



Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

Umwimerere: **Icyongereza**

**URUGEREKO RWA MBERE RW'IREMEZO III**

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**INYANDIKO Y'URUBANZA**

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## INTANGIRIRO

1. Uru Rukiko rufite ububasha bwo gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibikorwa binyuranyije ku buryo bukomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, harimo jenocide n'ibyaha byibasiye inyokomuntu, byakorewe mu Rwanda, n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda, hagati y'itariki ya 1 Mutarama 1994 n'ya 31 Ukuboza 1994<sup>1</sup>. Hashingiwe ku ngingo ya 2 ya Sitati, jenocide ni igikorwa cyakozwe kigamije kurimbura abantu bose cyangwa igice cyabo bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, bazira icyo bari cyo<sup>2</sup>. icyaha cyibasiye inyokomuntu ni icyaha cyakozwe mu rwego rw'igitero rusange cyangwa kiri kuri gahunda cyibasiye abaturage b'abasiviri abo ari bo bose kubera impamvu z'ubwenegihugu, iza politiki, iz'ubwoko cyangwa iz'idini<sup>3</sup>.

<sup>1</sup> Sitati, kuva ku ngingo ya 1 kugeza ku ya 4.

<sup>2</sup> Sitati, Ingingo ya 2(2): icyaha cya jenocide 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.

<sup>3</sup> Sitati, Ingingo ya 3: Urukiko Mpuzamahanga Rwashyirirweho u Rwanda rufite ububasha bwo gucira imanza abantu bakoze ibyaha bikurikira mu gihe byakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri abo ari bo bose bazira ubwenegihugu, impamvu za politiki, ubwoko cyangwa idini:

- (a) Ubuhotozi;
- (b) Itsembatsemba;
- (c) Gushyira mu bucakara;
- (d) Gucira ishyanga;
- (e) Gufunga;
- (f) Kwica urubozo;
- (g) Gusambanya ku gahato;
- (h) Gutoteza bishingiye ku mpamvu za politiki, iz'ubwoko n'iz'idini;
- (i) Ibindi bikorwa bibi birenze kameremuntu.

2. Urugereko rw'Ubujurire rwemeje ko jenoside yakorewe Abatutsi hamwe n'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira ubwoko bwabo byabaye hagati ya Mata na Nyakanga 1994, mu Rwanda, ari ibintu by'ikimenyabose, ku buryo ushyize mu gaciro usanga bitagomba kugibwaho impaka<sup>4</sup>. Nk'uko Urugereko rw'ubujurire rwabyibukije, ibi ntibigabanya inshigano za Porokireri zo gutanga ibimenyetso: agomba kwerekana ko ibikorwa byihariye bivugwa mu Nyandiko y'ibirego bigize icyaha cya jenoside cyangwa icyaha cyibasiye inyokomuntu kandi ko imyitwarire y'Uregwa hamwe n'ibitekerezo bye bigaragaza ko ahamwa n'ibyo byaha.
3. Uregwa, ari we André Rwamakuba, yavukiye i Nduba, Komine ya Gikomero, Prefegitura ya Kigali-Ngari, mu wa 1950. Ni dogiteri mu buvuzi bw'abantu, akaba yarize muri Kaminuza y'i Butare mu Rwanda, muri Zaïre (ubu ikaba ari Repubulika Iharanira Demokarasi ya Kongo) no mu Bubiligi<sup>5</sup>. Ni inzobere mu birebana n'ubuzima rusange kandi mu wa 1992 yagizwe Diregiteri w'Akarere k'ubuzima ka Kigali. Mu wa 1994, nyuma y'urupfu rwa Perezida Juvénal Habyarimana, yagizwe Minisitiri w'Amashuri Abanza n'Ayisumbuye muri Guverinoma y'Agateganyo, arahira ku itariki ya 9 Mata 1994. Yari mu ishyamba rya MDR (Ishyamba Riharanira Demokarasi muri Repubulika)<sup>6</sup>.
4. André Rwamakuba yafashwe bwa mbere ku itariki ya 2 Kanama 1995, icyo gihe Leta ya Namibiya ikaba ari yo yamufashe isa nk'aho ari yo ibyibwirije. Porokireri amaze kubimenyeshwa, yasabye Ibiro bye by'i Kigali gukora ibishoboka kugira ngo bamenye niba Rwamakuba agomba gukurikiranwa ku bikorwa Urukiko rufitiye ububasha bwo kuburanisha<sup>7</sup>. Nyuma y'ukwezi, Porokireri yamenyesheje Leta ya

<sup>4</sup> Urubanza rwa Karemera na bagenzi be, icyemezo ku bujurire bwa Porokireri ajuririra icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ibintu bitagomba kugibwaho impaka (Urugereko rw'Ubujurire), ibika 29 na 35; Reba kandi: Inyandiko y'urubanza rwa Semanza mu bujurire, igika 192.

<sup>5</sup> Umwirondoro wa André Rwamakuba (Ikimenyetso gihamya cy'Ubwunganizi cyahawe N° D. 184); Imyanzuro nsozarubanza ya Porokireri, igika 6 n'ibisobanuro byo hasi ku rupapuro 3; Imyanzuro nsozarubanza y'Ubwunganizi, imp. 2-5.

<sup>6</sup> Inyandiko y'ibirego, igika 1; Imyanzuro mbanzizurubanza ya Porokireri, igika 11; Imyanzuro nsozarubanza ya Porokireri, ibika 7-10; Imyanzuro nsozarubanza y'Ubwunganizi.

<sup>7</sup> Reba ibarwa ya Porokireri yo ku itariki ya 22 Ukuboza 1995, yometse ku nyandiko y'Ubwunganizi ikubiyemo « Ibimenyetso by'inyongera bishyigikira icyifuzo gisaba guhagarika urubanza kubera gutinzwa nta mpamvu, yo ku itariki ya 13 Gicurasi 2005 », yatanze ku itariki ya 1 Kamena 2005; Urubanza rwa Rwamakuba, icyemezo

Namibiya ko nta bimenyetso yari afite byatuma asaba ko Rwamakuba afungwa<sup>8</sup>.

Kubera iyo mpamvu, Rwamakuba yaje gufungurwa ku itariki ya 8 Gashyantare 1996.

5. Hashize imyaka itatu nyuma y'iryo fatwa rya Rwamakuba rya mbere, Porokireri yasohoye Inyandiko y'ibirego amushinja hamwe n'abandi bantu barindwi<sup>9</sup>. Rwamakuba yaje kongera gufatwa na Leta ya Namibiya ku itariki ya 21 Ukwakira 1998, hashingiwe ku Nyandiko yo gufata n'itegeko ryo kwimura no gufunga<sup>10</sup>, hanyuma umunsi ukurikiyeho yimurirwa muri gereza y'Umuryango w'Abibumbye (« UNDF ») iri Arusha. Rwamakuba yahakanye ibyaha byose aregwa<sup>11</sup>.
6. Nyuma y'uko bagenzi be bane mu bo baregwaga hamwe bavaniwe mu Nyandiko y'ibirego yo mu wa 1998<sup>12</sup>, urubanza rwa André Rwamakuba n'abandi batatu bari basigaye baregwa hamwe na we, ni ukuvuga Edouard Karemera, Mathieu Ngirumpaste na Joseph Nzirorera, rwatangiye ku itariki ya 27 Ugushyingo 2003. Urugereko rwumvise abatangabuhamya bashinje 13 mbere y'uko urubanza ruhagarikwa muri Gicurasi 2004 kubera ko Perezida w'inteko yikuye muri urwo rubanza. Byabaye ngombwa ko urwo rubanza rwongera gutangira kuburanishwa

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ku Cyifuzo cya André Rwamakuba gisaba ko urubanza rwe rutandukanywa n'urwa bagenzi be (Urugereko rwa Mbere rw'Iremezo), ibika 30 na 32.

<sup>8</sup> Reba ibarwa ya Porokireri yo ku itariki ya 18 Mutarama 1996, yometse ku nyandiko y'Ubwunganizi yiswe « Ibimenyetso by'inyongera bishyigikira icyifuzo gisaba guhagarika urubanza kubera gutinzwa nta mpamvu, yo ku itariki ya 13 Gicurasi 2005 », yatanze ku itariki ya 1 Kamena 2005.

<sup>9</sup> Urubanza rwa Bizimana na bagenzi be, icyemezo cyemeza Inyandiko y'ibirego kandi gitegeka ko itagomba kwasaswa, 29 Kanama 1998.

<sup>10</sup> Urubanza rwa Rwamakuba, Inyandiko yo gufata n'itegeko ryo kwimura Uregwa no kumufunga (Urugereko rwa Mbere rw'Iremezo).

<sup>11</sup> Reba: Kwitaba Urukiko bwa mbere, Inyandikomvugo y'iburanisha, 7 Mata 1999.

<sup>12</sup> Reba Urubanza rwa Bizimana na bagenzi be, icyemezo ku Cyifuzo cy'Ubwunganizi kirwanya ko urubanza rw'uregwa rufatanywa n'urwa bagenzi be hamwe n'icyifuzo cya Juvénal Kajelijeli gisaba gutandukanya urubanza rwe n'urwa bagenzi be no kuburanishwa ukwe (Urugereko rwa Mbere rw'Iremezo); Urubanza rwa Bizimana na bagenzi be, icyemezo ku Cyifuzo cya Porokireri gisaba ko urubanza rwa Félicien Kabuga rutandukanywa n'urwa bagenzi be kandi gisaba guhindura Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo); Urubanza rwa Bizimana na bagenzi be, icyemezo ku Cyifuzo cya Porokireri gisaba ko imanza zatandukanywa kandi gisaba uruhushya rwo gutanga Inyandiko y'ibirego yahinduwe (Urugereko rwa Mbere rw'Iremezo).

n'abandi bacamanza<sup>13</sup>. Urwo Rugereko rushya rwemeye icyifuzo cya Porokireri cyasabaga ko Rwamakuba akurwa mu Nyandiko y'ibirego ahuriyeho n'abandi noneho rutegeka ko aburanishwa ukwe hakurikijwe Inyandiko y'ibirego yahinduwe<sup>14</sup>. Iyo Nyandiko y'ibirego, yatanzwe nyuma y'iminsi 10, yashinjaga André Rwamakuba icyaha cya jenocide, inasaba ko kiramutse kitamuhanye yaryozwa icyaha cyo kuba icyitso cy'abakoze jenocide, n'ibyaha byibasiye inyokomuntu<sup>15</sup>. Mu muhango wundi wo kwitaba Urukiko bwa mbere Uregwa atajemo, wabaye ku itariki ya 21 Werurwe 2005, Urugereko rwanditse ko ahakana ibyaha byose aregwa<sup>16</sup>. Ubwunganizi bwa André Rwamakuba ntibwahakanye ko jenocide yabaye mu Rwanda mu wa 1994, nyamara ariko bwavuze ko Uregwa atagize uruhare mu byaha ibyo ari byo byose bivugwa mu Nyandiko y'ibirego<sup>17</sup>. Urugereko rumaze kwemeza ko hari inenge mu miterere y'Inyandiko y'ibirego, Porokireri yatanze inyandiko yayo ya nyuma ku itariki ya 10 Kamena 2005<sup>18</sup>.

7. Iburanisha ry'uru rubanza ryatangiyeye ku itariki ya 9 Kamena 2005. Mu minsi 39 y'iburanisha, Urugereko rwumvise abatangabuhamya 18 bashinja, barimo

<sup>13</sup> Urubanza rwa Karemera na bagenzi be, icyemezo ku bujirire bwatanzwe hajuriririrwa icyemezo ku Cyifuzo cy'ingoboka gisaba ko urubanza rwakomeza harimo undi mucamanza w'umusimbura no ku Cyifuzo cya Nzirorera gisaba ko hakwitabwaho ibindi bimenyetso bishya (Urugereko rw'Ubujurire); Urubanza rwa Karemera na bagenzi be, Impamvu z'icyemezo ku bujirire bwatanzwe hajuriririrwa icyemezo ku Cyifuzo cy'ingoboka gisaba ko urubanza rwakomeza harimo undi mucamanza w'umusimbura no ku Cyifuzo cya Nzirorera gisaba ko hakwitabwaho ibindi bimenyetso bishya (Urugereko rw'Ubujurire).

<sup>14</sup> Urubanza rwa Karemera na bagenzi be, icyemezo kirebana no gutandukanya urubanza rwa André Rwamakuba n'urwa bagenzi be kandi gitanga uruhushya rwo gutanga Inyandiko y'ibirego yahinduwe (Urugereko rwa Mbere rw'Iremezo).

<sup>15</sup> Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 10 Kamena 2005, ikirego cya 1 kugeza ku cya 4.

<sup>16</sup> André Rwamakuba ntiyitabye Urugereko. Avoka umwunganira yavuze ko Rwamakuba yashyikirijwe Inyandiko y'ibirego kandi ko yamenyeshejwe ibiyikubiyemo (Inyandikomvugo y'iburanisha, 21 Werurwe 2005). Inyandiko y'ibirego yahinduwe yatanzwe ku itariki ya 23 Gashyantare 2005 kandi yongeye gutangwa ku itariki ya 9 Werurwe 2005, kubera amakosa yari mu myandikire kandi hakurikijwe Itegeko ry'Urugereko risaba kongera gutanga Inyandiko y'ibirego yahinduwe (Urugereko rwa Mbere rw'Iremezo).

<sup>17</sup> Reba nk'urugero: Inyandikomvugo y'iburanisha, 21 Mata 1994, urup. 35.

<sup>18</sup> Urubanza rwa Rwamakuba, icyemezo ku nenge zo mu miterere y'Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo). Reba kandi: Inyandikomvugo y'iburanisha, 6 Kamena 2005; Inyandikomvugo y'iburanisha, 9 Kamena 2005.



umupererezi umwe n'umutangabuhamya w'impuguke<sup>19</sup>. Abatangabuhamya babiri bashinja banze gutanga ubuhamya. Nta muburanyi n'umwe wasabye Urugereko gufata icyemezo kibatega kuza gutanga ubuhamya. Ahubwo, Porokireri yasabye ko urubanza rusubikwa kugeza ku itariki itazwi mu Ukwakira 2005<sup>20</sup>. Nyuma yo kugerageza kenshi guha Porokireri umwanya ngo asobanure niba abo batangabuhamya bazatanga ubuhamya n'igihe bashobora kubutangira, Urugereko rwanze kwakira icyifuzo cya Porokireri kubera inyungu z'ubutabera n'uburenganzira bw'Uregwa bwo kuburanishwa nta kuzarira<sup>21</sup>. Mu Cyemezo cya rwo, Urugereko rwemeje ko Porokireri atakoranye umurava kandi ko atabashije kwemeza abacamanza ko abo batangabuhamya bari kamara mu rubanza aburana n'Uregwa<sup>22</sup>.

8. Ubwunganizi bwatangiyeye gutanga ibimenyetso bishinjura ku itariki ya 7 Ugushyirye 2005, kandi bwahamagaje abatangabuhamya 31 mu minsi 39 y'iburanisha<sup>23</sup>. Muri Mutarama 2006, Urugereko rwagiye mu Rwanda kureba ahantu ibyaha bivugwa muri uru rubanza byakorewe kandi rwajyanye n'impande zombi<sup>24</sup>. Ahantu h'ingenzi

<sup>19</sup> Porokireri yatanze ibimenyetso bishinja mu byiciro bibiri by'iburanisha: kuva ku itariki ya 9 Kamena kugeza ku ya 15 Nyakanga 2005 no kuva ku ya 22 Kanama kugeza ku ya 13 Nzeri 2005. Umutangabuhamya w'impuguke yatanze igice kimwe cy'ubuhamya bwe atari mu rukiko hakoreshejwe ubuhanga mu by'itumanaho bwitwa « *teleconference* »; Impande zombi zabyumvikanyeho (Inyandikomvugo z'iburanisha, 22, 23 na 24 Kanama 2005).

<sup>20</sup> Inyandikomvugo y'iburanisha, 13 Nzeri 2005, urup. 3. Reba Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cya Porokireri gisaba Urugereko kugaruka ku Cyemezo cya rwo cyanga icyifuzo cye gisaba gusubika urubanza, cyangwa bitaba ibyo, gisaba uruhushya rwo kujuririra icyo Cyemezo (Urugereko rwa Mbere rw'Iremezo).

<sup>21</sup> Inyandikomvugo y'iburanisha, 13 Nzeri 2005, imp. 13-14.

<sup>22</sup> Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cya Porokireri gisaba ko Urugereko rugaruka ku cyemezo cya rwo cyanga icyifuzo cye gisaba gusubika urubanza, cyangwa bitaba ibyo, gisaba uruhusa rwo kujuririra icyo Cyemezo (Urugereko rwa Mbere rw'Iremezo).

<sup>23</sup> Ubwunganizi bwatanze ibimenyetso bishinjura mu byiciro bibiri by'urubanza: kuva ku itariki ya 7 Ugushyirye kugeza ku ya 16 Ukuboza 2005 no kuva ku itariki ya 17 Mutarama kugeza ku ya 9 Gashyantare 2006. Bisabwe n'Ubwunganizi, abatangabuhamya bane batanze ubuhamya bwabo batari mu rukiko hakoreshejwe ikoranabuhanga ryitwa « *video link* ». Porokireri ntiyabirwanyije. Reba: Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy'ibanga kirebana n'ubuhamya bw'umutangabuhamya ushinjura wiswe 1/15 (Urugereko rwa Mbere rw'Iremezo); Inyandikomvugo y'iburanisha, 18 Mutarama 2006, urup. 37; Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 3.

<sup>24</sup> Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy'Ubwunganizi gisaba Urugereko kujya aho ibyaha bivugwa byakorewe (Urugereko rwa Mbere rw'Iremezo).

rwagiye harebana n'ibyo André Rwamakuba ashinjwa ni muri Kigali, Gikomero na Butare<sup>25</sup>. Imyanzuro nsozarubanza y'ababuranyi mu magambo yumviswe ku itariki ya 21 Mata 2006, hashize nk'ibyumweru 10 Ubwunganizi burangije gutanga ibimenyetso byabwo<sup>26</sup>.

9. Kuva mu ntangiriro, André Rwamakuba yanze kuza mu iburanisha. Avoka we yavuze ko byatewe n'uko Uregwa yibwiraga ko barimo gufundafinda ibimenyetso bimushinja<sup>27</sup>. Ibyo ari byo byose, Urugereko rwakomeje kumutumira kuza mu rubanza, rubinyujije kuri Gerefiye no kuri Avoka we<sup>28</sup>. Urubanza rwakomeje Uregwa adahari hakurikijwe ingingo ya 82 bis y'Amategeko<sup>29</sup>.
10. Ibyo Uregwa ashinjwa bivugwa mu **Mutwe wa I**. Mu **Mutwe wa II**, Urugereko rusesengura ibimenyetso byatanzwe mu iburanisha maze rukabifataho umwanzuro. **Umutwe wa III** uvuga ku burenganzira bw'Uregwa naho **Umutwe wa IV** ukaba ukubiyemo icyemezo cy'Urugereko.

## UMUTWE WA I – IBYO UREGWA ASHINJWA

11. Mu Myanzuro nsozarubanza ye, Porokireri yemeza ko kubera ibyo yakoze n'ibyo yateshutse gukora kandi yari abitegetswe, André Rwamakuba agomba kuryozwa ibyaha hashingiwe ku ngingo ya 6(1) ya Sitati kubera ko, ari muri Komine ya Gikomero no ku Bitaro bya Kaminuza by'i Butare muri Mata 1994, yacuze umugambi w'icyaha cya jenocide, uwo kuba icyitso cy'abakoze jenocide, uw'ubuhotozi n'itsembatsemba nk'ibyaha byibasiye inyokomuntu, kandi ko yategetse

<sup>25</sup> Inyandiko yerekeranye n'urugendo abacamanza bagiriye ahakorewe ibyaha bivugwa, mu Rwanda mu rubanza rwa Rwamakuba, 13-16 Mutarama 2005.

<sup>26</sup> Inyandikomvugo y'iburanisha, 21 Mata 2006.

<sup>27</sup> Reba: Inyandikomvugo y'iburanisha, 6 Kamena 2005, imp. 2-3.

<sup>28</sup> Reba nk'urugero: Inyandikomvugo y'iburanisha, 6 Kamena 2005, urup. 4; Inyandikomvugo y'iburanisha, 27 Kamena 2005, urup. 2; Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 1-2; Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, imp. 1-2; Inyandikomvugo y'iburanisha, 22 Kanama 2005, imp. 1-2; Inyandikomvugo y'iburanisha, 29 Kanama 2005, urup. 1; Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 1; Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, urup. 1; Inyandikomvugo y'iburanisha, 14 Ugushyingo 2005, urup. 1; Inyandikomvugo y'iburanisha, 17 Mutarama 2006, urup. 3.

<sup>29</sup> Uko ibirebana n'imiburanishirize y'uru rubanza byagiye bikurikirana byometse kuri iyi Nyandiko y'urubanza (Umugereka II).

abandi bantu gukora ibyo byaha, akabibahamagarira ndetse na we ubwe akabikora<sup>30</sup>. Porokireri avuga kandi ko nka Minisitiri w'Amashuri Abanza n'Ayisumbuye, Rwamakuba « nta cyo yakoze kugira ngo yamagane ibyaha byakorewe Abatutsi, [cyangwa] ngo yitandukanye na Guverinoma y'Agateganyo». Avuga ko kubera ko Rwamakuba atakoze ibyo yari ategetswe, yateshutse ku nshingano yari yarahiriyeye kandi ko yashishikariye abantu ibikorwa bigamije jenoside<sup>31</sup>.

12. Porokireri avuga kandi ko « Urugereko rwa Mbere rw'Iremezo rushobora kwemeza ko uregwa ahamwa n'icyaha iyo rubona ko yakigizemo uruhare kubera ko yakoze igikorwa icyo ari cyo cyose giteganywa na Sitati, *kabone n'iyi Urugereko rwaba rutemera ibivugwa na Porokireri* »<sup>32</sup>. Yongeraho ko « nk'urukiko rushinzwe gusuzuma ibirebana n'ibyabaye n'amategeko, urugereko rushobora kwemera ingingo iyo ari yo yose rubona ko irebana n'urubanza, ipfa gusa kuba itanyuranyije n'ibiteganywa n'ingingo ya 6(1) ya Sitati »<sup>33</sup>. Ku bw'ibyo, Porokireri avuga ko nta kibazo kiriho cyo kumenya niba Uregwa yamenyeshejwe ibyo ashinjwa, kubera ko yamenyeshejwe imiterere inyuranye y'uburyozwacyaha bwe hashingiwe ku ngingo ya 6(1) ya Sitati, kandi iyo miterere Porokireri akaba yarayigaragaje<sup>34</sup>.
13. Ingingo ya 17(4) ya Sitati n'ingingo ya 47(C) y'Amategeko zisaba ko Porokireri ashyira mu nyandiko y'ibirego incamake y'ibyabaye, n'icyaha cyangwa ibyaha ukekwa ashinjwa. Bigomba kumvikana ko iyi nshingano ya Porokireri ishingiyeye ku burenganzira bw'uregwa bwo gucirwa urubanza ku buryo buboneye, bwo kumenyeshwa ibyo aregwa, n'ubwo guhabwa igihe gihagije n'uburyo bwo gutegura imyiregurire ye<sup>35</sup>. Nk'uko ubukemuramanza bw'inkiko mpuzamhanaga zombi zidahoraho bubigaragaza, ibi bisobanura ko Porokireri agomba kugaragaza ibyabaye

<sup>30</sup> Imyanzuro nsozarubanza ya Porokireri, ibika 19, 208, 216-217, 239, 243-244, 248, 268 -269.

<sup>31</sup> Imyanzuro nsozarubanza ya Porokireri, igika 265.

<sup>32</sup> Imyanzuro nsozarubanza ya Porokireri, igika 266 (Ni twe twabitsindagiye tubyandika mu nyuguti ziberamye).

<sup>33</sup> Ni kimwe no haruguru.

<sup>34</sup> Imyanzuro nsozarubanza ya Porokireri, igika 266.

<sup>35</sup> Sitati, ingingo za 19, 20(2), 20(4)(a) na 20(4)(b).

ashingiraho ibirego bye biri mu nyandiko y'ibirego, ariko si ngombwa ko yerekanamo ibimenyetso bishyigikira ibyo byabaye<sup>36</sup>.

14. Kubera ibyo rero, inyandiko y'ibirego igomba kuzuza inshingano ya mbere yo kumenyesha uregwa ibirego ashinjwa ku buryo busobanutse neza kugira ngo ashobore gutegura imyiregurire ye<sup>37</sup>. Kutavuga ibikorwa runaka bigize icyaha bitera inyandiko y'ibirego inenge ikomeye. Nyamara ariko, inenge nk'iyi ishobora gukosorwa noneho uregwa agahamwa n'icyaha, iyi Porokireri yamuhaye, mu gihe gikwiriye, mu buryo bwumvikana neza kandi budahuzagurika, amakuru akosora cyangwa akura mu nyandiko y'ibirego ibintu bidasobanutse neza<sup>38</sup>. Mu gusuzuma niba inenge yo mu nyandiko y'ibirego yarakosowe, Urugereko rugomba kureba niba umuntu ashyize mu gaciro yabona ko uregwa yashoboye gusobanukirwa ibyo aregwa kandi ko ashobora kwiregura<sup>39</sup>.
15. Muri uru rubanza, nyuma yo gusobanura ibintu byihariye birebana n'Uregwa, ububasha n'inshingano yahabwaga n'amategeko<sup>40</sup>, Inyandiko y'ibirego ishinja André Rwamakuba, hashingiwe ku ngingo ya 2, iya 3 n'iya 6(1) za Sitati, jenocide cyangwa icyo cyaha kitamuhama igasaba ko yaryozwa kuba icyitso cy'abakoze jenocide, imushinja kandi itsembatsemba n'ubuhotozi nk'ibyaha byibasiye inyokomuntu ku birebana n'ibyabereye muri Komine ya Gikomero no mu Bitaro bya Kaminuza by'i Butare, ku itariki ya 6 Mata 1994 n'iya 30 Mata 1994 cyangwa hagati y'ayo matariki

<sup>36</sup> Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 25 na 470; Inyandiko y'urubanza rwa Rutaganda mu bujurire, ibika 301-303; Inyandiko y'urubanza rwa Ntagerura mu bujurire, igika 21; Inyandiko y'urubanza rwa Naletilic mu bujurire, igika 26.

<sup>37</sup> Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 25 na 470; Inyandiko y'urubanza rwa Ntagerura mu bujurire, igika 22.

<sup>38</sup> Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 195; Inyandiko y'urubanza rwa Ntagerura mu bujurire, igika 30; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 49.

<sup>39</sup> Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 303; Reba kandi: Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 27 na 469-472; Inyandiko y'urubanza rwa Ntagerura mu bujurire, ibika 30 na 67; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 49.

<sup>40</sup> Reba Inyandiko y'ibirego, ibika 1-2.

yombi<sup>41</sup>. Ibyo birego bine byerekana ibyaha Uregwa ashinjwa. Ibika uko bigenda bikurikirana bisobanura mu magambo make ibyabaye ibirego bishingiyeho<sup>42</sup>.

16. Igika cya 11 cy'Inyandiko y'ibirego gisobanura mu buryo burambuye ko, ari muri Komine ya Gikomero hagati y'itariki ya 10 n'ya 20 Mata 1994, Uregwa yatanze imipanga yaje nyuma gukoreshwa mu kwica cyangwa kugerageza kwica Abatutsi. Ibika bya 12, 13, 23 na 26 by'Inyandiko y'ibirego bisobanura ko muri icyo gihe kimwe no muri iyo komine, Uregwa yatanze amategeko yo kwica abantu batatu bari batahuweho ko ari Abatutsi no kwica impunzi z'Abatutsi zari ku Kigo nderabuzima cy'i Kayanga, kandi ko na we ubwo bwicanyi yabwitabiriye. Uruhare rw'Uregwa mu bwicanyi butandukanye bwakorewe ku Bitaro bya Kaminuza by'i Butare hagati y'itariki ya 18 n'ya 25 Mata 1994 rusobanurwa mu bika bya 15, 16, 23 na 26 by'Inyandiko y'ibirego.
17. Inyandiko y'ibirego ivuga kandi ku birebana n'umwanya André Rwamakuba yari afite mu rwego rwa politiki n'ibikorwa bye muri urwo rwego. Isobanura ibikorwa bye byo gukangurira abaturage kwanga Abatutsi muri Komine ya Gikomero hagati y'itariki ya 26 Nyakanga 1993 na Kamena 1994<sup>43</sup>. Ivuga ko, nka Minisitiri w'Amashuri Abanza n'Ayisumbuye muri Guverinoma y'Agateganyo yo ku itariki ya 8 Mata 1994, yagize uruhare mu gutegura gahunda ya Guverinoma yo gutsemba Abatutsi mu Rwanda hose no mu kuyishyira mu bikorwa<sup>44</sup>. Ivuga kandi ko Uregwa yari mu ishami ry'intagondwa ry'Ishyamba Riharanira Demokarasi muri Repubulika ryitwaga MDR « Pawa », ngo ryashyizweho ku itariki ya 26 Nyakanga 1993 cyangwa hafi yayo, kandi bivugwa ko ryari rifite ingengabitekerezo yihariye yo kurimbura Abatutsi<sup>45</sup>.
18. Inyandiko y'ibirego ntishinja Uregwa ibyaha nk'uwari ukuriye abandi kubera ibyakozwe n'abo yari akuriye mu kazi<sup>46</sup>. Ku kirego kimushinja kuba icyitso

<sup>41</sup> Inyandiko y'ibirego yahinduwe yatanzwe ku itariki ya 10 Kamena 2005, kandi yometse kuri iyi Nyandiko y'urubanza (Reba Umugereka I).

<sup>42</sup> Reba uko amagambo « mu buryo bukurikira » yakoreshejwe mu mpera ya buri gika gitangira buri Kirego.

<sup>43</sup> Inyandiko y'ibirego, ibika 3 - 5.

<sup>44</sup> Inyandiko y'ibirego, ibika 1, 7, 9, 14 na 19.

<sup>45</sup> Inyandiko y'ibirego, igika 3.

<sup>46</sup> Sitati, Ingingo ya 6(3): Kuba igikorwa icyo ari cyo cyose kivugwa kuva ku ngingo ya 2 kugeza ku ya 4 z'iyi Sitati cyarakozwe n'uyoborwa ntibibuzwa umukuriye kukiryoza, iyo yari azi cyangwa yagombye kuba yari azi

cy'abakoze jenocide<sup>47</sup>, Inyandiko y'ibirego yongeraho gusa mu buryo bwa rusange ingingo ya 6(1) ya Sitati ku birebana na buri cyaha muri bine ashinjwa. Hakurikijwe ubukemuramanza bwashinze imizi, kuvuga ibyabaye ku buryo bwa rusange gutyo bisobanura ko Uregwa aba ashinjwa nka gatozi ibirebana byose n'imiterere y'uburyozwacyaha ivugwa mu ngingo ya 6(1) ya Sitati, ni ukuvuga gucura umugambi w'ibyaha, guhamagarira no gutegeka abandi kubikora, kubikora ubwe cyangwa gushyigikira abandi mu gucura umugambi w'ibyaha, mu kubitegura cyangwa mu kubitsotsoba<sup>48</sup>. Urugereko rw'Ubujurire hamwe na zimwe mu Ngereko za Mbere z'Iremezo zavuze ko ibiteganywa muri iyo ngingo bishaka kuvuga ko « mbere na mbere ushinjwa aba yatsotsobye icyaha we ubwe, cyangwa ko aba yateshutse ku nshingano ze zo kugira icyo akora kandi azi ko kwitaramira bihanwa n'amategeko »<sup>49</sup>. Muri uru rubanza, ntahavugwa ko hari inshingano runaka ziteganywa n'amategeko Uregwa yateshutseho kugira ngo bibe byashingirwaho mu kwemeza ko hakoze icyaha iki n'iki.

19. Rumaze gusoma Inyandiko y'ibirego ibumbatiye hamwe uko yakabaye, Urugereko rusanga ibivugwa birebana n'ibikorwa by'Uregwa mu rwego rwa politiki byerekana gusa ukuntu ibintu byari byifashe, ku buryo umuntu ashobora kubiharaho kugira ngo amenye icyo yari agamije, icyo yatekerezaga cyangwa ibindi bintu birebana n'uruhare rwe bwite mu byaha byihariye byakorewe muri Komine ya Gikomero no mu Bitaro bya Kaminuza by'i Butare hagati y'itariki ya 6 n'ya 30 Mata 1994. Uyu mwanzuro ujyanye n'amakuru yumvikana kandi adahuzagurika Porokireri yagiye atanga mu rubanza, mu Myanzuro mbanzirizarubanza no mu Mpinamyanzuro yo mu ikubitiro, no mu bimenyetso yatanze mu iburanisha, nk'uko bisobanuye mu bika bikurikira.

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ko uwo akuriye agiye gukora bene icyo gikorwa cyangwa ko yagikoze ariko umukuriye ntafate ingamba za ngombwa kandi zishyize mu gaciro kugira ngo aburizemo icyo gikorwa cyangwa ngo ahane abagikoze.

<sup>47</sup> Hakurikijwe ubukemuramanza, mu miterere y'uburyozwacyaha habarirwamo no kuba icyitso cy'abakoze jenocide. Reba: Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 500; Inyandiko y'urubanza rwa Semanza mu bujurire, igika 316; Inyandiko y'urubanza rwa Krstić mu bujurire, igika 139.

<sup>48</sup> Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 473.

<sup>49</sup> Reba: Inyandiko y'urubanza rwa Tadić mu bujurire, igika 188; Inyandiko y'urubanza rwa Kayishema mu bujurire, igika 187; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 123; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 29 n'ibisobanuro byo hasi ku rupapuro 19; Inyandiko y'urubanza rwa Kamuhanda mu rw'iremezo, igika 595; Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, igika 764; Inyandiko y'urubanza rwa Ntagerura mu rw'iremezo, igika 659.

20. Igihe André Rwamakuba yaregwaga mu rubanza rumwe na bagenzi be batatu, bese bashinjwaga ubwumvikane bugamije gukora jenocide, guhamagarira abantu ku buryo butaziguye kandi mu ruhamwe gukora jenocide, jenocide cyangwa iki cyaha kitamuhama akaba yaryozwa icyo kuba icyitso cy'abakoze jenocide; bashinjwaga kandi gusambanya ku gahato n'itsembatsemba nk'ibyaha byibasiye inyokomuntu, n'ibyaha binyuranyije bikomeye n'ingingo ya 3 Ihuriweho n'Amasezerano y'i Jeneve<sup>50</sup>. Iyo Nyandiko y'ibirego ntiyashinjaga gusa abo baregwa bane ibyaha nka ba gatozi batsotsobye ibyaha cyangwa babaye ibyitso muri byo, ahubwo yanabashinjaga nk'abari bakuriye abandi kubera ibyaha byakozwe n'abo bari bakuriye mu kazi. Porokireri yavugaga ko habayeho «ubwumvikane bukomeye bw'abagize inzego za guverinoma bwari bugamije gukora jenocide yari ishyigikiwe na Leta »<sup>51</sup>.
21. Mu wa 2004, mbere y'uko urubanza rwongera gutangira kuburanishwa bundi bushya, Porokireri yasabye ko André Rwamakuba akurwa mu Nyandiko y'ibirego yari ahuriyeho na bagenzi be. Yasobanuye ko « kugira ngo Rwamakuba akurikiranwe nyabyo bitari ngombwa ko urubanza rwe rufatanywa n'urw'abandi » kandi ko yifuzaga mu rubanza rwe rwose kwibanda « ku byaha Rwamakuba yikoreye ku giti cye, nka gatozi », bityo hakaba haravanweho ikirego icyo ari cyo cyose kirebana n'ubwumvikane bugamije gukora jenocide cyangwa umugambi mubisha uhuriweho<sup>52</sup>.

<sup>50</sup> Mu wa 1998, Porokireri yatanze Inyandiko y'ibirego ishinja Augustin Bizimana, Félicien Kabuga, Juvénal Kajelijeli, Edouard Karemera, Mathieu Ndirumpaste, Callixte Nzabomimana, Joseph Nzirorera na André Rwamakuba. Nyuma yo gukura mu Nyandiko y'ibirego bane muri abo baregwaga hamwe, Porokireri yashinje André Rwamakuba mu Nyandiko y'ibirego imwe na Edouard Karemera, Mathieu Ndirumpaste na Joseph Nzirorera (Reba: Inyandiko y'ibirego yahinduwe ku itariki ya 18 Gashyantare 2004).

<sup>51</sup> Reba icyifuzo cya Porokireri kibumbiyemo ibyo asaba binyuranye, gisaba ko Rwamakuba akurwa mu Nyandiko y'ibirego ashinjwamo hamwe na bagenzi be no kumuburanisha ukwe, gisaba kandi uruhushya rwo gutanga indi Nyandiko y'ibirego ashinjamo Rwamakuba wenyine, kinasaba uruhushya rwo gutanga Inyandiko y'ibirego yihariye yahinduwe ashinjamo Karemera, Ndirumpaste na Nzirorera, cyatanzwe ku itariki ya 20 Ukuboza 2004, igika 11; Reba kandi icyifuzo cya Porokireri gisaba uruhushya rwo gutanga Inyandiko y'ibirego yihariye yahinduwe ashinjamo Karemera, Ndirumpaste and Nzirorera, yatanzwe ku itariki ya 19 Ugushyngi 2004, igika 14.

<sup>52</sup> icyifuzo cya Porokireri, 19 Ugushyngi 2004, ibika 14 na 21.

22. Porokireri yabyemeje inshuro zinyuranye<sup>53</sup>. Yavugiyeye mu iburanisha mu ruhamwe ko ingamba yafashe ari izigamije gushingira urubanza rwose ku bikorwa André Rwamakuba yikoreye ubwe n'ibyo yateshutse gukora kandi yari abitegetswe, kandi ko « atazagerageza kuzana ibimenyetso byerekana ko Rwamakuba yaba yaragiranye inama cyangwa ubwumvikane n'abandi baminisitiri bo muri Guverinoma y'Agateganyo cyangwa n'abandi bayobozi ba MRND, hagamijwe gukora jenocide»<sup>54</sup>. Porokireri yemeje kandi ko yakuye mu Nyandiko y'ibirego ikirego icyo ari cyo cyose kirebana n'« umugambi uhuriweho » Rwamakuba yaba avugwamo nk'uwafatanyije n'abandi gukora ibyaha byakorewe mu Rwanda hose mu rwego rw'umugambi wumvikanyweho na Guverinoma wo gukora jenocide<sup>55</sup>.
23. Mu mizo ya mbere, André Rwamakuba yarwanyije icyifuzo cya Porokireri cyasabaga ko urubanza rwe rutandukanywa n'urwa bagenzi be<sup>56</sup>. Nyuma, Porokireri amaze gutanga ibisobanuro ku byo ashinja Uregwa, Ubwunganizi bwe bwaje guhindura imitekerereze<sup>57</sup>. Abavoka b'Uregwa bashimangiye ko basobanukiwe igitekerezo cya Porokireri kandi ko iyo myumvire bayishingiyeho bagira inama Uregwa ndetse ikaba yaranatumye nyuma atarwanya icyemezo cyo gutandukanya urubanza rwe n'urwa

<sup>53</sup> Reba Inyandikomvugo y'iburanisha, 25 Ugushyingo 2004, urup. 13; icyifuzo cya Porokireri kibumbiyemo ibyo asaba binyuranye.

<sup>54</sup> Inyandikomvugo y'iburanisha, 25 Ugushyingo 2004, urup. 13.

<sup>55</sup> icyifuzo cya Porokireri kibumbiyemo ibyo asaba binyuranye cyo ku itariki ya 20 Ukuboza 2004, igika 15.

<sup>56</sup> Aho imiburanishirize yari igeze icyo gihe, Ubwunganizi bwatekerezeza ko urubanza ruhuriweho n'abaregwa benshi rwazafasha Urugereko gusobanukirwa neza ibikorwa bya Rwamakuba n'ukuntu ibintu byari bimeze igihe yari minisitiri, kandi ko byatuma rubeshyuzwa ibyo Porokireri yavugaga ko hari umugambi wari uhuriweho n'abaminisitiri bose ba Guverinoma. Ubwunganizi bwakomeje kugaragaza impungenge za bwo buvuga ko Inyandiko y'ibirego Uregwa ashinjwamo wenyine itagaragazaga icyo Porokireri yari agamije asaba gutandukanya imanza. Bwavuze ko umushinga w'Inyandiko y'ibirego itandukanye utagabanywa mu by'ukuri uburemere bw'ibyaha Porokireri yashinjaga Uregwa. Ubwunganizi bwavugaga rero ko urubanza ruhuriweho n'abaregwa banyuranye ari rwo rwarengeza neza inyungu z'Uregwa, aho kugira ngo aburanishwe mu buryo buhuzagurika hagamijwe kugaragaza uburyozwacyaha bwe butaziguye kubera ububasha n'ijambo yari afite nka minisitiri n'ibyo bitaga « umuyoboze wo mu rwego rwo hejuru wa Hutu Pawa » (Igisubizo cyatanzwe mu izina rya Dr Rwamakuba ku Cyifuzo cya Porokireri gisaba gutandukanya imanza, cyatanzwe ku itariki ya 24 Ugushyingo 2004, ibika 36-38).

<sup>57</sup> Igisubizo cya Rwamakuba ku Cyifuzo cya Porokireri gisaba gutandukanya urubanza no gutanga Inyandiko y'ibirego yahinduwe, cyatanzwe ku itariki ya 10 Mutarama 2005, urup. 2.



bagenzi be<sup>58</sup>. Mu Gisubizo cye, Porokireri yaragize ati « birumvikana ko Porokireri agamije kugaragaza uburyozwacyaha bwa Rwamakuba hashingiwe ku biteganywa na Sitati kubera ibyaha yakoreye muri Gikomero n'i Butare kandi ko *atazashingira ku nshoza y'umugambi mubisha uhuriweho cyangwa ngo agerageze kugaragaza uburyozwacyaha bwe hashingiwe ku byo Guverinoma y'Agateganyo yakoze cyangwa yateshutse gukora mu Rwanda hose*»<sup>59</sup>. Porokireri yavuze kandi ko biteye ukundi ku birebana n'ibimenyetso azatanga byo kugaragaza uburyozwacyaha bw'Uregwa, kandi ko yifuzaga gutanga ibimenyetso birebana n'uko Uregwa yagizwe minisitiri, « *mu rwego rwo kwerekana ibyo avuga, bikubiyemo n'igitekerezo cyihariye cyo gukora jenocide* »<sup>60</sup>. Urugereko rwemeje ko urubanza rwa André Rwamakuba rutandukanywa n'urwa bagenzi be kubera ibisobanuro Porokireri yatanze no kubera ibitekerezo bye yasubiyemo ku birebana n'ibyo ashinja Uregwa<sup>61</sup>.

24. Nyuma, ubwo yasubizaga icyifuzo cy'Ubwunganizi ku birebana n'ingenze zo mu miterere y'Inyandiko y'ibirego, Porokireri ntiyahinduye imitekerereze ye<sup>62</sup>. Rumaze kubona ibyo Byifuzo, Urugereko rwemeje ko igika kimwe cyashoboraga gutera ibibazo kubera kudasobanuka neza kirebana n'imiterere nyirizina y'uburyozwacyaha bw'Uregwa kigomba gukurwa mu Nyandiko y'ibirego<sup>63</sup>.

<sup>58</sup> Ni kimwe no haruguru, imp. 2 na 4: [Ubwunganizi] bwahinduye imitekerereze hanyuma bugira inama Uregwa bushingiye ku bisobanuro birushijeho kumvikana neza Porokireri yatanze mu Cyifuzo cye cyahinduwe, no ku cyizere ko atazahindura igitekerezo cye. [...] Uko Ubwunganizi bwabyumvise rero ni uko, mu gutandukanya urubanza, icyo Porokireri yashakaga kwari ukugaragaza uburyozwacyaha bw'Uregwa ashingiye gusa ku bimenyetso byerekeranye n'ibyabereye muri Gikomero n'i Butare ku birebana na Rwamakuba [...] [kandi] ko adateganya gushingira ku ihange ry'umugambi mubisha uhuriweho.

<sup>59</sup> Inyandiko ikubiyemo ibivugwa na Porokireri ku Gisubizo cy'Ubwunganizi ku birebana n'icyifuzo kibumbiyemo ibisabwa binyuranye, gisaba gukura Rwamakuba mu Nyandiko y'ibirego ahuriyeho n'abandi no gutanga Inyandiko y'ibirego yahinduwe, yatanzwe ku itariki ya 10 Gashyantare 2005, igika 2.

<sup>60</sup> Inyandiko ikubiyemo ibivugwa na Porokireri ku Gisubizo cy'Ubwunganizi, yatanzwe ku itariki ya 10 Gashyantare 2005, igika 3.

<sup>61</sup> Urubanza rwa Karemera na bagenzi be, icyemezo ku Cyifuzo gisaba ko André Rwamakuba aburanishwa ukwe kandi gisaba gutanga Inyandiko y'ibirego yahinduwe (Urugereko rwa Mbere rw'Iremezo).

<sup>62</sup> Igisubizo cya Porokireri ku Cyifuzo cy'Ubwunganizi cyo ku itariki ya 27 Mata 2005, cyiswe « icyifuzo cy'ibanze mu izina ry'Uregwa kirebana n'ingenze zo mu miterere y'Inyandiko y'ibirego yo ku itariki ya 23 Gashyantare 2005 », cyatanzwe ku itariki ya 4 Gicurasi 2005.

<sup>63</sup> Urubanza rwa Rwamakuba, icyemezo ku nenge zo mu miterere y'Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), igika 18.

25. Mu Myanzuro mbanzizarubanza ye, Porokireri avuga kandi ko ibyabaye Uregwa ashinjwa bigabanyijemo ibyabereye muri Komine ya Gikomero ku ruhande rumwe, n'ibyabereye ku Bitaro bya Kaminuza by'i Butare ku rundi ruhande, kandi asaba ko yaryozwa icyaha hashingiwe ku ngingo ya 6(1) ya Sitati kubera ibyaha byakorewe aho hantu nyirizina<sup>64</sup>. Porokireri yabitsimbarayeho no mu Mpinamyanzuro ye yo mu ikubitiro<sup>65</sup>.
26. Ubwo Porokireri yatangaga Imyanzuro nsozarubanza mu ndunduro y'iburanisha, ni bwo yavuze bwa mbere ko hari ibyo Uregwa agomba kuryozwa nka minisitiri wo muri Guverinoma y'Agateganyo, kubera ko atamaganye ibyaha byakorewe Abatutsi cyangwa ko atitandukanyije na Guverinoma, no kubera ko yateshutse ku nshingano ze nka minisitiri wa guverinoma. Mbere yaho, nta cyo rero Porokireri yari yaravuze kuri ubwo buryozwacyaha haba mu Nyandiko y'ibirego, mu Myanzuro mbanzizarubanza cyangwa mu Mpinamyanzuro yo mu ikubitiro. Ahubwo, kuva mu ntangiriro, Porokireri yahaye Urugereko n'Uregwa amakuru asobanutse neza kandi adahuzagurika avuga ko urubanza rwe rushingiye ku ruhare rutaziguye rwa Rwamakuba mu byakorewe ahantu habiri hihariye<sup>66</sup>, kandi mu gihe runaka<sup>67</sup>. Haba mu gihe cy'iburanisha ry'urubanza cyangwa mbere yaho, nta na rimwe Porokireri yigeze avuga ko azahindura igitekerezo yari yaragaragaje.
27. Urugereko rusanga mu ngingo nsozarubanza zabwo, Ubwunganizi bwarongeye kuvuga uko rubona ibirego Porokireri ashinja Uregwa. Bwashimangiye ko bwunganiye André Rwamakuba bwiyumvisha neza ko «nta cyaha aryozwa nk'umuntu ukuriye abandi, cyangwa kiri mu mugambi mubisha uhuriweho, kandi ko bwabonaga ko kuba yarabaye minisitiri byashoboraga gufasha gusa mu kumenya uko yabonaga ibintu n'ingengabitekerezo yagenderagaho»<sup>68</sup>.
28. Urugereko ruramutse rwemeye icyifuzo cya Porokireri gisaba ko Uregwa yaryozwa ibyo yateshutseho yari abitegetswe kandi bitari mu Nyandiko y'ibirego cyangwa ngo Porokireri abe nyuma yarabimenyekanishije mu gihe gikwiriye, mu buryo

<sup>64</sup> Imyanzuro mbanzizarubanza ya Porokireri, ibika 15-29, 30-40 na 74.

<sup>65</sup> Inyandikomvugo y'iburanisha, 9 Kamena 2005.

<sup>66</sup> Komine ya Gikomero n'Ibitaro bya Kaminuza by'i Butare.

<sup>67</sup> Hagati y'itariki ya 6 n'ya 30 Mata 1994.

<sup>68</sup> Inyandikomvugo y'iburanisha, 21 Mata 2006, imp. 37 na 39.

busobanutse neza kandi budahuzagurika, byaba bihungabanya cyane uburenganzira bw'ibanze bw'Uregwa bwo gucirwa urubanza mu buryo buboneye, hakubiyemo n'ubwo kwiregura no kumenyeshwa ibirego ashinjwa<sup>69</sup>. Porokireri agomba kuba azi ibyo aburana mbere y'uko urubanza rutangira aho kugenda ashaka guhindura ibyo avuga urubanza rugeze ku ndunduro bitewe n'uko ibimenyetso byagiye bitangwa.

29. Kubera ibyo, Urugereko rusanga muri uru rubanza Porokireri ashinja André Rwamakuba hashingiwe ku ngingo ya 6(1) ya Sitati<sup>70</sup>, icyaha cya jenocide cyangwa cyaba kitamuhanye akaba yaryozwa icyo kuba icyitso cy'abakoze jenocide, n'ibyaha byibasiye inyokomuntu, kubera ibyaha byakozwe hagati y'itariki ya 6 n'ya 30 Mata 1994, muri Komine ya Gikomero no ku Bitaro bya Kaminuza by'i Butare, nk'uko bivugwa kuva ku kirego cya 1 kugeza ku cya 4 by'Inyandiko y'ibirego. Ibyabaye byose bivugwa birebana n'ibyo André Rwamakuba yakoze mu rwego rwa politike cyangwa n'uruhare rwe nk'umuyoboze wa MDR cyangwa nka Minisitiri muri Guverinoma y'Agateganyo, bigomba gufatwa nk'ibyo umuntu ashobora guheraho ashaka kumenya ibitekerezo bye, uko yabonaga ibintu cyangwa ibindi bintu bigize ibyaha byakozwe<sup>71</sup>.

## UMUTWE WA II – IMYANZURO Y'URUGEREKO

30. Mbere yo gufata imyanzuro ishingiyeye ku byabaye **(II)**, Urugereko rurabanza rusesengure mu magambo make amahame abiri akurikizwa ku birebana n'ibimenyetso **(I)**.

<sup>69</sup> Gereranya n'Inyandiko y'urubanza rwa Ntagerura mu rw'iremezo, igika 34; muri icyo nyandiko, Urugereko rwa Mbere rw'Iremezo ntirwitaye ku ngingo za Porokireri, *yahingukije bwa mbere ubwo yatangaga imyanzuro nsozarubanza ye mu magambo*, kugira ngo ruhamye uregwa icyaha hashingiwe ku ihange ry'umugambiri mubisha uhuriweho. Urugereko rw'Ubujurire rwemeje uwo mwanzuro (Inyandiko y'urubanza rwa Ntagerura mu bujurire, ibika 33-46).

<sup>70</sup> Kubera gucura umugambiri w'ibyo byaha, guhamagarira abandi no kubategeka kubikora, kubikora ubwe, cyangwa mu bundi buryo ubwo ari bwo bwose gufasha abandi mu gucura umugambiri w'ibyo byaha, mu gutegura ikorwa ryabyo cyangwa mu kubitsotsoba.

<sup>71</sup> Reba: Inyandiko y'ibirego, ibika 3-9, 14 na 17-19.

## I. AMAHAME YEREKERANYE N'IBIMENYETSO

31. Urugereko rusanga hariho amahame abiri y'ingenzi akurikizwa cyane cyane ku birebana no gusesengura ibimenyetso: irya mbere ni uko umuntu wese warezwe afatwa nk'umwere (I.1); irya kabiri ni uko Urugereko rufite ububasha busesuye bwo gusesengura ibimenyetso rugamije guca urubanza ku buryo buboneye (I.2).

### I.1 GUFATA UWAREZWE NK'UMWERE

32. Umuntu wese warezwe afatwa nk'umwere<sup>72</sup>. Kubera iyo mpamvu, Porokireri ni we ufite inshingano zo kugaragaza ko uregwa ahamwa n'icyaha ku buryo budashidikanywaho<sup>73</sup>. Si ngombwa ko Ubwunganizi butanga ibimenyetso binyomoza ibivugwa na Porokireri. Iyo ibimenyetso bishinjura bituma umuntu ushyira mu gaciro ashidikanya ku birego, Porokireri aba yananiwe kurangiza inshingano ze zo kugaragaza ibyo ashinja uregwa<sup>74</sup>. Iri hame ni na ryo rigenderwaho iyo uregwa ahakanye ibyaha ashinjwa avuga ko atari aho icyaha cyakorewe igihe cyakorwaga: « inshingano ya Porokireri ni ukugaragaza ko n'ubwo uregwa yireguza imyiregurire ya sinari mpari, ahamwa n'ibyaha ku buryo budashidikanywaho »<sup>75</sup>. Hakurikijwe ubukemuramanza bwashinze imizi, iyo umuntu ushyira mu gaciro abona ko mu myiregurire y'uregwa hashobora kuba harimo ukuri, iyo myiregurire iremerwa<sup>76</sup>.

### I.2 UBUBASHA BUSESUYE BW'URUGEREKO MU ISESENGURA RY'IBIMENYETSO

33. Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ni yo akurikizwa mu rubanza. Urugereko ntirugendera ku mategeko agenga ibimenyetso y'igihugu iki n'iki kandi rushobora, mu gihe Amategeko nta cyo ateganya, gukurikiza amahame yerekeranye n'ibimenyetso yatuma urubanza rucibwa mu buryo buboneye kandi

<sup>72</sup>Sitati, Ingingo ya 20(3).

<sup>73</sup>Reba kandi Ingingo ya 87(A) y'Amategeko:

[...] Uregwa ahamwa n'icyaha gusa iyo, ku bwiganze bw'amajwi, abacamanza bagize Urugereko basanze kimuhama nta gushidikanya.

<sup>74</sup>Inyandiko y'urubanza rwa Kayishema mu rw'iremezo, igika 117; Inyandiko y'urubanza rwa Musema mu rw'iremezo, igika 213; Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, ibika 60-61.

<sup>75</sup>Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, igika 43.

<sup>76</sup>Inyandiko y'urubanza rwa Niyitegeka mu rw'iremezo, ibika 60-61.

bugendeye mu murongo umwe n'ibiteganywa na Sitati n'amahame rusange y'amategeko<sup>77</sup>. Urugereko rushobora kandi kwakira ikimenyetso cyose gifitanye isano n'urubanza iyo rubona gifite agaciro<sup>78</sup>.

34. Kubera ayo mahame, si ngombwa ko ikimenyetso gitanzwe kigira ikindi kigishyikira: Urugereko uru n'uru rushobora gushingira ku buhamya bw'umutangabuhamya umwe maze rukemeza ko ikintu runaka cyabayeho<sup>79</sup>. Urugereko rufite kandi ububasha busesuye bwo kwakira ubuhamya bushingiye ku nkuru mbarirano, kabone n'ubwo byaba bidashoboka gusuzuma aho iyo nkuru yaturutse kandi n'ubwo buhamya budafite ubw'abiboneye ibyabaye bubushyigikira<sup>80</sup>.
35. Agaciro k'ubuhamya gaturuka k'ukwemerwa no k'ukwizerwa kwabwo. Iyo Urugereko rusanze umutangabuhamya ari uwo kwemerwa, rugomba gusuzuma niba ubuhamya bwe bwakwizerwa cyangwa butakwizerwa. Mu gihe rukurikiza ibyo bisabwa, Urugereko rugomba gusuzuma ibimenyetso byose rubikomatanirije hamwe, hakubiyemo n'ubuhamya bw'abandi batangabuhamya hamwe n'ibimenyetso gihamya byakiriwe<sup>81</sup>.

## II. IMYANZURO ISHINGIYE KU BYABAYE

36. Muri uru rubanza, ibimenyetso bishinja byari bigizwe ahanini n'ubuhamya bushingiye ku nkuru mbarirano, ari ku bijyanye n'ibikubiye mu birego ari no ku byerekeranye n'uko abatangabuhamya bamenye André Rwamakuba. Batanu mu batangabuhamya 18 bashinja ni bo bavuze ko bari basanzwe bazi Rwamakuba<sup>82</sup>. Hari abatangabuhamya babiri batanze ubuhamya bwo guhamya ibirego byihariye biri mu

<sup>77</sup>Amategeko, Ingingo ya 89(A) na (B).

