

HARERIMANA, URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO RWIHARIYE, Ikiza ry'urubanza ryo kuwa 26 nzeri 1997

HARERIMANA Hamada

Tribunal de Première Instance de Kigali
Chambre spécialisée
Jugement du 26 septembre 1997

Harerimana Hamada
URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI,
URUGEREKO RWIHARIYE
Ikiza ry'urubanza ryo kuwa 26 nzeri 1997

ICYAHA CY'ITSEMBABWOKO N'ITSEMBATSEMBA UBUHOTOZI - GATOZI CYANGWA UMWE
ARI ICYITSO CY'ABANDI - UMUTWE W'ABAGIZI BA NABI KWITWARA GISIRIKARE
GUTUNGA INTWARO NTA BURENGANZIRA - KWIREGA NO KWEMERA ICYAHA GUSABA
IMBABAZI - IGIHANO - GUFUNGWA BURUNDU KUGABANYA IGIHANO URWEGO RWA
KABIRI - KWAMBURWA UBURENGANZIRA

Génocide assassinat auteur ou complice des autres association de malfaiteurs usurpation
de fonction de militaire possession d'armes illégale aveu et plaidoyer de culpabilité
demande de pardon peine emprisonnement à perpétuité réduction de la peine deuxième
catégorie privation de droits civiques.

1. Iyo umuburanyi yemera icyaha nta gahato kandi agisabira imbabazi mu bushinja-cyaha
no mu rukiko, bikemerwa, urukiko rushobora kumugabanyiriza igihano.

1. En matière de crime de génocide, lorsqu'un prévenu est passé aux aveux devant le
ministère public et plaidé coupable devant le tribunal, que les aveux ont été acceptés, le
tribunal peut accorder une réduction de la peine.

RMP 7030/S12/MM RP 029/CS/KIG

URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI,
RUHABURANISHIRIZA IMANZA Z'ABAKOZE IBYAHA BY'ITSEMBABWOKO N'ITSEMBATSEMBA
N'IBINDI BYAHA BYIBASIYE INYOKO-MUNTU, RWAKIJIJE URU RUBANZA MU BURYO
BUKURIKIRA :

IKIZA RY'URUBANZA MU RUHAME RYO KUWA 26/09/97 .

HABURANA: UBUSHINJA-CYAHA NA:

HARERIMANA Hamada mwene KAMARANYOTA Haruna na MURERWA Sada, wavutse muri
1965, avukira i MBURABUTURO, segiteri GIKONDO, Komini KICUKIRO, arubatse,
umunyarwanda, umushoferi utarigeze afungwa bizwi n'amategeko .

IBYAHA AREGWA .

-Kuba ari i NYAMIRAMBO muri Komini NYARUGENGE, Perefegitura y'Umujyi wa Kigali muri Repubulika y'u Rwanda hagati y'ukwezi kwa Mata-Nyakanga 1994 yarakoze icyaha cy'itsemba-bwoko n'itsemba-tsemba nkuko byasobanuwe mu masezerano Mpuza-mahanga yo kuwa 9/12/1948 yerekeranye no guhana icyaha cya Génocide, mu masezerano Mpuzamahanga yabereye i Génève kuwa 12/8/1949 yerekeranye no kurengera abantu batari abasirikare mu gihe cy'intambara n'amasezerano y'inyongera .

-Kuba mu gihe kimwe ari ahantu hamwe havuzwe haruguru, abizi kandi abishaka yarakoze icyaha cy'ubuhotozi nkuko biteganywa n'ingingo ya 312 CPL.II .

-Kuba nanone mu gihe kimwe cyavuzwe haruguru, ari gatozi cyangwa umwe ari icyitso cy'abandi nkuko biteganywa n'ingingo ya 89,90,91 CPL II yararemye umutwe w'abagizi ba nabi witwaraga gisirikare nkuko biteganywa n'ingingo za 281,282 CPLII .

-Kuba na none mu gihe kimwe ari ahantu hamwe havuzwe haruguru yaratunze intwara za gisirikare nta burenganzira ahabwa n'itegeko nkuko biteganywa na L.O N° 12/1979/J.0/1979 .

