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International Criminal Tribunal for Rwanda

Tribunal Pénal International pour le Rwanda

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Inyandiko y'umwimerere : Igifaransa

URUGEREKO RWA MBERE, ICYUMBA CYA III

Abacamanza : Andrésia Vaz, Perezida

Jai Ram Reddy

Sergei Alekseevich Egorov

Umwanditsi : Adama Dieng

Itariki : 17 Kamena 2004

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UMUSHINJACYAHA

arega

Sylvestre GACUMBITSI

Urubanza N° TPIR-2001-64-T

IMIKIRIZE Y'URUBANZA

Ibiro by'Umushinjacyaha :

Richard Karegyesa

Andra Mobberley

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Uwunganira Uregwa :

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A. URUKIKO N'UBUBASHA BWARWO

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2. Urukiko rwashyizweho mu mwaka wa 1994 n'Inama y'Umuryango w'Abibumbye ishinzwe amahoro ku isi, ishingiyeye ku Mutwe wa VII w'Amategeko-Shingiro y'uwo muryango¹.
3. Urukiko rugengwa n'Amategeko yometse ku cyemezo 955 cy'Inama ishinzwe Amahoro ku isi (“Sitati”)² n'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso (“Amategeko”).

¹ Icyemezo 955 cy'Inama ishinzwe Amahoro ku isi.

² Icyemezo 955 cy'Inama ishinzwe Amahoro ku isi. Amategeko yahinduwe n'Ibyemezo 1165, 1339, 1411, 1431, 1503, na 1512 by'Inama ishinzwe Amahoro ku isi.

4. Hakurikijwe Sitati, Urukiko rufite ububasha bwo gucira imanza abantu bakekwaho kuba bafite uruhare mu bikorwa bibi biciye ukubiri n'Amategeko Mpuzamahanga yerekeranye no gutabara imbabare byakorewe ku butaka bw'u Rwanda n'ububasha bwo gucira imanza abanyarwanda bakekwaho kuba barakoreye ibyo bikorwa ku butaka bw'ibihugu bituranye n'u Rwanda. Ingingo ya mbere ya Sitati y'Urukiko ivuga ko ububasha bushingiye ku gihe icyaha cyakorewe bugarukira gusa ku byaha byakozwe hagati y'itariki ya mbere Mutarama n'itariki ya 31 Ukuboza 1994. Ku byerekeye ububasha bushingiye ku kiburanwa, Urukiko ruburanisha icyaha cy'itsembabwoko, ibyaha byibasiye inyoko-muntu n'ibyaha biteganywa n'ingingo ya 3 ihuriweho n'Amasezerano Mpuzamahanga y'i Genève n'Amasezerano y'Inyongera II.

B. UREGWA

5. Sylvestre GACUMBITSI (“Uregwa”) yavutse mu mwaka wa 1943, muri segiteri KIGINA, komini RUSUMO, perefegitura ya KIBUNGO³.
6. GACUMBITSI yakoze imirimo inyuranye ikurikira : yabaye umwarimu mu mashuri abanza muri perefegitura ya KIBUNGO, yabaye Perezida wa Banki y'Abaturage ya RUSUMO hagati y'umwaka wa 1983 n'uwa 1994,

³ Umwanzuro wa nyuma w'Uregwa, igika cya 38.

yanabaye kandi umuyobozi wa Komini RUSUMO. Uyu murimo niwo yari agikora muri Mata 1994⁴.

C. IMIHANGO Y'IBURANISHA

7. Ku itariki ya 19 Kamena 2001, umucamanza Lloyd G. Williams, Q.C., akurikije ibiteganywa n'ingingo ya 40 bis y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso kandi abisabwe n'Umushinjacyaha, yasabye abategetsi ba TANZANIYA gufata Sylvestre GACUMBITSI, icyo gihe wakekwagaho ibyaha, no kumufunga kugeza igihe bamushyikiririje Urukiko⁵.
8. Ku itariki ya 20 Kamena 2001, umucamanza Lloyd G. Williams, Q.C., yemeje Inyandiko y'Ibirego Umushinjacyaha ashinja Sylvestre GACUMBITSI ("Inyandiki y'Ibirego"), kandi anemerera Umushinjacyaha kugira ibyo ahindura muri iyo nyandiko⁶. Inyandiko y'Ibirego ikosowe kandi yanditswe mu rurimi rw'icyongereza n'igifaransa yashyikirijwe Urukiko kuri iyo tariki, maze umucamanza wayemeje ahita yandika Urupapuro rufata uregwa⁷.
9. Nanone kuri iyo tariki ya 20 Kamena 2001, Abategetsi ba TANZANIYA bafatiye uregwa i KIGOMA, muri TANZANIYA, bamushyikiriza Urukiko

⁴ Imyanzuro ya nyuma y'U regwa, kuva ku gika cya 41 kugeza ku cya 47 n'igika cya 60.

⁵ *Gacumbitsi*, icyemezo cyo kuwa 20 Kamena 2001 (Ch.).

⁶ *Gacumbitsi*, icyemezo cyo kuwa 20 Kamena 2001 (Ch.).

⁷ *Gacumbitsi*, icyemezo cyo kuwa 20 Kamena 2001 (Ch.).

maze Umwanditsi warwo nawe ateguka ko afungirwa muri gereza y'Urukiko.

10. Ku itariki ya 26 Kamena 2001, Uregwa yahakanye buri cyaha mu byaha akurikiranweho biri mu Nyandiko y'Ibirego⁸.

11. Ku itariki ya 25 Nyakanga 2002, Urugereko rwanze icyifuzo cya mbere cy'uregwa wavugaga ko hari imihango itarubahirijwe mu gukora Inyandiko y'Ibirego⁹. Urugereko rwibukije ko umucamanza washyikirijwe bwa mbere Inyandiko y'Ibirego kugirango ayemeze nta nenge yayibonyemo, kandi ko hakurikijwe ibiteganywa n'ingingo ya 18 ya Sitati n'ingingo ya 47 y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso hari ibimenyetso bishimangira ibivugwa muri iyo Nyandiko.

12. Ku itariki ya 16 Gicurasi 2003, Umushinjacyaha yashyikirije Urugereko umwanzuro we mbere y'uko urubanza rutangira.

13. Ku itariki ya 28 Nyakanga 2003, urubanza rwaratangiye maze Umushinjacyaha abanza gutanga ibisobanuro kuri uru rubanza mu magambo make¹⁰, hanyuma ashyikiriza Urugereko ibimenyetso bye bya mbere.

⁸ Kwitaba Urukiko bwa mbere hakurikijwe Ingingo ya 62 y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso, umuhango wayobowe n'umucamanza Lloyd G. Williams, Q.C. (T.26 Kamena 2001).

⁹ *Gacumbitsi*, icyemezo cyo kuwa 25 Nyakanga 2002, (Ch.).

¹⁰ T.28 Nyakanga 2003, kuva ku rupapuro rwa 1 kugeza k'urwa 6.

14. Ku itariki ya mbere Kanama 2003, rushingiye ku ngingo ya 92 bis y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso, Urugereko rwemeye kumva Madame Alison Des Forges, umutangabuhamya w'impuguke watanze ubuhamya mu rubanza rwa Akayesu¹¹, ndetse rwemera ko n'ibimenyetso-gihamya 49 byerekeranye n'urwo rubanza byashyirwa muri iyi dosiye ariko bimaze gushyikirizwa Uregwa¹², maze bigasimbura ibazwa rye ry'ingenzi. Urugereko rwavuze ko rwemeye kwakira imvugo umutangabuhamya wavuzwe haruguru yavugiye mu rubanza rwa Akayesu ndetse n'indi nyandiko-mvugo iyo ariyo yose yarufasha gusobanukirwa n'iyo mvugo¹³.