<sup>78</sup>Amategeko, Ingingo ya 89(C).

<sup>79</sup>Reba nk'urugero: Inyandiko y'urubanza rwa Semanza mu bujurire, igika 153; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 72.

<sup>80</sup>Reba nk'urugero: Inyandiko y'urubanza rwa Akayesu mu bujurire, igika 286; Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, igika 45; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire.

<sup>81</sup> Inyandiko y'urubanza rwa Ntagerura mu bujurire, ibika 172-174.

<sup>82</sup>Reba: Abatangabuhamya bashinja biswe GLM na GIT bavuze ko bari basanzwe bazi umuryango wa André Rwamakuba; Abatangabuhamya bashinja biswe GIN na ALA bavuze ko hari umuntu waberetse Rwamakuba; Umutangabuhamya ushinja wiswe XV yasobanuye ko yajyaga abona Rwamakuba mu gihe Rwamakuba yari umunyeshuri.

Nyandiko y'ibirego ariko ntibwashyigikiwe n'ubundi buhamya<sup>83</sup>. Porokireri ntiyasobanuye impamvu ibyo bintu byagenze gutyo kandi umuntu yatekereza ko ari byo bimenyetso by'ingenzi byari byashoboye kuboneka. Ubwunganizi bwahamagaje abatangabuhamya bari basanzwe bazi Rwamakuba n'abamumenye bamubwiwe n'abandi, kandi benshi muri bo bemeje ko biboneye ibintu byabaye bivugwa mu Nyandiko y'ibirego.

37. Urugereko rurasengura ibimenyetso kugira ngo rubashe kumenya niba Porokireri yaragaragaje ku buryo budashidikanywaho ko Uregwa yacuze umugambi wo gukora ibyaha bivugwa mu Nyandiko y'ibirego<sup>84</sup>, ko yahamagariye akanatega abandi kubikora, ko yabibafashijemo cyangwa ko na we ubwe yabikoze, cyangwa ku birebana na jenocide ko yabaye icyitso cy'abayikoze, muri Komine ya Gikomero no ku Bitaro bya Kaminuza by'i Butare muri Mata 1994. Ibyo biramutse bigaragajwe, Urugereko rurasuzuma niba ibyo byaha byarakozwe hari umugambi wihariye wo kurimbura ubwoko bw'Abatautsi bose cyangwa igice cyabo, kandi niba byarakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abasiviri b'Abatutsi kubera impamvu za politiki cyangwa iz'ubwoko. Hashingiwe ku bukemuramanza bwashinze imizi, igitekerezo cy'uregwa cyo gukora icyaha gishobora kugaragazwa n'ibimenyetso bicukumbuwe hashingiwe ku byabaye no ku kuntu ibintu bivugwa mu rubanza byari byifashe<sup>85</sup>. Kuba ibintu byafatwa gutyo ntibivaniraho Porokireri inshingano afite yo kugaragaza ku buryo budashidikanywaho buri kirego avuga mu rubanza, harimo n'igitekerezo cyo gukora jenocide<sup>86</sup>.

<sup>83</sup>Reba Umutangabuhamya ushinja wiswe GAC ku birebana n'itangwa ry'imipanga ryabereye kwa Kamanzi; n'Umutangabuhamya ushinja wiswe GIN ku birebana n'iyicwa ry'abantu batatu ku biro bya Segiteri ya Gikomero.

<sup>84</sup> Inyandiko y'ibirego igira iti: ubwicanyi, cyangwa gutera Abatutsi ububabare bubazahaza umubiri cyangwa mu mutwe, cyangwa gushyira ku bushake Abatutsi mu nzitane z'ubuzima zigomba gutuma bose cyangwa igice cyabo barimbuka, nka jenocide, n'ubuhotozi cyangwa itsembatsemba nk'ibyaha byibasiye inyokomuntu.

<sup>85</sup> Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, ibika 39-41; Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 525; Reba kandi: Inyandiko y'urubanza rwa Akayesu mu rw'iremezo, ibika 523-524; Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo, igika 63; Inyandiko y'urubanza rwa Gacumbitsi mu rw'iremezo, igika 252.

<sup>86</sup> Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 41.

38. Ibyaha Uregwa ashinjwa birebana n'ibintu byakorewe ahantu habiri, ariho muri Komine ya Gikomero no ku Bitaro bya Kaminuza by'i Butare. Ibyo bikorwa bisobanurwa mu Cyiciro cya II.1 n'icya II.2.
39. Kuri buri kirego, Urugereko rurazirikana ko Inyandiko y'ibirego ari cyo kintu cy'ingenzi ibirego bishingiyeho. Nk'uko byavuzwe mu Mutwe wa I, Imyanzuro mbanzirizarubanza n'Impinamyanzuro yo mu ikubitiro bishobora, rimwe na rimwe, gukosora ikintu icyo ari cyo cyose kidasobanutse neza mu Nyandiko y'ibirego. Nyamara ariko, icyo gihe biba ngombwa kureba niba Uregwa yarashoboye gusobanukirwa ibyo aregwa, yaranashoboye kubyireguraho.
40. Ibimenyetso birasuzumirwa hamwe mu buryo bukomatanyije, n'ubwo mu rwego rwo gusobanura ibintu neza ari ngombwa ko bimwe mu bigize iryo sesengura bishyirwa mu twiciro dutandukanye. Kuri buri cyaha, Urugereko rurasengesura ibirebana n'uko abatangabuhamya bamenye Uregwa, ukwemerwa n'ukwizerwa kw'abatangabuhamya bashinja n'abashinjura, ndetse n'ibirebana n'imyiregurire ya sinari mpari. Urugereko rurashingira ku bintu binyuranye mu gusesengura ibimenyetso, birimo ibi bikurikira: ukwivuguruzwa kugaragara mu buhamya bw'umutangabuhamya mu rukiko, kuba ubuhamya bw'umutangabuhamya bunyuranye n'ubw'abandi batangabuhamya, kuba ubuhamya bw'umutangabuhamya mu rukiko bunyuranye n'ibivugwa mu nyandikomvugo z'ubuhamya bwe zakozwe mbere, icyo umutangabuhamya ahuriyeho n'Uregwa ndetse n'icyo ahuriyeho n'abandi batangabuhamya, niba umutangabuhamya yarigeze akatirwa n'inkiko, ingaruka z'ihahamuka ry'umutangabuhamya ku birebana no kwibuka ibyabaye, isemura ridahuje n'ibyavuzwe, ibintu bijyanye n'umuco n'imibereho y'abaturage, n'imyifatire y'umutangabuhamya imbere y'Urugereko. Aho bibaye ngombwa, Urugereko ruzajya ruvuga ku bimenyetso gihamya byakiriwe.
41. Abenshi mu batangabuhamya bashinja n'abashinjura bashyiriweho ingamba zo kubarindira umutekano kugira ngo rubanda batamenya umwirondoro wabo<sup>87</sup>.

<sup>87</sup> Urubanza rwa Karemera na bagenzi be, Itegeko rigena ingamba zo kurinda umutekano w'abatangabuhamya bashinja (Urugereko rwa Mbere rw'Iremezo); Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya (Urugereko rwa Mbere rw'Iremezo), n'icyemezo ku Cyifuzo cya Porokireri gisaba guhindura icyemezo ku ngamba zo kurinda

Urugereko ruragerageza gusobanura igitekerezo cya rwo mu buryo bwumvikana uko<sup>128/ter</sup> bishoboka, ariko rwirinda gushyira ahagaragara amakuru yose yatuma umwirondoro w'abatangabuhamya barindiwe umutekano amenyekana.

## II.1 IBYAHA ANDRE RWAMAKUBA YABA YARAKOREYE MURI KOMINE YA GIKOMERO

42. Komine ya Gikomero, ubu yitwa Akarere ka Gasabo, iri nko muri birometero 25 uvuye mu Mujyi wa Kigali werekeza mu majyaruguru<sup>88</sup>. Mu wa 1994, yari muri Perefegitura ya Kigali Ngari kandi yari igizwe na segiteri 10 ari zo Bumbogo, Gasabo, Gicaca, Gikomero, Gishaka, Kayanga, Nduba, Rutunga, Sha na Shango<sup>89</sup>. Buri segiteri yari igabanyijemo amaserire. Komine ya Gikomero yahanaga imbibi n'amakomine ya Giti, Gikoro, Rubungo, Rutongo na Mugambazi<sup>90</sup>. Urugereko n'impande zombi bagiye muri Komine ya Gikomero muri Mutarama 2006 kandi babonye ahantu hihariye havugwa muri uru rubanza harimo santere y'ubucuruzi, ibiro bya segiteri, ikigo cy'amashuri cy'abaporo, ikigo cy'amashuri cy'i Kayanga, Ikigo nderabuzima cy'i Kayanga na santere y'ubucuruzi ya Ndatemwa<sup>91</sup>.
43. Inyandiko y'ibirego ivuga ko guhera ku itariki ya 26 Nyakanga 1993 kugeza muri Kamena 1994, André Rwamakuba yazengurutse mu masegiteri atandukanye ya Komine ya Gikomero ategura amanama yahamagariraga Abahutu nyamwinshi gutsemba Abatutsi kandi ayajyamo, ashakira ishyamba rya « MDR-Hutu Pawa » abayoboke kandi ashigikira « Hutu Pawa » (II.1.1). Ivuga kandi ko ku itariki ya 10 cyangwa iya 11 Mata 1994, nyuma y'izo poropagande nkangurambaga, Rwamakuba yagemuye intwari kwa André Muhire wari utuye hafi ya santere y'ubucuruzi ya Ndatemwa muri Segiteri ya Gasabo no kwa Etienne Kamanzi muri Segiteri ya

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umutekano w'abatangabuhamya bashinjura, cyangwa bitaba ibyo gusubira muri icyo Cyemezo (Urugereko rwa Mbere rw'Iremezo).

<sup>88</sup> Intera iri hagati y'umujyi wa Kigali n'ibiro bya Segiteri ya Gikomero, Ikimenyetso gihamya cyahawe N° P. 2. Ubwunganizi bwemeye ko imihanda igana kuri Komine ya Gikomero yagaragajwe muri icyo nyandiko mu buryo bushyize mu gaciro (Imyanzuro nsozarubanza y'Ubwunganizi, urup. 22).

<sup>89</sup> Reba: Ubuhamya bw'umupererezi wo mu Biro bya Porokireri witwa Upendra Baghel, Inyandikomvugo y'iburanisha, 13 Kamena 2005, imp. 8-9; Imyanzuro nsozarubanza y'Ubwunganizi, igika 23.

<sup>90</sup> Ikimenyetso gihamya cyahawe N° P. 2.

<sup>91</sup> Inyandiko yerekeranye n'urugendo Urugereko rwagiriye ahakorewe ibyaha mu Rwanda mu rubanza rwa Rwamakuba, 13-16 Mutarama 2005 (Umugereka A).



Kayanga, izo ntwaro zikaba zaragombaga gukoreshwa mu kwica Abatutsi **(II.1.2)**.<sup>127/ter</sup>  
Inyandiko y'ibirego inavuga ko Rwamakuba, ari ku biro bya Segiteri ya Gikomero, yahamagariye iyicwa ry'abantu batatu batazwi amazina ariko byavugwaga ko bari Abatutsi **(II.1.3)**<sup>92</sup>. Hanyuma, hagati y'itariki ya 13 n'ya 15 Mata 1994, Rwamakuba ngo yaba yaragiye ku Kigo nderabuzima cy'i Kayanga akahatangira ikimenyetso cyo gutangiza ubwicanyi bwibasiye impunzi z'Abatutsi, kandi ko ubwo bwicanyi bwakozwe n'abasirikare n'Interahamwe ahari **(II.1.4)**.

44. Urugereko rurasuzuma ibi birego kimwe ku kindi, ari na ko rusesengura ibimenyetso bijyanye na byo. N'ubwo Inyandiko y'ibirego, Imyanzuro mbanzizarubanza ya Porokireri n'Impinamyanzuro yo mu ikubitiro ye bitabisobanura neza, birasa n'ibishaka kuvuga, nk'uko bigaragara mu bimenyetso byatanzwe, ko Uregwa yakoze ingendo zinyuranye hagati y'Umujyi wa Kigali n'ahantu hatandukanye muri Komine ya Gikomero, agenda agaruka<sup>93</sup>.
45. Abatangabuhamy bashinja n'abashinjura bemeranya ko muri Mata 1994 hari ibitero n'ubwicanyi byibasiye Abatutsi muri Komine ya Gikomero, kandi ko by'umwihariko byabereye kuri santere y'ubucuruzi ya Ndatemwa, ku kigo cy'amashuri y'abaporo cy'i Gikomero, kuri Paruwasi ya Gishaka no ku Kigo nderabuzima cy'i Kayanga<sup>94</sup>. Abatangabuhamy bashinja n'abashinjura bavuze kandi ko Ephrem Nyirigera wari Interahamwe, Michel Nyarwaya wari Burigadiye wa Komine na Mathias Rubanguka wari Kontabure wa Komine ari bo bantu batatu bari ku isonga ry'ibitero n'ubwicanyi byibasiye Abatutsi muri Komine ya Gikomero yose muri jenocide yo mu wa 1994<sup>95</sup>. Ubwunganizi buvuga ko André Rwamakuba nta ruhare na rumwe yagize muri ibyo bitero no muri ubwo bwicanyi.

<sup>92</sup> Ikimenyetso gihamya cyahawe N° P. 2.

<sup>93</sup> Reba kandi Imyanzuro mbanzizarubanza ya Porokireri, Impinamyanzuro yo mu ikubitiro n'Imyanzuro nsozarubanza bya Porokireri.

<sup>94</sup> Ibyo bintu bivugwa hano hasi.

<sup>95</sup> Reba Abatangabuhamy bashinja biswe GAB, GAC na GIN; Abatangabuhamy bashinjura biswe 3/1, 4/16, 6/10, 7/18 na 9/20.

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**II.1.1 I bivugwa ko muri Gikomero kuva muri Nyakanga 1993**  
**kugeza muri Kamena 1994 habayeho guhamagarira abantu mu**  
**ruhame gukora ibyaha**

46. Mu Nyandiko y'ibirego, kuva ku gika cya 3 kugeza ku cya 5, Porokireri agira ati:

3. [...]Nyuma y'ishingwa rya MDR « Pawa » ku itariki ya 26 Nyakanga 1993 cyangwa ahagana kuri iyo tariki, hafi mu mpera za buri cyumweru kugeza muri Mutarama 1994, **André Rwamakuba**, ari kumwe kenshi n'abategetsi bo mu nzego z'uturere n'abayobozi ba MDR « Pawa », yazengurukaga Komini akomokamo ya Gikomero, muri Perefegitura ya Kigali Ngari. Yakoresheje inama ajya no muri za mitingi zabereye muri za Segiteri za Kayanga, Gikomero, Rutunga, Gasabo na Gicaca. Muri izo mitingi, **André Rwamakuba** yakwirakwizaga mu bantu indirimbo z'ishyaka rya Parmehutu. icyo yari agamije kwari ugushakira ishyaka rya MDR-Pawa abayoboze no kugaragaza ko ashigikiye « Hutu Pawa ». **Uregwa** yahamagariye Abahutu nyamwinshi kurwanya Amasezerano y'amahoro ya Arusha no gutsembatsemba Abatutsi.
4. Muri izo gahunda « nkangurambaga » zakorewe muri Komini ya Gikomero, by'umwihariko muri Mutarama 1994, **André Rwamakuba** rimwe na rimwe yagendaga mu modoka irimo ibyuma birangurura amajwi ahamagarira Abahutu kwishyira hamwe kugira ngo bikize Abatutsi. Mu butumwa bwe bwari bugamije ahanini guhamagarira Abahutu kwanga Abatutsi no kubakorera ibikorwa by'urugomo, harimo amagambo agira ati « igihe kirageze kugira ngo mwebwe Abahutu mwikize umwanzi».
5. Guhera muri Mutarama kugeza muri Kamena 1994, mu nama zinyuranye n'ahandi hantu hanyuranye abantu babaga bakoraniye muri Komini ya Gikomero, **André Rwamakuba** yavuze amagambo cyangwa yashyigikiye ku mugaragaro ibikorwa by'abandi bantu cyangwa amagambo bavuze. Bityo, kuva muri Mutarama 1994 no mu gihe cyose cyabanjirije ibyabaye muri Mata 1994, mu masegiteri ya

Sha, Nduba, Shango, Kayanga na Gikomero, ndetse no muri komine zihana imbibi na Gikomero ari zo Rutongo, Rubungo na Kanombe, yahamagariye mu ruhame abari mu nama kurwanya « umwanzi », kandi Abatutsi bose bitwaga « umwanzi », « ibyitso by'umwanzi » cyangwa « ibyitso bya FPR ». Nyuma y'ayo makoraniro **Uregwa** yahamagariragamo abantu gutsembatsemba Abatutsi, ababaga bayajemo barashyuhaga, bakagira amahane, kandi bakaba biteguye gukorera Abatutsi ibikorwa by'urugomo no kubarimbura babaziza ubwoko bwabo. Ayo magambo y'**Uregwa** ni yo yabaye ikimenyetso cyo gutangiza ubwicanyi muri komine. Byongeye kandi, ubwicanyi bumaze gutangira mu ntangiriro za Mata 1994, kenshi **André Rwamakuba** yashimagizaga mu ruhame abantu bitwaraga gisirikare ndetse akanabashimira ko bishe Abatutsi, bityo akaba yarahamagariye abantu bitwaraga gisirikare n'abasiviri bitwaje intwara kujya mu bindi bitero byibasiye Abatutsi no kubica.

### (1) Ibimenyetso byatanzwe

47. Abatangabuhama batandatu bashinje bavuze ko hagati y'umwaka wa 1992 na Werurwe 1994, André Rwamakuba yagiye muri Komine ya Gikomero inshuro zinyuranye<sup>96</sup>. Bamwe muri bo bemeje ko, muri icyo gihe, yagiye mu manama y'ishyamba rya MDR yabereye ku kigo cy'amashuri abanza cy'i Kayanga **(1.1)**, no muri za mitingi zabereye mu masegiteri ane **(1.2)**. Bavuze kandi ko Rwamakuba yajyaga aho abantu babaga bahuriye mu tubari, kandi ko yakoresheye imodoka ifite ibyuma birangurura amajwi kugira ngo ahamagarire rubanda gutsemba Abatutsi **(1.3)** anashakire abayoboke ishamba ry'intagondwa zo mu ishyamba rya MDR, ryitwaga « Hutu Pawa » **(1.4)**.
48. Porokireri avuye ko poropagande nkangurambaga Uregwa yakoze hagati y'itariki ya 23 Nyakanga 1993 na Mata 1994 yari igamije mbere na mbere gutegura urugamba rwo kurwanya Abatutsi, ko kandi na we ubwe yarurwanye<sup>97</sup>. Uru Rukiko rufite gusa ububasha bwo gucira imanza abantu bakekwaho kuba barakoze ibyaha hagati y'itariki

<sup>96</sup> Reba Abatangabuhama bashinje biswe ALA, GAB, GAC, GIQ, GIT na GLM.

<sup>97</sup> Imyanzuro nsozarubanza ya Porokireri, igika 49.

ya 1 Mutarama n'ya 31 Ukuboza 1994<sup>98</sup>. Nyamara ariko, hashobora kwakirwa ibimenyetso birebana n'ibintu byabaye mbere ya 1994 bigaragaza « gahunda, umugambi cyangwa imyitwarire runaka Uregwa yari asanganywe » cyangwa bigaragaza ukuntu ibintu byari bimeze igihe ibyaha Urukiko rufitiye ububasha bwo kuburanisha byakorwaga<sup>99</sup>. Byongeye kandi, hakurikijwe ibyavuzwe mu Mutwe wa I ku birebana n'ibyo Uregwa ashinjwa, Urugereko rurasuzuma ibimenyetso birebana no guhamagarira abantu mu ruhame gukora ibyaha muri Komine ya Gikomero, biza kuvugwaho nyuma, nk'ibimenyetso bicukumbuwe bishobora kuba bifite aho bihuriye n'ibyo Uregwa yaba yarakoreye muri Komine ya Gikomero muri Mata 1994.

*(1.1) Inama z'ishyaka MDR ku kigo cy'amashuri abanza cy'i Kayanga*

49. Abatangabuhamya bashinja biswe GIQ, GAC na GAB ntibari basanzwe bazi André Rwamakuba, ariko bavuze ko bamubonye mu nama y'ishyaka rya MDR cyangwa mu nama nk'izo zabereye ku kigo cy'amashuri abanza cy'i Kayanga. Nta n'umwe muri bo washoboye kwibuka itariki nyayo y'iyi nama cyangwa y'izo nama. GIQ yavuze ko inama imwe yabereye kuri icyo kigo mu wa 1992 « mbere y'uko MDR icikamo ibice », GAC ntiyashoboye kwibuka umwaka ibyo byabereyemo<sup>100</sup>, naho GAB yavuze ko hari inama yabereye ku kigo cy'amashuri abanza cy'i Kayanga mu wa 1993.
50. GIQ yavuze ko mu wa 1992 yabonye André Rwamakuba ari kumwe n'abayobozi ba MDR ari bo Anastase Gasana, Faustin Twagiramungu na Aloys Munyangazu bashakira ishyaka ryabo abayoboze, ku kibuga cy'amashuri abanza y'i Kayanga. Uyu mutangabuhamya yabashije kumenya Anastase Gasana na Aloys Munyangazu kubera

<sup>98</sup> Sitati, Ingingo ya 1.

<sup>99</sup> Urubanza rwa Simba, icyemezo ku bujirire bwajuririye icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ububasha bushingiye ku gihe ibyaha byakorewe (Urugereko rw'Ubujujirire); Inyandiko y'urubanza rwa Nahimana mu rw'iremezo, igika 101.

<sup>100</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 50; Inyandikomvugo y'iburanisha, 5 Nyakanga 2006, urup. 43. N'ubwo mu nyandikomvugo y'iburanisha iri mu rurimi rw'icyongereza handitse umwaka wa « 1992 », umutangabuhamya yatangaga ubuhamya ku nama yabaye mu wa 1993 (Reba: Inyandikomvugo y'iburanisha iri mu rurimi rw'igifaransa, urup. 43).

ko yari asanzwe abazi<sup>101</sup>. Yashoboye kandi kumenya Twagiramungu kuko yakundaga kumwumva kuri radiyo noneho agashobora kumenya ijwi rye<sup>102</sup>. Ubwo Gasana yerekaga abaje mu nama abanyacyubahiro bo mu ishyaka hamwe na Rwamakuba<sup>103</sup>, yababwiye ko Rwamakuba akomoka muri Gikomero. Abaje mu nama babwiye kandi ko abo banyacyubahiro bari bashyize hamwe kandi ko ari abayoboke ba MDR. Uwo muni nta jambo Rwamakuba yafashe.

51. GAC na we yavuze ku birebana na mitingiri ya MDR yakoreshejwe na Faustin Twagiramungu ku itariki itazwi ku kibuga cy'amashuri abanza y'i Kayanga, kandi n'abayoboke b'ishyaka rya MRND bakaba barayitabiriye kubera amatsiko<sup>104</sup>. Uyu mutangabuhamya yavuze ko muri iyo mitingiri abaturage beretswe Twagiramungu, Agathe Uwilingiyimana wari Minisitiri w'Intebe icyo gihe, Jean de Dieu Kamuhanda na André Rwamakuba, ibyo bikaba byarakozwe n'uwari uyoboye gahunda. Uyu mutangabuhamya avugaga ko yumvise amadisikuru yavuzwe n'abantu bagera kuri batanu barimo Twagiramungu, wavuze ijamba rirerire kuri MDR nka Perezida w'iryo shyamba<sup>105</sup>. Yumvise kandi Rwamakuba ageza ku baturage ijamba uyu mutangabuhamya yabonyaga ko rihamagarira abaturage kugaba ibitero ku Batutsi no kubica<sup>106</sup>. GAC yavuze kandi ko iyo mitingiri yo ku kigo cy'amashuri abanza cy'i Kayanga yari igamije guhamagarira abaturage kwemera ubufatanye bwari hagati ya MDR-Pawa, MDR-PARMEHUTU na MRND-Pawa. Yakomeje asobanura ko « Twagiramungu yigishije Abahutu kwica Abatutsi », kandi ko abari muri iyo mitingiri, barimo na Twagiramungu, bashyize mu bikorwa icyicwa ry'Abatutsi<sup>107</sup>.
52. GAB na we yavuze ku birebana n'inama y'ishyamba rya MDR-Pawa yabereye ku kibuga cy'amashuri abanza y'i Kayanga mu wa 1993, yabonyemo André Rwamakuba

<sup>101</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 53.

<sup>102</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 53.

<sup>103</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 55.

<sup>104</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 46.

<sup>105</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 46.

<sup>106</sup> Uyu mutangabuhamya yemeje ko André Rwamakuba yavuze ngo: « Uko mwe mubibona, ni bande benshi kurusha abandi: ni abantu bafite inzu zishakaje amabati cyangwa abafite izishakaje ibyatsi? » Rwamakuba yongeyeho ngo: « babasabye gutwika amazu y'abantu, amazu ashakaje ibyatsi byabafata igihe kirekire? » GAC yavuze ko yasobanukiye ko icyo yashakaga kuvuga ari iki « Ndamutse mbategetse none kwica Abatutsi, muribwira ko hagira uroko? » (Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 6 na 45).

<sup>107</sup> Inyandikomvugo y'iburanisha, 4 yakanga 2005, urup. 44.

n'abandi bategetsi<sup>108</sup>. Uyu mutangabuhamyaye yemeje ko Twagiramungu na Gasana batari aho hantu<sup>109</sup>. GAB yavuze ko icyo iyo mitingiri yari igamijye mbere na mbere kwari ugukangurira abayobokeye ba MDR, Abahutu muri rusange, ko umwanzi wabo ari Umututsi « wateye u Rwanda »<sup>110</sup>. Uyu mutangabuhamyaye yumvise uwari uhagarariyeye MDR-Pawa asobanuraye ko umwanzi wa MDR n'uw'Abahutu muri rusange ari « Umututsi ufatanyaye n'Inkotanyi ». Uyu mutangabuhamyaye akimara kumva ayo magambo, yavuye muri icyo mitingiri. Ntazibwira Rwamakuba yarafashe ijamba uwo munsu<sup>111</sup>. Uyu mutangabuhamyaye yavuze ko nyuma y'icyo mitingiri, habayeye imvururu hagati y'Abahutu n'Abatutsi muri Kayanga<sup>112</sup>.

(1.2) *Mitingiri zakorewe mu masegiteri ya Sha, Nduba, Shango na Kayanga*

53. Abatangabuhamyaye bashinje biswe GLM na GIT bavuze ko bazi André Rwamakuba<sup>113</sup>, kandi bavuze ko birebana na za mitingiri zitandukanyeye zabaye hagati y'umwaka wa 1993 na Werurwe 1994 mu masegiteri ya Sha, Nduba, Shango na Kayanga, bahamyaye ko Rwamakuba yari azirimo. Nta n'umwe muri abo batangabuhamyaye wagiye muri izo mitingiri, ahubwo ni abandi bantu bazigiyemo bazibabwiyeye<sup>114</sup>. Abo batangabuhamyaye bavuze kandi ko mbere ya buri mitingiri bumvise cyangwa babonye imodoka ifite indangururamajwi yakoreshezwaga mu kurarikira abaturage kujya muri za mitingiri.

<sup>108</sup> Inyandikomvugoye y'iburanisha, 5 Nyakanga 2005, urup. 19.

<sup>109</sup> Inyandikomvugoye y'iburanisha, 5 Nyakanga 2005, urup. 45.

<sup>110</sup> Inyandikomvugoye y'iburanisha, 5 Nyakanga 2005, urup. 19.

<sup>111</sup> Inyandikomvugoye y'iburanisha, 5 Nyakanga 2005, urup. 20.

<sup>112</sup> Inyandikomvugoye y'iburanisha, 5 Nyakanga 2005, urup. 20.

<sup>113</sup> GLM na GIT ni abavandimwe. Bombi bavuze ko umuryango wabo n'uwa Rwamakuba iziranye neza kubera ko baturanye. GIT yari azi Rwamakuba yiga mu mashuri yisumbuye. Yasuraga ababyeyi ba Rwamakuba kandi icyo gihe yabonanyaga n'Uregwa. GLM yakundaga na we kubona André Rwamakuba icyo yazaga muri Gikomero. By'umwihariko, yamusanze mu nama y'ababyeyi ku ishuri ryigenga rya Nduba ryitwaga «*École Technique Libre* » (ETL), ryari ryarashinzwe na Rwamakuba kandi GLM yari yararyandikishiyemo umwe mu bana ba mukuru we. (Reba: Inyandikomvugoye y'iburanisha, 21 Kamena 2005, imp. 65-66; Inyandikomvugoye y'iburanisha, 16 Kamena 2005, urup. 4).

<sup>114</sup> Inyandikomvugoye y'iburanisha, 16 Kamena 2005, urup. 10.

54. Ahagana mu Ukwakira 1993, umunsi umwe ari ku cyumweru, « hashize nk'amezi <sup>121/ter</sup> abiri ishami rya Hutu-Pawa rya MDR rishinzwe », GLM yabonye André Rwamakuba anyura aho yari atuye agana muri Segiteri ya Nduba, kandi anavayo yaramubonye. Avuga ko yamubonye ari mu modoka ifite indangururamajwi ararikira abaturage kuza muri mitingi<sup>115</sup>. Uyu mutangabuhamyari ntiyagiye muri mitingi yabereye muri Nduba, ariko hari umugabo umwe<sup>116</sup> wamubwiye nyuma ko Rwamakuba yari ayirimo<sup>117</sup>. Uwo mugabo yamubwiye kandi ko Rwamakuba yagejeje ijamba ku baturage bari muri iyo mitingi kandi ko yasobanuye uko ibintu byari byifashe mu gihugu mu rwego rwa politiki, by'umwihariko ko yavuze ngo « Abahutu bagomba gushyira ingufu zabo hamwe kugira ngo batsembatsembe Abatutsi ». Bivugwa kandi ko Rwamakuba yagize ati « ibyago byose byagwiririyeye Igihugu byatewe n'Abatutsi; Abatutsi ni bo banyirabayazana, ubwo rero bagomba kurimburwa kugira ngo Igihugu gishobore kuyoborwa mu mahoro icyo kibazo kimaze kujya ku ruhanda»<sup>118</sup>.
55. GLM yavuze ko ibyongereye byabaye mu mpera z'Ugushyamba 1993, kandi ko na bwo hari ku Cyumweru<sup>119</sup>. Uyu mutangabuhamyari yari ahagaze hafi y'inzu ye hanyuma abona imodoka ihita iriho indangururamajwi irarikira abantu kujya muri mitingi ya MDR-Pawa kugira ngo bagezweho amatwara na gahunda y'iryo shyamba<sup>120</sup>. Yavuze ko yabonye André Rwamakuba atwaye imodoka mu gihe umuntu wari wicaye iruhanda rwe we yagendaga avugira mu ndangururamajwi. Bukeye, hari umugabo umwe<sup>121</sup> wari wagiye muri iyo mitingi bahuriye aho yakoreraga<sup>122</sup> hanyuma amubwira ko Rwamakuba yari yafatiye ijamba mu ruhame muri mitingi yabereye muri Segiteri ya Shango. Yavuze ko uwo mugabo wamugejeje ayo makuru yamubwiye ko iyo mitingi yari igamijwe itsembatsembe ry'Abatutsi. Ngo bayivugiyemo ko Abatutsi bagomba kurimburwa kubera ko bitwaraga

<sup>115</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 11.

<sup>116</sup> GLM yavuze izina ry'uwo mugabo, Ikimenyetso gihamya cyahawe N° P.32 (cyashyizweho ubujeni).

<sup>117</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 11. GLM yanditse izina ry'uwo mugabo, Ikimenyetso gihamya cyahawe N° P. 32 (cyashyizweho ubujeni).

<sup>118</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 12.

<sup>119</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 13.

<sup>120</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, imp. 12-13

<sup>121</sup> GLM yavuze izina ry'uwo mugabo, Ikimenyetso gihamya cyahawe N° P. 32 (cyashyizweho ubujeni).

<sup>122</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 13 n'Ikimenyetso gihamya cyahawe N° P. 32 (cyashyizweho ubujeni).

nk'abagambanyi b'Igihugu. Abayoboke b'ishyaka babwiwe ko MDR-Pawa ari ishyaka rurimo ijamba « pawa », risobanura imbaraga cyangwa ingufu z'Abahutu bagomba kwifashisha kugira ngo batsembe Abatutsi. GLM yemeje ko ari Rwamakuba wabwiye abaturage ibyerekeye MDR-Pawa na gahunda y'iryo shyaka<sup>123</sup>.

56. Muri Mutarama 1994, GLM yongeye kumva imodoka iriho indangururamajwi inyura ku gasozi gateganye n'iwe. Uwavugiraga mu ndangururamajwi yararikiraga abaturage kujya muri mitingiri muri Segiteri ya Kayanga. Hasakazwaga kandi amagambo MDR-Pawa yari yaragize intero yasabaga Abahutu kunga ubumwe. GLM ntiyabashije kubona uwari utwaye imodoka kubera ko yari kure<sup>124</sup>. Uyu mutangabuhamya ntiyagiye muri mitingiri y'i Kayanga, ariko na none hari umugabo<sup>125</sup> wari wayigiyemo wamubwiye ko André Rwamakuba n'abandi bantu bari baje baturuka i Kigali beretswe abaturage. Muri iyo mitingiri « higishijwe » amatwara ya MDR-Pawa – cyane cyane itsembatsembe ry'Abatutsi – Bavugaga ko Abahutu batagomba gutatanira mu mashyamba menshi, ko ahubwo bagombye kwibumbira hamwe mu ishyamba rimwe kugira ngo batsembatsembe Abatutsi<sup>126</sup>.
57. Umutangabuhamya ushinje wiswe GIT avugaga ko yabwiwe ibirebana n'inama cyangwa za mitingiri zakorewe muri Segiteri ya Sha rwagati, ku kibuga kiri hafi y'ikigo cy'amashuri cy'i Kayanga muri Segiteri ya Kayanga, no ku kibuga cy'umupira cya Segiteri ya Nduba, hagati ya Kanama 1993 na Werurwe 1994. Yavuze ko atigeze ajya muri izo nama ariko ko yabonye André Rwamakuba ajya muri mitingiri inshuro eshanu zitandukanye, atwaye ikamyoneti itukura; ubwa nyuma yamubonye aziyiyemo hakaba hari muri Werurwe 1994<sup>127</sup>. GIT ngo yashoboraga kubona Rwamakuba ahita kuko yari atuye muri metero 15 z'umuhanda uva i Kigali ujya aho inama zaberaga<sup>128</sup>. Ngo yabonye abandi bantu bari kumwe na Rwamakuba mu modoka ariko nta bwo yari azi amazina yabo. Uyu mutangabuhamya yavuze ko abo bantu baririmbaga indirimbo zisingiza ishyamba ryabo, kandi bambaye ingofero banafite utubendera turiho

<sup>123</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 14.

<sup>124</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, imp. 14-15.

<sup>125</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 15. GLM yavuze izina ry'uwo mugabo, Ikimenyetso gihamya cyahawe N°P. 32 (cyashyizweho ubujeni).

<sup>126</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 17.

<sup>127</sup> Inyandikomvugo y'iburanisha, 22 Kamena 2005, urup. 5.

<sup>128</sup> Inyandikomvugo y'iburanisha, 21 Kamena 2005, urup. 69.



ibirangantego bya MDR Pawa<sup>129</sup>. Ngo hari abantu babiri babwiye uyu mutangabuhamyi ibyavugwaga muri izo nama n'uko Rwamakuba yajyaga muri za mitingi<sup>130</sup>. Ngo Rwamakuba yafashe ijamba avuga ko igihe kigeze cyo gutsemba umwanzu ari we Umututsi wakuruye ibibazo mu gihugu cyose<sup>131</sup>.

(1.3) *Guhamagarira abantu gutsembatsemba Abatutsi*

58. Abatangabuhamyi bashinje biswe GLM na ALA bavuze ko rimwe bumvise André Rwamakuba ubwe ahamagarira abantu gutsembatsemba Abatutsi. ALA yavuze ko yamubonye mu cyumweru cya gatatu cya Mutarama 1994, muri serire y'iwabo, ari ku cyumweru nka saa saba z'amanywa<sup>132</sup>. Uyu mutangabuhamyi yari iwe mu nzu, hafi ya santere y'ubucuruzi. Ngo yumvise ijwi rivugira mu ndangururamajwi maze ajya kureba ibyo ari byo. Yavuze ko yabonye imodoka yo mu bwoko bwa Peugeot 505 y'ibara rya kaki iriho indangururamajwi, yagendaga izibaziba aho kuri santere y'ubucuruzi kandi irimo abantu batatu<sup>133</sup>. Ubwo yagendaga agana kuri iyo modoka, umwe mu bari bayirimo, ari we Anastase Gasana, wari umuzi, yaramuhamagaye amusaba gukora iyo modoka<sup>134</sup>. Gasana yahise abwira umutangabuhamyi amazina y'abandi babiri bari kumwe mu modoka ari bo Aloys Munyangazu na André Rwamakuba<sup>135</sup>. Mu gihe uyu mutangabuhamyi yarimo agerageza gukora iyo modoka, ngo Rwamakuba yafashe indangururamajwi maze ahamagara abantu avuga abisubiramo ko «igihe cyageze ngo Abahutu bikize umwanzu». Uyu mutangabuhamyi yemeje ko umuntu wese ushyira mu gaciro yumvaga ko iyo Rwamakuba yavugaga umwanzu yabaga ashaka kuvuga Abatutsi<sup>136</sup>. Umutangabuhamyi wiswe GLM yavuze

<sup>129</sup> Inyandikomvugo y'iburanisha, 21 Kamena 2005, urup. 71. Uyu mutangabuhamyi yavuze ko ingofero n'amabendera byari bifite amabara y'umutuku n'umukara – ari yo mabara y'ishyaka ryabo. Hari abandi ngo bari bambaye iniforume y'Interahamwe za MRND.

<sup>130</sup> Inyandikomvugo y'iburanisha, 21 Kamena 2005, urup. 73.

<sup>131</sup> Inyandikomvugo y'iburanisha, 22 Kamena 2005, urup. 2.

<sup>132</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, imp. 47 na 75.

<sup>133</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 46.

<sup>134</sup> Uyu mutangabuhamyi yasobanuye ko yari azi Anastase Gasana kuva akiri umwarimu muri Kaminuza ya Nyakinama. Uyu mutangabuhamyi ngo yari inshuti y'umuvandimwe wa Gasana kandi ngo yakundaga kubasura (Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 46).

<sup>135</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 46.

<sup>136</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 75.

ko muri Gashyantare 1994<sup>137</sup> yabonye André Rwamakuba mu kabari ka Froduard Birasa kuri santere ya Nduba<sup>138</sup>, kandi ko yamwumvise avuga ko Abatutsi bateye ikibazo gikomeye, ko rero igihe kigeze cyo kubikiza<sup>139</sup>. Ngo Rwamakuba nta bwo yasobanuye neza icyo yashakaga kuvuga kubera ko GLM yari ahari. Uyu mutangabuhamya yavuze ko ari bwo bwonyine yumvanye Rwamakuba amagambo nk'ayo<sup>140</sup>. Ku bwa GLM, ngo yumva abari mu kabari barateguraga gutsembatsemba Abatutsi kandi nyuma iyo gahunda bayishyize mu bikorwa<sup>141</sup>.

(1.4) *Gushaka abayoboke bo kwinjiza mu ishyaka rya MDR «Hutu Pawa»*

59. Abatangabuhamya bashinja biswe GIQ na ALA bavuze ko babonye cyangwa bumvise André Rwamakuba ashaka abayoboke bo kwinjiza mu ishyaka rya MDR. GIQ yavuze ko yamubonye mu kabari ka Emmanuel Rubagumya muri Mutarama 1994. Ngo Rwamakuba yari yaguriye abantu ibyo kunywa ababwira ko bakwiye kuyoboka ishyaka rya MDR, gushaka abandi bayoboke no kwica umuntu wese udashaka kuyoboka iryo shyaka<sup>142</sup>. GIQ yanavuze ko mu wa 1992 cyangwa mu wa 1993, yabonye Rwamakuba ari mu modoka y'umweru iriho indangururamajwi yumvikanishaga indirimbo zisingiza MDR Hutu-Pawa<sup>143</sup>. Izo ndirimbo zabwiraga Abahutu kunga ubumwe, ko ubwo bumwe buzatuma batsinda. Rwamakuba yari kumwe na Pascal Ndengejeho icyo gihe wari Minisitiri w'Itangazamakuru. Imodoka yagendaga buhoro kugira ngo abantu, barimo na GIQ wari hafi y'aho imodoka yanyuze, bashobore kumva neza ibyavugwaga<sup>144</sup>. Umutangabuhamya wiswe ALA yavuze ko mu cyumweru cya gatatu cy'Ukwakira 1993 nko ku itariki ya 22

<sup>137</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 31.

<sup>138</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 17.

<sup>139</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, imp. 9-10 na 30-31.

<sup>140</sup> Inyandikomvugo y'iburanisha, 20 Kamena 2005, urup. 55.

<sup>141</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 19.

<sup>142</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, imp. 30-32. Uyu mutangabuhamya yavuze ko aba bakurikira bari mu kabari: Callixte Kabarira, Sebahinzi, Joseph Ayirwanda n'umuhungu we Frédéric Turatsinze. Emmanuel Rubagumya. Callixte Kabarira na Sebahinzi bafingiyeye muri gereza y'i Remera. Ayirwanda na Frédéric Turatsinze barapfuye.

<sup>143</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, imp. 30-31.

<sup>144</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, imp. 31 na 59.

z'Ukwakira 1993 cyangwa hafi yayo, yabonye Rwamakuba i Kayanga ari mu modoka<sup>145</sup>, ngo yaganiraga na Mathias Rubanguka na Gérard Gakuba ari mu modoka ye<sup>146</sup>. Nyuma yaho Rubanguka yabwiye uyu mutangabuhamyi ko Rwamakuba yashakaga abayoboke bo kwinjiza mu ishyamba rya « MDR Pawa », kandi ko yashakaga abantu yizewe bashobora kubimufashamo.

## (2) Isesengura ry'ibimenyetso

60. Urugereko rusanga ubuhamyi bwatanzwe n'abatangabuhamyi bashinje ku birebana na poropagande nkangurambaga Uregwa yaba yarakoreye muri Gikomero bunyuranye na bimwe mu bivugwa mu Nyandiko y'ibirego (2.1). Byongeye kandi, ubuhamyi bushinje bugenda buvuguruzanya kandi bunyomozwa mu buryo butaziguye n'imyiregurire y'Uregwa isobanura ko atari aho ibivugwa byabereye igihe byabaga.

### (2.1) Inyuranya hagati y'Inyandiko y'ibirego n'ubuhamyi bushinje

61. Hatanzwe ubuhamyi buvugwa ko hagati y'umwaka wa 1992 na Werurwe 1994 Rwamakuba yagiye muri Komini ya Gikomero inshuro cumi n'imwe. Nta bwo byagaragajwe ko ahagana mu mpera z'umwaka wa 1993 no mu ntangiriro ya Mutarama 1994, Uregwa yajyaga muri Komini ya Gikomero « hafi mu mpera za buri cyumweru » nk'uko bivugwa mu gika cya 3 cy'Inyandiko y'ibirego. Nta mutangabuhamyi n'umwe wavuze ku birebana n'inama ngo zabereye mu masegiteri ya Gikomero, Rutunga, Gasabo na Gicaca cyangwa mu makomine ahana imbibi na Komini ya Gikomero ari yo Rutongo, Rubungo na Kanombe, n'ubwo umutangabuhamyi ushinje umwe yavuze ko yabonye Rwamakuba mu modoka anyura muri Segiteri ya Rutunga n'ya Gasabo mu ntangiriro y'umwaka wa 1994<sup>147</sup>. Ni ukuvuga rero ko Porokireri atashoboye kugaragaza ko mu nama zabereye muri ayo masegiteri n'ayo makomine, Uregwa yahamagariye abantu « kurwanya » no gutsembatsemba Abatutsi, nk'uko bivugwa mu gika cya 5 cy'Inyandiko y'ibirego

<sup>145</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, imp. 48 na 70.

<sup>146</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 71.

<sup>147</sup> Umutangabuhamyi wiswe GIQ ngo ntiyigeze yumva cyangwa abona André Rwamakuba agira icyo avuga, ngo kandi nta cyo yabonye akora (Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 32.)

(2.2) *Ibirebana n'ukwizerwa kw'abatangabuhamya*

62. Hari ikibazo ku birebana n'ukuntu abatangabuhamya bamenye Uregwa. Abatangabuhamya biswe GIT na GLM ni abavandimwe kandi ni bo bonyine bavuze ko bari basanzwe bazi Rwamakuba. Bavuze ko bari baturanye n'ababyeyi ba Rwamakuba, kandi ko bari bamaze igihe kinini bamuzi. Nyamara ariko, nta n'umwe muri bo washoboye gusobanura neza uko Rwamakuba ateye n'ukuntu bamumenye<sup>148</sup>. Biratangaje kumva GIT avuga ko atazi ko umuvandimwe we ari umwe mu batangabuhamya muri uru rubanza kandi baturanye bakaba baratanze ubuhamya mu gihe cyegeranye cyane<sup>149</sup>.
63. Abatangabuhamya biswe GAB na GAC bavuze ko babonye André Rwamakuba bwa mbere i Rutunga, mu muhango wo gushyira ibuye ry'ifatizo ku kigo cy'amashuri abanza, ari kumwe na Faustin Munyazesa wari Minisitiri w'Amashuri Abanza n'Ayisumbuye icyo gihe<sup>150</sup>. GAB ntiyashoboye gutanga itariki nyayo uwo muhango wabereyeho, uretse ko yavuze gusa ngo hari mbere y'umwaka wa 1994, naho GAC yavuze ko hari mu wa 1992. Mbere y'icyo gihe, bombi nta bwo bari bazi Rwamakuba. GAC yavuze ko umuhungu wabaga i Rutunga ari we wamweretse Rwamakuba<sup>151</sup>. Ngo bamubwiye kandi ko André Rwamakuba yakoraga muri Minisitiri y'Ubuzima. GAB yavuze ko Uregwa yeretswe abantu bari bateraniye aho, kandi ko uwamwerekanye yavuze ati « uyu ni Dogiteri André Rwamakuba uvuka muri Komine

<sup>148</sup> Umutangabuhamya ushinja wiswe GIT yasobanuye imiterere ya André Rwamakuba muri aya magambo: « Ni umuntu wari urunganiye mu gihagararo. Yari imibiri yombi, ariko yenda kuba inzobe. Nta bwo yari abyibushye, kandi ntiyari ananutse; yari hagati. [...]. Yari umugabo ufite ibigango kandi ntiyari munini cyane cyangwa muto cyane ». (Inyandikomvugo y'iburanisha, 23 Kamena 2005, urup. 53).

Umutangabuhamya ushinja wiswe GLM yasobanuye imiterere ya Rwamakuba muri aya magambo: « yari umuntu urunganiye, yari imibiri yombi. Yendaga kugira amatama manini n'umusatsi muke cyane ». « Yari umugabo ufite ibigango kandi navuga ko atari ananutse ». Yari afite ijwi rinini rivugira mu gituzza kandi rijya kugira amakaraza ». (Inyandikomvugo y'iburanisha, 20 Kamena 2005, urup. 4).

<sup>149</sup> Inyandikomvugo y'iburanisha, 22 Kamena 2005, urup. 20; Inyandikomvugo y'iburanisha, 24 Kamena 2005, imp. 12 na 16.

<sup>150</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 35.

<sup>151</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 37.

- ya Gikomero »<sup>152</sup>. Birakwiye kuzirikana ko GAB yari afite imyaka cumi n'itanu gusa icyo gihe, bityo akaba atarabashije gutanga ibisobanuro birambuye kuri ibi bimaze kuvugwa. GAC ntiyavuze ko Rwamakuba yeretswe abantu bari muri mitingi yabereye ku kigo cy'amashuri abanza cy'i Kayanga, nk'uko GAB yabivuze.
64. Ibyo kunyuranya biboneka hagati y'Inyandiko y'ibirego n'ubuhamya bwatanzwe kuri icyo kibazo byarushijeho gutera urujijo hakurikijwe ibyo abatangabuhamya bavuze binyuranye kandi bidashobora kubangikanywa. Abatangabuhamya biswe GAC, GAB, GIQ, GLM na GIT bavuze ku birebana na za mitingi zinyuranye zabereye muri Komini ya Gikomero. Porokireri yasanga nk'uhamya ko izo mitingi zari zitandukanye kandi ko zabaye mu bihe binyuranye<sup>153</sup>. Nyamara ariko, ntawamenya neza niba abatangabuhamya baravuze kuri mitingi zimwe cyangwa zitandukanye. Hari mitingi imwe bivugwa ko yabereye ku kigo cy'amashuri abanza cy'i Kayanga ngo ikaba yaritabiriwe n'abayobozi runaka kandi ngo yavugiwemo za disikuru zisa, nyamara abayivuzeho ntibahuje ku matariki yabereyeho. Mu buhamya bwe mu rukiko, GAC ntiyashoboye kuvuga umwaka iyo nama yabereyemo, ariko mu nyandikomvugo y'ubuhamya bwe yatanze mbere yavuze ko iyo nama yabaye mu mpera z'umwaka wa 1993<sup>154</sup>. GAB yavuze ko Rwamakuba yari mu nama i Kayanga mu wa 1993, naho GIQ yemeje ko mu wa 1993 i Kayanga habereye inama ariko ko Rwamakuba atayitabiriye<sup>155</sup>.
65. Urugereko ruributsa ko ubuhamya bwa GIT na GLM buziguye kandi ko ahanini bushingiye ku nkuru mbarirano. Aho GIT yakomoye amakuru hatara ugushidikanya ku buryo ubuhamya bwe butakwizerwa. Uyu mutangabuhamya avuga ko uwamuhaye amakuru ari umuntu wiyubashye kandi w'umunyakuri, nyamara ariko GLM we avuga ko umuntu azi ufite amazina y'uwahaye GIT amakuru ari umuntu ubera, ugendera ku marangamutima kandi urangwa n'agasuzuguro<sup>156</sup>.

<sup>152</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 43.

<sup>153</sup> Imyanzuro nsozarubanza ya Porokireri mu magambo, ibika 33- 48.

<sup>154</sup> Ibimenyetso gihamya byahawe N° D. 34 A na B (byashyizweho ubujeni). Muri icyo nyandikomvugo y'ubuhamya, yavuze ko inama yabereye ku biro bya Segiteri ya Kayanga, kandi ko atibukaga ibyo Rwamakuba yahavugiye. Ahubwo, uyu mutangabuhamya yavugiye mu rukiko ko iyo nama yabereye ku kibuga cy'amashuri abanza y'i Kayanga. Yavuze kandi ibyerekeranye na disikuru Rwamakuba ngo yahavugiye.

<sup>155</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 58.

<sup>156</sup> Inyandikomvugo y'iburanisha, 20 Kamena 2005, urup. 2 n'Ikimenyetso gihamya cyahawe N° P. 32.

66. Mu buhamya bwa GLM harimo na none ibintu by'ingenzi bidasobanutse neza kandi bivuguruzanya. Ubwo Porokireri yabazaga GLM uwo yumvise ahamagarira abantu gutsembatsemba Abatutsi, yasubije ko ubusanzwe umuntu wavugaga ku birebana na MDR Pawa yari André Rwamakuba<sup>157</sup>. Yanibutse ko hari mitingi yabereye muri Segiteri ya Nduba ari ku cyumweru, hanyuma avuga ko *yabwiwe* ko yabaye ku cyumweru<sup>158</sup>. Na none yabanje kuvuga ko yabonye André Rwamakuba afashe indangururamajwi ararikira abantu kujya muri mitingi i Nduba<sup>159</sup>, ariko mu ibaza rinyomoza yavuze ko Rwamakuba yari atwaye imodoka naho umuntu wari umwicaye iruhande ari we uagenda avugira mu ndangururamajwi<sup>160</sup>. Uyu mutangabuhamya yavuze ko ibivugwa byabereye mu kabari ka Birasa muri Gashyantare 1994<sup>161</sup>, nyuma ati hari mu mpera z'umwaka wa 1993, hanyuma arongerera yemeza ko hari muri Gashyantare 1994<sup>162</sup>. Ikintu cy'ingenzi cyabereye mu kabari ka Birasa, aho GLM ngo yaba yarumvise Rwamakuba ahamagarira abantu gutsembatsemba Abatutsi, yakivuze bwa mbere mu iburanisha. Ikindi cyavuzwe bwa mbere mu iburanisha ni ikiganiro Rwamakuba yavugiyemo ibirebana n'ugucikamo ibice kwa MDR – Hutu Pawa. GLM yavuze ko yari yarabwiye Porokireri ibyo byose ariko ko abapererezi bamwumvise mbere banditse gusa incamake y'ubuhamya bwe, ko kandi abapererezi bakurikiyeho bakoze amakosa menshi mu nyandiko, bakaba bataranayimugaruriye ngo ashobore kuyikosora<sup>163</sup>. Nyamara ariko, Urugereko rusanga ku itariki ya 11 Gashyantare 1998 GLM yarashyize umukono ku nyandikomvugo y'ubuhamya ivuga ku birebana n'ibikorwa byo mu rwego rwa politiki n'ibirwanya Abatutsi Rwamakuba yishoyemo, hanavugwamo ko Birasa yari umwe mu ntagondwa zakoranaga na Rwamakuba<sup>164</sup>.
67. Ubuhamya bw'aba batangabuhamya buvuguruzanya kandi n'ubw'abandi batangabuhamya bashinja. Umutangabuhamya wiswe ALA yavuze ko hari

<sup>157</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 14.

<sup>158</sup> Inyandikomvugo y'iburanisha, 20 Kamena 2005, urup. 57.

<sup>159</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 11.

<sup>160</sup> Inyandikomvugo y'iburanisha, 20 Kamena 2005, urup. 57.

<sup>161</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 31.

<sup>162</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, imp. 17, 22, 30-31; Inyandikomvugo y'iburanisha, 20 Kamena 2005, imp. 53-55; Inyandikomvugo y'iburanisha, 21 Kamena 2005, urup. 2.

<sup>163</sup> Inyandikomvugo y'iburanisha, 20 Kamena 2005, imp. 55-56; Inyandikomvugo y'iburanisha, 21 Kamena 2005, imp. 2-3.

<sup>164</sup> Ibimenyetso gihanya byahawe N° D. 19 A na B (byashyizweho ubujeni).

- ahantu André Rwamakuba yajyanye na Anastase Gasana maze agahamagarira abantu gutsembatsemba Abatutsi, kandi ko abivuga Gasana yari ahari. Umutangabuhamyi wiswe GAC yavuze ko mu nama yabereye ku kigo cy'amashuri abanza cy'i Kayanga, Twagiramungu « yigishije abantu kwica Abatutsi ». Nyamara ariko, abatangabuhamyi biswe GIT na GIQ hamwe n'umutangabuhamyi w'impuguke witwa Allison Des Forges bavuze ko Anastase Gasana na Faustin Twagiramungu bombi bari abanyapolitike ba MDR batari intagondwa<sup>165</sup>. GIQ yavuze ko iyo abona Rwamakuba na Gasana bari kumwe byari kumutangaza<sup>166</sup>. Ubuhamya bwa GAC buvuga ko Jean de Dieu Kamuhanda yari mu nama yabereye i Kayanga bwavugurujwe n'ibimenyetso byerekanye ko Kamuhanda yari umunyapolitike wa MRND<sup>167</sup>.
68. Ubhanyu bwatanzwe n'umutangabuhamyi wiswe GLM ku birebana n'inama yabereye muri Segiteri ya Nduba ahagana mu Ukwakira 1993, « hashize amezi nk'abiri » MDR-Pawa ishinze<sup>168</sup> na bwo bunyuranye n'ubw'umutangabuhamyi w'impuguke wahamagajwe na Porokireri. Uyu mutangabuhamyi w'impuguke yavuze ko MDR yatangiye gucikamo ibice kuva muri Gashyantare 1993 (ubwo ingabo za FPR zacaga ku masezerano y'ihagarika ry'imirwano zikagaba igitero simusiga mu majyaruguru y'u Rwanda hose, bigatuma abantu babarirwa mu bihumbi bahunga) kugeza ku itariki ya 23 Nyakanga 1993 ubwo Twagiramungu yirukanwaga mu ishyamba rya MDR, kubera ko mu byo yifuzaga harimo n'uko ishyamba ryakomeza gufatanywa na FPR<sup>169</sup>. Ukwirukanwa mu ishyamba kwa Twagiramungu kwemejwe na Jean-Marie Nkezabera wahoze ari muri biro politike ya MDR akaba yari na Perezida wungirije w'iryo shyamba mu karere ka Kigali. Bityo rero, ibyo GLM avugaga ko Twagiramungu yagiye mu nama ya MDR-Pawa ahagana mu Ukwakira 1993 bisa n'ibidashoboka. Byongeye kandi, uyu mutangabuhamyi w'impuguke yavuze ko nyuma y'uko Perezida w'u Burundi, Umuhutu wa mbere watowe mu mucyo, yicwaga n'abasirikare b'Abatutsi mu Ukwakira 1993, ari bwo igitekerezo cya Hutu-Pawa

<sup>165</sup> Umutangabuhamyi wiswe GIT yavuze ko ishyamba rya MDR rimaze gucikamo ibice, Gasana yagiye mu gice kitari intagondwa (Inyandikomvugo y'iburanisha, 21 Kamena 2005, urup. 67); Inyandikomvugo y'iburanisha, 15 Kamena 2005, imp. 54-55.