URUKIKO,

RUMAZE kubona ibaruwa n° A/30/7030/S11 /MM yo kuwa 16/6/97, Umushinja-cyaha wa mbere w'Urugereko yandikiye Perezida w'Urugereko mu Rukiko rwa Mbere rw'Iremezo rwa Kigali, amwoherereza dosiye n° 5 MP 7030/S12/MM ya HARERIMANA Hamada, amusaba ko iyo dosiye yaburanishwa;

RUMAZE kubona ko iyo dosiye yanditswe mu gitabo cy'ibirego cy'Urukiko rw'Urugereko Rwihariye ku n° 029/CS/KIG, Perezida warwo afata icyemezo ko iyo dosiye izaburanishwa kuwa 18/08/1997, uwo munsu umenyeshwa ababuranyi ;

RUMAZE kubona ko uwo munsu ugeze HARERIMANA Hamada yitabye Urukiko, Ubushinja-cyaha buhagarariwe na MUTEGARUGOLI Mélanie, nta baregera indishyi bahari ;

RUMAZE kumva HARERIMANA Hamada abazwa niba umwirondoro asomewe n'umwanditsi w'Urukiko ari uwe, asubiza ko ari uwe naho ikibazo cyuko yiburanira cyangwa afite umwunganira, asubiza ko afite umwunganira ariko ko umwunganira atarabona uburenganzira bwa Baro ya Kigali aribwo kuburana mu nkiko z'u Rwanda, HARERIMANA akaba ari nayo mpamvu asaba Urukiko ko rwakwimurira urubanza ku yindi tariki, Urukiko rurabimwemerera, urubanza rwimurirwa kuwa 17/09/1997:

RUMAZE kubona ko uwo munsu ugeze HARERIMANA yitabye Urukiko, Ubushinja-cyaha buhagarariwe na MUTEGARUGORI Mélanie, nta baregera indishyi mu rubanza bahari;

RUMAZE kumva HARERIMANA Hamada abazwa niba yiburanira cyangwa afite umwunganira, avuga ko uwari kumwunganira ataje yiyemeza kwiburanira;

RUMAZE kumva HARERIMANA H. Abazwa niba yemera icyaha aregwa, avuga ko yemera icyaha cyo kuba yarishe umuntu umwe na ho ibindi atabyemera;

RUMAZE kumva abazwa igituma yemera icyaha kimwe gusa ntiyemere ibindi, asubiza ko icyo yemera yagikoze ku manywa y'ihangu, akaba yari afite imbunda yashatse ngo yikingire abo batavugaga rumwe nawe muri Politique abategetsu bakamuha liste yariho abantu ngo abice ariko ngo agira amayeri amasasu 18 bari bamuhaye ayarangiriza ku muntu umwe, kugira ngo batamubwira kwica abandi;

RUMAZE kumva HARERIMANA H. abazwa niba yaramenyeshwe inyungu zo kwirega no kwemera icyaha, avuga ko yazimenyeshwe, akaba yaranabisabye Ubushinja-cyaha nubw akaba akibishakira imbere y'Urukiko;

RUMAZE kumva no gusuzuma niba HARERIMANA yarireze akanemera icyaha ku bushake bwe, asobanuriye icyo akora n'ibindi bijyanye nibwo byose bikaba byarakozwe nkuko amategako abiteganyaga;

RUMAZE kumva Ubushinja-cyaha buhabwa ijamba, buvugaga mu magamba make imiterere y'icyaha, bukababwira ushinjwe igihano, buvugako kubera ko HARERIMANA Hamana yemera icyaha akaba abababwira imbabazi igihano cyo gufungwa burundu cyagabanywe, bukababwira igihano cyo gufungwa imyaka 11 no gutanga amagamba y'uru rubanza ;

RUMAZE kumva HARERIMANA H. ahabwa ijamba ngo agire icyo avugaga kubw'Ubushinja-cyaha bumaze kuvugaga;

RUMAZE kumva HARERIMANA H. abazwa niba hari icyo yongeraga ku rubanza rwe asubiza ko ntacyo;

RUMAZE kubona ko nta kindi gisigaye gusuzumwaga muri uru rubanza

RUSANZE Ubushinja-cyaha buwarereye Urukiko, burega HARERIMANA H. Ibyaha :

-by'itsemba-bwoko n'itsemba-tsemba,

-Ubuhotozi,

-Kurema umutwe w'abagizi ba nabi,

-Gutunga intwari za gisirikare, nta burenganzira ahabwa n'itegeko afite;

RUSANZE ibyaha aregwa bimushyirwa mu rwego rwa kabiri;

