



Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho U Rwanda

Umwimerere : icyongereza

URUGEREKO RWA MBERE RW'IREMEZO, I

Abacamanza : Navanethem Pillay, Perezida w'inteko
Erik Møse
Pavel Dolenc

Gerefiye: Dr. Agwu Ukiwe Okali

Itariki: 1 Kamena 2000

POROKIRERI
aburana na:
GEORGES RUGGIU

Urubanza N° ICTR-97-32-I

JUDICIAL RECORDS/ARCHIVES
UNICTR
RECEIVED

2014 FEB 25 A 9:57

URUBANZA N'IGENABIHANO

Ibiro bya Porokireri:

Carla del Ponte
Mohamed Othman
William T. Egbe

Abavoka bunganira Uregwa:

Mohammed Aouini
Jean-Louis Gilissen

AMASHAKIRO

I.	IMIBURANISHIRIZE	1
A.	Kwibutsa imihango yabanjirije iburanisha	1
B.	Ubwemeracyaha	2
C.	Igihano gitangwa iyo Uregwa yemeye icyaha	3
II.	AMATEGEKO N'AMAHAME BIKURIKIZWA	8
A.	Ingingo z'amategeko zikurikizwa.....	8
B.	Urutonde rw'ibihano bigenerwa Uregwa wahamwe na kimwe mu byaha biteganywa n'ingingo ya 2 cyangwa iya 3 za Sitati y'Urukiko.....	8
C.	Amahame rusange agenga igenagihano.....	10
III.	URUBANZA MU MIZI YARWO	11
A.	Ibyabaye	12
	Imibereho bwite y'Uregwa	12
	Uruhare rw'Uregwa mu byabaye mu Rwanda.....	13
B.	Ibirebana n'igenabihano	18
	Impamvu zongera uburyozwacyaha	19
	i. Uburemere bw'ibyaha	19
	ii. Uruhare Uregwa yagize mu gukora ibyaha.....	19
	Impamvu zigabanya uburyozwacyaha.....	20
	i. Ubwemeracyaha	20
	ii. Ubufatanye hagati y'Uregwa na Porokireri.....	21
	iii. Kuba nta kindi cyaha yigeze akora mbere	22
	iv. Imibereho bwite y'Uregwa	22
	v. Kwicuza n'ikidodo	23
	vi. Ukuntu Uregwa yafashije abahohotewe	24
	vii. Umwanya Uregwa yari afite muri RTLM no muri politiki.....	24
	viii. Kuba Uregwa atarishe abantu ku giti cye	25
C)	Ibyifuzo ku gihano.....	26
IV.	ICYEMEZO CY'URUGEREKO	26
	UMUGEREKA: INYANDIKO Y'IBIREGO.....	1

I. IMIBURANISHIRIZE

A. Kwibutsa imihango yabanjirije iburanisha

1. Ashingiye ku ngingo ya 40 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (hasi azajya yitwa « Amategeko »), ku itariki ya 9 Nyakanga 1997, Porokireri yashyikirije abategetsi ba Repuburika ya Kenya, inyandiko isaba ko Georges Ruggiu (hasi uzajya yitwa «Uregwa ») afatwa kandi agafungwa by'agateganyo.
2. Mu Cyemezo yafashe ku itariki ya 16 Nyakanga 1997 ku Cyifuzo Porokireri yatanze ashingiye ku Ngingo ya 40 *bis* y'Amategeko, Umucamanza Laity Kama yategetse ko Uregwa yimurirwa muri Gereza ya Loni iri Arusha akahafungirwa by'agateganyo.
3. Ku itariki ya 23 Nyakanga 1997, Uregwa yafashwe n'abakozi bashinzwe iperereza muri Kenya mu gikorwa cyiswe *NAKI*, i Mombasa. Yimuriwe muri Gereza y'Urukiko Arusha, hashingiwe kuri icyo Cyemezo kimaze kuvugwa.
4. Inyandiko y'ibirego yo ku itariki ya 30 Nzeri 1997 yemejwe n'Umucamanza Lennart Aspegren ku itariki ya 9 Ukwakira 1997. Ku itariki ya 24 Ukwakira 1997, ubwo yitabaga bwa mbere Urugereko rwa Mbere rw'Iremezo, I, Uregwa yahakanye ibirego bibiri ashinjwa ari byo gushishikariza abantu mu buryo butaziguye kandi ku mugaragaro gukora icyaha cya jenocide, no gukora ibyaha byibasiye inyokomuntu (gutoteza).
5. Uregwa amaze kuvuga ibibazo binyuranye yagiriye muri Gereza ya Loni, ku itariki ya 5 Kamena 1998, Porokireri yatanze icyifuzo gishingiye ku ngingo ya 64 y'Amategeko, asaba ko hafatwa icyemezo cyo kumuhindurira uburyo afunzwemo. Ku itariki ya 12 Kamena 1998, Laity Kama wari Perezida w'Urukiko icyo gihe, yahaye Gerefiye uruhushya rwo gufata ingamba za ngombwa kugira ngo Uregwa atandukanywe n'abandi bantu bafunzwe.

6. Ku itariki ya 28 Kamena 1999, Uregwa yatanze icyifuzo gisaba kongera guhindurirwa uburyo afunzwemo. Mu mpamvu yatanze harimo ko ibikorwa bibangamira umutekano we byari bikomeje kwiyongera. Ku itariki ya 14 Nyakanga 1999, Umucamanza Erik Møse, wari Perezida w'agateganyo w'Urukiko, yategetse ko Uregwa yakwimurwa agafungirwa ahandi hantu muri Arusha.
7. Ku itariki ya 11 Mata 2000, Ubwunganizi bwatanze icyifuzo gisaba Uruhushya rwo imyiregurire ye maze akaburana yemera icyaha. Mu gushyigikira icyo Cyifuzo, Ubwunganizi inyandiko ikubiyemo Amasezerano bwagiranye na Porokireri yerekeranye n'ubwemeracyaha.
8. Ku itariki ya 9 Gicurasi 2000, Urugereko rwa Mbere rw'Iremezo, I rwemeye icyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kubungabunga umutekano w'umutangabuhamya ushinjura wiswe « AB ».
9. Mu iburanisha ryo ku itariki ya 15 Gicurasi 2000, Urugereko rwa Mbere rw'Iremezo, I rwemeye ibyifuzo bikurikira :
 - i) icyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego ;
 - ii) icyifuzo cy'Ubwunganizi gisaba ko ibyifuzo byose bitarafatirwa ibyemezo bivanwaho;
 - iii) icyifuzo cy'Ubwunganizi gisaba ko Uregwa yakwemererwa guhindura imyiregurire ye ;
 - iv) icyifuzo cy'Ubwunganizi gisaba ko inyandiko ikubiyemo ubuhamya bw'umugabo wiswe « BC » yakwakirwa igashyirwa muri dosiye.

B. Ubwemeracyaha

10. Ku itariki ya 15 Gicurasi 2000, amaze kwemererwa guhindura imyiregurire ye, Uregwa yemeye ibyaha bibiri ashinjwa mu Nyandiko y'ibirego. Yemeje ko yashyize umukono ku masezerano yerekeranye n'ubwemeracyaha. Ayo masezerano yanasinywe na Avoka

umwunganira ndetse na Porokireri kandi niyo Uregwa yemeramo ko yakoze ibikorwa byose ashinjwa.

11. Nk'uko biteganywa n'igingo ya 62 v) y'Amategeko, Urugereko rwa Mbere rw'Iremezo rwasuzumye niba ubwo bwemeracyaha bwarakozwe mu buryo bwemewe. Kubera iyo mpamvu, rwabajije Uregwa ibintu bikurikira :
- i) Niba yaremeye icyaha ku bushake, mu yandi magambo, niba yarabikoze mu bwisanzure kandi azi neza icyo akora, nta gahato, nta terabwoba ashizweho cyangwa ibyo yijejwe ;
 - ii) Niba yarumvise neza imiterere y'ibyaha aregwa, kimwe n'ingaruka z'ubwemeracyaha bwe: nko kwivutsa uburenganzira afite bwo kuburanishwa ;
 - iii) Niba yaremeye icyaha adahuzagurika, mu yandi magambo, niba azi neza ko ubwemeracyaha cye budashobora kubangikanywa n'indi myiregurire yose ishobora kubuvuguruza.
12. Kuri ibyo bibazo byose, Uregwa yashubije « yego ».

C. Igihano gitangwa iyo Uregwa yemeye icyaha

13. Ku kirego cya 1, Porokireri ashinja Georges Ruggiu icyaha cyo gushishikariza abantu, mu buryo butaziguye kandi ku mugaragaro, gukora jenocide. Icyo cyaha gihanwa n'igingo ya 2 3) c) ya Sitati.
14. Icyo cyaha cyasuzumwe ku buryo bucukeye mu rubanza *Porokireri yaburanyemo na Jean-Paul Akayesu*. Muri urwo rubanza, Urukiko rwasanze igitekerezo cyo gukora icyaha kigaragazwa n'uko Uregwa aba agamije guhamagarira cyangwa gushishikariza undi muntu ku buryo butaziguye gukora jenocide. Umuntu uhamagarira undi gukora jenocide

nawe aba afite igitekerezo cyihariye cyo gukora jenocide, ni ukuvuga kurimbura abantu bose cyangwa igice cyabo bazira gusa ubwenehugu, ubwoko cyangwa idini byabo¹.