<sup>166</sup> Inyandikomvugo y'iburanisha, 15 Kamena 2005, urup. 56.

<sup>167</sup> Reba umutangabuhamyi ushinjura wiswe 1/5, Inyandikomvugo y'iburanisha, 13 Ukuboza 2005, urup. 28. Porokireri ntiyahakanye.

<sup>168</sup> Inyandikomvugo y'iburanisha, 16 Kamena 2005, urup. 11.

<sup>169</sup> Inyandikomvugo y'iburanisha, 14 Nyakanga 2005, imp. 15-16.

cyazanywe na Frodouald Karamira muri mitingi karundura yabereye kuri sitade y'i Nyamirambo, i Kigali<sup>170</sup>. N'ubwo uyu mutangabuhamyi w'impuguke yumvise ko hari inama yabereye i Gitarama muri Nzeri 1993 yakoreshejwemo amagambo « Hutu Pawa », yemeye ko ayo magambo yakomotse muri mitingi yo mu Ukwakira 1993. Ubu buhamya buvuguruza ubwa GAC wavuze ko ijamba « pawa » ryakoreshejwe muri za mitingi zo mu wa 1992 no mu mezi ya mbere y'umwaka wa 1993.

69. Ntibishoboka ko uku kunyuranya imvugo kwaba kwaratewe n'igihe gishize ibintu bibaye, ku isemura ridahuje n'ibyavuzwe, cyangwa ku buryo inyandikomvugo z'ubuhamyi zafashwe. Uko kunyuranya mu buhamya kurushaho ahubwo kugaragara iyo ubugereranyije n'ubuhamyi bushinjura buvuga ko Uregwa atari aho ibivugwa byabereye igihe byabaga.

### (2.3) Imyiregurire ya sinari mpari

70. Ubwunganizi buvuga ko André Rwamakuba atashoboraga kujya muri ibyo bikorwa byo gushishikariza abantu gukora ibyaha muri Gikomero hagati ya Nzeri 1993 na Werurwe 1994, kubera ko muri icyo gihe akenshi atari mu Rwanda<sup>171</sup>. Hatanze ubuhamyi buvuga ko hagati y'itariki ya 23 Nzeri 1993 n'ya 10 Werurwe 1994, Uregwa yigaga mu ishuri rikuru ryitwa « *Prince Leopold Institute* », riri Antwerp mu Bubiligi, kandi ko hagati y'itariki ya 17 n'ya 29 Werurwe 1994 yari mu nama y'Ishami ry'Umuryango w'Abibumbye ryita ku buzima ku isi (OMS/WHO) ahitwa Aswan mu Misiri. Mu nama ntegururubanza yabaye mu wa 2000, ni bwo Ubwunganizi bwamenyeshije Porokireri ko Uregwa yari mu Bubiligi mu gihe kivugwa ibyaha aregwa byakozwemo<sup>172</sup>. Byongeye kandi, Ubwunganizi bwabimenyeshije Porokireri mu nyandiko urubanza rutangiye, buvuga n'amazina y'abatangabuhamyi n'aho babarizwa hamwe n'ibindi bimenyetso bwifuzaga guzashingiraho imyiregurire ya bwo<sup>173</sup>.

<sup>170</sup> Inyandikomvugo y'iburanisha, 14 Nyakanga 2005, urup. 17.

<sup>171</sup> Imyanzuro nsozarubanza y'Ubwunganizi, urup. 230 n'izikurikira.

<sup>172</sup> Urubanza rwa Rwamakuba, N° ICTR-98-44-I, Inyandikomvugo y'iburanisha, 7 Ugushyingo 2000.

<sup>173</sup> Reba Inyandiko y'ibanga imenyekanisha imyiregurire ya sinari mpari, yatanze ku itariki ya 8 Kamena 2005; Inyandiko ikosora iy'ibanga imenyekanisha imyiregurire ya sinari mpari, yatanze ku itariki ya 14 Kamena 2005; n'ibisobanuro birambuye by'imyiregurire ya sinari mpari, byatanze ku itariki ya 21 Kamena 2005.



71. Ubwunganizi bwahamagaje abatangabuhamya batandatu bo gushyigikira imyiregurire ya sinari mpari ya bwo, akenshi bashingiye kuri za ajenda zabo hamwe n'izindi nyandiko zabo biyibutsa amatariki bahuriyeho na André Rwamakuba mu gihe kivugwa<sup>174</sup>. Porokireri ntiyabihakanye kandi n'Urugereko rwemera ko Uregwa yize ubuganga mu Bubiligi hagati y'umwaka wa 1970 n'uwa 1974 no muri Kaminuza y'i Butare hagati y'umwaka wa 1975 n'uwa 1978<sup>175</sup>, nyuma akaba yarakoze nk'impuguke mu birebana n'ubuzima rusange, ndetse akaba yaranabaye Umuyobozi w'Akarere k'ubuzima ka Kigali mu wa 1992<sup>176</sup>.
72. Abatangabuhamya bashinjura bitwa Henri Van Balen na Pierre Mercenier ni bo bashinze Ishuri rikuru ry'ubuvuzi ryitwa « *Prince Leopold Institute (Institute of Tropical Medicine)* » riri Antwerp mu Bubiligi<sup>177</sup>. Bombi bakoze umwuga w'ubuganga igihe kirekire bakorana n'ubutegetsi bw'Ububiligi hamwe n'imiryango mpuzamahanga nk'Ishami ry'Umuryango w'Abibumbye ryita ku buzima ku isi<sup>178</sup>. Mu wa 1993 no mu wa 1994 bombi bigishaga amasomo y'ubuzima rusange muri iryo shuri. Bifashishije inyandiko zinyuranye<sup>179</sup> berekana ko André Rwamakuba yize muri iryo shuri mu Bubiligi hagati y'itariki ya 27 Nzeri 1993 na Werurwe 1994. icyemezo cyanditswe na Porofeseri Mercenier cyerekana ko amahugurwa yarangiye ku itariki ya

<sup>174</sup> Abatangabuhamya bashinjura bitwa Edith Van Wynsberghe, Pierre Mercenier, Henri Van Balen na François Monet, n'abiswe 1/1 na 3/A. Kubera isano ya hafi hagati y'uregwa n'Umutangabuhamya wiswe 3/A n'imyaka umutangabuhamya yari afite igihe ibivugwa byabaga, Urugereko rusanga byaba byiza gushyira ubu buhamya ku ruhande.

<sup>175</sup> Umwirondoro wa André Rwamakuba (Ikimenyetso gihamya cyahawe N° D. 184) n'Imyanzuro nsozarubanza ya Porokireri, igika 6, igisobanuro cyo hasi ku rupapuro 3: « Porokireri ntahakana igihe Uregwa yigiye n'ibyoyize ».

<sup>176</sup> Ikimenyetso gihamya cyahawe N° D.184; Imyanzuro nsozarubanza ya Porokireri, igika 6, n'Imyanzuro nsozarubanza y'Ubwunganizi, imp. 2-5.

<sup>177</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 2.

<sup>178</sup> Ni kimwe no haruguru.

<sup>179</sup> Abo batangabuhamya bombi bifashishije ajenda zabo. Porofeseri Van Balen yerekanye inyandiko zikurikira : Raporo yakozwe na André Rwamakuba ku birebana n'amahugurwa, icyemezo cyasinywe na Porofeseri Van Balen muri Gicurasi 1995, ibarwa yateguwe n'umunyamabanga w'Ishuri ku itariki ya 28 Mutarama 1993, icyemezo cyatanze na Porofeseri Mercenier, ibarwa yateguwe n'umunyamabanga w'Ishuri ku itariki ya 25 Mutarama 1994 (Ikimenyetso gihamya cyahawe N° D. 186).

- 9 Werurwe 1993<sup>180</sup>. Nyamara ariko, raporo y'amahugurwa yanditswe na Andre Rwamakuba kimwe n'icyemezo cyanditswe na Porofeseri Van Balen byerekana ku inyigisho zarangiye ku itariki ya 27 Werurwe 1994<sup>181</sup>. Igisobanuro cyatanzwe kuri uku kunyuranya kw'amatariki ngo n'uko raporo y'amahugurwa Rwamakuba yakoreye serivisi y'Ububiligi ishinze ubufatanye mu bya tekinike yagombaga guhuza n'igihe cy'amezi atandatu buruse yagombaga kumara, nta bwo rero yahuje neza n'itariki ya inyigisho zarangiriyeho<sup>182</sup>. Porofeseri Van Balen yakomeje asobanura ko muri Gicurasi 1995, Rwamakuba, wari uri muri Namibiya icyo gihe, yamwandikiye amusaba ibaruwa yemeza ko yize mu ishuri rikuru ry'ubuvuzi rya Antwerp. Rwamakuba yamwandikiye amubwira ko ashaka akazi muri Namibiya kandi ko yavuye mu Rwanda asizeyo inyandiko ze zose. Kubera ko Porofeseri Mercenier yari yarafashe ikiruhuko cy'izabukuru ubwo Porofeseri Van Balen yabonaga iyo barwa, Porofeseri Van Balen yateguye ibarwa yasabwaga akurikije raporo y'amahugurwa yakozwe na Rwamakuba. Uyu mutangabuhamya yavuze ko atitaye cyane ku matariki nyayo kubera ko yari azi neza ko Rwamakuba yarangije ayo mahugurwa yamaze amezi atandatu.
73. Ba Porofeseri Van Balen na Mercenier nta bwo bashoboye kwemeza nta shiti ko igihe Rwamakuba yigaga mu Bubiligi yahabaga umunsi ku wundi<sup>183</sup>, ariko bavuze ko yakurikiraga amasomo yakorwaga umujyoro umwe ku buryo yagombaga kuguma mu Bubiligi igihe cyose ayo masomo yamaze. Porofeseri Mercenier yavuze ko yabanje kujya abona Rwamakuba nka rimwe mu cyumweru, nyuma akajya amubona nka kabiri mu kwezi. Abo baporofeseri kandi ngo bajyaga bamubona rimwe na rimwe banyuze mu birongozi by'ishuri<sup>184</sup>. Bakurikije ibyanditse muri za ajenda zabo, berekanye kandi amatariki babonaniyeho na Rwamakuba bafatiye hamwe na we gahunda yo guhura. Henri Van Balen yavuze ko muri ajenda ye herekana ko yahuye na Rwamakuba ku itariki ya 13 Ukwakira 1993 bakagirana ikiganiro ku nama

<sup>180</sup> Ikimenyetso gihamya cyahawe N° D. 186(B).

<sup>181</sup> Ikimenyetso gihamya cyahawe N° D. 186 (A na D); Inyandikomvugo y'iburanisha, 6 Ukuboza 2005, imp. 34-35 na 42-43.

<sup>182</sup> Inyandikomvugo y'iburanisha, 6 Ukuboza 2005, imp. 8, 15 na 17.

<sup>183</sup> Inyandikomvugo y'iburanisha, 6 Ukuboza 2005, imp. 35, 42 na 44; 14 Ukuboza 2005, urup. 15.

<sup>184</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, imp. 4-12 (Umutangabuhamya witwa Van Balen) n' Inyandikomvugo y'iburanisha, 6 Ukuboza 2005, urup. 43 (Umutangabuhamya witwa Mercenier).

- nyunguranabitekerezo<sup>185</sup>, naho Pierre Mercenier yavuze ko yahuye na Rwamakuba ku itariki ya 21 Gashyantare 1994 mu Bubiligi bakaganira ku isoza ry'amahugurwa no ku rugendo yateganyaga kujyamo mu Rwanda muri Mata 1994<sup>186</sup>.
74. Dogiteri Francis Monet ni impuguke mu ndwara zo mu bihugu bishyushye (*tropical medicine*) kandi yakoreraga Ikigo cy'Ububiligi gishinzwe ubufatanye mu bya tekini, akaba yarakoraga mu Rwanda kuva mu wa 1990 kugeza mu wa 1994<sup>187</sup>. Rwamakuba amaze kugirwa Umuyobozi w'Akarere k'ubuzima ka Kigali mu wa 1992 ni bwo bamenyanye. Bombi bari mu Rwanda kandi bahuraga buri muni<sup>188</sup>. Dogiteri Monet yemeje ko yari ku kibuga cy'indege ubwo Rwamakuba yavaga mu Rwanda ajya mu Bubiligi ku itariki ya 23 Nzeri 1993, hagati ya saa kumi n'ebiri n'igice na saa moya za mu gitondo. Uyu mutangabuhamya yashingiye ku byanditse muri ajenda ye<sup>189</sup> ariko kandi yanibutse uwo muni kubera ko ngo yari yababajwe n'uko Rwamakuba yageze ku kibuga cy'indege yatinze cyane. Yanavuze ko yagiye gusanganira Rwamakuba ku kibuga cy'indege ubwo yagarukaga mu Rwanda ku itariki ya 10 Werurwe 1994 mu gitondo. Uyu mutangabuhamya yavuze ko Rwamakuba atigeze agaruka mu Rwanda hagati y'itariki ya 23 Nzeri n'ya 10 Werurwe 1994. Yavuze ko n'ubwo nta makuru y'Uregwa yabonye muri icyo gihe, bitashobokaga ko yari kugaruka mu Rwanda ngo ye kubimenya. Yavuze ko n'yo Rwamakuba atari kubimwibwirira, azi neza ko abandi bajyaga kumubwira ko yagarutse<sup>190</sup>.
75. Umutangabuhamya ushinjura witwa Edith Van Wynsberghe yavuze ko ubwo André Rwamakuba yigaga ubuvuzi mu Bubiligi mu wa 1973 ari bwo bamenyanye. Yavuze ko yamubonye inshuro zigera ku icumi yiga mu Ishuri rikuru ry'ubuvuzi Antwerp mu Bubiligi (« *Tropical Institute of Antwerp* ») hagati ya Nzeri 1993 na Werurwe 1994.

<sup>185</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 4.

<sup>186</sup> Inyandikomvugo y'iburanisha, 6 Ukuboza 2005, imp. 36 na 45.

<sup>187</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 23.

<sup>188</sup> By'umwihariko, ubwo André Rwamakuba yagirwaga Diregiteri w'Akarere k'ubuzima ka Kigali ni bwo Dogiteri Monet yamumenye. Uyu mutangabuhamya yavuze ko yahuraga na Rwamakuba buri muni (Inyandikomvugo y'iburanisha 14 Ukuboza 2005, urup. 24).

<sup>189</sup> Ikimenyetso gihamya cyahawe N° D. 187. Ipaje imwe ya ajenda ye ni yo yatanzweho ikimenyetso. Urugereko rwahawe ariko ajenda yose kugira ngo ruyisuzume.

<sup>190</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, imp. 26-27, 38-39, 48-49.

- Uyu mutangabuhamy yifashishije inyandiko mpamyabwishyu zinyuranye<sup>191</sup> kugira ngo yibuke amatariki yahuriyeho na Rwamakuba muri icyo gihe. Ngo yigeze kumubona rimwe hagati y'impera z'Ugushyingo n'intangiriro z'Ukuboza 1993 agiye Antwerp kugura icyarahani<sup>192</sup>. Ngo nyuma yaho yagiye kumusura iwe Antwerp ku itariki ya 27 Ukuboza 1993 ku isabukuru y'amavuko ye<sup>193</sup>. Nta bwo yashoboye kwemeza aho Rwamakuba yari ari hagati y'itariki ya 1 n'ya 27 Ukuboza 1993<sup>194</sup>. Ngo ku itariki ya 6 Mutarama 1994, ari kumwe n'umukobwa we baherekeje Rwamakuba agiye mu wundi muji wo mu Bubiligi kugurayo imodoka yakozwe<sup>195</sup>. Ku itariki ya 2 Werurwe 1994, yajyanye Rwamakuba kuri farumasi ya Antwerp kugurayo ibikoresho byo kwa muganga<sup>196</sup>. Yavuze kandi ko yaherekeje Uregwa ku kibuga cy'indege aha mu Bubiligi asubira mu Rwanda ku itariki ya 9 Werurwe 1994<sup>197</sup>.
76. Umutangabuhamy ushinjura wiswe 1/1, ufitanye isano ya hafi na André Rwamakuba, yavuze ko Rwamakuba yavuye mu Rwanda akajya kwiga mu Bubiligi hagati y'impera za Nzeri 1993 na Werurwe 1994<sup>198</sup>. Uyu mutangabuhamy yemeje ko Rwamakuba atigeze agaruka mu Rwanda muri icyo gihe yigaga. Yerekanye kandi inzandiko Rwamakuba yabonye ari aho yari atuye mu Bubiligi, aho Edith Van Wynsberghe yavuze ko yagiye kumusura ku isabukuru y'amavuko ye, yerekana na ajenda ya Rwamakuba yo mu wa 1993 ivuga no ku birebana n'igihe yari mu Bubiligi<sup>199</sup>.

<sup>191</sup> Ikimenyetso gihamya cyahawe N° D. 182.

<sup>192</sup> Impamyabwishyu yo ku itariki ya 8 Ukuboza 1993; uyu mutangabuhamy yaje Antwerp hasigaye nk'icyumweru ngo ashyikirizwe ibyo yari yaguze.

<sup>193</sup> Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 57.

<sup>194</sup> Inyandikomvugo y'iburanisha, 2 Ukuboza 2005, urup. 3.

<sup>195</sup> Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 57.

<sup>196</sup> Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, imp. 57-58; Ikimenyetso gihamya cyahawe N° D. 182.

<sup>197</sup> Umutangabuhamy yibukijwe n'inyandiko za gasutamo z'imiti yaguzwe zari ziriho kashe ya gasutamo y'Ububiligi kandi zanditsweho n'itariki; Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, imp. 60-61, n'Ikimenyetso gihamya cyahawe N° D. 182.

<sup>198</sup> Umutangabuhamy wiswe 1/1 yavuze ko André Rwamakuba yagarutse mu Rwanda itariki ya 14 Werurwe 1994. Ubwo yerekwaga paseporo ya Rwamakuba, uyu mutangabuhamy yemeje ko yavuze iyo tariki akurikije ibyo yibukaga; Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 58; Inyandikomvugo y'iburanisha, 15 Ukuboza 2005, imp. 25, 32-35.

<sup>199</sup> Ibimenyetso gihamya byahawe N° D. 190 na D. 193.

77. Ubwunganizi bwerekanye kandi ibimenyetso bigaragaza ko André Rwamakuba yari mu Misiri hagati y'itariki ya 17 na 29 Werurwe 1994. Edith Van Wynsberghe ngo yongeye kubona Rwamakuba ku itariki ya 18 Werurwe 1994 ku kibuga cy'indege cy'i Buruseli ubwo yahanyuraga akahategerereza indi ndege ngo akomeze urugendo<sup>200</sup>. Dogiteri Francis Monet yavuze ko ubwo Rwamakuba yagarukaga i Kigali avuye mu Misiri ku itariki ya 29 Werurwe 1994, babonaniye kuri uwo mugoroba ku biro by'Akarere k'ubuzima ka Kigali<sup>201</sup>. Porofeseri Henri Van Balen yavuze ko Rwamakuba yagombaga kujya mu Misiri mu nama yari yarateguwe n'Ishami ry'Umuryango w'Abibumbye ryita ku buzima ku isi arangije kwiga mu Bubiligi. Umunyamabanga w'Ishuri rikuru ryavuzwe yabwiye Porofeseri Van Balen ko yari yarabikishirije Rwamakuba itike y'indege kugira ngo ajye muri iyo nama, ariko ko atari yaguzwe iyo tike burundu. Hanyuma, Umutangabuhamya wiswe 1/1 na we yavuze ko André Rwamakuba yavuye mu Rwanda ku itariki ya 17 Werurwe 1994 agaruka ku ya 29 Werurwe 1994 avuye mu nama mu Misiri.
78. Umutangabuhamya ushinjura witwa Monet yavuze ko kuva André Rwamakuba ava mu Bubiligi kugeza ajya mu Misiri, yamubonaga buri muni ku biro by'Akarere k'ubuzima kubera ko bakoranaga. Ku itariki ya 11 Werurwe 1994 bajyanye n'abadepite b'ababiligi ku bitaro by'i Rutongo<sup>202</sup>. Umutangabuhamya wiswe 1/1 yavuze ko muri icyo gihe, hari umunsi umwe muri Gashyantare Rwamakuba yagiyeho iwabo kuyagira ababyeyi be kubera urupfu rw'umuntu bari bafitanye isano<sup>203</sup>.
79. Ubwunganizi bwerekanye paseporo ya André Rwamakuba nk'ikimenyetso, ikaba yari ibitswe na Gereza y'Urukiko kandi yahawe impande zombi kugira ngo ziyisuzume<sup>204</sup>. Iyo paseporo yari yaratangiwe i Kigali muri Kanama 1993, irimo viza yo kujya mu mahugurwa yatanzwe n'Ambasade y'Ububiligi ku itariki ya 2 Nzeri 1993, kashe yo

<sup>200</sup> Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, imp. 60-61. Uyu mutangabuhamya ngo yafashije André Rwamakuba kugura telefone igendanwa na fagisi. Yabyibukijwe n'impamyabwishyu yo ku itariki ya 18 Werurwe 1994 (Ikimenyetso gihamya cyahawe N° D. 182).

<sup>201</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, imp. 28-29. Umutangabuhamya yifashishije ajenda ye yari yanditsemo ko André Rwamakuba yagiye mu Misiri ku itariki ya 17 Werurwe 1994.

<sup>202</sup> Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 27.

<sup>203</sup> Inyandikomvugo y'iburanisha, 15 Ukuboza 2005, imp. 3, 24-25.

<sup>204</sup> Inyandikomvugo y'iburanisha, 22 Kanama 2005, imp. 12-13; Inyandikomvugo y'iburanisha, 24 Kanama 2005, urup. 68; Inyandikomvugo y'iburanisha, 7 Nzeri 2005, imp. 4-5.

- kwinjira mu Bubiligi yo ku itariki ya 23 Nzeri 1993 na kashe yo gusohoka mu Bubiligi yo ku itariki ya 9 Werurwe 1994, viza yo kwinjira rimwe mu Misiri yatanzwe ku itariki ya 17 Werurwe 1994, kashe yo kwinjira n'iyoye gusohoka mu Misiri, kashe yo kunyura muri Kenya yo ku itariki ya 28 Werurwe 1994 na kashe yo gusohoka muri Kenya yo ku itariki ya 29 Werurwe 1994<sup>205</sup>.
80. Urugereko rusanga aba batangabuhamya bashinjura bashobora kwemerwa no kwizerwa buri muntu ku giti cye. Henri Van Balen, Pierre Mercenier na François Monet bari abarimu na bagenzi ba André Rwamakuba kandi nta kintu kigaragara cyatuma batanga ubuhamya bw'ibinyoma bamurengera. Ubuhamya bwabo bushyigikiwe n'inyandiko nyinshi zatanzwe nk'ibimenyetso gihamya. Edith Van Wynsberghe, n'ubwo yari inshuti y'Uregwa, na we yasobanuye ibyabaye mu buryo buboneye kandi uko yabivuze ukabona bishoboka, akoresheje inyandiko yari afite zatanzwe nk'ibimenyetso gihamya. Nta nyandiko n'imwe muri izi yigeze inyomozwa na Porokireri. Urugereko rwasuzumye rubyitondeye cyane ubuhamya bwatanzwe n'umutangabuhamya wiswe 1/1 kubera ko afitanye isano ya hafi n'Uregwa, ariko rwasanze na we akwiye kwizerwa.
81. Urugereko rwemeye ibisobanuro byatanzwe na ba Porofeseri Van Balen na Mercenier ku birebana n'uko igihe yamaze mu mahugurwa nk'uko kiragarazwa n'icyemezo cyatanzwe n'ishuri gitandukanye n'icyo André Rwamakuba yavuze muri raporo y'amahugurwa. Twibutse ko mbere yo gufatwa n'ubutegetsi bwa Namibiya mu wa 1995 ari bwo Uregwa yasabye Porofeseri Van Balen icyemezo cy'uko yakurikiye ayo mahugurwa<sup>206</sup>.
82. Urugereko rusanga kandi Porokireri atarashoboye kunyomoza ibimenyetso byerekana ko Uregwa atari aho ibivugwa byabereye igihe byabaga. Porokireri yemeye ko Uregwa yari mu Bubiligi hagati ya Nzeri 1993 na Werurwe 1994, ariko akavuga ko agomba kuba yaragiye agaruka mu Rwanda mu minsi abatangabuhamya bavugaga ko bamubonyeho. Mbere y'uko urubanza rutangira, Porokireri ari amaze igihe kinini azi ko Uregwa aziyambaza imyiregurire ya sinari mpari, bityo akaba yari yahawe umwanya wo gukora iperereza rikwiye kuri icyo kibazo<sup>207</sup>. Byongeye kandi, nta bwo

<sup>205</sup> Ikimenyetso gihamya cyahawe N° D. 151.

<sup>206</sup> Uregwa yafashwe ku itariki ya 2 Kanama 1995.

<sup>207</sup> Urubanza rwa André Rwamakuba, N° ICTR-98-44-I, Inyandikomvugo y'iburanisha, 7 Ugushyingo 2000.

- Porokireri yerekanye ibimenyetso bishyigikira ibyo avuga, kandi ntiyasobanuye igituma ntaho bigaragara muri paseporo ya Rwamakuba, yari ifitwe n'ubuyobozi bwa gereza y'Urukiko, ko yagiye asubira mu Rwanda muri icyo gihe kivugwa<sup>208</sup>. Porokireri yifashishije ikopi y'ipaje y'indi paseporo ya Rwamakuba, iriho ifoto y'Uregwa n'umwirondoro we<sup>209</sup> ariko ntiyashoboye kwerekana andi mapaje kubera ko atashoboye kubona paseporo yose, kandi ntiyashoboye gusobanura aho yakomoye kopi y'iyi paje ya paseporo<sup>210</sup>.
83. Urugereko rusanga imyiregurire ya André Rwamakuba ivuga ko atari mu Rwanda hagati y'itariki ya 23 Nzeri 1993 na 29 Werurwe 2004 ihagije kugira ngo umuntu ashidikanye ku birego bivuga ko Uregwa yagiye mu manama no mu mahuriro yabereye muri Komini ya Gikomero muri icyo gihe. Urugereko rusanga igika cya 5 cy'Inyandiko y'ibirego gisa nk'ikivuga ko Uregwa yitabiriye amanama yakorerwagamo poropagande nkangurambaga nyuma y'itariki ya 29 Werurwe 2004, kugeza muri Kamena 1994. Ibi ariko nta bwo byasobanuwe neza kandi nta bimenyetso bishinje byabishyigikiye. Abatangabuhamya biswe ALA, GAB, GAC, GIQ, GIT na GLM batanze ubuhamya ku nama zakozwe kugeza muri Werurwe 1994 gusa. Abandi batangabuhamya bashinje batanze ubuhamya ku ruhare Uregwa yaba yaragize mu bitero byibasiye Abatutsi muri Mata 1994 aho ngo yashimiye abantu bitwaraga gisirikare<sup>211</sup>, ariko ubuhamya bwabo ntibugaragaza ko hari icyo Uregwa yavuze mu manama anyuranye cyangwa ko yitabiriye amahuriro runaka. Uku kudasobanuka neza kw'ibirego biri mu Nyandiko y'ibirego n'ukw'ibimenyetso bishinje ntibyafatwa rero mu buryo bubangamira Uregwa.
84. Rushingiye ku myanzuro rwafashe mbere yemeza ko ibimenyetso bishinje birimo ukuvuguruzanya, ko abatangabuhamya bashinje atari abo kwizerwa kandi rumaze kubona imyiregurire ya sinari mpari, Urugereko rusanze Porokireri atarashoboye gutanga ibimenyetso bidashidikanywaho bishyigikira ibivugwa kuva ku gika cya 3 kugeza ku cya 5 by'Inyandiko y'ibirego.

<sup>208</sup> Ikimenyetso gihamya cyahawe N° D. 151.

<sup>209</sup> Ikimenyetso gihamya cyahawe N° P. 3.

<sup>210</sup> Ikimenyetso gihamya cyahawe N° P. 3.

<sup>211</sup> Reba hepfo: ibimenyetso ku iyicwa ry'Abatutsi batatu hafi y'ibiro bya Segiteri ya Gikomero no ku bwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga.

**II.1.2 I bivugwa ko André Rwamakuba yatanze imipanga muri  
Komine ya Gikomero muri Mata 1994**

85. Mu gika cya 11 cy'Inyandiko y'ibirego, Porokireri agira ati:

Hagati y'itariki ya 10 n'ya 20 Mata 1994, **André Rwamakuba** yajyanye imifuka irimo imipanga mu rugo rwa André Muhire ruri hafi ya santere y'ubucuruzi ya Ndatemwa, Segiteri ya Gasabo, muri komine akomokamo ya Gikomero, Perefegitura ya Kigali Ngari. icyo gihe, ku itariki ya 10 cyangwa iya 11 Mata, **André Rwamakuba** yagiranye inama n'abarwanashyaka bakomeye banyuranye b'ishyaka rya MDR-«Hutu Pawa » barimo Joas Habimana wari Perezida wa MDR « Pawa » muri Segiteri ya Rutunga, Ndamage, na André Muhire. Hashize iminsi mike, ahagana ku itariki ya 13 Mata, André Muhire yahaye iyo mipanga abaturage bo muri ako gace, na bo baza kuyikoresha mu kugaba ibitero ku Batutsi no kubica. Ibyo bitero byahitanye Abatutsi benshi barimo abari batuye kuri santere ya Ndatemwa, nk'umugore w'umugabo witwa Gakumba n'umuhungu we Kambanda, abitwa Kanuma, Rwihimba, Kankidi, Rutembya na Rutembesa, hamwe n'impunzi nyinshi zitamenyekanye zari zavuye muri Segiteri za Rutongo, Nkuzuzu na Rutanga. Na none, ku itariki ya 10 cyangwa iya 11 Mata 2004[SIC !], **André Rwamakuba** yajyanye imifuka irimo imipanga mu rugo rwa Etienne Kamanzi wari umuyobozi w'Ikigo nderabuzima cya Kayanga, kandi yari azi neza cyangwa yagombaga kumenya ko iyo mipanga izakoreshwa mu bitero byibasiraga Abatutsi muri utwo duce. Bityo, yashyigikiye gahunda y'ubwicanyi bwibasiye Abatutsi.

86. Urugereko rurabanza rusuzume igemura ry'imipanga mu rugo rwa André Muhire **(II.1.2.1)** hanyuma rukurikizeho igemura ry'imipanga mu rugo rwa Etienne Kamanzi **(II.1.2.2)**.



*II.1.2.1 I bivugwa ko André Muhire yagemuriwe imipanga  
kandi ko icyo gikorwa cyakurikiwe n' icyicwa  
ry'Abatutsi kuri santere y'ubucuruzi ya Ndatemwa*

87. N'ubwo igika cya 11 cy'Inyandiko y'ibirego gitangira kivuga igihe kirekire ibivugwa byakozwemo, « hagati y'itariki ya 10 na 20 Mata 1994 », interuro ikurikiraho ivuga neza ko Uregwa yagemuye imifuka irimo imipanga kwa André Muhire « *ku itariki ya 10 cyangwa iya 11* »<sup>212</sup> kandi ko iyo mipanga yakwirakwijwe mu bantu « *hashize iminsi mike, nko ku itariki ya 13 Mata* ». Nk'uko byemejwe na Porokireri mu myanzuro mbazirizarubanza ye, mu mpinamyanzuro yo mu ikubitiro no mu myanzuro nsozarubanza mu magambo, nta gushidikanya ko Porokireri yashakaga kuvuga ko ibyo byabaye « *ku itariki ya 10 cyangwa iya 11 Mata 1994* »<sup>213</sup>. Bityo rero, mu isuzuma ry'ibimenyetso, Urugereko rurazirikana ko ibivugwa byaba byarabaye muri icyo gihe cya nyuma kimaze kuvugwa.

**(1) Ibimenyetso byatanzwe**

88. Santere y'ubucuruzi ya Ndatemwa iri muri Segiteri ya Gasabo, Komini ya Gikomero, nko muri kilometero 36 uvuye mu mujyi wa Kigali<sup>214</sup> aho André Rwamakuba yari atuye mu gihe kivugwa mu Nyandiko y'ibirego. Abatangabuhamya bashinja n'abashinjura bavuze ko, hagati y'itariki ya 9 n'ya 11 Mata 1994, Abatutsi babiri bitwaga Rutembya na Rutembesa bakubitiwe kuri iyo santere nyuma bakajyanwa ku Kigo nderabuzima cy'i Kayanga ari naho biciwe<sup>215</sup>. Abo batangabuhamya bavuze

<sup>212</sup> Ni twe twabishimangiye tubyandika mu nyuguti ziberamye.

<sup>213</sup> Imyanzuro mbanzirizarubanza ya Porokireri, igika 19; Impinamyanzuro yo mu ikubitiro, Inyandikomvugo y'iburanisha, 9 Kamena 2005, urup. 8; Imyanzuro nsozarubanza ya Porokireri, ibika 50-52.

<sup>214</sup> Reba Ikimenyetso gihamya cyahawe N° P. 2: Kuva i Kigali/Remera kugera ku biro bya Segiteri ya Gikomero hari kilometero 25; kuva kuri ibyo biro kugera kuri santere ya Ndatemwa hari kilometero 11.

<sup>215</sup> AVC yavuze ko Rutembya na Rutembesa bakubiswe ku itariki ya 9 cyangwa iya 11 Mata 1994 (Inyandikomvugo y'iburanisha, 27 Kamena 2005, imp. 33-35); AVD yavuze ko ibi byabaye mu cyumweru Habyarimana yapfuyemo ariko mbere y'uko André Rwamakuba agera kuri santere y'ubucuruzi ya Ndatemwa (Inyandikomvugo y'iburanisha, 28 Kamena 2005, imp. 5-6); Umutangabuhamya ushinja wiswe GII yavuze ko ibi byabaye nko ku itariki ya 11 Mata 1994 (Inyandikomvugo y'iburanisha, 23 Kamena 2005, imp. 43-44). Umutangabuhamya ushinjura wiswe 9/20 yavuze ko Rutembya na Rutembesa bakubiswe ku itariki ya 11 Mata 1994 (Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, urup. 22); naho umutangabuhamya wiswe 4/16

kandi ko igitero cyibasiye Abatutsi cyagabwe kuri santere y'ubucuruzi ya Ndatemwa ku itariki ya 13 Mata 1994<sup>216</sup>. Amakuru arambuye y'uko ibintu byagenze yatanzwe n'abatangabuhamyanya bashinja anyuranye n'ayo abashinjura batanze.

89. Umutangabuhamyanya ushinja wiswe GII yavuze ko, ku itariki ya 10 cyangwa iya 11 Mata 1994 nyuma ya saa sita, ubwo yari ahagaze ku muhanda muri metero nkeya uvuye ku nzu ya Muhire iri kuri santere y'ubucuruzi ya Ndatemwa, yabonye bapukurura imifuka itanu yari mu modoka y'umweru, mu gice cyayo gitwara imizigo, bayishyira mu nzu ya Muhire. André Rwamakuba yari yavuye mu modoka. Abatangabuhamyanya bashinja biswe AVC na AVD bemeje ko babonye imodoka isa nk'imaze kuvugwa igera kuri santere ya Ndatemwa<sup>217</sup>, n'ubwo itariki bavuze idahura n'iyavuzwe na GII: AVD yavuze ko ibyo byabaye ku itariki ya 12 Mata 1994 nyuma ya saa sita<sup>218</sup>; AVC yabanje kuvuga ko yabonye iyo modoka hagati y'itariki ya 10 n'ya 13 Mata 1994, nyuma mu ibazwa rinyomoza avuga ko bishoboka ko yayibonye ku itariki ya 12 Mata 1994<sup>219</sup>. AVD ngo yabonye imifuka itatu ipakururwa muri iyo modoka, mu gice cyayo gitwara imizigo, bayishyira mu nzu ya Muhire. AVC yavuze ko iyo modoka yamaze kwa Muhire igihe kitageze ku isaha<sup>220</sup>, ariko GII na AVD bavuze ko Rwamakuba yagumye mu nzu kwa Muhire nk'isaha cyangwa amasaha abiri ari kumwe n'abandi bantu<sup>221</sup>. GII yavuze ko Joas Habimana, Ndamage n'abandi bantu na bo bari mu nzu kwa Muhire; naho AVC yavuze ko Ndoli na Murangira bari mu nzu. AVC yabwiwe kandi ko Rwamakuba yagiye kwa Muhire ari kumwe n'Interahamwe yitwa Ephrem<sup>222</sup>. Abatangabuhamyanya bashinja bavuze ko Muhire yahaye imipanga abantu bo mu masegiteri ya Rutungo na

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yavuze ko byabaye ku itariki ya 11 cyangwa iya 12 Mata 1994 (Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 57).

<sup>216</sup> Imyanzuro nsozarubanza y'Ubwunganizi, urup. 83.

<sup>217</sup> Inyandikomvugo y'iburanisha, 28 Kamena 2005, imp. 19 na 39; Inyandikomvugo y'iburanisha, 27 Kamena 2006, urup. 12.

<sup>218</sup> AVD yavuze ko ibyo byabaye « hashize iminsi ine cyangwa itanu Habyarimana apfuye ». Ubwo yasubizaga Ubwunganizi, yavuze ko Rwamakuba yahageze ku itariki ya 12 Mata 1994 nyuma ya saa sita (Inyandikomvugo y'iburanisha, 28 Kamena 2006, imp. 7 na 31).

<sup>219</sup> Inyandikomvugo y'iburanisha, 27 Kamena 2006, imp. 12 na 35.

<sup>220</sup> Uyu mutangabuhamyanya yavuze ko imodoka yahamaze hagati y'iminota 10 na 15 (Inyandikomvugo y'iburanisha, 27 Kamena 2005, urup. 54).

<sup>221</sup> Inyandikomvugo y'iburanisha, 28 Kamena 2005, urup. 9.

<sup>222</sup> Inyandikomvugo y'iburanisha, 27 Kamena 2005, imp. 12-13 na 54.

Gasabo<sup>223</sup>, mu ijoro ry'itariki ya 12 cyangwa mu gitondo cy'itariki ya 13 Mata 1994<sup>224</sup>. AVD yavuze ko icyo gihe Ndoli na Murangira ari bo bafashije Muhire. Abatangabuhamya bashinja bavuze ko nyuma y'ikwirakwizwa ry'imipanga, ingo z'Abatutsi zagabweho ibitero maze zigasenywa. GII yavuze ko hishwe Abatutsi bo muri iyo komine ndetse n'impunzi z'Abatutsi zari zaturutse muri Komine ya Rubungo n'ya Kanombe.

90. Amakuru yatanze n'abatangabuhamya bashinjura biswe 9/20 na 4/16 ku byabereye kuri santere y'ubucuruzi ya Ndatemwa anyuranye n'ibimaze kuvugwa. Basobanuye ko ibivugwa byabaye ku itariki ya 13 Mata 1994, kandi ko uwo muni, Ephrem Nyirigera ari kumwe n'abapolisi ba komine batatu, Interahamwe zigera nko kuri 15 zavuye mu Ruhengeri n'impunzi zavuye i Gitega hamwe n'abaturage bo muri ako gace basahuye ibintu mu ngo z'Abatutsi, kandi ko bari bitwaje imipanga n'impiri babikangisha abantu<sup>225</sup>. Icyo gitero cyahagaritswe na Ntamuhanga wari Konseye wa Segiteri ya Gasabo, abifashijwemo n'abasirikare. Abatangabuhamya bashinjura bavuze ko nta bwicanyi bwabereye i Ndatemwa<sup>226</sup> cyangwa muri Segiteri ya Gasabo<sup>227</sup>, uretse ba bavandimwe babiri, ari bo Rutembya na Rutembesa, bakubiswe kw'itariki ya 11 Mata 1994 cyangwa hafi yayo nyuma bakicirwa ku Kigo nderabuzima cy'i Kayanga<sup>228</sup>. Abo batangabuhamya bavuze kandi ko André Rwamakuba atigeze agera i Ndatemwa muri icyo gihe.

## (2) Isesengura ry'ibimenyetso

91. Urugereko rusanga ubuhamya bw'abatangabuhamya bashinja bunyuranye n'ibivugwa mu Nyandiko y'ibirego (2.1). Byongeye kandi, usanga ubwo buhamya atari ubwo

<sup>223</sup> AVD yasobanuye ko bari abasore b'Interahamwe, Abahutu.

<sup>224</sup> AVC yavuze ko imipanga yakwirakwijwe Rwamakuba amaze kugenda, mu ijoro ryo ku itariki ya 12 Mata 1994; GII yavuze ko imipanga yatanze ku itariki ya 13 Mata 1994 mu ma saa tatu za mu gitondo; AVD yavuze ko imipanga yatanze « mu gitondo cy'umunsi wa gatatu » nyuma y'uko abantu bakubitirwa kuri santere (Inyandikomvugo y'iburanisha, 28 Kamena 2006, urup. 30).

<sup>225</sup> Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, imp. 24-25 (Umutangabuhamya ushinjura wiswe 9/20); Inyandikomvugo y'iburanisha, 19 Mutarama 2006, imp. 57-58 (Umutangabuhamya ushinjura wiswe 4/16).

<sup>226</sup> Umutangabuhamya ushinjura wiswe 9/10.

<sup>227</sup> Umutangabuhamya ushinjura wiswe 4/16.

<sup>228</sup> Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, imp. 22-24 (Umutangabuhamya ushinjura wiswe 9/20); Inyandikomvugo y'iburanisha, 19 Mutarama 2006, imp. 57-58 (Umutangabuhamya ushinjura wiswe 4/16).

kwizerwa, cyane cyane iyo urebye ibimenyetso byatanzwe bishyigikira imyiregurire ya sinari mpari y'Uregwa (2.2).

(2.1) *Inyuranya hagati y'Inyandiko y'ibirego n'ubuhamya bushinja*

92. Ubuhamya bwatanzwe n'abatangabuhamya bashinja biswe AVC na AVD buvuga ko Rwamakuba yagemuye imipanga mu rugo kwa Muhire ku itariki ya 12 Mata 1994 bunyuranye n'ibivugwa mu Nyandiko y'ibirego ko ibyo byabaye ku itariki ya 10 cyangwa iya 11 Mata 1994<sup>229</sup>.
93. Abatangabuhamya biswe GII, AVC na AVD na bo bavuze ko Abatutsi babiri bitwaga Rutembya na Rutembesa bakubitiwe kuri santere ya Ndatemwa ku itariki ya 9 cyangwa iya 11 Mata 1994, mbere y'uko imipanga igemurwa kwa Muhire, ko kandi nyuma biciwe ku Kigo nderabuzima cy'i Kayanga. Ubu buhamya, bushimangirwa n'ubw'abatangabuhamya bashinjura<sup>230</sup>, bunyuranye n'ibivugwa ko Rutembya na Rutembesa bishwe mu bitero byibasiye Abatutsi bamwe na bamwe bitewe n'ibyo Rwamakuba yakoze byo kugemura imipanga kuri santere y'ubucuruzi ya Ndatemwa.

(2.2) *Ibirebana n'ukwizerwa k'ubuhamya*

94. Ibivugwa n'abatangabuhamya ku birebana n'uko bamenye André Rwamakuba ubwo yagemuraga imipanga kwa Muhire si ibyo kwizerwa. Abatangabuhamya biswe AVC na AVD ntibari bazi Rwamakuba mbere y'uko agera kuri santere y'ubucuruzi ya Ndatemwa. Iby'uko bamenye Uregwa bishingiye ku nkuru mbarirano kandi ukuri kwabyo ntikwaganzuwe. AVC wari wihishe mu gihuru adashobora kubona abantu bari mu modoka ngo yabwiwe n'abagabo babiri ko umuntu wari waje mu modoka ari Rwamakuba<sup>231</sup>. AVD yavuze ko atashoboraga kubona abari mu modoka kubera ko

<sup>229</sup> Inyandiko y'ibirego, igika 11; Imyanzuro mbanzirizarubanza ya Porokireri, igika 19; Impinanyanzuro yo mu ikubitiro, Inyandikomvugo y'iburanisha, 9 Kamena 2005, urup. 8; Imyanzuro nsozarubanza ya Porokireri, ibika 50-52.

<sup>230</sup> Reba: Abatangabuhamya biswe 9/20 na 4/16.

<sup>231</sup> Inyandikomvugo y'iburanisha, 27 Kamena 2005, imp. 44, 50 na 54. AVC yavuze ko umwe muri abo bagabo ari bwo na we yari agihura na André Rwamakuba kandi ngo yarapfuye, naho uwa kabiri wamenye ko ari Rwamakuba akabibwira AVC ngo yarahunze kandi ngo ntazi niba akiriho.

yari ikikijwe n’abantu benshi. Mu rukiko, AVC na AVD ntibashoboye gusobanura na gato uko umuntu bita Rwamakuba asa.

95. GII ni we mutangabuhamya ushinja wenyine wavuze ko yari asanzwe azi André Rwamakuba. GII yavuze ko yabonye Rwamakuba mu nama yabereye kwa Muhire ku itariki ya 4 cyangwa iya 5 Mata 1994, ko kandi icyo gihe Rwamakuba yari kumwe na Joas Habimana wari Perezida wa MDR-Pawa muri Segiteri ya Rutunga, na Ndamage wari uhagarariye MDR-Pawa muri Gasabo. Icyo gihe ngo abantu babwiye GII ko ari Rwamakuba wari waje muri iyo nama. GII yavuze ko hashize iminsi mike ari bwo Rwamakuba yagemuye imipanga kwa Muhire, noneho akamumenya kubera ko yari yamweretswe ku itariki ya 4 cyangwa iya 5 Mata 1994.
96. Urugereko rusanga GII yaramenye André Rwamakuba amubwiye n’abantu batazwi yewe batanavugiwe amazina. Uyu mutangabuhamya yavuze muri rusange uko Uregwa asa<sup>232</sup>, icyo yashoboye kuvuga cyihariye ngo n’uko yari yambaye amadarubindi. Ubwunganizi bwavuze ko Rwamakuba atari yambaye amadarubindi icyo gihe, bunatangaho ikimenyetso ibarwa y’umuyobozi mukuru wa gereza y’Urukiko ivuga ko Uregwa « atari afite amadarubindi ubwo yinjiraga muri gereza y’Urukiko »<sup>233</sup>. Byongeye kandi, abatangabuhamya bashinjura bari basanzwe bazi Rwamakuba neza, bavuze ko atigeze yambara amadarubindi<sup>234</sup>.
97. Ibimenyetso by’Ubwunganizi bivuga ko Uregwa atari aho ibivugwa byabereye mu gihe byabaga bituma umuntu ashidikanya kurushaho ku birebana n’uko GII yamenye André Rwamakuba. Umutangabuhamya ushinjura witwa François Monet yavuze ko yari kumwe na Rwamakuba na Pierre Mercenier ku itariki ya 5 Mata 1994 kuva saa

<sup>232</sup> Uyu mutangabuhamya yaragize ati: « Nta bwo yiraburaga cyane. Si munini cyane, ariko afite ibigango, ni injege, araringaniye mu gihagararo, si muremure cyane kandi si mugufi cyane; yari yambaye ikote n’amadarubindi ».

<sup>233</sup> Ikimenyetso gihamya cyahawe N° D. 215.

<sup>234</sup> Reba: Edith Van Wynsberghe (Inyandikomvugo y’iburanisha, 1 Ukuboza 2005, urup. 61); Umutangabuhamya wiswe 1/1 (Inyandikomvugo y’iburanisha, 14 Ukuboza 2005, urup. 65); Umutangabuhamya wiswe 1/15 (Inyandikomvugo y’iburanisha, 18 Mutarama 2006, urup. 14), n’umutangabuhamya wiswe 9/1 (Inyandikomvugo y’iburanisha, 29 Ugushyamba 2005, imp. 37 na 63-65).

moya n'igice za mu gitondo kugeza saa kumi n'imwe n'igice z'igicamunsi<sup>235</sup>. Nta bwo ari ajenda ye gusa uyu mutangabuhamya yifashishije ku birebana n'uwo munsi<sup>236</sup>, ahubwo yibukaga neza ko Rwamakuba yari aho uwo munsi kuko ari we wari uyoboye intumwa z'abakozi zahuye n'Umuyobozi mukuru wari ushinzwe ubuzima. N'ubwo Pierre Mercenier atibukaga ko Uregwa yari ahari ku itariki ya 5 Mata 1994, yavuze ko byajyaga kumutangaza iyo aza kuba adahari uwo munsi. Indi tariki GII yavuze ko ashobora kuba yarahuyeho na Rwamakuba ni iya 4 Mata 1994. Yavuze ko uwo munsi hari ku wa mbere wa Pasika, kandi hari ubuhamya buvuga ko uwo munsi Rwamakuba yawumaranye n'umuryango we i Kigali<sup>237</sup>. Rumaze kubona ubuhamya buziguye kandi butagenzuwe bwatanzwe na GII ku birebana n'ukuntu yamenye Rwamakuba n'ubuhamya bushinjura bwakwizerwa, Urugereko rusanze hari ugushidikanya ku birebana n'ibyo GII avuga ko yabonye Rwamakuba ku itariki ya 4 cyangwa iya 5 Mata 1994 ubwo uwo Rwamakuba ngo yari yaje mu nama kwa Muhire. Uku gushidikanya gushyigikirwa n'ibimenyetso bishinjura byatanzwe ku birebana no kumenya niba byarashobokaga kujya i Gikomero unyuzwe iy'umuhanda muri Mata 1994.

(2.3) *Ibirebana no kujya muri Gikomero unyuzwe iy'umuhanda*

98. Ubwunganizi bwavuze ko Uregwa atashoboraga kuba ari muri Komini ya Gikomero muri icyo gihe ibivugwa byabaga. Impande zombi zemera ko André Rwamakuba yarahiye nka minisitiri muri Guverinoma y'Agateganyo ku itariki ya 9 Mata 1994, ko yari mu Nama y'Abaminisitiri i Kigali muri *Hotel des Diplomates* ku itariki ya 11 Mata 1994<sup>238</sup>, kandi ko yabaga i Kigali kugeza ku itariki ya 12 Mata 1994 ubwo yimukiraga i Gitarama mu gihiriri kimwe n'abandi bari bagize Guverinoma

<sup>235</sup> Ngo babanje guhurira ku biro by'Akarere nderabuzima ka Kigali ari mu gitondo. Nyuma, uko ari batatu baragumanye nyuma ya saa sita, kandi babonye n'Umuyobozi Mukuru wari ushinzwe ubuzima rusange muri Minisitiri baganira ku mushinga hamwe n'imirimu bateganyaga gukora mu Rwanda.

<sup>236</sup> Ikimenyetso gihamya cyahawe N° D. 187.

<sup>237</sup> Umutangabuhamya wiswe 1/1, Inyandikomvugo y'iburanisha, 15 Ukuboza 2005, imp. 35-36. Porokireri ntiyahakanye ko ku itariki ya 4 Mata 1994 hari ku wa mbere wa Pasika.

<sup>238</sup> Ibi byose ababuranyi ntibabihakana. Reba Imyanzuro nsozarubanza ya Porokireri, igika 68; Imyanzuro nsozarubanza y'Ubwunganizi.

y'Agateganyo<sup>239</sup>. Kwemera ibi bifite ingaruka ikomeye ku byo Porokireri avuga kubera ko kuva urubanza rutangira, Ubwunganizi butahwemye kuvuga ko kuva muri Komini ya Gikomero no kujyayo unyuze mu muhanda bitari byoroshye kubera imbogamizi zaterwaga n'imiterere y'amayira n'ibikorwa bya gisirikare muri Mata 1994. Mu myanzuro nsozarubanza ye, Porokireri yavuze ko Ubwunganizi butagaragaje ko kujya i Gikomero bitashobokaga muri icyo gihe<sup>240</sup>. Yanavuze ko, byari byoroheye Rwamakuba kugenda mu gihugu cyose kurusha umuturage usanzwe, kuko yari minisitiri<sup>241</sup>. Nyamara ariko, nta kimenyetso cyatanzwe gishyigikira ibyo Porokireri yavuze. Urugereko ruributsa ko uregwa afatwa nk'umwere kandi ko atagomba kugaragaza ibimenyetso bimushinjura. Iyo ibimenyetso byatanzwe n'Ubwunganizi bituma ibya Porokireri bishidikanywaho, Porokireri aba yananiwe kugaragaza ko uregwa ahamwa n'icyaha.

99. Muri uru rubanza, Porokireri ntiyahamagaje abatangabuhamya bo kunyomoza ibivugwa n'Ubwunganizi «ahubwo yahisemo kwibanda ku kwizerwa kw'abatangabuhamya bashinjura n'ubumenyi buke bafite ku kibazo kivugwa»<sup>242</sup>. Porokireri yahamagaje gusa umupererezi witwa Upendra Baghel watanze ubuhamya ku nyandiko y'ubushakashatsi yakoze mu wa 2003, akaba yaranavuze ku birebana n'imihanda iri hagati ya Kigali na Komini ya Gikomero. Iyo nyandiko ye ivuga ko intera iri hagati ya Kigali na santere y'ubucuruzi ya Ndatemwa ari nka kilometero 36 kandi ko hari urugendo rwashoboraga gutwara isaha n'igice<sup>243</sup>. Ubwunganizi bwemeye ko imihanda n'amasaha urugendo rujya muri Komini ya Gikomero rumara byakozwe neza muri icyo nyandiko, «ariko bwisegura buvuga ko icyo gihe cyagereranyijwe hashingiwe ku rugendo rwaba rwakozwe mu modoka imeze neza y'ijipe, nta mvura igwa kandi ari mu gihe cy'amahoro»<sup>244</sup>. Uwo mupererezi wa Porokireri yemeye ko imihanda yari ihanamye kandi igoranye, kandi ko atari azi uko kugenda mu modoka muri ako karere byari bimeze mu wa 1994<sup>245</sup>. Yavuze kandi ko atari azi aho abasirikare bari barashinze ibirindiro hagati y'itariki ya 8 n'ya 30 Mata

<sup>239</sup> Ni kimwe no haruguru.

<sup>240</sup> Imyanzuro nsozarubanza ya Porokireri, ibika 190-192.

<sup>241</sup> Imyanzuro nsozarubanza ya Porokireri, igika 192.

<sup>242</sup> Imyanzuro nsozarubanza ya Porokireri, igika 178.

<sup>243</sup> Ikimenyetso gihamya cyahawe N° P. 2.

<sup>244</sup> Imyanzuro nsozarubanza y'Ubwunganizi, igika 22.

<sup>245</sup> Inyandikomvugo y'iburanisha, 13 Kamena 2005, imp. 39-40.

1994. Bityo rero, agaciro k'ubuhamy bwe kakaba ari gato ugereranyije n'ubw'umutangabuhamy wari ahantu havugwa mu wa 1994.

