igisobanuro cyatanzwe mu rubanza rwa *Niyitegeka*[1079] no mu rwa Ntakirutimana[1080], rwemera ko igitero kigomba kurangwa n'uko «ari kinini kandi kigahitana abantu benshi ».

Igitero kiri kuri gahunda

872. Ikibazo cyo kumenya niba amagambo « kuba kuri gahunda » avuga byanze bikunze ko icyo gitero kigomba kuba cyaracuriwe umugambi ntikivugwaho rumwe mu bukemuramanza bw'uru Rukiko[1081]. Urugereko rusanga atari ko bimeze, bityo rukaba rwemera igisobanuro cyatanzwe n'Urugereko rwa Mbere rw'Iremezo II mu rubanza rwa *Semanza* aho rwemeranya n'Urugereko rw'Ubujurire rwa TPIY mu rubanza rwa *Kunarac*, rwagize ruti

---

rwa Krstic mu rw'iremezo, igika 480; Inyandiko y'urubanza rwa Kordic na Cerkez mu rw'iremezo, igika 178; Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, igika 202; Inyandiko y'urubanza rwa Kupreskic mu rw'iremezo, igika 544; Inyandiko y'urubanza rwa Jelisic mu rw'iremezo, igika 53.

[1076] Ushatse kumenya uko iki kibazo gifatwa mu bukemuramanza mpuzamahanga, wareba Inyandiko y'urubanza rwa Tadic mu rw'iremezo, ibika 646-648.

[1077] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 328.

[1078] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 329; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 439; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 804; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 33; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 204, Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 69; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 123; Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 580.

[1079] Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 439.

[1080] Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 804.

[1081] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 329; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 77; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 123-124.

« kuba hariho umugambi bishobora kugira akamaro ku birebana n'ibimenyetso, kuko byafasha mu kwerekana ko igitero kivugwa cyari cyibasiye abaturage b'abasiviri kandi ko cyari rusange cyangwa kiri kuri gahunda, […] ariko ubwabyo ntibyafatwa nk'igisabwa cyihariye gitandukanye n'ibindi byangombwa bigize icyaha»[1082]. Urugereko rusanze amagambo « kuba kuri gahunda » aranga igitero, nk'uko bivugwa mu Ngingo ya 3 ya Sitati, asobanura ko icyo giteguro kiba cyarateguwe. Nyuma kandi, Urugereko rusanga iyo bigaragajwe ko habayeho imyitwarire runaka bantu bari basanganywe bigomba gufatwa nk'ikimenyetso ku birebana na gahunda iranga igitero.

<u>Igitero kigomba kuba cyibasiye abaturage b'abasiviri abo ari bo bose</u>

873. Urubanza rwa Akayesu rusobanura inshoza "abaturage b'abasiviri" muri ubu buryo:

> […] abantu batari mu mirwano ku buryo butaziguye, harimo n'abasirikare bashyize intwaro hasi n'abantu batagishoboye kurwana kubera uburwayi, ibikomere, ugufungwa cyangwa indi mpamvu iyo ari yo yose. Kuba mu baturage b'abasiviri harimo abandi bantu bihariye batujuje ibiri mu gisobanuro gitangwa ku baturage b'abasiviri, ntibibabuza gufatwa nk'abasiviri [1083].

874. Iki gisobanuro cyagiye gikurikizwa buri gihe mu bukemuramanza bw'uru Rukiko[1084]. Mu rubanza rwa Bagilishema rwongeyeho ibikurikira:

> Kubera ibyo, nk'uko bigaragara mu Nyandiko y'urubanza rwa Blaškić, « mu kwemeza ko uwakorewe icyaha yari umusiviri, ni ngombwa kuzirikana icyo uwo uwo muntu yari cyo igihe icyaha cyakorwaga, aho kureba gusa urwego yabarizwagamo »[1085].

875. Mu rubanza rwa Bagilishema havuzwe na none ko ijambo « abaturage » rivugwa ridasobanura ko ibyaha byibasiye inyokomuntu bigomba kuba byakorewe abantu bose bo

---

[1082] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 329; hifashishijwe Inyandiko y'urubanza rwa Kunarac mu bujurire, igika 98.

[1083] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 582.

[1084] Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 72; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 207; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 330.

[1085] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 79; hifahishijwe Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, igika 214.

mu gihugui cyangwa akarere runaka[1086]. Mu rubanza rwa Semanza, Urugereko rwongeyeho igisobanuro gikurikira:

> Si ngombwa ko uwakorewe icyaha cyangwa abakorewe icyaha baba batuye mu ifasi imwe n'abaturage b'abasiviri bari bibasiwe ahanini n'icyo gitero cyangwa se ko baba bafite ibyo bahuriyeho na bo, nyamara ariko iyo ibyo bahuriyeho bigaragajwe, bishobora kwitabwaho mu icyaha kivugwa cyari mu rwego rw'igitero[1087].

876. Urugereko rwemera ubu bukemuramanza.

<u>Igitero kigomba kuba cyarakozwe gishingiye ku mpamvu z'ivangura</u>

877. Ingingo ya 3 ya Sitati ivuga ko igitero kigomba kuba cyibasiye abaturage b'abasiviri bazira impamvu « z'ubwenegihugu, iza politiki, iz'ubwoko cyangwa iz'idini ». Iyi ngingo ntigamije guhindura igisobanuro cy'ibyaha byibasiye inyokomuntu gitangwa mu mategeko mpuzamahanga, ahubwo yerekeranye n'ububasha bw'Urukiko kuko yerekana ko bwibanda gusa ku byiciro bimwe by'ibyaha. Nyamara ariko, iryo tandukanyirizo ni rito cyane. Urugereko rw'Ubujurire mu rubanza rwa Akayesu rwasobanuye kurushaho iyo mitekerereze :

> Urugereko rw'Ubujurire ruvuga ko uretse ku birebana n'itoteza, amategeko mpuzamahanga arengera abantu mu gihe cy'intambara ntasaba ko mu byaha byibasiye inyokomuntu harangwamo igitekerezo cy'ivangura nka kimwe mu bintu byangombwa bigize ibyo byaha. Kubera iyo mpamvu, Urugereko rw'Ubujurire rwunga mu myanzuro n'isesengura rusange bikubiye mu rubanza rwa Tadic mu bujurire, nk'uko byasobanuwe haruguru. Cyakora, n'ubwo igitekerezo cy'ivangura atari cyo shingiro ry'icyaha ubwacyo, ibyaha byibasiye inyokomuntu by'ingeri zose bishobora gukorwa mu rwego rw'ibitero byibasira bamwe mu baturage b'abasiviri. Nk'uko byemejwe mu rubanza rwa Tadic mu bujurire: « ni byo ko akenshi ibyaha byibasiye inyokomuntu bikorerwa abaturage b'abasiviri bazira impamvu z'ubwenegihugu, iza politiki, iz'ubwoko cyangwa iz'idini. Ni muri urwo rwego no mu gusuzuma ibyabaye mu Rwanda (aho abaturage b'abasiviri bibasiwe bicwa mu bitero birangwa n'ivangura), Inama Ishinzwe Amahoro ku Isi yemeje ko ububasha bw'Urukiko mu byerekeye ibyaha byibasiye inyokomuntu bwibanda ku byaha

[1086] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 80, hifashishijwe Inyandiko y'urubanza rwa Tadic mu rw'iremezo, igika 644.

[1087] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 330.

> byakozwe hashingiwe ku ivangura. Ni ukuvuga ko Inama Ishinzwe Amahoro ku Isi yashatse ko Urukiko rureka gukurikirana abakoze ibindi byaha byaba byaribasiye inyokomuntu.
>
> Urugereko rw'Ubujurire rwasanze mu gukora ibyo, Inama ishinzwe amahoro ku isi itaranyuranyije n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara. Nta n'ubwo kandi yahinduye ibisabwa n'ayo mategeko kugira ngo bivugwe ko habayeho ibyaha byibasiye inyokomuntu. Twavuga ko ububasha bw'urwo Rukiko bwagarukirijwe gusa ku rutonde rw'ibyaha bimwe, bishobora mu by'ukuri gukorwa bitewe n'uko ibintu byifashe. (…) Ku birebana n'uru rubanza, Urukiko rwasanze rufite ububasha bwo kuburanisha ibyaha byibasiye inyokomuntu (nk'uko bizwi mu mategeko mpuzamahanga ashingiye ku muco), ariko bikaburanishwa gusa, « iyo byakozwe mu rwego rw'ibitero rusange kandi biri kuri gahunda, byibasiye abaturage b'abasiviri abo ari bo bose », bishingiye kw'ivangura. Icyaha gikurikiranwa ni icyakozwe muri uwo rwego gusa. Koko rero, ibi bigabanya gusa ibyaha biri mu bubasha bw'Urukiko, ariko nta kintu cyiyongera ku byangombwa bigize icyaha, nk'uko bizwi mu mategeko mpuzamahanga ashingiye ku muco[1088].

878. Urugereko ruragendera kuri ubwo bukemuramanza bw'Urugereko rw'Ubujurire. Nyamara ariko, nta cyabuza uru Rukiko kuburanisha ibyaha byakorewe abantu batari mu byiciro birengerwa n'amategeko, niba uwabikoze yaratekerezaga ko ari bwo buryo bwamufasha kugaba ibitero ku itsinda ry'abantu ryibasiwe rizira imwe mu mpamvu iyo ari yo yose mu zavuzwe[1089].

879. Urugereko rusanga igitekerezo cy'ivangura kigomba kuba kigaragara neza kugira ngo hemerwe ko habaye igikorwa cyo gutoteza nk'icyaha cyibasiye inyokomuntu. Nyamara ariko, rusanga atari ngombwa gusesengura ibyangombwa bigize icyo cyaha kubera ko, mu myanzuro nsozarubanza Porokireri yatanze mu magambo yamenyesheje Urugereko ko atagikurikiranye icyaha cyo gutoteza[1090].

[1088] Inyandiko y'urubanza rwa Akayesu mu bujurire, igika 464-465.

[1089] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 331; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 209; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, igika 74.

[1090] Reba hano hasi: Umutwe wa IV, Icyiciro D, Akiciro 5.

- **Igitekerezo cyo gukora icyaha mu byaha byibasiye inyokomuntu**

880. Igisobanuro cyumvikana neza cy'igitekerezo cyo gukora icyaha mu byaha byibasiye inyokomuntu gitangwa mu rubanza rwa Semanza*:*

> Uregwa agomba kuba azirikana ko igikorwa cye kiri mu rwego rw'ibitero rusange bigabwa muri icyo gihe, ko kandi kiri mu rwego rw'ibyibasiye abaturage b'abasiviri[1091].

881. Urugereko rushyigikiye iyo mitekerereze uko yakabaye.

(d) Umwanzuro w'urugereko

882. Urugereko rwamaze kwemeza ko habayeho ubwicanyi bwahitanye imbaga y'Abatutsi muri Komini ya Mukingo n'iya Nkuli, no ku Rukiko rw'ubujurire rwa Ruhengeri muri Komini ya Kigombe, muri Mata 1994. Ibyo bitero byagabwe n'udutsiko tw'abicanyi kandi byibasiye abantu benshi bazira ko ari abo mu bwoko bw'Abatutsi. Hari hibasiwe abaturage bose bo mu bwoko bw'Abatutsi, bagabweho ibitero aho bari batuye cyangwa aho bari barahungiye. Imiryango yose uko yakabaye n'abantu bose batuye mu duce utu n'utu baratsembwe. Urugereko rusanga muri Komini ya Mukingo no mu makomini bituranye ya Perefgitura ya Ruhengeri, harabaye ibitero rusange byibasiye abaturage b'Abatutsi, muri Mata 1994.

883. Kubera ko Urugereko rwamaze kwemeza ko ibyo bikorwa byibasiye abaturage b'Abatutsi byabaye mu rwego rw'ibitero rusange, rusanze atari ngombwa gusuzuma niba byari kuri gahunda.

2. Ibyaha byibasiye inyokomuntu - ubuhotozi

(a) Inyandiko y'ibirego.

884. Ikirego cya 5 cyo mu Nyandiko y'ibirego kigira kiti :

[1091] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 332; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 803; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 94; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 206; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 134.

Ikirego cya 5: Ibyaha byibasiye inyokomuntu – ubuhotozi, hashingiwe ku Ngingo ya 3(a) ya Sitati

Kubera ibyo Juvénal Kajelijeli yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8, 5.9 na 5.10;

Hashingiwe ku ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Ashinjwa ubuhotozi bwibasiye Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byagabwe ku baturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera iyo mpamvu, yakoze ICYAHA CYIBASIYE INYOKOMUNTU nk'uko giteganywa n'Ingingo ya 3(a), kandi gihanwa hashingiwe ku Ngingo ya 22, n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

(b) Ubukemuramanza

885. Kubera impamvu zivugwa hano hasi mu byiciro byahariwe imyanzuro y'Urugereko mu rwego rw'amategeko ku birebana n'ubuhotozi n'itsembatsemba nk'ibyaha byibasiye inyokomuntu, no ku birebana no guhamya icyarimwe uregwa ibyo byaha byombi hashingiye ku bikorwa bimwe[1092], Urugereko rusanze muri aka kiciro atari ngombwa gusesengura amategeko yerekeranye n'ubuhotozi nk'icyaha cyibasiye inyokomuntu.

(c) Umwanzuro w'Urugereko

886. Urugereko rusanze ubuhotozi nk'icyaha cyibasiye inyokomuntu, n'itsembatsemba nk'icyaha cyibasiye inyokomuntu ubundi ari bimwe, uretse ko intera zabyo zitandukanye. Rusanze ibivugwa mu Nyandiko y'ibirego muri rusange ku birebana n'ubuhotozi n'itsembatsemba nk'ibyaha byibasiye inyokomuntu, biterekana ku buryo buhagije

[1092]Reba hano hejuru: Umutwe wa IV, Icyiciro B

itandukanyirizo riri hagati y'ibyo byaha byombi. Rusanze kandi iyo Nyandiko y'ibirego iterekana umwirondoro usobanutse w'abahohotewe mu bwicanyi Porokireri ashinja Uregwa kandi yatangiye ibimenyetso. Muri ubwo bwicanyi, harimo nk'iyicwa ry'umwana w'umukobwa wiciwe mu nzira ijya kwa Rudatinya cyangwa iyicwa rya Gateyiteyi wiciwe mu gipango cyo kwa Munyemvano. Rumaze gusuzuma ibimenyetso biri muri dosiye, Urugereko rusanze ari ngombwa kwibanda ku bimenyetso byerekana ko ubwicanyi bwakorewe abantu aba n'aba ari bwo bwagenderwaho kugira ngo umuntu abone ko abaturage, cyangwa igice kimwe cyabo, ari bo bari bibasiwe, hagamijwe kubatsembatsemba, hatagamijwe ubuhotozi nyirizina. Uyu mwanzuro urahuza n'Icyemezo cy'Urugereko ku birebana no guhamya icyarimwe uregwa icyaha cy'ubuhotozi n'icy'itsembatsemba hashingiwe ku bikorwa bimwe.

(d) Icyemezo cy'Urugereko

887. Kubera izo mpamvu, Urugereko ntirwiriwe rusuzuma ikirego cya gatanu mu Nyandiko y'ibirego (UBUHOTOZI NK'ICYAHA CYIBASIYE INYOKOMUNTU – UBUHOTOZ(I). Icyo kirego nticyakiriwe.

3. Ibyaha byibasiye inyokomuntu - Itsembatsemba

(a) Inyandiko y'ibirego

888. Ikirego cya 6 cyo mu Nyandiko y'ibirego kirebana n'ibyaha byibasiye inyokomuntu – itsembatsemba kigira kiti:

> ***Ikirego cya 6: Ibyaha byibasiye inyokomuntu – Itsembatsemba, hashingiwe ku Ngingo ya 3(b) ya Sitati***
>
> Kubera ibyo Juvénal Kajelijeli yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:
>
> Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, *5.7,* 5.8 na 5.9

> Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9
>
> **Ashinjwa** itsembatsemba ryakorewe Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera iyo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(b), kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

889. Kubera impamvu zavuzwe mu mutwe wa III, icyiciro cya A cy'iyi Nyandiko y'urubanza, Urugereko rwafashe iyi myanzuro rushingiye gusa ku bika by'Inyandiko y'ibirego byifashishwa mu kirego cya 6.

(b) Ubukemuramanza

890. Ubukemuramanza bwa TPIR bwemeza ko :

> Ukurikije imiterere y'Itsembatsemba usanga ari icyaha cyibasira itsinda runaka ry'abantu, rikaba rero ritandukanye n'ubuhotozi busanzwe kubera ko ryoreka imbaga, nyamara atari ko bimeze ku cyaha cy'ubuhotozi[1093].

891. Ubwicanyi bugomba rero kuba bwarahitanye abantu benshi kugira ngo Urugereko rwemeze ko Uregwa ahamwa n'icyaha cy'itsembatsemba. Ku kibazo cyo kumenya umubare w'abantu bagomba kuba barishwe kugira ngo hemezwe ko habaye itsembatsemba, ubukemuramanza ntibubivugaho rumwe. Mu manza zaciwe mbere ku birebana n'itsembatsemba nk'icyaha cyibasiye inyokomuntu, amagambo « igitero cyahitanye abantu benshi » ntavuga ko hari nibura umubare uyu n'uyu ntarengwa wo hasi ugomba guherwaho. Icyemezo kigomba gufatwa hakurikijwe imiterere ya buri rubanza, kandi bishingiye ku gushyira mu

[1093] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 591. Iyi mitekerereze niyo yemejwe mu manza zakurikiye urwa Akayesu: Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 142; Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo, ibika 80-82; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 217; Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 86; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, igika 813; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 450; Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 340.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

gaciro »[1094]. Niyo mpamvu Urugereko rwa Mbere rw'Iremezo I rwemeje ibi bikurikira mu rubanza rwa Bagilishema*:*

> Gatozi ashobora guhamwa n'icyaha cy'itsembatsemba iyo yishe umuntu umwe cyangwa akamushyira mu nzitane z'ubuzima zishobora kumuviramo gupfa, apfa gusa kuba azi ko ibikorwa bye cyangwa ibyo yirengagije gukora, biri mu rwego rw'ubwicanyi bwibasira imbaga, ni ukuvuga ubwicanyi bwakozwe mu gihe cyegeranye bukabera n'ahantu hegeranye ku buryo umuntu yabufata nk'aho ari igitero kimwe cyangwa se igitero gikomeza»[1095].

892. Ku rundi ruhande ariko, mu manza zaciwe vuba, hemejwe ko « kuba Uregwa ahamwa n'igikorwa kimwe cy'ubwicanyi, cyangwa n'ibikorwa bike cyane by'ubwicanyi, bidahagije kumuryoza icyaha cy'itsembatsemba»[1096]. Uwo mwanzuro wagezweho vuba aha, ukaba uhuje n'imikirize y'imanza isanzwe yerekana ko hagomba kubaho ibikorwa bigamije guhitana imbaga.

893. Urugereko rusanga igikorwa kimwe cy'ubwicanyi cyangwa se ibikorwa bike cyane by'ubwicanyi bitagomba gufatwa nk'icyaha cy'itsembatsemba. Kugira ngo icyaha cy'itsembatsemba gitandukanywe mu by'ukuri n'icy'ubuhotozi, ni ngombwa ko haba harabayeho koreka imbaga kandi igitero kikaba cyaragabwe ku gice kimwe cy'abantu, nk'abaturage batuye agace kamwe, kitibasiye umwe umwe muri abo baturage. Nyamara ariko, Urugereko rushobora gusanga ukwica abantu runaka byaba ikimenyetso kigaragaza ko habayeho itsembatsemba ry'icyo gice cy'abantu cyari cyibasiwe.

894. Mu rubanza rwa Bagilishema n'urwa Kayishema na Ruzindana, hemejwe ko icyaha cy'itsembatsemba kidakomoka gusa ku byo umuntu yakoze cyangwa yateshutse gukora, ko ahubwo gikomoka no ku myifatire ye irangwa n'ukudateganya cyagwa uburangare

---

[1094] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 87; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 142.

[1095] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 88; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 147; Inyandiko y'urubanza rwa Kristic mu rw'iremezo, igika 490. Vuba aha, rumwe mu Ngereko za Mbere z'Iremezo rwa TPIY rwafashe umwanzuro nk'uwo, Inyandiko y'urubanza rwa Stakic mu rw'iremezo, igika 640.

[1096] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 340; Inyandiko y'urubanza rwa Ntakirutimana Elizaphana na Ntakirutimana Gerard mu rw'iremezo, ibika 813-814; Inyandiko y'urubanza rwa Vasilijevic mu rw'iremezo, igika 227, ahasuzumwa ubukemuramanza bwose kuri iki kibazo.

bukomeye[1097]. Kuri icyo kibazo, Urugereko rusanga imanza zaciwe vuba aha zarafashe umwanzuro unyuranye gato n'uwari usanzwe. Nko mu rubanza rwa Semanza, hemejwe ibi bikurikira:

> […] mu gihe nta ngingo y'amategeko yo muri Sitati isobanura icyo kibazo ku buryo bweruye cyangwa se ngo gisobanurwe mu mategeko mpuzamahanga ashingiye ku muco, uburyozwacyaha bubaho mu rwego mpuzamahanga iyo gusa hari ibyo uregwa yakoze cyangwa yateshutse gukora abikuye ku mutima[1098].

895. Urugereko rwumva ko mu rubanza rwa Bagilishema n'urwa Kayishema na Ruzindana, nta wuvuga ko icyaha cyibasiye inyokomuntu gishobora guhama umuntu uwo ari we wese, kabone niyo yaba adafite umugambi wo gukora icyaha, izo manza zisa n'izumvikanisha ahubwo ko uwo mugambi wo gukora icyaha ushobora no kugaragarira mu myitwarire y'uregwa yaranzwe no kudateganya cyangwa n'uburangare bukabije. Byumvikanye bityo, byaba bivuga ko umwanzuro wafashwe mu rubanza rwa Semanza utavuguruza uwafashwe mu rubanza rwa Bagilishema no mu rwa Kayishema na Ruzindana.

(c) Umwanzuro w'Urugereko

896. Urugereko rwasanze ku itariki ya 7 Mata 1994 mu gitondo, hari igitero cyaragabwe muri Komini ya Nkuli ku miryango igera kuri 12 y'Abatutsi yari ituye muri Serire ya Kinyababa, iyo miryango ikaba yari gizwe n'abantu bagera kuri 80. Urugereko rwasanze iki gitero cyaragabwe mu rwego rwo gushyira mu bikorwa ibyari byumvikanyweho mu nama yari yaraye ibereye ku biro bya Komini ya Nkuli ninjoro, yari yitabiriwe n'abayobozi banyuranye bo muri ako karere, barimo n'Uregwa. Urugereko rwasanze GDD, ari umwe mu bantu bahaye Uregwa raporo y'ibyari byagezweho uwo munsi, kandi yanamumenyesheje ko « byose bamazeho ».

897. Urugereko rwasanze Uregwa yarakoranirije Interahamwe ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 hagati ya saa mbiri na saa tatu za mu gitondo, anaziha , yo « gutsemba abo bantu bose bari mu Rwankeri » no « gutsemba Abatutsi ». Yabategetse kandi ati mukenyere « mutangire gukora ».

[1097] Inyandiko y'urubanza rwa Bagiliishema mu rw'iremezo, igika 89; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 144.

[1098] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 341.

898. Urugereko rwasanze ku itariki ya 7 Mata 1994, Abatutsi baragabweho ibitero cyangwa bariciwe ku gasozi ka Busogo, muri Serire ya Rwankeri, Komini ya Mukingo, mu ngo zabo cyangwa aho bari barahungiye. Rwasanze kandi Uregwa yaragize uruhare muri icyo gitero acyoherezamo Interahamwe zaturutse ku isoko ryo mu Byangabo muri Serire ya Rwankeri, ndetse anitwara nk'umuhuza n'ikigo cya gisirikare cya Mukamira yagiyemo gusaba inkunga ya gisirikare n'iy'intwaro. Interahamwe zari mu gitero ku gasozi ka Busogo ni zimwe mu zari zigize agatsiko k'abagabye ibitero ku Batutsi muri Busogo. Icyo gitero cyahitanye imiryango y'Abatutsi yose uko yakabaye yari igizwe n'abantu bagera kuri 80.

899. Urugereko rwasanze ku itariki ya 7 Mata 1994 Abatutsi baragabweho ibitero bakanicirwa mu ngo zabo cyangwa aho bari bahungiye muri Komini ya Mukingo, by'umwihariko mu rugo rwa Rudatinya, kandi rwasanze Uregwa yarategetse abantu kugaba icyo gitero, yarakigenzuye kandi yarakigiyemo.

900. Urugereko rwasanze ku itariki ya 7 Mata 1994, Abatutsi bari bagizwe n'abagabo, abagore n'abana baragabweho igitero bakanicirwa aho bari barahungiye mu gipango cyo kwa Munyemvano, muri Serire ya Rwankeri, Komini ya Mukingo. Urugereko rwasanze Uregwa yari ahibereye igitero kiba, kandi nk'umuntu wari ufite ububasha ku Nterahamwe zari mu gitero, akaba ari we wategetse ko kigabwa, akakiyobora, ndetse akanakigenzura.

901. Urugereko rwasanze ku itariki ya 7 Mata 1994, harabaye ubwicanyi bwahitanye Abatutsi benshi cyane mu kigo cy'ababikira cyo kuri Paruwasi ya Busogo. Icyo gitero cyagabwe n'Interahamwe.

902. Urugereko rwasanze ku itariki ya 14 Mata 1994 cyangwa hafi yayo, ku Rukiko rw'Ubujurire rwa Ruhengeri, Interahamwe zarahiciye Abatutsi bagera kuri 300. Urugereko rwasanze Uregwa yaragize uruhare rukomeye muri icyo gikorwa nk'umuntu wateguye Interahamwe n'abandi bagabye igitero kandi akabibafashamo. Ibyo akaba yarabikoze abaha intwaro, ahuriza hamwe Interahamwe anazorohereza urugendo rwo kujjya ku Rukiko rw'ubujurire rwa Ruhengeri kuko ari we waguze lisansi y'imodoka zabatwaye.

903. Urugereko rusanze muri Mata 1994, muri Komini ya Mukingo n'iya Nkuli no ku Rukiko rw'ubujurire rwa Ruhengeri harakorewe ubwicanyi bwahitanye imbaga y'Abatutsi. Abantu bahigwaga bari abaturage bose bo mu bwoko bw'Abatutsi, kandi bagabweho ibitero aho babaga muri ako gace, aho bari bihishe cyangwa se aho bari barahungiye. Urugereko

rusanze kandi ibyo bikorwa byarabye mu rwego rw'ibitero rusange byari byibasiye abaturage b'abasiviri bo mu bwoko bw'Abatutsi.

904. Urugereko rusanze mu rwego rw'icyo gitero, kandi Uregwa azi neza ko ibikorwa bye byari bimwe mu bigize icyo gitero, yarohereje ibitero byibasiye uduce Abatutsi bari batuyemo, aho bari bihishe cyangwa se aho bari barahungiye. Abatutsi bo muri Perefegitura ya Ruhengeri babarirwa mu magana batsembwe biturutse ku ruhare rutaziguye rw'Uregwa, kubera ko yategetse ko ibitero bibagabwaho muri Komini ya Mukingo, iya Nkuli n'iya Kigombe ndetse akaba yaranabigenzuye, no kubera ko mu gitero cyagabwe ku Rukiko rw'Ubujurire rwa Ruhengeri yashyigikiye abakigabye.