15. Mu rubanza rwa *Akayesu*, naho Urugereko rwavuze ko igihe Amasezerano yerekeye jenocide yashyirwagaho umukono, abari mu nama bemeje mu buryo bweruye ko guhamagarira abantu mu buryo butaziguye gukora jenocide ari icyaha cyihariye, kubera uburemere bifite mu itegura rya jenocide. Kuri iki kibazo, uwari ahagarariye URSS [Leta Zunze Ubumwe z'Abasovieti] yagize ati : « ntibishoboka ko abantu babarirwa mu bihumbi amagana bakora ibyaha bingana bityo batabikanguriwe. Byongeye kandi ibyo byaha bitateguwe neza ntibishobora gukorwa. Niba ibintu bimeze gutyo, wakwemera gute ko abo bantu bateguye ikorwa ry'ibyaha bakanashikariza abandi kubikora, bakwidgebya ntibahanwe kandi ari bo bagize uruhare nyarwo mu marorerwa yakozwe »²?

16. Muri urwo rubanza Urukiko rwasanze kandi icyaha cya jenocide gikomeye cyane ku buryo gushishikariza abantu, mu buryo butaziguye kandi ku mugaragar, kugikora bigomba guhanwa ubwabyo, kabone n'iyi umuntu ukurikiranyweho icyo cyaha cyo gushishikaza abandi yaba atageze ku ntego yari yiyemeje³. Niyo mpamvu, Igitabo cy'amategeko ahana ibyaha mu Rwanda giteganywa ko umuntu washishikarije abandi, mu buryo butaziguye kandi ku mugaragaro, gukora icyaha cyangwa wakoze ibikorwa byo gushora abandi muri icyo cyaha, afatwa nk'icyitso. Koko rero, agaka ka 4 k'ingingo ya 91 giteganywa ko bazahanwa nk'ibitso : « abazaba babereye nyiricyaha cyangwa benicyaha igishuko cyo kugikora babikoresheje amadisikuru, urusaku cyangwa iterabwoba bibereye ahantu h'igiterane cyangwa mu nama, inyandiko, ibitabo cyangwa ibindi byanditswe n'icapiro biguzwe cyangwa byatangiwe ubuntu, byagurishijwe cyangwa byatangarijwe mu biterane cyangwa mu nama, amatangazo amanitse cyangwa

¹ Urubanza Porokireri aburanamo na Jean-Paul Akayesu, N° ICTR-96-4-T, 2 Nzeri 1998, igika cya 560.

² Ni kimwe no haruguru, igika cya 551.

³ Ni kimwe no haruguru, igika cya 561.

atamanitswe yeretswe rubanda, ariko ntibibuze ibihano byateganirijwe ubusembure bw'icyaha n'iyo icyifuzwaga cyaba kitaragezweho»⁴.

17. Mu rubanza rwa *Akayesu*, Urukiko rwasanze kandi bifite akamaro cyane ku birebana n'uru rubanza, «gukorwa mu ruhame icyaha cyo gushishikariza gukora jenocide bishobora gusuzumwa by'umwihariko hifashishijwe ingingo 2 zikurikira : aho gushishikariza byakorewe no kumenya niba abantu bashishikajwe bari batoranyijwe mbere cyangwa se niba bari abantu babonetse bose. Mu muryango w'amategeko witwa *Civil Law*, ubukemuramanza bwemeza ko amagambo yo mu ruhame ari ayavuzwe mu buryo buranguruye kandi ku karubanda⁵. Komisiyo y'Amategeko mpuzamahanga isanga gushishikariza abantu mu ruhame gukora icyaha birangwa no kubahamagarira gukora icyo cyaha hakoreshejwe uburyo ubwo ari bwo bwose burimo n'itangazamakuru, nka radiyo cyangwa televiziyo»⁶. Muri uru rubanza, ibikorwa Uregwa akurikiranyweho bigize icyaha cyo gushishikariza abantu ku mugaragaro gukora icyaha. Ubutumwa bwe bwanyuze mu rubuga rw'itangazamakuru rigenewe rubanda.
18. Mu kirego cya 2 cy'Inyandiko y'ibirego, Porokireri arega Georges Ruggiu ibyaha byibasiye inyokomnutu (Gutoteza), icyaha gihanwa n'Ingingoya 3 h) ya Sitati.
19. Urugereko rwa Mbere rw'Iremezo rwasuzumye ubukemuramanza bwerekeranye n'icyaha cy'itoteza ndetse n'urubanza rwa *Julius Streicher* mu rw'iremezo. Muri uru rubanza rwamamaye mu mateka, Urukiko Mpanabyaha Mpuzamahanga rwa Gisirikare rw'i Nuremberg rwasanze umuyobozi w'ikinyamakuru cyigenga cyitwa «Der Sturmer» cyarwanyaga Abayahudi yarashishikarije Abadage gutoteza bivuye inyuma Abayahudi. Urukiko rwanzuye ruvuga ko «kuba Streicher yarashishikarije abantu ubwicanyi n'itsembatsemba igihe Abayahudi bo mu gice cy'Uburasirazuba bicwaga by'agahomamunwa, ari igikorwa cyeruye kigaragaza ko habayeho itoteza rishingiye ku mpamvu za politiki n'iz'ubwoko kandi gifitanye isano n'ibyaha by'intambara nk'uko

⁴ Igitabo cy'amategeko ahana, muri " *Codes et Lois du Rwanda*", Kaminuza y'u Rwanda, cyavuguruwe ku itariki ya 31 Ukuboza 1994, Umutumba wa I, Icapwa rya 2, 1995, urup. 395.

⁵ Reba Urubanza rwa *Akayesu*, igika cya 556.

⁶ Ni kimwe no haruguru, igika cya 556, urup. 225.

biteganywa na Sitati, ndetse n'icyaha cyibasiye inyokomuntu »⁷. Urubanza rwa *Streicher* rufite akamaro kihariye kuri uru rubanza, kubera ko Uregwa, kimwe na Streicher, babibye mu bantu imbuto y'urwango rushingiye ku bwoko no ku itoteza⁸.

20. Mu rubanza *Porokireri aburanamo na Dusko Tadic*, Urukiko rwa TPIY rwafashe umwanzuro uvuga ko «kugaragaza ibisabwa ngo habe harabayeho igitekerezo cyo gukora icyaha mu byaha byibasiye inyokomuntu ari ibintu biruhije cyane kandi byakunze gukurura impaka z'urudaca., Ibyo ari byo byose ariko, bisa nk'aho kugira ngo umuntu avuge ko habayeho igitekerezo cyo gukora icyaha cyibasiye inyoko muntu, bisaba ko uretse icyo gitekerezo cyo gukora icyaha cy'ibanze, hagomba kugaragazwa ko uregwa yari azi neza ko icyaha agiye gukora kiri mu rwego rw'ibindi bikorwa rusange »⁹. Mu rubanza *Porokireri yaburanyemo na Kayishema*, Urukiko rwa TPIR rwavuze ko gatozi w'ibyaha byibasiye inyokomuntu agomba kuba yari azi ibyo akora, ni ukuvuga ko agomba kuba yari azi uko ibintu byifashe muri rusange [...]. Igituma igikorwa cy'umuntu cyitwa ko ari icyaha cyibasiye inyokomuntu, ni uko icyo gikorwa kiba gishyirwa mu rwego rw'ibyaha bikomeye. Kugira ngo ayozwe ibyo byaha, uregwa agomba kuba yari azi neza uburemere bwabyo. Kubera iyo mpamvu, kumenya ibintu uko byifashe muri rusange ni ngombwa kugira ngo icyo gitekerezo cyo gukora icyaha kigaragazwe. Mu yandi magambo, uregwa agomba kumenya ko igikorwa cye kiri mu rwego rw'igitero rusange kandi kiri kuri gahunda cyibasiye abatwaga b'abasiviri, ndetse ko cyakozwe mu rwego rwo gushyira mu bikorwa politiki cyangwa umugambi bizwi¹⁰.
21. Mu rubanza *Porokireri yaburanyemo na Zoran Kupreskic*, Urukiko rwa TPIY rwavuze muri make ko ibisabwa kugira ngo habeho icyaha cy'itoteza ari ibi bukurikira : a) ibisabwa bya ngombwa kugira ngo igikorwa runaka cyitwe icyaha cyibasiye inyokomuntu hakurikijwe ibiteganywa na Sitati ; b) kuvutsa umuntu ku buryo bugaragara

⁷ Urukiko Mpuzamahanga rwa Gisirikari (Nuremberg, Ukwakira 1946), Urubanza rwa Julius Streicher, « *Trial of the Major War Criminals Before the International Military Tribunal, Official Text in the English Language, Vol XXII, P. 549* » [Imanza za ba ruharwa bakoze ibyaha by'intambara zaciwe n'Urukiko Mpuzamahanga rwa Gisirikari, Umwimerere: icyongereza, Umutumba XXII, urup. 549

⁸ Ni kimwe no haruguru, igika 547.

⁹ Reba urubanza rwa *Dusko Tadic* mu rw'Iremezo, N° IT-94-1-T, 7 Gicurasi, 1997, igika 556.

¹⁰ Reba urubanza rwa *Kayishema na Ruzindana* mu rw'Iremezo, N° ICTR-95-1-T, 21 Gicurasi 1999, ibika 133 na 134, imp. 39 na 40.

uburenganzira bwe bw'ibanze, ku buryo kubumuvutsa biba ari igikorwa gifite uburemere bumwe n'ubw'ibivugwa mu ngingo ya 5 ; c) impamvu z'ivangura¹¹.