100. Abatangabuhamy bashinjura bari i Gikomero cyangwa bagerageje kujyayo muri Mata 1994 bavuze ko hashize igihe gito nyuma y'itariki ya 7 Mata 1994 imihanda ine y'ingenzi yahuzaga Kigali na Komini ya Gikomero yose yari ifunze kubera ko hari abasirikare ba FPR<sup>246</sup>. Umutangabuhamy wiswe 9/20 yavuze ko bitashobokaga ko André Rwamakuba ajya i Ndatemwa hagati y'itariki ya 10 n'ya 13 Mata 1994 kuko abaturage baho batashoboraga gutembera kandi bari barategetswe kuguma mu ngo zabo<sup>247</sup>. Uyu mutangabuhamy yavuze ko umuhanda uva i Kigali ujya i Ndatemwa utagendwaga kandi ko imodoka zashoboraga kuva i Rutunga zikagera i Ndatemwa ariko ntizirenge aho<sup>248</sup>. Uyu mutangabuhamy yemeje kandi ko nta Minisitiri n'umwe wageze i Gikomero mu minsi yabanjirije itariki ya 13 Mata 1994<sup>249</sup>. Umutangabuhamy ushinjura wiswe 6/10 yavuze ko kuva ku itariki ya 9 Mata 1994, imihanda itari ikigendwa, cyane cyane iva i Rutongo, kuko FPR yari yarafashe ako gace kose. Yavuze ko atiyumvisha ukuntu imodoka yashoboraga kuva i Kigali ikajya mu burasirazuba<sup>250</sup>. Umutangabuhamy ushinjura wiswe 7/3 yashimangiye ubuhamy bumaze kuvugwa, kandi yemeje ko kuva Habyarimana yapfa kugera ku itariki ya 14 Mata 1994, kuva i Gikomero ujya i Kigali bitari byoroshye kuko FPR yari yarafashe ahantu h'ingenzi, cyane cyane udusozi twa Gikomero<sup>251</sup>. Abatangabuhamy bashinjura biswe 1/5, 3/13 na 3/4 bavuze ko imihanda myinshi iva i Kigali ijya i Gikomero itashoboraga gucibwamo nyuma y'itariki ya 8 cyangwa iya 9 Mata 1994 kubera ko FPR yari ihari kandi hari n'imirwano<sup>252</sup>. Umutangabuhamy

<sup>246</sup> Reba inyandiko zifashishijwe hepfo.

<sup>247</sup> Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, urup. 27.

<sup>248</sup> Inyandikomvugo y'iburanisha, 9 Ugushyingo 2005, urup. 6.

<sup>249</sup> Inyandikomvugo y'iburanisha, 9 Ugushyingo 2005, urup. 6.

<sup>250</sup> Inyandikomvugo y'iburanisha, 24 Ugushyingo 2005, urup. 8.

<sup>251</sup> Inyandikomvugo y'iburanisha, 19 Mutarama 2006, imp. 14-15.

<sup>252</sup> FPR yari yafashe Remera (umuhanda wo hafi ya Sitade y'i Kigali na Hoteli Amahoro na « CND » (Inteko Ishinga Amategeko – umuhanda uva ku Kigo cya radiyo y'abadage cyitwa « Deutsche Welle ») n'umuhanda ukomeza ujya i Kanombe. Reba: Abatangabuhamy bashinjura biswe : 3/4 (Inyandikomvugo y'iburanisha, 17 Mutarama 2006, imp. 6-12); 3/13 (Inyandikomvugo y'iburanisha, 24 Mutarama 2006, imp. 15, 30 na 32); 1/5 (Inyandikomvugo y'iburanisha, 13 Ukuboza 2005, imp. 24 na 38). Byongeye kandi, Umutangabuhamy ushinjura wiswe 2/18 yavuze ko nyuma y'itariki ya 13 Mata 1994 ntawashoboraga kuva i Kigali ngo agere i Gikomero kubera ko icyo gihe Kigali na Remera byari byafashwe (Inyandikomvugo y'iburanisha, 23 Mutarama



wiswe 3/22 na we yavuze ko nyuma y'itariki ya 12 Mata 1994 kuva cyangwa kujya i Kigali bitashobokaga kubera ko mu mihanda hari abasirikare<sup>253</sup>. Yemeye ko hari utundi duhanda abantu bashoboraga kunyuramo bajya i Gikomero, ariko avuga ko utwo duhanda twose twahuraga n'umuhanda munini uva i Kigali kandi ko wari ufunze<sup>254</sup>. Ubuhamya bw'uyu mutangabuhamya bwashimangiwe n'umutangabuhamya ushinjura wiswe 4/12 wari utuye hafi y'uwo muhanda. Uyu mutangabuhamya yavuze ko nyuma y'itariki ya 12 Mata 1994 nta modoka yigeze abona ihita uretse imodoka enye zarimo abasirikare bari bagiye kurwana n'Inkotanyi<sup>255</sup>. Yavuze ko uwo muhanda utarimo umutekano kandi ko Rwamakuba atashoboraga guhara amagara ye ngo ave i Kigali ajye i Gikomero icyo gihe<sup>256</sup>. Umutangabuhamya ushinjura wiswe 2/18 yavuze ko nyuma y'itariki ya 13 Mata 1994 nta muntu washoboraga kuva i Kigali ngo ajye i Gikomero kubera ko Kigali na Remera byari byarafashwe<sup>257</sup>.

101. Indi ngingo ikomeye Ubwunganizi bwireguje ni uko ngo izina rya André Rwamakuba ritigeze rivugwa mu manza za Gacaca zirebana n'ibyabaye muri Komini ya Gikomero muri Mata 1994. Ibyo byashyigikiwe n'abatangabuhamya bashinjura bari batuye muri ako gace mu wa 1994, cyangwa bagize uruhare mu manza za Gacaca muri iyo komine. Abatangabuhamya bashinjura biswe 3/1, 3/22, 3/11 na 4/16 bemeje ko nta muminisitiri bigeze babona aza i Gikomero mu minsi yabanjirije itariki ya 13 Mata 1994, yewe nta n'umuntu bumvise avuga ko byabayeho<sup>258</sup>. Abatangabuhamya bashinjura biswe 7/18 na 9/31 bavuze ko André Rwamakuba atigeze ajya i Gikomero

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2006, urup. 28), naho Umutangabuhamya ushinjura wiswe 3/22 yavuze ko nyuma y'itariki ya 12 Mata 1994 byari bitagishoboka kujya i Kigali cyangwa kuhava kuko mu mihanda hari abasirikare (Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, urup. 16).

<sup>253</sup> Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, urup. 16.

<sup>254</sup> Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, imp. 29-31.

<sup>255</sup> Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, imp. 22-23.

<sup>256</sup> Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, imp. 22-23.

<sup>257</sup> Inyandikomvugo y'iburanisha, 23 Mutarama 2006, urup. 28.

<sup>258</sup> Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 8 (Umutangabuhamya wiswe 3/1); Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, urup. 17 (Umutangabuhamya wiswe 3/22); Umutangabuhamya wiswe 1/5 ngo ntiyigeze yumva ko André Rwamakuba yaje muri Komini ya Gikomero hagati y'itariki ya 8 n'ya 17 Mata 1994 (Inyandikomvugo y'iburanisha, 12 Ukuboza 2005, urup. 26).

nyuma y'itariki ya 6 Mata 1994<sup>259</sup>. Abatangabuhamyi biswe 1/5, 4/12, 6/10 na 7/18 bavuze ko nta muntu bigeze bumva avuga ko Rwamakuba yagize uruhare muri jenocide<sup>260</sup>. By'umwihariko, hari abatangabuhamyi bashinjura bemeje ko batigeze bumva izina ry'Uregwa rivugwa mu manza za Gacaca zirebana n'ubwicanyi bwabereye muri Gikomero mu wa 1994<sup>261</sup>. Ariko, Umutangabuhamyi ushinjura wiswe 3/10 yavuze ko, muri Nzeri cyangwa Ukwakira 2005, uru rubanza rwaratangiye, hari abatangabuhamyi babiri mu bashinja bavuze izina rya André Rwamakuba mu manza za Gacaca zabereye muri serire y'uuyi mutangabuhamyi<sup>262</sup>.

102. Urugereko rusanga muri rusange aba batangabuhamyi bashinjura badasobanya kandi batabogamye mu byo bavuga byabaye, ku buryo bituma ibivugwa na Porokireri bishidikanywaho. Abatangabuhamyi biswe 9/20 na 3/1 nta cyo bapfana n'Uregwa: bavuze ko batamuzi, ko bamubonye batanamumenya<sup>263</sup>. Bombi ni Abatutsi, benewabo bakaba barishwe muri jenocide yo mu wa 1994<sup>264</sup>. Umwe muri bo ni umuhuzabikorwa w'urukiko Gacaca mu Rwanda. Umutangabuhamyi wiswe 1/5 nta bwo yari azi neza André Rwamakuba<sup>265</sup>. Ntawavugaga ko aba batangabuhamyi bari bafite inyungu zihariye zo kurengera Uregwa kuko nta kimenyetso cyatanzwe kuri icyo kibazo.

<sup>259</sup> Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 33 (umutangabuhamyi wiswe 7/18). Umutangabuhamyi ushinjura wiswe 9/31 yavuze ko atigeze abona André Rwamakuba muri Segiteri ya Gikomero muri Mata 1994 (Inyandikomvugo y'iburanisha, 1 Gashyantare 2006, urup. 8).

<sup>260</sup> Inyandikomvugo y'iburanisha, 12 Ukuboza 2005, urup. 26 (Umutangabuhamyi wiswe 1/5); Inyandikomvugo y'iburanisha, 24 Ugushyirye 2005, urup. 7 (Umutangabuhamyi wiswe 4/12); Inyandikomvugo y'iburanisha, 24 Ugushyirye 2005, urup. 24 (Umutangabuhamyi wiswe 6/10).

Umutangabuhamyi wiswe 7/18 yongeyeho ko atigeze yumva abantu b'i Gikomero cyangwa bo mu nkambi y'impunzi y'i Rutare bavugaga Rwamakuba mu birebana n'ubwicanyi bwabaye (Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 9).

<sup>261</sup> Reba: Abatangabuhamyi bashinjura biswe 3/1 (Inyandikomvugo y'iburanisha, 10 Ugushyirye 2005, urup. 9); 3/22 (Inyandikomvugo y'iburanisha, 30 Ugushyirye 2005, urup. 34); 4/12 (Inyandikomvugo y'iburanisha, 24 Ugushyirye 2005, urup. 7); 4/16 (Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 55); 5/16 (Inyandikomvugo y'iburanisha, 2 Gashyantare 2006, urup. 34); 9/31 (Inyandikomvugo y'iburanisha, 1 Gashyantare 2006, urup. 9); 6/10 (Inyandikomvugo y'iburanisha, 24 Ugushyirye 2005, urup. 25).

<sup>262</sup> Inyandikomvugo y'iburanisha, 15 Ugushyirye 2005, imp. 19-20.

<sup>263</sup> Inyandikomvugo y'iburanisha, 7 Ugushyirye 2005, urup. 26; Inyandikomvugo y'iburanisha, 10 Ugushyirye 2005, urup. 25.

<sup>264</sup> Inyandikomvugo y'iburanisha, 7 Ugushyirye 2005, imp. 19, 31 na 32; Inyandikomvugo y'iburanisha, 10 Ugushyirye 2005, urup. 3.

<sup>265</sup> Inyandikomvugo y'iburanisha, 12 Ukuboza 2005, urup. 26 (Umutangabuhamyi wiswe 1/5).

- Nk'urugero: Porokireri ntiyegeze agerageza kubaza umutangabuhamya wiswe 3/4 uko yamenye Rwamakuba cyangwa niba hari isano baba bafitanye<sup>266</sup>. Urugereko rusanga abatangabuhamya bashinjura biswe 3/10, 6/10 na 7/18 bari bazi neza umuryango wa Rwamakuba kandi abatangabuhamya biswe 4/16 na 7/3 barakatiwe n'inkiko. Kubera izo mpamvu, Urugereko rwasuzumye ubuhamya bwabo rubyitondeye cyane<sup>267</sup>. Ubuhamya bwatanzwe n'aba batangabuhamya bushimangira ubwatanzwe n'abandi batangabuhamya bashinjura. Ibaza rinyomoza Porokireri yakoreye abatangabuhamya bashinjura biswe 3/10, 6/10, 7/18 4/16 na 7/3 nta cyo ryerekanye cyatuma batakwemerwa cyangwa batakwizerwa, kandi nta cyo Porokireri yerekanye kinyomoza ubuhamya batanze ku bibazo byavuzwe.
103. Byongeye kandi, ubuhamya bwatanzwe ku bintu byari mu mifuka yavuzwe no ku iyicwa ry'Abatutsi ryakurikiyeho bushingiye gusa ku nkuru mbarirano. Nta mutangabuhamya ushinja n'umwe wabonye icyari mu mifuka. Nyuma ngo ni bwo babwiwe ko imipanga yazanywe kandi ko abaturage basabwe gutangira kwica Abatutsi<sup>268</sup>. Nta n'ubwo babonye iyicwa ry'Abatutsi kuko bahunze ku itariki ya 13 Mata 1994, bakaba barabimenye nyuma hashize amezi ubwo bagarukaga kuri santere, n'ubwo habonekaga ibisigazwa by'abantu bishwe. Aba batangabuhamya nta muntu n'umwe bigeze bavuga wahitanywe n'igitero cyagabwe ku itariki ya 13 Mata 1994 kuri santere y'ubucuruzi ya Ndatemwa. Ubuhamya bwabo bwanyomojwe n'Ubwunganizi. Hatanzwe ubuhamya butaziguye bwemeje ko Muhire atigeze akwirakwiza imipanga. Hari n'ubuhamya bwatanzwe ku byaha Muhire aregwa mu Rwanda. Havuzwe ko atigeze aregwa ko yakwirakwije imipanga kandi ko izina rya André Rwamakuba ritigeze rivugwa mu manza za Muhire mu Rwanda. Byongeye kandi, umutangabuhamya wiswe 9/20 yavuze ko nta mipanga mishya yatangiwe i

<sup>266</sup> Inyandikomvugo y'iburanisha, 17 Mutarama 2005.

<sup>267</sup> Umutangabuhamya ushinjura wiswe 3/10 yari azi neza umuryango wa Rwamakuba; Umutangabuhamya wiswe 4/16 aregwa mu gihugu cye ko yishe abantu bane, ariko we akavuga ko ari umwere. Abatangabuhamya bashinjura biswe 6/10 na 7/18 bari bafite aho bahuriye bya hafi n'umuryango w'Uregwa; byongeye kandi bafitanye amasano. Umutangabuhamya ushinjura wiswe 7/14 afitanye amasano n'umutangabuhamya ushinja wiswe GIN, naho Umutangabuhamya wiswe 7/3 yakatiwe n'inkiko zo mu Rwanda ku birebana na jenocide.

<sup>268</sup> Reba kandi Abatangabuhamya biswe AVC, AVD na GII.

Ndatemwa kuko abantu bakoreshaga intworo zabo bwite babaga bavanye mu ngo zabo<sup>269</sup>.

104. Ku birebana n’uko Uregwa yamenyekanye ari ahantu ibivugwa byabereye igihe byabaga atari ibyo kwizerwa, kuba ahantu Uregwa yari muri icyo gihe nta we uhahakana, kuba hariho ibimenyetso byerekana ko kujya no kuva i Gikomero muri icyo gihe byari ukwigerezaho, kuba nta bimenyetso byakwizerwa biriho bigaragaza neza uko ibivugwa byagenze, ibyo byose bifatiwe hamwe bitera gushidikanya ko Uregwa yagemuye imipanga kwa André Muhire kuri santere y’ubucuruzi ya Ndatemwa, nk’uko bivugwa mu gika cya 11 cy’Inyandiko y’ibirego.

*II.1.2.2 Ibivugwa ko Etienne Kamanzi yagemuriwe imipanga yakoreshejwe mu bitero byagabwe ku Batutsi*

105. Porokireri avuga ko ku itariki ya 10 cyangwa iya 11 Mata 1994, Uregwa yajyanye imifuka irimo imipanga mu rugo rwa Etienne Kamanzi wari Umuyobozi w’Ikigo nderabuzima cy’i Kayanga, kandi yari azi neza cyangwa yaragombaga kumenya ko iyo mipanga izakoreshwa mu bitero byibasiraga Abatutsi muri utwo duce<sup>270</sup>. Urugo rwa Kamanzi rwari muri Segiteri ya Kayanga, Komini ya Gikomero, nko muri kilometero esheshatu uvuye kuri santere y’ubucuruzi ya Ndatemwa no muri kilometero nka 30 uvuye mu muji wa Kigali werekeza mu majyaruguru y’uburasirazuba bwawo. André Rwamakuba akaba yari atuye mu muji wa Kigali kugera ku itariki ya 12 Mata 1994, ubwo yimukiraga i Gitarama muri kilometero 53 mu burengerazuba bw’amajyepfo bwa Kigali<sup>271</sup>.

<sup>269</sup> Uyu mutangabuhamya yongeyeho ko mu manza za Gacaca atigeze yumva havugwa ikwirakwizwa ry’imipanga kuri santere y’ubucuruzi ya Ndatemwa (Inyandikomvugo y’iburanisha, 7 Ugushyingo 2005, urup. 27).

<sup>270</sup> Inyandiko y’ibirego, igika 11.

<sup>271</sup> Ikimenyetso gihamya cyahawe N° P. 2.

## (1) Ibimenyetso byatanzwe

106. Umutangabuhamya ushinja wiswe GAC wavuze ko yiboneye ibyabaye ni we wenyine waje kubitangaho ubuhamya. Yavuze ko yari asanzwe azi André Rwamakuba ngo kubera ko yari yaramubonye inshuro eshatu mbere y'ibyabaye bivugwa<sup>272</sup>.
107. Uyu mutangabuhamya yavuze ko « umunsi wakurikiye uwo [Perezida] Habyarimana yapfiriyeho »<sup>273</sup> cyangwa hashize iminsi mike apfuye, hagati y'itariki ya 10 n'ya 13 Mata 1994<sup>274</sup>, yabonye André Rwamakuba apakurura imifuka irimo imipanga ayivana mu modoka y'umweru ayiha Etienne Kamanzi<sup>275</sup>. Yavuze ko yumvise Rwamakuba atonganya Kamanzi amuziza ko yakomezaga kuvura Abatutsi mu Kigo nderabuzima cy'i Kayanga<sup>276</sup>. Yavuze ko yabonye Rwamakuba aha Kamanzi iyo mipanga avuga ngo « ni wo muti wo kubavura », n'ukuvuga kwica Abatutsi<sup>277</sup>. Ngo nyuma, GAC yumvise umugore witwa Anatalie Mukarulinda abwira Rwamakuba na Kamanzi ko afite « Abakiga » batandatu<sup>278</sup> bashobora gukora, abasabira imipanga, maze Kamanzi aha Mukarulinda<sup>279</sup> imipanga itandatu, mu maso ya Rwamakuba. GAC ngo yabonye kandi Mukarulinda aha Abakiga batandatu iyo mipanga<sup>280</sup>. Nta bandi bantu uyu mutangabuhamya yabonye bahabwa imipanga, ariko yavuze ko ubwicanyi butangiye buri muntu yahawe umupanga mushya kandi wabaga watyajwe vuba<sup>281</sup>.

<sup>272</sup> Reba haruguru: Ikirego cyo guhamagarira abantu gukora ibyaha muri Gikomero, kuva muri Nyakanga 1993 kugeza muri Kamena 1994.

<sup>273</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 7.

<sup>274</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 50-53.

<sup>275</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 8 na 58.

<sup>276</sup> Umutangabuhamya wiswe GAC ngo yumvise André Rwamakuba abaza Kamanzi ati «Koko wakomeje kuvura Abatutsi » ? (Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 8-9 na 18).

<sup>277</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 6-7, 9, 11 na 18.

<sup>278</sup> Umutangabuhamya wiswe GAC yasobanuye ko Abakiga ari abanyarwanda bavuka muri Adukiga [sic], akarere kari muri Byumba na Ruhengeri, bari baraje mu gace k'iwabo bahunga intambara y'Inkotanyi (Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 12).

<sup>279</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 11 na 58.

<sup>280</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 18 na 58.

<sup>281</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 18.

108. GAC yavuze ko «azi neza»<sup>282</sup> ko Abakiga bakoresheje iyo mipanga mu kwica Abatutsi. Yavuze ko hari umukonseye wa segiteri wamubwiye ko umupolisi witwa Nyarwaya yagiye i Nduba mu nama yarimo Interahamwe, abapolisi n'abakonseye b'amasegiteri, iyo nama ikaba ari yo baherewemo amabwiriza<sup>283</sup>. Uyu mutangabuhamya yavuze ko ku itariki ya 13 Mata 1994 cyangwa hafi yayo, ba bakiga batandatu bagiye i Rutunga<sup>284</sup>. Hanyuma, Nyarwaya wari uhagaze ku isoko ry'i Rutunga yarashye mu kirere n'imbunda maze abwira Abakiga «gutangira»<sup>285</sup>. icyo gihe nta bwo uyu mutangabuhamya yari ku isoko<sup>286</sup>. Nyuma yo kurasa mu kirere, Abakiga batangiyeye gutwika amazu, gusahura no gukorera ibikorwa by'urugomo abantu bari batuye hafi aho, batangiriye ku baturanyi ba Mukarulinda<sup>287</sup>. GAC yavuze ko abakoregwaga ibikorwa by'urugomo ari Abatutsi kandi ko byakorwaga n'Abahutu. Ibi bitere by'Abakiga ni byo byatangije ubwicanyi i Kayanga. Uyu mutangabuhamya yavuze ko umuntu wa mbere wishwe yari umuturage wo muri ako gace<sup>288</sup>, ko hakurikiyeho iyicwa ry'Abatutsi bari barwariye mu Kigo nderabuzima cy'i Kayanga, bakaba barishwe n'Interahamwe z'i Gasabo<sup>289</sup> kuva nyuma y'itariki ya 13 Mata 1993 kugera mu mpera z'icyumweru.

## (2) Isesengura ry'ibimenyetso

109. Urugereko rusanga umutangabuhamya wiswe GAC yari umutangabuhamya ushinja mu rubanza rwa Kamuhanda. Ubwunganizi bwashyize ko ubuhamya bwe butakwagirwa kuko ngo mu rubanza rwa Kamuhanda Urugereko rwa Mbere rw'Iremezo rwasanze atari uwo kwemerwa<sup>290</sup>. Buvuga ko iyo Urugereko rwa Mbere rw'Iremezo rusanze umuntu adakwiye kwemerwa, ku bintu bikomeye kandi by'ingenzi byo mu buhamya bwe, Porokireri atagomba kongera kumuhamagaza nk'umutangabuhamya wo kwemeza ukuri mu zindi manza uretse gusa mu bihe

<sup>282</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 12.

<sup>283</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 15-16.

<sup>284</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 12.

<sup>285</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 12.

<sup>286</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 3.

<sup>287</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 12 na 15.

<sup>288</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 18 na 60.

<sup>289</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 18-19.

<sup>290</sup> Inyandiko y'urubanza rwa Kamuhanda, igika 287; Imyanzuro nsozarubanza y'Ubwunganizi, imp.191-193.

bidasanzwe. Ubwunganizi busanga imikorere myiza nk'iyi iramutse idakurikijwe byagayisha ubutabera, bityo bukavuga ko Urugereko rudakwiye kwakira ubuhamya nk'ubwo kubera ko byaba ari ugukoresha nabi ibirebana n'imiburanishirize<sup>291</sup>.

110. Urugereko rufite ububasha busesuye bwo gusuzuma ibimenyetso rwashyikirijwe kandi ntirutegetswe kugendera byanze bikunze ku mwanzuro wafashwe mu rubanza rwa Kamuhanda ku birebana n'ukwemerwa kwa GAC. Nyamara ariko, Urugereko rwamaze kwemeza ko ubuhamya bwe ku birebana na mitingi zabereye i Kayanga budakwiye kwemerwa<sup>292</sup>. Byongeye kandi, ubuhamya GAC yatanze ku birebana n'imipanga yatanzwe kwa Kamanzi na bwo burimo ibintu bivuguruzanya bituma butakwemerwa **(2.1)**. Ibimenyetso bishinjura byatanzwe ku birebana n'ingorane zariho zo kujya i Gikomero mu gihe kivugwa unyuzwe mu muhanda na byo bituma ugushidikanya ku bivugwa kwiyongera **(2.2)**.

*(2.1) Ibirebana n'ukwemerwa k'umutangabuhamya*

111. Umutangabuhamya wiswe GAC agenda ahindagura ubuhamya bwe ku birebana n'itariki ibivugwa byaba byarabereyeho. Uyu mutangabuhamya yabanje kuvuga ko Uregwa yajyanye imipanga kwa Kamanzi « *ku munsu wakurikiye urupfu rwa Habyarimana* ». Nyuma yatanze ubundi buhamya buvuga ko ibyo byabaye *hashize iminsi* Perezida yishwe, nko hagati y'itariki ya 10 n'ya 13 Mata 1994<sup>293</sup>. Na none, uyu mutangabuhamya yavuze ko hari umukonseye wa segiteri, wari umuturanyi we, wamubwiye ko hasigaye umunsi umwe ngo ibitero bitangire, Nyarwaya yagiye mu nama yabereye i Nduba. Nyuma mu buhamya bwe, yahakanye ko uwo konseye atari umuturanyi we, yongeraho ko yapfuye<sup>294</sup>.
112. Amakuru atangwa n'uyu mutangabuhamya ku birebana n'ibyabaye na yo ntawayashira amakenga. Yavuze ko amaze kubona iyo mipanga itangwa atahise abibwira umuryango we ko ahubwo yikomereje inzira akajya mu kabari kunywa<sup>295</sup>.

<sup>291</sup> Imyanzuro nsozarubanza y'Ubwunganizi, imp. 192-193.

<sup>292</sup> Reba: Ikirego cyo guhamagarira abantu gukora ibyaha muri Gikomero, kuva muri Nyakanga 1993 kugeza muri Kamena 1994.

<sup>293</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 50-53.

<sup>294</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 2.

<sup>295</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, urup. 62.

Imyitwarire nk'iyoyaba itangaje cyane cyane iyo urebye akaga Abatutsi barimo nk'uko uyu mutangabuhamyabuwe abyivugira. Ibyo umutangabuhamyabavugako ubwicanyi butangira kuri santere y'ubucuruzi y'i Rutunga ku itariki ya 13 Mata 1994 yari ahari na byo umuntu abona bisa n'ibidashoboka: yemeje ko ubwicanyi butangira yari ahari nyamara akavugana na none ko uwo munsiyahunze aya i Kayanga<sup>296</sup>.

113. Byongeyekandi, uretse uku kuvuguruzanyakugaragara mu buhamya bwe no kuba imyifatire ye n'ibyo yakozese bisa n'ibintu bidashoboka, ubuhamyabGAC yatanze mu rukiko butandukanyecyane n'ubukubiye mu nyandikomvugoyakozwe n'abakozi bo mu Biro bya Porokireri ku itariki ya 8 Ugushyingo 2004<sup>297</sup>. Muri iyo nyandikomvugo, uyu mutangabuhamyayavuze ko Kamanzi yafunguyelumufuka warimo imipanga wari umaze gupakururwa *bitegetswe na Rwamakuba*, nyamara ariko mu rukiko yavuze ko ari Rwamakuba ubwe wafunguyeimodoka agaha Kamanzi imipanga<sup>298</sup>. Muri iyo nyandikomvugo, uyu mutangabuhamyayavuze ko yumvise neza Rwamakuba *asaba* Kamanzi guha Mukarulinda imipanga, nyamara ariko mu rukiko yavuze ko Mukarulinda yahawe imipanga *ari we uyisabye*. Mu mwaka wa 2004 yatanze amazina ya bagenzi be batatu, barimo Alexis Karekezi, bari bahari ubwo yabonaga Rwamakuba atanga imipanga. Muri iyo nyandikomvugoyasobanuyeko nyuma abo bagenzi be biciwe ku Kigo nderabuzima cy'i Kayanga. Nyamara ariko mu rukiko, uyu mutangabuhamyayavuze ko ari Karekezi *wenyine* bari kumwe icyo gihe kandi ko Interahamwe zitari kure y'aho bari bari<sup>299</sup>. Mu nyandikomvugoy'ubuhamyabwe yo mu wa 2004, nta kintu kivugwaku birebana n'ibitero by'Abakiga byibasiye Abatutsi kuri santere y'ubucuruzi y'i Rutunga, n'inama yatangiwemo amabwiriza yo kwica Abatutsi yari yaraye ibaye, n'uko Nyarwayayarashe isasu mu kirere abwira Abakiga gutangira kugaba ibitero, kandi ibi byose yarabivuzeho ku buryo burambuye mu rukiko. Muri iyo nyandikomvugo, uyu mutangabuhamyayavuze kandi ko Etienne Kamanzi yari Umuyobozi w'Ikigo nderabuzima cy'i Kayanga<sup>300</sup>, nyamara mu rukiko yavuze ko uwo Kamanzi yari umuforomo mu Kigo nderabuzima cy'i Kayanga<sup>301</sup>.

<sup>296</sup> Inyandikomvugoy'iburanisha, 4 Nyakanga 2005, imp. 29-30.

<sup>297</sup> Ibimenyetso gihamyabyahawe N° D. 34A na B (byashyizweho ubujeni)

<sup>298</sup> Inyandikomvugoy'iburanisha, 4 Nyakanga 2005, imp. 9 na 58.

<sup>299</sup> Inyandikomvugoy'iburanisha, 4 Nyakanga 2005, imp. 59-60.

<sup>300</sup> Ikimenyetso gihamyabyahawe N° D. 34.

<sup>301</sup> Inyandikomvugoy'iburanisha, 4 Nyakanga 2005, urup. 7.



114. Iri vuguruzanya ntawavuga ko ryatewe n'uko hashize igihe kinini ibintu bibaye, cyangwa n'uko ibyavuzwe atari ko byasemuwe. Rifite ingaruka ikomeye ku birebana no gusesengura niba uyu mutangabuhamya yakwemerwa, mu gihe nta cyo yigeze avuga kuri André Rwamakuba mu buhamya yagejeje mbere ku bapererezi bo mu Biro bya Porokireri. Mu nyandikomvugo y'ubuhamya bwe yo mu wa 1999 yanditswe n'abakozi bo mu Biro bya Porokireri no mu buhamya yatanze mu rubanza rwa Kamuhanda mu wa 2002, uyu mutangabuhamya yatanze amakuru ku birebana n'uruhare rwa Kamuhanda na Kamanzi mu ikwirakwiza ry'intwari i Kayanga hagati y'itariki ya 8 n'ya 12 Mata 1994. Yavuze inshuro yagiye abona Kamanzi mbere y'uko ubwicanyi butangira. Izina rya Rwamakuba yarivuze bwa mbere mu buhamya bwe bwanditswe mu wa 2004. Yasobanuye ko atagize agira icyo amuvugaho kubera ko ntawamubajije. N'iyi byaba ari ko bimeze, Urugereko rusanga icyo gisobanuro kitakwemerwa kuko kutabazwa ku kintu iki n'iki bitabuza umutangabuhamya ushaka gusobanura neza ibyabaye kuvuga abyibwirije no ku bintu atabajijwe<sup>302</sup>.
115. Uburyo uyu GAC yitwaye mu rukiko bishyigikira umwanzuro warwo wemeza ko uyu mutangabuhamya atari uwo kwemerwa. N'ubwo Urugereko rwemera ko imyitwarire y'umutangabuhamya ishobora guhinduka bitewe n'uko aba asubiza uruhande rutamuhamagaje, muri uru rubanza, uyu mutangabuhamya wabonaga asubiza ibibazo binyomoza by'Ubwunganizi afite ingingiri cyangwa adashaka kubisubiza<sup>303</sup>. Byongeye kandi, wabonaga yirinda cyane kugira icyo avuga cyangwa asobanura ku buhamya yatanze mu rubanza rwa Kamuhanda<sup>304</sup>.
116. Ibimenyetso byatanzwe n'Ubwunganizi buvuga ko gukora ingendo mu muhanda hagati ya Kigali na Komini ya Gikomero muri icyo gihe byari kuba ari ukwigerezaho, bituma Urugereko rushidikanya kurushaho ku birebana n'ukwemerwa kwa GAC.

<sup>302</sup> Birakwiye kuzirikana ko inyandikomvugo y'ubuhamya bwa mbere bwa GAC yakozwe ubwo yari yijyanye ku biro bya Loni i Kigali. Icyo gihe yasabaga kuvurirwa ubuntu maze umupererezi amubaza niba hari icyo azi ku byaha byakozwe n'umugabo witwa André Rwamakuba, muri Gikomero muri Mata 1994 (Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 32-33).

<sup>303</sup> Reba nk'urugero: Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 11, 27, 39-42 na 51.

<sup>304</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 45-48.

(2.2) *Ibirebana no kujya muri Gikomero unyuze  
iy'umuhanda*

117. Inyandiko y'ibirego n'ibimenyetso bishinja bimeze nk'aho bitavuga ko umunsi imipanga yagemuriweho kwa Kamanzi ari na wo yagemuriweho kwa Muhire kuri santere y'ubucuruzi ya Ndatemwa<sup>305</sup>. Mu gihe cy'iminsi itanu kivugwa ko Uregwa yagiye muri Gikomero inshuro enye, Porokireri ntiyerekanye uko izo ngendo zagiye zikurikirana. Umutangabuhamya wiswe GAC yavuze ko André Rwamakuba yahuye na Kamanzi bitunguranye gusa noneho akamuha imipanga. Nta kindi gisobanuro cyabitanzweho. Nyamara ariko, Urugereko rusanga Porokireri yaragombaga kwerekana uko ibyabaye bivugwa byagiye bikurikirana. Nk'uko byavuzwe haruguru, Urugereko rwemeye ko Uregwa yari mu yindi mirimo i Kigali ku itariki ya 11 Mata 1994<sup>306</sup>. Porokireri ntiyigeze agerageza gusobanura uko Uregwa yaba yaravuye mu mujyi wa Kigali akagemura imipanga muri kilometero 30 cyangwa ukuntu mu minsi ibiri ikurikiranye yagiye inshuro ebyiri ahantu habiri hatandukanyijwe na kilometero esheshatu gusa<sup>307</sup>, mu gihe nyamara Ubwunganizi bwo bwerekanye ko kujya no kuva muri Gikomero nyuma y'itariki ya 7 Mata 1994 byari ukwigerezaho, ko Rwamakuba atigeze ajya muri Komini ya Gikomero mu minsi yabanjirije itariki ya 13 Mata 1994 kandi ko izina rye ritigeze rivugwa mu birebana n'ubwicanyi bwabereye muri iyo komine muri Mata 1994<sup>308</sup>. Urugereko rwamaze kwemeza ko ibimenyetso byatanzwe n'Ubwunganizi bihuje kandi bitabogamye, ku buryo ibivugwa na Porokireri ari ibyo gushidikanywaho<sup>309</sup>.
118. Kuba Umutangabuhamya wiswe GAC atari uwo kwemerwa, kuba byaremewe ko Rwamakuba yari mu yindi mirimo, kuba hariho ibimenyetso byerekana ko kugenda byari bigoye, byose hamwe bituma umuntu ashidikanya bihagije ko Uregwa yari muri

<sup>305</sup> Reba haruguru ubuhamya bw'abatangabuhamya bashinja biswe AVC, AVD na GII ku birebana n'igemura ry'imipanga kwa Muhire.

<sup>306</sup> Ku itariki ya 11 Mata 1994, André Rwamakuba yagiye mu nama ya Guverinoma muri Hotel des Diplomates i Kigali. Reba: Inyandiko y'ibyo abaturanyi bemeranyijeho n'ibindi bintu bitagibwaho impaka, yatanze ku itariki ya 3 Kamena 2005; Umutangabuhamya ushinja wiswe GLM, na Des Forges wari umutangabuhamya w'impuguke wahamagajwe na Porokireri.

<sup>307</sup> Ubwo ngo yajyaga kuri santere y'ubucuruzi ya Ndatemwa agemuye imipanga kwa Muhire (reba haruguru) n'ubwo ngo yajyaga i Kayanga agemuye imipanga kwa Kamanzi.

<sup>308</sup> Reba ibika 100-101.

<sup>309</sup> Reba igika 102.

Segiteri ya Kayanga, Komini ya Gikomero, hagati y'itariki ya 10 n'ya 13 Mata 1994.<sup>85/ter</sup>  
Kubera ko GAC ari we mutangabuhamyi rukumbi wahamagajwe ku birebana n'icyo kibazo kandi hakaba nta bindi bimenyetso byatanzwe byerekana ko Uregwa yagemuye imifuka y'imipanga kwa Kamanzi ku itariki ya 10 cyangwa iya 11 Mata 1994, Urugereko rusanga icyo kirego Porokireri atarashoboye kugitangira gihamya.

### *II.1.3 Ibigwira ku icywa ry' Abatutsi batatu hafi y'ibiro bya Segiteri ya Gikomero*

119. Mu gika cya 12 cy'Inyandiko y'ibirego Porokireri agira ati:

Hagati y'itariki ya 10 n'ya 20 Mata 1994, **André Rwamakuba** yagiye ajya muri Komini ya Gikomero. Hagati y'itariki ya 10 n'ya 12 Mata, mu nama rusange y'abaturage yabereye hafi y'ibiro bya segiteri, yabajije imbaga y'abantu bari bayirimo impamvu ubwicanyi butaratangira. icyo gihe yari kumwe na burugumesitiri w'iyi komini ari we Rutaganira, Burigadiye Nyarwaya, Kontabure wa Komini ari we Mathias Kabanguka, hamwe n'abandi bagabo babiri batamenyekanye ariko bivugwa ko bari abapolisi ba komini. Ubwo yafashe ibyangombwa by'abasore babiri batamenyekanye, ariko byavugwaga ko bari Abatutsi, arabishwanyagura maze ateguka imbaga y'abantu kubafata bakabica. Ako kanya, abantu bari aho bafite imbunda, imipanga n'amahiri barimo Ngiruwosanga wari utuye muri iyi segiteri, Ngarambe na Kayibanda hamwe n'abagabo babiri batamenyekanye neza ariko bivugwa ko bari abapolisi ba komini bahereye ko bafata ba basore babiri **André Rwamakuba** yari yerekanye, babajyana hirya mu ishyamba maze babiciraye **Uregwa** abirebera hafi aho. Ibyo birangiye, icyo mbaga y'abantu na none yafashe umuntu utazwi neza wari ku ipikipiki wavugaga ko ahunze ubwicanyi bwabereye muri Komini ya Rutongo. **André Rwamakuba** yabwiye icyo mbaga y'abantu ko uwo muntu adashobora kuba ari Umuhutu ngo kubera ko Abatutsi ari bo bonyine bahungaga, maze yemeza ko uwo musore yicwa. Ibihamagariye kandi ibitegetswe na **André Rwamakuba**, ya mbaga y'abantu bitwaje intwari yajyanye uwo musore hirya mu ishyamba kumwiciraye. Ubwo, **Uregwa** yabwiye abari aho ko batangiye

ubwicanyi kandi ko batangiye neza. Uwo munsu nyuma ya saa sita, kubera ibyo **Uregwa** yategetse abantu gukora akanabibahamagarira, Interahamwe n'abajepe, bafatanyije n'abaturage, batangiye kwica impunzi z'Abatutsi muri Komini ya Gikomero, cyane cyane ku Kigo nderabuzima cy'iKayanga, ku Kigo cy'amashuri y'abaporo cy'i Gikomero, n'i Gicaca. Ubwo bwicanyi bwahitanye abantu babarirwa mu bihumbi barimo impunzi zari zavuye aha hakurikira: i Remera, mu mujyi wa Kigali, muri Komini ya Gikoro ihana imbibi n'iya Gikomero, no muri Segiteri ya Kabuga ho muri Komini ya Rubungo.

### (1) Ibimenyetso byatanzwe

120. Ibiro bya Segiteri ya Gikomero biri nko muri kilometero 25 uvuye mu mujyi wa Kigali ugana mu burasirazuba bw'amajyaruguru bw'uwo mujyi ari nawo Rwamakuba yari atuyemo kugeza ku itariki ya 12 Mata 1994. Ibyo biro kandi biri muri kilometero 11 uvuye kuri santere y'ubucuruzi ya Ndatemwa, no muri kilometero eshanu uvuye muri *Segiteri ya Kayanga*. Kuva mu mujyi wa Kigali kugera i Gitarama mu burengerazuba bw'amajyepfo aho Rwamakuba yimukiye ku itariki ya 12 Mata 1994, hari kilometero 53<sup>310</sup>.
121. Mu gushyigikira ibivugwa mu gika cya 12 cy'Inyandiko y'ibirego, Porokireri yahamagaje umutangabuhamya umwe gusa wiswe GIN, wemeje ko yari aho ibivugwa mu kirego byabereye. Uyu mutangabuhamya yavuze ko bamweretse André Rwamakuba bwa mbere mu wa 1992 mu bukwe, iwabo w'umugabo witwa Karuyonga wasaga nk'aho ari inshuti ya Rwamakuba<sup>311</sup>. Ubwo Uregwa yajyaga gusura umuryango w'uyu mutangabuhamya, ni bwo yongeye kumubona i Nyamirambo, muri Kigali-Ville, mu wa 1992<sup>312</sup>. Umutangabuhamya yavuze ko yabonye Rwamakuba bwa gatatu muri Komini ya Gikomero hagati y'itariki ya 10 n'ya 14 Mata 1994, hagati ya saa ine na saa tanu za mu gitondo. Ngo yari kumwe na Burugumesitiri

<sup>310</sup> Ikimenyetso gihamya cyahawe N° P. 2.

<sup>311</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 9. Urugereko rusanga hari ukunyuranya hagati y'inyandikomvugo y'iburanisha yo mu gifaransa handitse (« Karuyonga ») n'iyi mu cyongereza handitse (« Kayiranga »)

<sup>312</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 10; Inyandikomvugo y'iburanisha, 30 Kamena 2005, imp. 27-29 na 32-33.

- Rutaganira, Kontabure Mathias Rubanguka, Burigadiye Nyarwaya, abapolisi ba komine babiri ari bo Ngarambe na Kayibanda, n'abandi baturage barimo François-Xavier Kamanzi, Ngiruwonsanga na Mivumbi<sup>313</sup>.
122. GIN yavuze ko André Rwamakuba yageze kuri santere agasanga abaturage bafashe abasore babiri bababaza indangamuntu zabo. Abo basore, aho kwerekana indangamuntu, berekanye ibyemezo bari bafite maze Rwamakuba arabicagagura<sup>314</sup> avuga ngo ubwo banze kwerekana indangamuntu zabo ni Abatutsi<sup>315</sup>. Yategetse ko bafatwa bakicwa. Abo basore batwawe n'agatsiko k'abantu barimo Rwamakuba, Ngiruwonsanga, Murekezi, Runyota, Ngarambe, Kayibanda, Rubanguka na Rutaganira<sup>316</sup>, babajyana mu ishyamba. Abari bagize ako gatsiko bari bitwaje imipanga, ubuhiri, kandi bamwe muri bo bari bitwaje imbunda<sup>317</sup>. Kuva aho GIN yari ahagaze, ku irembo ry'iwe, n'aho abo basore bajyanywe mu ishyamba hari intera iri hagati ya metero 70 na 100. Bamaze muri iryo ishyamba nk'isaha n'igice<sup>318</sup>. GIN yumvise abo basore baboroga kubera ko bakubitwaga, akaba yaribwiye ko bishwe kubera ko abari babatwawe bagarutse bonyine<sup>319</sup>. GIN ntiyashoboye guhamya niba Rwamakuba yaragiye aho biciye abo bantu nyirizina, ariko yemeje ko yari mu by'aho kandi ko yabonaga ibyakorwaga<sup>320</sup>.
123. Nyuma y'iyicwa ry'abo basore, ngo André Rwamakuba yahaye abaturage amabwiriza yo gukomeza kwica kandi arabibashishikariza. Ngo yaba kandi yarashimiye abaturage kubera ko batangiyeye ibikorwa by'ubwicanyi muri komine<sup>321</sup>.
124. GIN yongeyeho ko André Rwamakuba akiri aho, haje umusore ari ku ipikipiki maze abari aho bakamuhagarika bamubaza indangamuntu ye. Uyu mutangabuhamya yavuze ko yumvise Rwamakuba avuga ko Abatutsi ari bo bonyine bahunga, kandi ko ari we

<sup>313</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 10.

<sup>314</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, imp. 11-12.

<sup>315</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 12.

<sup>316</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 13.

<sup>317</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 14.

<sup>318</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 14

<sup>319</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, imp. 13, 16 na 28.

<sup>320</sup> Ni kimwe no haruguru, urup. 32.

<sup>321</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, imp. 14-15.

wategetse ko uwo musore yicwa<sup>322</sup>. Ngo yabonye ka gatsiko k'abantu gatwara uwo musore muri rya shyamba bajyanyemo ba bandi babiri. icyo gihe ngo Rwamakuba yagumanye na burugumesitiri ahantu hitaruye<sup>323</sup>, mu gihe uwo musore yicwaga. Uyu mutangabuhamya yavuze ko nyuma yaho gato Rwamakuba yagiye<sup>324</sup>.

## (2) Isesengura ry'ibimenyetso

125. Urugereko rusanga ubuhamya bwa GIN bunyuranye n'ibivugwa mu Nyandiko y'Ibirego (2.1). Byongeye kandi, bisa n'ibidashoboka rwose ko abo bantu batatu baba bariciwe ku biro bya Segiteri ya Gikomero hagati y'itariki ya 10 n'ya 14 Mata 1994 mu buryo uyu mutangabuhamya abisobanura (2.2).

(2.1) *Amatariki yo mu Nyandiko y'ibirego anyuranye n'avugwa mu buhamya*

126. Uretse ubuhamya bwa GIN, hari ubundi buhamya bwatanzwe n'impande zombi buvuga ko muri Mata 1994, Abatutsi bari bahungiyeye ku Kigo cy'amashuri y'abaporo i Gikomero bavuye muri Komine ya Mbandazi [Icyitonderwa cy'umusemuzi: Ni ko byanditse mu mwimerere ariko iyo komine ntayabagaho icyo gihe] n'ya Rubungo bagabweho igitero n'Interahamwe zikabica. GIN ntiyari ahari ariko yumvise bavuga ko ubwo bwicanyi bwabaye hagati y'itariki ya 8 n'ya 12 Mata 1994. Yemeje ko André Rwamakuba atagize uruhare muri ubwo bwicanyi<sup>325</sup>. Abatangabuhamya bashinjura biswe 2/18, 3/1<sup>326</sup>, 3/11, 9/31 bari bahari ibivugwa biba, babisobanuye neza kandi bose bemeje ko izo mpunzi z'Abatutsi zishwe ku itariki ya 12 Mata 1994, hagati ya saa saba na saa munani z'amanywa. Iyi tariki yemejwe kandi n'abatangabuhamya bashinjura biswe 3/22, 4/12 na 7/3 bashingiyeye ku nkuru mbarirano<sup>327</sup>.

<sup>322</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 15.

<sup>323</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 16.

<sup>324</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 16.

<sup>325</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 27.

<sup>326</sup> Uyu mutangabuhamya yavuze ko mu bantu bakorewe ibyaha ku Kigo cy'amashuri y'abaporo cy'i Gikomero harimo n'abo mu muryango we bari baturutse i Mbandazi (Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 7).

<sup>327</sup> Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005 (Umutangabuhamya wiswe 3/22); Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, imp. 12-14 (Umutangabuhamya wiswe 4/12); Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 11 (Umutangabuhamya wiswe 7/3).

Abatangabuhamya bashinja biswe GAB na GII na bo bavuze ko ku itariki ya 12 Mata 1994, impunzi z'Abatutsi ziciwe kuri Paruwasi ya Gishaka muri Komini ya Gikomero<sup>328</sup>. Impamde zombi zemeye ko ubwo bwicanyi bwabaye kuri iyo tariki<sup>329</sup>.

127. Bityo rero, ibivugwa na GIN ko ubwicanyi bwabereye ku biro bya Segiteri ya Gikomero bushobora kuba bwabaye nyuma y'itariki ya 12 Mata 1994, ni ukuvuga ku itariki ya 13 cyangwa iya 14 Mata 1994, binyuranye n'ibyo Porokireri avuga ko umunsi abantu batatu biciweho ku biro bya Segiteri ya Gikomero, nyuma ya saa sita, Rwamakuba amaze kugenda, Interahamwe, abajepe, bafashijwe n'abaturage batangiye kwica impunzi z'Abatutsi, cyane cyane izari ku Kigo cy'amashuri y'abaporo cy'i Gikomero.

(2.2) *Ibirebana n'ukwemerwa k'umutangabuhamya*

128. Ubuhamya GIN yatanze mu rukiko bunyuranye bikomeye n'inyandikomvugo y'ubuhamya yatanze mbere, kandi bunyomozwa ku buryo budasubirwaho n'ibyabaye impande zombi zemeranywaho hamwe n'ibimenyetso byatanzwe n'Ubwunganizi.
129. Iyo ubuhamya bwa GIN mu rukiko buvuga uko yamenye André Rwamakuba ubugereranyije n'ubukubiye mu nyandikomvugo yakozwe mbere ndetse n'ubwo yatanze mu rukiko mu rubanza rwa Kamuhanda, usanga binyuranye. Mu nyandikomvugo y'ubuhamya yatanze mbere ku itariki ya 3 Gashyantare 1998<sup>330</sup>, yavuze ko umugabo we ari we wamubwiye ko ari Rwamakuba waje i Gikomero muri Mata 1994 kandi ko yamumenye kubera ko yajyaga amubona anyura aho mu modoka ye muri Komini ya Gikomero. GIN yashimangiye ibyo mu nyandikomvugo yakozwe n'umupererezi ku itariki ya 13 Gashyantare 2004<sup>331</sup>, ariko hashize amezi atatu yavuze ko yahuye na Rwamakuba bwa mbere mu bukwe, mu mwaka wa 1991 cyangwa uwa 1992<sup>332</sup>. Yasobanuye ko ubwo bukwe bwabereye kwa Karuyonga wari uturanye na nyina i Gicaca, nyamara mu rukiko yavuze ko uwo Karuyonga yari inshuti ya

<sup>328</sup> Inyandikomvugo y'iburanisha, 23 Kamena 2005, imp. 44-45 (Umutangabuhamya wiswe GII); Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 22 (Umutangabuhamya wiswe GAB).

<sup>329</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 52.

<sup>330</sup> Ibimenyetso gihamya byahawe N° D. 35 A na B (byashyizweho ubujeni).

<sup>331</sup> Ikimenyetso gihamya cyahawe N° D. 38 (cyashyizweho ubujeni).

<sup>332</sup> Reba: Imenyeshya ry'ubuhamya bw'inyongera hakurikijwe Ingingo ya 67(D) y'Amategako, Ikimenyetso gihamya cyahawe N° D.39 (cyashyizweho ubujeni).

Rwamakuba<sup>333</sup>. Mu rubanza rwa Kamuhanda mu wa 2001, mbere y'ihindura ry'inyandikomvugo y'ubuhumya yatanze mbere, uyu mutangabuhumya yatanze amakuru anyuranye n'amaze kuvugwa ku birebana n'uko yamenye Rwamakuba: yavuze ko yabonye bwa mbere Rwamakuba mu wa 1994, ubwo Rwamakuba yari imbere y'inzu y'uyu mutangabuhumya<sup>334</sup>.

130. Uko uyu mutangabuhumya asobanura imiterere ya Rwamakuba na byo ntibisobanutse<sup>335</sup> kandi agenda ahindaguranya. Mu nyandikomvugo z'ubuhumya yatanze mbere yavuze ko yari yambaye imyenda ifite amabara n'ikirangantego by'ishyaka rya MRND<sup>336</sup>. N'ubwo hari izindi nyandikomvugo zinyuranye z'ubuhumya yatanze mbere<sup>337</sup>, muri Mata 2004 ni bwo yahinduye ibikubiye muri izo nyandikomvugo avuga ko Rwamakuba atari yambaye imyenda ifite amabara ya MRND<sup>338</sup>. Ubwo yatangaga ubuhumya mu rukiko, yabwiwe ko mu buhumya bwe harimo ibintu bidafite injyana kubera ko Rwamakuba yari mu ishyaka rya MDR ritavugaga rumwe n'irya MRND, maze asobanura ko ari umupererezi wakosheje ubwo yandikaga ibyo yamubwiye Rwamakuba yari yambaye. Yakomeje kwemeza ariko ko Rwamakuba yari yambaye ingofero iriho amabara n'ikirangantego bya MRND<sup>339</sup>. Ibi bisobanuro ntawabyemera kandi bituma na none ukwemerwa kwe gushidikanywaho.

<sup>333</sup> Ni kimwe no haruguru.

<sup>334</sup> Urubanza rwa Jean de Dieu Kamuhanda, N° ICTR-98-54A-T, Inyandikomvugo y'iburanisha, 17 Mata 2001, urup. 68 (Ikimenyetso gihumya cyahawe N° D. 43).

<sup>335</sup> Inyandikomvugo y'iburanisha, 30 Kamena 2005, urup. 30-32. Umutangabuhumya wiswe GIN yavuze ko André Rwamakuba atari « muremure cyane, yari abyibushye ariko atari cyane. Ntabwo inda ye yari nini. Yari imibiri yombi, afite umubiri unozwe». Nyuma, uyu mutangabuhumya yongeyeho ko « yari umugabo ufite ibigango. Yari injege».

<sup>336</sup> Inyandiko y'ubuhumya yo ku itariki ya 3 Gashyantare 1998, Ikimenyetso gihumya cyahawe N° D. 35 (cyashyizweho ubujeni).

<sup>337</sup> Umutangabuhumya wiswe GIN yagejeje ubuhumya bwe ku bakozi b'Iburo bya Porokireri ku itariki ya 3 Gashyantare 1998 ari na bwo babwanditse (Ikimenyetso gihumya cyahawe N° D. 35); n'Inyandikomvugo y'ibazwa rye yakozwe ku itariki ya 27 Werurwe 2002 (Ikimenyetso gihumya cyahawe N° D. 36); iya 27 Gicurasi 2003 (Ikimenyetso gihumya cyahawe N° D. 37), n'iya 13 Gashyantare 2004 (Ikimenyetso gihumya cyahawe N° D. 38).

<sup>338</sup> Reba: Imenyeshya ry'ubuhumya bw'inyongera, hakurikijwe ingingo ya 67 (D) y'Amategeko, Ikimenyetso gihumya cyahawe N° D. 39 (cyashyizweho ubujeni), urup. 2.

<sup>339</sup> Inyandikomvugo y'iburanisha, 30 Kamena 2005, imp. 32-33.



131. Uko uyu mutangabuhamya avuga ibyabaye na byo bitandukanye n'ibikubiye mu nyandikomvugo z'ubuhamya bwe zakozwe n'Iburo bya Porokireri no mu buhamya yatanze mu rukiko mu rubanza rwa Kamuhanda. Mu iburanisha ry'uru rubanza, yavuze ko André Rwamakuba yageze ku biro bya Segiteri ya Gikomero hagati y'itariki ya 10 n'ya 14 Mata 1994 kandi ko hishwe Abatutsi batatu icyo gihe. Yanavuze ko ubwicanyi bwabaye ku Kigo cy'amashuri cy'abaporo cy'i Gikomero hagati y'itariki ya 8 n'ya 12 Mata 1994. Nyamara ariko mu nyandikomvugo y'ubuhamya bwe yo mu wa 1998, uyu mutangabuhamya yemeje neza ko abantu batatu biciwe ku biro bya Segiteri ya Gikomero ku itariki ya 12 Mata 1994, kandi yasobanuye ko kuri iyo tariki ubwicanyi bwari butaratangira muri komine. Muri iyo nyandikomvugo y'ubuhamya, yavuze ko Rwamakuba yagiye gutangiza ubwicanyi muri komine kandi ko, amaze kugenda, nyuma ya saa sita, impunzi z'Abatutsi ziciwe ku Kigo cy'amashuri cy'abaporo cy'i Gikomero. Na none muri iyo nyandikomvugo, uyu mutangabuhamya yavuze ko atongeye kubona Uregwa nyuma y'ubwo bwicanyi. Mu wa 2001 mu rubanza rwa Kamuhanda, uyu mutangabuhamya yavuze ko ubwicanyi bwabereye ku Kigo cy'amashuri cy'abaporo ari bwo bwabanje muri iyo segiteri. Nyuma yaho, mu wa 2003, uyu mutangabuhamya yavuze ko atabonye Rwamakuba ku itariki ya 12 Mata 1994 nyirizina ko ahubwo yamubonye hagati y'itariki ya 12 n'ya 20 Mata 1994<sup>340</sup>. Ubu buhamya yarongeye arabuhindura hashize umwaka, aho yavuze ko yabonye Uregwa nyuma y'ubwicanyi bwabereye ku Kigo cy'amashuri cy'abaporo cy'i Gikomero hagati y'itariki ya 6 n'ya 20 Mata 1994<sup>341</sup>. Muri uru rubanza, uyu mutangabuhamya yavuze ko Rwamakuba yazanye n'abantu benshi mu ishyamba aho ba bahungu babiri biciwe, ariko mu wa 2003 yasabye umupererezi guhindura ibyo yavuze mbere, avuga ko Uregwa atakurikiye abantu mu ishyamba, ko ahubwo yagumye mu modoka ye imbere y'ibiro bya segiteri aho yashoboraga kubona bica abo basore. GIN yatanze kandi amakuru anyuranye ku birebana n'aho yari muri Mata 1994. GIN yemeye ko we na muramukazi we bari barahungiyeye i Kibobo, ariko yavuze ko atibuka neza amatariki bagiyeyo<sup>342</sup>. Ibi umuntu yabyibazaho cyane bitewe n'uko abatangabuhamya bashinjura bavuze ko GIN

<sup>340</sup> Inyandikomvugo y'ibazwa, 27 Gicurasi 2003 (Ikimenyetso gihamya cyahawe N° D. 37).