15. Ku itariki ya 6 Kanama 2003, Urugereko rwanze icyifuzo uregwa yarushyikirije mu magambo arusaba kutumva umutangabuhamya TAP ku byerekeye icyaha cyo gufata ku ngufu yashinjaga uregwa, iki kikaba cyari ikirego gishya cyari cyamenyeshejwe uregwa umunsi umwe mbere yaho. Urugereko rwavuze ko ruzi neza ko uburenganzira bwo kwiregura bugomba kubahirizwa bityo ko uregwa agomba kubanza kumenyeshwa ibirego bishya mbere y'uko abyisobanuraho. Icyakora mu nyungu z'ubutabera, Urugereko

¹¹ Urubanza Umushinjacyaha arega Jean Paul Akayesu, No. TPIR-1996-4-T.

¹² Ibi bimenyetso byamenyeshejwe Uregwa igihe inyandiko yitwa “Prosecutor’s Motion of Testimony of an Expert Witness Pursuant to Rules 54,73, 92 bis”, yashyikirizwaga Urugereko ku itariki ya 25 Kamena 2003 (Reba igika cya 1, ibisobanuro biri ku rupapuro rwa mbere ahagana hasi, n’Umugereka A).

¹³ Gacumbitsi, icyemezo cyo ku itariki ya mbere Kanama 2003 cyerekeye umutangabuhamya w'impuguke (Ch.). Ingingo zerekeye ukwitaba Urukiko k'umutangabuhamya w'impuguke, Madame Alison Des Forges, mu rubanza rwa Akayesu zashyikirijwe Urugereko uko ziteye nk'ikimenyetso-gihamya cy'Umushinjacyaha no.15, hakoreshejwe uburyo bwa cédérom. Urutonde rw'ingingo zikubiye muri icyo kimenyetso rwometse kuri uru rubanza.

rwafashe icyemezo cyo kumva ubuhamya bwose bw'umutangabuhamya TAP, ariko ntirwafata icyemezo ku byerekeye iyakirwa ry'icyo kirego¹⁴.

16. Ku itariki ya 2 Ukwakira 2003, Urugereko rwanze icyifuzo cy'uregwa washakaga ko rwamuhanaguraho bimwe mu byaha akurikiranweho, hakurijwe ingingo ya 98 bis y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso. icyakora, Urugereko rubyibwirije, rwavuze ko mu gihe ruzaba rwiherereye ruca urubanza burundu, rutazaha agaciro ikirego cyo gufata ku ngufu rwashyikirijwe n'umutangabuhamya TAP wari warwitabye. Uretse no kuba icyo kirego kitarabanje kumenyeshwa uregwa, Urugereko rwasanze nta cyaha cyo gusambanya abagore ku gahato Uregwa ashinjwa kuba yarakoze we ubwe kiri mu Nyandiko y'Ibirego kandi Umushinjacyaha akaba atarigeze asaba Urugereko kongera icyo cyaha muri icyo Nyandiko¹⁵.

17. Gutanga ibimenyetso bishinje byakorewe mu iburanisha ryamaze iminsi 16 kandi byarangiyeye ku itariki ya 28 Kanama 2003.

18. Ku itariki ya 28 Kanama 2003, uregwa yasabye ko itangwa ry'ibimenyetso bimushinjura ryari riteganyijwe gutangira ku itariki ya 6 Ukwakira 2003 ryakwimurirwa ku yindi tariki kubera ko yagendaga ahura n'ibibazo mu itegurwa ry'icyo gikorwa. Urugereko rwasanze impamvu zatangwaga

¹⁴ T.6 Kanama 2003, kuva ku rupapuro rwa 26 kugeza k'urwa 27.

¹⁵ Gacumbitsi, icyemezo cyo kuwa 2 Ukwakira 2003 (Ch.).

n'uregwa zitarashoboraga gutuma urubanza rusubikwa maze rumutegeka kurushyikiriza umwanzuro ubanziriza itangwa ry'ibimenyetso bimushinjura bitarenze tariki ya 3 Ukwakira 2003¹⁶.

19. Ku itariki ya 6 Ukwakira 2003, Uregwa yabanje gutanga ibisobanuro bike¹⁷ mbere yo gutanga ibimenyetso bimushinjura. Uregwa yarangije gutanga ibimenyetso bye ku itariki ya 25 Ugushyingo 2003.

20. Urugereko rwumvise abatangabuhamya 15 bashinja na 22 bashinjura uregwa. Uregereko rwemeye kandi kwakira ibimenyetso-gihamya 15 by'Umushinjacyaha n'ibindi 9 byatanzwe n'uregwa.

21. Urugereko ruvuze ko rwubahirijwe ibiteganywa n'ingingo ya 15 bis y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso.

22. Umushinjacyaha yashyikirije Urugereko umwanzuro we wa nyuma ku itariki ya 23 Ukuboza 2003 naho Uregwa arushyikiriza umwanzuro we wa nyuma ku itariki ya 9 Gashyantare 2004¹⁸. Ku itariki ya mbere Werurwe 2004, Umushinjacyaha yasobanuye ibihano asabira uregwa maze uregwa nawe avuga uko abona ibihano asabiwe¹⁹. Kuri uwo muni, Urugereko

¹⁶ T. 28 Kanama 2003, kuva ku rupapuro rwa 26 kugeza k'urwa 27.

¹⁷ T. 6 Ukwakira 2003, urupapuro rwa 3 kugeza k'urwa 9

¹⁸ Ku itariki ya 25 Gashyantare 2004, Uregwa yashyikirije Urugereko umwanzuro wa nyuma ukosoye kandi ufite ibika bifite za nomero. Ni ukuvuga ko uwo mwanzuro ariwo tuzajya tugarukaho muri uru rubanza, keretse gusa hatanzwe andi mabwiriza.

¹⁹ T. tariki ya 1 Werurwe 2004.

rwasanze nta yindi ngingo yari isigaye gusuzumwa, maze rufata icyemezo cyo kujya kwihherera ngo ruce urubanza.

D. IKIMENYETSO

23. Urugereko rwasuzumye ibirego rushingiye ku buhamya no ku bimenyetso-gihamya impande zombi zatanze zigamije kwerekana ko ibyaha bikubiye mu Nyandiko y'Ibirego byakozwe cyangwa bitakozwe.
24. Hakurikijwe ibiteganywa n'ingingo ya 89 y'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso, Urugereko ntirushobora gukurikiza Amategeko agenga itangwa ry'ibimenyetso y'igihugu icyo ari cyo cyose, kandi iyo hari ibyo Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso atasobanuye, Urugereko rushobora gukoresha amategeko atuma rushobora guca urubanza mu kuri kandi atanyuraniye na Sitati y'Urukiko n'Amahame Remezo y'Amategeko.

E. KURINDA UMUTEKANO W'ABATANGABUHAMYA

25. Bamwe mu batangabuhamya bahamagajwe n'ababuranyi batanze igice kimwe cy'ubuhamya bwabo cyangwa ubuhamya bwabo bwose mu muhezo kugirango umutekano wabo ushobore kwitabwaho . Mu mikirize y'urubanza, Urugereko rwahisemo gutanga ibisobanuro bishoboka byose ku buryo buri

muntu wese yumva impamvu rwashingiyeho ruca urubanza²⁰. icyakora, Urugereko rwirinze kugira amakuru rwashyira ahagaragara ashobora gutuma umwirondoro w'abatangabuhamya umenyekana.

