Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

UMURYANGO W'ABIBUMBYE

<u>URUGEREKO RWA MBERE RW'IREMEZO III</u>

Abacamanza:	Vagn Joensen, Perezida Bakhtiyar Tuzmukhamedov Gberdao Gustave Kam
Gerefiye:	Adama Dieng
Itariki:	17 Nzeri 2009

URUBANZA POROKIRERI

Aburana na

MICHEL BAGARAGAZA

Urubanza No ICTR-2005-86-T

INYANDIKOY'IBIREGO YAHINDUWE

(Nk'uko yahinduwe ku itariki ya 17 Nzeri 2009)

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (« Porokireri »), ashingiye ku bubasha ahabwa n'ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (« Sitati ») ararega :

Michel Bagaragaza

Kuba icyitso cy'abakoze jenoside, icyo cyaha kikaba giteganywa n'ingingo ya 2 (3) (e) ya Sitati.

(A) **UREGWA**

1. **Michel Bagaragaza** yavukiye mu karere k'u Bushiru, muri Komini ya Giciye, Perefegitura ya Gisenyi, Repuburika y' u Rwanda, mu mwaka wa 1945.

2. Mu bihe byose bivugwa muri iyi Nyandiko y'ibirego, keretse biramutse bivuzwe ukundi, **Michel Bagaragaza** yari umukozi mukuru wa Leta, akaba yari :

   i. Umuyobozi mukuru w'ikigo cya OCIR/Ishami ry'icyayi. Icyo kigo cya Leta kikaba cyari gishinzwe gucunga inganda z'icyayi, kikaba na kimwe mu bigo by'inganda byari bikomeye mu Rwanda. Nk'umuyobozi mukuru wa OCIR/Ishami ry'icyayi, Bagaragaza yari afite ububasha ku nganda z'icyayi 11 zakoreshaga abakozi bagera ku 55.000.

   ii. Visi-Perezida wa banki yitwa BACAR.

   iii. Umuyoboke wa MRND muri Perefegitura ya Gisenyi, akaba n'umwe mu bari bagize komite y'ishyaka rya MRND ku rwego rw'iyo Perefegitura. Iyo komite ni yo yari yarashinze umutwe w'Interahamwe muri Perefegitura ya Gisenyi kandi ni na yo yawugenzuraga.

3. Nk'umuyobozi mukuru wa OCIR/Ishami ry'icyayi, Visi-Perezida wa BACAR, Umuyoboke wa MRND muri Perefegitura ya Gisenyi n'umwe mu bagize komite ya MRND muri iyo Perefegitura, Michel Bagaragaza yari mu itsinda ry'abantu bafite ingufu kandi bunze ubumwe, ryari rizwi ku izina ry'« Akazu ». Iryo tsinda ryari rifite ububasha buhambaye mu rwego rwa politiki n'urw'imari muri Repuburika y'u Rwanda. Ryari rigizwe n'abantu bo mu muryango wa Perezida, abakomoka mu karere k'u Bushiru Bagaragaza avukamo, no mu ntara z'amajyaruguru muri Gisenyi no mu Ruhengeri.

(B) <u>IKIREGO : KUBA ICYITSO CY'ABAKOZE JENOSIDE</u>

4. Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ararega Michel Bagaragaza icyaha cyo **KUBA ICYITSO CY'ABAKOZE JENOSIDE**, giteganywa n'ingingo ya 2 (3) (e) ya Sitati, kubera ko hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994, mu Rwanda hose, cyane cyane muri Perefegitura ya Gisenyi, Michel Bagaragaza, yamenye ko abandi bantu bafite umugambi wo kurimbura abaturage bose bo mu bwoko bw'Abatutsi cyangwa se igice cyabo, arawitabira. Bityo akaba yarabaye icyitso mu gukora icyaha cya jenoside, nk'uko bigiye gusobanurwa.