<sup>341</sup> Inyandikomvugo y'ibazwa, 13 Gashyantare 2004 (Ikimenyetso gihamya cyahawe N° D. 38).

<sup>342</sup> Inyandikomvugo y'iburanisha, 1 Nyakanga 2005, imp. 14-15.

- atari i Gikomero mu gihe ubwo bwicanyi buvugwa bwabaga<sup>343</sup>. Ubwunganizi bwanyomoje GIN ku birebana n'inyandikomvugo z'ubuhamya bwe yatanze mbere no ku buhamya bwe mu rukiko. Urugereko rwasanze ibisubizo yagiye atanga bidahuje kandi ntawabyemera.
132. Inyuranya rikomeye rigaragara mu buhamya GIN yatanze mu iburanisha ry'uru rubanza n'ubukubiye mu nyandikomvugo zakozwe mbere, ntawavuga ko ryatewe n'igihe gishize ibivugwa bibaye, isemura ridahuje n'ibyavuzwe, uburyo inyandikomvugo y'ubuhamya yakozwe cyangwa ingaruka z'ihahamuka umutangabuhamya yatewe n'ibyabaye. Ntawavuga kandi ko riterwa n'uko hari andi makuru umutangabuhamya yongereye ku yo yatanze mu buhamya bwanditswe mbere.
133. Hari kandi abatangabuhamya bashinjura batanze ubuhamya ku myitwarire ya GIN. Urugereko rwasuzumye ubwo buhamya rubyitondeye cyane kubera imibanire ya GIN na bamwe mu batangabuhamya bashinjura. Muri jenocide, GIN yapfushije nyina, n'umwe mu bavandimwe be<sup>344</sup>. Umutangabuhamya ushinjura wiswe 3/22 wari uzi GIN kuva akiri umwana muto, n'umutangabuhamya ushinjura wiswe 5/15 ufitanye isano ya hafi na GIN yavuze ko ibyabaye kuri GIN mu wa 1994 byamugashe bigatuma ahinduka kuva icyo gihe. Umutangabuhamya ushinjura wiswe 3/22 yavuze ko GIN ari umuntu uhinduka nk'ijuru, umuhemu<sup>345</sup>, kandi udashobora kwizerwa<sup>346</sup>. Umutangabuhamya ushinjura wiswe 7/14 yavuze ko GIN yagambanye n'abandi kujya bahimbira abantu bakomeye bo muri Gikomero ibirego by'ibinyoma<sup>347</sup>. Kugira ngo Ubwunganizi bwerekane ko GIN ari umutangabuhamya udakwiye kwemerwa, bwanatanze ikimenyetso gihamya cyerekeranye n'uko GIN yigeze gukatirwa n'inkiko zo mu Rwanda kubera guhatora mugenzi we<sup>348</sup>.

<sup>343</sup> Reba: Abatangabuhamya bashinjura biswe 7/14 na 3/31 bari basanzwe bazi umutangabuhamya wiswe GIN (Inyandikomvugo y'iburanisha, 25 Mutarama 2006, urup. 22; Inyandikomvugo y'iburanisha, 11 Ugushyingo 2005, urup. 10).

<sup>344</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 42.

<sup>345</sup> Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, urup. 20.

<sup>346</sup> Reba Umutangabuhamya ushinjura wiswe 3/1 (Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, imp. 9 na 29).

<sup>347</sup> Inyandikomvugo y'iburanisha, 25 Mutarama 2006, imp. 16-19; Inyandikomvugo y'iburanisha, 3 Gashyantare 2006, imp. 12-14 na 43.

<sup>348</sup> Ikimenyetso gihamya cyahawe N° D. 213 (cyashyizweho ubujeni).

134. Ikindi gituma uyu mutangabuhamya atari uwo kwemerwa ni uko impande zombi zemera ko Uregwa yari i Kigali ku itariki ya 11 Mata 1994<sup>349</sup>, bukeye bwaho akajya i Gitarama<sup>350</sup>. Inyandiko y'ibirego n'ibimenyetso Porokireri yatanze ntibigaragaza uko ibyo Uregwa yaba yarakoze muri Gikomero muri Mata 1994 byagiye bikurikirana mu matariki. Ubuhamya bwa GIN busa n'aho bushaka kuvuga ko Uregwa yagize urundi rugendo rutandukanye n'izo yagiyemo agemuye imipanga kwa Muhire no kwa Kamanzi muri Gikomero cyangwa se ko yakoze urugendo rwa gatatu rwiyoungera kuri izo ebyiri zimaze kuvugwa<sup>351</sup>. Ibimenyetso byatanzwe n'Ubwunganizi byerekana ko gukora ingendo hagati ya Kigali na Gikomero muri icyo gihe byari bikomeye kandi ko byari kuba ari ukwigerezaho kubera ko hari ingabo za FPR, bituma ukwemerwa kwa GIN gushidikanywaho kurushaho<sup>352</sup>.
135. Umutangabuhamya wiswe GIN ntashobora kwemerwa kubera impamvu zikurikira: mu buhamya bwe harimo ukuvuguruzanya gukomeye; imyitwarire ye, na dosiye ye mu bucamanza igaragaza ko yakatiwe n'inkiko; kuba byaremewe ko Uregwa yari ahandi hantu hatari aho ibivugwa byabereye igihe byabaga; kuba kujya muri iyo koline muri icyo gihe byari kuba ari ukwigerezaho. Kubera ko nta bindi bimenyetso byatanzwe bihamya ibivugwa mu Nyandiko y'ibirego, Urugereko rusanze Porokireri atarashoboye kwerekana ku buryo budashidikanywaho ko André Rwamakuba yagize uruhare mu iyicwa ry'Abatutsi batatu muri Komini ya Gikomero hagati y'itariki ya 10 n'ya 20 Mata 1994.

<sup>349</sup> Reba: Umutangabuhamya ushinja wiswe GLM; Umutangabuhamya witwa Des Forges wahamagajwe na Porokireri; Imyanzuro nsozarubanza ya Porokireri; ibisobanuro byo hasi ku rupapuro 5; Imyanzuro nsozarubanza y'Ubwunganizi.

<sup>350</sup> Inyandiko y'ibyemewe n'abaturanyi bombi n'ibindi bibazo bitagibwaho impaka, yatanzwe ku itariki ya 3 Kamena 2005; Reba na: Umutangabuhamya ushinja wiswe GLM, na Des Forges wari umutangabuhamya w'impuguke wahamagajwe na Porokireri.

<sup>351</sup> Reba haruguru, igika 85 n'ibikurikira.

<sup>352</sup> Reba haruguru, ibika 100 na 102.

**II.1.4 I bivugwa ko André Rwamakuba yagiye mu bwicanyi  
bwabereye ku Kigo nderabuzima cy'i Kayanga**

136. Mu gika cya 13 cy'Inyandiko y'ibirego Porokireri agira ati:

Hagati y'itariki ya 13 n'ya 15 Mata 1994, mu gitondo, **André Rwamakuba** yagiye ku Kigo nderabuzima cya Kayanga muri Segiteri ya Kayanga hari Abatutsi benshi bahungaga ubwicanyi bwari bwatangiye muri segiteri zabo, ari kumwe n'abategetsu bo muri ako karere barimo Mathias Rubanguka wari kontabure wa komini, Callixte Kabarera wari umugenzuzi w'amashuri, Burigadiye Nyarwaya, Rutaganira wari Burugumesitiri wa Komini ya Gikomero, Thomas Mabango wari Konseye wa Segiteri ya Kanyanga [sic]<sup>353</sup>, hamwe n'abasirikare n'Interahamwe. Izo mpunzi zari zateraniye ku mbuga y'icyo kigo zibisabwe n'umuntu utaramenyekanye ariko byavugwaga ko yari umuyobozi wungirije w'icyo kigo[sic]<sup>354</sup>. Akihagera, **André Rwamakuba** yavuze ko ahandi hose ubwicanyi bwatangiye ariko ko abona kuri icyo kigo ntacyakozwe. Ubwo, **Uregwa** yavuze ko agiye gutanga urugero, azamura imbunda kugira ngo bibere abasirikare n'Interahamwe ikimenyetso ko ubwicanyi butangiye, maze bakoresheje imbunda, imipanga n'amahiri batangira kwica Abatutsi **Uregwa** ari aho. Ubwicanyi bumaze igihe gito butangiye, ubwo imvura yarimo igwa, **André Rwamakuba** yabwiye abantu ngo nibavaneho uwo mwanda wose, avuga imirambo y'Abatutsi. **Uregwa** yiboneye ubwo bwicanyi kugeza aya ku Kigo nderabuzima, naho abasirikare n'Interahamwe bakomeje ubwicanyi bwamaze amasaha. Bivugwa ko nta muntu n'umwe warokotse ubwo bwicanyi, kandi ngo bwaba bwaraguyemo abantu bagera ku ijana, imirambo yabo ikajugunywa mu cyobo rusange. Abenshi mu bahaguye ni abari barwariye muri icyo kigo n'impunzi z'Abatutsi zari zahunze ubwicanyi bwabereye muri za

<sup>353</sup> Inyandiko y'ibirego iri mu rurimi rw'igifaransa, ikaba ari yo y'umwimerere, yanditsemo: « Kayanga ».

<sup>354</sup> Inyandiko y'ibirego yo mu rurimi rw'igifaransa igira iti: « Bari bateraniye ku mbuga y'icyo Kigo babisabwe n'umuntu utaramenyekanye, ariko byavugwaga ko yari Umuyobozi wungirije w'icyo Kigo ».

segiteri zihagereye, cyane cyane ubwabereye kuri Paruwasi ya Gikomero n'ya Gicaca.

**(1) Ibimenyetso byatanzwe**

137. Ikigo nderabuzima cy'i Kayanga gihagereye muri Segiteri ya Kayanga, Komini ya Gikomero, iri nko muri kilometero 80 uvuye i Gitarama aho André Rwamakuba yabaga mu gihe ibivugwa byabaga<sup>355</sup>.
138. Muri uru rubanza, nta wuhakana ko ku Kigo nderabuzima cy'i Kayanga habereye ubwicanyi muri Mata 1994 kandi ko abahohotewe bishwe bazize gusa ko bari Abatutsi<sup>356</sup>. Impande zombi zabitanze ibimenyetso. Nyamara ariko, kuba Uregwa yaragize uruhare mu byabaye ntibivugwaho rumwe.
139. Abatangabuhamya bashinja batanu batanze ubuhamya kuri ubwo bwicanyi<sup>357</sup>, barimo n'uwiswe GAB wavuze ko ari we wenyine waburokotse kandi ko yiboneye ibyabaye<sup>358</sup>. Ku itariki ya 13 Mata 1994, nyuma y'ubwicanyi bwari bwatangiye gukorwa muri Segiteri ye, ni bwo GAB yatangiye guhunga<sup>359</sup>. Yavuze ko yageze ku Kigo nderabuzima cy'i Kayanga hagati y'itariki ya 13 n'ya 15 Mata 1994<sup>360</sup>. Yaraye mu kirongozi kiri hagati y'ibyumba, ahantu hadafunze mu Kigo<sup>361</sup>. Bukeye mu gitondo, mu masaa mbiri ya mu gitondo, Umuyobozi wungirije w'Ikigo, ari we Etienne Kamanzi, ni bwo yahageze ari kumwe n'Interahamwe. Uyu mutangabuhamya, abantu bari barwariye aho, n'impunzi barasohowe hamwe n'Abatutsi maze bakoranyirizwa ku mbuga nini iri imbere y'Ikigo<sup>362</sup>. Basabwe

<sup>355</sup> Reba Ikimenyetso gihamya cyahawe N° P. 2: Intera iri hagati ya Kigali na Kayanga ni nka kilometero 30; naho Gitarama iri mu majyepfo y'uburengerazuba bwa Kigali kandi hagati y'iyo mijyi yombi hari intera ya kilometero 53.

<sup>356</sup> Imyanzuro nsozarubanza y'Ubwunganizi, urup. 167, igika 6; Reba : Abatangabuhamya bashinja biswe ALA, AVC, GAC, GIN na GAB; Abatangabuhamya bashinjura biswe 3/1, 7/14, 6/10, 7/18.

<sup>357</sup> Abatangabuhamya biswe ALA, AVC, GAB, GAC na GIN.

<sup>358</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 35; reba na none: Imyanzuro nsozarubanza ya Porokireri, igika 62.

<sup>359</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 22.

<sup>360</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2006, urup. 8.

<sup>361</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2006, urup. 7.

<sup>362</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 7.

kwicara hasi kandi nta we unyeganyega. Mu masaa ine ya mu gitondo, haje imodoka enye, zirimo n'ikamyoye ya gisirikare. Uyu mutangabuhamyaye yabonye Uregwa, Burugumesitiri Rutaganira, Burigadiye Nyarwaya, Kontabure n'Umugenzuzi w'amashuri<sup>363</sup>. Akibakubita amaso, yihishe hafi aho mu murima w'amasaka wari wegeranye n'Ikigo<sup>364</sup>. Ari aho hantu, yumvise Rwamakuba avuga ngo « aho nagiyeho hose nasanze abantu baratangiye gukora –kandi ijambo gukora ryavugaga kwicaronone se mutegereje iki »<sup>365</sup>. Burigadiye Nyarwaya yasubije ko bataratangira kwica kubera ko nta bikoresho bihagije bari bafite<sup>366</sup>. Ni bwo uyu mutangabuhamyaye yagize atya abona Rwamakuba asohoye masotera, ayizunguza mu kirere, maze aravugaga ati « Iyi ni masotera ; Interahamwe zirahari ; Ibikoreho birahari; Simbona impamvu mukomeza kubyutsa icyo kibazo kandi ibintu byose ari tayari<sup>367</sup>. Nyuma yaho, abantu benshi, bari biganjemo Abatutsi, bararashwe cyangwa bakubiswe imihoro, impiri n'ibikoni<sup>368</sup>. Uyu mutangabuhamyaye yumvise kandi Uregwa avugaga ko Abatutsi bagomba kwicwa « kugira ngo mu minsi izaza Umuhutu uzavuka azajye abaza uko Abatutsi basaga »<sup>369</sup>. Ngo Rwamakuba yavuye aho hantu hamwe n'izindi modoka yerekeza i Gikomero, mu ma saa sita ubwo abantu bari bamaze kwicwa<sup>370</sup>. Amaze kugenda, Interahamwe n'abasirikare bakomeje ubwicanyi kugeza bahitanye abantu bose bari aho<sup>371</sup>. GAB avugaga ko ubwo bwicanyi bwaguyemo abantu bagera nko ku ijana<sup>372</sup>.

140. Umutangabuhamyaye ushinje wiswe GIN yavuze ko hashize « nk'iminsi ine cyangwa itanu » abasore batatu biciwe kuri santere ya Gikomero hagati y'itariki ya 10 n'ya 14 Mata 1994<sup>373</sup>, yabonye André Rwamakuba agera kuri santere mu ivatiri y'umweru

<sup>363</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 24.

<sup>364</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 24.

<sup>365</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 25.

<sup>366</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 26.

<sup>367</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 26.

<sup>368</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 26.

<sup>369</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 26.

<sup>370</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 27.

<sup>371</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 27.

<sup>372</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 28.

<sup>373</sup> Reba hejuru.

ikase inyuma («*station wagon*»<sup>374</sup>. Yahagaze iminota mikeya maze avugana n'abaturage bamwe ari mu modoka. Mu baturage bari aho icyo gihe harimo Callixte, Twagirayezu, Drocella Mukayiranga, Ngiruwosanga, Mirumbi, Ngarambe wari umupolisi, Gihanga na Gatinseyi<sup>375</sup>. Rwamakuba ngo yakomeje agana i Kayanga<sup>376</sup>. Nyuma yaho, haje imodoka ebyiri zarimo Mathias Rubanguka<sup>377</sup>, Nzaramba na Burigadiye Nyarwaya, zije gutwara Interahamwe n'abapolisi ba koline<sup>378</sup>. Imwe muri izo modoka yahagaze imbere yo kwa GIN naho indi ihagarara imbere yo kwa Karekezi<sup>379</sup>. Umugabo wa GIN, Interahamwe n'abandi baturage binjiye muri izo modoka maze bajya i Kayanga. Ubwo umugabo wa GIN yagarukaga avuye i Kayanga, yamubwiye ko yabonye Rwamakuba ari kumwe na Kamanzi wari ushinze Ikigo nderabuzima cy'i Kayanga. Yabwiye kandi GIN ko Rwamakuba yategetse abantu kwica Abatutsi, ko kandi André Rwamakuba yavuye ku Kigo nderabuzima cy'i Kayanga ubwicanyi bwatangiyeye<sup>380</sup>.

141. Abatangabuhamya bashinje biswe ALA na AVC babwiye ko hari ibitero byibasiye Abatutsi byagabwe ku Kigo nderabuzima cy'i Kayanga<sup>381</sup>. ALA yavuze ko ibyo bitero byahitanye abantu bagera nko ku ijana<sup>382</sup>. AVC yavuze ko ibyo byabaye ku munsu utazwi muri Gicurasi cyangwa Kamena 1994<sup>383</sup>. Yabwiye ko hari abantu bahiciwe, barimo abavandimwe be bane n'abandi bantu bari barahungiyeye ku Kigo nderabuzima cy'i Kayanga<sup>384</sup>. Umutangabuhamya wiswe GAC yavuze ko Abatutsi bari barwariye mu Kigo nderabuzima cy'i Kayanga bishwe nyuma y'itariki ya 13

<sup>374</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 21.

<sup>375</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 21.

<sup>376</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 22.

<sup>377</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 22. Urugereko rusanga hari ukunyuranya mu byanditse mu nyandikomvugo z'iburanisha kuko mu yo mu gifaransa handitse izina « Rubanguka » naho mu y'icyongereza hakaba handitse « Rubaruka ».

<sup>378</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 23.

<sup>379</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 23.

<sup>380</sup> Inyandikomvugo y'iburanisha, 29 Kamena 2005, urup. 25.

<sup>381</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 53 (Umutangabuhamya wiswe ALA); Inyandikomvugo y'iburanisha, 27 Kamena 2005, urup. 67 (Umutangabuhamya wiswe AVC).

<sup>382</sup> Inyandikomvugo y'iburanisha, 14 Kamena 2005, urup. 53.

<sup>383</sup> Inyandikomvugo y'iburanisha, 27 Kamena 2005, urup. 19.

<sup>384</sup> Inyandikomvugo y'iburanisha, 27 Kamena 2005, urup. 18.

Mata 1994 no kugeza mu mpera z'icyumweru, ko kandi bishwe n'Interahamwe zari <sup>72/ter</sup> zaturutse i Gasabo<sup>385</sup>. Ntityasobanuye niba yari ahari igihe ibyo byabaga.

142. Abatangabuhamya bashinjura biswe 6/10, 7/18 na 7/3 bavuze ko barokotse ubwicanyi bwabereye mu Kigo nderabuzima cy'i Kayanga, ko bwabaye ku itariki ya 15 Mata 1994 kandi ko bwari buyobowe na Burigadiye Nyarwaya<sup>386</sup>.

**(2) Isesengura ry'ibimenyetso**

143. Urugereko rusanga ibimenyetso bishinja binyuranye n'ibintu bivugwa mu Nyandiko y'ibirego **(2.1)** kandi rusanga ari ibyo gukemangwa, cyane cyane ku birebana n'ukwizerwa kw'atangabuhamya **(2.2)**.

*(2.1) Kuba ibikubiye mu Nyandiko y'ibirego  
binyuranye n'ubuhamya bushinja*

144. Abatangabuhamya biswe ALA, AVC na GAC nta kimenyetso na kimwe batanze ku birebana n'uko Uregwa yari ku Kigo nderabuzima cy'i Kayanga igihe hakorerwaga ubwicanyi muri Mata 1994. ALA na AVC batanze ubuhamya bushingiye ku nkuru mbarirano, kandi ubuhamya bwa AVC buvuga ko ubwo bwicanyi bwabaye muri Gicurasi cyangwa muri Kamena 1994 bunyuranye b'ibindi bimenyetso byatanze n'impane zombi kandi ntibushyigikira ibirego Uregwa ashinjwa bivuga ko ibyo bikorwa byabaye hagati y'itariki ya 13 n'ya 15 Mata 1994.

*(2.2) Ibibazo birebana n'ukwizerwa kw'atangabuhamya*

145. Urugereko rwamaze kwemeza ko umutangabuhamya wiswe GIN atari uwo kwizerwa ku birebana n'ubuhamya bwe buvuga ko Uregwa yagize uruhare mu ihotorwa ry'Abatutsi batatu biciwe hafi y'ibiro bya Segiteri ya Gikomero<sup>387</sup>. Ku birebana n'iki gikorwa kivugwa, ubuhamya bwe bushingiye ku nkuru yabwiwe na nyakwigendera

<sup>385</sup> Inyandikomvugo y'iburanisha, 4 Nyakanga 2005, imp. 18-19.

<sup>386</sup> Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 14. Umutangabuhamya ushinjura wiswe 9/20 na we yumvise buvuga ko hari abantu biciwe ku Kigo nderabuzima cy'i Kayanga ku itariki ya 15 Mata 1994.

<sup>387</sup> Reba hejuru.



umugabo we. Ni ngombwa kwibutsa ko muri Mata 2004<sup>388</sup>, ubwo yahuraga n'abakozi bo mu Biro bya Porokireri ku nshuro ya gatanu<sup>389</sup>, ari bwo yavuze bwa mbere ibirebana n'ubwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga muri Mata 1994 n'ibirebana n'uko André Rwamakuba yitabiriye ubwo bwicanyi. By'umwihariko, mu buhamya bwe bwa mbere buri mu nyandikomvugo yo ku itariki ya 3 Gashyantare 1998<sup>390</sup>, yavuze ko atabonye Rwamakuba nyuma y'ubwicanyi bwahitanye abantu batatu ku biro bya Segiteri ya Gikomero<sup>391</sup>. Uko kuvuguruzanya gukomeye gutuma ukwizerwa kwa GIN gukemangwa cyane ku birebana n'ubuhamya bwe buvuga ko Rwamakuba yitabiriye ubwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga.

146. Umutangabuhamya wiswe GAB ni we wenyine uvuga ko yiboneye ibyabaye bivugwa. Nk'uko rwigeze kubivuga<sup>392</sup>, uru Rugereko ntirugendera byanze bikunze ku Cyemezo cyigeze gufatwa n'Urugereko rwa Mbere rw'Iremezo mu rubanza rwa Kamuhanda aho rwasanze uyu mutangabuhamya atari uwo kwizerwa. Nyamara ariko, rumaze gusuzuma no gusesengura ubwo buhamya bwose bukomatanyirijwe hamwe, rusanga muri uru rubanza ubuhamya bwa GAB ari ubwo gushidikanywaho cyane.
147. Urugereko rwamaze kwemeza ko kuba umutangabuhamya yarashoboye kumenya Uregwa umuntu yabyibazaho cyane<sup>393</sup>. Byongeye kandi, hari ibintu binyuranye kandi bidashobora kubangikanywa hagati y'ubuhamya bwe bukubiye mu nyandikomvugo

<sup>388</sup> Inyandiko imenyeshya ko hazatangwa ibimenyetso by'inyongera hashingiwe ku ngingo ya 67(D) y'Amategeko, yatanze ku itariki ya 23 Mata 2004, Ikimenyetso gihamya cyahawe N° D. 39.

<sup>389</sup> Umutangabuhamya wiswe GIN yatanze ubuhamya imbere y'abakozi bo mu Biro bya Porokireri bakiriye mu nyandiko ku itariki ya 3 Gashyantare 1998 (Ikimenyetso gihamya cyahawe N° D. 35); kandi Inyandikomvugo z'ibazwa rye zakozwe ku matariki akurikira : 27 Werurwe 2002 (Ikimenyetso gihamya cyahawe N° D. 36); 27 Gicurasi 2003 (Ikimenyetso gihamya cyahawe N° D. 37) na 13 Gashyantare 2004 (Ikimenyetso gihamya cyahawe N° D. 38).

<sup>390</sup> Ikimenyetso gihamya cyahawe N° D. 35.

<sup>391</sup> Ibimenyetso gihamya byahawe N° D. 35 - D. 38.

<sup>392</sup> Reba hejuru: Ibivugwa ko habayeho guhamagarira abantu mu ruhame ibikorwa by'urugomo muri Gikomero kuva muri Nyakanga 1993 kugeza muri Kamena 1994.

<sup>393</sup> Reba hejuru: Ibivugwa ko habayeho guhamagarira abantu mu ruhame ibikorwa by'urugomo muri Gikomero kuva muri Nyakanga 1993 kugeza muri Kamena 1994.

yakozwe n'abakozi bo mu Biro bya Porokireri n'ubuhamya bwe mu rubanza rwa Kamuhanda<sup>394</sup>, kandi n'ubuhamya yatangiye mu iburanisha na bwo buravuguruzanya.

148. GAB yavuze mbere ko yageze ku Kigo nderabuzima cy'i Kayanga mu ijoro ryo ku itariki ya 13 Mata 1994<sup>395</sup>. Nyamara ariko, mu ibaza rinyomoza, yavuze ko atigeze yerekana itariki nyayo yagereye kuri icyo Kigo, ko ariko yahageze hagati y'itariki ya 13 n'ya 15 Mata 1994<sup>396</sup>. Mu nyandikomvugo y'ubuhamya bwe yo ku itariki ya 4 Ugushyirwa 2004, yasomwe na Avoka wunganira Uregwa nyuma igashyirwa muri dosiye, uyu mutangabuhamya yavuze itariki ku buryo busobanutse kurushaho: yavuze ko yatangiye guhunga mu ijoro ryo ku itariki ya 13 Mata 1994 yerekeza mu Kigo nderabuzima cy'i Kayanga, akaba yarakigezemo mu gitondo<sup>397</sup>. Iyo ugereranyije ubuhamya bw'uyu mutangabuhamya mu rukiko n'inyandikomvugo z'ubuhamya yatanze mbere, ubonamo ibindi bintu bivuguruzanya. Mu nyandikomvugo y'ubuhamya bwe yo mu wa 2004, havugwamo ko nyuma ya saa mbiri za mu gitondo, ari kumwe n'abandi bantu mu Kigo, yasabwe kuguma ku mbuga y'icyo kigo, kandi ko mbere y'uko Rwamakuba ahagera yisigaje inyuma y'abandi bese hanyuma akagenda akambakamba akagera inyuma y'inzu aho yihishe mu murima w'amasaka wari uhagereye. Nyamara ariko, mu rukiko, GAB yavuze ko yagiye mu bwihisho Rwamakuba yamaze kugera mu Kigo mu ma saa ine za mu gitondo. Mu nyandikomvugo y'ubuhamya bwe yakozwe mu wa 1999, yasomwe na Avoka wunganira Uregwa kandi igashyirwa muri dosiye, uyu mutangabuhamya yavuze ko mu cyumweru cyakurikiye itariki ya 13 Mata 1994, abasirikare ba FPR « *baje bagakoranya abantu maze bakabajyana i Rutare* »<sup>398</sup>. Kuri ibyo byabaye, uyu mutangabuhamya yatanze inkuru inyuranye mu gihe cy'iburanisha: yavuze ko yagiye i Rutare mu ijoro yaviriyemo ku Kigo amaze kwihisha mu murima w'amasaka, kubera ko i Rutare hari higaruriwe na FPR hari umutekano<sup>399</sup>. Iyi nkuru inyuranye na none n'iyi uyu mutangabuhamya yatanze mu rubanza rwa Kamuhanda, aho yavuze ko

<sup>394</sup> Ibimenyetso gihamya byahawe N° D. 33 A na B.

<sup>395</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup.23.

<sup>396</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 52; Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 5.

<sup>397</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 3.

<sup>398</sup> Inyandikomvugo y'ubuhamya yo ku wa 24 Kamena 1999, urup. 4.

<sup>399</sup> Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, urup. 27.

- yavaga mu bwihisho ajya mu bundi, kandi ko hafi y'itariki ya 15 Mata 1994, yishyize mu maboko y'abagabaga ibitero<sup>400</sup>.
149. Uko kuvuguruzanya ku birebana n'uko ibivugwa byagiye bikurikirana mu gihe ntawabisobanura ashingiye ku gihe gishize bibaye, ku bibazo by'isemura, kandi ntawabifata nk'amakuru y'inyongera yatanze n'uyu mutangabuhamya. Ahubwo, bituma ukuri kw'amakuru atanga gukemangwa. Iyo umuntu arebye ukuntu ubuhamya bwa GAB muri uru rubanza busa bikabije n'ubwo yatanze mu rubanza rwa Kamuhanda, bituma bukemangwa kurushaho. Muri uru rubanza, uyu mutangabuhamya asobanura imyifatire ya André Rwamakuba n'uko ibintu byagenze mu buryo buhuye n'ubwo yasobanuyemo ibyo Kamuhanda yakoze mu gihe yamushinjaga mu rubanza rwe; na none kandi amenshi mu magambo yitiriye Kamuhanda ni na yo yitiriye Rwamakuba<sup>401</sup>. Mu rukiko, GAB yasobanuye ko atashoboraga kwibuka ibyo yavuze mu buhamya yatanze mu rubanza rwa Kamuhanda cyangwa imiterere yabwo<sup>402</sup>, kandi nyuma yaje kuvuga ko Kamuhanda na Rwamakuba akenshi bakoreshaga amagambo amwe kubera ko ibyo bavugaga byari mu murongo umwe<sup>403</sup>.
150. Iki gisobanuro ntawacyemera, cyane cyane ko uyu mutangabuhamya yavuze bwa mbere izina rya André Rwamakuba mu Ugushyirahamwe 2004 nyuma y'inyandikomvugo y'ubuhamya bwe yakozwe n'abakozi bo mu Biro bya Porokireri mu wa 1999 na

<sup>400</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup.17.

<sup>401</sup> Mu rubanza rwa Kamuhanda, umutangabuhamya wiswe GAB yavuze ko ubwo Jean de Dieu Kamuhanda yahageraga ku itariki ya 12 Mata, yagize ati: « Aho nagiyeho hose, yewe n'i Kigali, nasanze Interahamwe na CDR bica abantu. Mwe murakora iki? ». Nyarwaya na Rubanguka bari aho, baragize bati: « Nitumara kubona ibikoreho bya ngombwa byo gukora akazi kacu, tuzagakora » (reba Igice cy'inyandiko cyasomwe n'Ubwunganizi, Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 13).

Muri uru rubanza, umutangabuhamya wiswe GAB yavuze ko André Rwamakuba yagize ati: « Aho nagiyeho hose, batangiye gukora – kandi ijamba « gukora » ryashakaga kuvuga kwica – none se mutegereje iki? » Ubwo, Burigadiye Nyarwaya yafashe ijamba maze asubiza ko bataratangira kwica kubera ko nta bikoreho bihagije bafite byo gukora ako kazi. Ni bwo uyu mutangabuhamya yagize atya abona Rwamakuba asohoye masotera, ayizunguza mu kirere, maze aravugaga ati « Iyi ni masotera ; Interahamwe zirahari. Ibikoreho birahari; simbona impamvu mukomeza kubyutsa icyo kibazo kandi ibintu byose ari tayari ». (Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, imp. 25-26).

<sup>402</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 13.

<sup>403</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 23.

nyuma yo gutanga ubuhamya mu rubanza rwa Kamuhanda mu wa 2001. Yasobanuye ko kuba ataravuze izina rya Rwamakuba mbere y'igihe byatewe n'uko nta cyo yari yamubajijweho. N'ubwo igisobanuro nk'iki gikunda gutangwa n'abatangabuhamya, baba abashinja cyangwa abashinjura, nta bwo gifite ireme bitewe n'uko ubwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga ari bwo bwonyine uyu mutangabuhamya yaba yarahagazeho. Kuba uyu mutangabuhamya yaragiye asubiza ibibazo by'Ubwunganizi yirozonga ku buryo bugaragara<sup>404</sup>, by'umwihariko ku birebana n'ubuhamya yatanze mu rubanza rwa Kamuhanda, bituma ukwizerwa kwe gukemangwa kurushaho<sup>405</sup>.

151. Ibimenyetso byatanze n'Ubwunganizi bituma ibivugwa na Porokireri bishidikanywaho kurushaho. Porokireri ntiyerekanaga uko Rwamakuba yakurikiranyije ingendo ze aya cyangwa aya mu karere ka Gikomero, mu gihe cy'iminsi itanu kivugwa ko ari cyo yatangiyeho imipanga ahantu habiri hatandukanye, ko ari na bwo yategetse abantu kwica Abatutsi batatu kandi ko ari bwo yagiye ku Kigo nderabuzima cy'i Kayanga. Impande zombi zemera ko nyuma y'itariki ya 12 Mata 1994, Uregwa yimukiye i Gitarama n'umuryango we, ajyanye na Guverinoma y'Agateganyo<sup>406</sup>. Ibi bivugwa byaba bisobanura ko Uregwa yaba yarasubiye aho hantu inshuro ya kane. Ibyo byavugurujwe ku buryo buhamye n'ibimenyetso by'Ubwunganizi bwagaragaje ukuntu kujya no kuva muri Komini ya Gikomero nyuma y'itariki ya 7 Mata 1994 byari bikomeye kandi ari ukwigerezaho<sup>407</sup>. Hari kandi ubuhamya bwatanze bwerekanye ko Uregwa atigeze aya ku Kigo nderabuzima cy'i Kayanga mu gihe cy'ubwicanyi buvugwa. Abatangabuhamya bashinjura biswe 6/10 na 7/18 bavuze ko bari ku Kigo nderabuzima cy'i Kayanga ku itariki ya 15 Mata 1994 igihe hakorerwaga

<sup>404</sup> Reba, nk'urugero: intera iri hagati y'inzu ye n'umurima, hagati y'iwe n'ikigo nderabuzima cy'i Kayanga (Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, imp. 3-4); hagati y'umurima w'amasaka n'ikigo aho yari yihishe (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 12); niba itariki ya 13 Mata yaratoranyijwe mu wa 2004 kugira ngo ibe ari yo abahohotewe bazajya bongera gushyingurwaho kubera ko ari yo tariki ubwicanyi buvugwa bwabereyeho (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 14-15); ku birebana n'itariki ya nyayo uyu mutangabuhamya yagereyeho mu gace ka FPR karimo umutekano (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup.15); ku birebana n'amakuru arambuye y'umuhango wo gushyiraho ibuye ry'ifatizo wabereye ku Kigo cy'amashuri cy'i Rutunga (Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, imp. 41-42).

<sup>405</sup> Reba, nk'urugero: Inyandikomvugo y'iburanisha, 5 Nyakanga 2005, imp. 47-50.

<sup>406</sup> Imyanzuro nsozarubanza ya Porokireri, igika 68; Imyanzuro nsozarubanza y'Ubwunganizi.

<sup>407</sup> Reba ibika 100 na 102.

ubwicanyi bwibasiye Abatutsi. Ubwo bari bishishe mu nzu y'ababyeyi y'Ikigo<sup>408</sup>,<sup>67/ter</sup> babonye impunzi zishushubikanywa, zikubitwa, zinajyanwa hanze y'Ikigo aho ziciwe na Burigadiye Nyarwaya, wari kumwe na Mathias Rubanguka, Kayibanda wari umupolisi wa Komini, n'izindi Nterahamwe<sup>409</sup>. Aba batangabuhamya bombi bari basanzwe bazi Rwamakuba. Umutangabuhamya wiswe 6/10 yavuze ko Rwamakuba nta ruhare yagize mu bwicanyi bwabereye muri Komini ya Gikomero mu wa 1994, kandi uwiswe 7/18 yavuze ko Uregwa atigeze ajya muri Gikomero mu gihe cya jenoside<sup>410</sup>. Umutangabuhamya ushinjura wiswe 7/3 wemeye ko yagize uruhare rutaziguye mu bwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga ku tariki ya 15 Mata 1994, kandi wavuze ko yari azi asanzwe azi Rwamakuba<sup>411</sup>, na we yahamije ko icyo gitero cyari kiyobowe na Burigadiye Nyarwaya ari kumwe n'abapolisi. Yemeje ko Rwamakuba nta ruhare yagize muri ubwo bwicanyi<sup>412</sup>. Umutangabuhamya ushinjura wiswe 3/1 yabwiye ko hari abarwayi biciwe ku Kigo nderabuzima cy'i Kayanga kandi ko bishwe na Burigadiye wa komine hamwe n'abakozi ba komine. Yavuze ko nta muntu n'umwe yumvise avuga ko Rwamakuba yagize uruhare mu bwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga<sup>413</sup>. Umutangabuhamya ushinjura wiswe 7/14, wari usanzwe azi umutangabuhamya wiswe GIN, yavuze ko umugabo wa GIN yagumye muri Gikomero kandi ko atigeze ajya ku Kigo nderabuzima cy'i Kayanga<sup>414</sup>. Kubera ibintu bwite biberekeye, ubuhamya bwatanze n'Abatangabuhamya bashinjura biswe 6/10, 7/18, 7/3 na 7/14 bugomba gusesengurwa byitondewe cyane<sup>415</sup>. Nyamara ariko, Urugereko rwasanze inkuru batanga

<sup>408</sup> Inyandikomvugo y'iburanisha, 24 Ugushyingo 2005, urup. 2.

<sup>409</sup> Inyandikomvugo y'iburanisha, 24 Ugushyingo 2005, imp. 3 na 35; Inyandikomvugo y'iburanisha, 30 Ugushyingo 2005, imp. 55 na 57. Umutangabuhamya wiswe 7/18 avuga ko umwe mu bahohotewe yitwaga Rutembesa.

<sup>410</sup> Inyandikomvugo y'iburanisha, 24 Ugushyingo 2005, urup. 7; Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 33.

<sup>411</sup> Inyandikomvugo y'iburanisha, 19 Mutarama 2006, urup. 33. Umutangabuhamya ushinjura wiswe 7/3 yavuze ko yari azi Rwamakuba neza cyane kubera ko bakomokaga muri komine imwe kandi akaba yari umuntu wize ku buryo yabaga ari mu manama ya komine.

<sup>412</sup> Inyandikomvugo y'iburanisha, 19 Mutarama 2006, imp. 8-10 na 18-19.

<sup>413</sup> Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 9.

<sup>414</sup> Inyandikomvugo y'iburanisha, 25 Mutarama 2006, urup. 16.

<sup>415</sup> Abatangabuhamya bashinjura biswe 6/10 na 7/18 basa nk'aho bafite aho bahuriye bya hafi n'umuryango wa André Rwamakuba kandi bafitanye amasano. Umutangabuhamya ushinjura wiswe 7/14 afitanye amasano

zishyigikirana kandi zidashingiye ku marangamutima ku buryo zivuguruza bihagije ibimenyetso bya Porokireri.

152. Urugereko rusanga ukuvuguruzanya gukabije kugaraga mu buhamya bw'abatangabuhamya bashinja biswe GAB na GIN gutuma ukwizerwa kwabo gukemangwa cyane. Uko gushidikanya bishyigikirwa kandi n'ibimenyetso byatanzwe n'Ubwunganizi bivuga ko Uregwa atashoboraga kugera aho ibyaha byakorewe. Hejuru y'ubuhamya bwagaragaje ko kwigabiza umuhanda waganaga muri Komini ya Gikomero muri Mata 1994 byari kuba ari ukwishyira mu mazi abira, hari ubutangabuhamya burambuye kandi buhuza bwatanzwe n'abandi batangabuhamya bavuze ko babonye Nyarwaya wari Burigadiye wa komine n'abandi bakozi ba komine ari bo bayoboye ubwo bwicanyi. Bavuze ko Rwamakuba nta ruhare yabugizemo. Abandi batangabuhamya bashinja bavuze ku birebana n'ubwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga ntibigeze bavuga uruhare urwo ari rwo rwose Rwamakuba yaba yarabugizemo. Rumaze gusuzuma ubuhamya bwose bukomatanyirijwe hamwe, Urugereko rusanze ibivugwa ko Uregwa yitabiriye ubwicanyi bwabereye ku Kigo nderabuzima cy'i Kayanga muri Mata 1994 bitaratangiye ibimenyetso bidashidikwanywaho.

***Umwanzuro ku byaha André Rwamakuba ashinjwa ko yakoreye muri Komini ya Gikomero***

153. Mbere ya byose, Urugereko rusanga nta bimenyetso byatanzwe ku bintu bimwe na bimwe bivugwa ko byabereye muri Komini ya Gikomero, kandi ubuhamya bumwe na bumwe bw'abatangabuhamya bashinja bunyuranye b'ibikubiye mu Nyandiko y'ibirego. By'umwihariko, nta bimenyetso byatanzwe ku birebana n'inama bivugwa ko André Rwamakuba yagiyemo mu masegiteri ya Gikomero, Rutunga, Gasabo na Gicaca cyangwa mu makomine ya Rutongo, Rubungo na Kanombe, cyangwa bigaragaza ko ari aho hantu yahamagariye abantu ibikorwa by'urugomo. Byongeye kandi, nta bimenyetso byatanzwe ku birebana n'amagambo aya n'aya Rwamakuba yaba yaravugiye mu manama n'amakoraniro atandukanye yabereye muri Komini ya Gikomero hagati ya Werurwe na Kamena 1994.

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n'umutangabuhamya ushinja wiswe GIN. Umutangabuhamya ushinjura wiswe 7/3 yakatiwe n'inkiko ku birebana na jenocide yo mu wa 1994.

154. Na none, ibimenyetso Porokireri yatanze ku birebana na poropagande nkangurambaga yaba yarakozwe n'Uregwa muri Komini ya Gikomero hagati y'umwaka wa 1992 na Werurwe 1994 si ibyo kwizerwa kubera impamvu zinyuranye, hakubiyemo n'ukuntu abatangabuhamya bashinja bamenye Rwamakuba ari aho ibivugwa byabereye igihe byabaga. Uyu mwanzuro ushyigikirwa n'ibimenyetso byatanzwe n'Ubwunganizi bigaragaza ko Uregwa hari gahunda ebyiri yitabiriye nka dogiteri muri icyo gihe kivugwa. Umuntu ashyize mu gaciro abona ko ibyagaragajwe byerekana ko bishoboka ko hagati y'itariki ya 23 Nzeri 1993 n'ya 10 Werurwe 1994, Rwamakuba yari mu mahugurwa mu Ishuri rikuru ryigisha Ubuvuzi ryitwa « *Institute of Tropical Medicine* » ahitwa Antwerp mu Bubiligi, ko kandi hagati y'itariki ya 17 n'ya 29 Werurwe 1994, yari mu nama mpuzamahanga yabereye mu Misiri yari yateguwe n'Ishami ry'Umuryango w'Abibumbye ryita ku buzima ku isi. Urugereko rusanga rero Porokireri atarashoboye gutanga ibimenyetso bidashidikanywaho bihamya ibivugwa mu gika cya 3 n'icya 5 by'Inyandiko y'ibirego.
155. Impande zombi zatanze ibimenyetso bigaragaza ko muri Mata 1994, Abatutsi bagabweho ibitero kandi bakicwa muri Komini ya Gikomero, harimo no kuri santere y'ubucuruzi ya Ndatemwa, ku Kigo cy'amashuri cy'abaporo i Gikomero, kuri Paruwasi ya Gishaka no ku Kigo nderabuzima cy'i Kayanga. Porokireri yahamagaje abatangabuhamya batandatu bo gushyigikira ibyo avuga ko mu gihe cy'iminsi itanu hagati y'itariki ya 10 n'ya 15 Mata 1994, André Rwamakuba yagiye ahantu hane hatandukanye muri Komini ya Gikomero gutangayo imipanga yagombaga gukoreshwa mu kwica Abatutsi, gutanga amategeko n'amabwiriza yo kwica Abatutsi, no gutangiza ibitero byagabwe ku Batutsi muri komine.
156. Ubuhamya bw'abatangabuhamya bashinja bubuzemo ibintu byinshi umuntu adashobora gusobanura yishingikirije ku gihe gishize ibivugwa bibaye, ku isemura ridahuje n'ibyavuzwe, ku buryo inyandikomvugo z'ubuhamya zakozwe mbere cyangwa ku ngaruka zikomoka ku ihahamuka abatangabuhamya batewe n'ibyabaye. Urugereko rusanga uko kuvuguruzanya mu buhamya gutuma ukwemerwa n'ukwizerwa kw'abatangabuhamya gukemangwa. Byongeye kandi, Ubwunganizi bwanyomoje ibivugwa ko Uregwa ashobora kuba yaragiye muri Komini ya Gikomero igihe ibivugwa byakorwaga. Nk'uko n'impande zombi zabyemeranyijweho, Urugereko rwemeye ko André Rwamakuba yarahiye nka Minisitiri muri Guverinoma

y'Agateganyo ku itariki ya 9 Mata 1994, ko yitabiriye Inama y'Abaminisitiri yabereye i Kigali muri *Hotel des Diplomates* ku itariki ya 11 Mata 1994<sup>416</sup>, kandi ko yabaga i Kigali kugeza ku itariki ya 12 Mata 1994 ubwo yajyaga i Gitarama mu rushorerane rw'imodoka zari zijyanyeyo Guverinoma y'Agateganyo<sup>417</sup>. Kwemera ibyo byabaye bifite ingaruka zikomeye ku bivugwa na Porokireri bitewe n'uko Ubwunganizi buvuga ko muri Mata 1994 bitari gushoboka kujya cyangwa kuva muri Komini ya Gikomero. Porokireri ntiyerekanye ibyo Uregwa yakoze muri Komini ya Gikomero muri Mata 1994 akurikiranyije igihe cy'ukuntu yagiye abikora, kandi asa nk'uvuga ko kuri buri gikorwa kivugwa, Uregwa yavaga i Kigali cyangwa i Gitarama akajya mu duce tunyuranye two muri Komini ya Gikomero kandi buri gihe agasubira aho yavuye<sup>418</sup>. Nyamara ariko, hari ibimenyetso byakwizerwa bigaragaza ko kujya cyangwa kuva muri Komini ya Gikomero nyuma y'itariki ya 7 Mata 1994 byari kuba ari ukwigerezaho. Hari kandi ubuhamya bwakwizerwa bwerekanye ko izina rya Rwamakuba ritigeze rivugwa mu nkiko zo mu Rwanda mu birebana n'ibyaha byakorewe muri Komini ya Gikomero muri Mata 1994, kandi ko atari aho ibyaha bivugwa byakorewe. Kandi, ibyo bimenyetso Porokireri ntiyashoboye kubinyomoza ku buryo bushimishije.

157. Kuba nta bimenyetso byakwizerwa bigaragaza ko hari umutangabuhamya wamenye André Rwamakuba ari aho ibivugwa byabereye igihe byabaga, kuba abatangabuhamya bashinja atari abo kwemerwa cyangwa kwizerwa, kuba nta wuhakana ko Uregwa yitabiriye izindi gahunda mu gihe kivugwa mu Nyandiko y'ibirego, kuba kujya aho ibyaha byakorewe byari ukwigerezaho, ibyo byose bishyizwe hamwe bituma ibivugwa na Porokireri bishidikanywaho.
158. Urugereko rusanze rero Porokireri ataragaragaje na gato ibyo ashinja Uregwa muri Komini ya Gikomero kuva ku gika cya 3 kugeza ku cya 5, kuva ku cya 10 kugeza ku cya 13, ku cya 23 no ku cya 26 by'Inyandiko y'ibirego, cyangwa atarashoboye kubitangira ibimenyetso bidashidikanywaho. Urugereko rugiyeye noneho gusuzuma

<sup>416</sup> Ibivugwa nta ruhande na rumwe rubihakana. Reba Imyanzuro nsozarubanza ya Porokireri, igika 68; Imyanzuro nsozarubanza y'Ubwunganizi.

<sup>417</sup> Ni kimwe no haruguru.

<sup>418</sup> Reba Inyandiko y'ibirego, Imyanzuro mbanzizirubanza ya Porokireri, Impinamyanzuro yo mu ikubitiro n'Imyanzuro nsozarubanza ya Porokireri.



ibivugwa ko André Rwamakuba yitabiriye ubwicanyi bwakorewe mu Bitaro bya Kaminuza i Butare muri Mata 1994. <sup>63/ter</sup>

## II.2 IBIVUGWA KO ANDRE RWAMAKUBA YAGIZE URUHARE MU BWICANYI BWAKOREWE MU BITARO BYA KAMINUZA I BUTARE MURI MATA 1994

159. Ibitaro bya Kaminuza i Butare biri mu muji wa Butare, Perefegitura ya Butare, mu majyepfo y'uburengerazuba bw'u Rwanda, nko muri kilometero 136 uvuye i Kigali<sup>419</sup>. Ibyo Bitaro ntibyahindutse cyane kuva igihe ibivugwa byabaga muri Mata 1994<sup>420</sup>. Aho biri si ahantu hanini cyane kandi bigizwe n'inyubako z'ingenzi esheshatu<sup>421</sup>. Mu gihe cy'iburanisha, amafoto n'ibishushanyo by'ibyo Bitaro byarakiriwe nk'ibimenyetso kandi Urugereko rwagiye kuri izo nzu z'ibitaro ruri kumwe n'abaturanyi ku itariki ya 15 Mutarama 2005<sup>422</sup>.

160. Mu gika cya 15 n'icya 16 by'Inyandiko y'ibirego, Porokireri agira ati:

15. Hagati y'itariki ya 18 n'ya 25 Mata 1994, mu Bitaro bya Kaminuza i Butare, **André Rwamakuba** wabaga akenshi ari kumwe na Dogiteri Geoffroy Gatera, abasirikare, abantu bitwaraga gisirikare n'abasiviri bari bafite intwari, yategetse kandi ahamagarira abantu kwica Abatutsi bari baharwariye n'abari barahahungiyeye, kandi na we ubwe yarabishe, cyangwa mu bundi buryo ubwo ari bwo bwose yashyigikiye abo bantu mu gukora ubwo bwicanyi, hagamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa igice cyabo. Ni muri urwo rwego, ubwo yari ayoboye intumwa zari zasuye ibyo bitaro mu rwego rw'akazi, yasabye umugore utaramenyekanye ariko bivugwa ko wari akuriye MSF [*Médecins Sans Frontières*], kutavura Abatutsi bakomeretse,

<sup>419</sup> Reba: Ikimenyetso gihamya cyahawe N° P. 2.

<sup>420</sup> Reba: Ikimenyetso gihamya cyahawe N° P. 2; Imyanzuro nsozarubanza y'Ubwunganizi, urup. 282.

<sup>421</sup> Inzu y'ubushyiruranyandiko, inzu ya disipanseri na ORL/ENT, inzu y'ibagiro, inzu bavuriramo abana, inzu y'ibyumba by'abarwayi, n'iy'ababyeyi; reba: Ibimenyetso gihamya byahawe No P. 2 na D. 48.

<sup>422</sup> Reba: Ibimenyetso gihamya byahawe N° P. 2, P. 33, D. 48, D. 53, D. 78, D. 105, D. 106, D. 112 na D. 124; n'inyandikomvugo irebana n'urugendo rwakozwe n'Urugereko aho ibyaha byakorewe mu Rwanda, mu rubanza rwa Rwamakuba, 13-16 Mutarama 2005 (Umugereka B).

ahubwo akabikiza kandi ntagire abandi yakira. Muri icyo gihe kivugwa haruguru, **André Rwamakuba** yagendanaga agashoka ku mukandara kandi kenshi ari kumwe na Dogiteri Gatera, abasirikare bafite intwaro, Interahamwe n'abasiviri bitwaje kupakupa, udushoka n'amahiri, maze akanyura mu byumba by'ibitaro kugira ngo agenzure indangamuntu, amenye Abatutsi bari barahahungiyeye n'abari baharwariye, abajonjore maze abashyire mu modoka yagenzurwaga n'Interahamwe zabaga zitwaje amahiri n'imipanga. Abantu bajyanwe ntibongeye kugaragara. Muri icyo gihe cyose kivugwa haruguru, mu gitondo cyangwa nyuma ya saa sita, icyo **André Rwamakuba** yanyuraga mu byumba by'abarwayi, yagendaga avanamo abarwayi serumu, cyane cyane mu cyumba cyari kirwariyemo abagore b'Abatutsikazi batamenyekanye.

16. Mu gihe ibivugwa haruguru byabaga, **André Rwamakuba** ubwe yiyicyeye Abatutsi. Koko rero, ubwo yagendaga anyura mu byumba by'abarwayi yishe Umututsi utaramenyekanye amukubise agashoka mu mutwe. Nyuma yaho, abantu bitwaraga gisirikare batwaye umurambo w'uwo muntu. Mu barwayi bavugwa haruguru b'Abatutsikazi bari mu cyumba by'abarwayi, batanu muri bo **André Rwamakuba** yabicishije agashoka. **Uregwa** yakomerekeje Abatutsi bagiye baturira mu birongozi by'ibitaro maze akabakubita agashoka mu mutwe. Mu bakomeretse harimo uwitwa Rukara n'uwitwa Mutabazi bazahajwe cyane ku mubiri na **André Rwamakuba** maze nyuma bakaza guhorahozwa n'Interahamwe. Kubera ibyo **Uregwa** yakoze n'ibyo yahamagariye abantu gukora, mu Bitaro bya Kaminuza i Butare haguye Abatutsi bari barahahungiyeye n'abari baharwariye barimo Déogène, Placide, n'ababyeyi b'abantu bamwe na bamwe bacitse ku icumu muri ubwo bwicanyi. Imirambo y'abantu babarirwa mu magana bazize ubwicanyi bwayobowe na **André Rwamakuba** ku Bitaro bya Kaminuza i Butare yarakusanyijwe maze ijugunywa mu byobo rusange byari inyuma y'ibitaro.

161. Mbere na mbere Urugereko ruravuga muri make kandi muri rusange ibirebana n'ibimenyetso byatanzwe ku bwicanyi bwakorewe ku Bitaro bya Kaminuza i Butare

muri Mata 1994 n'uruhare Uregwa yaba yarabugizemo (II.2.1). Ibimenyetso mu buryo burambuye biravugwa mu cyiciro cya kabiri igihe cyo gusesengura ukwemerwa n'ukwizerwa kw'abatangabuhamya (II.2.2).

### *II.2.1 Ibimenyetso byatanzwe*

162. Kuba ku Bitaro bya Kaminuza i Butare harakorewe ubwicanyi bwahitanye Abatutsi muri Mata 1994 ntawubihakana kandi impande zombi zatanze ibimenyetso kuri ibyo byabaye. Nyamara ariko, Ubwunganizi buvuga ko Uregwa nta ruhare na ruto yabigizemo.
163. Porokireri yahamagaje abatangabuhamya batandatu bemeje ko bari ku Bitaro bya Kaminuza i Butare mu gihe kimwe n'ikivugwa ko André Rwamakuba yakoreyeho ibyaha ashinjwa mu Nyandiko y'ibirego. Abatangabuhamya bashinja biswe ALV, ALW, GIO, HF na RJ bavuga ko ibyo byabaye ku minsi inyuranye hagati y'itariki ya 21 n'ya 25 Mata 1994, naho umutangabuhamya ushinja wiswe XV, ari na we wenyine uvuga ko yari asanzwe azi Rwamakuba, yavuze ko ibivugwa byabaye muri Gicurasi 1994. Abo batangabuhamya bashinja bavuze muri rusange ko Rwamakuba yagiye ku Bitaro bya Kaminuza i Butare mu bihe binyuranye, ko yakoze igikorwa cyo gutahura Abatutsi bari baharwariye kandi ko yakomerekeje bamwe muri bo abatemesheje agashoka, ko abarwayi b'Abatutsi yabashinguzagamo za serumu, bamwe muri bo bigatuma bapfa, kandi ko yategetse Interahamwe n'abasirikare kwica Abatutsi cyangwa kubatwara mu ikamyoneti bakajya kubicira hanze y'ibitaro. Abo batangabuhamya basobanuye ko muri ibyo bihe ibivugwa byabaga, Rwamakuba akenshi yabaga ari kumwe na ba Dogiteri Gatera, Twagirayezu na Jotham. Na none, XV yavuze ko Rwamakuba yari mu nama y'abagize Guverinoma yabereye mu Bitaro ku itariki ya 15 Gicurasi 1994, ikaba yari igamije kureba niba ubwicanyi bugenda neza muri Butare. Umutangabuhamya w'impuguke wahamagajwe na Porokireri, ari we Alison Des Forges, na we yatanze ubuhamya ku bwicanyi bwabereye ku Bitaro bya Kaminuza i Butare ku itariki ya 24 Mata 1994 bugahitana abarwayi n'abakozi b'ibitaro nka 170<sup>423</sup>. Nta bimenyetso yatanze ku birebana n'uko Uregwa yari kuri ibyo Bitaro mu gihe ubwo bwicanyi bwakorwaga, ariko yagize icyo avuga ku gice cy'amakuru yatangajwe na Radiyo Rwanda cyavugaga ko « Dogiteri Rwamakuba

<sup>423</sup> Inyandikomvugo y'iburanisha, 14 Nyakanga 2005, imp.70-71.

yanze kwemera amakuru yatangajwe n'imwe mu maradiyo mpuzamahanga yavuze ko abantu bagera kuri 200 bishwe n'Ingabo z'igihugu, kandi ko zigomba kuba zarasanze abo bahohotewe mu Bitaro by'i Butare »<sup>424</sup>.