22. Urugereko rwa Mbere rw'Iremezo rusanga iyo usuzumye ibikorwa by'itoteza Uregwa yemeye, usanga hari ikintu bihuriyeho. Ibyo bikorwa byari ibyo gushishikariza abantu, mu buryo butaziguye kandi ku mugaragaro gukora icyaha, hakoreshejwe ibiganiro binyuzwa kuri radiyo bigamije kwibasira Abatutsi n'Ababiligi no kubagabaho ibitero, kubera impamvu z'ivangura. Bityo ibyo bikorwa bikaba byarabavutsaga uburenganzira bw'ibanze bwo kubaho n'ubwo kwishyira bakizana, bikaba kandi bitarabahaga agaciro k'ikiremwanuntu nk'ako abandi baturage bafite. Kubavutsa ubwo burenganzira bishobora gufatwa nk'aho bigamije kubica cyangwa se nibura kubaha akato mu muryango nyarwanda babanamo na ba gatozi b'ibyo bikorwa by'ubugizi bwa nabi, ndetse no kubafata nk'aho badakwiye kuba kuri iyi si.
23. Uregwa yashimangiye ubwemeracyaha bwe kandi yemera ibikorwa byose bivugwa mu gushyigikira ikirego cya 1 n'icya 2 by'Inyandiko y'ibirego bishingiyeho¹². Mu Masezerano y'ubwemeracyaha, mu Myanzuro yanditse y'ababuranyi n'iyo bavuze mu magambo, hamwe n'ibyo Uregwa yatangaje imbere y'Urugereko, biragaragara ko nta bintu bifatika ababuranyi batumvikanaho ku birebana n'ibikorwa ibyo birego byombi bishingiyeho. Kubera iyo mpamvu, Urugereko rusanga ubwemeracyaha bw'Uregwa bushingiyeho mbere na mbere ku bikorwa bihagije birebana n'ibyaha ashinjwa, bukanashingira kandi k'ukuba yaragize uruhare mu ikorwa ryabyo.
24. Niyo mpamvu, Urugereko rusanze Georges Ruggiu ahamwa n'icyaha cyo gushishikariza abantu, mu buryo butaziguye kandi ku mugaragaro, gukora jenocide. Rusanga kandi ahamwa n'icyaha cyibasiye inyokomuntu (gutoteza).

¹¹ Reba urubanza rwa *Porokireri na Zoran Kupreskic* mu rw'Iremezo, N° IT-95-16-T, 14 Mutarama 2000, igika 627.

¹² Reba hano hasi, ibika 44-45.

II. AMATEGEKO N'AMAHAME BIKURIKIZWA

A. Ingingo z'amategeko zikurikizwa

25) Hakurikizwa ingingo zikurikira za Sitati : iya 22 (igenabihano), 23 (ibihano) n'iya 26 (irangizwa ry'ibihano). Hakurikizwa kandi ingingo zikurikira z'Amategeko Yerekeye Iburanisha n'Itangwa ry'Ibimenyetso : iya 100 (igenabihano iyo habayeho ubwemeracyaha), 101 (Igihamu), 102 (ibirebana n'uwakatiwe), 103 (ibirebana n'aho uwakatiwe arangiriza igihano) n'iya 104 (ibirebana no kugenzura uburyo igifungo kirangizwa).

B. Urutonde rw'ibihano bigenerwa Uregwa wahamwe na kimwe mu byaha biteganywa n'ingingo ya 2 cyangwa iya 3 za Sitati y'Urukiko

C. Mu ngingo z'amategeko zimaze kuvugwa, biragaragara ko Urukiko rushobora gukatira Uregwa wahamwe n'icyaha, yaba acyemera cyangwa se atacyemera, igihano cyo gufungwa igihe runaka cyangwa se burundu gusa. Sitati y'Urukiko ntiyemera ibindi bihano, nk'igihano cyo kwicwa, imirimo y'uburetwa cyangwa igihano cy'ihazabu.

D. Kuri iki kibazo hakurikizwa ingingo ya 101 iteganya ko :

- A) Umuntu uhamijwe icyaha n'Urukiko ashobora guhanishwa igihano cy'igifungo kimara igihe runaka cyangwa cy'igifungo cya burundu.
- B) Mu kugena ibihano, Urugereko rwa Mbere rw'Iremezo ruzirikana ibiteganywa n'ingingo ya 23 ya Sitati mu gika cya 2, ndetse n'ibi bikurikira:
 - i) Impamvu zongera ububi bw'icyaha ;
 - ii) Impamvu zigabanya uburyozwacyaha, 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 afungirwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu iki n'iki, hakurikijwe ingingo ya 9 ya Sitati, igika cya 3).
- C) Iyo ibihano ari byinshi, Urugereko rwa Mbere rw'Iremezo rwemeza niba ibyo bihano bigomba kurangizwa kimwe nyuma y'ikindi, cyangwa se niba bigomba kurangizwa icyarimwe.

- D) Igihe uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko, gucirwa urubanza n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Urugereko rw'Ubujurire gikurwa mu gihe cy'igifungo cyose.

28. U Rwanda, kimwe n'ibindi bihugu byashyize icyaha cyibasiye inyokomuntu cyangwa icya jenocide mu mategeko yabyo, kuri ibyo byaha rwateganyije ibihano birusha ibindi uburemere. Ni muri urwo rwego, Itegeko Ngenga rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cya jenocide cyangwa ibyaha byibasiye inyokomuntu byakozwe kuva ku itariki ya 1 Ukwakira 1990, ryemejwe mu mwaka wa 1996¹³, rishyira abantu baregwa mu nzego enye. Izo nzego ni izi zikurikira :

Urwego rwa 1:

- 1) Umuntu ibyaha yakoze cyangwa ibikorwa by'ubufatanyacyaha bishyira mu bacuze umugambi, abawuteguye, abawushishikarije abandi, abagenzuye n'abayoboye itsembabwoko n'itsembatsemba cyangwa ibindi byaha byibasiye inyokomuntu ;
- 2) Umuntu wari icyo gihe mu nzego z'ubuyobozi mu rwego rw'Igihugu, urwa Perefegitura, urwa Komini, urwa Segiteri cyangwa urwa Selire, mu mashyaka ya politiki, mu gisirikare, mu madini, mu mitwe yitwara gisirikare ku buryo butemewe n'amategeko, akaba yakoze ibyo byaha cyangwa akoshya abandi kubikora ;
- 3) Umwicanyi ruhara wamamaye aho ari cyangwa aho yanyuze kubera umwete yagize mu bwicanyi cyangwa ubugome bukabije yabukoranye ;
- 4) Umuntu wakoze ibikorwa byo kwangiza no kwica urubozo yangiza imyanya ndangabitsina.

Urwego rwa 2 :

Umuntu ibyaha yakoze cyangwa ibikorwa by'ubufatanyacyaha bishyira mu mubare w'abishe batari mu rwego rwa mbere cyangwa bakoze ibikorwa bikomeye byagiriwe abantu bikabaviramo gupfa hamwe n'ibitso bye.

Urwego rwa 3 :

Umuntu Uregwa ko yakoze cyangwa yafashije gukora ibindi bikorwa bikomeye byakorewe abantu.

Urwego rwa 4 :

Umuntu wakoze ibyaha byerekeye ku mutungo.

¹³ Itegeko Ngenga N° 8/96 ryo ku wa 30 Kanama 1996, ryatangajwe mu Igazeti ya Leta ya Repuburika y'u Rwanda, umwaka wa 35, N° 17, 1 Nzeri 1996.

29. Abantu bo mu rwego rwa mbere bakatirwa byanze bikunze igihano cyo kwicwa; abo mu rwego rwa kabiri bakatirwa igifungo cya burundu naho abo mu rwego rwa gatatu bagakatirwa igihano cy'igifungo cy'igihe runaka¹⁴.
30. N'ubwo Porokireri avuga ko Uregwa yashyirwa mu rwego rwa 1, umuntu asanga Uregwa yashyirwa mu rwego rwa 2 kubera ko yemeye icyaha. Hakurikijwe kandi ibiteganywa n'Itegeko Ngenga, abari mu rwego rwa 2 bemeye icyaha mbere yo gukurikiranwa bahanishwa igifungo gihera ku myaka 7 kugeza kuri 11 (ingingo ya 15 a), naho abemeye icyaha nyuma yo gukurikiranwa bagahanishwa igifungo gihera ku myaka 12 kugeza kuri 15 (ingingo ya 16 a).
31. N'ubwo Urugereko ruzifashisha mu buryo bwose bushoboka urutonde rw'ibihano biteganywa n'Itegeko Ngenga, ntiruzabura no gukoresha ububasha bwarwo busesuye bwo kugena ibihano bikwiye hakurikijwe imiterere yihariye y'urubanza n'imibereho bwite y'Uregwa. Nk'uko Urugereko rw'Ubujurire ruherutse kubyemeza mu rubanza *Porokireri yaburanagamo na Omar Serushago*, «ubukemuramanza bwa TPIR bwagaragaje kuba Sitati iteganya ko «Urugereko rwa Mbere rw'Iremezo rwifashisha urutonde rusange rw'ibihano by'igifungo rukoresha n'inkiko zo mu Rwanda» ntibivuga ko Inteko zigize Urugereko rwa Mbere rw'Iremezo zigomba byanze bikunze gukurikiza ibyo inkiko zo mu Rwanda zikora, ahubwo bivuga ko izo Nteko zigomba kubizirikana¹⁵.

C. Amahame rusange agenga igenagihano

32. Mu kugena igihano, Urugereko ruzirikana ko Urukiko rwashyizweho n'Inama Ishinzwe Amahoro ku Isi hakurikijwe Umutwe wa VII w'Amategeko Shingiro ya Loni. Hashingiwe ku ngingo ya 39 y'ayo Mategeko, Inama Ishinzwe Amahoro ku Isi yahawe ububasha bwo gufata ingamba zigamije guhagarika ibikorwa binyuranyije n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byabaye mu Rwanda mu mwaka

¹⁴ Ni kimwe no haruguru, urup. 31.