UMUTWE WA KABIRI : IMYANZURO KU BYAHA BYAKOZWE

A. IGIKA CYA 1, ICYA 2, ICYA 3 N'ICYA 26 BY'INYANDIKO Y'IBIREGO

(IMVUGO RUSANGE)

26. Igika cya mbere cy'Inyandiko y'Ibirego kiragira kiti :

1.Hagati y'itariki ya mbere Mutarama n'itariki ya 31 Ukuboza 1994, buri munyarwanda yabarizwaga muri bumwe mu bwoko bukurikira : Abatutsi, Abahutu n'Abatwa.

27. Mu rubanza rwa *Akayesu*, umutangabuhamya w'impuguke witwa Alison Des

Forges yavuze ko mu Rwanda hari amoko atatu atandukanye akurikira :

Abahutu, Abatutsi n'Abatwa²¹. Uregwa yavuze ko adahakana ko muri 1994

Abanyarwanda bari bafite amoko atatu, ariko yongeraho ko kugaragaza

itandukanyirizo ry'ayo moko byazanywe n'abakoloni cyangwa byari biriho na

mbere y'umwaduko w'abazungu²².

28. Niyo mpamvu Urugereko rwemeje ko muri kiriya gihe kivugwa mu Nyandiko

y'Ibirego buri Munyarwanda yabarizwaga muri bumwe mu bwoko bukurikira

²⁰ *Semanza*, Urubanza (Ch.).

²¹ Urubanza rwa *Gacumbitsi*, ikimenyetso-gihamya cy'Umushinjacyaha, urupapuro rwa 15 : inyandiko-mvugo y'iburanisha ryo kuwa 12 Gashyantare 1997, uwo muni Urugereko rukaba rwarawuhariye kumva ubuhamya bwa Alison Des Forges mu rubanza rwa *Akayesu*, urupapuro rwa 8 n'urwa 10.

²² Umwanzuro wa nyuma w'Uregwa, igika cya 124.

: Abahutu, Abatutsi n'Abatwa.

29. Mu gika cyayo cya kabiri, Inyandiko y'Ibirego iragira iti :

2. Hagati y'itariki ya mbere Mutarama n'itariki ya 17 Nyakanga 1994, mu Rwanda haberaga intambara hagati y'abenegihugu.

30. Kubera ko mu Nyandiko y'Ibirego hatavugwamo ibikorwa binyuraniye n'ingingo ya 3 ihuriweho n'Amasezerano Mpuzamahanga y'I Genève n'Amasezerano y'Inyongera II, Urugereko rusanga ntacyo rwavuga ku bikubiye mu gika cya kabiri cy'Inyandiko y'Ibirego.

31. Igika cya gatatu cy'Inyandiko y'Ibirego kiragira kiti :

3. Kubera urupfu rwa Perezida w'u Rwanda Juvénal HABYARIMANA rwabaye tariki ya 6 Mata 1994, maze ku munsu ukurikiyeho imirwano ikubura hagati y'abenegihugu, Guverinoma y'agateganyo yashyizweho tariki ya 8 Mata 1994 yahamagariye Ingabo z'igihugu, Imitwe yitwara gisirikare, Ubuyobozi bw'ibanze n'abaturage basanzwe kurwanya F.P.R. Inkotanyi. Uyu ukaba ari umutwe warwanyaga Leta yariho, wari ufite ishami rya politiki n'ishami rya gisirikari kandi wari ugizwe ahanini n'Abatutsi. Ingabo z'igihugu n'*Interahamwe* bagabye ibitero ku baturage b'Abatutsi bari imbere mu gihugu babita *ibyitso* by'ingabo zateye igihugu cyangwa babita abanzi. Hakoreshejwe urwitwazo rwo gutabara igihugu, abaturage basanzwe bo mu Rwanda, ariko cyane cyane Abahutu, bahamagariwe gusahura, kwica, gusambanya abagore ku gahato, kwica urubozo no gutsemba Abatutsi mu gihugu hose.

32. Iki gika kiravugaga ibintu muri rusange kandi ntikigaragaramo ibirego byihariye cyangwa byerekeye ibikorwa uregwa yakoze n'imyitwarire ye byaba bitandukanye n'ibyaha bivugwa mu bindi bika. Niyo mpamvu ntacyo

Urugereko ruzabivugaho.

33. Igika cya 26 cy'Inyandiko y'Ibirego kiragira kiti :

26. Hagati y'itariki ya 6 Mata n'itariki ya 17 Nyakanga 1994, ibitero byinshi kandi biteguye neza byagabwe ku baturage mu Rwanda hose, bazira ibitekerezo byabo bya politiki, cyangwa ubwoko bwabo.

34. Urugereko ntirwaregewe ibyaha byerekeye ibikorwa byakorewe ahandi hatari muri Komini RUSUMO. Ibikorwa bivugwa mu gika cya 26 cy'Inyandiko y'Ibirego bigomba kuba gusa ibyakorewe muri Komini RUSUMO kandi bigasuzumwa mu rwego rw'ibyaha byibasiye inyoko-muntu uregwa akurikiranweho. icyemezo Urugereko rwafashe ku byerekeye ibyo byaha kiri mu mutwe wa gatatu uribuze gukurikiraho.

***B. IGIKA CYA 4 KUGEZA KU GIKA CYA 7 N'IGIKA CYA 9 KUGEZA KU GIKA CYA 14
BY'INYANDIKO Y'IBIREGO (AMANAMA YAKOREWE KU RUSUMO N'I KIBUNGO,
INGENDO NYINSHI UREGWA YAKOZE MURI KOMINI RUSUMO
N'IKWIRAKWIZWA RY'INTWARO MU BATURAGE)***

1. Imvugo

35. Mu gika cya 4, icya 5, icya 6, icya 7, icya 9, icya 11, icya 12 n'icya 13

Inyandiko y'Ibirego iragira iti :

4. Sylvestre GACUMBITSI yayoboye ibikorwa by'ubugizi bwa nabi byakorewe Abatutsi muri Komini RUSUMO (perefegitura ya KIBUNGO). Ibyo bikorwa byari bigizwe ahanini no gushishikariza

abaturage b'Abahutu kwitandukanya n'abaturanyi babo b'Abatutsi ndetse no kubica byahitanye abantu benshi. Sylvestre GACUMBITSI yishe abantu ku giti cye, yategetse abo yayoboraga kwica kandi yayoboze ibitero azi neza cyangwa yagombye kuba yari azi ko abaturage b'abasivili bicwaga cyangwa bashoboraga kwicwa n'abantu yahaye amabwiriza.