(d) Icyemezo cy'Urugereko

905. Mu kwanzura, Urugereko rwemeje nta gushidikanya ko Uregwa ahamwa n'icyaha, hashingiwe ku Ngingo ya 6(1) ya Sitati, cyo guhamagarira, gutegeka no gushyigikira abantu gutsembatsemba Abatutsi muri Komini ya Mukingo n'iya Nkuli no ku Rukiko rw'ubujurire rwa Ruhengeri muri Komini ya Kigombe, kandi ibyo yabikoze abifitiye umugambi uhamye.

906. Urugereko rwemeje nta gushidikanya ko Uregwa ahamwa n'ibikorwa by'itsembatsemba nk'icyaha cyibasiye inyokomuntu, byakozwe n'abo yari akuriye muri Komini ya Mukingo, iya Nkuli no ku Rukiko rw'ubujurire rwa Ruhengeri muri Komini ya Kigombe, hashingiwe ku Ngingo ya 6(3) ya Sitati.

907. Kubera izo mpamvu, ku birebana n'**ikirego cya 6** cyo mu Nyandiko y'ibirego, Urugereko rwemeje ko Uregwa AHAMWA N'ITSEMBATSEMBA NK'ICYAHA CYIBASIYE INYOKOMUNTU.

4. Ibyaha byibasiye Inyokomuntu –gusambanya ku gahato

(a) Inyandiko y'ibirego

908. Ikirego cya 7 cyo mu Nyandiko y'ibirego kirebana n'ibyaha byibasiye inyokomuntu kigira kiti :

> ***Ikirego cya 7: Ibyaha byibasiye inyokomuntu - Gusambanya ku gahato, hashingiwe ku Ngingo ya 3(g) ya Sitati***

Kubera ibyo Juvénal Kajelijeli yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23,4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.7, 5.8 na 5.9;

Ashinjwa ibikorwa byo gusambanya Abatutsikazi ku gahato mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira mpamvu za politiki cyangwa iz'ubwoko. Kubera ibyo, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(g), kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

909. Kubera impamvu zavuzwe mu mutwe wa III, icyiciro cya A cy'iyi Nyandiko y'urubanza, Urugereko rwafashe iyi myanzuro rushingiye gusa ku bika by'Inyandiko y'ibirego byifashishwa mu kirego cya 7.

(b) Ubukemuramanza

910. Mu rubanza rw'Akayesu, Urugereko rwa Mbere rw'Iremezo rumaze kubona ko ibisobanuro bisanzwe byo gusambanya ku gahato biterekana neza isura y'icyo cyaha[1099]. rwatanze ibisobanuro bikurikira:

Ibikorwa bishingiye ku kwinjiza ikintu icyo ari cyo cyose mu birebana n'igitsina cy'undi muntu ku gahato. Ibikorwa by'urugomo rushingiye ku gitsina bibarirwamo no gusambanya ku gahato bifatwa ko ari ibikorwa ibyo ari byo byose byerekeranye n'igitsina byakorewe umuntu ku gahato[1100].

[1099] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 597.

[1100] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, igika 598.

911. Icyo gisobanuro, gishingiye ku magambo asanzwe akoreshwa ku cyaha cyo gusambanya ku gahato ni na cyo cyemejwe mu rubanza rwa Musema[1101]. Muri urwo rubanza, Urugereko rwemeje ko itandukanyirizo riri hagati yo « kwinjiza ikintu icyo ari cyo cyose mu birebana n'igitsina » n' « igikorwa icyo ari cyo cyose cyerekeranye n'igitsina » ari kimwe n'iriri hagati y'icyaha cyo gusambanya ku gahato n'icy'urugomo rushingiye ku gitsina[1102]. Nyamara ariko, mu rubanza rwa *Furundzija,* Urugereko rwa Mbere rw'Iremezo rwa TPIY rwahisemo igisobanuro kirambuye gikurikira, gishingiye ku bice by'umubiri no ku bintu bikoreshwa mu gukora icyaha:

> Mu muryango w'amategeko ya *« common law »* no mu w'amategeko ya *« civil law »*, amenshi muri yo avuga ko gusambanya ku gahato ari ukwinjiza ku gahato imboro mu mubiri w'undi muntu, cyangwa se kwinjiza ku gahato ikintu icyo ari cyo cyose mu gituba cyangwa mu nnyo by'undi muntu[1103].

912. Urugereko rw'Ubujurire rwakoresheje icyo gisobanuro[1104] cyaje kugororwa cyane kandi kikuzuzwa n'Urugereko rwa Mbere rw'Iremezo II rwa TPIY mu rubanza rwa Kunarac*,* nk'uko bivugwa hano hasi.

913. Mu mategeko mpuzamahanga, igikorwa kigize icyaha cyo gusambanya ku gahato kigaragazwa n'uko nyirukugikora :

> (a) yinjije imboro ye cyangwa ikindi kintu icyo ari cyo cyose mu gituba cyangwa mu nnyo by'uwakorewe icyaha, kabone n'iyo byaba ari gato cyane; cyangwa se
>
> (b) yinjije imboro ye mu kanwa k'uwakorewe icyaha; kandi icyo gikorwa cyo kwinjiza kibaho uwakorewe icyaha atabyemeye. Iyo bavuga kubyemera bisobanura ko uwakorewe icyaha agomba kuba yabyemeye ku bushake bwe busesuye, kandi kugira ngo umenye ko yabyemeye nta gahato ugomba kubisuzuma ukurikije uko ibintu biba byifashe muri icyo gihe.

[1101] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 226; Reba na none Inyandiko y'urubanza rwiswe urwa Celebici mu rw'iremezo, igika 479; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, igika 456.

[1102] Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 227.

[1103] Inyandiko y'urubanza rwa Furundzija mu rw'iremezo, igika 181.

[1104] Inyandiko y'urubanza rwa Furundzija mu rw'iremezo, igika 185.

914. Umugambi wo gukora icyaha cyo gusambanya ku gahato ugaragazwa n'uko uwagikoze aba afite igitekerezo cyo gukora igikorwa cy'iyinjiragitsina, kandi azi neza ko uwo abikorera atabyemeye[1105].

915. Kubera ko amategeko agenda ahindukana n'ibihe kuri icyo kibazo, ari na byo byatumye Urugereko rw'Ubujurire rwa TPIY rufata umwanzuro nk'uwo rwafashe mu rubanza rwa Furundžija no mu rwa Kunarac, Urugereko, rumaze kubona ko uwo mwanzuro uboneye, rwemeje ibisobanuro by'icyaha cyo gusambanya ku gahato byatanzwe mu rubanza rwa Kunarac nk'uko bimwe muri byo byongeye kwandukurwa hano hejuru. Umugambi ugize icyaha cyo gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu, ugaragarira mu gitekerezo uwagikoze aba afite cyo gukora ubwinjiragitsina mu buryo bwavuzwe haruguru, kandi azi neza ko uwo abikorera atabyemeye.

916. Birumvikana ariko ko n'ibindi bikorwa by'urugomo rushingiye ku gitsina bidahuye n'ibisobanuro bimaze gutangwa na byo bishobora gukurikiranwa. Urugereko rushobora kubishyira mu bindi byiciro by'ibyaha rufite ububasha bwo kuburanisha, nk'ibindi bikorwa bibi birenze kameremuntu.

(c) Umwanzuro w'Urugereko

917. Urugereko rwasanze, hashingiwe ku mabwiriza yo « gutsemba Abatutsi » yatanzwe n'Uregwa ari ku isoko ryo mu Byangabo ku itariki ya 7 Mata 1994, Interahamwe zaragiye muri Serire ya Rwankeri. Urugereko rwasanze kandi umugore w'Umututsikazi witwaga Joyce yarasambanyijwe ku gahato akanicirwa n'Interahamwe aho muri Serire ya Rwankeri.

918. Urugereko rwasanze umutangabuhamya wiswe ACM, umugore w'Umututsikazi, yarasambanirijwe ku gahato n'Interahamwe kuri Paruwasi ya Busogo no muri Serire ya Kabyaza ku itariki ya 7 Mata 1994, ubwo yari amaze gutangirwa kuri bariyeri.

919. Urugereko rwasanze umukobwa w'ikimuga w'umutangabuhamya w'Umututsikazi wiswe GDO yarasambanyijwe ku gahato akanicirwa n'Interahamwe muri Serire ya Rukoma, Segiteri ya Shingiro ku itariki ya 7 Mata 1994. Uretse Umucamanza Ramaroson ubibona ukundi, Urugereko ku bwiganze bw'amajwi rwasanze Uregwa atari aho iki cyaha cyakorewe igihe cyakorwaga, kandi ku bwiganze bw'amajwi rwasanze hataratanzwe

---

[1105] Inyandiko y'urubanza rwa Kunarac mu rw'iremezo, igika 412; Inyandiko y'urubanza rwa Kunarac mu bujurire), igika 128; Reba na none: Inyandiko y'urubanza rwa Semanza mu rw'iremezo, ibika 345-346.

ibimenyetso bihamya ko Uregwa yatanze , yihariye yo gusambanya ku gahato no kwica umukobwa wa GDO nk'uko abishinjwa.

920. Urugereko rwasanze umutangabuhamya w'Umututsikazi wiswe GDT yarasambanyijwe ku gahato akanacibwa imyanya y'umubiri ijyanye n'igitsina, kandi ibyo byakozwe n'Interahamwe muri Segiteri ya Susa, Komini ya Kinigi, ku itariki ya 7 Mata 1994. Uretse Umucamanza Ramaroson ubibona ukundi, Urugereko ku bwiganze bw'amajwi rwasanze na none hataratanzwe ibimenyetso bihamya ko kuri uwo munsi Uregwa yatanze itegeko ryihariye ryo gusambanya cyangwa gukorera urugomo rushingiye ku gitsina Abatutsikazi muri Segiteri ya Susa, Komini ya Kinigi, nk'uko abishinjwa.

921. Urugereko rwasanze umutangabuhamya w'Umututsikazi wiswe GDF yarasambanyijwe ku gahato n'Interahamwe muri Segiteri ya Susa, Komini ya Kinigi, ku itariki ya 10 Mata 1994. Nyamara ariko, Urugereko ntirwemeye ko Uregwa yari aho icyo cyaha cyo gusambanya ku gahato cyakorewe igihe cyakorwaga.

922. Urugereko rusanze hagati y'itariki ya 7 Mata n'iya 10 Mata 1994 hari ibikorwa byo gusambanya ku gahato byakozwe n'Interahamwe muri Komini ya Mukingo n'iya Kinigi, muri Perefegitura ya Ruhengeri. Byongeye kandi, hakurikijwe uko ibintu byari byifashe icyo gihe, Urugereko rusanze uko gusambanya ku gahato byarakozwe mu rwego rw'ibitero rusange byibasiye Abatutsi. Ku birebana n'uyu mwanzuro, Umucamanza Ramaroson yometse kuri iyi Nyandiko y'urubanza igitekerezo cye kinyuranye n'icy'abandi Bacamanza.

- **Uburyozwacyaha bushingiye ku Ngingo ya 6(1)**

923. Uretse Umucamanza Ramaroson ubibona ukundi, Urugereko, ku bwiganze bw'amajwi, rushingiye ku myanzuro yarwo irebana n'ibyabaye iri hano hejuru, rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko Uregwa yacuze umugambi w'icyaha cyo gusambanya ku gahato rwamaze kwemeza ko cyakozwe, ko yahamagariye akanategeka abandi kugikora, ko yagikoze ubwe cyangwa ku bundi buryo ubwo ari bwo bwose ko yashyigikiye abandi mu gucura umugambi w'icyo cyaha, mu kuwutegura cyangwa mu kuwutsotsoba.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

- **Uburyozwacyaha bushingiye ku Ngingo ya 6(3)**

924. Umucamanza Ramaroson avuga ko atari ngombwa gusuzuma uburyozwacyaha bw'Uregwa ku cyaha cyo gusambanya ku gahato hashingiwe ku Ngingo ya 6(3) ya Sitati, ko ahubwo hagomba gushingirwa ku Ngingo ya 6(1), impamvu ashingiraho akaba azigaragaza mu gitekerezo cye kinyuranye n'icy'abandi bacamanza. Kubera ibyo, imyanzuro ikurikira y'Urugereko irebana n'uburyozwacyaha buvugwa mu Ngingo ya 6(3) ni iyafashwe n'abacamanza ku bwiganze bw'amajwi. Ku bwiganze bw'amajwi, Urugereko rusanze Uregwa atari aho ibikorwa byo gusambanya ku gahato, rwemeje ko byakozwe n'Interahamwe, byakorewe igihe byakorwaga. Nta bimenyetso byatanzwe bihamya ko Uregwa yigeze na rimwe aha Interahamwe , yo gusambanya ku gahato, ahubwo , yatanze, muri rusange, yari ayo kwica cyangwa gutsembatsemba. Byongeye kandi, hashingiwe ku bimenyetso byatanzwe no ku bintu uko byari byifashe icyo gihe, ntibishoboka gufata umwanzuro ucukumbuye wemeza ko Uregwa yari azi cyangwa yagombaga kuba yari azi ko Interahamwe zarimo gukora ibikorwa byo gusambanya ku gahato. Bityo rero, Urugereko, ku bwiganze bw'amajwi, rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko Uregwa yari azi cyangwa ko yagaombaga kuba azi ko Interahamwe zakoze ibikorwa byo gusambanya ku gahato, rwemeje ko bwakozwe n'Interahamwe muri Komini ya Mukingo n'iya Kinigi hagati y'itariki ya 7 n'iya 10 Mata 1994. Bityo, ku birebana no gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu, Porokireri ntiyashoboye kuzuza inshingano zo kugaragaza ko Uregwa agomba kuryozwa icyaha nka gatozi hashingiwe ku Ngingo ya 6 (3) ya Sitati.

(d) Icyemezo cy'Urugereko

925. Kubera izo mpamvu, ku birebana n'Ikirego cya 7 cyo mu Nyandiko y'ibirego, Urugereko rwemeje ku bwiganze bw'amajwi ko Uregwa ADAHAMWA NO GUSAMBANYA KU GAHATO NK'ICYAHA CYIBASIYE INYOKOMUNTU. Nyamara ariko, Umucamanza Ramaroson si ko abibona.

5. Ibyaha byibasiye inyokomuntu – Gutoteza

(a) Kuvana ikirego mu Nyandiko y'ibirego

926. Mu myanzuro nsozarubanza ya Porokireri mu magambo, yamenyesheje Urugereko ko igikorwa cyo gutoteza nk'icyaha cyibasiye Inyokomuntu akivanye mu mubare w'ibirego

kuko nta bimenyetso bihagije yakiboneye[1106]. Urugereko rwafashe ibyo nk'icyifuzo cya Porokireri magambo kirusaba uruhushya rwo kuvana ikirego cya 8 mu Nyandiko y'ibirego.

927. Urugereko rumaze kubona ko icyifuzo cya Porokireri nta cyo Ubwunganizi bukirwanyaho, rumaze kandi gusuzuma ibiteganywa n'Ingingo ya 50 n'iya 51 z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso zerekeranye no kuvanaho Inyandiko y'ibirego, rwemeye icyifuzo cya Porokireri cyo kuvana ikirego cya 7 mu Nyandiko y'ibirego.

(b) Umwanzuro w'Urugereko

928. Hakurikijwe uko ibintu biteye, Urugereko RWEMEJE KO IKIREGO CYO GUTOTEZA NK'ICYAHA CYIBASIYE INYOKOMUNTU NTA GACIRO GIFITE nk'uko giteye mu Kirego cya 8 cy'Inyandiko y'ibirego**.**

6. Ibyaha byibasiye inyokomuntu – Ibindi bikorwa bibi birenze kameremuntu

(a) Inyandiko y'ibirego

929. Ikirego cya 9 cyo mu Nyandiko y'ibirego kigira kiti:

> ***Ikirego cya 9: Ibyaha byibasiye inyokomuntu - Ibindi bikorwa bibi birenze kameremuntu, hashingiwe ku Ngingo ya 3(i) ya Sitati***
>
> Kubera ibyo Juvénal Kajelijeli yakoze cyangwa ibyo yirengagije gukora bivugwa mu bika bikurikira:
>
> Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 na 5.9;
>
> Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;
>
> **Ashinjwa** ibindi bikorwa bibi birenze kameremuntu byakorewe Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera izo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(i) kandi

[1106] Imyanzuro nsozarubanza yanditse ya Porokireri (Inyandiko ikosora), ibika 138 na 139.

kigahanishwa Ingingo ya 22, n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

930. Kubera impamvu zasobanuwe mu cyiciro cya 1 cy'igice cya III cy'uru rubanza, Urugereko rwafashe umwanzuro ku byabaye rukurikije gusa ibika bya ngombwa byo mu kirego cya cyenda cyo mu Nyandiko y'ibirego

(b) Ubukemuramanza

931. Mu rubanza rwa Kayishema na Ruzindana, Urugereko rwa Mbere rw'Iremezo rwibukije ko icyiciro cy'ibyaha cyiswe « ibindi bikorwa bibi birenze kameremuntu » cyateganyijwe kuva kuri Sitati ya Nuremberg kugeza ubu, kubera ko gifite akamaro ku birebana no guhana ibikorwa biba bitavuzwe ku buryo bweruye, kandi ububi bwabyo bwagereranywa n'ubw'ibikorwa byateganyijwe[1107].

932. Ibyaha byinjira muri icyo cyiciro ni ibikorwa bifite ububi nk'ubw'ibyarondowe mu Ngingo ya 3 ya Sitati, kandi Urugereko rwemeza ibyo ari byo rukurikije imiterere ya buri rubanza[1108]. Iyo Porokireri atanga ibimenyetso bishyigikira ikirego cye, agomba kwerekana ko igikorwa kibi kirenze kameremuntu gifite aho gihuriye n'ububabare bukabije cyangwa se ukuzahara k'uwakorewe icyaha, haba ku mubiri cyangwa mu mutwe[1109]. Amagambo ibikorwa bibi birenze kameremuntu ashaka kuvuga gusa ibikorwa bigamije gutera abantu umubabaro ku bushake. Bityo, iyo umuntu utarakorewe icyaha yabonye bimwe mu byakorewe abandi, kabone n'iyo uregwa yaba nta gitekerezo yari afite cyo kumugirira nabi kubera kubona ibyo byabaye, uregwa ashobora kuryozwa ko yateye uwo muntu ububabare bwo mu mutwe[1110].

933. Mu rubanza rwa *Kayishema* na *Ruzindana*, iyo mitekerereze yavuzwe mu magambo ahinnye mu buryo bukurikira*:*

> […] kugira ngo Uregwa ahamwe n'ibindi bikorwa birenze kameremuntu nk'ibyaha byibasiye inyokomuntu, ni ngombwa ko ibyo bikorwa ashinjwa biba bifite uburemere n'ububi bumeze kimwe n'ubw'ibikorwa birondorwa, akaba yarabikoze

[1107] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 149.

[1108] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 151.

[1109] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 151.

[1110] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, ibika 152-153.

ari byo agambiriye kandi azirikana ko biri mu rwego rw'ibitero rusange[1111]. Mu rubanza rwa Niyitegeka, Urugereko rwa Mbere rw'Iremezo I rwemeje ko, ubwo yakoreraga ku ntumbi y'umugore ibikorwa by'urugomo rushingiye ku gitsina, yahungabanyije abasiviri mu mutwe, ko kandi ibikorwa bye byahungabanyije ku buryo bukomeye agaciro k'umuntu wese w'Umututsi[1112], ko na none ibyo bikorwa byari mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abasiviri b'Abatutsi bazira ubwoko bwabo.

(c) Umwanzuro w'Urugereko

934. Urugereko rwasanze ku itariki ya 7 Mata 1994, muri Serire ya Rwankeri, Interahamwe zarasambanyije ku gahato zikanica umugore w'Umututsikazi witwaga Joyce. Byongeye kandi, Urugereko rwasanze Interahamwe zarajombye uwo mugore icumu mu rubavu no mu myanya ndangagitsina, maze umurambo we ziworosa n'ingutiya ye.

935. Urugereko rwasanze ku itariki ya 7 Mata 1994, muri Serire ya Rwankeri, umukobwa w'Umututsikazi witwa Nyiramburanga yaraciwe ibere n'Interahamwe maze nyuma irararirigata[1113].

936. Urugereko rusanze ibyo bikorwa bibangamiye bikomeye agaciro ka muntu k'ubwoko bw'Abatutsi bose uko bakabaye. Guca umugore ibere no kuririgata, kimwe no kujomba icumu mu gitsina cy'umugore ni ibikorwa by'agahomamunwa binganya ububi n'ibindi bikorwa biri ku rutonde rw'ibyaha byibasiye inyokomuntu, kandi bishobora gutera Umututsi uwo ariwe wese wabibonye ububabare bukomeye bwo mu mutwe. Byongeye kandi, hakurikijwe uko ibintu byari byifashe igihe ibyo bikorwa byabaga, Urugereko rusanze byarakozwe mu rwego rw'ibitero rusange byibasiye abasiviri b'Abatutsi.

- **Uburyozwacyaha bushingiye ku Ngingo ya 6(1)**

937. Cyakora, nta bimenyetso byatanzwe bihamya ko Uregwa yari aho ibyo bikorwa byabereye mu gihe byakorwaga cyangwa se ko yategetse abantu kubikora[1114]. Bityo rero, Urugereko

[1111] Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo, igika 154.

[1112] Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, ibika 465-467.

[1113] Reba hano hejuru: Umutwe wa III, Icyiciro L.

[1114] Reba hano hejuru : Umutwe wa III, Icyiciro L.

rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko Uregwa yacuze umugambi w'ibindi bikorwa bibi birenze kameremuntu, ko yahamagariye akanategeka abandi kubikora, ko yabikoze ubwe cyangwa ku bundi buryo ubwo ari bwo bwose ko yashyigikiye abandi mu gucura umugambi w'ibyo bikorwa, mu kuwutegura cyangwa mu kuwutsotsoba.

- **Uburyozwacyaha bushingiye ku Ngingo ya 6(3)**

938. Urugereko rusanze mu gihe hakorwaga ibi bikorwa bindi bibi birenze kameremuntu, rwamaze kwemeza ko byakozwe n'Interahamwe, Uregwa atari aho byakorewe. Urugereko rusanze nta bimenyetso byatanzwe bihamya ko Uregwa yaba yarigeze na rimwe aha Interahamwe , yo gukora ibi bikorwa, ahubwo ayo yatanze muri rusange yari ayo kwica cyangwa gutsembatsemba. Byongeye kandi, hashingiwe ku bimenyetso byatanzwe no ku bintu uko byari byifashe icyo gihe, ntibishoboka gufata umwanzuro ucukumbuye wemeza ko Uregwa yari azi cyangwa yagombaga kuba yari azi ko Interahamwe zarimo gukora ibindi bikorwa bibi birenze kameremuntu. Bityo rero, Urugereko rusanze Porokireri atarashoboye kugaragaza ku buryo budashidikanywaho ko Uregwa yari azi cyangwa ko yagombaga kuba azi ko Interahamwe zakoze ibindi bikorwa bibi birenze kameremuntu, rwamaze kwemeza ko byakozwe n'Interahamwe muri Komini ya Mukingo ku itariki ya 7 Mata 1994.

939. Bityo rero, ku birebana n'ikirego cy'ibindi bikorwa bibi birenze kameremuntu nk'icyaha cyibasiye inyokomuntu, Urugereko rusanze Porokireri atarashoboye kuzuza inshingano ze zo kugaragaza ko Uregwa agomba kuryozwa icyaha nka gatozi hashingiwe ku Ngingo ya 6 (3) ya Sitati.

(d) Conclusion

940. Bityo rero, ku birebana n'ikirego cya 9 cyo mu Nyandiko y'ibirego, Urugereko rusanze Uregwa ADAHAMWA N'IBINDI BIKORWA BIBI BIRENZE KAMEREMUNTU NK'ICYAHA CYIBASIYE INYOKOMUNTU.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

V. UMUTWE WA V. IMIKIRIZE Y'URUBANZA

941. Urugereko rushingiye ku mpamvu zivugwa muri uru rubanza, ku bimenyetso byose byatanzwe no ku myanzuro y'ababuranyi mu magambo, rwemeje ibi bikujrikira k'Uregwa :

942. Ku bwumvikane bw'abacamanza bose:

Ikirego cya 1 (Ubwumvikane bugamije gukora jenoside): **NTIKIMUHAMA**

Ikirego cya 2 (Jenoside): **KIRAMUHAMA**

Ikirego cya 3 (Kuba icyitso cy'abakoze jenoside): **NTAKIRYOZWA**

Ikirego cya 4 (Guhamagarira abantu mu ruhame ku buryo butaziguye gukora jenoside): **KIRAMUHAMA**

Ikirego cya 5 (Ubuhotozi nk'Icyaha cyibasiye inyokomuntu):**NTAKIRYOZWA**

Ikirego cya 6 (Itsembatsemba nk'Icyaha cyibasiye inyokomuntu): **KIRAMUHAMA**

Ikirego cya 8 (Gutoteza nk Icyaha Cyibasiye Inyokomuntu): **NTA SHINGIRO GIFITE**

Ikirego cya 9 (Ibindi bikorwa bibi birenze kameremuntu nk'Icyaha cyibasiye inyokomuntu): **NTAKIRYOZWA**

943. Ku bwiganze bw'amajwi (Umucamanza Ramaroson we abibona ukundi):

Ikirego cya 7 (Gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu): **NTIKIMUHAMA**

Arusha, 1 Ukuboza 2003

William H. SekuleWinston	C. Matanzima Maqutu	Arlette Ramaroson
Perezida w'Inteko	Umucamanza	Umucamanza
	(Ikashe y'Urukiko)	

VI. UMUTWE WA VI.GENAGIHANO

A. Ibikurikizwa muri rusange mu kugena igihano

944. Mu gusuzuma igihano Kajelijeli akwiye gukatirwa, Urugereko ruzirikana ko uru Rukiko rwashyizweho n'Inama y'Umuryango w'Abibumbye Ishinzwe Amahoro ku Isi ishingiye ku Mutwe wa VII w'Itegekoshingiro ry' Umuryango w'Abibumbye. Ruzirikana by'umwihariko Icyemezo 955 (1994) cy'Inama Ishinzwe Amahoro ku Isi. Mu iriburiro ryacyo, icyo cyemezo gishyira imbere, ingamba zo guca intege abagamije ubugizi bwa nabi, kwimakaza ubutabera, ubwiyunge, kugarura no kubungabunga amahoro, nk'uko bivugwa mu magambo akurikira,

> […]
>
> *Imaze kwiyemeza* guhagarika ikorwa ry'ibyo byaha no gufata ingamba zihamye kugira ngo ababikoze bashyikirizwe ubucamanza;
>
> *Imaze kumva neza* ko, mu bihe bidasanzwe u Rwanda rurimo, gushyikiriza ubucamanza abantu bakekwaho ibikorwa bya jenoside cyangwa ibindi bikorwa binyuranyije ku buryo bukomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, byatuma iyo ntego igerwaho kandi bigatanga umuganda mu nzira y'ubwiyunge bw'Abanyarwanda no mu kugarura no kubungabunga amahoro;
>
> *Imaze kubona* ko gushyiraho Urukiko Mpuzamahanga rwo gucira imanza abantu bakekwaho kuba barakoze ibyo byaha byatuma ibyo byaha bihagarara kandi bigatuma ingaruka zabyo zibonerwa umuti mu buryo bukwiye;
>
> […]

945. Mu gusuzuma igihano Kajelijeli akwiye gukatirwa, Urugereko rwasuzumanye ubushishozi ibintu bishobora gutuma izo ngamba zimaze kuvugwa zigerwaho. Kubera uburemere bw'ibyaha byakorewe mu Rwanda mu wa 1994, ni ngombwa ko amahanga abyamagana ku buryo bitazongera gukorwa mu Rwanda cyangwa se ahandi aho ariho hose. Ubwiyunge hagati y'Abanyarwanda Urukiko rugomba gutangamo umuganda, na bwo Urugereko rugomba kubuzirikana mu igenagihano.