¹⁵ Reba urubanza rwa *Omar Serushago* mu rw'Iremezo, N° ICTR-98-39-A, icyemezo cyo ku ya 6 Mata 2000, igika 30

wa 1994, no kubonera umuti inkurikizi zabyo. Urukiko rwashyiriweho gukurikirana kandi guhana abakoze amarorerwa mu Rwanda, hagamijwe guca umuco wo kudahana bityo rugatanga umuganda mu bwiyunge bw'Abanyarwanda no mu kugarura amahoro mu gihugu.

33. Ku byerekeye ibihano, ubukemuramanza bwa TPIR buvuga ku ntego y'ibanze y'igihano ari yo guhana, guca intege abashaka gukora icyaha, gusubiza abagikoze mu buzima busanzwe, n'ubutabera.
34. Ingingo ya 23 2) ya Sitati n'iya 101 B) z'Amategeko ziteganya ko hari ibintu bimwe na bimwe Urugereko ruzirikana ibintu bimwe na bimwe mu kugena igihano, ariko rutibagiwe ko ari ngombwa kugenera igihano gikwiye buri muntu ku giti cye. Cyakora, abacamanza ntibakwibanda gusa ku biteganywa na Sitati n'Amategeko. Aha naho, ububasha busesuye bafite bwo gusuzuma ibyabaye n'uko ibintu byari byifashe bwagombye gutuma bazirikana ikindi kintu cyose basanga gifite akamaro¹⁶.
35. Byongeye kandi, ibyo Sitati n'Amategeko biteganya ko bigomba kugenderwaho mu kugena igihano, ntibigomba kumvikana nk'aho bigomba gukurikizwa byanze bikunze cyangwa ko ari byo byonyine byashingirwaho¹⁷.

III. URUBANZA MU MIZI YARWO

36. Nyuma yo gusuzuma amahame avugwa haruguru, Urugereko rwa Mbere rw'Iremezo rugiyeye gusuzuma amakuru yose yerekeranye n'urubanza rwashyikirijwe n'abaturanyi, kugira ngo rwemeze igihano gikwiye hakurikijwe ingingo ya 101 y'Amategeko.

¹⁶ Reba urubanza rwa *Kayishema na Ruzindana* mu rw'Iremezo, N° ICTR-95-1-T, igika 4 (Igenabihano).

¹⁷ Ni kimwe no haruguru, igika 3 (Igenabihano).

A. Ibyabaye

Imibereho bwite y'Uregwa

37. Biragaragara mu masezerano y'ubwemeracyaha ko Uregwa yemeye ibintu bikurikira byerekeranye n'imibereho ye bwite.
38. Uregwa yari umukozi mu Serivisi y'Ubwiteganyirize bw'Abakozi mu Bubiligi (*Administration de la Sécurité Sociale Belge*). Nk'umukorera bushake, yagobokaga bantu bakeneye inkunga. Yatangiye kwita ku Rwanda n'abaturage barwo mu mwaka wa 1990 ubwo yari amaze guhura n'abanyeshuri b'Abanyarwanda bari baturanye na we mu Bubiligi. Gushishikazwa na politiki yo mu Rwanda byakomeje kwiyongera buhoro buhoro maze kuva mu mwaka wa 1992 hagati, atangira kubonana kenshi n'Abanyarwanda babaga mu Bubiligi, barimo abanyeshuri, abanyapolitiki, ba ofisiye, abadipolomate n'abategetsi ba Leta y'u Rwanda.
39. Ni umwe mu bashinze akanitangira byimazeyo umuryango wiswe « *Groupe de réflexion rwando-belge* » watangaje inyandiko nyinshi ku Masezerano ya Arusha no ku miterere ya politiki yo mu Rwanda icyo gihe.
40. Ukwitabira politiki yo mu Rwanda byateye intera yisumbuye nyuma y'urugendo yakoreye mu Rwanda muri Kanama 1992 aje mu bukwe bw'umwe mu nshuti ze.
41. Yabaye buhoro buhoro umwe mu bantu b'ingenzi bakoranaga n'Abanyarwanda babaga mu Bubiligi, bityo bikaba byaratumye yitabira impaka zagibwaga mu rwego rwa politiki. Mu ntangiriro y'umwaka wa 1993, ni bwo yatangiye kurwanya byimazeyo FPR no gushyigikira ubutegetsi bwariho mu Rwanda. Mu kwezi kwa Gicurasi 1993, Perezida Habyarimana yaramutumiye maze babonana inshuro nyinshi. Muri umwe mu mishyikirano bagiranye, Perezida yamusabye igitekerezo cye ku buryo bwakoreshwa kugira ngo isura y'u Rwanda n'iy'ubutegetsi bwarwo irusheho kugaragara neza.

42. Mu kwezi k'Ugushyingo 1993, Uregwa yavuye mu Bubiligi ajya kuba mu Rwanda, araharongorera kandi atangira gukorera MRND. Nyuma yaje guhabwa akazi na RTLM abifashijwemo na Perezida Habyarimana wabinyujije kuri Ferdinand Nahimana, wari Umuyobozi w'Ikigo cya Leta Gishinzwe Itangazamakuru [ORINFOR].
43. Igihe yari mu Rwanda, Uregwa yakoze akazi k'umunyamakuru atanga ibiganiro kuri RTLM kuva ku itariki ya 6 Mutarama 1994 kugera ku ya 14 Nyakanga 1994.

Uruhare rw'Uregwa mu byabaye mu Rwanda

44. Ku itariki ya 11 Gicurasi 2000, impande zombi zatanze inyandiko yiswe « Amasezerano y'ubwemeracyaha hagati ya Georges Ruggiu n'ibiro bya Porokireri » yashyizweho umukono na Porokireri ku ruhande rumwe na Georges Ruggiu na Avoka we, ku rundi ruhande. Muri icyo nyandiko, Uregwa yiyemerera uruhare yagize mu bikorwa byose bikubiye mu birego bibiri bigize Inyandiko y'ibirego. Dore ibyo yemera ku buryo bw'umwihariko :
- i) Uregwa yemera ko yari umunyamakuru atanga ibiganiro kuri RTLM. Yiyemerera ko amadisikuru yose yavugiye kuri RTLM yari agamije gushishikariza abaturage kurwanya umwanzi, ariwe FPR, n'abitwaga ko bafatanyije na we, hatitawe ku bwoko bwabo. Yemera ko kuri RTLM abafatwaga nk'abafatanyije na FPR bitwaga muri rusange « ibyitso bya FPR ». Igisobanuro cy'iyi nyito cyagiye gihinduka buri gihe kugera ubwo yasigaye ikoreshwa gusa mu kuvuga abaturage b'abasiviri b'Abatutsi n'abanyapolitiki b'Abahutu batavugaga rumwe na Leta y'agateganyo.
 - ii) Uregwa avuga ko ageze mu Rwanda, mu mezi ya mbere yabonye ibintu byo mu rwego rwa politiki mu Rwanda bigenda bihinduka, igihugu cyerekeza ku buryo bugaragara ku mvururu kubera amacakubiri yari ashingiyeye ku bwoko.

- iii) Uregwa yemera ko gukoresha ijambo *inyenzi* uko bwije uko bukeye byatumye bigera aho abantu bakumva ko risobanura « umuntu ugomba kwicwa ». Ukurikije uko ibintu byari byifashe, by'umwihariko mu gihe cy'intambara yari ishyamiranyije abenegihugu mu wa 1994, ijambo *inyenzi* ryasigaye ari imvugakimwe n'ijambo «Umututsi ». Uregwa yemera ko ukurikije ibintu uko byari byifashe mu rwego rw'imbonezamubano na politiki, gukoresha ijambo *inyenzi* byasigaye bishaka kuvuga ko Abatutsi bagombaga kwicwa. Yemera na none ko mu kiganiro yitabiriye yatangaje ko byari bikwiye kurangiza revolisiyo yo mu wa 1959 kugira ngo ibyiza yagejejeho igihugu bidahungabana.
- iv) Uregwa yemera, inshuro nyinshi, ko yarahamagariye abaturage kwirwanaho, akabibashishikariza mu rwego rw'ibiganiro bigenewe abaturage, akoresha amagambo nko *kujya gukora*. Amagambo *kujya gukora* yari ahuye n'inshoberamahanga mu rurimi rw'ikinyarwanda Fokasi Habimana, wari Umuyobozi wa RTL, yari yasabye ko Uregwa akoreshe mu biganiro bye. Nyuma y'igihe, iyo nshoberamahanga yashatse kuvuga « kujya kurwanya abagize FPR n'ibitso byabo », hanyuma iza gusobanura « kujya kwica Abatutsi n'abanyapolitiki b'Abahutu batavugaga rumwe na Leta y'agateganyo ».
- v) Uregwa yemera ko mu biganiro bye kuri RTL yavuze ko¹⁸:
- *yagaye imyifatire ya Minisitiri w'Intebe Agata Uwilingiyimana yahungabanyaga inzego za politiki zo mu Rwanda kandi ko yanasabye ko uwo Minisitiri w'Intebe yegura;*
 - *yashimye abantu bari bahanganye n'Inyenzi i Nyamirambo, kandi abo barwanyi b'intwari bakaba bari bagizwe n'abasiviri, Interahamwe, abayoboze b'amashyamba ya politiki n'abasirikari ;*

¹⁸ Uregwa yasomye anashyira umukono ku nyandiko y'umwimerere y'Amasezerano y'ubwemeracyaha kandi iyo nyandiko niyo shingiro ry'urubanza ku byabaye. Aho twasanze amagambo akoreshwa mu nyandiko y'Amasezerano y'Ubwemeracyaha yasemuwe mu Cyongereza atavugaga kimwe neza n'akoreshwa mu nyandiko y'umwimerere iri mu Gifaransa, twagiye tugerageza guhuza inyandiko y'igifaransa n'iy'icyongereza.