164. Ubwunganizi na bwo bwahamgaje abatangabuhamya batandatu bo kuvuga kuri ibyo byabaye. Bemeje ko mu Bitaro bya Kaminuza i Butare abarwayi bagabweho ibitero kandi ko habereye amanama<sup>425</sup>, kandi ko ibyaha byahakorewe byagenzurwaga n'abasirikare hamwe n'abasiviri bari bitwaje intwara cyangwa abantu bitwaraga gisirikare. Bavuze ko André Rwamakuba atari ahari kandi ko nta ruhare yagize muri ibyo bikorwa.

### ***II.2.2 Isesengura ry'ibimenyetso***

165. Rumaze gusuzuma ibimenyetso byatanzwe bibumbatiye hamwe, Urugereko rusanga ibimenyetso byatanzwe na Porokireri bidahura na bimwe mu byo Uregwa ashinjwa **(1)**. Kuba abatangabuhamya baramenye André Rwamakuba ari aho icyaha cyakorewe igihe cyakorwaga na byo ni ikintu gishindikanywaho ku buryo bukomeye **(2)**, kandi ukuvuguruzanya hagati y'abatangabuhamya bashinja cyane cyane umuntu arebye inyandikomvugo z'ubuhamya batanze mbere n'ubuhamya batangiye mu nkiko zo mu Rwanda, gutuma ukwemerwa n'ukwizerwa kwabo gukemangwa **(3)**. Ibimenyetso byatanzwe n'Ubwunganizi bishyigikira uyu mwanzuro bitewe n'uko bigamije kwerekana ko Rwamakuba atari aho ibyaha byakorewe igihe byakorwaga **(4)**.

#### **(1) Inyuranya hagati y'Inyandiko y'ibirego n'ibimenyetso byatanzwe na Porokireri**

166. Nta mutangabuhamya ushinja n'umwe wigeze wemeza ko, nk'uko bivugwa mu gika cya 15 cy'Inyandiko y'ibirego, « ubwo intumwa za Leta zasuraga ibyo bitaro mu rwego rw'akazi, yasabye umugore utaramenyekanye ariko bivugwa ko yari akuriye MSF (« *Médecins Sans Frontières* ») kutavura Abatutsi bakomeretse, ahubwo akabikiza kandi ntagire abandi yakira ». Nta n'ibimenyetso byatanzwe byo gushyigikira ibivugwa mu gika cya 16 cy'Inyandiko y'ibirego ko abantu bitwa Rukara, Déogène na Placide biciwe mu Bitaro bya Kaminuza i Butare.

<sup>424</sup> Inyandikomvugo y'iburanisha, 14 Nyakanga 2005, imp. 72-73.

<sup>425</sup> Reba: Abatangabuhamya biswe 5/7, 5/13, 5/15, 5/16, 9/17 na 9/29.

167. Kubera ko umutangabuhamya wiswe XV yavuze ko André Rwamakuba yakozwe ibyaha bivugwa ku Bitaro bya Kaminuza i Butare muri Gicurasi 1994, ubuhamya bwe ntibushyigikira ibivugwa mu Nyandiko y'ibirego ko ibyo byaha byakozwe hagati y'itariki ya 18 n'ya 25 Mata 1994<sup>426</sup>.
168. Uyu mutangabuhamya yavuze kandi ko André Rwamakuba yagiye mu nama y'abagize Guverinoma yabereye mu Bitaro ku itariki ya 15 Gicurasi 1994<sup>427</sup>. Nyamara, mu gika cya 18 cy'Inyandiko y'ibirego havugwamo ko hari inama yayobowe na Minisitiri w'Intebe Kambanda mu Ishami ry'Ubuwuzi ry'Ibitaro kuri iyo tariki, ntaho ivuga ko Uregwa yari ayirimo<sup>428</sup>.

**(2) Ibirebana n'uko abatangabuhamya bamenye André Rwamakuba**

169. Umutangabuhamya wiswe XV ni we mutangabuhamya wenyine wari aho ibivugwa byabereye ku Bitaro bya Kaminuza i Butare uvuga ko yari asanzwe azi André Rwamakuba. Urugereko ntirwanyuzwe n'amakuru yatanze n'uyu mutangabuhamya ku birebana n'igihe yamenyeye Uregwa. Uyu mutangabuhamya yavuze ko yamenye Rwamakuba ubwo Rwamakuba yigaga mu Ishami ry'Ubuwuzi i Butare « kuva mu wa 1974 kugeza ubwo yakoraga sitaje yo gusozwa amashuri ye »<sup>429</sup>. Yavuze ko abadogiteri bigaga imyaka itandatu hanyuma umwaka wa karindwi bakawukoramo sitaje. Ubwo Rwamakuba yatangiraga sitaje, XV yari atatangira gukora ku Bitaro ariko yari muri Kaminuza. Yavuze ko yabaga hafi y'Ibitaro kandi ko yakundaga kujya ku macumbi

<sup>426</sup> Inyandiko y'ibirego, ibika 15-16; Imyanzuro mbanzizarubanza ya Porokireri, ibika 30-38; Impinamyanzuro, Inyandikomvugo y'iburanisha, 9 Kamena 2005, urup. 10.

<sup>427</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, imp. 52-54.

<sup>428</sup> Inyandiko y'ibirego, igika 18: « Ubwicanyi bwibasiye Abatutsi bwarakomeje ku Bitaro bya Kaminuza i Butare ndetse bukaza umurego kugeza mu mpera za Gicurasi 1994, cyane cyane nyuma y'inama yabereye mu Ishami ry'ubuvuzi rya Kaminuza ku itariki ya 15 Mata 1994 cyangwa hafi yayo, aho Minisitiri w'Intebe Jean Kambanda yagejeje ijamba ku bayobozi ba Kaminuza abashishikariza « gukomeza kurwana kugeza ku ntsinzi ya nyuma ».

<sup>429</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 25. Mu nyandiko igaragaza ibyo umutangabuhamya azavugaho yo ku itariki ya 6 Kanama 2005, XV yavuze kandi ko yibukaga André Rwamakuba ahereye ku mvururu zabaye muri Kaminuza ahagana mu wa 1974 (Ibimenyetso gihamya byahawe N° D. 121 A na B, byashyizweho ubujeni).

y'abanyeshuri kubamesera imyenda cyangwa kubagurisha amasegereti<sup>430</sup>. Avuga ko yabonye Rwamakuba inshuro zirenga icumi mu gihe cy'umwaka umwe cyangwa ibiri, ko ariko atigeze amuvugisha. Uyu mutangabuhamya yavuze ko ubwo yatangira akazi mu Bitaro mu wa 1981, Rwamakuba yahakoraga sitaje. Uyu mutangabuhamya yavuze kandi ko ahagana mu wa 1973 cyangwa uwa 1974, yabonye Rwamakuba muri Kaminuza yitabira n'umurava imvururu zirukanye Abatutsi muri Kaminuza<sup>431</sup>. Uyu mutangabuhamya yabonye Rwamakuba izindi inshuro ebyiri mbere ya Mata 1994: ahagana mu mpera z'umwaka wa 1993 mu kabari i Butare, no muri Mutarama 1994 muri mitingiri yari yabereye kuri Sitade Huye<sup>432</sup>.

170. XV yatanze ubuhamya ku birebana n'inshuro ebyiri yabonyeho André Rwamakuba mu gihe cya jenocide. Ubwa mbere ni mu Nama y'Abaminisitiri bo muri Guverinoma yabereye mu Ishami ry'Ubuwuzi ku Bitaro bya Kaminuza i Butare, naho ubwa kabiri ni mu nzu y'ababyeyi ubwo Rwamakuba yarimo aha amabwiriza Interahamwe zimwe na zimwe yo kuriza Abatutsi muri kamyoneti kugira ngo zijye kubica<sup>433</sup>. Yavuze ko icyo gihe na we yurijwe ikamyoneti ko ariko yashoboye gucika akajya kwihisha mu Bitaro kugeza ubwo yahavaga ku itariki ya 6 Kamena<sup>434</sup>. Ku ruhande rumwe, uyu mutangabuhamya yemeje ko yageze ku Bitaro bya Kaminuza i Butare ku itariki ya 21 cyangwa iya 22 Mata 1994<sup>435</sup>, kandi ko ibyo kuriza abantu mu ikamyoneti byabaye hashize ibyumweru bibiri ageze ku Bitaro<sup>436</sup>; ku rundi ruhande, yavuze ko Inama y'Abaminisitiri ba Guverinoma yabaye ku itariki ya 15 Gicurasi 1994<sup>437</sup>. Amakuru uyu mutangabuhamya atanga ku bireberana n'uko ibintu byagiye bikurikirana mu gihe usanga adafite injyana bityo akaba atakwemerwa kubera ko iyo ubaze ibyumweru bibiri nyuma y'itariki ya 21 cyangwa iya 22 Mata – aho avuga ko yabonye ubwa kabiri Rwamakuba – usanga byagwa mbere y'itariki ya 15 Gicurasi 1994 – aho avuga ko yabonye Uregwa bwa mbere.

<sup>430</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, imp. 25-26. Nyamara ariko uyu mutangabuhamya ntiyigeze amesera Rwamakuba.

<sup>431</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 28.

<sup>432</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, imp. 28, 30, 35-36.

<sup>433</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 36.

<sup>434</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, imp. 36 na 64.

<sup>435</sup> Inyandikomvugo y'iburanisha, 31 Kanama 2005, urup. 6.

<sup>436</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 39.

<sup>437</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 52.

171. Ibyo XV avuga byerekeranye n'uko yamenye André Rwamakuba bivuguruzwa n'ibyabaye ababuranyi bemeranyaho hamwe n'ibimenyetso byatanzwe n'Ubwunganizi kandi byakwizerwa. Nk'uko impande zombi zibyemeranyaho kandi n'Urugereko rukaba rubyemera, Uregwa yize mu Bubiligi hagati y'umwaka wa 1970 n'uwa 1974, hanyuma yiga n'i Butare hagati y'umwaka wa 1975 n'uwa 1978<sup>438</sup>. Ibyo XV avuga si byo kuko mbere y'umwaka wa 1975 na nyuma y'uwa 1979, Rwamakuba ntiyigaga mu Ishami ry'Ubuwuzi rya Kaminuza y'i Butare. Byongeye kandi, Urugereko rwamaze kwemeza ko ibimenyetso byatanzwe n'Ubwunganizi bituma habaho ugushidikanya ku bivugwa ko Uregwa yari mu Rwanda hagati y'itariki ya 23 Nzeri 1993 n'ya 10 Werurwe 1994<sup>439</sup>. Bityo rero, ushyize mu gaciro wabona ko XV atashoboraga kuba yarabonye Uregwa yirukana abanyehsuri b'Abatutsi mu wa 1973 cyangwa 1974, cyangwa yaramubonye akora sitaje nyuma y'umwaka wa 1980, cyangwa yaramubonye mu kabari mu mpera z'umwaka wa 1993 cyangwa mu nama mu Rwanda mu ntangiriro za Mutarama 1994.
172. Byongeye kandi, ubuhamya bwa XV mu rukiko ntibuhaza n'ubwo yatanze mu zindi manza no mu buhamya bwe bwakorewe inyandikomvugo mbere. Uyu mutangabuhamya yatanze ubuhamya mu manza eshatu zabereye mu Rwanda hagati y'umwaka wa 1997 n'uwa 1999 kandi nta na rimwe yigeze ahingutsa izina rya Rwamakuba muri izo manza. Na none, yabajijwe n'abakozi bo mu Biro bya Porokireri inshuro icyenda hagati y'umwaka wa 1997 n'uwa 2005<sup>440</sup>. Mu

<sup>438</sup> Umwirondoro wa André Rwamakuba (Ikimenyetso gihamya cyahawe N° D. 184) n'Imyanzuro nsozarubanza ya Porokireri, igika 6, inyandiko yo hasi ku rupapuro ya 3: « Porokireri ntahakana ibyo Uregwa yize n'igihe yabyigiyemo ».

<sup>439</sup> Reba haruguru, igika 70 n'ibikurikira.

<sup>440</sup> Reba: Inyandikomvugo y'ubuhamya yo ku wa 25 Ugushyingo 1997, Ibimenyetso gihamya byahawe N° D. 113 A na B (byashyizweho ubujeni); 7 Ukuboza 2000, Ibimenyetso gihamya byahawe N° D. 114 A na B (byashyizweho ubujeni); 22 Gashyantare 2001, Ibimenyetso gihamya byahawe N° D. 115 A na B (byashyizweho ubujeni); 19 Mata 2001, Ibimenyetso gihamya byahawe N° D. 116 A na B (byashyizweho ubujeni); 5 Kamena 2001, Ibimenyetso gihamya byahawe N° D. 117 A na B (byashyizweho ubujeni); 28 Kamena 2001, Ibimenyetso gihamya byahawe N° D. 118 A na B (byashyizweho ubujeni); 5 Ukuboza 2001, Ibimenyetso gihamya byahawe N° D. 119 A na B (byashyizweho ubujeni). Izo nyandikomvugo zose zashyizweho umukono n'uwo mutangabuhamya. Reba kandi: « Inyandiko uwo mutangabuhamya yemejemo ubuhamya yatanze mbere », 8 Nyakanga 2003, Ibimenyetso gihamya byahawe N° D. 120 A na B (byashyizweho ubujeni); Inyandiko ikubiyemo ibyo umutangabuhamya azavugaho, 26 Kanama 2005, Ibimenyetso gihamya

nyandikomvugo y'ubuhamya yo mu Ugushyingo 1997, XV yatanze ubuhamya burambuye ku byo yabonye byabereye ku Bitaro bya Kaminuza i Butare mu wa 1994. Muri iyo nyandikomvugo, yavuze umugabo witwa Rwamakuba wari umuyobozi w'Interahamwe, ukomoka muri Komini ya Huye kandi wari warabaye suliyetona ku ngoma ya Kayibanda<sup>441</sup>. Uburyo yavuze imiterere y'uwo mugabo binyuranye n'umwirondoro w'Uregwa ari we André Rwamakuba. Mu mwaka wa 2003, yaramaze gutanga ubundi buhamya bugera kuri butandatu kandi yasinye butakomozaga ku izina rya Rwamakuba, mu ibazwa ryo kwemeza ubuhamya bwe bwanditse ryabaye mbere y'uko aza gutanga ubuhamya muri uru rubanza mu iburanisha rya mbere, uyu mutangabuhamya yasobanuye ko yibeshye ubwo yavugaga umuntu witwa Rwamakuba mu nyandikomvugo y'ubuhamya bwe yo mu wa 1997, ko uwo yashakaga kuvuga ari umugabo witwa Nkiramakuba. Nyuma yavuze iby'uko yamenye Rwamakuba ari umunyeshuri muri Kaminuza y'i Butare mu wa 1982, n'ibirebana n'Inama y'Abaminisitiri ba Guverinoma yabaye ku itariki ya 15 Gicurasi 1994, ariko nta cyo yavuze ku birebana n'ikamyoneti itukura, yewe ntiyansobanuye ko ari umwe mu bahohotewe na Rwamakuba. icyo gihe ntiyigeze avuga ko bageraje kumushimuta bagamije kumwica, nk'uko yabivuze mu rukiko. icyo gikorwa cyatera ihahamuka XV yakibwiye Porokireri bwa mbere hasigaye iminsi itagera ku cyumweru ngo aze gutanga ubuhamya mu rukiko muri uru rubanza<sup>442</sup>. Mu iburanisha, uyu mutangabuhamya yarongeye arikosora maze avuga ko umugabo yashakaga kuvuga mu nyandikomvugo y'ubuhamya bwe yo mu wa 1997 yari mu by'ukuri Emmanuel

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byahawe N° D. 121 A na B (byashyizweho ubujeni). Izo nyandiko ntizashyizweho umukono, ariko, hakurikijwe uko bisanzwe bigenda, zanditswe by'agateganyo n'abahagarariye Porokireri.

<sup>441</sup> Mu nyandikomvugo y'ubuhamya bwe yo ku itariki ya 25 Ugushyingo 1997 (Ikimenyetso gihamya cyahawe N° D. 113), XV yaragize ati: « Nibuka kandi umugabo witwa Rwamakuba ubwo yazaga mu Bitaro bya Kaminuza avuye ku bitaro by'i Sovu muri ambiransi yari yafashe ku ngufu ngo itware Interahamwe. Sinibuka itariki byabereyeho. Yari yambaye imyenda ya gisiviri kandi *Interahamwe* zari kumwe na we zari zitwaje udufuni n'impiri. Naramumenye kubera ko iwabo kavukire hari muri *Komini* ya Huye. Yahoze ari suliyetona ku ngoma ya Kayibanda kandi yari umushoferi mu mushinga wa DGB kugeza intambara itangiye. Yari umuyoboze wa MDR Pawa kandi yagarazaga umurava cyane mu manama. Yabaye kandi umuyobozi w'*Interahamwe* intambara itangiye ». (Igika 9, ni twe twabitsindagiye tubyandika mu nyuguti ziberamye).

<sup>442</sup> Inyandiko ikubiyemo ibyo umutangabuhamya azavugaga, 26 Kanama 2005, Ikimenyetso gihamya cyahawe N° D. 121.



- Rekeraho<sup>443</sup>. Yemeje ko umugabo umwe rukumbi yari azi ari uwitwa Rwamakuba, ko ariko yaje kubona ko uwo yakundaga kwita Rwamakuba yari mu by'ukuri Rekeraho<sup>444</sup>.
173. XV yasobanuye ko kuba atarigeze avuga izina ry'Uregwa mu buhamya bwe bwanditse yatanze mbere byatewe n'uko « yatekereje gusa izina rya Rwamakuba ari uko igihe cy'urubanza rwe kigeze»<sup>445</sup>. Urugereko rusanga mu mwaka wa 2003, XV yari ku rutonde rw'abatangabuhamya bashinja mu rubanza rwa mbere André Rwamakuba yashinjwagamo, kandi inyandikomvugo yo kwemeza ubuhamya bwe bwa mbere yakorewe Arusha mu rwego rwo gutegura ubuhamya bwe muri uru rubanza. Nyamara ariko, iyo nyandikomvugo yo kwemeza ubuhamya bwe bwanditse yatanze mbere ntigaragaramo ibintu bikomeye yavuze mu buhamya bwe mu gihe cy'iburanisha ry'uru rubanza.
174. XV yasaga nk'aho atazi uko André Rwamakuba asa. icya mbere, nk'uko uyu mutangabuhamya abyemera, yitiranyije Rwamakuba n'undi muntu witwa Rekeraho. Nyuma, ubwo yerekwaga ifoto mu gihe cy'iburanisha mu rukiko, yitiranyije Rwamakuba n'umupadiri<sup>446</sup>. Yavuze kandi ko Rwamakuba yambaraga amadarubindi. Izo mvugo zanyomojwe cyane n'Ubwunganizi bwatanze ibarwa yanditswe n'Umuyobozi wa Gereza y'Urukiko, ivuga ko Uregwa « nta madarubindi yari afite ubwo yimurirwaga muri iyo Gereza »<sup>447</sup>. Bwanahamagaje abatangabuhamya bari basanzwe bazi Uregwa bemeje ko atambaraga amadarubindi muri icyo gihe<sup>448</sup>. Kubera ibyo, no kubera ivuguruzanya rikabije rigaragara mu buhamya bwa XV, Urugereko rusanga ibikubiye muri ubwo buhamya bishidikanywaho kandi ntawabishingiraho.

<sup>443</sup> Inyandikomvugo y'iburanisha, 31 Kanama 2005, imp. 55-59; Inyandikomvugo y'iburanisha, 1 Nzeri 1994, imp. 9-10.

<sup>444</sup> Inyandikomvugo y'iburanisha, 31 Kanama 2005, imp. 56-59.

<sup>445</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 63.

<sup>446</sup> Inyandikomvugo y'iburanisha, 1 Nzeri 2005, imp. 21-22.

<sup>447</sup> Ikimenyetso gihamya cyahawe N° D. 215.

<sup>448</sup> Reba: Edith Van Wynsberghe (Inyandikomvugo y'iburanisha, 1 Ukuboza 2005, urup. 61); Umutangabuhamya wiswe 1/1 (Inyandikomvugo y'iburanisha, 14 Ukuboza 2005, urup. 65); Umutangabuhamya wiswe 1/15 (Inyandikomvugo y'iburanisha, 18 Mutarama 2006, urup. 14) n'umutangabuhamya wiswe 9/1 (Inyandikomvugo y'iburanisha, 29 Ugushyamba 2005, imp. 37 na 63-65).

175. Uretse XV, nta wundi mutangabuhamya ushinja wari usanzwe azi André Rwamakuba. Kumumenya kwabo gushingiye ku byo bumvanye abandi kandi na byo bitigeze byemezwa cyangwa gushingiye ku buhamya bwa XV kandi Urugereko rwasanze atari ubwo kwizerwa.
176. Abatangabuhamya biswe ALV na ALW bavuze ko André Rwamakuba bamubwiwe n'impunzi n'abanyeshuri ubwo bari ku Bitaro bya Kaminuza i Butare<sup>449</sup>. Nyamara ariko, abo bantu ubu barapfuye<sup>450</sup>. Umutangabuhamya wiswe RJ yamenye Rwamakuba amubwiwe n'abantu babiri: uwa mbere ni Umuhutukazi wamufashaga mu bitaro, undi ni XV ubwo RJ yari mu kirongozi cy'inzu y'ibagiro<sup>451</sup>. Ni ngombwa kuzirikana ko mu gihe cy'iburanisha, RJ atashoboye kumenya ifoto y'umupadiri wamufashije mu gihe cya jenocide akamuujyana ku Bitaro muri Mata 1994<sup>452</sup>. Umutangabuhamya wiswe GIO yavuze ko yamenye bwa mbere Rwamakuba amubwiwe na RJ kandi ko nyuma hari abanyeshuri bamubwiye ko irindi zina rye ari André<sup>453</sup>. Birakwiye kuzirikana ko ubwo GIO yatangaga ubuhamya bwe mu rukiko, Ubwunganizi bwamweretse ifoto maze akavuga ko ishobora kuba ari iya André Rwamakuba kandi yari iy'umugabo witwa Rekeraho. Umutangabuhamya wiswe HF yavuze ko ubwo yari kumwe na RJ, XV ari we waberetse Rwamakuba<sup>454</sup>. Urugereko

<sup>449</sup> Umutangabuhamya wiswe ALV yavuze ko Rwamakuba yamubwiwe n'izindi mpunzi zari zisanzwe zimuzi kubera ko zimwe muri zo zakoraga mu Bitaro cyangwa zari zimuzi kuva ari umunyeshuri cyangwa akora sitaje (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 28 na 46). Umutangabuhamya wiswe ALW yavuze ko André Rwamakuba yamubwiwe n'izindi mpunzi n'abanyeshuri (Inyandikomvugo y'iburanisha, 25 Kanama 2005, imp. 13-14, 26; Inyandikomvugo y'iburanisha, 26 Kanama 2005, urup. 15).

<sup>450</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 50. Umutangabuhamya wiswe ALW yavuze izina ry'umunyeshuri wamuhaye ayo makuru ariko avuga ko yapfuye (Inyandikomvugo y'iburanisha, 25 Kanama 2005, urup. 26; Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 16).

<sup>451</sup> Inyandikomvugo y'iburanisha, 2 Nzeri 2005, imp. 24- 26; Inyandikomvugo y'iburanisha, 5 Nzeri, imp. 2-3; Ikimenyetso gihamya cyahawe N° P. 71 (byashyizweho ubujeni).

<sup>452</sup> Reba Ikimenyetso gihamya cyahawe N° D. 143. Umutangabuhamya wiswe RJ yavuze kandi ko « atamenye umuntu uri ku ifoto » (Inyandikomvugo y'iburanisha, 5 Nzeri 2005, urup. 9).

<sup>453</sup> Inyandikomvugo y'iburanisha, 24 Kanama 2005, urup. 9.

<sup>454</sup> Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, imp. 11, 13-14; Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, urup. 11.

rusanga kandi uburyo Abatangabuhamya biswe ALV, HF na RJ basobanuye imiterere ya André Rwamakuba budasobanutse na mba<sup>455</sup>.

177. Kubera izo mpamvu, umwirondoro w'umuntu abatangabuhamya bashinja bavuga ko bamubonye akora ibyaha biregerwa ni uwo gushidikanywaho bikomeye. Hari ibindi bintu, nk'uko bisuzumwa hano hasi, bituma Urugereko rushidikanya ko Rwamakuba yagize uruhare mu bwicanyi bwabereye mu Bitaro bya Kaminuza i Butare nk'uko bivugwa mu Nyandiko y'ibirego.

### (3) Ukwivuguruzanya kugaragara mu buhamya

178. Uretse Umutangabuhamya ushinja wiswe XV, Abatangabuhamya bashinja biswe ALV, ALW, GIO, HF na RJ bavuze ko babonye André Rwamakuba akora ibyaha mu Bitaro bya Kaminuza by'i Butare hagati y'itariki ya 21 na 25 Mata 1994, inshuro zinyuranye n'ahantu hanyuranye. Mbere ya byose, ubwo buhamya buramutse ari ubwo kwizerwa, Urugereko rushobora kwemera ko butavuguruzanya byanze bikunze kubera ko kuba abatangabuhamya bashinja bavuga ko babonye Rwamakuba mu masaha anyuranye no mu byumba binyuranye bari ku bitaro ari ibintu byakumvikana.
179. Urugereko rugiyeye gusesengura ubuhamya bwa buri mutangabuhamya ushinja. Kugira ngo iryo sesengura risobanuke neza, ni ngombwa kubanza kwerekana incamake y'ubwo buhamya bwabo ku birebana n'ikibazo gisuzumwa.
180. Mu wa 1994, **umutangabuhamya wiswe ALV** yari afite imyaka 16 y'amavuko. Yageze ku Bitaro bya Kaminuza by'i Butare ku itariki ya 20 Mata 1994 ubwo yari ahahungiyeye avuye i Ngoma ari kumwe na se<sup>456</sup>. Yabonye André Rwamakuba inshuro ebyiri ku Bitaro. Yabanje kumubona ku itariki ya 21 Mata 1994 nimugoroba ashikuza

<sup>455</sup> Umutangabuhamya wiswe ALV yasobanuye mu buryo bukurikira uko Rwamakuba ateye: « umugabo uringaniye mu gihagararo, utabyibushye cyane kandi utari mugufi cyane; ni imibiri yombi, afite iminwa minini n'urwasaye rugari; afite izuru rimeze nk'iry'Abahutu muri rusange» (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 57). Umutangabuhamya wiswe HF yaragize ati: «Ni umugabo uringaniye mu gihagararo, ufite izuru nk'iry'Abahutu. Afite iminwa mini, n'amatama manini». (Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, urup. 29). Umutangabuhamya wiswe RJ yavuze ko Rwamakuba ari « igikara kandi afite amazuru abwataraye, ko aringaniye mu gihagararo, afite ibigango, ariko ntabyibushye cyane » (Inyandikomvugo y'iburanisha, 2 Nzeri 2005, urup. 25).

<sup>456</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 27.

serumu mu Batutsi bari barwariye mu cyumba cy'indembe, ari kumwe na Dogiteri Gatera, Koloneli Muvunyi, Mama Theopiste, na Dogiteri Jotham<sup>457</sup>. Yongeye kumubona ku itariki ya 22 Mata 1994 mu ma saa tanu za mu gitondo, na none ari kumwe n'aba bantu tumaze kuvuga, barimo n'abasirikare bake, kandi icyo gihe ni bwo yatwaye se w'uyu mutangabuhamya amuvanye aho yari yihishe mu gikoni<sup>458</sup>. Uyu mutangabuhamya yavuze ko yakurikiye abo bantu kugira ngo arebe aho bajyanye se maze Rwamakuba akamukubita ikintu mu mugongo<sup>459</sup>. Amakuru uyu mutangabuhamya atanga kuri ibyo bintu yuzuyemo urujijo. Yabanyije kuvuga ko atabonye umukubise, ko nyuma ari bwo bamubwiye ko ari Rwamakuba wamukubise<sup>460</sup>. Nyuma yavuze ko amaze gukubitwa yataye ubwenge, ariko bitari cyane<sup>461</sup>, ko hashize akanya yahindukiye akabona ari Rwamakuba wamukubise<sup>462</sup>. Uyu mutangabuhamya yavuze ko impunzi zavanwe mu Bitaro ku gahato zikajyanwa ku Biro bya perefegitura, aho yahuriye n'abavandimwe be babiri b'igitsinagore. Bahamaze iminsi ibiri hanyuma bajya kwa nyirakuru bahamara nk'isaha imwe nyuma bagahunga abagabye igitero. Basubiye ku Biro bya perefegitura, nyuma baza kuhavanwa bajyanwa kuri santere yo mu i Rango aho bamaze ukwezi n'igice.

181. Ubu buhamya bwa ALV butandukanye cyane n'ubuhamya bwe bukubiye mu nyandikomvugo zinyuranye zakozwe n'abapererezi bo mu Biro bya Porokireri, kandi yazishyizeho umukono amaze kuzisoma<sup>463</sup>. Mu nyandikomvugo ya mbere, yatanze amakuru arambuye ku birebana n'ibyamubayeho mu wa 1994, cyane cyane mu Bitaro bya Kaminuza by'i Butare, kandi nta zina rya André Rwamakuba yigeze avuga<sup>464</sup>. Muri icyo nyandikomvugo, yasobanuye ukuntu Mama Theopiste n'abasirikare

<sup>457</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 27-29 na 45.

<sup>458</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 31-32, 50 na 63.

<sup>459</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 54.

<sup>460</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 33.

<sup>461</sup> Umutangabuhamya wiswe ALV yasobanuye ko mu by'ukuri atataye ubwenge, ariko ko yari afite ubwoba bwishyirikiye, ko igihe cyose yagumanye ubwenge. Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 33-34.

<sup>462</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 33 na 55.

<sup>463</sup> Umutangabuhamya wiswe ALV yavuze ko yashyize umukono kuri izo nyandiko kubera ko yari anyuzwe n'uko ibyari byanditse byahuzaga n'ibyo yari yaravuze (Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, imp. 26 na 43).

<sup>464</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 29 Ugushyamba 2000 (Ibimenyetso gihamya byahawe N° D. 49 A na B, byashyizweho ubujeni).

bashimuse se mu magazini y'Ibitaro, ariko ntiyavuze niba Uregwa, Dogiteri Gatera, Koloneli Muvunyi na Dogiteri Jotham bari bahari cyangwa niba barabigizemo uruhare. Yatanze amakuru arambuye ku birebana n'igihe cy'icyumweru yamaze mu bitaro nyuma y'ibimaze kuvugwa, kandi yavuze ko Dogiteri Jotham yategetse ko impunzi zirukanwa ku Biro bya perefegitura avuga ngo ziteza umwanda. Mu nyandikomvugo ya kabiri yo ku itariki ya 13 Ugushyingo 2003 yavuze ko yahatiwe kugenda uwo muni, bitegetswe na Dogiteri Gatera n'abasirikare, nk'uko yabivuze mu rukiko<sup>465</sup>. Muri icyo nyandikomvugo ya kabiri, yasobanuye na none mu buryo burambuye uko yoze runono Rwamakuba maze akabona amarorerwa yakoreye mu cyumba cy'indembe. Yasobanuye neza ukuntu se yatwawe na Rwamakuba n'ukuntu we ubwe yakubiswe na Rwamakuba ku rutugu<sup>466</sup>. Muri icyo nyandikomvugo, yavuze ko yabonye Rwamakuba n'abamuherekeje bava mu cyumba cy'abarwayi nyuma yaho akaba yarhamaze indi minota 20, ibyo bikaba binyuranye n'ubuhamya yatangiye mu rukiko avuga ko yamaze iminota nka 20 aho hantu, kandi ko yahavuye *mbere* ya Rwamakuba<sup>467</sup>. Mu nyandikomvugo z'ubuhamya bwe za mbere, ALV atangamo na none amakuru anyuranye kandi adashobora kubangikanywa y'ibyabaye amaze kuva mu Bitaro bya Kaminuza by'i Butare. By'umwihariko, mu nyandikomvugo ya mbere, yavuze ko amaze kuva ku Bitaro yamaze ibyumweru bibiri ku Biro bya Perefegitura ya Butare, kandi yatanze amakuru arambuye y'ibyo yakoze muri icyo gihe, birimo ko yanabonye musaza we yicwa n'Interahamwe. Nyamara ariko, mu nyandikomvugo ya kabiri ndetse no mu buhamya yatanze mu rukiko, yavuze ko aho hantu yahamaze iminsi ibiri gusa<sup>468</sup>. Mu nyandikomvugo ya mbere, yavuze ko yajyanwe i Rango amaze ibyumweru bibiri ku Biro bya perefegitura. Nyamara ariko mu nyandikomvugo ya kabiri, yavuze ko yavuye ku Biro bya perefegitura agahungira kwa nyirakuru, hanyuma akajya i Cyarwa kwa nyinawabo/nyirasenge, kandi yavuze ko abo bombi bakiriho batuye i Butare. Ntiyavuzemo ko yagiye mu i Rango.

182. Ibimaze kuvugwa bigaragaza ko hari amakuru uyu mutangabuhamya atatanze cyangwa se ko ayo yatanze arimo ukuvuguruzanya, kandi ntawavuga ko byatewe

<sup>465</sup> Ibimenyetso gihamya byahawe N° D. 50 A na B (byashyizweho ubujeni).

<sup>466</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 13 Ugushyingo 2003 (Ibimenyetso gihamya byahawe N° D. 50 A na B, byashyizweho ubujeni).

<sup>467</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 49.

<sup>468</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 35 na 60.

n'igihe gishize ibivugwa bibaye, isemura ridahuje n'ibyavuzwe cyangwa uburyo inyandikomvugo y'ubuhamya yakozwe. Kubera ibyo, Urugereko rusanga ubuhamya bwa ALV atari ubwo kwizerwa, cyane cyane iyo ruzirikanye amagambo yavuze ngo « ishusho ya André Rwamakuba yamugumye mu mutwe » kubera ko ngo yamukubitiye ku Bitaro<sup>469</sup>. Mu rukiko, uyu mutangabuhamya yasobanuye ko icyatumye atavugaga izina rya Rwamakuba mu nyandikomvugo yakorewe mbere ari uko yari afite uburwayi bwo kwibagirwa « ibyabaye mbere » y'ikorwa ry'ibyaha bivugwa. Urugereko ntirunyuzwe n'icyo gisobanuro kuko nta raporo ya muganga cyangwa y'abandi babifitiye ubushobozi ibyerekanaga, kandi kinyuranye n'icyo yatanze mbere mu nyandikomvugo y'ubuhamya yo mu wa 2003. Muri icyo nyandikomvugo, yavuze ko atavugaga izina rya Rwamakuba « kubera ko abaperezezi nta cyo bamumubajijeho »<sup>470</sup>. Byongeye kandi, n'icyo byakwemezwa ko yari afite indwara yo kwibagirwa, byashyigikira ugushidikanya Urugereko rufite ku birebana n'ukwizerwa kwe. Muri uru rubanza, ubuhamya bwa ALV ntibushobora gushingirwaho mu guhamya icyaha Uregwa.

183. **Umutangabuhamya wiswe ALW** yageze ku Bitaro bya Kaminuza by'i Butare ku itariki ya 21 Mata 1994<sup>471</sup> ari kumwe na nyinawabo/nyirasenge wari wakomeretse. Hashize nk'iminsi itatu ahageze, yabonye André Rwamakuba bwa mbere ari kumwe na Dogiteri Gatera; yavanaga serumu mu Batutsi batanu bari barwariye mu mazu y'ibagiro, yarangiza akabakubita agashoka mu mutwe<sup>472</sup>. Babavanagaho ako kanya bakabashyira muri kamyoneti itukura. Ku itariki ya 27 Mata 1994 cyangwa hafi yayo, uyu mutangabuhamya yarongeye abona Rwamakuba akubita ka gashoka abandi bagabo babiri, umwe akaba yaritwaga Mutabazi undi yitwaga Kazasumaho<sup>473</sup>. Ngo yavugaga ko « ntaho inzoka zishobora kwihisha ». Abo bagabo bombi bituye hasi abakubise ako gashoka maze Interahamwe zihita zibajyana zibashyira muri kamyoneti

<sup>469</sup> Inyandikomvugo y'iburanisha, 6 Nyakanga 2005, urup. 34.

<sup>470</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 13 Ugushyingo 2003 (Ibimenyetso gihamya byahawe N° D. 50 A na B, byashyizweho ubujeni).

<sup>471</sup> Inyandikomvugo y'iburanisha, 25 Kanama 2005, urup. 25.

<sup>472</sup> Inyandikomvugo y'iburanisha, 29 Kanama 2005, urup. 12; Inyandikomvugo y'iburanisha, 25 Kanama 2005, urup. 28.

<sup>473</sup> Inyandikomvugo y'iburanisha, 25 Kanama 2005, imp. 28-29 na 35; Inyandikomvugo y'iburanisha, 29 Kanama 2005, imp. 22-23; Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 18.

itukura. Mu ibaza rinyomoza, uyu mutangabuhamya yashimangiye ko Rwamakuba yishe abo bantu barindwi kandi ko yamubonye abicisha agashoka<sup>474</sup>.

184. Ubuhamya bwa ALW kuri ibyo byabaye buravuguruzanya<sup>475</sup>, kandi bunyuranye cyane n'ubwo yatanze mu rubanza rwa Gatera mu Rwanda<sup>476</sup>. Muri urwo rubanza, ALW yatanze ubuhamya ku iyicwa rya Mutabazi na Kazasumaho. Yavuze ko Dogiteri Gatera wari kumwe n'abasirikare yacumise abo bantu bombi za bayoneti ari na ko abakubita agahiri avuga ngo igihe cyabo cyageze. Hanyuma abasirikare babajyanye kubicira inyuma y'inzu y'abarwayi b'indwara zo mu nda (*medicine intern*). Muri urwo rubanza, ntiyavuze niba Rwamakuba yari ahari cyangwa se niba hari uruhare yagize muri ubwo bwicanyi. Mu rukiko, uyu mutangabuhamya yasobanuye ko atavuze Rwamakuba mu rubanza rwa Gatera kuko atari azi aho aherereye, kandi ko yabajijwe gusa ku birebana n'uruhare rwa Gatera<sup>477</sup>. Yemeje kandi ko ibyo yavuze bihuje kubera ko Rwamakuba yari kumwe na Gatera kandi ko bakoranaga<sup>478</sup>. Muri uru rubanza, uyu mutangabuhamya ntiyigeze avuga ko Gatera yari aho Rwamakuba yakubitiye Mutabazi na Kazasumaho, n'ubwo yatanze ubuhamya ko bari kumwe ubwo Rwamakuba yashinguzaga serumu mu barwayi b'Abatutsi. Ibisobanuro ALW yatanze ku inyuranya ry'ubwo buhamya bwerekeye ikintu kimwe cyabaye ntawabyemera. Abatangabuhamya bashinjura biswe 9/17 na 9/29, bakaba ari Abatutsi bacitse ku icumu kandi bari mu Bitaro bya Kaminuza by'i Butare muri Mata 1994, batanze ubuhamya ku birebana n'ishimutwa ry'abo bagabo bombi, hamwe n'umugore wari mwene wabo, n'undi mugabo wa kane. Umutangabuhamya wiswe 9/17 yavuze ko Rwamakuba atigeze agira uruhare mu

<sup>474</sup> Inyandikomvugo y'iburanisha, 26 Kanama 2005, urup. 3.

<sup>475</sup> Urugero: Ubuhamya bw'umutangabuhamya wiswe ALW ntibwahuzaga ku birebana no kumenya niba abarwayi batanu b'Abatutsi bakubiswe na André Rwamakuba barishwe na we, niba yarabonye ko yabishe cyangwa niba yarabonye amaraso ku gashoka ka Rwamakuba (Inyandikomvugo y'iburanisha, 29 Kanama 2005, urup. 17; Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 7). Na none, ibyo ALW yavuze ku bagabo babiri ngo Rwamakuba yakubise agashoka byaravuguruzanyaga. Dore urugero: uyu mutangabuhamya yavuze ko yari azi neza abo bagabo ariko ntiyashoboye kuvuga amazina yabo y'idini; na none kandi, yavuze ko kamyoneti yari imbere y'inzu y'ababyeyi, hanyuma avuga ko yari inyuma y'iyo nzu; yabanje kuvuga ko yahuriye n'abo bagabo babiri mu kirongozi, ariko yanavuze ko muri icyo gihe yari ahagaze hafi y'aho amahema yari ashinze ari naho izindi mpunzi zari ziri.

<sup>476</sup> Ibimenyetso gihamya byahawe N° D. 108 na D. 109.

<sup>477</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 6.

<sup>478</sup> Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 8.

ihohoterwa rya Mutabazi na Kazasumaho<sup>479</sup>, kandi n'umutangabuhamya wiswe 9/29 yasobanuye neza uko ibintu byagenze ariko nta na rimwe yigeze avuga ko Rwamakuba yabigizemo uruhare<sup>480</sup>. Urugereko rusanga kandi ubuhamya ALW yatanze muri uru rubanza ku birebana n'igihe yaviriye mu Bitaro n'ukuntu yahavuye butandukanye n'ubwo yatanze mu rukiko mu rubanza rwa Gatera<sup>481</sup>. Urugereko rusanga ubuhamya bwa ALW mu rukiko burimo ukwivuguruza kandi bunyuranye n'ubuhamya bwe buri mu nyandikomvugo zakozwe mbere, ibyo umuntu akaba atavuga ko bishobora kuba byaratewe n'igihe gishize ibivugwa bibaye cyangwa isemura ridahuje n'ibyavuzwe, bityo bigatuma ukwemerwa kwe gukemangwa cyane. Muri uru rubanza, ubuhamya bwa ALW ntibushobora gushingirwaho mu guhamya icyaha Uregwa.

185. Ku itariki ya 22 cyangwa iya 23 Mata 1994 cyangwa hafi y'ayo matariki yombi, **umutangabuhamya wiswe GIO** yagiye ku Bitaro bya Kaminuza by'i Butare ari kumwe na musaza we wari wakomeretse<sup>482</sup>. Uyu mutangabuhamya yavuze ko hashize iminsi ibiri ahageze, André Rwamakuba ari kumwe n'abandi baganga batanu cyangwa batandatu n'Interahamwe bagenzuye indangamuntu z'abarwayi bari mu cyumba cy'ibagiro, maze basanga musaza we ari Umututsi. Ubwo, Dogiteri Gatera yamukubise ishoka mu mutwe aramwica<sup>483</sup>. Uyu mutangabuhamya yavuze ko hari undi murwayi byagendekeye gutyo. Hanyuma, ngo Rwamakuba, Dogiteri Gatera

<sup>479</sup> Inyandikomvugo y'iburanisha, 12 Ukuboza 2005, urup. 13.

<sup>480</sup> Inyandikomvugo y'iburanisha, 27 Mutarama 2006, imp. 12-13 n'Inyandikomvugo y'iburanisha, 6 Gashyantare 2006, imp. 11-13: Umutangabuhamya wiswe 9/29 yavuze ko Mutabazi na Kazasumaho babajyanye mu ishyamba. Ntiyongeye kubabona.

<sup>481</sup> Mu rukiko, uyu mutangabuhamya yavuze ko amahema y'impunzi yari ku Bitaro bayakuyeho mu mpera za Mata, cyangwa mu ntangiriro ya Gicurasi, mbere y'uko ava ku Bitaro. Nyamara mu rubanza rwa Gatera, yavuze ko yageze ku Bitaro ayo mahema barayakuyeho. Uyu mutangabuhamya yasobanuye ko yasubiye ku Bitaro hagati ya Gicurasi na Kamena kureba niba nyinawabo/nyirasenge akiriho, ko icyo gihe ari bwo yabonye ko amahema yari atagihari. Uyu mutangabuhamya yanavuze ko ava ku Bitaro nyinawabo/nyirasenge yari akiriho, nyamara mu rubanza rwa Gatera yavuze ko yavuye ku Bitaro mu mpera za Gicurasi bamaze kwica nyinawabo/nyirasenge. Reba Inyandikomvugo y'iburanisha, 29 Kanama 2005, urup. 30 n' Inyandikomvugo y'iburanisha, 30 Kanama 2005, urup. 19).

<sup>482</sup> Inyandikomvugo y'iburanisha, 22 Kanama 2005, urup. 24.

<sup>483</sup> Inyandikomvugo y'iburanisha, 22 Kanama 2005, imp. 26-27.



n'Interahamwe zimwe na zimwe bashyize imirambo y'abo bantu bari bamaze kwica muri kamyoneti yari hafi y'inzu y'ababyeyi<sup>484</sup>.

186. GIO yatanze amakuru anyuranye cyane ku birebana n'ibyabereye ku Bitaro, haba mu nyandikomvugo y'ubuhamya bwe bwakiriwe mbere<sup>485</sup> haba no mu buhamya bwe muri uru rukiko, no mu nkiko zo mu Rwanda<sup>486</sup>. Ikintu cy'ingenzi avuga mu buhamya bwe ni ihohoterwa rya musaza we, ariko ibyo yavugiye mu rukiko binyuranye n'ubuhamya bwe bwakorewe inyandikomvugo mbere. Mu nyandikomvugo y'ubuhamya bwe yashyizeho umukono mu wa 1997, yavuze ko musaza we bamutwaye mu ikamyoneti kandi ko atongeye kumubona<sup>487</sup>. Ntabwo yavuzemo ko musaza we bamukubise ishoka cyangwa ko bamwishe ahari. Mu buhamya yatanze mu rukiko mu Ukuboza 2003 mu rubanza rwa André Rwamakuba na bagenzi be batatu baregwaga hamwe, yongeyeho ko Dogiteri Gatera ari we washyize musaza we muri kamyoneti. Yavuze ko atigeze abona musaza we bamwicisha intorezo kandi ko atigeze avuga ko Dogiteri Gatera yishe musaza we<sup>488</sup>. Mu buhamya bwe bwakorewe inyandikomvugo n'abategetsi bo mu Rwanda mu wa 1998, mbere y'uko aza gutanga ubuhamya mu Rukiko<sup>489</sup>, GIO yatanze inkuru ya gatatu inyuranye n'iza mbere kuri ibyo byabaye: yavuze ko Rwamakuba atari ahari, kandi ko Dogiteri Gatera

<sup>484</sup> Inyandikomvugo y'iburanisha, 22 Kanama 2005, imp. 29-30 na 38.

<sup>485</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 5 Gicurasi 1998 (Ibimenyetso gihamya byahawe N° D. 71 A, B na C, byashyizweho ubujeni); 19 Gicurasi 1998 (Ikimenyetso gihamya cyahawe N° D. 72, cyashyizweho ubujeni); Inyandikomvugo ziburanisha zo mu Ukuboza 2003 (Ikimenyetso gihamya cyahawe N° D. 76, cyashyizweho ubujeni); 17 Nzeri 1997 (Ikimenyetso gihamya cyahawe N° D. 75). Ku itariki ya 7 n'ya 22 Ugushyingo 2003, uyu mutangabuhamya yashimangiye ibikubiye mu nyandikomvugo y'ubuhamya bwe (Ikimenyetso gihamya cyahawe N° D. 80, cyashyizweho ubujeni).

<sup>486</sup> Uyu mutangabuhamya yatanze ubuhamya mu nkiko zo mu Rwanda: mu rubanza rwa Gatera (Ibimenyetso gihamya byahawe N° D. 71 na D. 72), mu rubanza rwa Twagirayezu (Ikimenyetso gihamya cyahawe N° D. 73), mu rubanza rwa Mukabandora (Ikimenyetso gihamya cyahawe N° D. 74) no mu rubanza rukomatanyirije hamwe N° ICTR-98-44 Porokireri yashinjagamo Edouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera na André Rwamakuba.

<sup>487</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 17 Nzeri 1997 (Ikimenyetso gihamya cyahawe N° D XX).

<sup>488</sup> Urubanza N° ICTR-98-44-T Porokireri ashinjamo Edouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera na André Rwamakuba, Inyandikomvugo y'iburanisha, 12 Ukuboza 2003, imp. 51-52. Uyu mutangabuhamya yaragize ati: « Yego. icyo mvuga ni uko dutanga ubuhamya kuko twabonye Rwamakuba na Gatera, ariko sinigeze mvuga ko Gatera yicishije musaza wanjye intorezo. [...] Sinigeze mbona musaza wanjye bamwicisha intorezo. Sinzi aho mwakuye amakuru nk'ayo ».

<sup>489</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 5 Gicurasi 1998 (Ikimenyetso gihamya cyahawe N° D. 71).

wagenzuraga inkomere yahise akubita musaza we agashoka avuga ko ari *Inkotanyi*<sup>490</sup>.<sup>46/ter</sup>  
Iyi nkuru yongeye kuyihindura hashize umwaka mu buhamya yatanze mu rundi rubanza mu Rwanda: GIO yavuze ko musaza we yishwe n'umugabo witwa « Athanas » abitegetswe na Dogiteri Gatera ; nta zina rya Rwamakuba yigeze avuga icyo gihe<sup>491</sup>. Iryo nyuranya rikomeye ntawavuga ko ryatewe n'uko hashize igihe ibivugwa bibaye cyangwa n'uko isemura ryakozwe ridahuye n'ibyavuzwe. Birakwiye kuzirikana ko mu nyandiko ikubiyemo ibyo uyu mutangabuhamya yiteguraga kubwira urukiko, yatanze ibisobanuro ku birebana n'uko kunyuranya imvugo<sup>492</sup>. Yavuze ko atibukaga ko yahuye n'abapererezi bo mu Biro bya Porokireri mu wa 1997 cyangwa ko bamusomeye iyo nyandiko, n'ubwo yayishyizeho umukono. Ndetse no ku zindi nyandiko zimwe na zimwe yagiye ahakana sinyatiri iriho avuga ko atari iye. Kubera uko kunyuranya imvugo, ibyo bisobanuro atanga ntawabyemera, ahubwo bishyigikiye umwanzuro y'uko muri uru rubanza ubuhamya bwe atari ubwo kwizerwa.

187. **Umutangabuhamya wiswe HF** yavuze ko yageze ku Bitaro bya Kaminuza by'i Butare ku itariki ya 18 Mata 1994 kubera ko umuvandimwe we yari yagiye kubyarirayo, ko kandi yahavuye ajya ku Biro bya Perefegitura ya Butare ku itariki ya 29 Mata 1994<sup>493</sup>. Hashize iminsi itatu, yabonye André Rwamakuba na Dogiteri Gatera mu nzu y'ababyeyi bategeka abarwayi b'Abatutsi kubyuka, hanyuma babaha Interahamwe zibatwara muri kamyoneti<sup>494</sup>. Uwo munsu nyuma ya saa sita, yongeye kubona Rwamakuba mu cyumba cy'ibagiro ari kumwe na Dogiteri Gatera, Dogiteri Twagirayezu n'Interahamwe. Icyo gihe ngo Rwamakuba yakubise umurwayi w'Umututsi ishoka mu mutwe, akangura undi amukandagira ku ijosi maze abaha Interahamwe zibashyira muri kamyoneti<sup>495</sup>. HF yavuze ko yabonye Rwamakuba ubwa gatatu ku munsu wakurikiyeho, imbere y'icyumba bavuriramo abana atoranya abantu bo kujyana muri kamyoneti. Ariko uyu mutangabuhamya yanavuze ko kuri iyo nshuro

<sup>490</sup> Ibimenyetso gihamya byahawe N° D. 71 A, B na C (byashyizweho ubujeni).

<sup>491</sup> Ibimenyetso gihamya byahawe N° D. 73 A, B na C (byashyizweho ubujeni).

<sup>492</sup> Ikimenyetso gihamya cyahawe N° D. 79. Inyandiko ikubiyemo ibyo uyu mutangabuhamya azabwira urukiko yavuye mu biganiryo yagiranye inshuro ebyiri n'umushinjacyaha wo mu Biro bya Porokireri.

<sup>493</sup> Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, urup. 9.

<sup>494</sup> Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, imp. 10 na 17; Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, urup. 38.

<sup>495</sup> Inyandikomvugo y'iburanisha, 11 Nyakanga 2005, imp. 10 na 17; Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, imp. 38 na 47.

ya gatatu yabonye Rwamakuba mu nzu y'ababyeyi ubwo yatwaraga mukuru we. Izi mvugo ze zuzuyemo uguhuzagurika. HF yavuze ko mu bantu azi biciwe ku Bitaro harimo mukuru we, musaza we, n'umuforomokazi umwe.

188. Ubwo yatangaga ubuhamya mu rukiko, HF yahakanye ibyabaye bimwe by'ingenzi bikubiye mu nyandikomvugo z'ubuhamya eshatu yatanze mbere<sup>496</sup>. Kuba ubuhamya HF yagejeje ku bakozi b'Ibiro bya Porokireri inshuro eshatu bunyuranye n'ubwo yatanze mu rukiko ni ikintu cy'ingenzi Urugereko rugomba kugenderaho mu gusesengura niba yakwemerwa<sup>497</sup>. Mu nyandikomvugo y'ubuhamya bwe yakozwe mu wa 1997, HF yemeje ko yagiye ku Bitaro « ahungiyeyo »; nta bwo yavuzemo mukuru we cyangwa musaza we, kandi yavuze ko nta zina na rimwe ry'umuntu wahiciwe yibuka<sup>498</sup>. Yavuze ko yabonye André Rwamakuba yambaye amakoma. Mu wa 2001 yavuze ko yagiye ku bitaro « kurwaza mukuru we »; yasobanuye ko uyu mukuru we na musaza we bari baje kwivuza hanyuma bakicwa, imirambo yabo ikajyanwa muri kamyoneti<sup>499</sup>. Yongeye kuvuga ko yabonye Rwamakuba yambaye amakoma ngo abantu bamubona ahise bakavuga ko ari umuyobozi w'Interahamwe. Mu buhamya yatanze mu rukiko, uyu mutangabuhamya yahakanye ibyo byose hamwe n'ibindi byari muri izo nyandikomvugo z'ubuhamya bwe zakozwe mbere. Mu wa 2003, yavuze ko yari ku Bitaro « arwaje mukuru we wari wabyaye umwana udashyitse »; ko uwo mukuru we n'uruhinja rwe hamwe na musaza we baje kwicirwa « ku bitanda bari baryamyeho mu Bitaro »<sup>500</sup>. Mu buhamya bwe mu rukiko, HF yatanze inkuru ya kane ku birebana n'ibyo byabaye, akaba yaravuze ko musaza we wari wakomeretse

<sup>496</sup> Anyuranyije n'ibyo yavuze mbere mu wa 2001 no mu wa 2003 (Reba ibimenyetso gihamya byahawe N° D. 55 na 54), mu rukiko yahakanye ko atavuye ku Bitaro bya Kaminuza by'i Butare ku itariki ya 25 Mata 1994. Anyuranyije n'ibyo yavuze mu wa 1997, mu wa 2001 no mu wa 2003 (Reba ibimenyetso gihamya byahawe N° D. 56, 55 na 54), mu rukiko yahakanye ko Rwamakuba atari yambaye amakoma kandi ko atafomoje abagore batwite.

<sup>497</sup> Umutangabuhamya wiswe HF yatanze ubuhamya bwakorewe inyandikomvugo ku itariki ya 11 Nzeri 1997, Ibimenyetso gihamya byahawe N° D. 56 A na B (byashyizweho ubujeni); no ku itariki ya 6 n'ya 8 Gashyantare 2001, Ibimenyetso gihamya byahawe N° D. 55 A na B (byashyizweho ubujeni)

<sup>498</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 11 Nzeri 1997, Ibimenyetso gihamya byahawe N° 56 A na B (byashyizweho ubujeni).

<sup>499</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 6 n'ya 8 Gashyantare 2001, Ibimenyetso gihamya byahawe N° D. 55 A na B (byashyizweho ubujeni).