RUSANZE HARERIMANA.yaremeye icyaha kandi agisabira imbabazi mu bushinja-cyaha nabwo burabyemeza nkuko inyandiko-mvugo za ngombwa zibigaragaza, kandi yemerera urukiko ko yemeye icyaha , kandi akanacyirega nta gahato;

RUSANZE ibya ngombwa kugirango ukwirega no kwemera icyaha bisuzumwaga n'Urukiko byarubahirijwe, bityo Urukiko rukababwira rwemeye kwakira ukwirega no kwemera icyaha kwa HARERIMANA H., rukababwira rumugabanyirije igihano aho gufungwa burundu, ahanishijwe igifungo cy'imyaka icumi (10) akanamburwa uburenganzira buvugwa mu ngingo ya 66 y'igitabo cy'amategako ahanu igika cya 2,3 n'icya 5.

KUBERE IZO MPAMVU ZOSE RUBONYE MU RUHAME

RUSHINGIYE ku itegeko-shingiro rya Repubulika y'u Rwanda nkuko ryavuguruwe kuwa 16/01/1996,

1. ku masezerano y'Amahoro y'Arusha, ingingo ya 25 na 26;
2. Ku itegeko-nshinga rya Repuburika y'u Rwanda ku ngingo za 12,14,33,92-95;

RUSHINGIYE ku ngingo za 1,2,4,5,6,14,15,17,24 al 5,29 al 3,30 al 2,39 z'itegeko-ngenga n° 8/96 ryo kuwa 30.08/1996 rigena imitunganyirize y'ikurikirana ry'ibyaha bigize ibyaha by'itsemba-bwoko n'itsemba-tsemba cyangwa ibyaha bibasiye inyoko-myntu;

RUSHINGIYE ku masezerano Mpuzamahanga yo kuwa 9/12/1948 yerekeranye no kwirinda no guhana icyaha cy'itsembabwoko n'itsembatsemba ;

RUSHINGIYE ku ngingo za 16,17,58,71,73,76,83,84,90,138 z'igitabo cy'amategeko agenga imiburanishirize y'imanza z'inshinja-byaha;

RUSHINGIYE ku ngingo za 89,90,281,282,282,304,312 z'igitabo cy'amategeko ahana y'u Rwanda;

RUSHINGIYE ku itegeko-teka n° 12/79;

RWEMEYE kwakira, kwemera icyaha no kugisabira imbabazi bya HARERIMANA

RWEMEYE ko abaregera indishyi bazabikora mu rundi rubanza ;

RWEMEYE kwakira no gusuzuma ibirego rwashyikirijwe n'Ubushinja-cyaha kuko byaje mu nzira zemewe n'amategeko kandi ko bifite ishingiro ;

RUKIJIJE ko HARERIMANA Hamada atsinzwe;

RUTEGETSE ko HARERIMANA H. ahanishwa igifungo cy'imyaka icumi (10) uhareye itariki yafatiweho kuwa 22/05/1997 yambuwe n'uburenganzira afite mu gihugu buteganywa mu ngingo ya 66 igitabo cy'amategeko ahana igika cya 2,3 n'icya 5 aribwo bukurikira, ububasha bwo gutora, gutanga amajwi, bwo gutorwa, n'ubwerekeye Politique, kwambara impeta, kuba umuhamya muby'ubuhanga, n'umugabo mu byemezo no mu manza uretse kuba yasiganuzwa bamupererezaho, uburenganzira bwo gutwara intwara, kuba umusirikare, umuporisi, kuyobora ishuri, kwigisha cyangwa kugenzura abanyeshuri;

RUMUTEGETSE gutanga amagarama y'uru rubanza angana na 2.800 Frs , atayatanga mu gihe cy'ukwezi agafungwa iminsi 15 y'ubugwatira-mubiri akanavamva mubye ku ngufu za leta;

N'UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME RWA BENSHI NONE KUWA 26/09/1997 MU RUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI, HARI ABACAMANZA RWAGAHUNGU Albert (PEREZIDA), KARANGWA Frédéric (JUJI),

NDIZIHIWE L.F (JUJI) MUTEGARUGORI Mélanie (UMUSHINJA-CYAHA) NA MUKAMURENZI
Valérie (UMWANDITSI) .

L. F. NDIZIHIWE (sé), PEREZIDA: RWAGAHUNGU A. (sé), KARANGWA F. (sé)

UMWANDITSI
MUKAMURENZI V.
(sé)