- *Leta ishobora kugenera igihembo umuntu wese uzica cyangwa agafata umuzungu urwanira FPR ;*
 - *yifurije Karanganywa « akazi keza » kandi amwibutsa ko Perezida wa MRND ku Kicukiro yasabaga ko hashyirwaho gahunda yo kwirwanaho kw'abaturage ;*
 - *bari banejewe no kwica Inyenzi kandi ko abaturage biyemeje kurwanya Inyenzi-Inkotanyi no kuzirukana mu gihugu. Nyuma yaje guhamagarira urubiruko gukorana n'ingabo z'igihugu ;*
 - *abaturage b'abasiviri n'abagize imiryango itegamiye kuri Leta bagombaga gukomeza kuba maso, kandi abacengezi b'Inyenzi-Inkotanyi bagombaga gutahurwa ; umuntu wese udashirwa amakenga yagombaga kumenyeshwa ababishinzwe ;*
 - *yashimiye abitabiriye gahunda yo kwirwanaho kw'abaturage hamwe n'ingabo z'igihugu cy'u Rwanda kuba babungabunga umutekano w'Abanyarwanda ;*
 - *abaturage bagombaga guhagurukirizwa icyarimwe kandi ko mu gihugu hose urubiruko rwagombaga gukorana n'ingabo z'igihugu na Leta mu kurengera igihugu.*
- vi) Uregwa yemera ko, mu biganirwa bimwe na bimwe yarimo byahise kuri RTL, yavuye kuri iyo radiyo ibi bikurikira :
- *Indege yari itwaye Perezida yahanuwe n'Ibisasu byo mu bwoko bwa « missile » byaturutse mu Bubiligi;*
 - *U Bubiligi ni bwo bwatumye Abaturutsi bakandamiza Abahutu ;*

- *U Bubiligi bushyigikiye FPR ;*
 - *Igihugu cy'u Bubiligi kigomba gufatirwa ibyemezo kubera ko ari cyo cyishe Perezida Habyarimana ;*
 - *Ababiligi ni ba gashakabuhake bagomba kuva mu Rwanda ;*
 - *Ntitugomba gukorana na gato n'u Bubiligi ;*
 - *Ububiligi bugomba gusaba imbabazi kandi bukariha indishyi kubera urupfu rwa Perezida wa Repubulika, kubera gufasha FPR no kubera ibintu byose byangiritse ;*
 - *I Nyamirambo, abazungu batatu biciwe mu ngabo za FPR, kandi si nk'abandi bazungu ahubwo ni Ababiligi ;*
 - *Indege yari itwaye Perezida yahanuriwe mu karere ka Masaka, akarere k'umutekano kagenzurwa n'abasirikare b'Ababiligi bo muri MINUAR ;*
 - *MINUAR ni icyitso cya FPR, igirwa inama na Jenerali Dallaire, ari na we uyobora MINUAR, agomba guhitamo gukora akazi ke cyangwa gusezera;*
 - *Ni ngombwa ko Guverinoma y'u Rwanda yirukana Ababiligi, by'umwihariko abari muri MINUAR ;*
 - *Ababiligi bagomba kureka burundu gukoresha iterabwoba ku Rwanda.*
- vii) Georges Ruggiu yemera ko yavugiye kuri radiyo ibitekerezo n'amagambo avangura kandi y'iterabwoba avuga nabi imyifatire na politiki bya Guverinoma y'u Bubiligi mu Rwanda hamwe n'ibikorwa by'abasirikare ba MINUAR,

by'umwihariko, abakomoka mu Bubiligi. Uregwa yifashishije radiyo RTLM mu kurwanya Ababiligi agamije gusenya politiki mpuzamahanga ya Guverinoma y'Ububiligi ku birebana n'u Rwanda.

- viii) Uregwa yemera ko hagati y'itariki ya 8 n'ya 13 Mata 1994 yamenye ko abacengezi b'abasirikare benshi ba FPR bari basesekaye i Gikondo. Mu kugerageza kuburira umwanditsi mukuru wa RTLM, Gaspard Gahigi, wabaga i Gikondo, yabwiye abaturage b'i Gikondo ko abacengezi bahageze. Nyuma yaho, Gaspard Gahigi yabwiye Uregwa ko abantu benshi, barimo abagore n'abana, baraye bishwe kuri uwo mugoroba bitewe n'ibyo yari yavugiye kuri RTLM.
- ix) RTLM yatangaje amazina y'abantu yitaga ibyitso bya FPR, barimo Faustin Twagiramungu, wari wagizwe Minisitiri w'Intebe wa Guverinoma y'inzibacyuho yaguye yateganywaga n'Amasezerano ya Arusha, na Lando Ndasingwa, icyo gihe wari Minisitiri w'Imibereho Myiza y'Abaturage. Lando Ndasingwa yishwe ku itariki ya 7 Mata 1994. Uregwa yemera ko mu kiganiro kimwe yahitishije kuri RTLM, yashinje Faustin Twagiramungu kuba umwe mu bagize uruhare mu rupfu rwa Perezida Habyarimana n'urw'abandi banyapolitiki bakomeye batandatu, yemeza ko rubanda rumuteze iminsi kugira ngo rumwihimureho.
- x) Uregwa yemera ko we ubwe kimwe n'abandi banyamakuru ba RTLM bahitishije ibiganiro bahitishagamo indirimbo zigamije gushishikariza abaturage kurwanya umwanzi, aha twavugaga nk'indirimbo yitwa « Nanga Abahutu ».
- xi) Uregwa yemera ko ibiganiro byo kuri RTLM byasakazaga ingengabitekerezo n'imigambi by'Abahutu b'intagondwa, cyane cyane abayoboke ba MRND n'aba CDR. Yemera ko ibiganiro byo kuri RTLM byakanguriye urubyiruko rw'u Rwanda, Interahamwe n'abasirikare kurwanya umwanzi n'ibitso bye bityo bituma Abatutsi n'Abahutu batari intagondwa baricwa cyangwa bakorerwa ibikorwa bibatera ububabare bukomeye bw'umubiri n'ubwo mu mutwe

- xii) Uregwa yemera ko ku itariki ya 1 Kamena 1994, yashimagije Interahamwe n'abajandarume bo ku Gitega no ku Muhima kubera ko bari bambuye umwanzu imbunda nini yo mu bwoko bwa « *Mitrailleuse 50 Bromville Mark* », yakorewe muri Leta Zunze Ubumwe za Amerika.
- xiii) Uregwa yemera ko abanyamakuru ba RTLM hamwe n'abakozi bo mu nzego nkuru n'ubuyobozi bwa RTLM bagize uruhare runini mu bwicanyi bwakorewe Abatutsi n'Abahutu bari mu mashyamba ataravugaga rumwe n'ubutegetsi bw'icyo gihe mu wa 1994.
45. Uregwa yari azi neza ko igice kimwe cy'abaturage b'abasiviri n'itsinda ry'abasirikare b'Ababiligi, batotezwaga kubera impamvu za politiki cyangwa iz'ubwoko. Uregwa yemera ko igihe yasuraga Kigali hagati ya Mata 1994, yamenye neza ko hariho umugambi wari waracuzwe wo kurimbura abantu bo mu bwoko bw'Abatutsi. Byongeye kandi, mu iburanisha, Urugereko rumubajije impamvu yifuzaga guhindura imyiregurire ye, Uregwa yashubije ibi bikurikira : « Ubwanjye nasanze abantu bamwe mu Rwanda barishwe mu mvururu zo mu mwaka wa 1994, mbona ko nabigizemo uruhare bityo nkaba nemera kuryozwa ibyo bikorwa kubera ko ibyo navuze bifitanye hari isano itaziguye n'urupfu rw'abo bantu. Kubera iyo mpamvu, nasanze nta kundi bigomba kugenda uretse kwemera icyaha »¹⁹

B. Ibirebana n'igenabihano

46. Hakurikijwe ingingo ya 23 2) ya Sitati n'ingingo ya 101 B) y'Amategeko, mu kugena igihano, Urugereko rugomba kuzirikana ibintu bimwe. Muri byo twavugaga uburemere bw'ibyaha byakozwe, imibereho bwite y'uhamwe n'icyaha n'impamvu zongera cyangwa zigabanya uburyozwacyaha. Cyakora, ibimaze kuvugwa ntibigomba gukurikizwa byanze bikunze kandi si nabyo byonyine bigomba kwitabwaho. Umuntu agomba gukatirwa igihano kimukwiye ku giti cye, hitawe ku miterere y'ibintu byose.

¹⁹ Reba inyandikomvugo y'iburanisha iri mu gifaransa yo ku itariki ya 15 Gicurasi 2000, urup. 89

Impamvu zongera uburyozwacyaha

47. Urugereko rusanga ibintu bikuikira ari impamvu zongera ububi bw'icyaha :

i. Uburemere bw'ibyaha

48. Uburemere bw'ibyaha n'ingano y'uruhare Uregwa yagize mu kubikora ni ibintu bigomba kuzirikanwa mu gusuzuma impamvu zongera uburyozwacyaha. Jenoside n'ibyaha byibasiye inyokomuntu, ubwabyo ni ibyaha bifite uburemere bukomeye cyane mu mategeko ahana y'u Rwanda.