5. Ku itariki ya 9 Mata 1994 cyangwa ahagana kuri iyo tariki, Sylvestre GACUMBITSI yatumiye abakonseye bese, abaresiponsabule bese, abakuru ba M.R.N.D. n a C.D.R. bo muri komini RUSUMO mu nama ku biro bya komini. Muri iyo nama, Burugumesitiri Sylvestre GACUMBITSI yamenyesheje abari bayitabiriye ko hagiye gutangwa imbunda zo gutsemba Abatutsi.
6. Ku itariki ya 10 Mata 1994 cyangwa ahagana kuri iyo tariki, Sylvestre GACUMBITSI yagiye mu nama mu kigo cya gisirikari cy'ingabo zatsinzwe i KIBUNGO. Muri iyo nama hari Koloneli Pierre Célestin RWAGAFIRITA n'abaturugumesitiri bese bo muri perefegitura ya KIBUNGO. Koloneli RWAGAFIRITA n'abandi basirikari bari aho bahaye buri mu burugumesitiri ibisanduku byuzuyemo za "grenades", imipanga n'izindi mbunda za gakondo. Sylvestre GACUMBITSI yahawe ibisanduku 100 birimo intwari maze nawe akwirakwiza zimwe muri izo ntware mu turere tunyuranye twa perefegitura ya KIBUNGO.
7. Ku itariki ya 12 Mata 1994 cyangwa ahagana kuri iyo tariki, Sylvestre GACUMBITSI amaze kujya inama na Majoro NDEKEZI yategetse abasirikari bato n'abasare bo mu biyaga byo muri segiteri GISENYI kubuza impunzi guhungira muri TANZANIYA.
- 9 Sylvestre GACUMBITSI yategetse ba resiponsabule na ba *nyumbakumi* guha imbunda bamwe mu baturage. Sylvestre GACUMBITSI yategetse kandi ba resiponsabule na ba *nyumbakumi* kubwira abaturage ko politiki ya Leta ari iyo gutsemba Abatutsi no kubashishikariza kuyishyira mu bikorwa. Abo bayobozi bo mu nzego zo hasi muri komini nabo bakwirakwije mu baturage intwari bari bahawe na Sylvestre GACUMBITSI, kandi bagize uruhare mu itsembatsemba bategeka abo bayoboraga kwica Abatutsi muri Komini yose.
11. Hagati mu cyumweru cyo ku itariki ya 11 Mata 1994, Sylvestre GACUMBITSI yazengurutse komini

RUSUMO ari mu modoka ya komini. Yari aherekewe n'abapolisi ba komini n'Interahamwe kandi iyo modoka yari irimo imihoro myinshi.

Urugero

Ku itariki ya 15 Mata 1994 cyangwa ahagana kuri iyo tariki, Sylvestre GACUMBITSI ari kumwe na MUNYABUGINGO, yapakiye intwara nyinshi zirimo n'imipanga maze yerekeza i NYARUBUYE.

12. Ku itariki ya 14 Mata 1994, Sylvestre GACUMBITSI yageze muri segiteri NYABITARE hanyuma atumaho ba *nyumbakumi* bose maze abakwirakwizamo imipanga. Yahaye abapolisi na ba *nyumbakumi* amabwiriza yo kwica Abatutsi bose bo muri ako karere mbere y'uko bwira kandi anavuga ko uwishe Umututsi wese agomba no kunyaga ibintu bye. Abapolisi na ba *nyumbakumi* bakurikije amabwiriza ya Sylvestre GACUMBITSI maze bica Abatutsi benshi barimo : KAGUMYA Léonard, GAHONDOGO n'abana be, RUNUYA n'abana be, MANIRIHO, KAGUMYA (wari umaze ibyumweru bibiri avutse), GASHUMBA, MUTEMPUNDU, MUKABERA, NYAMVURA, MUKADUSABE, BENIMANA.
13. Uretse kuba yarashishikarije abaturage kwica Abatutsi b'abasivili, Sylvestre GACUMBITSI yanagiye mu maserire anyuranye kugirango azenzwe uko ubwicanyi bukorwa.

36. Urugereko rusanze ibikorwa rusange bivugwa mu gika cya kane cy'Inyandiko y'Ibirego ari incamake y'Ikirego cy'Umushinjacyaha cyerekeye uburyozwacyaha bwa Sylvestre GACUMBITSI mu byaha byakozwe muri komini RUSUMO, ibi bikaba byarasuzumwe mu mutwe wa gatatu w'imikirize y'uru rubanza. Urugereko rurasanga ntamwanzuro rwafata ku byerekeye ibi bikorwa, uretse ku byerekeye ibikorwa byo gushishikariza mu ruhamwe Abahutu kwitandukanya n'abaturanyi babo b'Abatutsi no kubica.

37. Nk'uko Umushinjacyaha nawe abyemera²³, nta kimenyetso na kimwe cyagaragajwe gishinja uregwa ibyaha byihariye bivugwa mu gika cya 10 n'icya 14 by'Inyandiko

²³ T. tariki ya mbere Werurwe 2004.

y'Ibirego. Niyo mpamvu Urugereko nta mwanzuro rubifasheho.

38. Urugereko rurasanga impungenge zagarajwe n'uregwa avuga ko igika cya karindwi cy'Inyandiko y'Ibirego kituzuye, cyane cyane ku byerekeye ahantu yaba yarabonaniye na Majoro NDEKEZI, n'umwirondoro w'uyu musirikari nta shingiro zifite²⁴. Umwirondoro wa Majoro NDEKEZI urahagije, kandi Inyandiko y'Ibirego ikubiyemo ibindi bisobanuro bishobora gutuma umuntu amenya aho ibyaha byakorewe (ibiyaga byo muri segiteri GISENYI).

39. Uregwa yisobanura avuga ko nta mutangabuhamya n'umwe wahamagajwe n'Umushinjacyaha wigeze avuga amazina y'abishwe agaragara mu gika cya 12 cy'Inyandiko y'Ibirego²⁵. Urugereko rurasanga ikirego cy'itsembabwoko kireba umubare munini w'abishwe ku buryo muri uru rubanza Umushinjacyaha adashobora gusabwa gutanga urutonde rwuzuye rw'abantu bose bishwe. Niyo mpamvu kuba abatangabuhamya baragiye bavuga amazina y'abishwe batagaragara mu Nyandiko y'Ibirego bitabangamiye uregwa.

40. icyakora Urugereko rurasanga ubuhamya bwa TAC uvuga ubwicanyi bwakozwe tariki ya 15 Mata 1994 mu Kigo cy'Abihayimana b'Abanyagatolika cy'i NYABITARE atari ikimenyetso gishimangira ibirego biri mu gika cya 12 cy'Inyandiko y'Ibirego nk'uko Umushinjacyaha abyemeza²⁶. Mu by'ukuri, ubu buhamya bwerekeye igitero gishobora kuba cyaragabwe tariki ya 15 Mata 1995 i

²⁴ T. tariki ya mbere Werurwe 2004.

²⁵ Umwanzuro wa nyuma w'Uregwa, kuva ku gika cya 107 kugeza ku cya 108.

²⁶ Umwanzuro wa nyuma w'Umushinjacyaha, kuva ku gika cya 142 kugeza ku gika cya 153.

NYABITARE mu Kigo cy'Abihayimana b'Abanyagatolika maze kigahitana Abatutsi babiri aribo MUTUNZI na RUKOMEZA, mu gihe igika cya 12 cy'Inyandiko y'Ibirego cyo kivuga abantu baba baragabye igitero ahagana tariki ya 14 Mata 1994 ahantu hatazwi neza i NYABITARE maze bakica Abatutsi benshi b'abasivili, amazina ya bamwe muri abo bishwe akaba aboneka muri icyo gika. Amazina ya MUTUNZI na RUKOMEZA ntagaragara mu Nyandiko y'Ibirego. Urugereko rusanze umutangabuhamya TAC atavuga amazina y'abishwe aboneka mu Nyandiko y'Ibirego kandi mu buhamya bwe nta n'aho avuga ubwicanyi bukomeye bwaba bwarabaye uretse kuvuga gusa ko MUTUNZI na RUKOMEZA bishwe. Mu kwanzura, Urugereko rurasanga ibyaha bivugwa mu gika cya 12 cy'Inyandiko y'Ibirego bidahama uregwa. Urugereko rukaba rufashe icyemezo cyo gusuzuma ubuhamya bw'umutangabuhamya TAC bukurikira ku byerekeye ibyaha bikubiye mu gika cya 34 cy'Inyandiko y'Ibirego.

2. Ibimenyetso

Kuwa kane tariki ya 7 Mata 1994

41. **Umutangabuhamya TAW w'umututsi²⁷ wahamagajwe n'Ubushinjacyaha**, uzi uregwa kuva kera mbere ya 1994 kandi washoboye kwitegereza ibikorwa bye hagati y'itariki ya 7 n'ya 13 Mata 1994 kubera ko we ntacyo yashoboraga kuba, ashinja uregwa amanama menshi yakoranye n'abayobozi ba jandarumori muri icyo gihe²⁸.