946. Mu kugenera Kajelijeli igihano, Urugereko rurazirikana kandi ibintu bikurikira : uburemere bw'ibyaha ashinjwa, nk'uko biteganywa n'Ingingo ya 23 ya Sitati[1115] n'Ingingo ya 101 y'Amategeko[1116]; ibintu byihariye birebana na Kajelijeli; impamvu nyoroshyagihano n'impamvu nkomezacyaha; hamwe n'uburyo Urukiko rusanzwe rugena ibihano muri rusange. Hakurikijwe Ingingo ya 101 y'Amategeko, Urugereko rugomba kandi kuzirikana Urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda. Nibiba ngombwa, mu gifungo cyose Kajelijeli ari butakirwe Urugereko rurakuramo igihe amaze afunzwe by'agateganyo mbere y'icibwa ry'urubanza.

[1115] Ingingo ya 23 ya Sitati igira iti:

1. Urugereko rwa Mbere rw'Iremezo rugena ibihano by'igifungo gusa. Mu kugena ibirebana n'igifungo, Urugereko rwa Mbere rw'Iremezo rwifashisha urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda.
2. Mu kugena igihano icyo ari cyo cyose, Urugereko rwa Mbere rw'Iremezo ruzirikana ibintu binyuranye, nk'uburemere bw'icyaha n'ibindi byihariye birebana n'uwahamwe n'icyaha.
3. Uretse igihano cyo gufunga uwakatiwe, Urugereko rwa Mbere rw'Iremezo rushobora gutegeka ko ibintu byose n'umutungo yabonye mu nzira zinyuranyije n'amategeko bisubizwa ba nyirabyo, ndetse hakaba hakoreshwa n'ingufu.

[1116] Ingingo ya 101 y'Amategeko igira iti:

(A) Umuntu uhamijwe icyaha n'Urukiko ashobora guhanishwa igihano cy'igifungo kimara igihe runaka cyangwa cya burundu.

(B) Mu kugena ibihano, Urugereko rwa Mbere rw'Iremezo ruzirikana ibiteganywa n'Ingingo ya 23 (2), hamwe n'ibi bikurikira:

(i) Impamvu nyongeragihano;

(ii) Impamvu nyoroshyagihano harimo n'uburyo uregwa yafashije Porokireri mbere cyangwa nyuma y'uko icyaha kimuhama;

(iii) Urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda;

(iv) Igihe uwahamwe n'icyaha yamaze muri gereza afungiwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu runaka, hakurikijwe Ingingo ya 9 (3) ya Sitati.

(C) Urugereko rwa Mbere rw'Iremezo rugena niba ibihano bitandukanye bizarangizwa kimwe nyuma y'ikindi cyangwa bizarangirizwa rimwe.

(D) Igihe uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko, gucirwa urubanza n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Urugereko rw'Ubujurire, niba kiriho, gikurwa mu gihe cy'igifungo cyose.

B. Impamvu nyoroshyagihano

947. Mu Myanzuro nsozarubanza y'Ubwunganizi, bwasabye ko Kajelijeli aramutse ahamwe n'icyaha, impamvu nyoroshyagihano bwatanze zahabwa agaciro kose gashoboka, by'umwihariko hazirikanwa ko Abatutsi benshi batanze ubuhamya bavuze ko ari we bakesha kuba bakiriho. Ubwunganizi bwongeyeho kandi ko Urugereko rwa Mbere rw'Iremezo rufite ububasha bwo kugena igihano icyo ari cyo cyose kiri mu nyungu z'ubutabera[1117].

948. Ibivugwa ko Kajelijeli yarokoye Abatutsi mbere y'umwaka wa 1994, Urugereko ntirubifata nk'impamvu nyoroshyagihano. Icya mbere, Urugereko rusanga icyo gihe kivugwa kitari mu bubasha bw'Urukiko. Icya kabiri, Ubwunganizi bwatambamiye ibyo Porokireri yifuzaga byo gucukumbura niba Kajelijeli yaba yaragize uruhare mu kugirira nabi no kwica Abatutsi mbere y'umwaka wa 1994, ibyo bikaba byaratumye icyo kibazo kidasuzumwa ku buryo buhagije mu rubanza.

949. Rumaze gusuzumana ubwitonzi ubuhamya bwa JK-312, Urugereko rusanze Kajelijeli yarafashije mu guhungisha umuryango umwe w'Abatutsi ku itariki ya 8 Mata 1994 cyangwa hafi y'iyo tariki.

950. Urugereko rusanze Kajelijeli adakwiye gushimirwa ko hari Abatutsi babarirwa ku ntoki bahungiye mu rugo rw'umugore we wa kabiri. Rusanze uwo mugore ari we wabakiriye kandi ari we wagumanye na bo iwe, atari Kajelijeli wabikoze. Bityo rero, haramutse habaye ishimwe kuri icyo kibazo si Kajelijeli warigenerwa, ahubwo ryagenerwa uwo mugore we.

951. Urugereko rusanze kuba Kahelijeli yarafashije mu guhungisha umugabo umwe w'Umututsi n'umuryango we bidahagije kumubera impamvu nyoroshyagihano, ukurikije umubare w'Abatutsi Kajelijeli atatabaye ndetse hanazirikanwa ko na we yagize uruhare rukomeye mu iyicwa ryabo.

952. Urugereko rusanze nta mpamvu zoroshya uburyozwacyaha bwa Kajelijeli ku byaha bimuhama.

[1117] Imyanzuro nsozarubanza yanditse y'Ubwunganizi (Inyandiko ikosora), igika 589-594.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

C. Impamvu nkomezacyaha

953. Urugereko rusanze, nk'uko biteganywa n'Ingingo ya 23 (2) ya Sitati, uburemere bw'ibyaha byakozwe bugomba kwitabwaho mu igenagihano. Urugereko rwumva ibyo bishaka kuvuga ko uko icyaha kigenda kirushaho kuba agahomamunwa ari na ko igihano kigomba kugenda kiremera kurushaho k'uwagikoze. Nyamara ariko, mu gusuzuma uburemere bw'icyaha, Urugereko ntirugomba kugarukira gusa ku bubi bw'icyaha ubwacyo, ahubwo rugomba no kuzirikana imiterere yihariye ya buri rubanza, kimwe n'uburyo Kajelijeli yakozemo icyaha n'ingano y'uruhare rwe mu ikorwa ryacyo[1118].

954. Urugereko rwamaze kwemeza ko Kajelijeli ahamwa n'ibirego bibiri bya jenoside n'ikirego kimwe cy'itsembatsemba nk'icyaha cyibasiye inyokomuntu.

955. Urugereko rusanze nta kimenyetso cyatanzwe ku myitwarire mibisha yaba yararanze Kajelijeli mbere.

956. Porokireri yasabye ko Kajelijeli yahanishwa igifungo cya burundu[1119]. Yatanze impamvu zikurikira ashingiraho amusabira icyo gihano : icya mbere, icyaha cya jenoside ni cyo cyaha kibi kurusha ibindi byose, ibyo bikaba bikwiye kuzirikanwa mu kugenera Kajelijeli igihano. Icya kabiri, igihano cy'igifungo cya burundu ni cyo Kajelijeli akwiye hakurikijwe ko ibyaha yakoze ari agahomamunwa. Icya gatatu, Kajelijeli yagize uruhare rw'ingenzi mu gutegura abantu bakoze ibyaha babarirwa mu magana, mbese abaturage bose, kugira ngo bice Abatutsi b'abasiviri batagiraga kirengera muri Perefegitura ya Ruhengeri, bakaba bari hafi kurimbura Abatutsi bose bo muri Komini ya Mukingo, iya Nkuli n'iya Kigombe, kubera ko na we ubwe yari mu bitero, yahamagariye abandi bantu kubyitabira, yacuze umugambi wabyo, kandi yategetse ko bigabwa.

957. Mu myanzuro nsozarubanza ya Porokireri yanditse, yavuze abitsindagira impamvu zinyuranye yumva ko zigomba kuzirikanwa n'Urugereko mu kugena igihano gikwiye[1120]. Mu kugena niba impamvu runaka zafatwa nk'inkomezacyaha, Urugereko rwitaye gusa ku zo rubona zaratangiwe ibimenyetso bifatika[1121].

[1118] Inyandiko y'urubanza rwa Semanza mu rw'iremezo, igika 555.

[1119] Imyanzuro nsozarubanza ya Porokireri (Inyandiko ikosora), igika 355.

[1120] Imyanzuro nsozarubanza ya Porokireri (Inyandiko ikosora), ibika 314-316.

[1121] Inyandiko y'urubanza rwa Delalic na bagenzi be mu bujurire (Urubaza rwiswe urwa Celebici), urup. 763.

958. Porokireri avuga ko Urugereko rukwiye kwemeza ko impamvu zikurikira ari inkomezacyaha : kuba Kajelijeli yari umuyobozi w'Interahamwe muri Komini ya Mukingo; kuba yari umubitsi w'ishuri ry'icyamamare muri Komini ya Mukingo; no kuba yari umurwanashyaka wa MRND muri Perefegitura ya Ruhengeri mu gihe ibivugwa mu Nyandiko y'ibirego byabaga.

959. Porokireri yakomeje avuga ko Kajelijeli yigeze kuba umukozi wa Leta kuko yabaye Burugumesitiri wa Komini ya Mukingo na Kontabure wa Komini ya Nkuli, ndetse ko yari umuntu ukomeye muri rubanda. Porokireri yavuze ko Kajelijeli yari umuntu w'icyamamare kandi wari uzwi cyane muri Perefegitura ya Ruhengeri ari nayo akomokamo, akaba yari Perezida wa MRND muri Komini ya Mukingo ndetse na nyuma akaba yarabaye umwe mu bari bagize komite ya Perefegitura ya MRND. Nk'umuyobozi w'abaturage akaba n'umuyobozi mu butegetsi bw'igihugu mu karere, yari afite inshingano yo gushyigikira no gusakaza amahame ari mu Itegeko Nshinga hamwe no kubungabunga ituza rusange. Aho kubikora, yashyigikiye ingengabitekerezo ya MRND uko yagiye ihindukamo ubutagondwa bwa « Hutu Pawa », kandi yagize umurava mu bwicanyi bwakorewe Abatutsi ndetse ahamagarira n'abandi kubukora. Yari umuyobozi w'umutwe w'Interahamwe kandi umugambi we wari uwo gukoresha uwo mutwe mu kugaba ibitero, kandi koko byaragabwe[1122]. Porokireri yongeyeho ko Kajelijeli atigeze yamagana abantu bari bamuri hafi bakoze ubwicanyi, ko nta cyo yakoze ngo abuburizemo ndetse ko atahannye ababukoze.

960. Icya nyuma, Porokireri avuga ko Kajelijeli atigeze agaragaza ko yicuza ibyaha yakoze[1123].

961. Urugereko rwasuzumye ingingo z'ababuranyi kuri iki kibazo maze rwemeza ko impamvu zivugwa hano hasi ari inkomezacyaha ku birebana n'ibyaha rwasanze bihama Kajelijeli.

962. Urugereko rusanze Kajelijeli yarakoresheje ijambo rikomeye yari afite muri rubanda maze akoranya abantu kugira ngo bakore ubwicanyi. Yabaye umuhuza w'abasirikare n'abasiviri mu rwego rwo kugaba ibitero ku basiviri b'Abatutsi no kubica; kandi yategetse, yahamagariye ndetse yanayoboye abantu benshi muri uwo mugambi mubisha. Yakoze ibishoboka byose ngo abicanyi bahabwe intwaro, kugira ngo ibitero birusheho koreka imbaga. Yayoboye ubwicanyi bwakorewe ahantu hanyuranye muri Perefegitura ya

[1122] Imyanzuro nsozarubanza ya Porokireri (Inyandiko ikosora), igika 315.

[1123] Imyanzuro nsozarubanza ya Porokireri (Inyandiko ikosora), igika 316.

Ruhengeri kandi na we yabugiyemo. Ubwo yasabwaga guhagarika ubwicanyi kuko igihe cyari kigeze ngo abapfuye bashyingurwe, yanze kuva ku izima ryo gukora jenoside, atsindagira ko ari ngombwa gukomeza kuyikora. Biragaragara ko Kajelijeli ari umuntu wari wariyemeje gutsotsoba imigambi mibisha ye.

D. Urutonde rw'ibihano

963. Urugereko rwitaye ku mikirize y'imanza ya TPIR n'iya TPIY ku birebana n'igenagihano maze rusanga mbere ya byose ingano y'igihano igomba kujyana n'uburemere bw'icyaha. Abakoze icyaha bo mu rwego rw'ibanze bahamwe na jenoside cyangwa itsembatsemba nk'icyaha cyibasiye inyokomuntu, cyangwa byombi, bakatiwe igihano cy'igifungo kuva ku myaka 15 kugeza ku gifungo cya burundu. Abagize uruhare ruziguye cyangwa se rutari urw'ibanze mu gukora icyaha bagiye bahanishwa igihano gito muri rusange. Nk'urugero, Georges Ruggiu yahanishijwe igifungo cy'imyaka 12 ku cyaha cyo guhamagarira abandi gukora jenoside yaburanye yemera, naho Elizaphan Ntakirutimana yahanishijwe igifungo cy'imyaka 10 ku cyaha cyo gushyigikira abandi mu gukora jenoside, hitaweho by'umwihariko ko yari ageze mu zabukuru.

964. Urugereko rwitaye ku bihano by'igifungo muri rusange bigenwa n'inkiko zo mu Rwanda. Urugereko rusanga ku byaha bikomeye cyane bisa n'ibyo Kajelijeli yahamijwe muri uru Rukiko, mu Rwanda umuntu wakoze nka byo ashobora guhanishwa igihano cyo kwicwa. Ku byaha bito kuri ibyo, inkiko zo mu Rwanda zishobora gukatira umuntu igifungo cya burundu. Urugereko rusanga rero iyo ari impamvu ishyigikira ko Juvénal Kajelijeli agomba gukatirwa igihano kiremereye.

E. Gukura mu gifungo igihe cyose uregwa amaze afunzwe by'agateganyo

965. Ku itariki ya 5 Kamena 1998, bisabwe na Porokireri, abayobozi bo mu gihugu cya Benin bafatiye Kajelijeli muri icyo gihugu. Ku itariki ya 29 Kanama 1998, Urukiko rwasuzumye Inyandiko y'ibirego yakorewe Kajelijeli ku itariki ya 22 Kanama 1998 noneho rurayemeza; maze rutanga urwandiko rwo gufata n'itegeko ryo kwimura no gufunga Kajelijeli[1124](wari ufungiye muri Benin), rubisabwe na Porokireri ashingiye ku Ngingo ya 40*bis* y'Amategeko

[1124] Urubanza rwa Kajelijeli mu rw'iremezo, Icyemezo cyo ku itariki ya 29 Kanama 1998, Urwandiko rwo gufata.

y'Urukiko. Kajelijeli yoherejwe ku cyicaro cy'Urukiko kiri Arusha ku itariki ya 9 Nzeri 1998.

966. Nk'uko ingingo ya 101 (D) y'Amategeko ibiteganya, Kajelijeli afite uburenganzira bwo gukurirwa mu gifungo akatirwa, igihe yamaze afunzwe by'agateganyo ategereje kwimurirwa mu Rukiko n'igihe amaze afunzwe by'agateganyo kugeza urubanza ruciwe. Urugereko rusanga ikigihe kigomba no kubarirwamo ibihe Kajelijeli yamaze afunzwe hagendewe gusa ku rwandiko rwo gufuta rwatanzwe n'u Rwanda, kuko na rwo rwari rushingiye ku birego bimwe n'ibyasuzumwe muri uru rubanza. Hakurikijwe uko ibintu biteye, birakwiye ko hazirikanwa igihe cyose Kajelijeli yamaze afunzwe by'agateganyo.

967. Urugereko rusanze mu gihano cya Kajelijeli hagomba kuvanwamo igihe amaze afunzwe by'agateganyo gihwanye n'imyaka itanu, amezi atanu n'iminsi 25.

F. Icyemezo cy'urugereko

968. Kubera impamvu zimaze kuvugwa zose, Urugereko rukatiye Kajelijeli ibihano mu buryo bukurikira:

Ku cyaha cya jenoside (Ikirego cya 2): **igifungo cya burundu;**

Ku cyaha cyo Guhamagarira abandi mu ruhame kandi mu buryo butaziguye gukora Jenoside (Ikirego cya 4): **igifungo cy'imyaka 15;**

Ku cyaha cy'itsembatsemba nk'icyaha cyibasiye inyokomuntu (Ikirego cya 6): **igifungo cya burundu;**

969. Ibi bihano bizarangirizwa icyarimwe.

970. Igihe amaze afunzwe by'agateganyo gihwanye n'imyaka itanu, amezi atanu n'iminsi 25 kigomba kuvanwa mu gihano yakatiwe ku Kirego cya 4.

971. Hashingiwe ku Ngingo ya 102(A) n'iya 103 z'Amategeko, Kajelijeli azaguma muri gereza y'Urukiko ategereje kuzoherezwa mu gihugi azarangirizamo igihano.

972. Ku Nyandiko y'uru rubanza, Umucamanza Ramarason yometseho igitekerezo cye kinyuranye n'icy'abandi bacamanza bagize inteko.

973. Bikozwe mu cyongereza no mu gifaransa, ariko inyandiko y'icyongereza ni yo izajya igenderwaho.

Arusha, itariki ya 1 Ukuboza 2003

William H. Sekule	Winston C. Matanzima Maqutu	Arlette Ramaroson
Prezidaw'Inteko	Umucamanza	Umucamanza

(Kashe y'Urukiko)

IMIGEREKA

UMUGEREKA WA I :	**Inyandiko y'ibirego yahinduwe ku wa 25 Mutarama 2001**
UMUGEREKA WA II :	**Urutonde rw'ibimenyetso gihamya**
UMUGEREKA WA III :	**Urutonde rw'abatangabuhamya**
UMUGEREKA WA IV :	**Urutonde rw'inyandiko zifashishijwe**

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Umuryango w'Abibumbye

Urubanza N° ICTR-98-44-A-I
Umwimerere: Icyongereza

POROKIRERI

ABURANA NA

JUVENAL KAJELIJELI

INYANDIKO Y'IBIREGO YAHINDUWE, HASHINGIWE KU CYEMEZO CY'URUKIKO CYO KU ITARIKI YA 25 MUTARAMA 2001

Porokireri w'Urukiko Mpanabyaha Mpuzamahanaga Rwashyiriweho u Rwanda, ashingiye ku bubasha ahabwa n'Ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (Sitati y'Urukiko), arega

JUVENAL KAJELIJELI

Icyaha cya JENOSIDE, kitamuhama akaba yaryozwa **KUBA ICYITSO CY'ABAKOZE JENOSIDE. AMUREGA KANDI UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE ; GUHAMAGARIRA ABANTU MU BURYO BUTAZIGUYE KANDI MU RUHAME GUKORA JENOSIDE ; IBYAHA BYIBASIYE INYOKOMUNTU ; N'IBIKORWA BINYURANYIJE N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE N'INYONGERA YAYO YA 2.** Ibyo byaha byose biteganywa n'Ingingo ya 2, iya 3, n'iya 4 za Sitati y'Urukiko.

1. UREGWA

1.1. **Juvénal Kajelijeli** yavukiye muri Serire ya Rwinzovu, Segiteri ya Rwinzovu, Komine ya Mukingo, muri Perefegitura ya Ruhengeri, mu Rwanda, ku itariki ya 26 Ukuboza 1951.

2. UBUBASHA BUSHINGIYE KU IFASI, KU GIHE IBYAHA BYAKOREWE NO KU BYAHA BYAKOZWE

2.1 Ibyaha bivugwa muri iyi Nyandiko y'ibirego byakorewe mu Rwanda, by'umwihariko muri Komine ya Mukingo n'agace byegeranye, muri Perefegitura ya Ruhengeri, hagati y'itariki ya 1 Mutarama 1994 n'iya 31 Ukuboza 1994.

2.2 Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Abatutsi bafatwaga nk'abantu bagize ubwoko bwihariye.

2.3 Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, mu Rwanda hose hagabwe ibitero rusange cyangwa biri kuri gahunda, byibasiye abaturage b'abasiviri bazira impamvu z'ubwoko cyangwa iza politiki.

2.4 Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, mu Rwanda hari intambara itari mpuzamahanga.

2.5 Abakorewe ibyaha bavugwa muri iyi Nyandiko y'ibirego bari abasiviri b'Abatutsi bo muri Komine ya Mukingo n'abandi Batutsi bari barahungiye muri iyo komine no mu gace byegeranye.

2.5.1 Abakorewe ibyaha bari abantu barengerwa hashingiwe ku Ngingo ya 3 Ihuriweho n'Amasezerano y'i Jeneve yo mu mwaka wa 1949 n'Inyongera yayo ya II, kandi ntibari bafite uruhare rutaziguye mu ntambara.

3. INZEGO Z'UBUTEGETSI BWA LETA MURI AKO KARERE

3.1 Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, u Rwanda rwari rugizwe na perefegitura 11 zirimo iya Ruhengeri. Iyi perefegitura yari igabanyijemo amakomine arimo iya Mukingo. Komine na yo yari igabanyijemo amasegiteri na yo agabanyijemo amaserire.

3.2 Perefe yari ahagarariye ubutegetsi nyubahirizategeko ku rwego rwa Perefegitura. Yashyirwagaho na Perezida wa Repubulika abigiriwemo inama na minisitiri w'ubutegetsi

bw'igihugu ari na we wari ukuriye perefe mu mirimo ye. Perefe yari afite ububasha muri perefegitura yose kandi ni we wayiyoboraga.

3.3 Nk'umuyobozi wa perefegitura, perefe yari ashinzwe kubungabunga amahoro, ituze n'umutekano w'abantu n'uw'ibintu. Perefe ni we wari ukuriye abakozi ba Leta bose n'abandi bantu bose bakorags imirimo ya Leta muri perefegitura, barimo ababurugumesitiri n'abakonseye b'amasegiteri.

3.4 Burugumesitiri yari ahagarariye ubutegetsi nyubahirizategeko ku rwego rwa Komine. Kimwe na perefe, burugumesitiri yashyirwagaho na Perezida wa Repubulika abigiriwemo inama na minisitiri w'ubutegetsi bw'igihugu. Burugumesitiri yari akuriwe na perefe kandi yari afite ububasha ku bakozi ba Leta bose bakorera muri komine ye. Burugumesitiri yari anafite inshingano zo kugenzura ko amategeko yubahirizwa, kubungabunga ituze, amahoro n'umutekano w'abantu n'uw'ibintu muri Komine ya Mukingo. Mu kurangiza izo nshingano, burugumesitiri yashoboraga kwiyambaza abapolisi ba komine na jandarumori y'igihugu.

3.5 **Uregwa** yabaye Burugumesitiri wa Komine ya Mukingo kuva mu mwaka wa 1988 kugeza mu wa 1993. Yongeye kugirwa burugumesitiri w'iyo komine muri Kamena 1994 maze aguma kuri uwo mwanya kugera hagati muri Nyakanga 1994.

3.6 Nka burugumesitiri, **Uregwa** yari afite ububasha ku bantu yari akuriye barimo abakozi ba Leta, abapolisi ba komine n'abajandarume. Yari afite kandi ububasha ku baturage b'abasiviri bo muri Komine ya Mukingo no ku Nterahamwe za MRND.

4. AMASHYAKA YA POLITIKI, URUBYIRUKO RW'AMASHYAKA, N'IMITWE YITWARA GISIRIKARE

Amashyaka ya politiki

4.1 MRND **(**Muvoma Revolisiyoneri Iharanira Amajyambere y'u Rwanda**)** yashinzwe na Juvénal Habyarimana ku itariki ya 5 Nyakanga 1975. Mu by'ukuri, MRND yari ishyaka rimwe rukumbi kandi inzego zaryo ntizari zitandukanye n'iz'ubutegetsi. Iryo shyaka ryari rigamije guha Perezida wa Repubulika urwego rufite imbaraga rwo kugenzura inzego za Leta zose. Mu ntego z'iryo shyaka harimo gushyigikira no kugenzura ibikorwa by'inzego zinyuranye za Leta. Perezida wa MRND ni we wenyine washoboraga kwiyamamaza ku

mwanya wa Perezida wa Repubulika, kandi Abanyarwanda bose bari abayoboke ba MRND kuva bakivuka.

4.2 Inzego za MRND (Muvoma Revolisiyoneri Iharanira Amajyambere y'u Rwanda) zari zifite urwego rwo hejuru ruzikuriye zose kandi zagendaga zigaba amashami kuva ku buyobozi bwo hejuru kugeza ku bw'ibanze. Inzego zo ku rwego rw'igihugu zarimo urwa Perezidansi, urw'Ubunyamabanga bukuru, urwa Kongere y'Igihugu, n'urwa Komite Nyobozi. Komite Nyobozi yari igizwe na Perezida, abandi bantu bashyirwagaho na Perezida w'ishyaka, Umunyamabanga Mukuru ku rwego rw'igihugu, Perezida w'Inteko ishinga Amategeko (Inama y'igihugu iharanira amajyambere). Ku rwego rw'uturere hariho inzego zo ku rwego rwa perefegitura, urwa komine n'urwa serire.

4.2.1 Perefe na Burugumesitiri bari bashinzwe buri wese gushyira mu bikorwa politiki ya MRND mu karere ategeka, kandi bombi bari abakozi ba Leta bashyirwagaho na Perezida wa Repubulika ubwe, ari na we wari Perezida wa MRND.

4.3 MRND yagenzuraga politiki ya Guverinoma, kandi Guverinoma yashyiraga mu bikorwa iyo politiki ku rwego rwa perefegitura n'urwa komine, binyuze mu nzego zivugwa haruguru mu gika cya 3.3, n'icya 3.4.

4.4 Ubwo amashyaka menshi yemerwaga hakanemezwa Itegeko Nshinga rishya ku itariki ya 10 Kamena 1991, Muvoma Revolisiyoneri Iharanira Amajyambere y'u Rwanda (MRND) yahinduye inyito maze yitwa Muvoma Iharanira Repubulika, Demokarasi n'Amajyambere ya Rubanda (MRND). N'ubwo hari ibyahinduwe muri Sitati yayo, imiterere y'inzego z'iryo shyaka rivuguruye ntiyahindutse.

4.5 Mu mwaka wa 1994, MRND ivuguruye yari ishyaka rya politiki mu Rwanda.

4.6 **Uregwa** yari inshuti magara ya Joseph Nzirorera wari Umunyamabanga Mukuru wa MRND, akaba yarigeze no kuba minisitiri muri Guverinoma za MRND mu myaka ya 1987, 1989, 1990 na 1991. Byongeye kandi, kuba bombi barakomokaga muri Komine ya Mukingo, byatumaga Uregwa agira ububasha n'icyubahiro.