49. Ibyaha byakozwe n'Uregwa bishyirwa mu rwego rw'ibyaha bikomeye kurusha ibindi biteganywa mu gitabo cy'amategeko ahana y'u Rwanda.

ii. Uruhare Uregwa yagize mu gukora ibyaha

50. Itangazamakuru, by'umwihariko radiyo RTLM, ryabaye igikoresho cy'ibanze intagondwa zo mu mashyaka ya politiki zifashishije mu guhamagarira abaturage gukora ubwicanyi. Radiyo RTLM yarumvwaga cyane mu Rwanda kandi yabaye igikoresho nyacyo mu gusakaza iyo poropagande. Uregwa, wari umunyamakuru kandi watangaga ibiganiro kuri RTLM, yagize uruhare runini mu guhamagarira abaturage urugomo n'inzangano zishingiye ku bwoko, ari na byo RTLM yari yimirije imbere. Mu biganiro bye byanyuraga kuri RTLM, yashishikariye ishyirwaho ry'amabariyeri kandi ashimagiza abantu baziciragaho Abatutsi. Ntiyahwemye gukangurira abaturage, by'umwihariko abasirikare n'Interahamwe, gusozera revolisiyo yo mu mwaka wa 1959. Muri ibyo biganiro byo kuri RTLM, yanakanguriye abantu kwica Abatutsi.

51. Amaze gusura umugi wa Kigali nyuma y'itariki ya 12 Mata 1994, Uregwa yasanze ibiganiro byahitaga kuri RTLM byaratumaga Abatutsi bicwa. Gusura uwo mugwi byari byateguwe n'ingabo z'u Rwanda. Cyakora, Uregwa yahisemo ku bushake kuguma mu

Rwanda no gukomeza gukorera RTL. Ibiganiro yahitishije kuri radiyo byahamagariraga abantu kwanga Abatutsi, Abahutu batavugaga rumwe na Leta, ndetse n'Ababiligi

Impamvu zigabanya uburyozwacyaha

52. Ku byerekeranye n'uko Uregwa agomba gukatirwa igihano ku giti cye, Urugereko rufite ububasha busesuye bwo gufata icyemezo, rumaze gusuzuma ibyabaye n'imiterere y'ibintu. Ubwo bubasha butuma rufata icyemezo cyo kuzirikana cyangwa kutazirikana ibintu runaka bigenderwaho mu kugena igihano. Iryo hame ryongeye kwemezwa, mu buryo busobanuye neza, n'Urugereko rw'Ubujurire mu cyemezo cyarwo cyo ku itariki ya 6 Mata 2000, cyafashwe mu rubanza *Omar Serushago yaburanagamo na Porokireri*.

i. Ubwemeracyaha

53. Birakwiye gufata ubwemeracyaha nk'impamvu zigabanya uburyozwacyaha kubera ko bwihutisha iburanisha kandi bugatuma hakoreshwa umutungo n'imbaraga bike, bityo bukorohereza ubutabera. Ubwemeracyaha bwatumye Urukiko rukoresha igihe gito mu iperereza no mu iburanisha, bityo bigabanya igihe, imbaraga n'umutungo byakoreshejwe.
54. Ubwemeracyaha bw'Uregwa bugaragaza ko umutimanama we umwemeza ko yakoze icyaha, kubera ko amaze kubitekerezaho neza yahinduye imyiregurire ye yo guhakana icyaha akiyemeza kucyemera. Mu by'ukuri, Uregwa agaragaza ko yemera kuryozwa ibyo yakoze kandi azi neza kuba yemera icyaha bizahungabanya umutekano we, mu buryo bugaragara kandi butaziguye. Kubera ko yisubiyeho akemera icyaha, byabaye ngombwa ko atandukanywa n'abandi banyururu.
55. N'ubwo imiryango y'amategeko inyuranye itemera yose ko ubwemeracyaha ari impamvu igabanya uburyozwacyaha cyangwa se ko hari icyo bwamarira Uregwa, muri uru rubanza, ni ngombwa gushimangira ko ubwemeracyaha bufite akamaro kanini. Iyo Uregwa yemeye amakosa n'ibyaha bye, ni ikimenyetso kigaragaza ko ashya mu gaciro

kandi cyerekana ibitekerezo bye, bityo bikaba bigaragaza ko atangiye kwicuza. Mu rubanza rwa *Erdemovic*, Urugereko rwasanze kwemera icyaha ari ikimenyetso kigaragaza ko uwakoze icyo cyaha avugisha ukuri²⁰. Urugereko rwemera icyo gitekerezo kandi rusanga mu manza z'inshinjabyaha, ari byiza kuzirikana ubwemeracyaha kugira ngo bishishikarize abandi bantu bakekwaho kuba barakoze icyaha na ba gatozi kwemera ibyaha byabo. Ni ngombwa ko abantu bose bagize uruhare mu bwicanyi bwakorewe mu Rwanda mu mwaka wa 1994, bashishikarizwa kwemera amakosa bakoze. Kubera izo mpamvu, Urugereko rugomba gufata ubwemeracyaha nk'impamvu yoroshya uburyozwacyaha igomba guhabwa uburemere n'agaciro.

ii. Ubufatanye hagati y'Uregwa na Porokireri

56. Ingingo ya 101 y'Amategeko iteganya, mu buryo bweruye, ko Urugereko rwa Mbere rw'Iremezo ruzirikana « impamvu zigabana uburyozwacyaha, zirimo akamaro k'ubufatanye bugaragara bwabaye hagati y'Uregwa na Porokireri haba mbere cyangwa nyuma yo guhamwa n'icyaha ».
57. Urugereko rusanga n'ubwo mu ikubitiro yari yariyemeje kuburana ahakana icyaha, Uregwa yaramenyeshije Porokireri ko ashaka gufatanya nawe mu gushakisha ukuri. Kubera ubwo bushake, yahaye Umwunganira amabwiriza yo kumenyekanisha ko adahakana ko mu Rwanda habaye jenocide yakorewe Abatutsi. Byongeye kandi, Uregwa ni we mu nyururu wa mbere wa TPIR wemeye kubazwa mu rwego rwo gutumanaho kw'inkiko.
58. Urugereko ruzirikana kandi ko Uregwa yafatanije byimazeyo n'Ibiro bya Porokireri, ko ubwo bufatanye bwagize akamaro kanini kandi ko umuntu yakwizera ko buzanakomeza nyuma yo gukatirwa.

²⁰ Reba urubanza *Porokireri aburanamo na Erdemovic* mu rw'Iremezo, 5 Werurwe 1998, ICTY N° IT-96-22, urup.11.

iii. Kuba nta kindi cyaha yigeze akora mbere

59. Uregwa nta kindi cyaha yigeze akora. Mbere yo gukora ibyaha ubu yemera, yari umuturage w'inyangamugayo kandi wiyubashye.
60. Ibimaze kuvugwa hejuru ni impamvu zigabanya uburyozwacyaha Urugereko rugomba kuzirikana.

iv. Imibereho bwite y'Uregwa

61. Mu kugenera Uregwa igihano kimukwiye ku giti cye, Urugereko rugomba by'umwihariko kuzirikana imibereho ye bwite. Hari ibintu bimwe na bimwe byerekana ko Uregwa yafatiranwe n'abantu bamushoye mu ikorwa ry'ibyaha yiyemerera ubu.
62. Uregwa ni Umunyaburayi wize amashuri yo mu rwego ruciriritse, uzi neza agaciro k'umugenzo mwiza w'ubutabera. Arasa kandi nk'umuntu wibwiraga ko ibintu biri mu nzira nziza, n'ubwo ubona ko yari afite imyitwarire ya cyana kandi agakora ibintu atabanje gutekerezaho neza. Byongeye kandi, amaperereza yakozwe na Porokireri hamwe n'ibibazo byabajijwe bishimangira ko uretse akazi yakoraga, Uregwa yanakorana n'agashami k'umuryango utabara imbabare mu gace yabagamo mu Bubiligi. Yafashaga abanyamahanga, abatishoboye n'abatazi gusoma no kwandika bo mu gace yabagamo. Ni muri urwo rwego rwo gufasha abantu atazuyaje kandi ku bushake, yahuye bwa mbere n'Abanyarwanda mu gihe yafashaga abasore n'inkumi b'abanyeshuri bakomokaga mu Rwanda.
63. Avoka wunganira Uregwa avuga ko ibitekerezo by'uwo aburanira byacuritswe n'amakuru afite aho abogamiye yabonye ku birebana n'isura y'u Rwanda uko yari ihagaze mu bya politiki n'imbereho myiza y'abaturage. Urugereko ruzirikana ko Uregwa atabwiwe bihagije imiterere ya politiki n'imereho y'abaturage mu Rwanda kugira ngo amenye uko ibintu biteye mu by'ukuri.

64. Ibimaze kuvugwa hejuru byagombye gufatwa nk'aho byabaye intandaro ikomeye yatumye Uregwa yishora mu bibazo byo mu Rwanda.
65. Umutangabuhamya wiswe AB, watanze ubuhamya ku mico n'imyifatire by'Uregwa, yamenyanye n'Uregwa mu kwezi k'Ukwakira 1992 kandi bakomeje kubonana kuva icyo gihe kugeza mu kwezi k'Ukuboza 1993. Uwo mutangabuhamya yashimangiye ko Uregwa ari umugabo w'intwari, uzi ubwenge kandi urangwa n'imico myiza. Nk'uko abivuga, ngo Uregwa ashobora kuba yaragizwe igikoresho kandi akarindagizwa n'abantu buririye ku rukundo yari afitiye Afurika. Kuba yari yiyemeje kuba muri Afurika ntibyatewe n'impamvu za politiki, ahubwo n'uko yumvaga ahikundiye.
66. Ubwunganizi bwatanze kandi ubuhamya bwanditse umugabo wiswe BC yatanze ku imico n'imyifatire by'Uregwa. Uwo mutangabuhamya avuga ko Uregwa yinjijwe muri ibyo bikorwa n'abantu b'intagondwa bakomokaga mu karere kamwe na Perezida w'u Rwanda, bahuriye na we mu Bububiligi. Uregwa yitabiriye gukurikirana ibya politiki yo mu Rwanda kubera gusa ko yizeraga ko ibintu byari mu nzira nziza. Kuba yariyemeje kujya mu Rwanda byatewe n'impamvu ze bwite.
67. Urugereko rusanga aba batangabuhamya uko ari babiri bakwizerwa, bityo rukaba rwemera ko Uregwa yari umuntu w'intwari warangwaga n'ibitekerezo byiza mbere y'uko yitabira ibyabereye mu Rwanda.
68. Rushingiye ku buhamya bwatanzwe ku myitwarire ye, Urugereko rusanga hari ibintu bigaragaza ko Uregwa yahindutse cyane kandi ko hari impamvu zituma umuntu yakwizera ko azabasha gusubira mu buzima busanzwe.

v. Kwicuza n'ikidodo

69. Asubiza ibibazo bamubajije, Uregwa yavuze kenshi ko yicuza cyane abivanye ku mutima kandi ko afite ikidodo. Yavuze ko « mu Rwanda yahatereye ibintu byose, birimo n'icyubahiro cye ».