²⁷ T. 20 Kanama 2003, kuva ku rupapuro rwa 4 kugeza k'urwa 6.

42. Umutangabuhamya TAW avuga ko kare mu gitondo cyo ku itariki ya 7 Mata 1994 uregwa yagiye mu kigo cya jandarumori cyari cyarashyizwe i RWANTERU ku buryo bw'agateganyo kubonana na Majoro NDEKEZI. Nyuma yaho, uregwa ari kumwe na Majoro bagiye mu kigo cya gisirikari kiri ku isumo ryo ku RUSUMO ku mupaka w'u RWANDA na TANZANIYA. Muri icyo kigo, babonanye na Majoro NSABIMANA. Ku gicamunsi, uregwa yabonanye na Koloneli RWAGAFIRITA wari umujandarume²⁹. Umutangabuhamya TAW ntiyakurikiranye iyo mibonano yose ariko yakurikiranye ubwe ikiganiro uregwa yagiranye na Majoro NDEKEZI. Muri icyo kiganiro Majoro NDEKEKEZI yagize ati : “ HABYARIMANA yapfuye. Kuki tutakwica Abatutsi bose bari mu RWANDA? Kuko turamutse tubishe, intambara ishobora kurangira”. Uregwa yamushubije ko Abatutsi bose atari babi³⁰.

43. Umutangabuhamya TAW yongeraho ko uwo munsi, uregwa yasabye umunyamabanga wa komini kwandika ku mashini ubutumwa butumira abakonseye mu nama yo kuwa gatandatu tariki ya 9 Mata. TAW yemeza ko ubwo butumwa bwagejejwe ku ba konseye n'abapolisi ba komini³¹.

44. **Umutangabuhamya ZEZ wahamagajwe n'uregwa** kandi wakoraga i RWANTERU hafi y'ikigo cya gisirikari avuga ko atigeze abona uregwa ku itariki

²⁸ T. 20 Kanama 2003, kuva ku rupapuro rwa 58 kugeza k'urwa 61. TAW yashoboye kwerekana Uregwa mu iburanisha : T. 20 Kanama 2003, urupapuro rwa 38.

²⁹ Mu nyandiko, izina “ RWAGAFIRITA” rishobora kwandikwa muri ubu buryo “RWAGAFILITA”.

³⁰ T. 20 Kanama 2003, kuva ku rupapuro rwa 10 kugeza k'urwa 12, no kuva ku rupapuro rwa 54 kugeza k'urwa 59.

³¹ T. 20 Kanama 2003, kuva ku rupapuro rwa 12 kugeza k'urwa 13.

ya 7 Mata 1994, ariko akongeraho ko atazi niba uregwa yaragiye mu kigo cya gisirikari cy'i RWANTERU uwo muni³².

45. **Uregwa** avuga ko atongeye gusohoka mu rugo rwe mu ijoro ryo ku itariki ya 6 Mata 1994 Radio Rwanda imaze gutangaza ko Perezida yapfuye. Bukeye bw'aho, ku itariki ya 7 Mata 1994, yabonye na superefe maze bafata icyemezo cyo guhumuriza abaturage no kubasaba kwihangana. Uretse superefe, nta wundi mutegetsi wigeze amusura ku RUSUMO uwo muni. Yongeraho ko icyo gihe komini RUSUMO yari mu bwigunge kuko itagiraga telefoni³³.

Kuwa gatanu tariki ya 8 Mata 1994

46. **Umutangabuhamyi TAW** avuga ko ku itariki ya 8 Mata 1994 uregwa yagiye mu nama yabereye hafi y'umujyi wa KIBUNGO. Yagiye mu modoka itwawe n'umushoferi we ari kumwe n'abapolisi batatu, na Justin MANAYABAGABO wari umuyobozi w'amashuri na perezida wa M.R.N.D. muri komini RUSUMO na Yozefu HABIMANA wari superefe wa superefegitura ya KIREHE. Inama yabereye mu kabari k'umucuruzi witwa RWAGASORI kari hafi y'ibiro bya perefegitura utaragera mu mujyi wa KIBUNGO. Muri iyo nama harimo aba bakurikira : perefere wa KIBUNGO, Koloneli RWAGAFIRITA, abaturugumesitiri b'amakomini yose yo muri KIBUNGO, abayobozi b'amashyamba ya politiki n'*Interahamwe* zari ziyobowe n'uwitwa CYASA. TAW utaragiye muri iyo nama bityo akaba

³² T. 6 Ukwakira 2003, urupapuro rwa 60.

³³ T. 21 Ugushyamba 2003, kuva ku rupapuro rwa 20 kugeza k'urwa 23.

adashobora gutanga ubuhamya kubyayivugiwemo, yemeza ko mu cyumba iyo nama yabereyemo hari abantu benshi kandi ko ari koloneli RWAGAFIRITA “ (...) wayiyoboye igihe kinini”. Uwo muni iyo nama iba, nibwo bwa mbere TAW yabonye *Interahamwe* zambaye umwambaro uziranga. Yongeraho ko mbere yaho *Interahamwe* n’abaturage bahabwaga imyitozo ya gisirikari muri komini RUSUMO ariko ko atari yarigeze azibona zambaye umwambaro uziranga³⁴.

47. Uregwa avuga ko ku itariki ya 8 Mata 1994 yagiye i KIBUNGO mu nama yatumijwe kandi ikayoborwa na perefere RUZINDANA Godefroid kugirango bige ku bibazo by’umutekano. Iyo nama yabereye mu cyumba cy’inama ku biro bya perefegitura³⁵.

48. Uregwa avuga ko buri mu burugumesitiri yasobanuye uko umutekano wifashe muri komini ayobora. Mu gihe abandi babwiye abari mu nama ko bafite ikibazo cy’umutekano muke mu makomini bayobora, uregwa we yavuze ko muri komini ayobora umutekano wifashe neza. Ba burugumesitiri bahawe amabwiriza yo kubungabunga umutekano bahabwa n’inshingano yo kuyageza kuri ba konseye no ku baturage bayobora. Ba burugumesitiri bagombaga kwita ku mutekano no gukoresha amanama yo gukangurira abaturage kurinda umutekano. Hashyizweho amategeko abuza abantu gutembera kandi abaturage basabwa gukora amarondo nijoro. Kuvangura amoko byari bibujijwe kandi abantu bahungabanya umutekano

³⁴ T.20 Kanama 2003, kuva ku rupapuro rwa 13 kugeza k’urwa 16, no kuva ku rupapuro rwa 60 kugeza k’urwa 65.

³⁵ T.21 Ugushyingo 2003, kuva ku rupapuro rwa 21 kugeza k’urwa 22.

bagombaga guhanwa. Ibyemezo byafatiwe muri iyo nama byatangajwe kuri radiyo³⁶.

49. Uregwa yongeraho ko nyuma y'iyi nama yasubiye muri komini RUSUMO maze ahita atumira abakonseye mu nama yo ku itariki ya 9 Mata 1994 kugirango abasabe kwita ku mutekano³⁷.

Kuwa gatandatu tariki ya 9 Mata 1994

50. **Umutangabuhamya TBH ushinja** kandi w'umuhutu, wari umuyobozi ku rwego rw'ibanze muri 1994 kandi wemera ko yagize uruhare mu bwicanyi bwakorewe Abatutsi hagati ya Mata na Gicurasi 1994, avuga ko amaze kuburanishwa no no guhanishwa igifungo cy'imyaka 15 mu Rwanda kubera uruhare yagize mu itsembabwoko ryo muri komini RUSUMO, yaje gufungurwa burundu atarangije igihano n'Iteka rya Perezida wa Repubulika mu ntangiriro z'umwaka wa 2003³⁸.