<sup>500</sup> Inyandikomvugo y'ubuhamya yo ku itariki ya 12 Werurwe 2003, Ibimenyetso gihamya byahawe N° D. 54 A na B (byashyizweho ubujeni).

arwariye mu cyumba cy'ibagiro yatwawe n'Interahamwe zimukuye ku gitanda yari aryamyeho ku itariki itandukanye n'iyi zatwariyeho mukuru we n'uruhinja rwe na bo bari baryamye ku gitanda cyabo mu nzu y'ababyeyi<sup>501</sup>.

189. Urugereko rusanga amakuru HF atanga ku byabaye anyuranye kandi n'ayo yatanze mu manza zabereye mu Rwanda. Mu rubanza rwa Gatera, uyu mutangabuhamya yavuze ko yagiye ku Bitaro kurwaza mukuru we wari utwite, ariko yavuze izina ritandukanye n'iryo yavuze mu buhamya bwe bwanditse no mu bwo yatangiye muri uru rukiko<sup>502</sup>. Yavuze ko Dogiteri Gatera yaje mu cyumba cy'abarwayi, agatoranyamo abantu bahohotewe, barimo mukuru we na musaza we, maze akaburiza kamyoneti. Ntaho avuga ko icyo gihe André Rwamakuba yari ahari. Mu rundi rubanza rwaburaniwe mu Rwanda mu wa 1997, yavuze ko mukuru we yarashwe n'umugabo witwa Rurangirwa muri segiteri runaka yo muri Perefegitura ya Butare. Izina rya gikirisitu ry'uyu mukuru we warashwe ni rimwe n'irya mukuru we ngo wiciwe mu Bitaro bya Kaminuza by'i Butare<sup>503</sup>. Mu iburanisha, ubwo bamwerekaga ibyo yavugiyeye muri urwo rubanza, yasobanuye ko yari afite bakuru be b'impanga bitiranwaga ku izina rya gikirisitu. Urugereko ntirwanyuzwe n'iki gisobanuro. Ku birebana n'ibyo, ni ngombwa kuzirikana ko urukiko rwo mu Rwanda muri urwo rubanza rwemeje ko uyu mutangabuhamya adakwiye guhabwa indishyi mpozamarira yari yaregeye Rurangirwa kubera ko atari yatanze ibyemezo bya komine byerekeranye n'urupfu rwa musaza we n'urwa mukuru we, ubu avuga ko bashimuswe na Rwamakuba<sup>504</sup>. Mu Ukuboza 2003, mu iburanisha rya mbere ry'uru rubanza, uyu mutangabuhamya yemeje ko atigeze avuga ko Rurangirwa yishe mukuru we kandi ko

<sup>501</sup> Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, urup. 39.

<sup>502</sup> Iyi nyandikomvugo y'ubuhamya yasomewe uyu mutangabuhamya mu rukiko, reba Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, imp. 54-55.

<sup>503</sup> Reba Inyandikomvugo y'iburanisha mu ruhame yo ku itariki ya 17 Ugushyingo 1997 (Ibimenyetso gihamya byahawe N° D. 61 A, B na C); Inyandiko y'urubanza rwitiriwe Sahera, 23 Werurwe 1998 (Ibimenyetso gihamya byahawe N° D. 59 na D. 60 A. na B.). HF yemeye ko yatanze ubuhamya muri urwo rubanza kandi yemeye ko inyandiko y'urubanza yeretswe ari ukuri (Inyandikomvugo y'iburanisha, 13 Nyakanga 2005, imp. 3 na 8; Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, urup. 66); nyamara ariko yahakanye sinyatiri ye iri ku nyandikomvugo y'iburanisha ryabereye mu ruhame ku itariki ya 17 Ugushyingo 1997 (Inyandikomvugo y'iburanisha, 13 Nyakanga 2005, urup. 15).

<sup>504</sup> Inyandiko y'urubanza rwitiriwe Sahera, 23 Werurwe 1998, Ibimenyetso gihamya byahawe N° D. 59 na D. 60 A na B).

atigeze aregera indishyi z'akababaro, ko ataranazi niba hari indishyi zigeze ziregerwa ku birebana n'urupfu rwa musaza we n'urwa mukuru we<sup>505</sup>.

190. Urugereko rusanga uku kunyuranya imvugo mu buhamya bwa HF umuntu atavuga ko kwaba kwaratewe n'igihe gishize ibintu bibaye, ku isemura ridahuje n'ibyavuzwe, cyangwa ku buryo inyandikomvugo z'ubuhamya zafashwe n'abapererezi bo mu Biro bya Porokireri. Uretse n'uko kunyuranya imvugo mu buryo bukomeye, Urugereko rusanga ubuhamya bwa HF bunyomozwa n'abandi batangabuhamya bashinja. Urugero: uyu mutangabuhamya yavuze ko amaze kuva ku Bitaro bya Kaminuza by'i Butare ku itariki ya 29 Mata 1994, yabonye ubwicanyi bwabereye ku Kabakobwa. Ubu buhamya bunyomozwa n'ubwatanzwe n'umutangabuhamya w'impuguke ushinja witwa Allison des Forges wavuze ko ubwicanyi bwo ku Kabakobwa bwabaye ku itariki ya 22 Mata 1994<sup>506</sup>, bukaba kandi bunyuranye n'ibyo Porokireri avuga mu Nyandiko y'ibirego ashinjamo Joseph Kanyabashi ko ubwicanyi bwo ku Kabakobwa bwabaye ku itariki ya 21 cyangwa iya 22 Mata 1994<sup>507</sup>. Niba ubu bwicanyi bwabereye ku itariki ya 21 cyangwa iya 22 Mata 1994, kandi niba HF yari aho bwabereye icyo gihe, ntabwo yashoboraga kuba yari ari no ku Bitaro bya Kaminuza by'i Butare ngo abone ibyahabereye muri icyo gihe kimwe ari na byo atangaho ubuhamya. Urugereko rusanga kandi imyitwarire ya HF mu rukiko na yo yakwitabwaho. Yari afite ingingiri nyinshi cyane mu gushyiraho ibibazo yabajijwe ku birebana n'inyandikomvugo zikubiyemo ubuhamya yatanze mbere n'ubwo yatanze mu nkiko. Uyu mutangabuhamya ntiyashakaga kwemera ko hariho inyandikomvugo y'ubuhamya bwe mu rubanza rwa Gatera, kandi yavuze ko ibyo bamusomeye mu rukiko ntaho bihuriye n'iyi nyandikomvugo. Yavuze kandi ko inyandiko yatanzwe n'ubutegetsi bwo mu Rwanda yari impimbano<sup>508</sup>. Hari n'ibindi bisa nk'ibyo biri mu nyandiko zakowe n'abapererezi bo mu Biro bya Porokireri umutangabuhamya yahakanye.

<sup>505</sup> Urubanza N° ICTR-98-44 Porokireri yashinjamo Edouard Karemera, Mathieu Ndirumpatse, Joseph Nzirorera na André Rwamakuba, Inyandikomvugo y'iburanisha, 11 Ukuboza 2003, imp. 13-14 (Reba Ikimenyetso gihamya cyahawe N° D. 76).

<sup>506</sup> Raporo y'umutangabuhamya w'impuguke Alison Des Forges yateguriye urubanza rwitiriwe Butare N° ICTR-98-42-T, Inyandikomvugo y'iburanisha, 1 Kamena 2001, Ikimenyetso gihamya cyahawe N° D. 101.

<sup>507</sup> Urubanza N° ICTR-96-15-I Porokireri ashinjamo Joseph Kanyabashi, Inyandiko y'ibirego yatanzwe ku itariki ya 11 Kamena 2001, Ikimenyetso gihamya cyahawe N° D. 51.

<sup>508</sup> Inyandikomvugo y'iburanisha, 12 Nyakanga 2005, imp. 49-53.

Kubera izo mpamvu, Urugereko rusanze umutangabuhamyanya wiswe HF atari uwo kwemerwa, kandi rusanze ubuhamyanya bwe butashingirwaho mu guhamya icyaha Uregwa muri uru rubanza.

191. **Umutangabuhamyanya wiswe RJ** yageze ku Bitaro bya Kaminuza by'i Butare ku itariki ya 21 Mata 1994, azanywe n'umupadiri wari uje kumuvuza<sup>509</sup>. Yavuze ko muri Mata 1994 yabonye André Rwamakuba ku Bitaro inshuro eshatu: ku mahema, ubwo abadogiteri barimo Rwamakuba, n'abasirikare bagenzuraga indangamuntu z'abarwayi<sup>510</sup>; ubwo Rwamakuba na Dogiteri Gatera bajyaga mu nzu y'ababyeyi; n'ubwo Rwamakuba yavanaga za serumu mu barwayi bari mu cyumba cy'ibagiro abategeka kujya muri kamyoneti itukura. RJ yavuze ko yabonye Rwamakuba ahutaza umurwayi wari ubumbiyeho sima. Yavuze ko Gatera yamukubitiye umwana Rwamakuba ahari, ariko nta bwo yashoboraga kwibuka niba ibyo byarabaye ku nshuro ya mbere, iya kabiri, cyangwa iya gatatu yaboneyeho Rwamakuba<sup>511</sup>. RJ yavuze ko yahunze ava ku Bitaro akajya ku Biro bya perefegitura, kandi ko ubwo yari ahari yahabonye Rwamakuba akanamwumva abwira Perefefu ko Abatutsi bagomba kwicwa.
192. Amakuru RJ yatanze mbere ku birebana n'ibyabaye atandukanye cyane n'ubuhamyanya yangiye mu rukiko. Mu nyandikomvugo z'ubuhamyanya bwe zakozwe n'abategetsi bo mu Rwanda, mu rubanza rwa Gatera, mbere y'uko abazwa n'abapererezi bo mu Biro bya Porokireri ku birebana n'uru rubanza, yavuze ko we n'abandi Batutsi bakubiswe n'abasirikare babitegetse na Dogiteri Gatera<sup>512</sup>; icyo gihe nta zina rya André Rwamakuba yavuze<sup>513</sup>. Na none, mu nyandikomvugo y'ubuhamyanya bwe yakozwe n'abategetsi bo mu Rwanda muri Kamena 1998, mu rubanza rwa Kageruka, mu byo RJ yibukaga byabereye ku Bitaro nta zina rya Rwamakuba yavuze, kandi yavuze ko Dogiteri Gatera na Dogiteri Kageruka ari bo bantu b'imena bari mu bitero. By'umwihariko, yavuze ko Dogiteri Kageruka yafashe indangamuntu z'Abatutsi

<sup>509</sup> Inyandikomvugo y'iburanisha, 2 Nzeri 2005, imp. 11-12.

<sup>510</sup> Inyandikomvugo y'iburanisha, 2 Nzeri 2005, imp. 12-16.

<sup>511</sup> Inyandikomvugo y'iburanisha, 5 Nzeri 2005, urup. 5.

<sup>512</sup> Inyandikomvugo y'ubuhamyanya mu rubanza rwa Gatera, 30 Mata 1997 (Ibimenyetso gihamya byahawe N° D. 137 A, B na C (byashyizweho ubujeni). Muri icyo nyandikomvugo, umutangabuhamyanya wiswe RJ ntiyavuze ko Dogiteri Gatera yanamukubitiye umwana.

<sup>513</sup> Ibimenyetso gihamya byahawe N° D. 137 A, B na C (byashyizweho ubujeni).

akazicagagura, maze we na Dogiteri Gatera bagashyira abarwayi mu modoka bababwira ngo « barebe isi bwa nyuma »<sup>514</sup>. Mu yindi nyandikomvugo y'ubuhamya bwe yakozwe hashize umwaka, mu rundi rubanza rwaburaniwe mu Rwanda, umutangabuhamya wiswe RJ yavuze ko Dogiteri Twagirayezu ari we mwicanyi wishe abantu kurusha abandi. Yavuze ko na Dogiteri Gatera yari ahari, ariko ntiyavuzemo Dogiteri Kageruka kandi yitiriye Rwamakuba ibikorwa n'amagambo yari yitiriye Dogiteri Kageruka mu nyandikomvugo y'ubuhamya bwe yakozwe mu wa 1998 mu rubanza rwa Kageruka<sup>515</sup>. Na none, mu nyandikomvugo y'ubuhamya bwa RJ yakozwe mu wa 1999 mu rubanza rwa Misago, yavuze ko atigeze aba ku Bitaro bya Kaminuza by'i Butare kubera ko banze ko ahaguma; kandi ko bamaze kumwangira yagiye ku Biro bya Perefegitura ya Butare<sup>516</sup>. Muri uwo mwaka, yatanze ikiganiro cyanditswe muri raporo yatangajwe n'umuryango witwa «*African Rights* », muri icyo kiganiro akaba yaravuze ko abasirikare bo mu ishuri ry'abasuzofisiye (ESO) ari bo bagize uruhare rukomeye mu byaha byakorewe ku Bitaro bya Kaminuza by'i Butare; ntiyavuzemo Rwamakuba; kandi yavuze ko abasirikare ari bo *babasohoye mu Bitaro bakabohereza* ku Biro bya Perefegitura<sup>517</sup>.

193. Uku kunyuranya imvugo mu buhamya bwerekeranye n'ibyabaye bimwe umuntu ntiyavuga ko kwaba kwaratewe n'igihe gishize ibintu bibaye cyangwa ku isemura ridahuje n'ibyavuzwe. Urugereko rwabonye uyu mutangabuhamya yari afite ingingiri cyane ku birebana no kugira icyo avuga ku buhamya yatanze mbere. Yaje kwihakana

<sup>514</sup> Ibimenyetso gihamya byahawe N° D. 139 A, B na C (byashyizweho ubujeni).

<sup>515</sup> Inyandikomvugo y'ubuhamya mu rubanza rwa Twagirayezu, 6 Gicurasi 1999, Ibimenyetso gihamya byahawe No D. 138 A, B na C (byashyizweho ubujeni). Ngo André Rwamakuba yahageze mu modoka yashyizwemo abarwayi b'Abatutsi maze bakabajyana. Uyu mutangabuhamya yavuze ko Rwamakuba yababwiye ngo « nibarebe isi ubwa nyuma ». Mu nyandikomvugo y'ubuhamya mu rubanza rwa Kageruka, RJ yavuze ko Dogiteri Gatera na Dogiteri Kageruka binjije mu modoka mukuru we wari umaze kubyarira umwana w'umuhungu ku Bitaro; nyamara ariko mu wa 1999, yavuze ko Dogiteri Gatera na Twagirayezu ari bo bajyanye mukuru we n'abana babiri b'impanga yari amaze kubyara.

<sup>516</sup> Inyandikomvugo y'ubuhamya mu rubanza rwa Misago, 21 Mata 1994, Ibimenyetso gihamya byahawe No D. 145 A, B na C (byashyizweho ubujeni). RJ yavuze ko yageze ku Bitaro bya Kaminuza by'i Butare maze bakanga kumwakira. Ni bwo rero yajyaga ku Biro bya Perefegitura ya Butare

<sup>517</sup> Reba Ikimenyetso gihamya cyahawe N° D. 140 (cyashyizweho ubujeni). Mu rukiko, umutangabuhamya wiswe RJ yavuze ko yahungiyeye mu murima w'amasaka wari hafi aho hanyuma akahava ajya ku Biro bya perefegitura; muri raporo ya African Rights, yaragize ati: « Abasirikare badusohoye mu Bitaro batubwira ngo nitujye ku Biro bya perefegitura ».

inyandikomvugo z'ubuhamya bwe yatangiye mu Rwanda, ndetse yanihakanye Raporo ya « *African Rights* », avuga ko amagambo ye yagoretswe<sup>518</sup>. Yavuze kandi ko sinyatiri ye ishobora kuba yariganwe<sup>519</sup>. Kubera izo mpamvu, Urugereko rusanze Umutangabuhamya wiswe RJ atari uwo kwemerwa.

194. Urugereko rusanze abatangabuhamya bashinja ku birebana n'ibyaha Uregwa ashinjwa ko yakoreye ku Bitaro bya Kaminuza by'i Butare atari abo kwemerwa no kwizerwa. Uyu mwanzuro ushyigikiwe n'imyiregurire ya sinari mpari.

#### (4) Imyiregurire ya sinari mpari

195. Ubwunganizi bwavuze ko Uregwa atashoboraga kuba yaramaze i Butare igihe abatangabuhamya bashinja bavuga, kuko mu gihe André Rwamakuba ashinjwamo ko yakoze ibyaha mu Bitaro bya Kaminuza by'i Butare, hagati y'itariki ya 18 n'ya 25 Mata 1994, yabanje kuba i Gitarama, noneho nyuma y'itariki ya 20 Mata 1994 akaba yarabaga ku Gisenyi<sup>520</sup>.
196. Impande zombi zemeranywa ko ku itariki ya 12 Mata 1994, Uregwa yimukiye i Gitarama mu gihiriri kimwe n'abari bagize Guverinoma y'Agateganyo, kandi n'Urugereko rurabyemera<sup>521</sup>. Umupererezi wo mu Biro bya Porokireri witwa Upendra Baghel na we yatanze ubuhamya buvuga ko hagati ya Gitarama na Butare hari intera igera nko kuri kilometero 83, naho hagati ya Butare na Gisenyi hakaha hari nka kilometero 247<sup>522</sup>. Ubwunganizi bwemeye iyo mibare yerekana intera iri hagati y'aho hantu<sup>523</sup>, kandi bwatanze ibimenyetso byerekana ko Uregwa atari aho ibyaha byakorewe igihe byakorwaga.

<sup>518</sup> Reba urugero: Inyandikomvugo y'iburanisha, 5 Nzeri 2005, urup. 28.

<sup>519</sup> Inyandikomvugo y'iburanisha, 5 Nzeri 2005, imp. 31 na 35; Inyandikomvugo y'iburanisha, 6 Nzeri 2005, imp. 2 na 11.

<sup>520</sup> Reba abatangabuhamya bashinjura biswe 1/1, 9/1 na 1/15. Umutangabuhamya ushinjura wiswe 3/A na we yatanze ubuhamya nk'ubu. Ariko, kubera isano ya hafi uyu mutangabuhamya afitanye n'Uregwa, hamwe n'imyaka uyu mutangabuhamya yari afite ibivugwa biba, Urugereko rurashyira ubuhamya bwe ku ruhande.

<sup>521</sup> Ni kimwe no haruguru

<sup>522</sup> Ikimenyetso gihamya cyahawe N° P. 2.

<sup>523</sup> Imyanzuro nsozarubanza y'Ubwunganizi, urup. 283.



197. Umutangabuhamyanya ushinjura wiswe 1/1, yavuze ko André Rwamakuba yari i Gitarama kuva ku itariki ya 12 kugeza ku ya 20 Mata 1994. Muri icyo gihe, uyu mutangabuhamyanya yamubonaga buri gitondo, igihe cyo kurya ku manywa, n'igicamunsi mu ma saa kumi n'imwe. Abatangabuhamyanya bashinjura biswe 1/1 na 9/1 batanze ubuhamyanya ko Rwamakuba yari ku Gisenyi kuva ku itariki ya 20 Mata kugeza ku ya 2 Gicurasi 1994. Abo batangabuhamyanya bombi bavuze icyo yakoraga buri muni, harimo n'uko yagerageje inshuro zinyuranye kugura amatike y'indege yo gukoresha avana umuryango we mu Rwanda. By'umwihariko, bavuze ko kuva ku itariki ya 20 kugeza ku ya 24 Mata 1994, amanywa n'ijoro, Rwamakuba yabaga ari kumwe n'umugore we n'umuryango we. Umutangabuhamyanya wiswe 1/15 na we yavuze ko yahuye na Rwamakuba ku Gisenyi hagati y'itariki ya 20 n'ya 22 Mata. Icyo gihe Rwamakuba akaba yaramufashije kubona pasiporo nshya na viza yo kujya muri Zaïre<sup>524</sup>. Ubwunganizi bwerekanye kopi y'iyose paseporo nk'ikimenyetso<sup>525</sup>.
198. Ubuhamya bw'abatangabuhamyanya biswe 1/1 na 9/1 bushyigikirwa n'ubw'abiswe 5/16, 5/7, 9/17, 5/13, 5/15 na 9/29 bavuze ko batigeze babona André Rwamakuba ku Bitaro bya Kaminuza by'i Butare mu gihe cya jenocide muri Mata na Gicurasi 1994. Abatangabuhamyanya biswe 5/16, 5/7 na 5/15, bari abakozi b'ibitaro bya Kaminuza by'i Butare muri Mata na Gicurasi 1994, bavuze ko batigeze bahabona Rwamakuba kandi ko batigeze bumva bivugwa ko yahageze. Bavuze ko bajyaga ku Bitaro buri gitondo bagasanga abantu bashimuswe hanyuma bakabwirwa ko ubwicanyi bwakozwe n'abasirikare ninjoro. Umutangabuhamyanya wiswe 5/13 yavuze ko muri icyo gihe kivugwa yari mu cyumba cy'ibagiro mu Bitaro bya Kaminuza by'i Butare ari kumwe na mwene wabo ariko ko atigeze ahabona Rwamakuba. Uyu mutangabuhamyanya yavuze ko yari aziranye n'abaganga bose ku Bitaro kuko bahuraga bakaramukanya nk'abaturanyi. Yavuze kandi ko uretse umugore witwa Nyiramasuhuko, nta wundi muminisitiri yigeze yumva bavuga ko yaje gukora jenocide ku Bitaro.
199. Nta mutangabuhamyanya n'umwe Porokireri yahamagaje wo kunyomoza ubu buhamya. Umutangabuhamyanya w'impuguke ni we wenyine wavuze ko ku itariki ya 19 Mata 1994, abaminisitiri bamwe bo muri Guverinoma, barimo André Rwamakuba, bagiye i Butare gukuraho mu ruhame perefere w'Umututsi wari waragerageje guhagarika

<sup>524</sup> Inyandikomvugo y'iburanisha, 18 Mutarama 2006, imp. 10-13 na 16-17.

<sup>525</sup> Ikimenyetso gihamya cyahawe N° D. 198.

ibikorwa byo kwica Abatutsi<sup>526</sup>. Inyandiko ya disikuru ya Minisitiri w'Intebe Kambanda y'uwo muni ivuga ko Minisitiri w'Amashuri Abanza n'Ayisumbuye yari ahari na yo yarakiriwe nk'ikimenyetso<sup>527</sup>. Porokireri ntiyagerageje kwerekana ku buryo busobanutse neza uko ibihe avuga Rwamakuba yari i Butare byagiye bikurikirana, cyane cyane ku birebana no kuba yari mu nama ya Guverinoma ku itariki ya 19 Mata 1994 no kuva ku itariki ya 21 kugeza ku ya 25 Mata 1994, nk'uko byavuzwe n'abatangabuhamya bashinja.

200. Urugereko rwasesenguye ubuhamya bw'abatangabuhamya bashinjura biswe 1/1 na 9/1 bubyitondeye cyane kubera amasano ya hafi bafitanye na André Rwamakuba, ariko ntawakwiringagiza ko batanze amakuru arambuye mu buhamya bwabo kandi mu ibaza rinyomoza basubije ibibazo badahuzagurika. Byongeye kandi, nta n'umwe mu batangabuhamya biswe 5/16, 5/7, 9/17, 5/13, 5/15 na 9/29 wari usanzwe azi Rwamakuba. Nta kintu cyagaragaje ko bari bafite inyungu iyo ari yo yose yo kurengera Uregwa kandi mu ibaza rinyomoza nta kibazo cyabyukijwe cyatuma batemerwa cyangwa ngo bizerwe. Urugereko rusanga ubuhamya bwabo bwari buhuje kandi butarimo amarangamutima, ibyo bikaba bituma ibivugwa na Porokireri bishidikanywaho kurushaho.

***Umwanzuro ku birebana n'ibyaha André Rwamakuba ashinjwa ko yakoreye mu Bitaro bya Kaminuza by'i Butare***

201. Nk'uko bimaze gusobanurwa haruguru, icya mbere, Porokireri ntiyatanze ibimenyetso bihamya ibintu bimwe na bimwe avuga ko byabereye mu Bitaro bya Kaminuza by'i Butare, kandi hari ibimenyetso yatanze bidahuye na bimwe mu bivuka mu Nyandiko y'ibirego.
202. Na none, ibirebana n'uko abatangabuhamya bashinja babonye umuntu wakoze ibyaha mu Bitaro bya Kaminuza by'i Butare muri Mata 1994 hanyuma bakaza kumenya uwo ari we ntawabishira amakenga. Uretse umutangabuhamya wiswe XV wavuze ko yari asanzwe azi André Rwamakuba, uko abandi batangabuhamya bamenye Uregwa byari bishingiye ku nkuru mbarirano zitigeze zigenzurwa cyangwa ku byo XV yavuze birebana n'uko yari amuzi. By'umwihariko, Rwamakuba abatangabuhamya biswe HF

<sup>526</sup> Inyandikomvugo y'iburanisha, 14 Nyakanga 2005, urup. 40.

<sup>527</sup> Ikimenyetso gihamya cyahawe N° P. 64.

- na RJ bamweretswe na XV noneho na bo bamwereka umutangabuhamya wiswe GIO. Kuri ibyo, ni ngombwa kuzirikana ko XV yitiranyije Rwamakuba n'umugabo witwa Rekeraho. Umutangabuhamya wiswe GIO na we yarabitiranyije. Nk'uko byasobanuwe birambuye hano hejuru, ubuhamya bwa XV burimo ibintu byinshi bivuguruzanya umuntu ushyira mu gaciro atasobanura cyangwa ngo abangikanye. Uburyo yamenye Rwamakuba n'uko avuga isura ye si ibyo kwizerwa.
203. Byongeye kandi, uretse n'ibi bibazo byo kumenya Uregwa, kuba abatangabuhamya bashinja bakwemerwa kandi bakwizerwa na cyo ni ikibazo gihangayikishije. Urugereko rusanga inyuranya rikomeye riboneka hagati y'ubuhamya abatangabuhamya batanze mu rukiko n'ubukubiye mu nyandikomvugo zakozwe mbere, ndetse no mu bwo batanze mu zindi manza, ntawavuga ko ryatewe n'igihe gishize ibivugwa bibaye, isemura ridahuje n'ibyavuzwe, uburyo inyandikomvugo y'ubuhamya yakozwe cyangwa ingaruka z'ihahamuka umutangabuhamya uyu n'uyu yatewe n'ibyabaye. Ahubwo, iryo nyuranya rituma abatangabuhamya bashinja batemerwa cyangwa ngo bizerwe. Byongeye kandi, Porokireri ntiyanyomoje bihagije ibimenyetso bishinjura byatanze byerekana ko Rwamakuba atagize uruhare mu bwicanyi bwabereye mu Bitaro bya Kaminuza by'i Butare, cyangwa ko muri icyo gihe yari i Gitarama no ku Gisenyi, bikaba rero bidashoboka ku yari i Butare nk'uko abatangabuhamya bashinja babivuga.
204. Kuba ibirebana n'uko abatangabuhamya bamenye André Rwamakuba ari aho ibivugwa byabereye igihe byabaga atari ibyo kwizerwa, kuba abatangabuhamya bashinja atari abo kwemerwa no kwizerwa, no kuba hariho imyiregurire ya sinari mpari, ibyo byose bishyizwe hamwe bituma umuntu ushyira mu gaciro yashidikanya ku bivugwa na Porokireri.
205. Bityo rero, Urugereko rusanze Porokireri atarashoboye na gato gutanga ibimenyetso cyangwa ataratanze ibimenyetso bidashidikanywaho bihamya ko Uregwa yakoze ibyaha ashinjwa mu Bitaro bya Kaminuza by'i Butare, nk'uko bivugwa mu gika cya 15, icya 16, icya 23 mu gakato ka kabiri n'aka gatatu, n'icya 26 kuva ku gakato ka kabiri kugeza ku ka kane by'Inyandiko y'ibirego. Urugereko rugiyeye gusuzuma ibindi birego biri mu Nyandiko y'ibirego.

### II.3 IBINDI BIREGO BIRI MU NYANDIKO Y'IBIREGO

206. Uretse ibirego birebana n'ibyabereye muri Gikomero n'i Butare, Inyandiko y'ibirego irimo ibindi birebana n'umwanya André Rwamakuba yari afite muri politike n'uko yakoreshaga uwo mwanya. Ivuga ko, nka Minisitiri w'Amashuri Abanza n'Ayisumbuye muri Guverinoma y'Agateganyo yashyizweho ku itariki ya 8 Mata 1994, yagize uruhare mu itegura n'ishyirwa mu bikorwa rya gahunda ya Guverinema yo gutsembatsemba Abatutsi mu Rwanda hose<sup>528</sup>. Bivugwa ko yabaye umuvugizi wa Guverinoma y'Agateganyo hagati y'itariki ya 27 n'ya 29 Mata 1994<sup>529</sup>. Ngo ku itariki ya 17 Gicurasi 1994, we n'abandi baminisitiri bashyizwe muri gahunda yo kwirwanaho kw'abaturage<sup>530</sup>. Iyo gahunda yakoreshejwe mu gutahura Abatutsi, kubahiga no kubica<sup>531</sup>. Ngo Uregwa kandi yari umuyoboze w'agace k'intagondwa za MDR kitwaga MDR « Hutu Pawa » ngo kakaba karashinzwe ahagana ku itariki ya 26 Nyakanga 1993 kandi ngo kakaba kari gafite ingengabitekerezo yihariye yo gutsembatsemba Abatutsi<sup>532</sup>. Bivugwa ko yifashishije ibikoresho by'ishyaka rye rya MDR « Hutu Pawa », andi mashyaka yifatanyije na MRND hamwe na « Hutu Pawa », za minisiteri zo muri Guverinoma y'Agateganyo zari mu maboko y'ayo mashyaka, ndetse n'Ingabo z'igihugu, mu gushyira mu bikorwa gahunda yari igamije kwica Abatutsi no kurimbura ubwoko bwabo<sup>533</sup>.
207. Urugereko rusanga nta kimenyetso cyatanzwe cyerekana icyo Uregwa yashoboraga cyangwa yagombaga gukora cyangwa icyo atakoze nka minisitiri. Porokireri kandi ntiyatanze ibimenyetso bigaragaza imiterere ya MDR « Hutu Pawa », ububasha André Rwamakuba yari afite ku bategetsi bo mu turere, uko yifashishije ibikoresho by'andi mashyaka yari afatanyije na MRND na «Hutu Pawa », za minisiteri zo muri Guverinema y'Agateganyo zari mu maboko y'ayo mashyaka ndetse n'Ingabo z'igihugu mu gutsotsoba gahunda yo gutsembatsemba Abatutsi mu Rwanda hose. Nta

<sup>528</sup> Inyandiko y'ibirego, ibika 7 na 19.

<sup>529</sup> Inyandiko y'ibirego, ibika 1 na 14.

<sup>530</sup> Inyandiko y'ibirego, igika 9.

<sup>531</sup> Inyandiko y'ibirego, igika 8.

<sup>532</sup> Inyandiko y'ibirego, igika 3. Havugwamo by'umwihariko ko André Rwamakuba yari muri komite nyobozi y'Ishyaka rya MDR « Pawa » kandi ko yari no muri komite y'iryo shyaka muri Perefegitura ya Kigali-Ngari (Reba Inyandiko y'ibirego, igika 2).

<sup>533</sup> Inyandiko y'ibirego, igika 6.

- bimenyetso bitaziguye byatanzwe byerekanye uruhare rwa Rwamakuba muri gahunda yo kwirwanaho kw'abaturage cyangwa uko yaba yarakoresheje iyo gahunda mu kwica Abatutsi. Nta bimenyetso byatanzwe bihamya ko ku itariki ya 28 Mata 1994 cyangwa hafi yayo yatangaje kuri Radiyo Rwanda ko « umutekano wagarutse muri Butare kuko Inyenzi zahashize ».
208. Nk'uko byavuzwe mu Mutwe wa I, mu byo André Rwamakuba ashinjwa ntahavugwa ko agomba kuryozwa ibyaha nka minisitiri muri Guverinoma y'Agateganyo kubera ko atamaganye ibyaha byakorewe Abatutsi cyangwa ko atitandukanyije na Guverinoma, cyangwa kubera ko yateshutse ku nshingano ze nka minisitiri. Hakurikijwe ibirego Uregwa ashinjwa biri mu Nyandiko y'ibirego, kandi hakurikijwe ibyo Porokireri yamenyekanishije ko azashingiraho mu buryo busobanutse neza kandi atigeze ahindura, ibirego bimaze kuvugwa byerekeranye n'uruhare n'ibikorwa bya Rwamakuba mu rwego rwa politiki byerekana gusa ukuntu ibintu byari byifashe ku buryo umuntu ashobora gusa kubiharaho mu kureba icyo yari agamije, icyo yatekerezaga cyangwa ibindi bisabwa kugira ngo ibyaha bibeho.
209. Kubera ko Porokireri atashoboye gutanga ibimenyetso bidashidikanywaho bihamya Uregwa ibyaha ashinjwa ko yakoreye muri Komini ya Gikomero no mu Bitaro bya Kaminuza by'i Butare nk'uko byasobanuwe haruguru, si ngombwa ko Urugereko rusuzuma ibirego n'ibimenyetso birebana n'icyo yari agamije cyangwa yatekerezaga mu rwego rw'ibyo byaha bivugwa.

## UMWANZURO

210. Kuba kuva muri Mata kugera muri Nyakanga 1994 mu Rwanda harabaye jenocide yakorewe Abatutsi, no kuba harabaye ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira ko ari Abatutsi ni ibintu by'ikimenyabose kandi ushyize mu gaciro bitagomba kugibwaho impaka<sup>534</sup>, ndetse ibyo nta n'ubwo Ubwunganizi bwabihakanye muri uru rubanza. Uru Rukiko rwashyiriweho gutera inkunga mu nzira y'ubwiyunge bw'Abanyarwanda no kugarura amahoro n'umutekano mu Rwanda<sup>535</sup>. Uruhare Urukiko rufite aha ni ukuburanisha mu buryo butabogamye, Porokireri akaba ari we ufite inshingano yo gutanga ibimenyetso by'ibyaha ashinja uregwa.
211. Muri uru rubanza, André Rwamakuba yarezwe ibyaha byihariye yaba yarakoreye muri Komini ya Gikomero no mu Bitaro bya Kaminuza by'i Butare hagati y'itariki ya 6 n'ya 30 Mata 1994. Nta byaha yarezwe hashingiwe ku byo yakoze cyangwa yateshutse gukora cyangwa ku nshingano ze, nka minisitiri muri Guverinema y'Agateganyo yo mu wa 1994.
212. Mu gihe cy'iburanisha ryamaze iminsi 78, Urugereko rwumvise abatangabuhamya bashinja n'abashinjura 49, rwakiriye ibimenyetso gihamya 94 byatanzwe na Porokireri n'ibimenyetso gihamya 218 byatanzwe n'Ubwunganizi. Ibyo Porokireri yavuze byabaga bishingiye ahanini ku bimenyetso biziguye, kandi ubuhamya bwinshi bwatanzwe bwari bushingiye ku nkuru mbarirano. Mu batangabuhamya 18 bashinja, batanu gusa ni bo bavuze ko bari basanzwe bazi André Rwamakuba. Hari abatangabuhamya babiri batanze ubuhamya butigeze bugira ubundi bubushyigikira mu kugaragaza ibirego byihariye biri mu Nyandiko y'ibirego. Abatangabuhamya bashinjura baturutse mu bice binyuranye by'umuryango nyarwanda, harimo abacitse ku icumu rya jenocide ; hari abari basanzwe bazi Rwamakuba hari n'abamubwiwe, kandi benshi muri bo bavuze ko ibivugwa mu Nyandiko y'ibirego babyiboneye n'amaso yabo.

<sup>534</sup> Urubanza rwa Karemera na bagenzi be, icyemezo ku bujirire bwatanzwe na Porokireri ajuririra icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ibintu ababuranyi batajyaho impaka (Urugereko rw'Ubujirire).

<sup>535</sup> Inama Ishinzwe Amahoro ku Isi, icyemezo 955 (1994), 8 Ugushyirahamwe 1994.

213. Impande zombi zemeye ko Abatutsi bagabweho ibitero kandi bakicwa muri Komini ya Gikomero muri Mata 1994, harimo kuri santere y'ubucuruzi ya Ndatemwa, ku Kigo cy'amashuri cy'abaporo cy'i Gikomero, kuri Paruwase ya Gishaka no mu Kigo nderabuzima cy'i Kayanga, hamwe no ku Bitaro bya Kaminuza by'i Butare. Porokireri n'Ubwunganizi batanze ibimenyetso bifatika kuri ubwo bwicanyi. Nyamara ariko, Ubwunganizi bwavuze ko nta ruhare urwo ari rwo rwose Uregwa yagize muri ubwo bwicanyi.
214. Rumaze gusesengura ibimenyetso byose bikomatanyirije hamwe, Urugereko rwasanze abatangabuhamya bashinja bose badashobora kwemerwa cyangwa kwizerwa. Ubuhamya bwabo ntibwahuzaga n'Inyandiko y'ibirego, cyangwa bwarimo ukwivuguruza kandi nta bisobanuro bishyitse bitangiwe uko kwivuguruza. Kuba nta bimenyetso byakwizerwa biriho bigaragaza uko abatangabuhamya bamenye André Rwamakuba ari aho ibivugwa byabereye igihe byabaga, kuba abatangabuhamya bashinja atari abo kwemerwa cyangwa kwizerwa, kuba Uregwa yari mu zindi gahunda mu gihe kivugwa mu Nyandiko y'ibirego no kubera imyiregurire ya sinari mpari y'Ubwunganizi, ibyo byose bishyizwe hamwe bituma ibivugwa na Porokireri bishidikanywaho.
215. Kubera izo mpamvu, Urugereko rusanze Porokireri atarashoboye gutanga ibimenyetso bidashidikanywaho bihamya ko André Rwamakuba yakoze poropagande nkangurambaga muri Komini ya Gikomero kuva muri Kamena 1993 kugeza mu mpera za Nyakanga 1994; ko ku itariki ya 10 cyangwa iya 11 Mata 1994, Rwamakuba yagemuye imipanga kwa Muhire kuri santere y'ubucuruzi ya Ndatemwa; ko ahagana muri icyo gihe kimaze kuvugwa yagemuye imipanga kwa Kamanzi kuri santere y'i Kayanga; ko hagati y'itariki ya 10 n'ya 20 Mata 1994, ari ku Biro bya Segiteri ya Gikomero yategetse ko Abatutsi batatu bicwa kandi ko yahamagariye abantu kwica Abatutsi muri komine; kandi ko hagati y'itariki ya 13 n'ya 15 Mata 1994 yagiye mu bwicanyi bwabereye mu Kigo nderabuzima cy'i Kayanga. Porokireri ntiyashoboye kandi gutanga ibimenyetso bidashidikanywaho bihamya ko Uregwa yakoze ibyaha byibasiye Abatutsi hagati y'itariki ya 18 n'ya 25 Mata 1994 mu Bitaro bya Kaminuza by'i Butare.
216. Mbere yo kwerekana icyemezo cyarwo, Urugereko rugiyeye gusuzuma ikibazo cyihariye kirebana n'ihungabanywa ry'uburenganzira bw'Uregwa.

### UMUTWE WA III – UBURENGANZIRA BW’UREGWA

217. Mu Cyemezo cyafashwe ku itariki ya 12 Ukuboza 2000<sup>536</sup> n’Urugereko rwa Mbere rw’Iremezo II, rugizwe n’Abacamanza Laity Kama wari Perezida w’Inteko, na William H. Sekule na Mehmet Güney, rwemeje ko Urukiko nta bubasha rufite ku birebana n’uko André Rwamakuba yafunzwe n’ubutegetsu bwa Namibiya hagati y’itariki ya 2 Kanama 1995 n’iya 7 Gashyantare 1996 kubera ko atari yafashwe bisabwe n’Urukiko. Urwo Rugereko rwanasanze uburenganzira bwa Rwamakuba bwo kunganirwa mu rubanza bwarahungabanyijwe mu mezi ya mbere yafunguwe muri Gereza y’Urukiko, kuva ku itariki ya 22 Ukwakira 1998 kugeza ku ya 10 Werurwe 1999, kandi ko kuba yaragenewe Avoka w’agateganyo bitinze byatumye yitaba Urukiko bwa mbere akererewe<sup>537</sup>.
218. Urugereko rw’Ubujurire rwemeje ko « uregwa wese wahungabanyirijwe uburenganzira ashobora kwitabaza inzego zibishinzwe kugira ngo agenerwe indihano ikwiye, hashingiwe ku ngingo ya 2(3)(a) y’Amasezerano Mpuzamahanga yerekeye uburenganzira mu by’imbenezamubano na politiki »<sup>538</sup>. Mu manza rwaciye, Urugereko rw’Ubujurire rwagiye rutegeka cyangwa rwemeza ko uregwa agabanyirizwa igihano iyo yabaga ahamwe n’icyaha<sup>539</sup>. Mu rubanza rwa Barayagwiza no mu rwa Semanza, rwemeje kandi ko « iyo uregwa agizwe umwere, agomba kugenerwa indishyi y’amafaranga »<sup>540</sup>.

<sup>536</sup> Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy’Ubwunganizi kirebana n’ifatwa n’ifungwa ry’Uregwa mu buryo bunyuranyije n’amategeko (Urugereko rwa Mbere rw’Iremezo).

<sup>537</sup> Ni kimwe no haruguru.

<sup>538</sup> Reba: Urubanza rwa Barayagwiza, icyemezo ku Cyifuzo cya Porokireri gisaba Urugereko gusubiramo icyemezo cya rwo cyangwa kongera gusuzuma icyifuzo cyatanze (Urugereko rw’Ubujurire), ibika 74-75; Urubanza rwa Kajelijeli, Inyandiko y’urubanza mu bujurire, ibika 255 na 322; Urubanza rwa Semanza, icyemezo cyo ku itariki ya 31 Gicurasi 2000 (Urugereko rw’Ubujurire), igika 125: « Nyamara ariko, Urugereko rw’Ubujurire rusanga guhungabanya uburenganzira bwa muntu mu buryo ubwo ari bwo bose, kabone n’iyo yaba yarabangamiwe buhoro, bituma agenerwa indihano ihwanye n’ibyo yangirijwe ».

<sup>539</sup> Ni kimwe no haruguru.

<sup>540</sup> Urubanza rwa Barayagwiza, icyemezo ku Cyifuzo cya Porokireri gisaba Urugereko gusubiramo icyemezo cya rwo cyangwa kongera gusuzuma icyifuzo cyatanze (Urugereko rw’Ubujurire), igika 75; Urubanza rwa Semanza, icyemezo cyo ku itariki ya 31 Gicurasi 2000 (Urugereko rw’Ubujurire), icyemezo cy’Urugereko.



219. Muri uru rubanza, Urugereko rw'Ubujurire rwasanze kandi « Rwamakuba ashobora kubutsa ikibazo cy'uburenganzira bwa muntu bwe bwahungabanyijwe n'Urukiko kugira ngo asabe indihano, biramutse bibaye ngombwa, igihe cyateganyijwe kigeze<sup>541</sup>.
220. Kubera ko Urugereko rwasanze uburenganzira bw'Uregwa bwo kunganirwa bwarahungabanyijwe mu mezi ya mbere yamaze afunze, André Rwamakuba aramutse abishatse ashobora gutanga ikirego gisaba indihano, ariko ibyo akaba yabikora igihe cyo kujuririra uru rubanza cyararenze. Porokireri na Gerefiye kandi na bo bashobora gutanga ibyifuzo byabo ibyo ari byo byose birebana n'icyo kibazo.

#### UMUTWE WA IV – ICYEMEZO CY'URUGEREKO

- I.** Kubera impamvu zimaze kuvugwa, rumaze gusuzuma ibimenyetso byose n'ingingo by'abaturanyi, Urugereko, ku bwumvikane bw'abacamanza bose, **RWEMEJE** ibi bikurikira ku birebana n'ibyaha André Rwamakuba ashinjwa:

Ikirego cya 1: Icyaha cya Jenocide ntikumuhama ;

Ikirego cya 2: Icyaha cyo kuba icyitso cy'abakoze Jenocide ntikumuhama ;

Ikirego cya 3: Ibyaha by'itsembatsemba nk'ibyibasiye inyokomuntu ntibimuhama ;

Ikirego cya 4: Ibyaha by'ubuhotozi nk'ibyibasiye inyokomuntu ntibimuhama.

Bityo rero, André Rwamakuba **AHANAGUWEHO** ibyaha byose bikubiye mu Nyandiko y'ibirego.

- II.** Hashingiwe ku ngingo ya 99 (A) y'Amategeko, Urugereko **RUTEGETSE** ko André Rwamakuba ahita arekurwa akava muri Gereza y'Urukiko kandi **RUSABYE** Gerefiye gufata ingamba zose za ngombwa kugira ngo iki cyemezo cyubahirizwe. Iki cyemezo ntikibuza Urugereko kuba rwafata ibindi byemezo ibyo ari byo byose hashingiwe ku ngingo ya 99 (B) y'Amategeko.

<sup>541</sup> Urubanza rwa Rwamakuba, icyemezo (Ubujurire ku Cyemezo cyanze kwemera icyifuzo kirebana n'ifatwa n'ifungwa ry'Uregwa mu buryo bunyuranyije n'amategeko) (Urugereko rw'Ubujurire).

**III.** Ubwunganizi bushobora gutanga ikirego gisaba indihano ikwiye kubera <sup>30/ter</sup> uburenganzira bw'uregwa bwo kunganirwa bwahungabanyijwe hagati y'itariki ya 22 Ukwakira 1998 n'ya 10 Werurwe 1999, kandi ibyo rukaba rwabikora bitarenze itariki ya 23 Ukwakira 2006 ; Porokireri na Gerefiye bashobora gutanga ibyifuzo byabo bitarenze itariki ya 30 Ukwakira 2006; kandi Ubwunganizi bushobora gutanga ibisubizo kuri ibyo byifuzo bitarenze itariki ya 6 Ugushyingo 2006. Iki cyemezo gishobora kujuririrwa mu gihe kitarenze iminsi 30 nk'uko biteganywa n'ingingo ya 108 y'Amategeko.

Rusomewe Arusha, ku itariki ya 20 Nzeri 2006, mu cyongereza.

Dennis C. M. Byron

Karin Hökborg

Gberdao Gustave Kam

Perezida

Umucamanza

Umucamanza

[Kashe y'Urukiko]

# UMUGEREKA I: INYANDIKO Y'IBIREGO

29/ter



Umuryango  
w'Abibumbye

Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

Umwimerere: Igifaransa

Urubanza N° ICTR-98-44C-I

**POROKIRERI**

**Arega**

**ANDRÉ RWAMAKUBA**

**INYANDIKO Y'IBIREGO YAHINDUWE**

**Yo ku wa 9 Kamena 2005**

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 y'Urukiko »), arega:

**ANDRÉ RWAMAKUBA**

Ibyaha bikurikira hashingiwe ku ngingo ya 2 ya Sitati y'Urukiko:

- (i) **JENOSIDE, iki cyaha kitamuhama akaryozwa**
- (ii) **KUBA ICYITSO CY'ABAKOZE JENOSIDE**

Ibyaha bikurikira hashingiwe ku ngingo ya 3 ya Sitati y'Urukiko:

- (iii) **ITSEMBATSEMBA, n'**
- (iv) **UBUHOTOZI NK'IBYAHA BYIBASIYE INYOKOMUNTU**

## UREGWA

### I. Umwirondoro w'Uregwa

1. **André Rwamakuba** yavukiye muri Komini ya Gikomero, Perefegitura ya Kigali Ngari, mu Rwanda, mu mwaka wa 1950. **André Rwamakuba** ni umuganga w'umudogiteri. Yari Minisitiri w'Amashuri Abanza n'Ayisumbuye muri Guverinoma y'Agateganyo yagiyeho ku itariki ya 8 Mata 1994, akaba yararahiye ku ya 9 Mata 1994. Yagumye kuri uwo mwanya kugeza ubwo iyo guverinoma yahungaga iva mu Rwanda muri Nyakanga 1994. **André Rwamakuba** yabaye n'« umuvugizi » wa Guverinoma y'Agateganyo, akaba yari n'umurwanashyaka wa MDR yarayobotse igice cyayo cya « Pawa ».

### II. Ububasha bw'Uregwa n'inshingano ze zishingiye ku mategeko

2. **André Rwamakuba** yari umwe mu bagize Komite Nshingwabikorwa y'ishyamba rya MDR « Pawa », no mu bagize Komite ya Perefegitura y'iryo shyamba muri Perefegitura akomokamo. Nka Minisitiri w'Amashuri Abanza n'Ayisumbuye muri Guverinoma y'Agateganyo, yari afite ububasha n'ijambo ku bayobozi bo mu butegetsi n'abo mu nzego z'uturere kandi bakurikizaga amabwiriza ye. Ubwo bubasha n'ijambo kandi **Uregwa** yari abifite no ku bayobozi ba « gahunda yo kwirwanaho kw'abaturage » bo mu turere n'abo mu nzego z'ibanze, cyane cyane ku Nterahamwe no ku bandi bantu bari mu mitwe yitwara gisirikare ifitanye isano na zo muri Komini ya Gikomero **Uregwa** akomokamo, no ku bantu bitwaraga gisirikare bari ku Bitaro bya Kaminuza i Butare no mu nkengeru za byo.

## IBIREGO

### Ikirego cya 1: JENOSIDE

Porokireri arega **André Rwamakuba** icyaha cya **jenocide**, hashingiwe ku ngingo ya 2 n'ya 6 (1) za Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 n'ya 30 Mata 1994, ari muri Komini ya Gikomera no ku Bitaro bya Kaminuza i Butare, yishe Abatutsi cyangwa abatera ububabare bubazahaza umubiri cyangwa mu mutwe, cyangwa abashyira ku bushake mu nzitane z'ubuzima zigomba gutuma barimbuka, ibyo byaha

akaba yarabikoze agamije kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa igice cyabo, nk'uko bisobanurwa hano hasi. 27/ter

**Icyo cyaha kitamuhama akaryozwa igukurikira:**

**Ikirego cya 2: KUBA ICYITSO CY'ABAKOZE JENOSIDE**

Porokireri arega **André Rwamakuba** icyaha cyo **kuba icyitso cy'abakoze jenocide**, hashingiwe ku ngingo ya 2 n'ya 6(1) za Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 n'ya 30 Mata 1994, ari muri Komini ya Gikomera no ku Bitaro bya Kaminuza i Butare, yahamagariye abantu kwica Abatutsi cyangwa kubatera ububabare bubazahaza umubiri cyangwa mu mutwe cyangwa kubashyira ku bushake mu nzitane z'ubuzima zigomba gutuma barimbuka, cyangwa yahaye abo bantu inkunga ituma bashobora gukora ibyaha bimaze kuvugwa, kandi yari azi neza ko icyo bari bagamije ari ukurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa igice cyabo, nk'uko bisobanurwa hano hasi.

3. Nyuma y'inama idasanzwe ya Kongere y'ishyaka rya MDR yabereye ku Kabusunzu muri Kigali ku itariki ya 26 Nyakanga 1993 cyangwa hafi yayo, **André Rwamakuba** yayobotse igice cy'intagondwa cy'iryo shyaka ari cyo « Hutu Pawa », aba umwe mu bakiyoboraga hamwe na Frodouald Karamira, wari umwe mu bayobozi b'ishyaka, na Jean Kambanda, umunyapolitiki ukomeye waje kuba Minisitiri w'Intebe wa Guverinoma y'Agateganyo yagiyeho ku itariki ya 8 Mata 1994. Nyuma y'ishingwa rya MDR « Pawa » ku itariki ya 26 Nyakanga 1993 cyangwa ahagana kuri iyo tariki, hafi mu mpera za buri cyumweru kugeza muri Mutarama 1994, **André Rwamakuba**, ari kumwe kenshi n'abategetsi bo mu nzego z'uturere n'abayobozi ba MDR « Pawa », yazengurukaga Komini akomokamo ya Gikomero, muri Perefegitura ya Kigali Ngari. Yakoresheje inama ajya no muri za mitingi zabereye muri za Segiteri za Kayanga, Gikomero, Rutunga, Gasabo na Gicaca. Muri izo mitingi, **André Rwamakuba** yakwirakwizaga mu bantu indirimbo z'ishyaka rya Parmehutu. Icyo yari agamije kwari ugushakira ishyaka rya MDR-Pawa abayoboze no kugaragaza ko ashyigikiye « Hutu Pawa ». **Uregwa** yahamagariye Abahutu nyamwinshi kurwanya Amasezerano y'amahoro ya Arusha no gutsembatsemba Abatutsi.
4. Muri izo gahunda « nkangurambaga » zakorewe muri Komini ya Gikomero, by'umwihariko muri Mutarama 1994, **André Rwamakuba** rimwe na rimwe

yagendaga mu modoka irimo ibyuma birangurura amajwi ahamagarira Abahutu kwishyira hamwe kugira ngo bikize Abatutsi. Mu butumwa bwe bwari bugamije ahanini guhamagarira Abahutu kwanga Abatutsi no kubakorera ibikorwa by'urugomo, harimo amagambo agira ati « igihe kirageze kugira ngo mwebwe Abahutu mwikize umwanzi ».

5. Guhera muri Mutarama kugeza muri Kamena 1994, mu nama zinyuranye n'ahandi hantu hanyuranye abantu babaga bakoraniye muri Komini ya Gikomero, **André Rwamakuba** yavuze amagambo cyangwa yashyigikiye ku mugaragaro ibikorwa by'abandi bantu cyangwa amagambo bavuze. Bityo, kuva muri Mutarama 1994 no mu gihe cyose cyabanjirije ibyabaye muri Mata 1994, mu masegiteri ya Sha, Nduba, Shango, Kayanga na Gikomero, ndetse no muri komini zihana imbibi na Gikomero ari zo Rutongo, Rubungo na Kanombe, yahamagariye mu ruhame abari mu nama kurwanya « umwanzi », kandi Abatutsi bose bitwaga « umwanzi », « ibyitso by'umwanzi » cyangwa « ibyitso bya FPR ». Nyuma y'ayo makoraniro **Uregwa** yahamagariragamo abantu gutsembatsemba Abatutsi, ababaga bayajemo barashyuhaga, bakagira amahane, kandi bakaba biteguye gukorera Abatutsi ibikorwa by'urugomo no kubarimbura babaziza ubwoko bwabo. Ayo magambo y'**Uregwa** ni yo yabaye ikimenyetso cyo gutangiza ubwicanyi muri komini. Byongeye kandi, ubwicanyi bumaze gutangira mu ntangiriro za Mata 1994, kenshi **André Rwamakuba** yashimagizaga mu ruhame abantu bitwaraga gisirikare ndetse akanabashimira ko bishe Abatutsi, bityo akaba yarahamagariye abantu bitwaraga gisirikare n'abasiviri bitwaje intwaro kujya mu bindi bitero byibasiye Abatutsi no kubica.
6. Hagati y'itariki ya 1 Mutarama 1994 n'ya 17 Nyakanga 1994, **André Rwamakuba** yishoye muri gahunda y'ubwicanyi bwibasiye Abatutsi muri Komini ya Gikomero no muri Perefegitura ya Butare, yahamagariye cyangwa yategetse abandi bantu kuyitabira, cyangwa ku bundi buryo ubwo ari bwo bwose yashyigikiye abandi bantu mu gucura umugambi w'iyo gahunda, mu kuyitegura cyangwa mu kuyitsotsoba. Mu gukora ibyo, **Uregwa** yifashishije ibikoresho by'ishyaka rye rya MDR-Pawa, andi mashyaka yifatanyije na MRND hamwe na « Hutu Pawa », za minisiteri zo muri Guverinoma y'Agateganyo zari mu maboko y'ayo mashyaka, ndetse n'ingabo z'igihugu, kugira ngo bikoreshwe mu kurwanya abaturage b'Abatutsi mu Rwanda

bafatwaga nk'« umwanzi » cyangwa « ibyitso by'umwanzi », kandi hashyirwe mu bikorwa iyo gahunda yari igamije kugaba ibitero ku Batutsi bazira ubwoko bwabo, kubica no kubarimbura.