Uburyozwacyaha bw'umuntu nka gatozi, hashingiwe ku Ngingo ya 6(1) ya Sitati

5. Hashingiwe ku Ngingo ya 6 (1) ya Sitati, Michel Bagaragaza aryozwa icyaha nka gatozi cyo kuba icyitso cy'abakoze jenoside, kubera ko yamenye ko abantu runaka barimo gukora jenoside, akabafasha kandi akaborohereza mu gutegura no gutsotsoba imikorere y'icyo cyaha. Abo bantu barimo abayobozi ba gisirikare n'aba gisiviri, n'Interahamwe nka Thomas Kuradusenge wari umukuru wazo, akaba kandi yari yungirije Burugumesitiri wa Komine ya Giciye, abajepe, abasirikare, abakozi batazwi amazina bo mu ruganda rw'icyayi rwa Rubaya n'urwa Nyabihu, n'abandi bantu batazwi. Ibyo bikorwa Michel Bagaragaza yabikoze ku giti cye cyangwa abikoresha abandi, nibura kuva muri Mutarama 1994 kugeza muri Nyakanga 1994. Ibyabaye bigiye kuvugwa mu buryo burambuye kuva ku gika cya 6 kugeza ku cya 12, ni byo bituma agomba kuryozwa icyaha nka gatozi.

(C) INCAMAKE Y'IBYABAYE

6. Michel Bagaragaza, abizi neza, yafashije kandi yorohereza abantu runaka barimo abayobozi ba gisirikare n'aba gisiviri, Interahamwe zirimo Thomas Kuradusenge akaba kandi yari yungirije Burugumesitiri wa Komine ya Giciye, abajepe, abakozi b'uruganda rw'icyayi rwa Rubaya n'ab'urwa Nyabihu, n'abandi bantu batazwi, abo bose bakaba barimo gukora jenoside hagati y'itariki ya 7 n'iya 13 Mata 1994.

7. Mu wa 1993, Michel Bagaragaza yasabwe n'umugaba w'ingabo, Général Déogratias Nsabimana, guhisha intwaro ziremereye z'ingabo z' u Rwanda. Nyuma yaho, Michel Bagaragaza yategetse ubuyobozi bw'uruganda rw'icyayi rwa Rubaya n'uw'urwa Nyabihu guhisha izo ntwaro nk'uko yari yabisabwe. Ubuyobozi bw'izo nganda bwaje kumenyesha Michel Bagaragaza ko izo ntwaro zahageze koko, kandi ko muri izo nganda zombi hakambitsemo abasirikare. Hagati ya Mata na Nyakanga 1994, Michel Baragaraza, azi neza icyo akora, yemeye ko Interahamwe n'abandi Bahutu b'abasiviri bakoresha izo ntwaro mu kwica abaturage bo mu bwoko bw'Abatutsi bo muri Perefegitura ya Gisenyi.

8. Umunsi umwe, haba ku itariki ya 7, iya 8 cyangwa se iya 9 Mata 1994, Michel Bagaragaza, azi neza icyo akora, yahaye abakozi bo mu ruganda rw'icyayi rwa Rubaya uruhusa rwo guha lisansi imodoka z'Interahamwe n'iz'abandi Bahutu b'abasiviri, urwo gukoresha imbunda zari mu bubiko mu ruganda rwa Rubaya n'urwa Nyabihu, ndetse n'urwo kugena abakozi b'uruganda b'inyongera ngo bafashe abandi bantu mu kwica abaturage bo mu bwoko bw'Abatutsi babarirwaga hagati ya 800 na 1.500 bari bahungiye ku gasozi ka Kesho. Kubera ibyo bikorwa, Michel Bagaragaza yagize uruhare rukomeye muri ubwo bwicanyi kuko yashyigikiye ababutsotsobye kandi akabatera akanyabugabo, bityo akaba yarabaye icyitso mu iyicwa ry'Abatutsi.