4.6.1 Mu bihe bindi bitandukanye n'ibivugwa haruguru mu gika cya 3.5, muri Komine ya Mukingo **Uregwa** yari afite ububasha nk'ubwa burugumesitiri ariko atakomoraga ku mategeko, kubera ko yari ashyigikiwe na Joseph Nzirorera kandi abimufashamo.

Urubyiruko rw'amashyaka n'imitwe yitwara gisirikare

4.7 Nyuma y'igitero ku Rwanda mu Ukwakira 1990 cyagabwe na FPR, byavugwaga ko igizwe n'Abatutsi, udutsiko tumwe tw'abantu muri Guverinoma y'icyo gihe no mu gisirikare twatangiye kwita Abatutsi umwanzi ugomba kurimburwa mu Rwanda.

4.8 Hasobanurwaga ko umwanzi w'ibanze ari Umututsi wari mu gihugu cyangwa hanze washakaga kwigarurira ubutegetsi, ngo utarigeze yemera na rimwe impinduramatwara yo mu mwaka wa 1959, kandi ngo washakaga guhangana yifashishije intwaro. Hasobanurwaga kandi ko umwanzi wo mu rwego rwa kabiri yari Umuhutu utari intagondwa wateraga inkunga, iyo ari yo yose, cyangwa wari ushyigikiye umwanzi w'ibanze, cyangwa utaravugaga rumwe na Guverinoma cyangwa utaremeraga politiki ya MRND.

4.9 Byongeye kandi, guhera mu mpera ya 1990 kugera muri Nyakanga 1994, abasirikare, abagize Guverinoma, abayobozi mu rwego rwa politiki, abakozi ba Leta n'abandi bantu bakomeye barimo Uregwa, hamwe na Joseph Nzirorera, barumvikanye hagati yabo ndetse bumvikana n'abandi bantu kugira ngo bategure umugambi wo gutsembatsemba abasiviri b'Abatutsi n'abantu batavugaga rumwe n'ubutegetsi, kugira ngo MRND ikomeze igundire ubutegetsi.

4.10 Mu mwaka wa 1991, MRND yashyizeho ishami ryayo ry'urubyiruko ryitwa « Interahamwe ». Urwo rubyiruko rwashinzwe kubera ibintu bibiri byari bikenewe muri MRND:

a) gukangurira urubyiruko ibya politiki no

b) kurusaba guhora ruri maso.

4.11 Kimwe n'ishyaka rya MRND, Interahamwe za MRND zari zifite inzego z'ubuyobozi zihamye. Ku rwego rw'igihugu, Interahamwe zari zifite Perezida, ba Visi perezida babiri, Umunyamabanga Mukuru, n'Umubitsi. Mu nshingano za Perezida w'Interahamwe harimo gukorana na Komite Nyobozi ya MRND.

4.12 Guhera mu mwaka wa 1992, hari benshi mu bagize urwo rubyiruko rwa MRND bahawe imyitozo ya gisirikare, banigishwa gukoresha intwaro. Kubera iyo mpamvu, icyari urubyiruko rw'ishyaka cyahindutse umutwe witwara gisirikare.

4.12.1 Uwo mutwe witwaraga gisirikare washyizweho ngo, igihe nikigera, uzakoreshwe mu gushyira mu bikorwa umugambi wa MRND wo gutsembatsemba Abatutsi.

4.12.2 Abatutsi bafatwaga nk'abanzi ba MRND, abanzi b'igihugu n'ab'Interahamwe.

4.13 Guha Interahamwe imyitozo ya gisirikare n'intwaro byakorwaga n'abayobozi ba MRND barimo ba perefe na ba burugumesitiri, bafatanyije n'abofisiye bo mu ngabo z'u Rwanda (FAR). **Uregwa** yashishikariye igikorwa cyo gutoza Interahamwe no kuziha intwaro.

4.14 Kugira ngo umugambi uvugwa haruguru mu gika cya 4.9 ushyirwe mu bikorwa neza kandi vuba, Komite Nyobozi ya MRND yafashe icyemezo cyo gutangiza amashami y'Interahamwe za MRND muri perefegitura zinyuranye. Ibyo byakozwe kugira ngo mu duce twose habe abantu bitwara gisirikare bahagije bo gushyira mu bikorwa uwo mugambi.

4.15 **Uregwa** yashinze Interahamwe muri Komine ya Mukingo kandi azibera umuyobozi guhera mu mwaka wa 1991 kugera muri Nyakanga 1994.

4.16 Guhera mu mwaka wa 1991 kugera muri Nyakanga 1994, Interahamwe zo muri Komine ya Mukingo ziyobowe n'**Uregwa**:

(d) zahawe imyitozo ya gisirikare biteguwe n'**Uregwa ;**

(e) **Uregwa** yazihaye intwaro na iniforume byatanzwe na Joseph Nzirorera

(f) zahawe amalisiti y'Abatutsi bagombaga kwicwa.

4.16.1 Ku bivugwa haruguru mu gika cya 4.16, **Uregwa** yagishaga inama kenshi Joseph Nzirorera, wari Umunyamabanga Mukuru wa MRND.

4.17 Mu rwego rwo gushyira mu bikorwa umugambi wo gutsembatsemba Abatutsi, hagati y'itariki ya 1 Mutarama 1994 na Mata 1994 habaye inama zinyuranye muri za perefegitura, mu makomine ndetse no ku rwego rwa Guverinoma kugira ngo hashyirweho ingamba zo kugera kuri uwo mugambi. Izo nama zayoborwaga n'abantu bavuzwe hano hejuru mu gika cya 4.9 bari basangiye iyo ntego irangwa n'ubutagondwa.

4.18 Muri izo nama, abantu bakomeye barimo **Uregwa,** na Joseph Nzirorera, bagiye bafata amagambo bagashishikariza abazitabiriye, biganjemo abayoboke ba MRND n'Abahutu,

kugaba ibitero ku Batutsi, kubatsembatsemba no gusambanya ku gahato Abatutsikazi. Abatutsi babaga bahejwe muri izo nama kubera ubwoko bwabo.

4.18.1 Usibye izo nama z'abaturage, hari n'utunama twabaga mu ibanga nko ku biro by'amakomine, mu ngo z'abantu bakomeye nk'abayobozi mu gisirikare, abayobozi ba MRND, ababurugurumesiti cyangwa abaperefe n'abakozi ba Guverinoma, harimo no mu rugo rw'Uregwa no ku biro bya komine yakoreragamo.

4.19 Mu bintu byari bigize uwo mugambi harimo gukoresha urwango n'urugomo bishingiye ku bwoko, gutoza no guha intwaro abantu bitwaraga gisirikare, hamwe no gukora amalisiti y'abantu bagombaga kwicwa.

4.19.1 Mu rwego rwo gushyira uwo mugambi mu bikorwa, abantu bavugwa kuva ku gika cya 4.9 kugeza ku cya 4.18.1 bateguye ubwicanyi bwibasiye Abatutsi n'Abahutu batari intagondwa, bategeka ko bukorwa ndetse na bo ubwabo barabukora

4.20 Ku itariki ya 6 Mata 1994, indege yari itwaye Juvénal Habyarimana, wari Perezida w'u Rwanda, yarahanutse ubwo yiteguraga kugwa i Kigali mu Rwanda. Ibyo byatumye abantu baboneraho maze bashyira wa mugambi mu bikorwa, nuko ubwicanyi bwibasiye Abatutsi buhita butangira mu Rwanda hose.

4.21 Hamaze gutangazwa ko Perezida Habyarimana yitabye Imana, MRND yashyizeho Guverinoma nshya, maze hagati y'itariki ya 8 n'iya 13 Mata 1994 abayigize bakorana amanama n'abaperefe n'abandi bategetsi kugira ngo barebe kandi basuzume uko ibintu byari byifashe mu gihugu icyo gihe. By'umwihariko bashakaga kurebera hamwe aho ubwicanyi bwari bugeze muri buri perefegitura. Byongeye kandi, mu maperefegitura n'amakomine harimo Ruhengeri na Mukingo na ho hakozwe amanama.

4.22 Politiki ya MRND yategurirwaga muri ayo manama yashyirwaga mu bikorwa ku rwego rw'igihugu, urwa perefegitura, urwa komine n'urwa serire binyujijwe mu nzego zivugwa haruguru kuva ku gika cya 3.3 kugera ku cya 3.4

4.23 Ubwicanyi bwakorewe imbaga y'Abatutsi n'ubwakorewe Abahutu batari intagondwa bwakwirakwiriye mu Rwanda hose. Muri buri Perefegitura, abategetsi ba gisiviri n'aba gisirikare bo mu turere ndetse n'abantu bitwaraga gisirikare barimo Interahamwe za MRND

bitabiriye uwo mugambi w'itsembatsemba, bakurikiza amabwiriza kugira ngo bawushyire mu bikorwa. Bahamagariye abaturage b'abasiviri kwica umwanzi n'ibyitso bye kandi bahaye intwaro abasiviri n'abantu bitwaraga gisirikare. Banatanze amategeko yo gukora ubwicanyi, bashyigikira abandi mu kubukora ndetse na bo ubwabo barabukora.

4.24 Uregwa ntiyatanzwe muri uwo mugambi, yarawuteguye kandi awushyira mu bikorwa muri Komine ya Mukingo no mu turere bihana imbibi.

5. INCAMAKE Y'IBYABAYE: IBYABEREYE MURI PEREFEGITURA YA RUHENGERI

5.1 Perefegitura ya Ruhengeri iri mu majyaruguru y'uburengerazuba bw'u Rwanda kandi ako karere kazwiho kuba kari indiri ya MRND. Hagati ya 1973 na 1992, muri Ruhengeri hagiye haba ubwicanyi bwibasiye abasiviri b'Abatutsi.

5.2 Umubano **Uregwa** yari afitanye n'umuntu ukomeye nka Joseph Nzirorera watumye asuzugura abategetsi bo muri ako gace maze akorera Abatutsi amarorerwa kandi ntiyabihanirwa.

5.3 Guhera muri Mata kugera muri Nyakanga 1994, Abatutsi benshi bagizwe n'abagabo abagore n'abana bagabweho ibitero, barashimutwa, basambanywa ku gahato ndetse bicirwa mu ngo zabo cyangwa ahantu bari barahungiye muri Komine ya Mukingo, cyangwa barafatwa barafungwa, nyuma baza kwicwa. **Uregwa** yateguye ibyo bitero, ategeka ko bigabwa, arabigenzura kandi na we ubwe abijyamo.

5.4 Mu kwica Abatutsi, abagabye ibyo bitero barimo abapolisi ba komine, abajandarume n'Interahamwe zitwaraga gisirikare zayoborwaga n'**Uregwa** bakoresheje imbunda, amagerenade, imihoro, amacumu, amahiri n'izindi ntwaro.

5.5 **Uregwa** yategetse abantu gusambanya Abatutsikazi ku gahato no kubakorera ibindi bikorwa by'urugomo rushingiye ku gitsina, kandi byakorwaga abirebera. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, **Uregwa**, nk'umuntu wari ufite ububasha ku bagabaga ibitero, ntiyafashe ingamba zo guhagarika ibyo bikorwa by'agahomamunwa byakorewe Abatutsikazi.

5.6 Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, **Uregwa** yari afite ububasha bwo guha impapuro z'inzira abantu bo muri komine ye mbere y'uko bahungishwa bavanwa muri iyo komine, nyamara yanze gukoresha ubwo bubasha kugira ngo aburizemo cyangwa ahagarike ubwicanyi bwibasiye Abatutsi muri komine ye. Ahubwo, yakoresheje uburyo bunyuranye burimo gushyiraho amabariyeri kugira ngo ababuze kugenda nta nkomyi muri komine cyangwa kujya hanze yayo.

5.7 **Uregwa** yari afite umugambi wo kurimbura Abatutsi nk'abantu bagize ubwoko MRND yari yamaze kwita abanzi nk'uko bisobanurwa hano hejuru mu bika bya 4.7, 4.8 na 4.9, mu rwego rwo gushyigikira politiki ya Guverinoma yo gutsinda FPR, gutsemba Abatutsi no kugundira ubutegetsi.

5.8 **Uregwa** yari yaritswemo n'umugambi wo guhamagarira abantu gukora ibyaha n'ubwicanyi bivugwa mu Nyandiko y'ibirego, nk'ibikorwa biri mu rwego rw'intambara itari mpuzamahanga yo kurwanya FPR. Kubera ibyo bikorwa yakoze mu gihe kivugwa muri iyi Nyandiko y'ibirego, mu kwica Abatutsi Uregwa yashakaga kumaraho abantu bose bashoboraga kuba bashyigikira FPR muri Perefegitura ya Ruhengeri, by'umwihariko muri Komine ya Mukingo.

5.9 Kubera umwanya w'ubutegetsi yari afite, **Uregwa,** afatanyije n'abandi bantu, yagize uruhare mu gucura umugambi, gutegura no gushyira mu bikorwa gahunda, ingamba cyangwa umugambi uhuriweho wo gukora amarorerwa avugwa haruguru. Bimwe mu byaha bivugwa byakozwe na we ubwe, ibindi bikorwa n'abantu yafashije cyangwa abo yari akuriye barimo abapolisi ba komine, abajandarume, n'Interahamwe za MRND kandi byakozwe abizi ndetse abishyigikiye.

6. IBIREGO

Kubera ibikorwa byose bivugwa mu bika bikurikira byerekeranye na buri kirego, **Uregwa** yacuze umugambi, ahamagarira abantu gukora ibyaha, abategeka kubikora, arabikora ubwe cyangwa ashyigikira abandi bantu mu gucura umugambi, mu kuwutegura no mu kuwushyira mu bikorwa.

Kandi,

Uregwa yari azi cyangwa yagombaga kumenya ko abantu yayoboraga biteguraga gukora cyangwa ko bari bakoze kimwe cyangwa byinshi mu bikorwa biteganywa kuva ku ngingo ya 2 kugera ku ya 4 za Sitati y'Urukiko. Nyamara ariko, ntiyafashe ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ibyo bikorwa, cyangwa ahane ababikoze.

Ikirego cya 1: Ubwumvikane bugamije gukora jenoside, hashingiwe ku Ngingo ya 2(3)(b) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;

Ashinjwa ubwumvikane yagiranye n'abandi bantu kugira ngo bice cyangwa bateze Abatutsi ububabare bubazahaza umubiri cyangwa mu mutwe, bagamije kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Kubera iyo impamvu, yakoze icyaha cy'**UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE** nk'uko giteganywa n'Ingingo ya 2(3)(b) kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 2: Jenoside, hashingiwe ku Ngingo ya 2(3)(a) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 3.5, 3.6, 4.6, 4.6.1, 4.8, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.17, 4.18, 4.18.1, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7 na 5.9;

Ashinjwa kwica Abatutsi cyangwa no kubateza ububabare bubazahaza umubiri cyangwa mu mutwe agambiriye kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Kubera iyo mpamvu, yakoze icyaha cya **JENOSIDE** giteganywa n'Ingingo ya 2(3)(a) kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Icyo cyaha cya jenoside kiramutse kitamuhamye, yaryozwa:

Ikirego cya 3: Kuba icyitso cy'abakoze jenoside, hashingiwe ku Ngingo ya 2(3)(e) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16.1, 4.18, 4.19, 4.19.1, 4.21, 4.22,4.23,4.24, 5.3, 5.4, 5.6, 5.7, 5.8 na 5.9;

Ashinjwa kwica Abatutsi no kubateza ububabare bubazahaza umubiri no mu mutwe, agamije kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Yakoze rero icyaha cyo **KUBA ICYITSO CY'ABAKOZE JENOSIDE** giteganywa n'Ingingo ya 2(3)(e) kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 4: Guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside, hashingiwe ku Ngingo ya 2(3)(c)ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.10,

4.16, 4.18, 4.18.1, 4.19, 4.19.1 na 4.23;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.*5,* 3.6, 4.10,4.16, 4.18, 4.18.1, 4.19, 4.19.1 na 4.23;

Ashinjwa ibikorwa byo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame, kwica Abatutsi no kubatera ububabare bubazahaza umubiri cyangwa mu mutwe, agamije kurimbura abantu bose bagize ubwo bwoko cyangwa igice cyabo. Kubera iyo mpamvu, yakoze icyaha cyo **GUHAMAGARIRA ABANTU MU BURYO BUTAZIGUYE KANDI MU RUHAME GUKORA JENOSIDE** nk'uko giteganywa n'Ingingo ya 2(3)(c) kandi gihanwa hashingiwe ku Ngingo ya 22, n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 5: Ibyaha byibasiye inyokomuntu – ubuhotozi, hashingiwe ku Ngingo ya 3(a) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8, 5.9 na 5.10;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Ashinjwa ubuhotozi bwibasiye Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byakorewe abaturage b'abasiviri ku mpamvu za politiki cyangwa ubwoko. Kubera iyo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko biteganywa n'Ingingo ya 3(a) kandi gihanwa hashingiwe ku Ngingo ya 22, n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 6: Ibyaha byibasiye inyokomuntu – Itsembatsemba, hashingiwe ku Ngingo ya 3(b) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, *5.7,* 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Ashinjwa itsembatsemba ryakorewe Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera iyo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(b), kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 7: Ibyaha byibasiye inyokomuntu - Gusambanya ku gahato, hashingiwe ku Ngingo ya 3(g) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23,4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.7, 5.8 na 5.9'

Ashinjwa ibikorwa byo gusambanya Abatutsikazi ku gahato mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira mpamvu za politiki cyangwa

iz'ubwoko. Kubera ibyo, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(g), kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 8: Ibyaha byibasiye inyokomuntu - Gutoteza gushingiye ku mpamvu z'ubwoko, iza politiki n'iz'idini, hakurikijwe Ingingo ya 3(h) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1) ya Sitati: Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3) ya Sitati: Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.21, 4.22, 4.23, 4.24, 5.3, 5.4, 5.5, 5.7, 5.8, 5.9 na 5.10;

Ashinjwa ibikorwa byo gutoteza Abatutsi mu rwego rw'ibitero rusange kandi kbri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera izo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko biteganywa n'Ingingo ya 3(h) kandi bihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 9: Ibyaha byibasiye inyokomuntu - Ibindi bikorwa bibi birenze kameremuntu, hashingiwe ku Ngingo ya 3(i) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Ashinjwa ibindi bikorwa bibi birenze kameremuntu byakorewe Abatutsi mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko. Kubera izo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** nk'uko giteganywa n'Ingingo ya 3(i) kandi gihanwa hashingiwe ku Ngingo ya 22, n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 10: Ibikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2, hashingiwe ku Ngingo ya 4(a) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora mu ntambara itari mpuzamahanga bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8, na 5.9;

Ashinjwa ibikorwa byangiza ubuzima, amagara, n'ibihungabanya umuntu ku mubiri cyangwa mu mutwe, cyane cyane ubwicanyi n'ibikorwa by'ubugome nk'urugaraguro, guca ingingo z'umubiri, cyangwa ibindi bihano bibabaza umubiri byakorewe Abatutsi. Kubera izo mpamvu, yakoze **IBIKORWA BINYURANYIJE BIKOMEYE N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO KU ITARIKI YA 12 KANAMA 1949 ARENGERA ABANTU MU GIHE CY'INTAMBARA HAMWE N'INYONGERA YAYO YA 2 YO KU ITARIKI YA 8 KAMENA 1977,** nk'uko biteganywa n'Ingingo ya 4(a) kandi bihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Ikirego cya 11: Ibikorwa binyuranyije bikomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya 2 hashingiwe ku Ngingo ya 4(e) ya Sitati

Kubera ibyo **Juvénal Kajelijeli** yakoze cyangwa ibyo yateshutse gukora mu ntambara itari mpuzamahanga bivugwa mu bika bikurikira:

Hashingiwe ku Ngingo ya 6(1): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8 na 5.9;

Hashingiwe ku Ngingo ya 6(3): Ibika bya 2.1, 2.2, 2.3, 2.4, 2.5, 3.5, 3.6, 4.6, 4.6.1, 4.9, 4.12, 4.12.1, 4.13, 4.15, 4.16, 4.16(1), 4.18, 4.19, 4.23, 4.24, 5.3, 5.4, *5.5,* 5.6, 5.7, 5.8 na 5.9;

Ashinjwa ibikorwa bihungabanya agaciro k'umuntu, by'umwihariko kumukorera ibikorwa bimukoza isoni kandi bimutesha agaciro, gusambanya ku gahato, guhatira umuntu gukora uburaya, n'ibindi bikorwa by'iterasoni byakorewe Abatutsi. Kubera iyo mpamvu, yakoze **IBIKORWA BINYURANYIJE BIKOMEYE N'INGINGO YA 3 IHURIWEHO N'AMASEZERANO Y'I JENEVE YO KU ITARIKI YA 12 KANAMA 1949 ARENGERA ABANTU MU GIHE CY'INTAMBARA HAMWE N'INYONGERA YAYO YA 2A YO KU ITARIKI YA 8 KAMENA 1977,** nk'uko biteganywa n'Ingingo ya 4(e) kandi bihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

Bikorewe Arusha, ku itariki ya 25 Mutarama 2001

[umukono] [kashe y'Urukiko]

Porokireri

Carla Del Ponte

UMUGEREKA WA II : URUTONDE RW'IBIMENYETSO GIHAMYA

ICTR-98-44A-T

(Urubanza Porokireri aburana na Juvénal Kajelijeli)

URUTONDE RW'IBIMENYETSO GIHAMYA BYA POROKIRERI

Inyandiko N°	Inyito y'inyandiko	Umutangabuhamya	Itariki yakiriweho	Ururimi
1	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GBV	4/7/2001	Icyongereza
2	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GBE	9/7/2001	Icyongereza
3	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GDF	10/7/2001	Icyongereza
4	AMAKARITA : Komini ya Ruhengeri, iya Kinigi, iya Mukingo n'iya Nkuli (K0164878 à K0164882)	TONY LUCUSSEN	11/7/2001	Icyongereza
5	PULA ya Mukingo n'iya Nkuli (K0164869 -K0164873). **Amapaji K0164872 na K0164873 yashyizweho ubujeni.**	"	"	Icyongereza
6	PULA ya Paruwasi ya Busogo (K0164874 - K0164877). **Ipaji K0164877 yashyizweho ubujeni.**	"	"	Icyongereza
7	Amakuru agizwe n'amafoto (K0167242 - K0164873) [sic] na ALUBUMU (KD00-0062) irimo amafoto 114 y'amabara. **Ipaji K0167243 yashyizweho ubujeni.**	"	"	Icyongereza
8	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GBG	12/7/2001	Icyongereza
9	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GBH	17/7/2001	Icyongereza
10	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GDO	18/7/2001	Icyongereza
11	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GAO	23/7/2001	Icyongereza
12	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GDD	2/10/2001	Icyongereza

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

13	PULA (ikoreshejwe intoki) ya Selire ya Kinyababa	GDD	3/10/2001	Igifaransa
14	Inyandikomvugo y'ubuhamya bwa GDD yo ku wa 20 Nyakanga 2000 yashyizweho umukono ku wa 21 Nyakanga 2000, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GDD	5/10/2001	Icyongereza n'igifaransa
15	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GAP	28/11/2001	Icyongereza
16	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GDQ	5/12/2001	Icyongereza
17	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GTD	6/12/2001	Icyongereza
18	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	ACM	11/12/2001	Icyongereza
19	Amazina yandikishije intoki ya benewabo b'umutangabuhamya wiswe ACM baraisiwe kuri Paruwasi ya Busogo, hamwe n'izina ry'Interahamwe yamukuye kuri paruwasi **(byashyizweho ubujeni)**	"	"	Igifaransa n'ikinyarwanda
20	Ifishi irimo amakuru y'ibanga **(yashyizweho ubujeni)**	GAS	12/12/2001	Icyongereza
21	Inyandikomvugo y'ubuhamya bwa ACM yo ku wa 5 Gicurasi 1999, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	ACM	13/12/2001	Icyongereza n'igifaransa
22	Inyandikomvugo y'ubuhamya bwa RHU 30 yo ku wa 20 Werurwe 2002, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**		9/10/2002	Icyongereza n'igifaransa
23	Inyandikomvugo y'ubuhamya bwa RHU 23 yo ku wa 30 Nzeri 2002, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**		9/10/2002	Icyongereza n'igifaransa
24	Inyandikomvugo y'ubuhamya bwa RHU 31 yo ku wa 20 Werurwe 2002, ibice byayo byerekanwe mu buryo bwihariye		9/10/2002	Icyongereza n'igifaransa

	(yashyizweho ubujeni)			
25	Inyandikomvugo y'ubuhamya bwa RHU 29 yo ku wa 23 Nzeri 2001, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**		9/10/2002	Icyongereza n'igifaransa
26	PULA (ikoresheje intoki) yashushanyijwe n'umutangabuhamya ushinjura wiswe TLA	TLA	2/12/2002	
27	Inyandikomvugo y'ubuhamya bwa RGM yo ku wa 24 Nzeri 2001, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**		12/12/2002	Icyongereza n'igifaransa
28	Inyandikomvugo y'ubuhamya bwa MEM yo ku wa 24 Nzeri 2001 telle que surligée **(yashyizweho ubujeni)**		12/12/2002	Icyongereza n'igifaransa
29	Kopi ya PULA ikoresheje intoki (D46), iriho ibisobanuro byatanzwe n'umutangabuhamya wiswe MLNA **(yashyizweho ubujeni)**	MLNA	1/4/2003	Igifaransa
30	PASIPORO y'abanyamahanga batari impunzi za politiki (KA005206)	Juvénal KAJELIJELI	22/4/2003	Igifaransa
31	URUPAPURO RW'INZIRA RUDASANZWE (KA005084) rwatangiwe i Brazzaville ku wa 29 Mata 1997	"	22/4/2003	Igifaransa
32	Ibaruwa yandikishije intoki (KA005100) ya Juvénal Kajelijeli yo ku wa 4/8/1997	"	22/4/2003	Igifaransa
33	Ibaruwa yandikishije intoki (KA005102) ya Juvénal Kajelijeli yo ku wa 4/8/1997	"	22/4/2003	Igifaransa
34	Ikayi ifite ibara ry'iroza irimo umushinga w'ibarwa wateguwe ku wa 28/8/1997 (KA005110A-D) na Juvénal Kajelijeli yandikira Maman Chirac Bernadette	"	23/4/2003	Igifaransa
35	Ibaruwa yo ku wa 9/12/1997 (KA005150) Juvénal Kajelijeli yandikiye Maman Chirac Bernadette	"	23/4/2003	Igifaransa

ICTR-98-44A-T

(Urubanza Porokireri aburana na Juvénal Kajelijeli)