7. **André Rwamakuba** yagize uruhare mu gutekereza, gutegura no gukwirakwiza politiki ya Guverinoma y'Agateganyo yashyizweho ku itariki ya 8 Mata 1994 no mu gukora ku buryo iyo politiki ifatwa nk'iyemewe. Iyo politiki yaje kunonosorwa no gukoreshwa mu gutsotsoba poropagande nini y'ibikorwa by'urugomo byibasiye Abatutsi mu Rwanda hose.
8. Muri urwo rwego, **André Rwamakuba** yakoresheje gahunda yo « kwirwanaho kw'abaturage » yari yemejwe na Leta, iyo gahunda ikaba ari yo yagenderwagaho n'abayobozi bo mu nzego z'ubutegetsi bwo mu turere (abaperefe, ababurugumesitiri n'abakonseye) hamwe n'abayobozi bo muri MRND na MDR «Pawa » mu gushakisha abasiviri, muri rusange insoreresore z'Abahutu zo mu turere twabo, kugira ngo zinjizwe mu mitwe yitwaraga gisirikare yari igizwe n'urubyiruko rw'amashyaka ya politiki yayoborwaga n'abofisiye bari mu kiruhuko cy'iza bukuru hamwe n'abazerivisiti. Iyo mitwe yitwaraga gisirikare yakoreshejwe mu gushyiraho no kugenzura za bariyeri, kimwe no mu guhiga no kwica abasiviri b'Abatutsi. Byongeye kandi, abantu bari muri iyo mitwe yo « kwirwanaho kw'abaturage » boherezwaga kuzenguruka hirya no hino mu duce bari batuyemo bitwaje intwaro, kugira batahure Abatutsi, babahige kandi babice.
9. Mu Nama y'Abaminisitiri yabaye ku itariki ya 17 Gicurasi 1994 cyangwa hafi yayo, Guverinoma y'Agateganyo yashyizeho ingamba zigana imicungire ya gahunda yo « kwirwanaho kw'abaturage », maze **André Rwamakuba** n'abandi baminisitiri bashingwa iyo gahunda ku mugaragaro.
10. **André Rwamakuba** yacuze umugambi wo kugaba ibitero ku Batutsi, yahamagariye abandi bantu bo muri komini akomokamo ya Gikomero kubijyamo, yarabibategetse, kandi na we ubwe yabigiyemo, cyangwa mu bundi buryo ubwo ari bwo bwose yashyigikiye ikorwa ryabyo. Ibyo bikorwa byose byari bigamije kurimbura Abatutsi bose uko bakabaye cyangwa igice cyabo, bazira ubwoko bwabo.
11. Hagati y'itariki ya 10 n'ya 20 Mata 1994, **André Rwamakuba** yajyanye imifuka irimo imipanga mu rugo rwa André Muhire ruri hafi ya santere ya Ndatemwa, Segiteri

ya Gasabo, muri komini akomokamo ya Gikomero, Perefegitura ya Kigali Ngari. icyo gihe, ku itariki ya 10 cyangwa iya 11 Mata, **André Rwamakuba** yagiranye inama n'abarwanashyaka bakomeye banyuranye b'ishyaka rya MDR-«Hutu Pawa » barimo Joas Habimana wari Perezida wa MDR « Pawa » muri Segiteri ya Rutunga, Ndamage, na André Muhire. Hashize iminsi mike, ahagana ku itariki ya 13 Mata, André Muhire yahaye iyo mipanga abaturage bo muri ako gace, na bo baza kuyikoresha mu kugaba ibitero ku Batutsi no kubica. Ibyo bitero byahitanye Abatutsi benshi barimo abari batuye kuri santere ya Ndatemwa, nk'umugore w'umugabo witwa Gakumba n'umuhungu we Kambanda, abitwa Kanuma, Rwiimba, Kankidi, Rutembya na Rutembesa, hamwe n'impunzi nyinshi zitamenyekanye zari zavuye muri Segiteri za Rutongo, Nkuzuzu na Rutanga. Na none, ku itariki ya 10 cyangwa iya 11 Mata, **André Rwamakuba** yajyanye imifuka irimo imipanga mu rugo rwa Etienne Kamanzi wari umuyobozi w'Ikigo Nderabuzima cya Kayanga, kandi yari azi neza cyangwa yagombaga kumenya ko iyo mipanga izakoreshwa mu bitero byibasiraga Abatutsi muri utwo duce. Bityo, yashyigikiye gahunda y'ubwicanyi bwibasiye Abatutsi.

12. Hagati y'itariki ya 10 n'ya 20 Mata 1994, **André Rwamakuba** yagiye ajya muri Komini ya Gikomero. Hagati y'itariki ya 10 n'ya 12 Mata, mu nama rusange y'abaturage yabereye hafi y'ibiro bya segiteri, yabajije imbaga y'abantu bari bayirimo impamvu ubwicanyi butaratangira. icyo gihe yari kumwe na burugumesitiri w'iyi komini ari we Rutaganira, Burigadiye Nyarwaya, Kontabure wa Komini ari we Mathias Kabanguka, hamwe n'abandi bagabo babiri batamenyekanye ariko bivugwa ko bari abapolisi ba komini. Ubwo yafashe ibyangombwa by'abasore babiri batamenyekanye, ariko byavugwaga ko bari Abatutsi, arabishwanyagura maze ateguka imbaga y'abantu kubafata bakabica. Ako kanya, abantu bari aho bafite imbunda, imipanga n'amahiri barimo Ngiruwosanga wari utuye muri iyo segiteri, Ngarambe na Kayibanda hamwe n'abagabo babiri batamenyekanye neza ariko bivugwa ko bari abapolisi ba komini bahereye ko bafata ba basore babiri **André Rwamakuba** yari yerekanye, babajyana hirya mu ishyamba maze babiciraye **Uregwa** abirebera hafi aho. Ibyo birangiye, iyo mbaga y'abantu na none yafashe umuntu utazwi neza wari ku ipikipiki wavugaga ko ahunze ubwicanyi bwaberaga muri Komini ya Rutongo. **André Rwamakuba** yabwiye iyo mbaga y'abantu ko uwo muntu adashobora kuba ari Umuhutu ngo kubera ko Abatutsi ari bo bonyine bahungaga, maze yemeza ko uwo musore yicwa. Ibihamagariwe kandi ibitegetswe na



**André Rwamakuba**, ya mbaga y'abantu bitwaje intwaro yajyanye uwo musore hirya mu ishyamba kumwicingiraye. Ubwo, **Uregwa** yabwiye abari aho ko batangiyeye ubwicanyi kandi ko batangiyeye neza. Uwo munsu nyuma ya saa sita, kubera ibyoye **Uregwa** yategetse abantu gukora akanabibahamagarira, Interahamwe n'abajepe, bafatanyije n'abaturage, batangiyeye kwica impunzi z'Abatutsi muri Komini ya Gikomero, cyane cyane ku Kigo Nderabuzima cya Kayanga, ku Kigo cy'amashuri y'abaporo cy'i Gikomero, n'i Gicaca. Ubwo bwicanyi bwahitanye abantu babarirwa mu bihumbi barimo impunzi zari zavuye aha hakurikira: i Remera, mu mujyi wa Kigali, muri Komini ya Gikoro ihana imbibi n'ya Gikomero, no muri Segiteri ya Kabuga ho muri Komini ya Rubungo.

13. Hagati y'itariki ya 13 n'ya 15 Mata 1994, mu gitondo, **André Rwamakuba** yagiye ku Kigo Nderabuzima cya Kayanga muri Segiteri ya Kayanga hari Abatutsi benshi bahungaga ubwicanyi bwari bwatangiyeye muri segiteri zabo, ari kumwe n'abategetsi bo muri ako karere barimo Mathias Rubanguka wari kontabure wa komini, Callixte Kabarera wari umugenzuzi w'amashuri, Burigadiye Nyarwaza, Rutaganira wari Burugumesitiri wa Komini ya Gikomero, Thomas Mabango wari Konseye wa Segiteri ya Kayanga, hamwe n'abasirikare n'Interahamwe. Izo mpunzi zari zateraniye ku mbuga y'icyo kigo zibisabwe n'umuntu utaramenyekanye ariko byavugwaga ko yari Umuyobozi wungirije w'icyo kigo. Akihagera, **André Rwamakuba** yavuze ko ahandi hose ubwicanyi bwatangiyeye ariko ko abona kuri icyo kigo nta cyakozwe. Ubwo, **Uregwa** yavuze ko agiye gutanga urugero, azamura imbunda kugira ngo bibere abasirikare n'interahamwe ikimenyetso ko ubwicanyi butangiyeye, maze bakoresheje imbunda, imipanga n'amahiri batangira kwica Abatutsi **Uregwa** ari aho. Ubwicanyi bumaze igihe gito butangiyeye, ubwo imvura yarimo igwa, **André Rwamakuba** yabwiye abantu ngo nibavaneho uwo mwanda wose, avuga imirambo y'Abatutsi. **Uregwa** yiboneye ubwo bwicanyi kugeza aya ku kigo nderabuzima, naho abasirikare n'Interahamwe bakomeje gukora ubwicanyi bwamaze amasaha. Bivugwa ko nta muntu n'umwe warokotse ubwo bwicanyi, kandi ngo bwaba bwaraguyemo abantu bagera ku ijana imirambo yabo ikajugunywa mu cyobo rusange. Abenshi mu bahaguye ni abari barwariye muri icyo kigo n'impunzi z'Abatutsi zari zahunze ubwicanyi bwaberaga muri za segiteri zihagereye, cyane cyane ubwabereye kuri Paruwasi ya Gikomero n'ya Gicaca.

14. Hagati y'itariki ya 27 n'ya 29 Mata cyangwa hafi y'ayo matariki, **André Rwamakuba**<sup>22/ter</sup> yabaye umuvugizi wa Guverinoma y'Agateganyo. Kubera uwo mwanya, yavugiye amadisikuru anasomera amatangazo kuri Radio Rwanda na RTL, ashishikariza Interahamwe n'abumvaga ayo maradiyo gukomeza guhiga Abatutsi. Byongeye kandi, guhera muri Gicurasi kugera muri Kamena 1994, **André Rwamakuba** yatanze ibiganiro binyuranye kuri radiyo, muri ibyo biganiro akaba yarahamagariraga Interahamwe n'abamwumvaga gukomeza guhiga Abatutsi aho bihishe hose no kubatsembatsemba.
15. Hagati y'itariki ya 18 n'ya 25 Mata 1994, mu Bitaro bya Kaminuza i Butare, **André Rwamakuba** wabaga akenshi ari kumwe na Dogiteri Geoffroy Gatera, abasirikare, abantu bitwaraga gisirikare n'abasiviri bari bafite intwari, yategetse kandi ahamagarira abantu kwica Abatutsi bari baharwariye n'abari barahahungiyeye, kandi na we ubwe yarabishe, cyangwa mu bundi buryo ubwo ari bwo bwose yashyikiye abo bantu mu gukora ubwo bwicanyi, hagamijwe kurimbura abantu bose bo mu bwoko bw'Abatutsi cyangwa igice cyabo. Ni muri urwo rwego, ubwo yari ayoboye intumwa zari zasuye ibyo bitaro mu rwego rw'akazi, yasabye umugore utaramenyekanye ariko bivugwa ko wari akuriye MSF [*Médecins Sans Frontières*], kutavura Abatutsi bakomeretse, ahubwo akabikiza kandi ntigire abandi yakira. Muri icyo gihe kivugwa haruguru, **André Rwamakuba** yagendanaga agashoka ku mukandara kandi kenshi ari kumwe na Dogiteri Gatera, abasirikare bafite intwari, Interahamwe n'abasiviri bitwaje kupakupa, udushoka n'amahiri, maze akanyura mu byumba by'ibitaro kugira ngo agenzure indangamuntu, amenye Abatutsi bari barahahungiyeye n'abari baharwariye, abajonjore maze abashyire mu modoka yagenzurwaga n'Interahamwe zabaga zitwaje amahiri n'imipanga. Abantu bajyanwe ntibongeye kugaragara. Muri icyo gihe cyose kivugwa haruguru, mu gitondo cyangwa nyuma ya saa sita, iyo **André Rwamakuba** yanyuraga mu byumba by'abarwayi, yagendaga avanamo abarwayi serumu, cyane cyane mu cyumba cyari kirwariyemo abagore b'Abatutsikazi batamenyekanye.
16. Mu gihe ibivugwa haruguru byabaga, **André Rwamakuba** ubwe yiyiciye Abatutsi. Koko rero, ubwo yagendaga anyura mu byumba by'abarwayi yishe Umututsi utaramenyekanye amukubise agashoka mu mutwe. Nyuma yaho, abantu bitwaraga gisirikare batwaye umurambo w'uwo muntu. Mu barwayi bavugwa haruguru

b'Abatutsikazi bari mu cyumba by'abarwayi, batanu muri bo **André Rwamakuba** yabicishije agashoka. **Uregwa** yakomerekeje Abatutsi bagiye baturira mu birongozi by'ibitaro maze akabakubita agashoka mu mutwe. Mu bakomeretse harimo uwitwa Rukara n'uwitwa Mutabazi bazahajwe cyane ku mubiri na **André Rwamakuba** maze nyuma bakaza guhorahozwa n'Interahamwe. Kubera ibyo **Uregwa** yakoze n'ibyo yahamagariye abantu gukora, mu Bitaro bya Kaminuza i Butare haguye Abatutsi bari barahungiyeye n'abari baharwariye barimo Déogène, Placide, n'ababyeyi b'abantu bamwe na bamwe bacitse ku icumu muri ubwo bwicanyi. Imirambo y'abantu babarirwa mu magana bazize ubwicanyi bwayobowe na **André Rwamakuba** ku Bitaro bya Kaminuza i Butare yarakusanyijwe maze ijugunywa mu byobo rusange byari inyuma y'ibitaro.

17. Ku itariki ya 28 Mata 1994 cyangwa hafi yayo, **André Rwamakuba** yatangariye kuri Radio Rwanda ko «i Butare hari umutekano kubera ko Inyenzi zahashize». Yashakaga kuvuga ko Abatutsi bishwe, bikomotse kuri gahunda yo gukangurira abantu ubwicanyi yabaye ku itariki ya 25 Mata 1994 cyangwa hafi yayo, iyobowe n'intumwa za Guverinoma y'Agateganyo na we yarimo.
18. Ubwicanyi bwibasiye Abatutsi bwarakomeje ku Bitaro bya Kaminuza i Butare ndetse bukaza umurego kugeza mu mpera za Gicurasi 1994, cyane cyane nyuma y'inama yabereye mu Ishami ry'ubuvuzi rya Kaminuza ku itariki ya 15 Mata 1994 cyangwa hafi yayo, aho Minisitiri w'Intebe Jean Kambanda yagejeje ijamba ku bayobozi ba Kaminuza abashishikariza «gukomeza kurwana kugeza ku ntsinzi ya nyuma».
19. Ubwo Guverinoma y'Agateganyo yahungaga iva mu Rwanda hagati muri Nyakanga 1994, ibihumbi amagana by'abagabo, abagore n'abana batari bafite intwari bari barishwe bazize ku buryo butaziguye gahunda zateguwe zikanemerwa n'ishyamba rya MRND hamwe n'amashyamba ya politiki yari kumwe na ryo muri «*Hutu Pawa*», izo gahunda zikaba kandi zarashyizwe mu bikorwa binyujijwe mu nzego za Leta. Kubera ko **André Rwamakuba** ari mu bateguye izo gahunda no mu bazishyize mu bikorwa, yagize uruhare rutaziguye mu bwicanyi bwahitanye Abatutsi babarirwa mu magana muri Komini ya Gikomero no ku Bitaro bya Kaminuza i Butare, kandi mu gukora ubwo bwicanyi yari agamije kurimbura Abatutsi abaziza ubwoko bwabo.

**Ikirego cya 3: ITSEMBATSEMBA NK'ICYAHA CYIBASIYE  
INYOKOMUNTU**

Porokireri arega **André Rwamakuba itsembatsemba nk'icyaha cyibasiye inyokomuntu**, hashingiwe ku ngingo ya 3 n'ya 6(1) za Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 n'ya 30 Mata 1994, ari muri Komini ya Gikomero no ku Bitaro bya Kaminuza i Butare, yishe cyangwa yicishije abantu mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira impamvu za politiki cyangwa ubwoko bwabo.

20. Ibivugwa hano hejuru kuva ku gika cya 1 kugeza ku cya 19, Porokireri abigarukaho kandi abishingiraho muri iki gice atiriwe yongera kubyandukura, nk'incamake y'ibyabaye bishyigikira ibyo ashinja **Uregwa** muri iki kirego.
21. Hagati y'itariki ya 6 Mata 1994 n'ya 17 Nyakanga 1994, mu Rwanda hose hagabwe ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri bazira ko bari mu bwoko bw'Abatutsi, cyangwa ko batavugaga rumwe n'ishyaka rya MRND n'amashyaka ya « Hutu Pawa ». **André Rwamakuba** yacuze umugambi wo kwica abantu bafatwaga ko ari Abatutsi cyangwa bakekwagaho kuba batavuga rumwe na « Hutu Pawa », yategetse anahamagarira abantu ubwo bwicanyi, kandi na we ubwe yarabukoze, cyangwa mu bundi buryo ubwo ari bwo bwose yashyigikiye abandi bantu mu gucura umugambi w'ubwo bwicanyi no mu kubutsotsoba, nk'uko byasobanuwe haruguru.
22. Kubera ibyo yakoze cyangwa ibyo yateshutse gukora kandi yari abitegetswe, **André Rwamakuba** agomba kuryozwa ubwicanyi bwahitanye abantu benshi muri Komini ya Gikomero, Perefegitura ya Kigali Ngari, no ku Bitaro bya Kaminuza i Butare kubera ko yacuze umugambi w'ibyaha bivugwa hano hejuru, yategetse akanahamagarira abandi bantu kubikora, na we ubwe akabikora, cyangwa mu bundi buryo ubwo ari bwo bwose yashyigikiye abantu mu gucura umugambi w'ibyo byaha, mu gutegura ikorwa ryabyo no mu kubitsotsoba.
23. Nk'uko bivugwa mu bika bya 11, 12, 13 na 15, hagati y'itariki ya 10 n'ya 25 Mata 1994, ibitero abantu bagabye ku Batutsi muri Komini ya Gikomero no ku

Bitaro bya Kaminuza i Butare babihamagariwe na **André Rwamakuba** byahitanye ababwirwa mu magana. <sup>19/ter</sup>

Mu baguye muri ibyo bitero bivugwa harimo:

- Abantu benshi byavugwaga ko ari Abatutsi bari batuye muri Komini ya Gikomero cyangwa bari barahahungiyeye, cyane cyane kuri santere ya Ndatemwa no ku Kigo Nderabuzima cya Kayanga, kandi aho hantu nta n'umwe waharokokeye.
- Abatutsi benshi bari barwariye mu Bitaro bya Kaminuza i Butare cyangwa bari barahahungiyeye, babisohowemo ku ngufu hagati muri Mata 1994, n'abantu bitwaraga gisirikare bari bitwaje intwari, kugira ngo bicwe, hakurikijwe amabwiriza ya **André Rwamakuba**.
- Abantu benshi biciwe mu mazu y'ibitaro bya Kaminuza i Butare mu gice cya kabiri cy'ukwezi kwa Mata 1994, bakaba barishwe n'abantu bitwaraga gisirikare babitegetswe cyangwa babihamagariwe na **André Rwamakuba**, cyangwa bakaba barishwe ahibereye.

**Ikirego cya 4: UBUHOTOZI NK'ICYAHA CYIBASIYE INYOKO-MUNTU**

Porokireri arega **André Rwamakuba ubuhotozi nk'icyaha cyibasiye inyokomuntu**, hashingiye ku ngingo ya 3 n'ya 6(1) za Sitati y'Urukiko, kubera ko hagati y'itariki ya 6 n'ya 30 Mata 1994, ari muri Komini ya Gikomero no ku Bitaro bya Kaminuza i Butare, yishe cyangwa yicishije abantu mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira mpamvu za politiki cyangwa iz'ubwoko.

24. Ibivugwa hano hejuru kuva ku gika cya 1 kugeza ku cya 23, Porokireri abigarukaho kandi abishingiraho muri iki gice atiriwe yongera kubyandukura, nk'incamake y'ibyabaye bishyigikira ibyo ashinja **Uregwa** muri iki kirego.
25. Kubera ibyo yakoze cyangwa ibyo yateshutse gukora kandi yari abitegetswe, **André Rwamakuba** agomba kuryozwa ubwicanyi bwahitanye abantu benshi muri Komini ya Gikomero, Perefegitura ya Kigali Ngari, no ku Bitaro bya Kaminuza i Butare

kubera ko yacuze umugambi w'ibyaha bivugwa hano hejuru, yategetse<sup>18/ter</sup> akanahamagarira abandi kubikora, na we ubwe akabikora, cyangwa mu bundi buryo ubwo ari bwo bwose yashyigikiye abandi bantu mu gucura umugambi w'ibyobyaha, mu gutegura ikorwa ryabyo no mu kubitsotsoba.

26. Nk'uko bivugwa mu gika cya 12 n'icya 16, hagati y'itariki ya 10 n'ya 25 Mata, hashingiwe ku bitero rusange kandi biri kuri gahunda byagabwe ku Batutsi bari barwariye mu Bitaro bya Kaminuza i Butare cyangwa bari barahahungiyeye, **André Rwamakuba** agomba kuryozwa ubwe ubwicanyi bwahitanye abantu bakurikira:

- Abasore batatu batamenyekanye ariko byavugwaga ko ari Abatutsi, bari mu mbuga y'abantu bari bateraniye hafi y'ibiro bya Segiteri ya Gikomero;
- Umugabo wari urwariye mu Bitaro bya Kaminuza i Butare utazwi ariko byavugwaga ko yari Umututsi, akaba yaramukubise agashoka mu mutwe. Umurambo w'uwo nyakwigendera watwawe n'Interahamwe.
- Abatutsi babiri bitwaga Rukara na Mutabazi bahuriye mu kirongozi cy'Ibitaro bya Kaminuza i Butare, akabakubita agashoka mu mutwe bagakomereka cyane. Interahamwe zitwaje intwari zahise zihoraho abo bantu.
- Abarwayi batanu batamenyekanye ariko byavugwaga ko bari Abatutsikazi bari mu cyumba cy'abarwayi mu Bitaro bya Kaminuza i Butare, akaba yarabakubise agashoka mu mutwe ubwo yabakuragamo serumu.

*Ibyo André Rwamakuba yakozwe n'ibyo yatashutse gukora kandi yari abitegetswe nk'uko bivugwa muri iyi Nyandiko y'ibirego, bihanwa hakurikijwe ingingo ya 22 n'ya 23 za Sitati y'Urukiko.*

Arusha, tariki ya 9 Kamena 2005

Porokireri

Hassan Bubacar Jallow [Umukono]

## UMUGEREKA WA II: UKO IMIBURANISHIRIZE

### YAGIYE IKURIKIRANA

Ibyakozwe by'ingenzi muri uru rubanza n'ibyemezo byarufashwemo bikubiye muri iki cyiciro kandi hitaweho uko byagiye bikurikirana mu gihe.

#### 1995

2 Kanama 1995: André Rwamakuba yafashwe n'abategetsi ba Namibiya babyibwirije.

#### 1996

8 Gashyantare 1996: André Rwamakuba yarekuwe n'abategetsi ba Namibiya bitewe n'uko Porokireri wa TPIR yabamenyesheje ko nta bimenyetso afite yashingiraho asaba ko Rwamakuba akomeza gufungwa.

#### 1998

29 Kanama 1998: Porokireri yatanze Inyandiko y'ibirego ishinja Augustin Bizimana, Félicien Kabuga, Juvénal Kajelijeli, Edouard Karemera, Mathieu Ndirumpaste, Callixte Nzabonimana, Joseph Nzirorera na André Rwamakuba.

29 Kanama 1998: Umucamanza Pillay yemeje Inyandiko y'ibirego kandi ateguka ko itagomba kwasaswa.

8 Ukwakira 1998: Umucamanza Pillay yatanze urwandiko rwo gufata André Rwamakuba kandi ateguka ko yoherezwa muri Gereza y'Urukiko akanafungwa.

21 Ukwakira 1998: André Rwamakuba yafashwe n'abategetsi ba Namibiya hakurikijwe urwandiko rwo gufata rwatanzwe n'Urukiko kandi yoherejwe Urukiko.

#### 1999

7 Mata 1999: André Rwamakuba yitabye urukiko bwa mbere.

27 Nzeri 1999: Itegeko ryo ku itariki ya 29 Kanama 1998 ryo kutasasa Inyandiko y'ibirego ryavanweho.

#### 2000

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Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

6 Nyakanga 2000: Urugereko rwa Mbere rw'Iremezo II rwemeye icyifuzo cy'Ubwunganizi cyasabaga ko urubanza rwa Juvénal Kajelijeli rutandukanywa n'urwa bagenzi be kandi rwategetse Porokireri gutanga Inyandiko y'ibirego yihariye irebana n'uwo uregwa wenyine.

12 Ukuboza 2000: Urugereko rwa Mbere rw'Iremezo II rwanze icyifuzo cy'Ubwunganizi cyarusabaga gutandukanya Inyandiko y'ibirego ya André Rwamakuba n'iya bagenzi be.

22 Nzeri 2000: Urugereko rwa Mbere rw'Iremezo II rwemeye icyifuzo cya Porokireri cyarusabaga gufata ingamba zo kurinda umutekano w'abatangabuhamya.

### 2001

25 Mata 2001: Urugereko rwa Mbere rw'Iremezo II rwasanze Inyandiko y'ibirego irimo inenge maze rutegeka ko ihindurwa.

21 Ugushyingo 2001: Porokireri yatanze Inyandiko y'ibirego yahinduwe ishinja Augustin Bizimana, Félicien Kabuga, Edouard Karemera, Mathieu Ngirumpaste, Callixte Nzabonimana, Joseph Nzirorera na André Rwamakuba.

### 2003

1 Nzeri 2003: Urugereko rwa Mbere rw'Iremezo III rwemeye ko urubanza rwa Félicien Kabuga rutandukanywa n'urwa bagenzi be.

8 Ukwakira 2003: Urugereko rwa Mbere rw'Iremezo III rwemeye ko urubanza rwa Augustin Bizimana n'urwa Callixte Nzabonimana zitandukanywa n'urwa bagenzi babo, kandi rwemeye ko Inyandiko y'ibirego ihindurwa kuri bimwe.

27 Ugushyingo 2003: Iburanisha ry'urubanza ryaratangiye imbere y'Urugereko rwa Mbere rw'Iremezo III rugizwe n'Abacamanza Andresia Vaz (Perezida w'inteko), Flavia Lattanzi na Florence Rita Arrey.

11 Ukuboza 2003: icyiciro cya mbere cy'iburanisha cyarapfundikiwe.

### 2004

13 Gashyantare 2004: Urugereko rwa Mbere rw'Iremezo III rwemereye Porokireri guhindura Inyandiko y'ibirego kuri bimwe.



18 Gashyantare 2004: Porokireri yatanze Inyandiko y'ibirego yahinduwe ashinjamo Edouard Karemera, Mathieu Ngirumpaste, Joseph Nzirorera na André Rwamakuba.

23 Gashyantare 2004: Edouard Karemera, Mathieu Ngirumpaste, Joseph Nzirorera na André Rwamakuba bongeye kwitaba urukiko bwa mbere.

14 Gicurasi 2004: Umucamanza Andresia Vaz yavuye mu rubanza.

24 Gicurasi 2004: Abacamanza basigaye bategetse ko urubanza rukomeza harimo undi mucamanza w'umusimbura.

21 Kamena 2004: Urugereko rw'Ubujurire rwemeye ubujurire bwa Joseph Nzirorera ku birebana no gukomeza imiburanishirize, maze rusaba abacamanza basigaye kongera gusuzuma icyo kibazo.

16 Nyakanga 2004: Abacamanza basigaye bategetse ko imiburanishirize ikomeza harimo undi mucamanza w'umusimbura.

28 Nzeri 2004: Urugereko rw'Ubujurire rwasheshe icyemezo cy'Urugereko rwa Mbere rw'Iremezo cyo gukomeza urubanza harimo undi mucamanza w'umusimbura.

22 Ukwakira 2004: Impamvu z'Icyemezo cy'Urugereko rw'Ubujurire cyo ku itariki ya 28 Nzeri 2004 n'igitekerezo cy'Umucamanza Shahabudeen.

23 Ukwakira 2004: Igitekerezo cy'Umucamanza Schomburg ku Cyemezo cy'Urugereko rw'Ubujurire cyo ku itariki ya 28 Nzeri 2004

## 2005

14 Gashyantare 2005: Urugereko rwa Mbere rw'Iremezo III, rugizwe n'Abacamanza Dennis Byron (Perezida w'inteko), Emile Francis Short na Gberdao Gustave Kam, bemeye ko urubanza rwa André Rwamakuba rutandukanywa n'urwa bagenzi be kandi bemeye ko hatangwa Inyandiko y'ibirego yahinduwe.

15 Gashyantare 2005: Icyemezo cyo gutandukanya imanza cyarakosowe.

23 Gashyantare 2005: Porokireri yatanze Inyandiko y'ibirego yahinduwe ashinjamo André Rwamakuba.

3 Werurwe 2005: Itegeko risaba Porokireri gutanga amakuru y'inyongera ku Cyifuzo cye cyo kuvugurura itegeko ryo kwimura Umutangabuhamya ushinja ufunze no kongera igihe cyatanzwe.

8 Werurwe 2005: Itegeko risaba ko hatangwa indi Nyandiko y'ibirego yahinduwe.

21 Werurwe 2005: André Rwamakuba yongeye kwitaba urukiko bwa mbere: yahakanye ibyaha byose ashinjwa.

24 Werurwe 2005: Inama ntegururubanza n'Itegeko rishyiraho ingengabihe (Porokireri yatangiye iburana).

6 Gicurasi 2005: Urugereko rwatanze Itegeko rubyibwirije risaba Porokireri gutanga amakuru y'inyongera ku Cyifuzo cye gisaba kwimura abatangabuhamya by'agateganyo.

23 Gicurasi 2005: icyemezo gitanga uruhusa rwo kwimura Umutangabuhamya wiswe GIQ.

26 Gicurasi 2005: icyemezo ku nenge zo mu Nyandiko y'ibirego n'icyemezo cyo kongera igihe cyo gutanga inyandiko yose irebana n'ibintu byabaye cyangwa byo mu rwego rw'amategeko bitagibwaho impaka cyangwa bizigibwaho.

27 Gicurasi 2005: Hashyizweho inteko y'abacamanza bo kuburanisha uru rubanza mu Rugereko rwa Mbere rw'Iremezo igizwe na Dennis C. M. Byron (Perezida), Karin Hökborg na Gberdao Gustave Kam.

1 Kamena 2005: icyemezo gitegeka ko Umutangabuhamya wiswe GIN ufunze yimurwa hashingiwe ku ngingo ya 90bis y'Amategeko.

Porokireri yatanze Inyandiko y'ibirego yahinduwe hakurikijwe icyemezo cy'Urugereko cyo ku itariki ya 26 Gicurasi 2005.

3 Kamena 2005: icyemezo cyanga icyifuzo cy'ubwunganizi cyo guhagarika imiburanishirize.

6 Kamena 2005: Inama mbanzizarubanza.

8 Kamena 2005: Porokireri yatanze Inyandiko y'ibirego nshya hakurikijwe itegeko Urugereko rwatanze mu magambo ku itariki ya 6 Kamena 2005.

9 Kamena 2005: (Umunsi wa mbere w'iburanisha) Porokireri yatanze impinamyanzuro ye.

Kuva ku itariki ya 10 Kamena kugeza ku ya 15 Nyakanga 2005: (kuva ku munsu wa 2<sup>13/ter</sup> w'iburanisha kugeza ku wa 23) Abatangabuhamya 14 batanze ubuhamya, harimo na Upendra Baghel akaba ari umupererezi wo mu Biro bya Porokireri, n'Umutangabuhamya w'impuguke witwa Alison Des Forges.

10 Kamena 2005: Porokireri yatanze Inyandiko y'ibirego nshya yavuguruwe hakurikijwe itegeko Urugereko rwatanze mu magambo ku itariki ya 9 Kamena 2005.

14 Kamena 2005: icyemezo ku icyifuzo cya Porokireri gisaba Ubwunganizi kumumenyeshya niba buziyambaza imyiregurire ya sinari mpari no kwemererwa gusuzuma inyandiko n'ibindi byose buteganya kuzireguza

14 Nyakanga 2005: icyemezo cyanga icyifuzo cy'Ubwunganizi gisaba Urugereko gutanga amabwiriza yerekeranye no gusinyisha inyandiko zerekana ibyo abatangabuhamya bazavugaho.

Kuva ku itariki ya 22 Kanama kugeza ku ya 6 Nzeri 2005: (kuva ku munsu wa 25 w'iburanisha kugeza ku wa 36) Porokireri yakomeje imiburanire ye: Abatangabuhamya 5 batanze ubuhamya, hakubiyemo n'Umutangabuhamya w'impuguke witwa Alison Des Forges wakomeje gutanga ubuhamya ariko atari mu rukiko (hakoreshejwe ubuhanga bw'itumanaho bwitwa « *teleconference* »).

7 Nzeri 2005: (Umunsu wa 37 w'iburanisha) Iburanisha ku kibazo cy'abatangabuhamya babiri bashaka gushinja muri uru rubanza.

9 Nzeri 2005: (Umunsu wa 38 w'iburanisha) Iburanisha ku kibazo cy'abatangabuhamya babiri bashaka gushinja muri uru rubanza.

13 Nzeri 2005: (Umunsu wa 39 w'iburanisha) ku kibazo cy'abatangabuhamya babiri bashaka gushinja muri uru rubanza, n'icyemezo Urugereko rwafashe mu magambo cyanga icyifuzo cya Porokireri gisaba isubikwa ry'urubanza. Porokireri yashoje imiburanire ye.

21 Nzeri 2005: Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba ishyirwaho ry'ingamba zo kurinda umutekano w'abatangabuhamya.

29 Nzeri 2005: Urugereko rwanze icyifuzo cya Porokireri gisaba ko hasubirwamo icyemezo cyanze isubikwa ry'urubanza cyangwa, bitaba ibyo, ko yakwemererwa kujuririra icyo cyemezo.

4 Ukwakira 2005: Urugereko rwemeye icyifuzo cya Porokireri gisaba ko yamenyeshwa inyandiko z'ubuhamya bw'umutangabuhamya ushinjura.

7 Ukwakira 2005: Inama ntegarubanza.

10 Ukwakira 2005: Itegeko rishyiraho ingengabihe (Ubwunganizi bwatangiye kwiregura).

28 Ukwakira 2005: icyemezo cyanga icyifuzo cy'ingoboka cy'Ubwunganizi gisaba ko Uregwa ahanagurwaho icyaha.

1 Ugushyingo 2005: Inama ibanziriza itangwa ry'ibimenyetso bishinjura.

2 Ugushyingo 2005: Urugereko rwemeye kuri bimwe icyifuzo cya Porokireri gisaba guhindura icyemezo gishyiraho ingamba zo kurinda umutekano w'Abatangabuhamya bashinjura.

Kuva ku itariki ya 7 Ugushyingo kugeza ku ya 16 Ukuboza 2005: (Umunsi wa 40 w'iburanisha kugeza ku wa 64) Ubwunganizi bwatangiye kwiregura butanga Impinamyanzuro yo mu ikubitiro: Abatangabuhamya 19 batanze ubuhamya.

29 Ugushyingo 2005: (Umunsi wa 55 w'iburanisha) Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba gushyiraho ingamba zo kurinda umutekano w'Umutangabuhamya umwe ushinjura.

8 Ukuboza 2005: Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba ko ubuhamya bw'umutangabuhamya ushinjura wiswe 1/15 bwumvwa adahari hakoreshejwe ubuhanga mu itumanaho bwitwa « *video-link* ».

16 Ukuboza 2005: icyemezo gisaba Gerefiye gutegura impapuro zihamagara Abatangabuhamya biswe 5/16, 5/7, 5/15 and 4/4, zibategeka kuzitaba Urugereko mu iburanisha rizakurikiraho ryashyizwe muri Mutarama 2006; Itegeko rishyiraho ingengabihe (*Video-Link*); Urugereko rwemeye kujya aho ibyaha byakorewe mu Rwanda.

**2006**

9 Mutarama 2006: icyemezo gitegeka ko Abatangabuhamy bafungiy mu Rwanda biswe 7/3, 4/16 na 9/22 bimurirwa ku cyicaro cy'Urukiko.

Kuva ku itariki ya 13 kugeza ku ya 16 Mutarama 2006: Urugereko rwagiye aho ibyaha byakorwe mu Rwanda

Kuva ku itariki ya 17 Mutarama kugeza ku ya 9 Gashyantare 2006: (umunsi wa 65 w'iburanisha kugeza ku wa 79) Ubwunganizi bwakomeje imyiregurire yabwo: Abatangabuhamy 12 batanze ubuhamy.

20 Mutarama 2006: icyemezo gisaba Gerefiye guperereza kugira ngo arebe niba Abatangabuhamy biswe 9/22 na 4/18 bashobora kuboneka bagatanga ubuhamy batari mu rukiko hakoreshejwe ikoranabuhanga mu itumanaho ryitwa « *video-transmission* », kinamusaba kugeza ku Rugereko raporo y'ibyo azaba yagezeho; kandi cyanga icyifuzo cy'Ubwunganizi gisaba ko Abatangabuhamy biswe 9/21 na 4/7 bohererezwa impapuro zibahamagara.

17 Gashyantare 2006: Itegeko rishyiraho ingengabihe (imyanzuro nsozarubanza mu nyandiko no mu magambo).

5 Mata 2006: icyemezo cyanga icyifuzo cy'Ubwunganizi gisaba Urugereko kwemeza ibyo ababuranyi batajyaho impaka, kandi gitegeka ko inyandiko eshatu zishyirwa muri dosiye nk'ibimenyetso (ariko cyatanzwe ku itariki ya 10 Mata).

21 Mata 2006: Imyanzuro nsozarubanza mu magambo.

**1. URUTONDE RW'IMPINAMAGAMBO*****Inyito muri make******Amagambo arambuye***

Amategeko	Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibime-nyetso y'Urukiko Mpanabyaha Mpuzamahanga Rwashyirirweho u Rwanda
Imyanzuro mbanzizarubanza ya Porokireri	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-I, Imyanzuro mbanzizarubanza, 23 Gicurasi 2005
Imyanzuro nsozarubanza Y'Ubwunganizi	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-I, Imyanzuro nsozarubanza y'Ubwunganizi yanditse (Inyandiko y'ibanga), 18 Mata 2006
Imyanzuro nsozarubanza ya Porokireri	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-I, Imyanzuro nsozarubanza yanditse ya Porokireri, 18 Mata 2006
Inyandiko y'ibirego	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-I, Inyandiko y'ibirego yahinduwe, yatanze ku itariki ya 10 Kamena 2005
Inyandikomvugo y'iburanisha	Inyandikomvugo y'iburanisha. Uretse igihe byavugwa ukundi, ahantu hose havugwa Inyandikomvugo z'iburanisha haba haganisha ku ziri mu rurimi rw'icyongereza mu rubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T

Sitati Sitati y'Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

## 2. UBUKEMURAMANZA

### 2.1 IMANZA ZACIWE N'URUGEREKO RW'UBUJURIRE

#### *Inyito muri make*

#### *Amagambo arambuye*

Inyandiko y'urubanza rwa  
Akayesu mu bujurire

Urubanza Porokireri aburana na Jean-Paul  
Akayesu, N° ICTR-96-4-A, Inyandiko y'urubanza  
rwo mu Rugereko rw'Uburujire, 1 Kamena 2001

Inyandiko y'urubanza rwa  
Gacumbitsi mu bujurire

Urubanza Porokireri aburana na Sylvestre  
Gacumbitsi, N° ICTR-2001-64-A, Inyandiko  
y'urubanza rwo mu Rugereko rw'Uburujire,  
7 Nyakanga 2006

Inyandiko y'urubanza rwa  
Kajelijeli mu bujurire

Urubanza Porokireri aburana na Juvenal Kajelijeli,  
N° ICTR-98-44A-A, Inyandiko y'urubanza rwo mu  
Rugereko rw'Uburujire, 23 Gicurasi 2005

Inyandiko y'urubanza rwa  
Kayishema mu bujurire

Urubanza Porokireri aburana na Clément  
Kayishema na Obed Ruzindana, N° ICTR-95-1-A,  
Inyandiko y'urubanza rwo mu Rugereko rw'  
Uburujire (Impamvu), 1 Kamena 2001

Inyandiko y'urubanza  
rwa Krstić mu bujurire

Urubanza Porokireri aburana na Radislav Krstić,  
N° IT-98-33-A, Inyandiko y'urubanza rwo mu  
Rugereko rw'Uburujire (TPIY), 19 Mata 2004

Inyandiko y'urubanza rwa

Urubanza Porokireri aburana na Mladen Naletilic  
and Vinko Martinovic, N° IT-98-34-A, Inyandiko

Naletilic mu bujurire	y'urubanza rwo mu Rugereko rw'Ubujurire <sup>8/ter</sup> (TPIY), 3 Gicurasi 2006
Inyandiko y'urubanza rwa Niyitegeka mu bujurire	Urubanza Porokireri aburana na Eliézer Niyitegeka, N° ICTR-96-14-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 9 Nyakanga 2004
Inyandiko y'urubanza rwa Ntagerura mu bujurire	Urubanza Porokireri aburana na André Ntagerura, Emmanuel Bagambiki na Samuel Imanishimwe, N° ICTR-99-46-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 7 Nyakanga 2006
Inyandikoy'urubanza rwa Ntakirutimana mu bujurire	Urubanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana, N° ICTR-96-10-A na N° ICTR-96-17-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 13 Ukuboza 2004
Inyandiko y'urubanza rwa Rutaganda mu bujurire	Urubanza Porokireri aburana na Georges Anderson Nderubumwe Rutaganda, N° ICTR-96-3-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 26 Gicurasi 2003
Inyandiko y'urubanza rwa Semanza mu bujurire	Urubanza Porokireri aburana na Laurent Semanza, N° ICTR-97-20-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire, 20 Gicurasi 2005
Inyandiko y'urubanza rwa Tadić mu bujurire	Urubanza Porokireri aburana na Duško Tadić, N° IT-94-1-A, Inyandiko y'urubanza rwo mu Rugereko rw'Ubujurire (TPIY), 15 Nyakanga 1999



## 2.2 IBYEMEZO BYAFASHWE N'URUGEREKO RW'UBUJURIRE

### Inyito muri make

### Amagambo arambuye

Icyemezo mu rubanza rwa Barayagwiza (Icyifuzo cya Porokireri gisaba ko ibyemejwe bisubirwamo cyangwa byongera gusuzumwa

Urubanza Porokireri aburana na Jean Bosco Barayagwiza, N° ICTR-97-19-AR72, Icyemezo ku Cyifuzo cya Porokireri gisaba ko ibyemejwe bisubirwamo cyangwa byongera gusuzumwa (mu bujurire), 31 Werurwe 2000, Raporo ya TPIR, 2000, urupapuro rwa 240 n'izikurikiraho

Icyemezo mu rubanza rwa Karemera na bagenzi ku bujurire bwa Porokireri ajuririra Icyemezo cyafashwe ku Cyifuzo cy'ingoboka ku byo ababuranyi batagomba kujyaho impaka (mu bujurire)

Urubanza Porokireri aburana na Edouard Karemera, Mathieu Ngirumpatse na Joseph Nzirorera, N° ICTR-98-44-AR73(C), Icyemezo cy'Urugereko rw'Ubujurire ku bujurire bwa Porokireri ajuririra Icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ibyo ababuranyi batagomba kujyaho impaka, 16 Kamena 2006

Icyemezo mu rubanza rwa Rwamakuba ku bujurire burwanya Icyemezo cyanze kwemera Icyifuzo ku birebana no gufatwa no gufungwa mu buryo budahuje n'amategeko (mu bujurire)

Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44-A, Icyemezo cy'Urugereko rw'Ubujurire ku bujurire burwanya Icyemezo cyanze kwemera Icyifuzo ku birebana no gufatwa no gufungwa mu buryo budahuje n'amategeko, 11 Kamena 2001

Icyemezo mu rubanza rwa Semanza, 31 Gicurasi 2000 (mu bujurire)

Urubanza Porokireri aburana na Laurent Semanza, N° ICTR-97-23-A, Icyemezo cy'Urugereko rw'Ubujurire, 31 Gicurasi 2000, Raporo ya TPIR, 2000, urupapuro rwa 2252 n'izirukirira

Icyemezo mu rubanza rwa Simba ku bujurire bwerekeranye n'Icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ububasha bushingiye ku gihe icyaha cyakorewe (mu bujurire)	Urubanza Porokireri aburana na Aloys Simba, N° ICTR-01-76-AR72.2, Icyemezo cyafashwe n'urugereko rw'Uburujire ku bujurire bwerekeranye n'Icyemezo cyafashwe ku Cyifuzo cy'ingoboka kirebana n'ububasha bushingiye ku gihe icyaha cyakorewe, 29 Nyakanga 2004
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### 2.3 IMANZA ZACIWE N'URUGEREKO RWA MBERE RW'IREMEZO

#### Inyito muri make

#### Amagambo arambuye

Inyandiko y'urubanza rwa Akayesu mu rw'iremezo	Urubanza Porokireri aburana na Jean-Paul Akayesu, N° ICTR-96-4-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 2 Nzeri 1998, Raporo ya TPIR, 1998, urupapuro rwa 44 n'izikurikiraho
Inyandiko y'urubanza rwa Bagilishema mu rw'iremezo	Urubanza Porokireri aburana na Ignace Bagilishema, N° ICTR-95-1A-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 7 Kamena 2001
Inyandiko y'urubanza rwa Gacumbitsi mu rw'iremezo	Urubanza Porokireri aburana na Sylvestre Gacumbitsi, N° ICTR-2001-64-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 17 Kamena 2004
Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo	Urubanza Porokireri aburana na Juvénal Kajelijeli, N° ICTR-98-44A-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 1 Ukuboza 2003
Inyandiko y'urubanza rwa	Urubanza Porokireri aburana na Jean de Dieu Kamuhanda, N° ICTR-99-54A-T, Inyandiko y'urubanza mu Rugereko rwa Mbere rw'Iremezo, 22

Kamuhanda mu rw'iremezo	Mutarama 2003
Inyandiko y'urubanza rwa Musema mu rw'iremezo	Urubanza Porokireri aburana na Alfred Musema, N° ICTR-96-13-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 27 Mutarama 2000
Inyandiko y'urubanza rwa Nahimana mu rw'iremezo	Urubanza Porokireri aburana na Ferdinand Nahimana, Jean-Bosco Barayagwiza na Hassan Ngeze, N° ICTR-99-52-T, Inyandiko y'urubanza rwo mu Rugereko rwa Mbere rw'Iremezo, 3 Ukuboza 2003

#### **2.4 IBYEMEZO BYAFASHWE N'URUGEREKO RWA MBERE RW'IREMEZO**

<b>Inyito muri make</b>	<b>Amagambo arambuye</b>
Urubanza rwa Bizimana na bagenzi be, icyemezo ku Cyifuzo cy'Ubwunganizi kirwanya ikomatanya ry'imanza, gisaba ko imanza zitandukanywa zikaburanishwa ukwazo, cyatanzwe n' Uregwa, Juvénal Kajelijeli (mu rw'iremezo)	Urubanza Porokireri aburana na Augustin Bizimana, Félicien Kabuga, Juvénal Kajelijeli, Edouard Karemera, Mathieu Ngirumpaste, Callixte Nzabonimana, Joseph Nzirorera na André Rwamakuba, N° ICTR-98-44-T, icyemezo ku Cyifuzo cy'Ubwunganizi kirwanya ikomatanya ry'imanza, gisaba ko imanza zitandukanywa zikaburanishwa ukwazo, cyatanzwe na Uregwa, Juvénal Kajelijeli (Urugereko rwa Mbere rw' Ire me zo), 6 Nyakanga 2000
Urubanza rwa Bizimana na bagenzi be, icyemezo ku Cyifuzo cya Porokireri gisaba gutanduka-	Urubanza Porokireri aburana na Augustin Bizimana, Félicien Kabuga, Edouard Karemera, Mathieu Ngirumpaste, Callixte Nzabonimana,

nya urubanza rwa Kabuga n'urwa bagenzi be no guhindura Inyandiko y'ibirego (mu rw'iremezo)

Joseph Nzirorera and André Rwamakuba, N° ICTR-98-44-PT, icyemezo ku cyifuzo cya Porokireri gisaba gutandukanya urubanza rwa Kabuga n'urwa bagenzi no guhindura Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 1 Nzeri 2003

Urubanza rwa Bizimana na bagenzi be, icyemezo ku cyifuzo cya Porokireri gisaba gutandukanya imanza no guhindura Inyandiko y'ibirego (mu rw'iremezo)

Urubanza Porokireri aburana na Augustin Bizimana, Félicien Kabuga, Edouard Karemera, Mathieu Ngirumpaste, Callixte Nzabonimana, Joseph Nzirorera na André Rwamakuba, N° ICTR-98-44-PT, icyemezo ku cyifuzo cya Porokireri gisaba gutandukanya imanza no guhindura Inyandiko y'ibirego (Urugereko rwa Mbere rw'Iremezo), 8 Ukwakira 2003

Urubanza rwa Karemera na bagenzi be, icyemezo ku bujurire bwerekeranye n'icyemezo cyafashwe ku cyifuzo cy'ingoboka ku birebana no gukomeza imiburani-shirize harimo umucamanza w'umusimbura no ku cyifuzo cya Nzirorera gisaba ko hasuzumwa ibindi bimenyetso (mu bujurire)

Urubanza Porokireri aburana na Edouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera na André Rwamakuba, N° ICTR-98-44-A, Urubanza rwa Karemera na bagenzi be, icyemezo ku bujurire bwerekeranye n'icyemezo cyafashwe ku cyifuzo cy'ingoboka ku birebana no gukomeza imiburani-shirize harimo umucamanza w'umusimbura no ku cyifuzo cya Nzirorera gisaba ko hasuzumwa ibindi bimenyetso (Urugereko rw'Ubujurire), 28 Nzeri 2004

Urubanza rwa Karemera na bagenzi be, Impamvu z'icyemezo ku bujurire bwerekeranye n'icyemezo cyafashwe ku cyifuzo cy'ingoboka ku birebana no

Urubanza Porokireri aburana na Edouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera na André Rwamakuba, N° ICTR-98-44-A, Impamvu z'icyemezo ku bujurire bwerekeranye n'icyemezo cyafashwe ku cyifuzo

gukomeza imiburanishirize hari-  
mo umucamanza w'umusimbura  
no ku Cyifuzo cya Nzirorera  
gisaba ko hasuzumwa ibindi  
bimenyetso (mu bujurire)

cy'ingoboka ku birebana no gukomeza imi-  
buranishirize harimo umucamanza w' umusimbu-  
ra no ku Cyifuzo cya Nzirorera gisaba ko  
hasuzumwa ibindi bimenyetso (Urugereko  
rw'Ubujurire), 22 Ukwakira 2004

Urubanza rwa Karemera na  
bagenzi be, icyemezo gishyiraho  
ingamba zo kurinda umutekano  
w'abatangabuhamyanya bashinja  
(mu rw'iremezo)

Urubanza Porokireri aburana na Edouard  
Karemera, Mathieu Ngirumpatse, Joseph  
Nzirorera na André Rwamakuba, N° ICTR-98-  
44-R75, icyemezo gishyiraho ingamba zo kurinda  
umutekano w'abatangabuhamyanya bashinja (Uruge-  
reko rwa Mbere rw'Iremezo), 10 Ukuboza 2004

Urubanza rwa Karemera na  
bagenzi be, icyemezo ku Cyifuzo  
gisaba gutandukanya urubanza  
rwa André Rwamakuba n'urwa  
bagenzi be no guhindura Inya-  
ndiko y'ibirego (mu rw'iremezo)

Urubanza Porokireri aburana na Edouard  
Karemera, Mathieu Ngirumpatse, Joseph  
Nzirorera na André Rwamakuba, N° ICTR-98-  
44-PT, icyemezo ku Cyifuzo gisaba gutanduka-  
nya urubanza rwa André Rwamakuba n'urwa  
bagenzi be no guhindura Inyandiko y'ibirego  
(Urugereko rwa Mbere rw'Iremezo), 14 Gashya-  
ntare 2005

Urubanza rwa Rwamakuba, U-  
rwandiko rwo gufata n'Itegeko  
risaba ko uwafashwe yimurirwa  
ahandi kandi agafungwa (mu  
rw'iremezo)

Urubanza Porokireri aburana na André  
Rwamakuba, N° ICTR-98-44-I, Urwandiko rwo  
gufata n'Itegeko risaba ko uwafashwe yimurirwa  
ahandi kandi agafungwa (Urugereko rwa Mbere  
rw'Iremezo), 8 Ukwakira 1998, Raporo ya TPIR,  
1998, urupapuro rwa 954.

Urubanza rwa Rwamakuba, I-  
cyemezo ku Cyifuzo cya André  
Rwamakuba gisaba gutandukanya  
urubanza rwe n'urwa bagenzi be

Urubanza Porokireri aburana na Rwamakuba, N°  
ICTR-98-44-T, icyemezo ku Cyifuzo cya André  
Rwamakuba gisaba gutandukanya urubanza rwe  
n'urwa bagenzi be (Urugereko rwa Mbere

(mu rw'iremezo)	rw'Iremezo), 12 Ukuboza 2000, Raporo ya TPIR, 2000, urupapuro rwa 784 n'izirukurikira
Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy' Ubwunganizi ku birebana n'uko Uregwa yafashwe akanafungwa mu buryo bunyuranyije n'amategeko (mu rw'iremezo)	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44-T, icyemezo ku Cyifuzo cy' Ubwunganizi ku birebana n'uko Uregwa yafashwe akanafungwa mu buryo bunyuranyije n'amategeko (Urugereko rwa Mbere rw'Iremezo), 12 Ukuboza 2000, Raporo ya TPIR, 2000, urupapuro rwa 784.
Urubanza rwa Rwamakuba, icyemezo gitegeka ko hatangwa indi Nyandiko y'ibirego yahinduwe (mu rw' iremezo)	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-PT, icyemezo gitegeka ko hatangwa indi Nyandiko y'ibirego yahinduwe (Urugereko rwa Mbere rw'Iremezo), 8 Werurwe 2005
Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cya Porokireri gisaba Ubwunganizi kumumenyesha niba buziyambaza imyiregurire ya sinari mpari no kwemererwa gusuzuma inyandiko n'ibindi byose buteganya kuzireguza (mu rw'iremezo)	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-R72, icyemezo ku Cyifuzo cya Porokireri gisaba Ubwunganizi kumumenyesha niba buziyambaza imyiregurire ya sinari mpari no kwemererwa gusuzuma inyandiko n'ibindi byose buteganya kuzireguza (Urugereko rwa Mbere rw'Iremezo, 14 Kamena 2005
Urubanza rwa Rwamakuba, icyemezo ku Cyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kurinda umutekano (mu rw'iremezo)	Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T, icyemezo ku Cyifuzo cy'Ubwunganizi gisaba ko hafatwa ingamba zo kurinda umutekano (Urugereko rwa Mbere), 21 Nzeri 2005

Urubanza rwa Rwamakuba, Icyemezo ku Cyifuzo cya Porokireri gisaba ko hasubirwamo icyemezo cyanze isubikwa ry'urubanza cyangwa, bitaba ibyo, ko yakwemererwa kujuririra icyo cyemezo (mu rw'iremezo)

Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T, Icyemezo ku Cyifuzo cya Porokireri gisaba ko hasubirwamo icyemezo cyanze isubikwa ry'urubanza cyangwa, bitaba ibyo, ko yakwemererwa kujuririra icyo cyemezo (Urugereko rwa Mbere rw'Iremezo), 29 Nzeri 2005

Urubanza rwa Rwamakuba, Icyemezo ku Cyifuzo cya Porokireri gisaba Urugereko guhindura Icyemezo cya rwo kirebana n'ingamba zo kurinda umutekano w'abatangabuhamya bashinjura, bitaba ibyo rukongera kubisuzuma (mu rw'iremezo)

Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T, Icyemezo ku Cyifuzo cya Porokireri gisaba Urugereko guhindura Icyemezo cyarwo kirebana n'ingamba zo kurinda umutekano w'abatangabuhamya bashinjura, bitaba ibyo rukongera kubisuzuma (Urugereko rwa Mbere rw'Iremezo), 2 Ugushyingo 2005

Urubanza rwa Rwamakuba, Icyemezo ku Cyifuzo cy'ibanga cyerekeranye n'ubuhamya bw'Umutangabuhamya ushinjura wiswe 1/15 (mu rw'iremezo)

Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T, Icyemezo ku Cyifuzo cy'ibanga cyerekeranye n'ubuhamya bw'Umutangabuhamya ushinjura wiswe 1/15 (Urugereko rwa Mbere rw'Iremezo), 8 Ukuboza 2005

Urubanza rwa Rwamakuba, Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba Urugereko kujya aho ibyaha byakorewe (mu rw'iremezo)

Urubanza Porokireri aburana na André Rwamakuba, N° ICTR-98-44C-T, Icyemezo ku Cyifuzo cy'Ubwunganizi gisaba Urugereko kujya aho ibyaha byakorewe (Urugereko rwa Mbere rw'Iremezo), 16 Ukuboza 2005