9. Ku itariki ya 8 Mata 1994, cyangwa hafi yayo, Michel Bagaragaza yahuye na Thomas Kuradusenge wari umukuru w' Interahamwe, akaba kandi yari yungirije Burugumesitiri

wa Komine ya Giciye hamwe na Gahinjori wari Burugumesitiri w'iyo Komine. Michel Bagaragaza yari azi ibanga ry'ako kanama Gahinjori na Thomas Kuradusenge bemeranijwemo ko Thomas Kuradusenge agiye gutegura no kuyobora ibitero byagombaga kugabwa ku Batutsi bari bahungiye ku gasozi ka Kesho no kuri Katederari ya Nyundo, muri Perefegitura ya Gisenyi. Bemeranijwe kandi ko mu gihe ibitero bizaba bigabwa ku basiviri b'Abatutsi bari ku gasozi ka Kesho mu karere ka Kabaya no kuri Katederari ya Nyundo mu karere ka Bugoyi, Kuradusenge azakomeza kohererezwa abantu bo kumutiza umurindi.

10. Ku itariki ya 8 Mata 1994, cyangwa hafi yayo, Michel Bagaragaza yahaye Gahinjori na Kuradusenge uruhusa rwo gukoresha imodoka na lisansi by'uruganda rw'icyayi rwa Rubaya n'iby'urwa Nyabihu, ngo byifashishwe mu kujyana Interahamwe mu bitero byo kwica abasiviri b'Abatutsi bari ku gasozi ka Kesho no kuri Katederari ya Nyundo. Kubera ibyo bikorwa, Michel Bagaragaza yagize uruhare rukomeye muri ubwo bwicanyi kuko yashyigikiye ababutsotsobye kandi akabatera akanyabugabo, bityo akaba yarabaye icyitso mu iyicwa ry'Abatutsi.

11. Hagati y'itariki ya 9 n'iya 13 Mata 1994, Kuradusenge yagiye kureba Michel Bagaragaza inshuro ebyiri cyangwa eshatu. Muri iyo mishyikirano, Kuradusenge yabwiye Michel Bagaragaza ko Interahamwe zifuza agahimbazamusyi kugira ngo zikomeze ubwicanyi. Ni bwo rero yamusabaga amafaranga yo kugurira Interahamwe inzoga kugira ngo zikaze umurego mu kwica. Michel Bagaragaza yamuhaye amafaranga atubutse y'agahimbazamusyi kagenewe Interahamwe kugira ngo zishishikarire ubwicanyi bwibasiye Abatutsi mu turere twa Kabaya na Bugoyi. Kubera ibyo bikorwa, Michel Bagaragaza yagize uruhare rukomeye muri ubwo bwicanyi kuko yashyigikiye ababutsotsobye kandi akabatera akanyabugabo, bityo akaba yarabaye icyitso mu iyicwa ry'Abatutsi.

12. Michel Bagaragaza yateye inkunga Interahamwe mu kwica Abatutsi babarirwaga hagati ya 800 na 1.500 bari ku gasozi wa Kesho ku itariki 8 April 1994 cyangwa hafi yayo, n'abandi babarirwaga mu magana bari kuri Katederari ya Nyundo ku itariki ya 10 Mata

1994 cyangwa hafi yayo, kubera ko yafashije mu gutanga lisansi, mu gutwara abari mu bitero, mu gutanga imbunda n'abakozi b'inganda. Ibyo byose, kimwe n'abo bakozi, bikaba byarifashishijwe mu bwicanyi bwabereye ku gasozi ka Kesho no kuri Katederari ya Nyundo. Kubera ibyo bikorwa, Michel Bagaragaza yagize uruhare rukomeye muri ubwo bwicanyi kuko yashyigikiye ababutsotsobye kandi akabatera akanyabugabo, bityo akaba yarabaye icyitso mu iyicwa ry'Abatutsi.

Ibyo Michel Bagaragaza yakoze, nk'uko byasobanuwe muri iyi nyandiko ku buryo burambuye, bihanishwa Ingingo ya 22 n'iya 23 za Sitati.

Bikorewe Arusha, kuri iyi tariki ya 17 Nzeri 2009.

Porokireri
Hassan Bubacar Jallow
[Umukono]