51. TBH avuga ko inama y'abakonseye yabereye muri IGA ya Komini RUSUMO ku itariki ya 9 MATA 1994 mu ma saa sita z'amanywa³⁹. Muri iyi nama hari abakonseye bakurikira : BIRASA wari konseye wa segiteri MUSAZA, AHISHAKIYE Claude wari konseye wa segiteri GATORE, BIZURU André wari

³⁶ T. 21 Ugushyirwa 2003, kuva ku rupapuro rwa 21 kugeza k'urwa 27. Reba ikimenyetso-gihamya cy'Uregwa No D07 : inyandiko-mvugo y'inama yo kuwa 8 Mata 1994 yatangajwe kuri radiyo.

³⁷ T. 21 Ugushyirwa 2003, kuva ku rupapuro rwa 27 kugeza k'urwa 29.

³⁸ T. 25 Kanama 2003, kuva ku rupapuro rwa 16 kugeza k'urwa 23, n'urupapuro rwa 28. TBH yerekanye Uregwa mu iburanisha : T. 25 Kanama 2003, urupapuro rwa 40.

³⁹ Ikigo cya IGA ni ikigo cy'amahugurwa umutangabuhamya ZEZ avuga ko cyari cyubatswe iruhande rw'ibiro bya komini. Reba : T. 6 Ukwakira 2003, urupapuro rwa 61.

konseye wa segiteri KIGINA, MUTABARUKA Anastase wari konseye wa segiteri KIREHE, RWABARINDA wari konseye wa segiteri NYABITARE, NYIRINGABO wari konseye wa segiteri KANKOBWA, KABANDANA Claudien wari konseye wa segiteri NYAMUGARI⁴⁰, KARAMAGE Ananie wari konseye wa segiteri NYARUBUYE na SEBIJOJO Seth wari konseye wa segiteri GISENYI. Uwari konseye wa segiteri KIGARAMA niwe wenyine utaritabiriye iyo nama⁴¹. Muri iyo nama hari kandi BUGINGO Edmond wari perezida wa M.R.N.D. muri komini RUSUMO na MANAYABAGABO Justin wari umunyamabanga w'iryo shyamba muri iyo komini. Uregwa ari nawe wari uyoboye iyo nama, yasobanuye uko ibintu byifashe nyuma y'urupfu rwa Perezida HABYARIMANA, avuga ko igihugu kiri mu ntambara, abwira abari mu nama ko ingabo za F.P.R. Inkotanyi zageze i KINIHIRA ko kandi hari abasore b'Abatutsi bo muri komini RUSUMO bagiye mu mutwe wa F.P.R. Inkotanyi. Uregwa yasabye abakonseye b'amasegiteri yo muri komini RUSUMO gukoresha amanama hagati y'itariki ya 9 n'ya 12 Mata 1994 mu masegiteri bayobora kandi bakabikora ku buryo Abatutsi batabimenya. Yanabasabye ko muri ayo manama babwira Abahutu ko Abatutsi bose bagomba gupfa ko nibitaba ibyo ibyitso by'Inkotanyi bishyikiriza *Inkotanyi* amazina yabo maze akaba ari bo bapfa mbere y'abandi. Avuga ko Abatutsi nibamara gupfa *Inkotanyi* nta byitso zizaba zigifite. Umutangabuhamya asobanura ko mbere y'iyi nama atari yarigeze na rimwe yumva uregwa ahamagarira abantu gutsemba Abatutsi. Hakurikijwe amabwiriza yatanze n'uregwa, amanama yose yagombaga gukorwa mbere y'itariki ya 12 Mata maze ubwicanyi bugatangira

⁴⁰ Mu nyandiko, izina "Nyamugari" rishobora kwandikwa ku buryo bukurikira : "Nyamugali".

⁴¹ T. 25 Kanama 2003, kuva ku rupapuro rwa 29 kugeza k'urwa 34.

ku itariki ya 13 cyangwa iya 14 Mata 1994. Asubiza ikibazo cy'Urugereko, umutangabuhamya TBH avuga ko ibyo gukwirakwiza intwano mu baturage bitavugiwe mu nama yo ku itariki yo kuwa 9 Mata 1994⁴².

52. Umutangabuhamya TBH yemeza ko nka burugumesitiri, uregwa yari akuriye abakonseye ba za segiteri kandi ko abakonseye bagombaga gukurikiza amategekako abahaye. icyakora asobanura ko bamwe mu bari mu nama yo ku itariki ya 9 Mata 1994 batishimiye amagambo yavuzwe n'uregwa ndetse bamwe muri bo bafata icyemezo cyo kudakoresha amanama, banga no kumenyesha ayo mabwiriza baresiponsabule b'amaserire agize amasegiteri bayobora⁴³.

53. Umutangabuhamya TBH avuga ko ibintu byari byifashe neza ku itariki ya 9 Mata 1994 n'ubwo kuwa ku itariki ya 8 Mata 1994 abantu bavugaga ko intambara yateye muri segiteri KIGINA. TBH avuga ko abicanyi bari batangiye kugaba ibitero mu makomini ahana imbibi na komini RUSUMO. Niyo mpamvu yemeza ko nta mutekano wari uhari⁴⁴.

54. Asubiza ikibazo cy'abacamanza, umutangabuhamya TBH yemeye ko nta wundi muntu yari yarigeze abwira ibyavugiwe mu nama yo ku itariki ya 9 Mata 1994 mbere y'uko aza gutanga ubuhamya mu Rukiko Mpanabyaha Mpuzamahanga rwashyirirwaho u Rwanda⁴⁵.

⁴² T. 25 Kanama 2003, kuwa ku rupapuro rwa 26 kugeza k'urwa 43; T. 26 Kanama 2003, urupapuro rwa 15, 16 n'urwa 24.

⁴³ T. 25 Kanama 2003, kuwa ku rupapuro rwa 30 kugeza k'urwa 31.

⁴⁴ T. 25 Kanama 2003. urupapuro rwa 79.

55. **Umutangabuhamya TAW ushinja** avuga ko mu gitondo cyo ku itariki ya 9 Mata 1994, uregwa yagiye mu nama yamuhuje n’abakonseye ku biro bya komini RUSUMO i NYAKARAMBI. Iyo nama yarangiye ku mugoroba. Uretse abakonseye ba za segiteri n’abaresiponsabule b’amaserire, iyo nama yari yatumiwemo bamwe mu bahagarariye amashyaka ya politiki. Nyuma yaho, umutangabuhamya TAW yaganiriye n’umwe mu bari bitabiriye iyo nama wamubwiye ko ibintu bimeze nabi, ko ak’Abatutsi kashobotse, ko kandi “ intwaro zigiyeye gukwirakwizwa mu baturage mu maguru mashya” kugirango babatsembe ndetse ko Abahutu, ishyaka MDR n’ishyaka CDR bari bamaze kwishyira hamwe kugirango barwanye Umututsi aho ava akagera⁴⁶. Nk’uko umutangabuhamya abivugaga, iyo nama yari igamije kumenyesha abakonseye amabwiriza yari yavuye mu nama yabereye i KIBUNGO kuwa 8 Mata 1994⁴⁷.
56. **Uregwa** avuga ko inama yateraniye ku RUSUMO tariki ya 9 Mata 1994 yari irimo abakonseye bose uretse umwe utari washoboye kuyizamo kubera ibibazo by’umutekano byari biri muri segiteri ayobora. Uregwa wari unayoboye iyo nama yibukije abari bayirimo ko bitemewe kugirira nabi icyitso cya .F.P.R. Inkotanyi. Inama irangiye, uregwa yagiye muri segiteri ya wa mukonseye utari waje mu nama⁴⁸.