URUTONDE RW'IBIMENYETSO GIHAMYA BY'UBWUNGANIZI

Inyandiko N°	Inyito y'inyandiko	Umutangabuhamya	Itariki yakiriweho	Ururimi
1a	IFOTO 40	TONY LUCUSSEN	11/7/2001	
1b	IFOTO 41	"	"	
1c	IFOTO 42	"	"	
1d	IFOTO 20	"	"	
2	PULA (ikoresheje intoki)	GBE	10/7/2001	
3	PULA (K0164874 à K0164877) ya Paruwasi ya Busogo **(Ipaji K0164877 yashyizweho ubujeni.)**	GBG	16/7/2001	Icyongereza
4	Inyandikomvugo y'ubuhamya bwa GBV yo ku wa 31Nyakanga 2000, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GBV	"	Icyongereza gusa
5	Inyandikomvugo y'ubuhamya bwa GDO yo ku wa 8 Werurwe 2001, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GDO	25/7/2001	Icyongereza n'igifaransa
6	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 7 Gicurasi 1999, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GAO	25/7/2001	Icyongereza n'igifaransa
7a	Inyandikomvugo y'ubuhamya bwa GDD yo ku wa 23 Kamena 2000 yashyizweho umukono kurwa 26 Kamena 2000, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GDD	5/10/2001	Icyongereza n'igifaransa
7b	Inyandikomvugo yuzuye y'ubuhamya bwa GDD yo ku wa 20 Nyakanga 2000 yahsyizweho umuko ku wa 21 Nyakanga 2000 **(yashyizweho ubujeni)**	GDD	5/10/2001	Icyongereza n'igifaransa
8a	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 18 Mata 1997 **(yashyizweho**	GAO	28/11/2001	Ikinyarwanda

	ubujeni)			
8b	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 22 Gicurasi 1997 **(yashyizweho ubujeni)**	GAO	28/11/2001	Ikinyarwanda
8c	Inyandikomvugo y'ubuhamya bwa GAO bibeshye bakandika ko ari iyo ku wa 2 Gashyantare 1992, kandi ari iyo ku wa 2 Gashyantare 1999 **(yashyizweho ubujeni)**	GAO	28/11/2001	Ikinyarwanda
8d	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 18 Gashyantare 1999 **(yashyizweho ubujeni)**	GAO	1/7/2003 **(hakurikijwe icyemezo cy'Urugereko II cyo ku wa 1/7/2003)**	Ikinyarwanda
8e	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 25 Gicurasi 1999 **(yashyizweho ubujeni)**	GAO	1/7/2003 **(hakurikijwe icyemezo cy'Urugereko II cyo ku wa 1/7/2003)**	Ikinyarwanda
8f MFI	Inyandikomvugo y'ubuhamya bwa GAO yo ku wa 19 Ukwakira 1999 **(yashyizweho ubujeni)**	GAO	26/11/2001	Ikinyarwanda
8g	Raporo y'impuguke M. Arthur F. Hagenlocher yo ku wa 27 Gicurasi 2003 **(yashyizweho ubujeni)**		1/7/2003 **(hakurikijwe icyemezo cy'Urugereko II cyo ku wa 1/7/2003)**	Icyongereza
9	Izina ryandikishije intoki rya Konseye wa Segiteri umutangabuhamya wiswe GAP yari atuyemo mu wa 1994 **(yashyizweho ubujeni)**	GAP	4/12/2001	
10a	Inyandikomvugo y'ubuhamya bwa GAP yo ku wa 21 Mata 1999, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GAP	12/12/2001	Icyongereza n'igifaransa
10b	Inyandikomvugo y'ubuhamya bwa GAP yo ku wa 26 Kamena 2000, ibice byayo byerekanwe mu buryo bwihariye	"	12/12/2001	Icyongereza n'igifaransa

	(yashyizweho ubujeni)			
11	Inyandikomvugo y'ubuhamya bwa GDQ yo ku wa 26 Kamena 2000, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	GDQ	"	"
12	Inyandikomvugo y'ubuhamya bwa GTD yo ku wa 8 Werurwe 2000, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	"	"	"
13a	Inyandikomvugo y'ubuhamya bwa ACM yo ku wa 12 Kanama 1998, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	ACM	13/12/2001	Icyongereza n'igifaransa
13b	Inyandikomvugo y'ubuhamya bwa ACM yo ku wa 5 Gicurasi 1999, ibice byayo byerekanwe mu buryo bwihariye **(yashyizweho ubujeni)**	ACM	13/12/2001	Icyongereza n'igifaransa
14	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe JK 312 **(yashyizweho ubujeni)**	JK 312	16/9/2002	Icyongereza
15	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe JK 311 **(yashyizweho ubujeni)**	JK 311	16/9/2002	Icyongereza
16	PULA (ikoresheje intoki) yashushanyijwe n'umutangabuhamya wiswe JK 311	"	17/9/2002	Igifaransa
17	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe JK 27 **(yashyizweho ubujeni)**	JK 27	17/9/2002	Icyongereza
18	PULA (ikoresheje intoki) yashushanyijwe n'mutangabuhamya wiswe JK 27	"	17/9/2002	Igifaransa
19	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe LMR 1 **(yashyizweho ubujeni)**	LMR 1	18/9/2002	Icyongereza
20	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe SMR 2 **(yashyizweho ubujeni)**	SMR 2	19/9/2002	Icyongereza
21	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe DMR 3 **(yashyizweho ubujeni)**	DMR 3	23/9/2002	Icyongereza

22	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 23 **(yashyizweho ubujeni)**	RHU 23	24/9/2002	Icyongereza
23	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 26 **(yashyizweho ubujeni)**	RHU 26	30/9/2002	Icyongereza
24	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 30 **(yashyizweho ubujeni)**	RHU 30	30/9/2002	Icyongereza
25	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 31 **(yashyizweho ubujeni)**	RHU 31	1/10/2002	Icyongereza
26	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 29 **(yashyizweho ubujeni)**	RHU 29	7/10/2002	Icyongereza
27	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RGM **(yashyizweho ubujeni)**	RGM	18/11/2002	Icyongereza
28	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 25 **(yashyizweho ubujeni)**	RHU 25	20/11/2002	Icyongereza
29	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe MEM **(yashyizweho ubujeni)**	MEM	25/11/2002	Icyongereza
30	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 27 **(yashyizweho ubujeni)**	RHU 27	27/11/2002	Icyongereza
31	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe KNWA **(yashyizweho ubujeni)**	KNWA	28/11/2002	Icyongereza
32	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe KNWA **(yashyizweho ubujeni)**	TLA	2/12/2002	Icyongereza
33	PULA (ikoresheje intoki) yashushanyijwe n'mutangabuhamya ushinjura wiswe TLA	TLA	2/12/2002	Icyongereza
34	Ifishi y'ibanga iriho umwirondoro wa Joseph Nzirorera **(iriho ijambo « IBANGA »)**	Joseph Nzirorera	3/12/2002	Icyongereza
35	Kopi y'Igazeti ya Repubulika y' u	"	3/12/2002	Igifaransa

	Rwanda yo muri Werurwe 1991			n'ikinyarwanda
36	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe KAA **(yashyizweho ubujeni)**	KAA	3/12/2002	Icyongereza
37	PULA (ikoresheje intoki) yashushanyijwe n'umutangabuhamya ushinjura wiswe KAA **(yashyizweho ubujeni)**	"	4/12/2002	Igifaransa
38	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe ZLG **(yashyizweho ubujeni)**	ZLG	4/12/2002	Icyongereza
39	IKARITA (ikoresheje intoki) établie par umutangabuhamya ushinjura wiswe ZLG **(yashyizweho ubujeni)**	"	4/12/2002	Igifaransa
40	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe MLCF **(yashyizweho ubujeni)**	MLCF	5/12/2002	Icyongereza
41	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe RHU 21 **(yashyizweho ubujeni)**	RHU 21	10/12/2002	Icyongereza
42	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe ZLA **(yashyizweho ubujeni)**	ZLA	10/12/2002	Icyongereza
43	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe MLNL **(yashyizweho ubujeni)**	MLNL	11/12/2002	Icyongereza
44	Igishushanyo (gikoresheje intoki) cyerekana igisekuru, cyakozwe n'umutangabuhamya ushinjura wiswe MLNL.	"	11/12/2002	Igifaransa
45	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe MNLA **(yashyizweho ubujeni)**	MNLA	31/3/2003	Icyongereza
46	PULA (ikoresheje intoki) yerekana santere yo mu Byangabo yashushanyijwe n'umutangabuhamya ushinjura wiswe MNLA **(yashyizweho ubujeni)**	"	31/3/2003	Igifaransa
47	PULA (ikoresheje intoki) yerekana santere n'isoko byo mu Byangabo yashushanyijwe n'umutangabuhamya	"	1/4/2003	Igifaransa

	ushinjura wiswe MNLA **(yashyizweho ubujeni)**			
48	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe FMB **(yashyizweho ubujeni)**	FMB	1/4/2003	Icyongereza
49	IKARITA nini ya Perefegitura ya Ruhengeri yerekana Komini ya Kinigi	"	2/4/2003	Igifaransa
50	Ifishi y'ibanga iriho umwirondoro w'umutangabuhamya wiswe FXB (**François Xavier Bangamwabo)**	FXB (François Bangamwabo)	7/4/2003	Icyongereza
51a	UMWIRONDORO wa Bwana François Xavier Bangamwabo	"	7/4/2003	Icyongereza
51b	**Inyandiko y'umwirondoro nk'uko yahinduwe mu gifaransa**		7/4/2003	
52a	Raporo y'impuguke François Xavier Bangamwabo, inyito yayo mu gifaransa ni : *« LES RELATIONS INTERETHNIQUES AU RWANDA, LE CONFLIT D'OCTOBRE 1990, LE MULTIPARTISME SUR LES ÉVÉNEMENTS DE 1994 ».*	"	7/4/2003	Igifaransa
52b	**Inyandiko ya raporo nk'uko yahinduwe mu cyongereza**		7/4/2003	
53	Imigereka I, II, III, IV na V ya raporo yitwa *« LES RELATIONS INTERETHNIQUES AU RWANDA, LE CONFLIT D'OCTOBRE 1990, LE MULTIPARTISME ET LES IMPLICATIONS SUR LES ÉVÉNEMENTS DE 1994 ».*	"	7/4/2003	Igifaransa
54	Inyandiko y'ibanga y'umwirondoro w'Uregwa Juvénal KAJELEJELI	Juvénal KAJELEJELI	14/4/2003	Icyongereza
55a	Kasete y'amajwi B1 : kopi ya kasete y'umwimerere A1 irimo ibazwa Kajelijeli yakorewe i Cotonou (BENIN) ku wa 12/6/1998	"	14/4/2003	Igifaransa
55b	Kasete y'amajwi B2 : kopi ya kasete y'umwimerere A2 irimo ibazwa Kajelijeli yakorewe i Cotonou (BENIN) ku wa	"	14/4/2003	Igifaransa

	12/6/1998			
55	Inyandukuro y'ibazwa Juvénal Kajelijeli (KT00-0091 – KT00-0092) yakorewe i Cotonou (BENIN) ku wa 12 Kamena 1998	"	14/4/2003	Igifaransa
55d	Inyandukuro y'ibazwa rya Kajelijeli (K0267367 – K0267399) : (KT00-0091 – KT00-0092) ryakorewe i Cotonou (BENIN) ku wa 12 Kamena 1998	"	14/4/2003	Icyongereza
56	PULA y'ahantu ibiro bya Komini ya Mukingo byari byubatse yashushanyijwe n'Uregwa Juvénal Kajelijeli	"	15/4/2003	Igifaransa

UMUGEREKA WA III – URUTONDE RW'ABATANGABUHAMYA

ICTR-98-44A-T

(Urubanza Porokireri aburana na Juvénal Kajelijeli)

URUTONDE RW'ABATANGABUHAMYA BASHINJA

N°	IZINA RY'UMUTANGABUHAMYA CYANGWA IRYO YISWE MU RUBANZA	ITARIKI CYANGWA AMATARIKI YATANGIYEHO UBUHAMYA MU RUKIKO
1	GBV	4/7/2001 & 5/7/2001
2	GBE	9/7/2001 & 10/7/2001
3	GDF	10/7/2001 & 11/7/2001
4	TONY LUCUSSEN	11/7/2001
5	GBG	12/7/2001 & 16/7/2001
6	GBH	17/7/2001 & 18/7/2001
7	GDO	18/7/2001 & 19/7/2001
8	GAO	23/7/2001, 24/7/2001, 25/7/2001, 26/11/2001, 27/11/2001 & 28/11/2001
9	GDD	2/10/2001, 3/10/2001, 4/10/2001
10	GAP	28/11/2001, 3/12/2001 & 4/12/2001
11	GQD	5/12/2001 & 6/12/2001
12	GDT	6/12/2001 & 7/12/2001
13	ACM	11/12/2001 & 12/12/2001
14	GAS	12/12/2001 & 13/12/2001
15		
16		
17		
18		
19		
20		
21		
22		
23		

24		
25		

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

ICTR-98-44A-T

(Urubanza Porokireri aburana na Juvénal Kajelijeli)

URUTONDE RW'ABATANGABUHAMYA BASHINJURA

N°	**IZINA RY'UMUTANGABUHAMYA CYANGWA IRYO YISWE MU RUBANZA**	**ITARIKI CYANGWA AMATARIKI YATANGIYEHO UBUHAMYA MU RUKIKO**
1	JK 312	16/9/2002
2	JK 311	16/9/2002 & 17/9/2002
3	JK 27	17/9/2002 & 18/9/2002
4	LMR 1	18/9/2002 & 19/9/2002
5	SMR 2	19/9/2002 & 23/9/2002
6	DMR 3	23/9/2002 & 24/9/2002
7	RHU 23	24/9/2002, 25/9/2002 & 26/9/2002
8	RHU 26	30/9/2002
9	RHU 30	30/9/2002 & 1/10/2002
10	RHU 31	1/102002 & 2/10/2002
11	RHU 29	7/10/2002
12	RGM	18/11/2002 & 19/11/2002
13	RHU 25	20/11/2002 & 21/11/2002
14	MEM	25/11/2002 & 26/11/2002
15	RHU 27	27/11/2002 & 28/11/2002
16	KNWA	28/11/2002 & 29/11/2002
17	TLA	2/12/2002
18	Joseph NZIRORERA	3/12/2002
19	KAA	3/12/2002 & 4/12/2002
20	ZLG	4/12/2002 & 5/12/2002
21	MLCF	5/12/2002 & 10/12/2002
22	RHU 21	10/12/2002
23	ZLA	10/12/2002 & 11/12/2002
24	MLNL	11/12/2002
25	MLNA	31/3/2003 & 1/4/2003
26	FMB	1/4/2003, 2/4/2003 & 3/4/2003
27	François Xavier Bangamwabo	7/4/2003, 8/4/2003 & 9/4/2003

28	Juvénal KAJELIJELI	14/4/2003, 15/4/2003, 16/4/2003, 17/4/2003, 22/4/2003 & 23/4/2003
29		

UMUGEREKA WA IV – URUTONDE RW'INYANDIKO ZIFASHISHIJWE N'IMPINAMAGAMBO

UMUGEREKA WA IV- URUTONDE RW'INYANDIKO ZIFASHISHIJWE N'IMPINAMAGAMBO

- Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, Imbonerahamwe y'ibyemezo by'Urukiko n'iy'inyandiko z'imanza
- Urutonde rw'inyandiko z'imanza zifashishijwe
- Urutonde rw'ibyemezo by'Urukiko byifashishijwe
- Urutonde rw'izindi nyandiko zifashishijwe
- Urutonde rw'amategeko n'amateka yo mu Rwanda byifashishijwe
- Urutonde rw'impinamagambo

- **Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, Imbonerahamwe y'ibyemezo by'Urukiko n'iy'Inyandiko z'imanza**

Mu magambo maremare	**Mu magambo ahinnye**
Imbonerahamwe y'ibyemezo n'iy'imanza bya TPIR, 1998 (Bruxelles, Bruylant, 2003), Imitumba I na II, amapaje 1462	Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998

- **Urutonde rw'inyandiko z'imanza zifashishijwe**

Mu magambo maremare	**Mu magambo ahinnye**

<u>Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda</u>

Urubanza Porokireri aburana na. Jean-Paul Akayesu

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Urubanza Porokireri aburana na Akayesu, n° ICTR-96-4-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 2 Nzeri 1998 (Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998, imp. 44 - 404)	Inyandiko y'urubanza rwa Akayesu mu rw'iremezo
Urubanza Porokireri aburana na Akayesu, n° ICTR-96-4-A, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 1 Kamena 2001	Inyandiko y'urubanza rwa Akayesu mu bujurire
Urubanza Porokireri aburana na Ignace Bagilishema	
Urubanza Porokireri aburana na Bagilishema, n° ICTR-95-1A-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 7 Kamena 2001	Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo
Urubanza Porokireri aburana na Bagilishema, n° ICTR-95-1A-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 3 Nyakanga 2001	Inyandiko y'urubanza rwa Bagilishema mu bujurire
Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana	
Urubanza Porokireri aburana na Kayishema et Ruzindana, n° ICTR-95-1-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 21 Gicurasi 1999.	Inyandiko y'urubanza rwa Kayishema na Ruzindana mu rw'iremezo
Urubanza Porokireri aburana na Kayishema na Ruzindana, n° ICTR-95-1-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 1Kamena 2001	Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire
Urubanza Porokireri aburana na Alfred Musema	
Urubanza Porokireri aburana na Musema, n° ICTR-96-13-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 27 Mutarama 2000	Inyandiko y'urubanza rwa Musema mu rw'iremezo

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Urubanza Porokireri aburana na Musema, n° ICTR-96-13-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 16 Ugushyingo 2001	Inyandiko y'urubanza rwa Musema mu bujurire
Urubanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana	
Urubanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana, n° ICTR-96-10 & ICTR-96-17-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 21 Gashyantare 2003	Inyandiko y'urubanza rwa Ntakirutimana mu rw'iremezo
Urubanza Porokireri aburana na Eliezer Niyitegeka	
Urubanza Porokireri aburana na Niyitegeka, n° ICTR-96-14-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 16 Gicurasi 2003	Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo
Urubanza Porokireri aburana na Georges Anderson Nderubumwe Rutaganda	
Urubanza Porokireri aburana na Rutaganda, n° ICTR-96-3-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 6 Ukuboza 1999	Inyandiko y'urubanza rwa Rutaganda mu rw'iremezo
Urubanza Porokireri aburana na Rutaganda, n° ICTR-96-3-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 26 Gicurasi 2003	Inyandiko y'urubanza rwa Rutaganda mu bujurire
Urubanza Porokireri aburana na Laurent Semanza	
Urubanza Porokireri aburana na Semanza, No ICTR-97-20-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 15 Gicurasi 2003	Inyandiko y'urubanza rwa Semanza mu rw'iremezo
<u>Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho icyahoze cyitwa Yugosilaviya</u>	
Urubanza Porokireri aburana na Aleksovski	
Urubanza Porokireri aburana na Aleksovski, n° IT-95-14-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 30 Gicurasi 2001	Inyandiko y'urubanza rwa Aleksovski mu bujurire
Urubanza Porokireri aburana na Blaškić	Inyandiko y'urubanza rwa

Urubanza Porokireri aburana na Blaškić, n° IT-95-14-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 3 Werurwe 2000	Blaškić mu rw'iremezo
Urubanza Porokireri aburana na Delalić na bagenzi be	
Urubanza Porokireri aburana na Zejnil Delalić, Zdravko Mucic (bahimba « Pavo »), Hazim Delić, Esad Landžo (bahimba « Zenga »), n° IT-96-21-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 20 Gashyantare 2001	Inyandiko y'urubanza rwa Delalić na bagenzi be mu bujurire (rwiswe urwa Čelebići)
Urubanza Porokireri aburana na Furundžija Urubanza Porokireri aburana na Furundžija, n° IT-95-17/1-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 10 Ukuboza 1998	Inyandiko y'urubanza rwa Furundžija mu rw'iremezo
Urubanza Porokireri aburana na Jelisić Urubanza Porokireri aburana na Jelisić, n° IT-95-10-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 14 Ukuboza 1999	Inyandiko y'urubanza rwa Jelisić mu rw'iremezo
Urubanza Porokireri aburana na Kordic na Cerkez Urubanza Porokireri aburana na Kordić na Čerkez, n° IT-95-14/2-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 26 Gashyantare 2001	Inyandiko y'urubanza rwa Kordić na Čerkez mu rw'iremezo
Urubanza Porokireri aburana na Krnojelac Urubanza Porokireri aburana na Krnojelac, n° IT-97-25-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 15 Werurwe 2001	Inyandiko y'urubanza rwa Krnojelac mu rw'iremezo
Urubanza Porokireri aburana na Krnojelac, n° IT-97-25-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 17 Nzeri 2003	Inyandiko y'urubanza rwa Krnojelac mu bujurire
Urubanza Porokireri aburana na Krstić Urubanza Porokireri aburana na Krstić, n° IT-98-33-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 2 Kanama 2001	Inyandiko y'urubanza rwaKrstić mu rw'iremezo
Urubanza Porokireri aburana na Kunarac, Vukovic na Kovac Urubanza Porokireri aburana na Kunarac, Vukovic na Kovac, n° IT-96-	Inyandiko y'urubanza rwa Kunarac, Vukovic na Kovac mu

23-T et 96-23/1, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 22 Gashyantare 2001	rw'iremezo
Urubanza Porokireri aburana na Kupreškić	Inyandiko y'urubanza rwa Kupreškić mu rw'iremezo
Urubanza Porokireri aburana na Kupreškić, n° IT-95-16-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 14 Mutarama 2000	
Urubanza Porokireri aburana na Kupreškić, n° IT-95-16-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 21 Ukwakira 2001	Inyandiko y'urubanza rwa Kupreškić mu bujurire
Urubanza Porokireri aburana na Kvočka	Inyandiko y'urubanza rwa Kvočka mu rw'iremezo
Urubanza Porokireri aburana na Kvočka, n° IT-98-30/1-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 2 Ugushyingo 2001	
Urubanza Porokireri aburana na Stakić	Inyandiko y'urubanza rwa Stakić mu rw'iremezo
Urubanza Porokireri aburana na Stakić, n° IT-97-24-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 31 Nyakanga 2003	
Urubanza Porokireri aburana na Tadić	Inyandiko y'urubanza rwa Tadić mu bujurire
Urubanza Porokireri aburana na Tadić, n° IT-94-1-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 15 Nyakanga 1999	
Urubanza Porokireri aburana na Vasiljević	Inyandiko y'urubanza rwa Vasiljević mu rw'iremezo
Urubanza Porokireri aburana na Vasiljević, n° IT-98-32-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 29 Ugushyingo 2002	

.

- **Urutonde rw'ibyemezo by'Urukiko byifashishijwe**

Mu magambo maremare	**Mu magambo ahinnye**
Urubanza Porokireri aburana na Juvénal Kajelijeli	
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-I, Urwandiko rwo gufata n'itegeko ryo gufunga (Urugereko rwa Mbere rw'Iremezo), 29 Kanama 1998, (Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998, imp. 948 na 949)	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 29 Kanama 1998, Urwandiko rwo gufata

Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-I, Kwemeza Inyandiko y'ibirego no gutegeka ko itagomba kwasaswa (Urugereko rwa Mbere rw'Iremezo), 29 Kanama 1998 (Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998, p. 950 à 952)	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 29 Kanama 1998, Kwemeza Inyandiko y'ibirego
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-I, Ivanwaho ry'icyemezo kibuza kwasasa Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 27 Nzeri 1999.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 27 Nzeri 1999, Ivanwaho ry'icyemezo kibuza kwasasa Inyandiko y'ibirego
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-I, Icyemezo ku cyifuzo cy'Ubwunganizi cyerekeranye n'uko Uregwa yafashwe kandi agafungwa mu buryo bunyuranyije n'amategeko, no ku cyifuzo cyihutirwa cy'Ubwunganizi gisaba kuzuza ibyavugiwe mu iburanisha ryo ku wa 8 Ukuboza 1999 (Urugereko rwa Mbere rw'Iremezo), 8 Gicurasi 2000.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 8 Gicurasi 2000, icyifuzo cy'Ubwunganizi cyerekeranye no gufatwa mu buryo bunyuranyije n'amategeko
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-I, Icyemezo ku cyifuzo cya Porokieri gisaba ko urubanza rw'Uregwa rwakoMatanywa n'urw'abandi no ku cyifuzo cya Porokireri gisaba ko urubanza rw'Uregwa rwatandukanywa n'urwa bagenzi be (Urugereko rwa Mbere rw'Iremezo), 29 Kamena 2000	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 29 Kamena 2000, gukoMatanya no gutandukanya imanza
Urubanza Porokireri aburana na Kajelijeli na bagenzi be, n° ICTR-98-44-I, Icyemezo ku cyifuzo cy'Ubwunganizi kirwanya ikoMatanywa ry'imanza no ku cyifuzo cyatanzwe na Juvénal Kajelijeli asaba ko urubanza rwe rwatandukanywa n'urwa bagenzi be (Urugereko rwa Mbere rw'Iremezo), 6 Nyakanga 2000	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 6 Nyakanga 2000, kurwanya ikomtganya ry'imanza
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Porokireri gisaba ko hagenwa ingamba zo kurinda umutekano w'abatangabuhamya (Urugereko rwa Mbere rw'Iremezo), 6 Nyakanga 2000.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 6 Nyakanga 2000, ingamba zo kurinda umutekano w'abatangabuhamya bashinja.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Porokireri gisaba uruhushya rwo gukosora	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku

Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 12 Ukwakira 2000	wa 12 Ukwakira 2000, icyifuzo gisaba gukosora Inyandiko y'ibirego
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Inyandiko ikosoye y'icyemezo ku cyifuzo cya Porokireri gisaba uruhushya rwo gukosora inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 16 Ukwakira 2000	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 16 Ukwakira 2000, inyandiko ikosora icyemezo cyo ku wa 12 Ukwakira 2000
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cy'Ubwunganizi kibyutsa ingoboka mburabubasha (Urugereko rwa Mbere rw'Iremezo), 13 Werurwe 2001	Kajelijeli, icyemezo cyo ku wa 13 Werurwe 2001, ububasha bw'Urukiko
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Juvénal Kajelijeli gisaba ko hagenwa ingamba zo kurinda umutekano w'abatangabuhamya bashinjura (Urugereko rwa Mbere rw'Iremezo), 3 Mata 2001	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 3 Mata 2001, ingamba zo kurinda umutekano w'abatangabuhamya bashinjura
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo cya Perezida gishingiye ku Ngingo ya 15 bis (C) yerekeranye no gukomeza imiburanishirize, 29 Kamena 2001	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cya Perezida gishingiye ku Ngingo ya 15 bis (C) yerekeranye no gukomeza imiburanishirize
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko uruhushya rwo gusubiza umutangabuhamya ku rutonde rw'abo azahamagaza no gutanga itegeko ryo kwimurira ku cyicaro cy'Urukiko abatangabuhamya bane bafunze, hashingiwe ku Ngingo ya 90 *bis*, 29 Kamena 2001.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 29 Kamena 2001, urutonde rw'abatangabuhamya no kwimura abatangabuhamya bafunze.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo (Ubujurire ku cyemezo cyo ku wa13 Werurwe 2001 cyanga « Icyifuzo cy'Ubwunganizi kibyutsa ingoboka mburabubasha ») (Urugereko rw'Ubujurire), 18 Nzeri 2001.	Urubanza rwa Kajelijeli mu bujurire, icyemezo cyo ku wa 18 Nzeri 2001, ubujurire ku cyemezo cyo ku wa 13 Werurwe 2001.

Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo (Ubujurire ku cyemezo cyo ku wa 2 October 2001 cyanga « Icyifuzo cyihutirwa cyane cy'Ubwunganizi gisaba ko Kajelijeli yavuzwa kandi ko urubanza rwasubikwa » hamwe na « Icyifuzo cya Porokireri gisaba kongererwa igihe cyo gutanga igisubizo ku myanzuro y'ubujurire y'Ubwunganizi ») (Urugereko rw'Ubujurire), 14 Ukuboza 2001.	Urubanza rwa Kajelijeli mu bujurire, icyemezo cyo ku wa 14 Ukuboza 2001, ubujuire ku cyemezo cyo ku wa 2 Ukwakira 2001.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, (Ubujurire ku cyemezo cyo ku wa 13 Werurwe 2001, cyanga « Icyifuzo cy'Ubwunganizi kibyutsa ingoboka mburabubasha » (Urugereko rw'Ubujurire), 16 Ugushyingo 2001.	Urubanza rwa Kajelijeli mu bujurire, icyemezo cyo ku wa 16 Ugushyingo 2001, ubujurire ku cyemezo cyo ku wa 13 Werurwe 2001 cyanga ingoboka mburabubasha.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko kwemeza ibyabaye bitagibwaho impaka n'ababuranyi hashingiwe ku Ngingo ya 94 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (Urugereko rwa Mbere rw'Iremezo), 16 Mata 2002, Umugereka A.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 16 Mata 2002, ibitagibwaho impaka n'ababuranyi.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Kajelijeli gisaba guhanagurwaho bimwe mu byaha ashinjwa, hashingiwe ku Ngingo ya 98 *bis* (Urugereko rwa Mbere rw'Iremezo), 13 Nzeri 2002.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 13 Nzeri 2002, icyifuzo gisaba guhanagurwaho bimwe mu byaha.
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Porokireri gisaba uruhushya rwo gutanga igisubizo ku bivugwa n'Ubwunganizi, hashingiwe ku Ngingo ya 85 (A) (iii) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (Urugereko rwa Mbere rw'Iremezo), 12 Gicurasi 2003	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 12 Gicurasi 2003, igisubizo
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Itegeko ry'Urugereko rigena ingengabihe (Urugereko rwa Mbere rw'Iremezo), 13 Gicurasi 2003	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 13 Gicurasi 2002, ordonnance portant calendrier

Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo de Kajelijeli gisaba Urugereko kwakira nk'ikimenyetso ubuhamya bwanditse bw'umutangabuhamya wiswe GAO (Urugereko rwa Mbere rw'Iremezo), 1 Nyakanga 2003.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 1 Nyakanga 2003, Ubuhamya bwanditse bwa GAO
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Kajelijeli gisaba urugereko kwakira nk'ikimenyetso inyandiko zakozwe hejuru y'indahiro, hashingiwe ku Ngingo ya 92 *bis* (B) (Urugereko rwa Mbere rw'Iremezo), 1 Nyakanga 2003.	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 1 Nyakanga 2003, inyandiko zakozwe hejuru y'indahiro
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Kajelijeli gisaba urugereko kwakira nk'ikimenyetso gitansi y'ubukode y'umutangabuhamya wiswe RHU 23, hashingiwe ku Ngingo ya 92 *bis* (A) (Urugereko rwa Mbere rw'Iremezo), 1 Nyakanga 2003	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 1 Nyakanga 2003, gitansi y'ubukode ya RHU23
Urubanza Porokireri aburana na Kajelijeli, n° ICTR-98-44-A-T, Icyemezo ku cyifuzo cya Kajelijeli gisaba Urugereko kwakira nk'ikimenyetso kaseti videwo y'umutangabuhamya wiswe GDD, hashingiwe ku Ngingo ya 92 *bis* (A) (Urugereko rwa Mbere rw'Iremezo), 1[er] Nyakanga 2003	Urubanza rwa Kajelijeli mu rw'iremezo, icyemezo cyo ku wa 1 Nyakanga 2003, kaseti videwo.

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana

Urubanza Porokireri aburana na Kayishema, n° ICTR-95-1-T, Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Urugfereko uruhushya rwo kongera kubaza umutangabuhamya ushinjura wiswe DE (Urugereko rwa Mbere rw'Iremezo), 19 Kanama 1998 (Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998, imp. 1000 - 1003)	Urubanza rwa Kayishema mu rw'iremezo, icyemezo cyo ku wa 19 Kanama 1998, umutangabuhamya ushinjura wiswe DE
Urubanza Porokireri aburana na Kayishema na Ruzindana, n° ICTR-95-1-T, Icyemezo ku cyifuzo cya Porokireri gisaba Urugereko gufatira Ubwunganizi ibyemezo kubera ko bwakomeje kurenga ku Ngingo ya 67 (A)(ii) y'Amategeko no ku byemezo byarwo byanditse cyangwa byo mu magambo (Urugereko rwa Mbere rw'Iremezo), 3 Nzeri 1998 (Imbonerahamwe y'ubukemuramanza bwa TPIR, 1998, imp. 1003-1006).	Urubanza rwa Kayishema mu rw'iremezo, icyemezo cyo ku wa 3 Nzeri 1998, Ingingo ya 67 (A) (ii) y'Amategeko.

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

- **Urutonde rw'izindi nyandiko zifashishijwe**

Mu magambo maremare	**Mu magambo ahinnye**
Andrew Ashworth, *Principles of Criminal Law* {Amahame y'amategeko ahana] (Oxford: Clarendon Press, 1995).	Ashworth, Principles of Criminal Law
J. C. Smith and Brian Hogan, *Criminal Law* [Amategeko ahana] (London: Butterworth, 5th ed. 1983).	Smith and Hogan, Criminal Law
G. Williams, *Textbook of Criminal Law* [Igitabo cy'amategeko ahana] (1978).	G. Williams, Textbook of Criminal Law
Komisiyo ya VI y'Inteko Rusange y'Umuryango w'Abibumbye, igihembwe cy'inama cya 3, inyandikomvugo z'inama, kuva ku wa 21 Nzeri kugeza ku wa 10 Ukuboza 1948.	
Komisiyo y'amategeko mpuzamahanga : Raporo ya Komisiyo y'amategeko mpuzamahanga ku mirimo yayo y'igihembwe cy'inama cya 48 cyabaye kuva ku wa 6 Gicurasi kugeza ku wa 26 Nyakanga 1996, inyandiko yemewe y'Inteko Rusange y'Umuryango w'Abibumbye, igihembwe cy'inama cya 51, inyongera n° 10, UN Doc A/51/10.	Raporo ya ILC 1996, Umushinga w'amategeko yerekeranye n'ibyaha bihungabamya amahoro n'umutekano bya muntu.

Raporo y'Umunyamabanga Mukuru wa Loni ku bintu uko byifashe mu Rwanda (Inyandiko ya Loni S/1994/924).

Raporo y'agateganyo ya Komisiyo y'impuguke yashyizweho hashingiwe ku cyemezo 935 (1994) cy'Inama Ishinzwe Amahoro ku Isi (Inyandiko ya Loni S/1994/1125).

Raporo za Raporuteri wihariye ku Rwanda wa Komisiyo y'uburenganzira bwa muntu y'Umuryango w'Abibumbye (Inyandiko ya Loni S/1994/1157, Imigereka I na II).

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

▪ Urutonde rw'inyandiko z'amategeko n'iz'amateka zo mu Rwanda zifashishijwe

Itegeko ryo ku wa 23 Ugushyingo 1963 ryerekeye imitegekere ya Komini (nk'uko ryahinduwe), mu gitabo cy'amategeko yo mu Rwanda, Kaminuza y'u Rwanda, icapwa rya 2, 1995, umutumba wa II, imp. 910 – 920.

Iteka rya Minisitiri 23/04.09.01 ryo ku wa 31 Nyakanga 1991, Igazeti ya Leta ya Repubulika y'u Rwanda yo ku wa 15 Kanama 1991.

Itegeko-teka n° 8/75 ryo ku wa 12 Gashyantare 1975 rirebana n'Amasezerano kurri jenoside (Igazeti ya Leta, 1975, urup. 230), mu Gitabo cy'amategeko yo mu Rwanda, Kaminuza y'u Rwanda, icapwa rya 2, 1995, umutumba wa 1, imp. 444 na 445.

▪ Urutonde rw'impinamagambo

Mu magambo maremare	**Mu magambo ahinnye**
Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 (ubuhamya bw'umutangabuhamya wiswe GBE) (mu muhezo)	Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 (GBE) (mu muhezo)
Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 (ubuhamya bw'umutangabuhamya wiswe GBE) (mu iburanisha mu ruhame)	Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 (GBE)
Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 rw'inyandiko yo mu cyongereza (ubuhamya bw'umutangabuhamya wiswe GBE) (mu muhezo)	Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 rw'inyandiko yo mu cyongereza (umutangabuhamya wiswe GBE) (mu muhezo)
Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 rw'inyandiko yo mu cyongereza (ubuhamya bw'umutangabuhamya wiswe GBE) (iburanisha ryo mu ruhame)	Inyandikomvugo y'iburanisha ryo ku wa 9 Nyakanga 2001, urup. 39 rw'inyandiko yo mu cyongereza (umutangabuhamya wiswe GBE) (mu muhezo)
Ikimenyetso gihamya cya Porokireri cyahawe n° 4 (reba	Ikimenyetso gihamya cya Porokireri, P4.

urutonde rw'ibimenyetso gihamya)	
Urubanza Porokireri aburana na Kajelijeli, Inyandiko y'ibirego yahinduwe ku wa 25 Mutarama 2001 (kopi yayo yemejwe ko ihuye n'umwimerere yometse kuri iyi Nyandiko y'urubanza).	Inyandiko y'ibirego.
Sitati ya TPIR	Sitati
Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso	Amategeko
Urugereko rwa Mbere rw'Iremezo II	Urugereko
Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda	Urukiko
Inama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye	Inama Ishinzwe Amahoro ku Isi
Umuryango w'Abibumbye	Loni
Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda	TPIR
Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze Cyitwa Yugosilaviya	TPIY
Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve	Ingingo ya 3 ihuriweho
Muvoma Revolisiyoneri Iharanira Amajyambere y'u Rwanda [mbere ya Nyakanga 1991]	MRND
Muvoma Iharanira Repubulika, Demokarasi n'Amajyambere ya Rubanda [nyuma ya Nyakanga 1991]	MRND
(a) Ishyaka Riharanira Demokarasi muri Repubulika	MDR
Umuryango wa FPR	FPR
Ingabo z'u Rwanda	FAR

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Umuryango w'Abibumbye

Umwimerere: Igifaransa

URUGEREKO RWA MBERE RW'IREMEZO II

Abacamanza: William H. Sekule, Prezida
Winston S. Matanzima Maqutu
Arlette Ramaroson

Gerefiye : Adama Dieng

Itariki: 1 Ukuboza 2003

POROKIRERI

Aburana na :

JUVENAL KAJELIJELI

Urubanza Nº ICTR-98-44A-

IGITEKEREZO CY'UMUCAMANZA ARLETTE RAMAROSON KINYURANYE N'ICYA BAGENZI BE

Byahinduwe mu Kinyarwanda kandi byemezwa na SSL/TPIR

Ibiro bya Porokireri :
Ifeoma Ojemeni

Abavoka bunganira Uregwa :
Lennox S. Hinds
Nkeyi M. Bompaka

IGITEKEREZO CY'UMUCAMANZA ARLETTE RAMAROSON KINYURANYE N'ICYA BAGENZI BE

1. Uru rubanza rwaciwe ku bwumvikane bw'Abacamanza bose bagize inteko ariko mfite igitekerezo kinyuranye n'icya bagenzi banjye cy'uko nemeza nta shiti ko hakurikijwe Ingingo ya 3(g) ya Sitati, n'Inyandiko y'ibirego, Kajelijeli « agomba kuryozwa icyaha cyo gusambanya ku gahato Abatutsikazi, cyakozwe mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa iz'ubwoko, bityo akaba yarakoze ICYAHA CYIBASIYE INYOKOMUNTU nk'uko giteganywa n'Ingingo ya (3)g ya Sitati, icyaha gihanwa n'Ingingo za 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda », kandi hashingiwe ku Ngingo ya 6(1) n'iya 6(3) za Sitati.

2. Sinshyigikiye icyemezo cyafashwe ku bwiganze bw'amajwi cy'uko Uregwa adahamwa n'icyaha cyo gusambanya ku gahato, kandi nsanga icyo cyemezo nta shingiro gifite haba mu rwego rw'amategeko hano no ku birebana n'ibyabaye, cyane cyane ku byerekeranye n'ibimenyetso byatanzwe mu rwego rwo gushyigikira ibivugwa mu gika cya 5.3 n'icya 5.5 by'Inyandiko y'ibirego, aho ishinja Kajelijeli icyaha cyo gusambanya ku gahato Abatutsikazi.

I. UKO IBINTU BITEYE

(1) Ibirego

3. Igika cya 5.3 n'icya 5.5 by'Inyandiko y'ibirego bigira biti :

IBYABEREYE MURI PEREFEGITURA YA RUHENGERI

5.3 « Guhera muri Mata kugera muri Nyakanga 1994, Abatutsi benshi bagizwe n'abagabo abagore n'abana bagabweho ibitero, barashimutwa, basambanywa ku gahato ndetse bicirwa mu ngo zabo cyangwa ahantu bari barahungiye muri Komini ya Mukingo, cyangwa barafatwa barafungwa, nyuma baza kwicwa. Uregwa

yateguye ibyo bitero, ategeka ko bigabwa, arabigenzura kandi na we ubwe abijyamo ».

5.5 « Uregwa yategetse abantu gusambanya Abatutsikazi ku gahato no kubakorera ibindi bikorwa by'urugomo rushingiye ku gitsina, kandi byakorwaga abirebera. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Uregwa, nk'umuntu wari ufite ububasha ku bagabaga ibitero, ntiyafashe ingamba zo guhagarika ibyo bikorwa by'agahomamunwa byakorewe Abatutsikazi ».

(2) Icyemezo cy'Urugereko ku bwiganze bw'amajwi n'impamvu gishingiyeho

4. Abacamanza b'Urugereko ku bwiganze bw'amajwi bemera ko Interahamwe zasambanyije ku gahato abaturage b'abasiviri abo ari bo bose bazira ubwoko bwabo, ariko *bakemeza ko Kajelijeli adahamwa n'icyo gusambanya ku gahato* bavuga ko Porokireri atashoboye gutanga ibimenyetso bihamya ko :

- Kajelijeli yateguye ibikorwa byo gusambanya ku gahato, yahamagariye kandi yategetse abantu kubikora, yabikozwe ubwe, cyangwa ko mu bundi buryo ubwo ari bwo bwose yashyigikiye abandi mu gucura umugambi w'icyaha cyo gusambanya ku gahato, mu kuwutegura cyangwa mu gutsotsoba icyo cyaha Urugereko rwemera ko cyabayeho, hakurikijwe Ingingo ya 6 (1) ya Sitati;

- Kajelijeli yahaye Interahamwe , yo gusambanya ku gahato, ahubwo ayo mabwiriza muri rusange yari ayo kwica no gutsembatsemba. Ikindi kandi nta na hamwe byagaragajwe ko Uregwa yari azi cyangwa yagombaga kumenya ko icyo gikorwa cyo gusambanya ku gahato cyari gukorwa n'Interahamwe, hakurikijwe Ingingo ya 6 (3) ya Sitati.

5. Abacamanza bose bagize Urugereko basanze ubuhamya burebana n'ibikorwa byo gusambanya ku gahato byakozwe n'Interahamwe ku itariki ya 7 Mata ari ubwo kwizerwa, ibyo bikorwa bikaba ari ibi bikurikira : gusambanya ku gahato Joyce muri selire Rwankeri; gusambanya ku gahato umutangabuhamya wiswe ACM muri Selire ya Kabyaza, kuri bariyeri yari hafi ya Paruwasi ya Busogo; gusambanya ku gahato umukobwa

w'umutangabuhamya wiswe GDO muri Selire ya Rukoma, Segiteri ya Shiringo; no gusambanya ku gahato umutangabuhamya wiswe GDT muri Segiteri ya Susa, Komini ya Kinigi. Urugereko rwemeye kandi ko umutangabuhamya wiswe GDF yasambanyijwe ku gahato n'Interahamwe ku itariki ya 10 Mata 1994 muri Segiteri ya Susa, Komini ya Kinigi.

6. Nyamara ariko ku bwiganze bw'amajwi, Urugereko rwemeje ko Kajelijeli atari aho Interahamwe zasambanyirije ku gahato Joyce, umukobwa w'umutangabuhamya wiswe GDO, cyangwa se abatangabuhamya biswe ACM, GDT na GDF. Ikindi kandi, ku bwiganze bw'amajwi, Urugereko ntirwemera ko Uregwa yatanze , yo gusambanya ku gahato, cyangwa rusanga ibivugwa ko Uregwa yatanze , yo gusambanya ku gahato cyangwa gukorera Abatutsikazi ibikorwa by'urugomo rushingiye ku gitsina nta shingiro bifite.

7. Kubera izo mpamvu, Abacamanza ku bwiganze bw'amajwi bemeje ko Porokireri atatanze ibimenyetso bihamya nta shiti ko Uregwa yari aho ibikorwa byo gusambanya ku gahato byakorewe mu gihe byakorwaga, cyangwa ko Uregwa yari azi cyangwa yagombaga kumenya ko Interahamwe zakoraga ibyo bikorwa byo gusambanya ku gahato muri Komini ya Mukingo n'iya Kinigi, muri Perefegitura ya Ruhengeri, hagati y'itariki ya 7 n'iya 10 Mata 1994.

8. ***Sinabura kuvuga ko iyo mitekerereze ntayihurizaho na bagenzi banjye, kubera ko nemera nta gushidikanya na gato ko Kajelijeli agomba kuryozwa nka gatozi ibikorwa byo gusambanya ku gahato Abatutsikazi byakozwe hagati y'italiki ya 7 n'iya 10 Mata 1994, cyane cyane abavuzwe hano hejuru.***

9. Mbere yo gutanga igitekerezo cyanjye n'ingingo zigishyigikira, nagira ngo mbanze nerekane amategeko akurikizwa n'imyanzuro yafashwe n'Urugereko, cyane cyane ku birebana n'ikurikizwa ry'Ingingo ya 6(1) n'iya 6(3) mu birego bya jenoside n'iby'ibyaha byibasiye inyokomuntu.

II. AMATEGEKO YUBAHIRIZWA KU CYAHA CYO GUSAMBANYA KU GAHATO, HAKURIKIJWE IBITEGANYWA NA SITATI

10. Mu mutwe wa kane w'Inyandiko y'urubanza iri mu cyongereza witwa « Imyanzuro yo mu rwego rw'amategeko », usanga ibi bikurikira :

- Ku ruhande rumwe, nk'uko bivugwa mu kirego cya karindwi cyerekeranye no «gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu », kandi hakurikijwe Ingingo ya 3(g) ya Sitati, Juvénal Kajelijeli :

« Ashinjwa ibikorwa byo gusambanya Abatutsikazi ku gahato mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira mpamvu za politiki cyangwa iz'ubwoko. Kubera ibyo, yakoze icyaha cyibasiye inyokomuntu nk'uko giteganywa n'Ingingo ya 3(g), kandi gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

- Ku rundi ruhande, mu Nyandiko y'ibirego havugwa ko Kajelijeli ashinjwa icyaha cyo gusambanya ku gahato hashingiwe ku Ngingo ya 6(1) no ku ya 6(3) za Sitati, ariko kubera ko ku bwiganze bw'amajwi Urugereko rwemeje ko Kajelijeli ataryozwa ibikorwa byo gusambanya ku gahato byakozwe n'Interahamwe, ntirwakurikije iyo ngingo. Kandi nyamara, iyo Ngingo ya 6(1) n'iya 6(3) zisobanurwa mu gace kiswe « C. Uburyozwacyaha »[1], nkaba nsaba ko zakwifashishwa.

11. Ndavuga rumwe n'Urugereko rwa Mbere rw'Iremezo ku bukemuramanza bwerekeranye n'ibigize icyaha cyo gusambanya ku gahato, rwifashishije rukanabusobanura mu gace kiswe « 4. Gusambanya ku gahato nk'icyaha cyibasiye inyokomuntu»[2], nkaba nsaba ko ubwo bukemuramanza bwakwifashishwa.

12. Nk'uko nabisobanuye mbere, Inyandiko y'ibirego isaba ko hakurikizwa Ingingo ya 6(1) n'iya 6(3) ku birego byinshi birebana na jenoside n'ibyaha byibasiye inyokomuntu birimo no gusambanya ku gahato. Koko rero, mu cyiciro cya gatandatu cyiswe « *Ibirego* », Inyandiko y'ibirego igira iti :

13. « *Kubera ibikorwa byose bivugwa mu bika bikurikira byerekeranye na buri kirego, Uregwa yacuze umugambi, ahamagarira abantu gukora ibyaha, abategeka kubikora, arabikora*

---

[1] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo,1 Ukuboza 2003, ibika 754-779.

[2] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo,1 Ukuboza 2003, ibika 908-916.

ubwe cyangwa ashyigikira abandi bantu mu gucura umugambi, mu kuwutegura no mu kuwushyira mu bikorwa.

Kandi,

Uregwa yari azi cyangwa yagombaga kumenya ko abantu yayoboraga biteguraga gukora cyangwa ko bari bakoze kimwe cyangwa byinshi mu bikorwa biteganywa kuva ku ngingo ya 2 kugera ku ya 4 za Sitati y'Urukiko. Nyamara ariko, ntiyafashe ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ibyo bikorwa, cyangwa ahane ababikoze ».

14. Ndavuga rumwe n'Urugereko ku bisobanuro rwatanze birebana n'Ingingo ya 6 nk'uko bikubiye mu gace kiswe « *C. Uburyozwacyaha »*[3], kandi kubera ko ibyo bisobanuro birambuye, ndasanga atari ngombwa kubisubiramo byose, cyane cyane ku byerekeye :

- Uburyozwacyaha hakurikijwe ingingo ya 6(1) ya Sitati bitewe n'uburyo icyaha cyakozwemo : uregwa yacuze umugambi w'icyaha, yahamagariye kandi ategeka abandi kugikora, yaragikoze ubwe, yashyigikiye mu gucura umugambi, mu kuwutegura cyangwa mu gutsotsoba icyaha, kandi afite *igitekerezo cyo gukora icyaha*;

- Uburyozwacyaha hashingiwe ku Ngingo ya 6(3) ya Sitati (kuba uregwa yari akuriye abandi), *igitekerezo cyo gukora icyaha* kigaragazwa n'uko ukuriye abandi yari azi cyangwa yagombaga kumenya, ko yagenzuraga nyabyo abo akuriye ku buryo yari kubabuza gukora ibyaha cyangwa se guhana ababikoze.

III. IBIMENYETSO

15. Ku birebana no gusambanya ku gahato Abatutsikazi, Urugereko rwagejejweho ibikorwa birindwi bizwi byo gusambanya ku gahato byakozwe n'Interahamwe muri Perefegitura ya Ruhengeri : ku itariki ya 7 Mata 1994, uwitwa Kizungu yasambanyijwe ku gahato, n'undi mugore witwa Joyce yasambanyirijwe ku gahato anicirwa kwa Rudatinya muri Selire ya Rwankeri; ku itariki ya 7 Mata 1994, umutangabuhamya wiswe ACM yasambanyirijwe ku gahato kuri bariyeri yari muri Selire ya Kabyaza, hafi ya Paruwasi ya Busogo mu Rwankeri;

[3] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo,1 Ukuboza 2003, ibika 754-779.

ku itariki ya 7 Mata 1994, umukobwa w'ikimuga w'umutangabuhamya wiswe GDO yasambanyirijwe ku gahato anicirwa muri Segiteri ya Shiringo, Komini ya Mukingo; ku itariki ya 7 Mata 1994, umutangabuhamya wiswe GDF na murumuna we bo muri Shingiro na bo basambanyijwe ku gahato; ku itariki ya 10 Mata 1994 umutangabuhamya wiswe GDT yasambanyirijwe ku gahato mu Kinigi.

16. Ndagaragaza ibintu bifite aho bihuriye n'icyo kibazo mbona byafatwa nk'ibimenyetso bishyigikira imitekerereze yanjye, nifashishije cyane cyane ibikubiye mu Nyandiko y'urubanza, umutwe wa III, icyiciro « L ».

(1) Ubuhamya bw'abatangabuhamya bashinja biswe GAO, GBV na GDD[4]

17. GBV na GAO bombi bemeza ko Kajelijeli yari mu isoko ryo mu Byangabo ku itariki ya 7 Mata 1994 mu gitondo. GAO avuga ko Uregwa yakoranyirije Interamwe mu isoko ryo mu Byangabo akazitegeka kwica no gutsembatsemba Abatutsi; GBV na we avuga ko Kajelijeli ari aho hantu yatgetse Interahamwe ngo « zikenyere zitangire zikore ». GAO avuga ko Kajelijeli yazivanye ku isoko ryo mu Byangabo akazijyana muri *Selire ya Rwankeri;* kandi nyuma y'ibyo yari amaze kuzihamagarira gukora nibwo Interahamwe zahise zisambanyiriza ku gahato Joyce aho hantu ziranahamwicira, kimwe n'undi mugore witwaga Kizungu. GAO asobanura neza ibyakorewe Joyce agira ati « bamuhinguranyije imbavu bakoresheje igisuti kandi banakiujombye mu gitsina. Baramwishe maze bamutwikiriza ingutiya ye ». GBV avuga ko n'ubwo habaye ibikorwa by'ubwicanyi binyuranye, icyo yagazeho ari kimwe[5], ariko agasobanura ko **Kajelijeli yari ahari** ubwo batangiraga kwica[6], cyane cyane kwa Rudatinya[7]. Kandi GAO na we yemeza ko Joyce yasambanyirijwe ku gahato hafi yo kwa Rudatinya[8]. Nyamara, Urugereko rwemeje ko Abatutsi bagabweho ibitero bakanicirwa mu ngo zabo n'aho bari bahungiye muri Komini ya Mukingo, harimo no kwa Rudatinya, kandi ko Uregwa yategetse ko ibyo bitero bigabwa, ko yabigenzuye, ndetse ko **na we**

[4] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, ibika 632 na 634.

[5] Inyandikomvugo y'iburanisha, 4 Nyakanga 2003, urup. 140 (GBV).

[6] Inyandikomvugo y'iburanisha, 4 Nyakanga 2003, urup. 129 (GBV).

[7] Inyandikomvugo y'iburanisha, 4 Nyakanga 2003, urup. 138 (GBV).

[8] Inyandikomvugo y'iburanisha, 27 Ugushyingo 2001, urup. 20 (GAO).

yabigiyemo[9]. Kajelijeli yamenyeshaga ibikorwa byose by'Interahamwe ze. Ku itariki ya 7 Mata yazisabye kumugezaho raporo y'ibyo zari zakoze agira ati: « Njyewe ngiye muri Mukingo kureba uko ibintu byifashe, ubwo twaza guhura nyuma ya saa sita mukangezaho raporo y'ibyakozwe »[10]. Uwo munsi nimugoroba, Kajelijeli yahuye n'Interahamwe ze banywera mu kabari bishimira ibyabaye.

18. GAO anemeza ko Kajeijeli yari mu kabari hamwe n'Interahamwe ze kugirango zimuhe raporo ku byabaye ku itariki ya 7 Mata. Bityo rero, Kajelijeli yari azi ibyabaye uwo munsi.