70. Abavoka bunganira Uregwa bavuga ko kuba Uregwa yicuza abivanye ku mutima no kuba afite ikidodo, bigaragaza ko yihanye atabeshya.
71. Bigaragara ko Uregwa yahinduye uburyo yabonaga abantu bakorewe jenocide yabaye mu Rwanda n'ibyaha byibasiye inyokomuntu byakorewe Abatutsi n'Ababiligi. Byongeye kandi, umutima w'Uregwa urangwa no kwicuza cyane yakoze n'uruhare rwe mu byaha byakorewe abantu b'inzirakarengane.
72. Uregwa yavuze kenshi ko yizeye ko ubwemeracyaha bwe buzafasha, n'ubwo bitaba cyane, mu kugabanya ububabare bw'abantu bakorewe ibyaha cyangwa imiryango yabo. Uregwa arifuza gukora ibishoboka byose ngo abantu bemere ko abakorewe ibyaha bafite uburenganzira bwo kubaho kandi hashyirwe ahagaragara ukuri kubabaje kwabaye imbarutso y'ibyaha byakorewe mu Rwanda.

vi. Ukuntu Uregwa yafashije abahohotewe

73. Uregwa yavuze ko, hari inshuro yagiye ahisha abana mu buringiti mu modoka ye y'ijipe, akabajyana ku misiyoni kugira ngo bitabweho kandi baharindirirwe umutekano.
74. Ruggiu yavuze ko yari ashinzwe guha ibiryo itsinda ry'abaturage n'impunzi i Kigali barimo n'abatutsi. Urugereko rusanga rufite ishingiro mu kwifashisha aya makuru, Porokireri atigeze avuguruza, mu gusuzuma impamvu zigabanya uburyozwacyaha.

vii. Umwanya Uregwa yari afite muri RTLM no muri politiki

75. Uregwa ntiyari afite umwanya uzwi w'ubuyobozi mu Rwanda ; ntiyari anafite umwanya wo hejuru mu buyobozi bwa RTLM. Uregwa ntiyagize uruhare na rumwe mu mitunganyirize ya RLTM, mu mirimo irebana n'ibya tekini cyangwa mu butegetsi bwayo. Nta bubasha yari afite bwo kugena ibyavugirwaga mu biganiro cyangwa mu guhitamo ibiganiro byahitaga kuri RTLM. Yarayoborwaga, nta bushobozi na buke yari

afite bwo gufata ibyemezo, nta n'ubwigenge yari afite mu kazi ke. Aha twavugaga ko atari kimwe na Kambanda, reba *urubanza Porokireri yaburanyemo na Kambanda*. Muri urwo rubanza, Urukiko rwasanze, nka Minisitiri w'Intebe wa Guverinoma y'Inzibacyuho y'u Rwanda, Kambanda yari afite ububasha bwo gufata ibyemezo byashoboraga gutuma ibyaberaga mu Rwanda bihinduka²¹. Urugereko rwasanze umwanya Kambanda yari afite nka Minisitiri w'Intebe, ari impamvu yongera uburyozwacyaha maze rumukatira igihano cy'igifungo cya burundu. Muri uru rubanza, ni ngombwa gushimangira ko Uregwa atari afite ububasha na buke bwo gufata ibyemezo kandi ko bigaragara ko atigeze agira uruhare mu gushyiraho umurongo RTL M yagenderagaho. Mu by'ukuri, ubuyobozi bwa RTL M bwagiye bumwihanangiriza ku anmugaragaro bumuziza «kutubahiriza neza » umurongo iyo radiyo yagenderagaho.

76. Urugereko rusanga uko kutagira ububasha bishobora kuba impamvu igabanya uburyozwacyaha bw'Uregwa.

viii. Kuba Uregwa atarishe abantu ku giti cye

77. Uregwa ntiyigeze akora ibikorwa by'urugomo. Ntiyigeze akubita abantu cyangwa ngo abarase. Mu *rubanza Porokireri yaburanagamo na Omar Serushago*²², uru Rukiko rwakatiye uwo Serushago igihano cy'igifungo cy'imyaka 15, kubera ko rwasanze hari impamvu zikurikira zongera uburyozwacyaha: uruhare yari afite mu rwego rwa politiki n'urwa gisirikare, kuba yarishe Abatutsi no kuba hari abandi bantu benshi bishwe biturutse ku mabwiriza ye.
78. Uregwa ntiyigeze yica umuntu ndetse ntiyigeze akoresha pisitole ye. Urugereko ruzirikana ibyo bintu.

²¹ Reba *urubanza Porokireri aburanamo na Jean Kambanda* mu rw'Iremezo, N° ICTR-97-23-S, 4 Nzeri 1998, igika cya 61.

²² Reba *urubanza Porokireri aburanamo na Omar Serushago* mu rw'Iremezo (Igenabihano), N° ICTR-98-39-S, 5 Gashyantare 1999, ibika 28, 29.

79. Rumaze gusuzuma ibyabaye byose, Urugereko rwa Mbere rw'Iremezo rusanga imibereho bwite y'Uregwa ari impamvu nyoroshyacyaha yatuma ruca inkoni izamba.
80. Cyakora, kugabanya igihano ntibigomba gufatwa nk'aho uburemere bw'icyaha bugabanyijwe cyangwa se ko bigize icyo bigabanyije ku cyemezo gihamya Uregwa icyaha.

C) Ibyifuzo ku gihano

81. Ubwunganizi ntibwatanze icyifuzo na kimwe ku n'igihano. Porokireri asabira Uregwa, igihano kimwe rukumbi cy'igifungo cy'imyaka 20 kuri buri kirego, ariko kikaba cyarangizwa ku buryo bukomatanyije.

IV.ICYEMEZO CY'URUGEREKO

URUGEREKO RWA MBERE RW'IREMEZO, I

KUBERA IZO MPAMVU ZIMAZE KUVUGWA

RUSOMERA URU RUBANZA MU RUHAME;

RUSHINGIYE ku Ngingo ya 23, iya 26 n'ya 27 za Sitati, n'Ingingo kuva ku ya 100 kugeza ku ya 104 z'Amategeko;

RUMAZE KUBONA urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda;

RUMAZE KUBONA Inyandiko y'ibirego yemejwe ku itariki ya 9 Ukwakira 1997;

RUMAZE KUBONA ubwemeracyaha bwa Georges Ruggiu bwo ku itariki ya 15 Gicurasi 2000, rusanze:

- i) Kuva ku itariki ya 6 Mutarama 1994 kugeza ku ya 14 Nyakanga 1994, nk'umunyamakuru, yatanze ibiganiro kuri RTLM. Ibyo biganiro bye byari mu rurimi rw'igifaransa, ariko rimwe na rimwe akagobekamo amagambo y'ikinyarwanda yabaga afite icyo asobanura cy'umwihariko ukurikije uko ibintu byari byifashe icyo gihe mu rwego rw'imibanire y'abantu n'umuco (igika cya 3.7 cy'Inyandiko y'ibirego).
- ii) Ibiganiro byatangwaga n'Uregwa byahamagariraga abantu kwica Abatutsi cyangwa se kubatera ububabare bukabije bwaba ubw'umubiri cyangwa ubwo mu mutwe. Ibyo biganiro byatotezaga kandi Abatutsi, Abahutu bamwe na bamwe n'Ababiligi (igika cya 3.8 cy'Inyandiko y'ibirego).

IKIREGO CYA 1 cy'Inyandiko y'ibirego: Guhamagarira abantu mu buryo butaziguye kandi ku mugaragaro gukora icyaha cya jenocide, nk'uko giteganywa n'ingingo ya 23) c) ya Sitati;

1. Kubera ibikorwa bye bifitanye isano n'ibyabaye bivugwa mu gika cya 3.7 n'icya 3.8, Uregwa akurikiranweho icyaha cyo guhamagarira abantu, mu buryo butaziguye kandi ku mugaragaro, gukora ubwicanyi bwibasiye Abatutsi no kubateza ububabare bukabije bwaba ubw'umubiri cyangwa ubwo mu mutwe, hagamijwe kubarimbura bose cyangwa se igice cyabo, bazira gusa ubwoko bwabo. Kubera iyo mpamvu, yakoze icyaha cyo GUHAMAGARIRA ABANTU MU BURYO BUTAZIGUYE KANDI KU MUGARAGARO GUKORA ICYAHA CYA JENOSIDE nk'uko giteganywa n'ingingo ya 2(3)(c) ya Sitati kigahanwa hashingiwe ku ngingo ya 22 n'iya 23 za Sitati y'Urukiko. Uregwa aryoza icyo cyaha ku giti cye hashingiwe ku ngingo ya 6(1) ya Sitati.