⁴⁵ T.26 Kanama 2003, kuva ku rupapuro rwa 15 kugeza k’urwa 16.

⁴⁶ T. 20 Kanama 2003, urupapuro rwa 17, 18 n’urwa 65.

⁴⁷ T. 20 Kanama 2033, urupapuro rwa 62.

⁴⁸ T. 21 Ugushyingo 2003, kuva ku rupapuro rwa 27 kugeza k’urwa 29.

Ku cyumweru tariki ya 10 Mata 1994

57. **Umutangabuhamya TAW** avuga ko mu gitondo cyo ku cyumweru tariki ya 10 Mata 1994 uregwa yagiye mu kigo cya gisirikari i KIBUNGO ari kumwe n'abapolisi ba komini RUSUMO kandi aherekewe n'imodoka eshatu za komini. Muri icyo kigo hari kandi ba burugumesitiri b'amakomini ya SAKE na MUGESERA, hari n'amamodoka y'ayo makomini. Amaze kuvugana na Koloneli RWAGAFIRITA, uregwa yabwiye abashoferi ba za modoka kuziyana ahantu muri icyo kigo hari inzu yari irimo amakarito kugirango bapakiremo ayo amakarito nk'uko Koloneli RWAGAFIRITA yari yabitegetse. Abasirikari n'abapolisi bapakiye amakarito muri izo modoka. Ba burugumesitiri bo bari bafite inshingano zo kuyakira. Imodoka ebyiri zo mu bwoko bwa "Stout" za komini RUSUMO zari aho zapakiwemo amakarito 40 imwe imwe naho imodoka ya gatatu yo ipakirwamo amakarito 25. Ni ukuvuga ko amakarito yose hamwe ari 105. Amakarito asa n'ayo yapakiwe mu modoka za komini SAKE na MUGESERA. Umutangabuhamya TAW wiyemerera ko atigeze abona ibintu byari muri ayo amakarito, yaketse ko harimo intwari ahereye k'ukuntu ibintu byari byifashe no ku makuru yari yaraye ahawe n'umwe mu bari bitabiriye inama yabereye ku biro bya komini⁴⁹.

58. Nk'uko umutangabuhamya TAW abivuga, uregwa amaze kugaruka ku biro bya komini RUSUMO ku gicamunsi, yohereje imodoka imwe i NYARUBUYE, indi ayohereza i NYAMUGARI. Izo modoka zari zirimo abapolisi ba komini bari bafite

⁴⁹ T.20 Kanama 2003, kuva ku rupapuro rwa 18 kugeza k'urwa 23, urupapuro rwa 59 no kuva ku rupapuro rwa 66 kugeza k'urwa 67.

ubutumwa bwo gutanga amakarito yari yaturutse mu kigo cya gisirikari cy'i KIBUNGO. Uregwa we ubwe yagiye mu modoka yamujiyanye kwa GACONDO Léonidas wari resiponsabule wa serire KAVUZO yo muri segiteri KIGINA maze afatanyaga n'umushoferi gupakurura amakarito 15 bayashyira mu cyumba. Ku mugoroba, GACONDO yabwiye TAW ko muri ayo makarito harimo intwari. Nyuma yaho, uregwa yagiye kuri Santeri y'ubucuruzi ya GASENYI iri muri segiteri KIGARAMA hafi y'uruzi rw'AKAGERA. Yahahuriye n'umuntu witwaga André, wari umucuruzi akaba n'umusare ndetse akaba n'umuyobozi w'ishyamba rya CDR muri ako karere. Uregwa yategetse abapolisi bari bamuherekeje gushyira amakarito yari asigaye kwa André mu cyumba. Hanyuma asaba André "(...) kubuza abantu kwambukira (uruzi)" aho hantu. Nk'uko umutangabuhamya abyemeza, uregwa yashakaga kuvugaga Abatutsi bahungaga ubwicanyi bashakaga guhungira muri TANZANIYA⁵⁰.

59. **Uregwa** avugaga ko ku itariki ya 10 Mata 1994 ari kumwe na Subusititi bagiye kwa konseye BIRASA w'umututsi wari waraye atewe n'abantu bakamutwikira inzu. Uregwa avugaga ko yatashye ku mugoroba nko mu ma saa kumi n'ebiri⁵¹.

Kuwa mbere tariki ya 11 Mata 1994

60. **Umutangabuhamya TAW** avugaga ko mu gitondo cyo ku itariki ya 11 Mata 1994, uregwa yabanye kubonana na CYASA wari kumwe n'*Interahamwe* enye cyangwa

⁵⁰ T. 20 Kanama 2003, kuva ku rupapuro rwa 23 kugeza ku rupapuro rwa 28, no kuva ku rupapuro rwa 69 kugeza ku rupapuro rwa 72; T. 21 Kanama 2003, urupapuro rwa 3, urwa 4 n'urwa 22.

⁵¹ T. 21 Ugushyamba 2003, kuva ku rupapuro rwa 29 kugeza ku rupapuro rwa 30.

eshanu, akurikizaho Majoro NDEKEZI babonaniye mu kigo cya gisirikari cya RWANTERU, hanyuma abonanira na Majoro NSABIMANA wari kumwe na Majoro NDEKEZI hamwe na CYASA mu kigo cya gisirikari cyo ku RUSUMO. icyakora, ntashobora gutanga ubuhamya ku byo bavuganye⁵².

61. **Uregwa** avuga ko mu ijoro ryo kuwa 10 rishyira uwa 11 Mata 1994, abantu bagabye igitero mu rugo rw'Umuhutu n'urw'Umututsi maze babasenyera amazu. Bukeye bwaho, yagiye gukora ipereza aho ibyo bikorwa byari byabereye maze afata abantu benshi bari batunzwe agatoki. Yakoresheje inama y'umutekano maze asaba abaturage guhagarika ibyo bikorwa. Nyuma yaho, yafungiyeye muri kasho ya komini abagizi ba nabi bari bafatiye muri ibyo bikorwa maze dosiye yabo ayohereza Subusititi. Mu ijoro ryo kuwa 11 rishyira uwa 12 Mata 1994, muri segiteri GATORE hakozwe ubwicanyi. Amaze kubimenyeshwa, uregwa yaratabaye. Yatumiye abaturage b'iyo segiteri mu nama y'umutekano maze bamugezaho amazina y'abagizi ba nabi bari bakoze ubwo bwicanyi. Muri bo, havuzwemo agatsiko kari kayobowe n'umuntu wari wariyise "Maréchal". Afatanyije n'Umugenzacyaha, yakoze iperereza n'isaka mu mazu y'abaturage maze ibintu byari byasahuwe muri icyo gitero birafatwa ndetse n'abagizi ba nabi bari bagabye icyo gitero barafatwa bafungirwa muri kasho ya komini. Muri komini ibintu byagendaga birushaho kuzamba kubera ko abagizi ba nabi batishimiye ibyemezo uregwa yafashe. Bamwe mu baturage barivumbuye, bajya kuri kasho ya

⁵² T.20 Kanama 2003, kuva ku rupapuro rwa 28 kugeza k'urwa 29.

komini maze, ku itariki ya 12 Mata 1994, nyuma ya saa sita, bafungura ku ngufu abari bayifungiyemo uregwa adahari kuko yari i GATORE⁵³.