(2) Ubuhamya bw'umutangabuhamya ushinja wiswe ACM[11]

19. ACM yabonye bwa mbere Kajelijeli ku itariki ya 7 Mata ubwo yazaga kwa Munyemvano muri Selire ya Kinyababa, muri Gitwa, Komini ya Nkuli, ihana imbibi na Komini ya Mukingo, ari mu modoka hamwe n'Interahamwe ze. *Kajelijeli yagejeje Interahamwe mu rugo hanyuma agaruka mu gihe cy'igitero.* **Yari ahari** ubwo bajyanaga kuri Paruwasi ya Busogo abarokokeye kwa Munyemvano, babatoje umurongo. Interahamwe zari zikikije uwo murongo zarababwiye ngo **« Ubu tugiye kubasambanya ku gahato hanyuma twinjize amabuye n'amacupa mu bitsina byanyu »[12].** Bari mu nzira bajya kuri paruwasi, barashe abantu bamwe bagerageje guhunga, barimo se wabo. ACM yemeza ko Kajelijeli yari ahari, agira ati « *Yari inyuma yacu »[13];* arongera akagira ati « **yari ahari kandi yabonye ibyabaye byose** »[14]. Kajelijeli yashoboraga cyangwa ntiyashoboraga kumva ibyavugwaga n'Interahamwe ze, ibyo ari byo byose, ayo magambo yatuma umuntu yumva umwuka mubi wariho icyo gihe, cyane cyane umugambi w'Interahamwe w'uko, usibye kwica Abatutsikazi, zanashakaga kubasambanya ku gahato nk'uko Kajelijeli yari yabizihamagariye (reba no mu buhamya bw'umutangabuhamya wiswe GDO hano hasi).

20. Ubwo ACM yageraga kuri Paruwasi ya Busogo, yongeye kuhabona Kajelijeli ahagenzura. Nyuma yaho yarahunze ariko asambanywa ku gahato n'Interahamwe ebyiri zacungaga

---

[9] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, igika 555.

[10] Inyandikomvugo y'iburanisha, 3 Ukwakira 2001, urup. 37 (GDD).

[11] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, igika 636.

[12] Inyandikomvugo y'iburanisha, 11 Ukuboza2001, urup. 56 (ACM).

[13] Inyandikomvugo y'iburanisha, 11 Ukuboza 2001, urup. 59 (ACM).

[14] Inyandikomvugo y'iburanisha, 12 Ukuboza 2001, urup. 76 (ACM).

bariyeri yari hafi ya paruwasi. Izo Nterahamwe ni za zindi zari zaherekeje Kajelijeli kwa Munyemvano, kandi zaramubwiye ngo « twari twakubuze none turongeye turakubonye ».

(3) *Ubuhamya* bw'umutangabuhamya ushinja wiswe GDO[15]

21. Ku byerekeranye n'ubuhamya bwa GDO, ku bwiganze bw'amajwi, abacamanza ntibemeye ko Kajelijeli ahamwa n'icyaha cyo gusambanya ku gahato. Abacamanza bafashe uwo mwanzuro bahereye ku ivuguruzanya riri hagati y'ubuhamya bwanditse GDO yagejeje ku bapererezi ku itariki ya 8 werurwe 2000, aho yavuze ko yabonye Uregwa ari ku ntera ya metero 50, kandi ko yibukaga ko Uregwa yageze aho hantu saa kumi za mu gitondo, n'ubuhamya yatangiye mu Rukiko aho avuga ko atashoboraga kugererenya intera, ko kandi atigeze avuga ko hari saa kumi za mu gitondo.

22. Ku bwiganze bw'amajwi, abacamanza basanze kandi ibivugwa byarabereye mu ishyamba ku buryo kumva ibyabaga no kubibona bitari byoroshye. Kubera izo mpamvu, Urugereko rusanga umuntu ashyize mu gaciro yashidikanya ku bivugwa ko Uregwa yaba yarabonye umukobwa wa GDO asambanywa ku gahato.

23. Ubwunganizi ntibuhakana ko haba harabayeho ibyaha byo gusambanya ku gahato, ariko buvuga ko nta ruhare urwo ari rwo rwose Kajelijeli yagize muri ibyo byaha byakorewe muri Selire ya Rwankeri.

24. ***Nyamara ariko, sinemera iyo mitekerereze y'abandi bacamanza bagenzi banjye n'iy'Ubwunganizi, igitekerezo cyanjye kikaba ari iki gikurikira :***

- ***Ku birebana n'ibyo abacamanza, ku bwiganze bw'amajwi, bavuga ko hariho inyuranya hagati y'ubuhamya bwanditse GDO yagejeje ku bapererezi n'ubwo yatangiye mu Rukiko***

25. Iyo usuzumye ubuhamya bwanditse GDO yagejeje ku bapererezi ku itarikiya 8 werurwe 2000, usanga hariho ivuguruzanya rigaragara mu byo umupererezi yanditse; nk'ahavugwa

[15] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, igika 680.

ko Interahamwe zavumbuye umugabo wa GDO n'umuhungu we «muri *icyo gitondo* »[16], muri zo akaba yaramenyemo abitwa Semahane na Bizimana. Ubwo yari « a*tangiye kugarura ubwenge* »[17], nibwo abari mu gitero bajyanye umugabo we n'umuhungu we.

26. Nyamara, muri ubwo buhamya nyirizina, uyu mutangabuhamya yari yamaze kuvuga ko umukobwa we yasambanyijwe ku gahato n'Interahamwe zari zazanywe na Kajelijeli muri icyo gitondo, kandi ko kubera ko yakubitwaga mu gihe basambanyaga umukobwa we ku gahato yataye ubwenge « *kugeza ijoro riguye »*[18]. Yashoboraga ate gukurikira uburyo umuhungu n'umugabo we bajyanywe « *muri icyo gitondo* »[19] amaze kugarura ubwenge nk'uko hari aho bivugwa muri ubu buhamya, kandi nyuma y'ibika bibiri bikurikira ibirimo ubwo buhamya yaravuze ko yagaruye ubwenge ijoro riguye ? Hari ibintu biterekeranye ku buryo bugaragara ku birebana n'uko ibyabaye byagiye bikurikirana, kandi ayo makosa arakabije ku buryo iyo nyandikomvugo nta wayishira amakenga kandi nta wakwizera ko ubuhamya bwanditswe uko bwatanzwe. Umupererezi amaze kubona iri vuguruzanya yagombye kuba yarasobanuje neza igihe nyakuri umugabo wa GDO n'umuhungu we batwariwe, n'igihe nyakuri GDO yagaruriye ubwenge; ese hari mu gitondo cyangwa se ijoro ryari riguye ? Kubera iri vuguruzanya rimaze kugaragazwa, ikiboneka ni uko umugabo wa GDO n'umuhungu we bajyanywe n'Interahamwe ku munsi utandukanye n'uwo umukobwa we yasambanyirijweho ku gahato, ibi akaba ari byo byakwizerwa kandi ni byo GDO yahamije mu Rukiko. Kubera izo mpamvu zimaze kuvugwa, umwanzuro wanjye ni uko ubuhamya bwahawe abapererezi budakwiye kwitabwaho, ko ahubwo hakwitabwaho gusa ubuhamya bwatangiwe mu iburanisha.

- ***Ku birebana n'ibyo abacamanza, ku bwiganze bw'amajwi, bavuga ko ibintu byabereye mu ishyamba ku buryo byari bigoye kumva no kubona ibyabaga***

27. Kuri icyo kibazo, nakwizera kurushaho ubuhamya GDO yatangiye mu iburanisha:

---

[16] Ubuhamya GDO yagejeje ku bapererezi bo mu Biro bya Porokireri wa TPIR, 8 Werurwe 2000.

[17] Ubuhamya GDO yagejeje ku bapererezi bo mu Biro bya Porokireri wa TPIR, 8 Werurwe 2000.

[18] Ubuhamya GDO yagejeje ku bapererezi bo mu Biro bya Porokireri wa TPIR, 8 Werurwe 2000.

[19] Ubuhamya GDO yagejeje ku bapererezi bo mu Biro bya Porokireri wa TPIR, 8 Werurwe 2000.

- aho avuga igihe n'intera, cyane cyane ko yahereye aho yari abatangabuhamya bicara mu cyumba cy'iburanisha noneho akagereranya intera umuhanda wariho n'aho avuga yari yihishe, kimwe n'aho Kajelijeli yahagaritse imodoka ye avanamo Interhamwe.

- aho avuga igihe Kajelijeli yagereye aho hantu, agira ati « hari kare mu gitondo, harabonaga, ntihari nijoro »[20].

28. Mu by'ukuri, mu gihe cy'iburanisha, GDO ntiyahwemye guhakana kandi yivuye inyuma ko atigeze agereranya intera yari imutandukanyije na Kajelijeli akoresheje metero (metero 50), avuga ko « a*dashobora gutanga ikigereranyo cy'intera akoresheje metero*»[21], kandi na none mu gihe cy'iburanisha yakomeje guhakana ko atigeze avuga ko Kajelijeli yageze aho hantu saa kumi za mu gitondo. Kubera ko umuntu atagirira icyizere ibyanditswe n'umupererezi kuri iki kibazo, no kubera ko GDO atazi gusoma no kwandika, ikigereranyo yatanze avuga intera n'igihe Kajelijeli yagereye aho hantu hamwe n'Interahamwe ze, yagitanze agenekereje, akoresheje inyurabwenge. Ku bera izo mpamvu ubuhamya GDO yagejeje ku bapererezi ku itariki ya 8 werurwe 2000 ntibukwiye kwitabwaho, ahubwo hakwiye gushingirwa gusa ku buhamya yatanze mu gihe cy'iburanisha. Na none, ukuntu yabaze inkuru y'ibyabaye bishyize mu gaciro ndetse ntahuzagurika, kandi n'ubwo atazi gusoma no kwandika, usanga ari umuntu uvugisha ukuri kandi mu buryo busobanutse.

29. Twongere turebe ibyabaye dukurikije ubuhamya yatanze mu iburanisha.

30. Ku itariki ya 7 Mata 1994, GDO wari atuye muri Segiteri ya Shingiro, Komini ya Mukingo yihishe mu ishyamba ari kumwe n'abana be batatu n'umukobwa we w'ikirema w'imyaka cumi n'itanu wishwe. Na mbere y'urupfu rwa Perezida Habyarimana bajyaga bihisha kubera ko Interahamwe zabashakishaga ngo zibice bazira ko ari Abatutsi. Ndetse na mbere y'urupfu rwa Perezida Habyarimana, umugabo n'umuhungu we barishwe ubwo bari bamaze

[20] Inyandikomvugo y'iburanisha, 19 Nyakanga 2001, imp. 35 – 36 (GDO).

[21] Inyandikomvugo y'iburanisha, 19 Nyakanga 2001, imp. 35 – 36 (GDO). Mu gihe cy'iburanisha, GDO yaragize ati « Nababwiye ko ntashobora gutanga ikigereranyo mu metero. Numva bavuga za metero ariko sinzi icyo zihwanye na cyo. Ndabaha ibisobanuro mu magambo ariko sinababwira za metero ». GDO yarakomeje agira ati « niba mushaka kunyigisha ibya metero mwabikora, ariko mbabwije ukuri ko ntigeze ntanga ikigereranyo mu metero kuko ntazi uko metero ireshya ».

kuvumburwa aho bari bihishe. Iryo shyamba ntiryari kure, ryari mu isambu yari atuyemo munsi y'iwe; inzu ye ntiyari ahantu hahanamye cyane. Yari yihishe rero mu nsi y'iwe mu ishyamba, kandi umuhanda wanyuraga iruhande rw'aho yari yihishe.

31. Ubwo yatangaga ubuhamya, asobanura aho yari yihishe ugereranyije n'aho umuhanda wanyuraga, GDO yagereranyije ahereye ku meza y'aho abatangabuhamya bicara mu cyumba cy'iburanisha no hasi kuri sima ku ruhande rw'ibumoso, avuga ko umuhanda wanyuraga aho, ni ukuvuga mu nsi y'aho yari ari ugereranyije n'indeshyo y'ameza aho yari kumwe n'umusemuzi. Yari yihishe rero hejuru y'umuhanda, ariko yashoboraga kubona abawuhitagamo, ndetse yashoboraga no kubumva iyo babaga bavuze baranguruye ijwi. Yanavuze ko intera yari imutandukanyije n'umuhanda yagereranywa n'iri hagati y'aho yari ari n'aho binjirira mu rukiko, (ariko ndasanga iyo ntera itumvikana neza kuko binjirira henshi mu rukiko). Ryari ishyamba ry'imigano ririmo insina zitatanye. Harimo ibyatsi bigufi, kandi yashoboraga kubona ibyarimo kuba yigijeyo ibibabi by'imigano.

32. Uwo munsi, Kajelijeli yazanye n'Interahamwe mu modoka itukura, kandi amaze kurenga agasanteri kitwa Nyiragihima yarahagaze; ako gasanteri kari hafi y'aho yari yihishe *« ariko atari hafi cyane »*; ku bwanjye, nsanga kuba imodoka yari irenze agasanteri bisobanura ko yari yegereye cyane aho yari yihishe. Iyo modoka yahagaze hepfo y'aho yari yihishe; yabonye abantu baza; *« hari kare mu gitondo, harabonaga, ntihari nijoro »*[22]. Interahamwe yarazimenye kubera imyambaro yazo, zasohotse mu modoka zivuga ko Habyarimana yapfuye ko kandi zigiye kumuhorera.

33. GDO yabonye Kajelijeli yari azi nk'umutware wazo asohoka mu modoka, kandi yamwumvise avuga ngo zigomba gushaka Abatutsikazi, ***« ko zigomba kubafata zikabasambanya ku gahato kandi zikabica. Yaravuze ngo zigomba gutandukanya ingano n'urumamfu »***[23]**.** Interahamwe zamanutse ziruka, zibanza kujya mu rugo rwa GDO, hanyuma ziroha mu ishyamba zirarijagajaga zivumbura umukobwa wa GDO.

---

22 Inyandikomvugo y'iburanisha, 19 Nyakanga, imp. 35-36 (GDO). Muri iryo buranisha, GDO yaragize ati « Nababwiye [abapererezi] ko hari kare mu gitondo, ko habonaga, ko atari nijoro. Na mwe nababwiye ko mfite ikibazo ku byerekeye amasaha n'amatariki, kubera ko ntize ». Uyu mutangabuhamya yarongeye ati « Ariko ku birebana n'isaha ya saa kumi zo mu gicuku, sinigeze nyumva, nta bwo iyo saha nayivuze ».

23 Inyandikomvugo y'iburanisha, 18 Nyakanga 2001, urup. 66 (GDO).

34. Usibye no kuba GDO yaramenye Kajelijeli mu gihe yururukaga mu modoka, mu gihe umukobwa we yatakaga cyane barimo kumusambanya ku gahato, ***yarebye Kajelijeli imbona nkubone***, hanyuma yarakubiswe ata ubwenge.

35. GDO avuga uko ibintu byagenze ku buryo burimo inyurabwenge kandi budahuzagurika. Ndasanga GDO yarashoboraga kubona Kajelijeli aza ari kumwe n'Interahamwe ze kuko habonaga, ntiyari ahantu atashoboraga kubona kuko yigizagayo ibibabi by'imigano, yanashoboraga kumva Kajelijeli aha , Interahamwe ze kubera ko yari haruguru y'umuhanda, kandi imodoka ikaba itari ihagaze kure cyane y'aho yari yihishe.

36. Urugereko, ku bwumvikane bw'Abacamanza bose, rwemeje ko GDO ari umutangabuhamya wo kwizerwa ku birebana n'uko umukobwa we yasambanyijwe ku gahato n'Interahamwe, bitewe n'uko rwasanze yaratanze ubuhamya burambuye kandi busobanutse bugaragaza ko Uregwa yari mu bikorwa by'urugomo byakorewe imbere y'urugo rwe, birimo gushimuta no kwica umugabo n'umuhungu we, kumukomeretsa ubwe, gusambanya ku gahato no kwica umukobwa we w'ikirema. Ndasanga kandi umuntu yakwizera ubuhamya bwa GDO burambuye ku birebana n'uko Kajelijeli n'Interahamwe ze baje aho hantu, n'uko Kajelijeli yari ahari mu igihe umukobwa wa GDO yasambanywa ku gahato, no ku kuba yaragereranyije intera n'igihe ashyize mu gaciro. Kubera ko nsaba ko ubuhamya GDO yagejeje ku bapererezi butakwitabwaho, ubufite agaciro ni ubwo yatangiye mu Rukiko bwonyine.

37. GDO yamenye kandi Uregwa mu gihe cy'iburanisha. Maze kwitegereza imyitwarire y'uyu mutangabuhamya nkanatega amatwi ubuhamya bwe, ndasanga yakwizerwa, kandi kuba Kajelijeli yari ahari ubwo umukobwa we yasambanywaga ku gahato si ibintu yitekerereje gusa.

(4) Ubuhamya bw'umutangabuhamya ushinja wiswe GDT[24]

38. GDT *atuye ku rubibi rwa Komini ya Mukingo n'iya Kinigi aho ziitandukanyijwe n'umugezi wa Kazi.* GDT yasambanyijwe ku gahato n'Interahamwe za Kajelijeli; Interahamwe zaje

---

[24] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, Ukuboza 2003, igika 682.

iwe zivuga ngo « mubanze mushake umugore »[25]. Barasatse baramubona maze bamukurubana hanze. Imbere y'Urugereko yavuze kandi ko Interahamwe yabwiye bagenzi bayo ko Kajelijeli yababwiye ati « Mubanze munzanire umugore mbere y'uko ndangiza kunywa iri cupa »[26]. Kubera icyo kiganiro, yahise yumva ko Kajelijeli yariho anywa inzoga kuri santeri y'ubucuruzi yarimo utubari hafi y'iwe. Ndasanga icyo gitero cyari cyibasiye by'umwoibariko « uwo mugore ».

39. Kajelijeli yahoraga abonana n'Interahamwe zagombaga kumuha raporo ku byo zabaga zakoze; nkaba nsanga yarabaga azi ibikorwa byose by'Interahamwe ze birimo n'icyo gusambanya ku gahato.

(5) Ubuhamya bw'umutangabuhamya ushinja wiswe GDF[27]

40. GDF, utuye muri Komini ya Kinigi, Segiteri ya Susa, avuga ko ku itariki ya 10 Mata Kajelijeli yaje ari kumwe n'Interahamwe zari zambaye iniforume; amaze kuzihageza yazibwiye ijambo hanyuma azisigaho aragenda mu modoka ye itukura. Izo nterahamwe zarazamutse zijya iwe; yazimenye kubera imyambarire yazo (iniforume n'udutambaro dutukura). We na murumuna we barirutse bajya kwihisha mu murima w'ibigori ariko Interahamwe zarahabasanze zibasambanya ku gahato[28]. Nyamara ariko, abacamanza bagenzi banjye nta mwanzuro bafashe ku birebana n'uko Kajelijeli yazanye Interahamwe kwa GDF; bemeza gusa ko Kajelijeli atari ahari mu gihe cy'isambanya ku gahato. Nanjye ndemera ko Kajelijeli atari ahari mu gihe cy'isambanya ku gahato, ariko ndagiran go ngaragaze ko yazanye Interahamwe ze kwa GDF (ibi bikaba biza kuba ikimenyetso gishyigikira igitekerezo ndibutange).

41. Ku bwanjye, mbona GDF ari umutangabuhamya wo kwizerwa kandi atanga amakuru adahuzagurika, cyane cyane ku birebana n'ukuntu Kajelijeli yageze aho hantu ari kumwe n'Interahamwe ze.

42. Icyo gihe, Kajelijeli yari hafi y'aho gusambanya ku gahato byabereye.

---

[25] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 96 (GDT).

[26] Inyandikomvugo y'iburanisha, 6 Ukuboza 2001, urup. 97 (GDT).

[27] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, igika 682.

[28] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, igika 682.

IV. Imyanzuro yo mu rwego rw'amategeko

(1) Ingingo z'amategeko zivugwa na Porokireri

43. Ikirego cya 7 cyo mu Nyandiko y'ibirego cyiswe « Ibyaha byibasiye inyokomuntu - gusambanya ku gahato » kivuga ko Kajelijeli *« ashinjwa ibikorwa byo gusambanya Abatutsikazi ku gahato mu rwego rw'ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira mpamvu za politiki cyangwa iz'ubwoko. Kubera ibyo, yakoze icyaha cyibasiye inyokomuntu nk'uko giteganywa n'Ingingo ya 3(g), gihanwa hashingiwe ku Ngingo ya 22 n'iya 23 za Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwand, kandi hakurikijwe ibivugwa mu Ngingo ya 6(1) n'iya 6(3) za Sitati ».*

44. Ingingo ya 6(1) igira iti:

> *« Umuntu uwo ari we wese wacuze umugambi, akawuhamagarira abandi, agategeka ko icyaha gikorwa, akagikora cyangwa ku bundi buryo ubwo ari bwo bwose, agashyigikira abandi mu gucura umugambi, gutegura, cyangwa gutsotsoba icyaha icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 z'iyi Sitati, akiryozwa nka gatozi ».*

45. Iyi ngingo ishimangira ihame rivuga ko uburyozwacyaha ari gatozi k'uwagikoze, ko ariko ari na gatozi ku muntu uwo ari we wese wagize uruhare mu ikorwa ryacyo, hakurikijwe ibirebana no kuryozwa icyaha nk'icyitso.

46. Ingingo ya 6(3) igira iti:

> *« Kuba igikorwa icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 z'iyi Sitati cyarakozwe n'umuntu wari ukuriwe n'undi ntibibuza uwari umukuriye kukiryozwa, iyo yari azi cyangwa yaragombaga kuba azi ko uwo akuriye agiye gukora icyaha cyangwa ko yagikoze ariko ntafate ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ikorwa ry'icyo cyaha cyangwa ngo ahane abagikoze ».*

47. Ingingo ya 6(3) ishimangira ihame ry'uburyozwacyaha bw'umuntu ukuriye abandi. Iryo hame rishingiye ku bushobozi ukuriye abandi afite bwo kugenzura ibikorwa n'abo akuriye. Iyo ukuriye abandi yituramiye gusa, ni ukuvuga iyo atabujije ikorwa ry'icyaha cyangwa iyo iyo adahannye abagikoze, aba ateshutse ku nshingano ze, bityo akaba yaryozwa icyaha. Ubwo buryozwacyaha bwitwa rimwe na rimwe « uburyozwacyaha buziguye bw'ukuriye abandi ».

48. Nk'uko byashimangiwe mu gice cy'Inyandiko y'uru rubanza cyiswe « *Imyanzuro yo mu rwego rw'amategeko* », Uregwa ahamwa n'icyaha hashingiwe ku Ngingo ya 6(3) iyo hatanzwe ibimenyetso bigaragaza ibintu bitatu, ari byo : kuba uregwa yari akuriye uwatsotsobye icyaha ; kuba ukuriye abandi yari azi cyangwa yaragombaga kumenya ko igikorwa cyo gusambanya ku gahato kigiye gukorwa cyangwa ko cyakozwe; no kuba atarafashe ingamba zose za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo ikorwa ry'icyo cyaha cyangwa ahane abagikoze, kandi yarateshutse ku nshingano ze zo kugenzura nyabyo kugira ngo ashobore kuburizamo ikorwa ry'icyaha cyangwa se guhana abagikoze.

49. Porokireri yagarutse kuri ibyo bintu bitatu mu myanzuro ye nsozarubanza, asobanura uburyozwacyaha bwa Kajelijeli mu bikorwa byo gusambanya ku gahato.

50. Porokireri yemeza ko Kajelijeli yari azi ko ibyaha byarimo gukorwa, kuko yayoboraga ibitero kandi akaba nta cyo yakoze ngo aburizemo ikorwa ry'ibyaha cyangwa abyamagane ; ibi ariko Ubwunganizi bubihakana bwivuye inyuma buvuga ko mu by'ukuri ibyo byose ari ibihimbano, ibikabyo n'ibinyoma.

51. Kuri icyo kibazo, ndagira ngo nshimangire itandukanyirizo riri hagati y'ibyo bika bibiri: Ingingo ya 6(1) yerekeranye n'uko Kajelijeli ubwe yakoze icyaha, naho Ingingo ya 6(3) yerekeranye n'uburyozwacyaha bwe nk'ukuriye abandi, mu gihe atabujije abo yari akuriye gusambanya ku gahato cyangwa se mu gihe atabahannye.

52. Nyamara ariko ndongeraho ko, nk'uko byasobanwe n'Urugereko rw'ubujurire mu rubanza rwiswe urwa Celebici[29], ubwo buryozwacyaha bwombi ntibuteye kimwe ndetse « ayo

[29] Reba Inyandiko y'urubanza rwitiriwe Celebici mu bujurire, 20 Mutarama 2000, urup. 338.

mahame yombi aratandukanye rwose kandi mu rwego rw'amategeko nta bwo ashamikiranye ».

53. Uko mbyumva ndasanga ari ngombwa kureba niba Uregwa yaryozwa icyaha kubera gushishikariza abandi gukora icyaha, kubategeka kugikora no kubashyigikira mu ikorwa ryacyo, cyangwa se niba yaryozwa icyaha nk'umuntu wari ukuriye Interahamwe ze. Ibi bika byombi by'iyi Ngingo bishobora kudakurikizwa icyarimwe kubera impamvu ngiye gusobanura:

(2) Isesengura ryo mu rwego rw'amategeko ku birebana n'ibyabaye

54. Ingingo ya 6(1) ikubiyemo uburyo bunyuranye icyaha gishobora gukorwamo. Nyamara ariko muri uru rubanza, n'ubwo mu nyandiko y'ibirego hatakoreshejwe amagambo nyirizina akubiye muri iyo Ngingo ya 6(1) usibye gusa ijambo « uwategetse », imvugo « uwagize uruhare » iraguye bihagije ku buryo ishobora gukubirwamo n'izindi mvugo, ari zo « uwacuze umugambi, akawuhamagarira abandi, agategeka ko icyaha gikorwa, akagikora cyangwa ku bundi buryo ubwo ari bwo bwose, agashyigikira abandi mu gucura umugambi, gutegura, cyangwa gutsotsoba icyaha icyo ari cyo cyose kivugwa mu Ngingo ya 2 kugeza ku ya 4 za Sitati »[30]. Mu nyandiko y'urubanza mu bujurire rwiswe urwa *Celebici,* hashimangirwa ko imvugo « uwagize uruhare » ikubiyemo amagambo yakoreshejwe mu Ngingo ya 6(1). Uburyozwacyaha bwa Kajelijeli ndabusuzuma nk'ubw'umuntu wabaye icyitso cy'abatsotsobye icyaha.

- **Ku byerekeye gucura umugambi**

55. Kugira ngo habeho gucura umugambi w'icyaha, bisaba ko umuntu cyangwa abantu bapanga ibirebana n'ikorwa ry'icyo cyaha, haba mu cyiciro cyo gutegura ikorwa ryacyo cyangwa se icyo kugitsotsoba. Icyo gikorwa kigomba kuba ari ingirakamaro mu ikorwa ry'icyaha ; gishobora kuba kigizwe no gutegura umugambi mubisha cyangwa se no kwitabira umugambi mubisha wategwue n'undi muntu.

[30] Inyandiko y'urubanza rwitiriwe Celebici mu bujurire, 20 Mutarama 2001, igika 351.