IKIREGO CYA 2 cy'Inyandiko y'ibirego: Icyaha cyibasiye inyokomuntu (gutoteza), icyaha giteganywa n'ingingo ya 3 h) ya Sitati;

- 6/ter
2. Kubera ibikorwa bye bifitanye isano n'ibyabaye bivugwa mu gika cya 3.7 n'icya 3.8, Uregwa akurikiranweho icyaha cyo gutoteza bishingiye ku mpamvu za politiki cyangwa z'ubwoko cyakozwe mu rwego rw'igitero rusange kandi kuri kuri gahunda cyibasiye abasiviri bazira ubwenegihugu bwabo, ibitekerezo bya politiki cyangwa se ubwoko bwabo. Kubera izo mpamvu, yakoze ICYAHA CYIBASIYE INYOKOMUNTU, nk'uko giteganywa n'ingingo ya 3(h) ya Sitati y'Urukiko, kigahanwa hashingiwe ku ngingo ya 22 n'ya 23 z'iyi Sitati. Uregwa akiryozwa ku giti cye hashingiwe ku ngingo ya 6(1) ya Sitati.

RUMAZE KUBONA imyanzuro rwashyikirijwe n'ababuranyi;

RUMAZE KUMVA imyanzuro nsozarubanza ya Porokireri n'ya Avoka wunganira Uregwa;

KUBERA IBYAHA BYAVUZWE HARUGURU

RUKATIYE Georges Ruggiu

Wavukiye i Verviers, Intara ya Liège mu Bubiligi, ku itariki ya 12 Ukwakira 1957

KU KIREGO CYA 1: (Guhamagarira abantu mu buryo butaziguye kandi ku mugaragaro gukora jenocide) : igihano cy'igifungo cy'imyaka cumi n'ibiri (12) ;

KU KIREGO CYA 2: (Icyaha cyibasiye inyokomuntu): igihano cy'igifungo cy'imyaka cumi n'ibiri (12) ;

RWEMEJE ko ibihano uko ari bibiri Georges Ruggiu akatiwe bizarangirizwa icyarimwe;

RWEMEJE ko igihano cy'igifungo kizarangirizwa mu gihugu kizagenwa na Perezida w'Urukiko, abanje kugisha inama Urugereko rwa Mbere rw'Iremezo. Rwemeje kandi ko Gerefiye ari we uzabimenyeshya Guverinoma y'u Rwanda n'igihugu kizaba cyagenwe ;

RWEMEJE ko uru rubanza ruhita rurangizwa rukimara gusomwa, kandi ko, mu gihe agitegereje kwoherezwa mu gihugu azafungirwamo, Georges Ruggiu akomeza gufungwa mu buryo yari asanzwe afunzwemo ;

RWEMEJE ko igihe Georges Ruggiu amaze afunzwe kigomba kuvanwa mu gihe cy'igifungo akatiwe. Nk'uko biteganywa n'igika D) cy'ingingo ya 101 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, igihe uwahamwe n'icyaha yamaze afunze ategereje gushyikirizwa Urukiko, gucirwa urubanza n'Urugereko rwa Mbere rw'Iremezo cyangwa n'Urugereko rw'Ubujurire gikurwa mu gihe cy'igifungo cyose. Muri uru rubanza, Uregwa yafashwe ku itariki ya 23 Nyakanga 1997. Ni ukuvuga ko igihe amaze afunzwe gitangira kubarwa uherye kuri iyo tariki.

Bikorewe Arusha, ku itariki ya 1 Kamena 2000

Navanethem Pillay

Erik Mose

Pavel Dolenc

Perezida w'Urugereko

Umucamanza

Umucamanza

[Kashe y'Urukiko]

UMUGEREKA: INYANDIKO Y'IBIREGO

Umuryango w'Abibumbye



**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

Urubanza No: ICTR /97

**POROKIRERI W'URUKIKO
ABURANA NA:
GEORGES HENRI YVON JOSEPH RUGGIU**

INYANDIKO Y'IBIREGO YAHINDUWE

1. Ashingiye ku bubasha ahabwa n'ingingo ya 17 ya Sitati y'urwo Rukiko ("Sitati y'Urukiko"), Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ararega:

GEORGES HENRI YVON JOSEPH RUGGIU

ICYAHA CYO GUHAMAGARIRA ABANTU, KU BURYO BUTAZIGUYE KANDI KU MUGARAGARO, GUKORA JENOSIDE N'IBYAHA BYIBASIYE INYOKOMUNTU. Ibyo byaha byombi biteganywa n'ingingo ya 2 n'iya 3 za Sitati y'Urukiko, nk'uko bigiye gusobanurwa :

2. UREGWA

GEORGES HENRI YVON JOSEPH RUGGIU yavukiye i Verviers mu Bubiligi ku itariki ya 12 Ukwakira 1957. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Georges Henri Yvon Joseph Ruggiu yakoreraga Sosiyeti *RTL*M S.A nk'umunyamakuru, akorera kuri radiyo yayo i Kigali.

3. INCAMAKE Y'IBYABAYE

Ibyaha bivugwa muri iyi Nyandiko y'ibirego byakorewe mu Rwanda hagati ya Mutarama n'Ukuboza 1994.

Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Abahutu n'Abatutsi bafatwaga nk'ubwoko butandukanye.

Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Ababiligi bafatwaga nk'itsinda ry'abantu bahuriye ku bwenegihugu, ku bitekerezo bya politiki, cyangwa se ku bwoko.

Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, mu Rwanda hose hagabwe ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira ubwenegihugu bwabo, ibitekerezo bya politiki cyangwa ubwoko bwabo, hakubiyemo Abatutsi, Abahutu bamwe n'Ababiligi.

Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, Abanyarwanda bagenderaga cyane ku biganiro byahitaga kuri radiyo.

Mu mwaka wa 1993, hashyizweho Sosiyeti *RTL*M S.A. hamwe na radiyo yayo. Hagati ya Nyakanga n'Ukuboza 1993 ni bwo *RTL*M yatangiye kumvikana mu Rwanda hose ivugira i Kigali. Yakomeje gusakaza amajwi mu bice binyuranye

by'u Rwanda ivugira i Kigali no mu tundi turere tunyuranye tw'u Rwanda kugeza nko mu mpera za Nyakanga 1994. Muri icyo gihe, RTLM yakoreshwaga mu guhitisha ibiganiro bikubiyemo ingengabitekerezo n'imigambi by'Abahutu b'intagondwa mu Rwanda.

Hagati y'itariki ya 6 Mutarama n'ya 14 Nyakanga 1994, Georges Henri Yvon Joseph Ruggiu, nk'umunyamakuru wa RTLM, yatangaga ibiganiro kuri iyo radiyo. Ibyo biganiro bye byari mu rurimi rw'igifaransa, ariko rimwe na rimwe akagobekamo amagambo y'ikinyarwanda yabaga afite icyo asobanura cy'umwihariko ukurikije uko ibintu byari byifashe icyo gihe mu rwego rw'imibanire y'abantu n'umuco.

Ibiganiro byatangwaga na Georges Henri Yvon Joseph Ruggiu :

- a. Byahamagariraga abantu kwica Abatutsi cyangwa se kubatera ububabare bukabije bwaba ubw'umubiri cyangwa se ubwo mu mutwe.
- b. Byatotezaga Abatutsi, Abahutu bamwe n'Ababiligi.

4. IBIREGO

IKIREGO CYA MBERE:

Kubera ibikorwa bye bifitanye isano n'ibyabaye bivugwa mu gika cya 3.7 n'icya 3.8, Georges Henri Yvon Joseph Ruggiu akurikiranweho icyaha cyo guhamagarira abantu mu buryo butaziguye kandi ku mugaragaro gukora ubwicanyi bwibasiye Abatutsi no kubateza ububabare bukabije bwaba ubw'umubiri cyangwa ubwo mu mutwe, hagamijwe kubarimbura bose cyangwa se igice cyabo, bazira gusa ubwoko bwabo. Kubera iyo mpamvu, yakoze icyaha cyo GUHAMAGARIRA ABANTU, MU BURYO BUTAZIGUYE KANDI KU MUGARAGARO, GUKORA ICYAHA CYA JENOSIDE nk'uko giteganywa n'ingingo ya 2(3)(c) ya Sitati y'Urukiko, kigahanwahashingiwe ku

1/ter

ningo ya 22 n'ya 23 za Sitati y'Urukiko. Uregwa aryoza icyo cyaha ku giti cye hashingiwe ku ngingo ya 6(1) ya Sitati.

IKIREGO CYA KABIRI:

Kubera ibikorwa bye bifitanye isano n'ibyabaye bivugwa mu gika cya 3.7 n'icya 3.8, Georges Henri Yvon Joseph Ruggiu akurikiranweho icyaha cyo gutoteza bishingiye ku mpamvu za politiki cyangwa z'ubwoko cyakozwe mu rwego rw'igitero rusange kandi kiri kuri gahunda cyibasiye abasiviri bazira ubwenegihugu bwabo, ibitekerezo bya politiki cyangwa se ubwoko bwabo. Kubera izo mpamvu, yakoze ICYAHA CYIBASIYE INYOKOMUNTU, nk'uko giteganywa n'ingingo ya 3(h) ya Sitati y'Urukiko, kigahanwa hashingiwe ku ngingo ya 22 n'ya 23 za Sitati y'Urukiko. Uregwa aryoza icyo cyaha ku giti cye hashingiwe ku ngingo ya 6(1) ya Sitati.

Bikozwe ku ya 2 Gicurasi 2000

Mu mwanya wa Porokireri Mukuru,
Bernard A. Muna
Porokireri wungirije
[Umukono]