56. Muri uru rubanza, nta bimenyetso bihagije bigaragaza ko Kajelijeli yacuze umugambi wo gusambanya ku gahato.

- **Kajelijeli yahamagariye abantu gusambanya ku gahato kandi arabibategeka**

- *Ku birebana no guhamagarira abantu gusambanya ku gahato*

57. Kugira ngo habeho icyaha cyo « guhamagarira» bisaba ko haba habayeho igikorwa cyo « koshya cyangwa se gukangurira undi muntu gukora icyaha »; muri uru rubanza amagambo yakoreshejwe na Kajelijeli ari yo « gufata ku ngufu, gusambanya ku gahato no kwica Abatutsikazi » yari agamije koshya no gukangurira Interahamwe ibikorwa byo gusambanya ku gahato n'iby'ubwicanyi.

58. Ikindi gisabwa kugira ngo habeho icyaha cyo guhamagarira undi kugikora, ni uko hagomba kugaragara isano iri hagati yo guhamagarira Interahamwe gusambanya ku gahato, no gutsotsoba icyo cyaha. Itegeko ryo gukora icyaha no kugitsotsoba bigomba kuba bifite aho bihuriye, kandi ibyo bigaragazwa n'uko guhamagarira abantu gusambanya Abatutsikazi byashyizwe mu bikorwa maze bagasambanywa koko nk'uko byatangiwe amakuru muri uru rubanza.

59. Ni gutyo umukobwa wa GDO, Joyce, Kizungu, GDT, ACM basambanyijwe ku gahato umunsi umwe, naho GDF na murumuna we basambanyijwe ku gahato nyuma y'iminsi itatu.

60. Ku birebana na Joyce na Kizungu, gusambanywa ku gahato kwabo bisa n'ibyatangiriye rimwe n'ubwicanyi bwakozwe ku itariki ya 7 Mata, nyuma y'uko Kajelijeli ahamagariye rubanda n'Interahamwe ze kwica Abatutsikazi ku isoko ryo mu Byangabo.

- *Ku birebana n'amategeko yatanzwe na Kajelijeli*

61. Kajelijeli ntiyahamagariye gusa Interahamwe ibyo bikorwa, ahubwo yanakoresheje imvugo nk'izo mu gutanga amategeko yo gufata ku ngufu, gusambanya ku gahato no kwica Abatutsikazi. Kubera uko guhamagarira, Abatutsikazi basambanyirijwe ku gahato ahantu hanyuranye, Kajelijeli ahari hamwe n'Interahamwe ze, hakaba kandi hari ubwo yabaga yazihagejeje cyangwa se yazihohereje. Nta wushidikanya ko mu bikorwa byarondowe hano hejuru, Interahamwe zakoze ibyo zabaga zategetswe na Kajelijeli, cyane cyane ko ibikorwa

byo gusambanya ku gahato byaberaga hafi y'ahantu yagiye agaragara, ari aho hantu nyirizina, cyangwa se amaze kuhava.

62. Kugira ngo habe igikorwa cyo gutanga amategeko, bisaba ko utanga ayo mategeko aba akuriye utsotsoba igikorwa cyangwa se se uwo ategeka mu kazi. Mu yandi magambo, umuntu uri mu mwanya w'ubutegetsi arawitwaza kugirango yumvishe undi ko agomba gukora icyaha[31].

63. Urugereko rwerekanye ko Kajelijeli yagenzuraga nyabyo Interahamwe ze ; yari afite ububasha bwo kuzigenzura, kuziha amategeko, no kuziyobora. Muri uru rubanza, nta wuhakana ko Kajelijeli yari umutware w'Interahamwe kandi ko yari azikuriye.

64. Mu kwanzura, Urugereko rwemeje ku bwumvikane bw'abacamanza bose ko Kajelijeli yagenzuraga nyabyo Interahamwe za Komini ya Mukingo n'iya Nkuli[32].

65. Mu kwanzura, nagira ngo nshimangire ko atari ngombwa kwerekana ko yari akuriye Interahamwe, ko ahubwo kuba yari azifiteho ububasha bihagije, kandi ibyo byagaragajwe bihagije muri ururubanza.

- **Kajelijeli yafashije kandi yashishikaje abantu mu gikorwa cyo gusambanya ku gahato**

66. Gufasha no gushishikaza ni ibintu bibiri bitandukanye. Ntabwo ari igikorwa gifatika gusa kirebwa (nko kuba yaratwaye interahamwe mu modoka ye azijyana aho icyaha cyakorewe) ahubwo no kuba yararebereye igikorwa cyo gusambanya ku gahato umukobwa wa GDO na Joyce; kuba Kajelijeli yari ahantu icyo gikorwa cyabereye ni ugutera akanyabugabo Interahamwe, bigatuma zumva ko ibyo zikora byemewe kandi ko abibashishikariza ku buryo kuba yari ahari byabaye intandaro ikomeye yatumye gusambanya ku gahato bikorwa ; kuba umuntu uri mu mwanya w'ubutegetsi ari aho icyaha gikorerwa bishishikaza abari mu gitero. Mu bukemuramanza, byiswe ko ari ukuba « indorerezi ishyigikiye ibirimo gukorwa ».

[31] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, 2 Nzeri 1998, igika 483; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, 7 Kamena 2001, igika 30.

[32] Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, 1 Ukuboza 2003, 780-782.

67. « Indorerezi ishyigikiye ibirimo gukorwa » iryozwa icyaha iyo koko yari aho icyaha cyakorewe igihe cyakorwaga cyangwa hafi yaho ku buryo urimo kugitsotsoba abifata nk'aho ibyo arimo gukora bishyigikiwe[33].

68. Mu rubanza rwa Akayesu, Urugereko rwa mbere rw'iremezo rwemeje ko Uregwa yafashije kandi agashyigikira ibyakozwe kubera ko yemeye ko bikorerwa mu biro bya komini cyangwa hafi yaho, nyamara yari aho hantu ndetse binakorerwa mu maso ye, no kubera ko yagombaga kuba azi ko ibikorwa by'urugomo rushingiye ku gitsina byarimo gukorwa[34].

69. Kuba Kajelijeli yari aho icyaha cyakorewe no kuba yararebereye igikorwa cyo gasambanya ku gahato, byerekana ko yashyigikiye kandi agatera akanyabugabo abatsotsobye icyaha, kandi ko kuba yari aho hantu Interahamwe zabifataga nk'aho ari igikorwa cyo kuzishyigikira. Igitekerezo cyo gukora icyaha gisabwa ni uko umuntu ufasha kandi ushyigikira aba azi ko imyitwarire ye ituma gatozi w'ibanze atsotsoba icyaha.

70. Nsanga ibimenyetso byatanzwe mbere bigaragaza ko kuba yari aho ibyaha byakorewe, byarafashije kandi bigashishikza Interahamwe mu gutsotsoba ibyo byaha.

71. N'ubundi, GBV yasobanuye neza ko Interahamwe zaje kwa Rudatinya zigatangira kwica abantu Kajelijeli ahari. Kandi Joyce yasambanyirijwe aho hantu ku gahato[35]. Mu gusoza, kuba Kajelijeli yari aho umukobwa wa GDO, Joyce na Kizungu basambanyirijwe ku gahato cyangwa se kuba yari hafi y'ahantu ACM, GDF na murumuna we, na GDT basambanyirijwe ku gahato bigaragaza neza ko atari ukurenzaho gusa ahubwo ko yari anabishyigikiye.

72. Ku byerekeye igitekerezo cyo gukora icyaha (*mens rea*), Kajelijeli yari afite igitekerezo n'ubushake bwo gukora icyaha cyo gusambanya ku gahato, kandi yazirikanaga neza ko ibyo yakoze (ari byo gutegeka no guhamagarira Interahamwe gukora ibyaha, kuzifasha no

---

[33] Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, 7 Kamena 2001, igika 36; Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, 3 Werurwe 2000, igika 284; Inyandiko y'urubanza rwa Aleskovski mu bujurire, 24 Werurwe 2000, igika 65.

[34] Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, 2 Nzeri 1998, igika 693.

[35] Inyandikomvugo y'iburanisha, 4 Nyakanga 2001, urup. 138 (GBV)

kuzishishikaza) byatumye Interahamwe zibikora, kandi yazirikanaga ko uruhare rwe rwari ingirakamaro mu gutuma icyaha cyo gusamabanya ku gahato gitsotsobwa.

(3) Umwanzuro

73. Mu kwanzura, ibimaze kuvugwa byerekana ko hariho ibimenyetso simusiga, bisobanutse neza kandi bihuje bigaragaza Kajelijeli yakoze icyaha aregwa, bityo akaba agomba kuryozwa icyaha cyo gusambanya abagore ku gahato. Ibyo bigaragazwa n'ibi bikurikira :

- ***Ibimenyetso bijyanye n'igihe icyaha cyakorewe***

Ibikorwa byo gusambanya ku gahato twagejejweho byabaye hagati y'itariki ya 7 n'iya 10 Mata mu gihe kimwe n'icya jenoside. Urugereko rwemeje ko Kajelijeli yahagarikiraga ibitero, bityo bikaba byari bimworoheye kugendagenda muri perefegitura no kujyana Interahamwe ze hirya no hino.

- ***Ibimenyetso bijyanye n'ahantu icyaha cyakorewe***

Ibikorwa byo gusambanya ku gahato byabereye muri Perefegitura ya Ruhengeri, nko muri Komini ya Mukingo no mu nkengero zayo.

- ***Ibimenyetso bijyanye n'ibyakozwe***

Ubwicanyi no gusambanya ku gahato byabaye Kajelijeli akimara guhamagarira rubanda mu ruhame kwica Abatutsi ku isoko ryo mu Byangabo, ndetse na nyuma y'aho ahamagariye abantu gufata ku ngufu, gusambanya ku gahato ko kwica Abatutsikazi. Mu gihe ibyo bikorwa byo gusambanya ku gahato byabaga, byaragaragaye ko Kajelijeli yari aho byakorerwaga (Kizungu, Joyce n'umukobwa wa GDO) cyangwa se ko yari hafi yaho. Ibimenyetso by'ibikorwa bifatika bigize icyaha byavuzwe hano hejuru.

74. Nkurikije ibyavuzwe mbere, ndasanga hariho ibimenyetso bihamya ko Kajelijeli yategetse kandi yahamagariye abantu gusambanya ku gahato, ndetse ko yabibafashijemo akanabibashishikariza ; nyamara ariko nta bimenyetso bihagije biriho byerekana ko yahagarikiye ibyo bikorwa byo gusambanya ku gahato.

75. Ku bwanjye, nsanga haratanzwe ibimenyetso bihamya nta shiti ko Uregwa yakoze ibikorwa bivugwa mu Ngingo ya 6(1), nko kuba:

- Kajelijeli yarategetse Interahamwe ze gushakisha, gufata ku ngufu, gasambanya ku gahato no kwica Abatutsikazi;
- Kajelijeli yarahamagariye abantu gusambanya ku gahato Abatutsikazi;
- Kajelijeli yarafashije kandi agashishikaza mu gikorwa cyo gusambanya ku gahato atera inkunga ifatika Interahamwe ubwo yazijyanaga ahakorewe ibyaha, n'ubwo yaziteraga akanyabugabo azifasha anazishishikaza kubere ko yabaga ari aho ibyaha byakorerwaga cyangwa hafi yaho.

76. Ku birebana n'igitekerezo cyo gukora icyaha (*mens rea*): Kajelijeli yari afite ubushake, kandi yazirikanaga neza ko arimo gukora icyaha, bityo akaba yaragize uruhare rukomeye kandi rutaziguye mu ikorwa ry'icyaha cyo gusambanya ku gahato.

77. Ku bwanjye, ndasanga Uregwa yari azi cyangwa yaragombaga kuba azi ko ibikorwa byo gusambanya ku gahato byari hafi gutsotsobwa kubera ko yari yategetse abantu kubikora. Ibimenyetso bitaziguye n'ibiziguye byerekana ko yari azi neza ko Interahamwe zendaga gukora ibikorwa byo gusambanya ku gahato cyangwa ko zabikoze nyuma y'uko azikanguriye kubikora kandi zikurikiza amabwiriza ye.

78. Byongeye kandi, ibikorwa byamaze kuvugwa ni impamo kandi byerekana ko Kajelijeli agomba kuryozwa icyaha cyo gusambanya Abatutsikazi ku gahato.

V. AMATEGEKO AKURIKIZWA MURI URU RUBANZA

79. Ku byerekeye gusambanya ku gahato, Porokireri ashingira kandi ku mpamvu y'uko mu gihe ibivugwa mu nyandiko y'ibirego byabaga, n'ubwo Uregwa yari afite ububasha ku bagabaga ibitero, nta ngamba n'imwe yigeze afata ngo ahagarike ibyo bikorwa by'agahomamunwa byakorerwaga Abatutsikazi.

80. Si ngombwa kumuryoza ko yategetse kandi agashishikariza gusambanya ku gahato, kandi icyarimwe ngo aryozwe kuba yarateshutse ku nshingano ze zo kuburizamo ibikorwa byo gusambanya ku gahato cyangwa guhana ababikoze. Ibi si ngombwa gushaka kubimenya

kuko byaba ari umurimo w'inyongera udafite umumaro, kubera ko we ubwe nyine yahamagariye abandi ibikorwa byo gusambanya ku gahato kandi agategeka ko bikorwa.

81. Umukobwa wa GDO, Joyce, Kizungu, ACM, GDT, GDF na murumuna we bazize ibyo Kajelijeli yakoze, amategeko yatanze yo gusambanya ku gahato na guhamagarira abantu kubikora, ndetse no gufasha no gushishikaza abatsotsobye icyaha.

82. Ku bwanjye, ibisabwa n'Ingingo ya 6(1) biruzuye ku buryo byaba byiza kurushaho kuryoza Kajelijeli icyaha hashingiwe kuri iyi ngingo yonyine.

(1) Ibirebana no guhitamo guhitamo gushingira ku Ngingo ya 6(1)

83. Nk'uko nabivuze mbere, Urugereko rwemeje ko Kajelijeli yagenzurga nyabyo Interahamwe ze, cyane cyane kubera ko yazihaga amategeko n'amabwiriza. Aramutse aryojwe icyaha hakurikijwe Ingingo ya 6(3), umuntu ashobora kwerekana kandi ko:

- Kajelijeli ari umuntu wari ukuriye abandi ;
- Yari azi ko gusambanya ku gahato bigiye gukorwa (kuko yari yategetse ko bikorwa) ;
- Yashoboraga kubuza ko gusambanya ku gahato bikorwa, n'iyo apfa gusa gutanga itegeko ryo kubihagarika.

Niba we, nk'umuntu wari ukuriye abandi, atarashoboraga kubihanira ubwe, yari afite ubundi bushobozi bufatika bwo gutuma bahanwa, nko gukorera raporo abategetsi bo muri ako karere abamenyesha imyitarire y'abo yari akuriye.

84. N'ubundi si ngombwa kandi kujya impaka kuri ibyo bisabwa byombi, kuko nta we ubona ukuntu yari kuburizamo ikorwa ry'icyo cyaha cyangwa ngo ahane abo yari akuriye, mu gihe ari we ubwe watanze amategeko yo gushakisha, gusambanya ku gahato no kwica Abatutsikazi.

85. Kajelijeli ashobora kuryozwa icyaha hashingiwe ku Ngingo ya 6(1) cyangwa 6(3) ariko *nsanga akwiye kukiryozwa nk'umuntu wabaye icyitso, kubera ko uruhare rwe mu ikorwa ry'icyaha rwagaragajwe bihagije ku birebana n'Ingingo ya 6(1).*

86. Mu rubanza rwa Kordic, Urugereko rwa Mbere rw'Iremezo rwashimangiye ko uburyozwacyaha bw'umuntu ukuriye abandi buziguye, kubera ko budashingira ku bikorwa runaka uwo muntu aba yarakoze birebana n'icyo cyaha ahubwo bushingira ku guteshuka ku nshingano ze zo kuburizamo ikorwa ry'icyaha cyangwa guhana abagikoze. Kubera iyo mpamvu, urwo Rugereko rwemeje ko uretse ko Uregwa yari azi cyangwa yagombaga kuba azi ko abo akuriye bakoraga ibyaha, ahubwo yanacuze umugambi w'ibyaha, ahamagarira kandi ategeka abandi bantu kubikora, cyangwa ku bundi buryo ubwo ari bwo bwose yashyigikiye abandi bantu mu gucura umugambi, mu gutegura cyangwa mu gutsotsoba ibyo byaha, *bityo bikaba byaba byiza kumuryoza icyaha hashingiwe ku Ngingo ya 6(1)*[36].

87. Mu Nyandiko y'urubanza rwa *Krstic*, Urugereko rwa Mbere rw'Iremezo rushimangira ko:

> « Ibikorwa birebana n'ikorwa ry'icyaha bishobora gushingirwaho mu kugaragaza ibisabwa kugira ngo umuntuaryozwe icyaha hashingiwe ku Ngingo ya 7(1) cyangwa iya 7(3) za Sitati. Bityo, Urugereko rwa Mbere rw'Iremezo rasanga kuva ukuriye abandi yaragize uruhare mu cyaha cyakozwe n'abo ayobora, yaba yaragicuriye umugambi, yarahamagariye cyangwa se yarategetse abantu kugikora, *uburyozwacyaha bwose bushingiye ku Ngingo ya 7(3) bukubiye mu buteganywa n'Ingingo ya 7(1) »*[37].

88. Mu rubanza rwa *Krnojelac*, Urugereko rwa Mbere rw'Iremezo rwavuze ko atari byo guhamya icyaha Uregwa, hashingiwe icyarimwe ku Ngingo ya 7(3) no ku ya 7(1) mu kirego kimwe, bityo rwasanze *rufite uburenganzira bwo guhitamo uburyo rubona ko aribwo bwiza bwashingirwaho mu kumuryoza icyaha*[38].

89. N'ubwo nemera ko nshobora guhitamo uburyo bwashingirwaho mu kuryoza Kajelijeli icyaha cyo gusambanya ku gahato, ndemera imitekerereze imaze kuvugwa bityo nkaba mbona ko atari ngombwa, nk'uko Porokireri abyifuza, kuryoza icyaha Kajelijeli kabiri, ku ruhande rumwe nk'icyitso, ku rundi ruhande nk'umuntu wari ukuriye abandi hashingiwe ku Ngingo ya 6(3).

---

[36] Inyandiko y'urubanza rwa Kordic mu rw'iremezo, 26 Gashyantare 2001, igika 371.

[37] Inyandiko y'urubanza rwa Krstic mu rw'iremezo, 2 Kanama 2001, igika 605.

[38] Inyandiko y'urubanza rwa Natelitic na Martinovic mu rw'iremezo, 31 Werurwe 2003, igika 81.

90. Mu rubanza rwa *Blaskic*, Urugereko rwa Mbere rw'Iremezo rwafashe icyemezo rwavuze ko Ingingo ya 7(1) n'iya 7(3)[39] zakoreshwa zombi icyarimwe, iyo *nyuma yaho* hari ibindi byaha byakozwe. Urugereko rwasanze iyo ukuriye abandi atahannye ibyaha byakozwe mbere, ashobora kuryozwa icyaha hadakurikijwe gusa Ingingo ya 7(3) ahubwo hanakurikihwe n'iya 7(1) za Sitati, kubera gufasha no gushishikaza abakoze ibindi byaha cyangwa kubahamagarira kubikora.

91. Nyamara ariko, urwo Rugereko rusobanura neza ko « Byaba bitanyuze ubwenge kuryoza umuntu uyobora abandi ko yacuze umugambi w'ibyaha, yahamagariye cyangwa yategetse abandi kubikora, hanyuma ugahindukira ukanamuryoza icyarimwe kuba ataraburijemo ikorwa ry'ibyo byaha cyangwa kuba atarahannye ababikoze. Ku rundi ruhande ariko, nk'uko Porokireri abivuga, kuba umuyobozi atarahannnye ibyaha byakozwe ku buryo yaryozwa iyo myitwarira hashingiwe ku Ngingo ya 7(3), ashobora no kuyiryozwa hashingiwe ku Ngingo ya 7(1) ya Sitati, haseguriwe ko ibya ngombwa bigize icyaha ari byo igitekerezo cyo kugikora n'igikorwa gifatika biba byuzuye, iyo yafashije cyangwa yashishikaje abandi bantu gukora ibindi byaha nyuma yaho cyangwa se yarabibahamagariye[40].

92. Hakurikijwe ibyavuzwe mbere, n'ubwo bishoboka ko Kajelijeli yaryozwa icyaha hashingiwe ku Ngingo ya 6(3), ndakomeza kuvuga ko kukimuryoza muri uru rubanza hashingiwe ku Ngingo ya 6(1) bihagije. Koko rero, byaba byiza kurushaho gukurikiza Ingingo ya 6(1) mu guhamya icyaha Kajelijeli nk'icyitso mu gusambanya ku gahato kwakozwe n'interahamwe ze, akaba ari ho mpera nemeza ko yaryozwa icyo cyaha nka gatozi. *Kajelijeli yari azi ko ibikorwa byo gusambanya ku gahato byenda gukorwa*, kuko yari yashishikarije abandi kubikora, yabibategetse cyangwa ku buindi buryo ubwo ari bwo bwose yashyigikiye ababitsotsobye.

(2) Nsanga kandi hariho impamvu nyongeragihano

93. Ku *bwanjye, kuba Kajelijeli yari akuriye abandi ni impamvu nkomezacyaha* (ariko nk'uko nabivuze mbere, sinshatse kuvuga ko Kajelijeli yaryozwa icyaha nk'ukuriye abandi hashingiwe ku Ngingo ya 6(3). Muri uru rubanza nta wuhakana ko Kajelijeli yari umutware

[39] Ingingo ya 7(1) n'iya 7(3) za Sitati ya TPIY, zihuye neza neza n'Ingingo ya 6(1) n'iya 6(3) za Sitati ya TPIR.

[40] Inyandiko y'urubanza rwa Blaskic mu rw'iremezo, 3 Werurwe 2000, igika 337.

w'Interahamwe kandi ko yari afite ububasha nyabwo bwo kugenzura Interahamwe zo muri Komini ya Mukingo n'iya Nkuli kuva ku itariki ya 1 Mutarama kugeza muri Nyakanga 1994. Yari afite ubushobozi bwo kugenzura abo yari akuriye, bwo kubaha amategeko n'ubwo kubayobora.

94. Mu rubanza rwitiriwe *Celebici* n'urwa *Aleskovski*, Urugereko rw'ubujurire rwasanze imiterere y'uburyozwacyaha itahiswemo igomba gufatwa nk'impamvu nyongeragihano kubera ko igihano cyemezwa burundu kigomba kuba kijyanye n'imyitwarire yose y'uregwa.

95. Muri uru rubanza kandi ntitwiriwe dusuzuma niba Kajelijeli yari akuriye abandi; *uretse ko ari we,* kandi yagenzuraga nyabyo Interahamwe ze zakoze ibyaha byo gusambanya ku gahato; bityo nsanga kuba yari akuriye Interahamwe ari impamvu nyongeragihano.

96. Byongeye kandi, mu byo Kajelijeli yakoze byo gutegeka abandi bantu no kubahamagarira gusambanya ku gahato, nsanga yarabasabye gufata Abatutsikazi ku ngufu, kubasambanya ku gahato ndetse no kubica.

(3) Icyaha Kajelijeli ashinjwa cyo gusambanya ku gahato cyakozwe mu rwego rw'ibitero rusange byagabwe ku baturage b'abasivili bazira ubwoko kandi ni kimwe mu byaha byakozwe cyo gihe

97. Nemera ko ibikorwa byo gusambanya ku gahato cyangwa ibindi bikorwa by'urugomo rushingiye ku gitsina byibasiye Abatutsikazi gusa (twahawe ingero za bamwe mu bo byabayeho), kandi babikorewe bazira ubwoko bwabo. Bitegetswe na Kajelijeli, abagore basambanyijwe ku gahato bazira ko ari Abatutsikazi; ni ukuvuga ko bari mu itsinda ry'abantu ryari ryibasiwe n'ibitero. N'ukuntu zimwe mu Nterahamwe zitwaye muri icyo gikorwa cyo gusambanya ku gahato na byo birabyerekana. Dufashe urugero rw'ubuhamya bwa GDF, eshatu mu nterahamwe zamusambanyije ku gahato zavugaga amagambo ateye isoni kandi yuzuyemo agasuzuguro nko kuvuga ngo « reka ndongore Umututsikazi numve uko amera »; Interahamwe ya kane yo yaravuze ngo « sinshobora kujya hejuru

y'Umututsikazi cyangwa ku gituba cye » nuko ifata agace k'isegereti yari imaze gutumuraho ikajugunya ku gitsina cye maze imutera umugeri[41].

98. Gusambanya ku gahato ni kimwe mu bikorwa byari bigamije kurimbura itsinda ry'Abatutsi, cyane cyane kubatesha umutwe no kwangiza ubuzima bwabo bwite. Umugambi wo gutesha guteshano kwangiza ubuzima bw'Abatutsikazi ugaragarira mu magambo Kajelijeli yavuze ubwo yageraga aho umukobwa wa GDO yasambanyirijwe ku gahato. GDO yahahamuwe n'uko umukobwa we w'ikimuga yasambanyijwe ku gahato kandi nanubu biracyamushegesha (Abacamanza babonye ukuntu yeguwe n'ihahamuka ku buryo bukomeye mu Rukiko ubwo yavugaga ukuntu umukobwa we yasambanyijwe ku gahato, ku buryo byabaye ngombwa ko bamuvana mu cyumba y'iburanisha bamutwaye mu ngobyi y'abarwayi. GDF na we yahahamuwe n'uko yasambanyijwe ku gahato, kandi na murumuna we byamutesheje umutwe. Joyce yasambanyijwe ku gahato nyuma yicwa urw'agashinyaguro.

99. *Ibikorwa byo gusambanya ku gahato bishyirwa mu rwego rw'ibitero rusange*. Byakozwe henshi muri Perefegitura ya Ruhengeri aho Interahamwe ziremagamo udutsiko tugenda dusambanya ku gahato ; abakorewe ibyaha bari mu duce dutandukanye. Ibyo bikorwa byo gusambanya ku gahato byabereye igihe kimwe na jenoside.

100. Nzemera nta gushidikanya na gato ko, kubera ibikorwa byasobanuwe haruguru kandi hashingiwe ku Ngingo ya 6(1) ya Sitati, Kajelijeli ahamwa n'icyaha cyo gusambanya ku gahato cyakorewe abantu bakurikira: Joyce, Kizungu, umutangabuhamya wiswe ACM, umukobwa w'umutangabuhamya wiswe GDO, umutangabuhamya wiswe GDT, umutangabuhamya wiswe GDF na murumuna we. Ibyo kandi byakozwe mu rwego rw'ibitero rusange byagabwe ku baturage b'abasivili bazira impamvu za politiki cyangwa iz'ubwoko, bityo akaba yarakoze icyaha cyibasiye inyokomuntu giteganywa n'Ingingo ya 3(g) ya Sitati y'Urukiko ashinjwa hashingiwe ku Ngingo ya 6(1), kandi gihanwa hakurikijwe Ingingo ya 22 n'iya 23 z'iyo Sitati.

101. Kubera iyo mpamvu, Kajelijeli yagombye kugenerwa igihano cyihariye ku cyaha cyo gusambanya ku gahato.

---

[41] Inyandiko mvugo y'iburanisha, 10 Nyakanga 2001, urup. 100 (GDF).

Bikozwe mu rurimi rw'igifaransa, inyandiko yo mu gifaransa ni yo igenderwaho.

Arusha, itariki ya 1 Ukuboza 2003

[Umukono]

Arlette Ramaroson, Umucamanza

[Kashe y'Urukiko]

- - - - -