Kuwa kabiri tariki ya 12 Mata 1994

62. **Umutangabuhamya TAW** avuga ko kuwa kabiri tariki ya 12 Mata 1994 uregwa yatangiye kuzenguruka amasegiteri agize komini ayobora kugirango arebe niba abakonseye barakoze cyangwa bateganya gukora amanama y'umutekano, Uregwa yabanje kujya gukora igenzura muri segiteri KIGINA, hanyuma ajya kureba Majoro NDEKEZI mu kigo cya gisirikari cya RWANTERU, maze nyuma yaho ajya mu masegiteri akurikira : NYARUBUYE, KANKOBWA, NYABITARE, NYAMUGARI, GASENYI, KIGARAMA, GATORE na KIREHE. Yarangirije urugendo rwe i NYAKARAMBI ijoro rimaze kugwa. Izo ngendo ntizari zigamije guhura n'abaturage, ahubwo yazikoze ashaka guhura n'abakonseye kugirango ababaze ibibazo byerekeye amanama yagombaga gukorwa. Mu rugendo yakoze i GASENYI, Uregwa yabonye n'uwitwa André maze amusaba kumubwira uko ibintu byifashe muri ako karere. Yongeye kumwibutsa ko nta muntu ugomba kunyura aho hantu ahunga. Abapolisi ba komini nabo bahawe inshingano yo kujya kureba ko nta muntu wambuka uruzi ahunga⁵⁴.

63. **Umutangabuhamya YEW wahamagajwe n'uregwa** avuga ko ku itariki ya 12 Mata 1994 mbere ya saa yine yabonye Burugumesitiri aganira n'Umugenzacyaha

⁵³ T. 21 Ugushyingo 2003, kuva ku rupapuro rwa 29 kugeza k'urwa 31.

⁵⁴ T. 20 Kanama 2003, kuva ku rupapuro rwa 30 kugeza k'urwa 31.

hafi y'ibiro bya segiteri GATORE. Ku mugoroba, nko mu ma saa kumi n'imwe cyangwa saa kumi n'ebiri, yabonye abantu bo muri segiteri NYAMUGALI barimo uwitwa NKUNZUMWAMI Augustin bakunze kwita "Maréchal". Abo bantu bavugaga ko bari bafunzwe na Burugumesitiri, maze bamaze gufungurwa bavuga amagambo y'iterabwoba agaragaza ko barakariye Burugumesitiri kandi ko bashaka kumugirira nabi⁵⁵.

64. **Umutangabuhamya YCW wahamagajwe n'uregwa kugirango amushinjure** avuga ko ku itariki ya 12 Mata 1994 mu ma saa mbiri, yabonye Burugumesitiri, Konseye n'Umugenzacyaha ku biro bya segiteri bakora iperereza ku bwicanyi bwari bwakorewe KURUNZIZA n'umuryango we muri serire ya NYAMIRYANGO. Iryo perereza ryatumye abakoze ubwo bwicanyi bafatwa NKUNZUMWAMI Augustin bita Maréchal, BUGINGO Sunahire, HABUKUBAHO, BATEGE NTEZIRYAYO, UWIZEYE wari waravuye mu gisirikari, HAVUGIMANA Grégoire, NTAMBARA na MUNYARUBUGA bakekwagaho kuba barakoze ubundi bwicanyi nabo barafashwe maze biyemerera ko bari mu gatsiko kayobowe na NKUNZUMWAMI Augustin. Burugumesitiri nabo yabafungiyeye muri kasho ya komini maze basangamo abari bagabye ibiterio i NYAMUGALI. Burugumesitiri yahise akoresha inama abaturage ku biro bya segiteri maze ababwira ko bagomba gufata umugizi wa nabi uwo ariwe wese maze bakamushyikiriza ubutegetsu. Kubera abantu bari bafunzwe, uwo munsu nyuma ya saa sita, i NYAKARAMBI abaturage barijijuse ku mugaragaro maze bavuga ko

⁵⁵ T. 15 Ukwakira 2003, kuva ku rupapuro rwa 84 kugeza k'urwa 85; T. 16 Ukwakira 2003, urupapuro rwa 4.

batishimiye imikorere ya Burugumesitiri na Superefe ndetse banavuga ko bashobora kubagirira nabi. Umutangabuhamya avuga ko mu bantu bagera kuri mirongo itanu yabonye bigaragambya hari harimo n'abari bafunzwe na Burugumesitiri. Umutangabuhamya avuga ko yumvise abantu bavuga ko hari inyandiko itariho umukono yari yakwirakwijwe na CYASA yavugaga ko Burugumesitiri na Superefe ari ibyitso by' *Inkotanyi*⁵⁶.

65. **Umutangabuhamya XW10 wahamagajwe n'uregwa** avuga ko atigeze yumva abantu bavuga ko uregwa yatanze amabwiriza yo kubuza abantu bashakaga guhungira muri TANZANIYA kwambuka uruzi rw'Akagera. Kimwe n'abandi benshi, yemeje ko we ubwe yashoboye kujya muri TANZANIYA ku itariki ya 13 Mata 1994 anyuze ku cyambu. Mu gusubiza ibibazo by'abacamanza, umutangabuhamya yemeye ko atigeze abona uregwa hagati y'itariki ya 7 n'ya 13 Mata 1994.⁵⁷

66. **Umutangabuhamya XW11 wahamagajwe n'uregwa kugirango amushinjure** avuga ko kuva ku itariki ya 7 Mata 1994 yari umusare mu ruzi rw'Akagera akorera ku cyambu kiri hagati y'imisozi ya KAREBEZO na BWIZA. Umutangabuhamya yongeraho ko ahagana ku itariki ya 27 cyangwa iya 28 Gicurasi 1994 yambukije uregwa wari uhungiye muri TANZANIYA. Yongeraho ko atigeze yumva umuntu n'umwe waba yarabujijwe kwambuka uruzi rw'Akagera muri icyo gihe⁵⁸.

⁵⁶ T. 16 Ukwakira 2003, kuva ku rupapuro rwa 22 kugeza k'urwa 24.

⁵⁷ T. 13 Ukwakira 2003, urupapuro rwa 31, urwa 33 n'urwa 36.

⁵⁸ T. 13 Ukwakira 2003, urupapuro rwa 44, urwa 45 n'urwa 49.

Kuwa gatatu tariki ya 13 Mata 1994

67. **Umutangabuhamya TAS wahamagajwe n'Ubushinjacyaha**, akaba ari Umuhutukazi washatse umugabo w'Umututsi kandi uzi neza uregwa akaba yarashoboye no kumwerekana mu iburanisha, avuga ko kuwa gatatu tariki ya 13 Mata 1994 mu ma saa yine cyangwa saa tanu za mu gitondo yabonye uregwa hafi y'isoko rya NYAKARAMBI ari kumwe n'abapolisi ba komini RUSUMO. Akoresheje indangururamajwi, uregwa yahamagariye abaturage kuza mu nama inyuma y'amaduka iruhande rw'isoko. Abapolisi bari bafite imbunda bagumye mu modoka uretse umwe muri bo witwa KAZOBA nawe wari ufite imbunda wavuye muri iyo modoka akajya guhagarara iruhande rw'uregwa. Aho hantu hahuriye abantu bari hagati ya mirongo inani n'ijana. Hafi ya bose bari Abahutu ndetse bamwe muri bo bari *Interahamwe*. Uregwa yabwiye abari aho ko bagomba kuba maso kandi bagakora uko bashoboye kugirango hatagira umuntu n'umwe ubacika. Yongeyeho ko bagomba gukurikiza urugero rwa komini RUKIRA, maze abereka amazu yari arimo kugurumana muri iyo komini ku buryo abantu bari aho ku isoko ry'i NYAKARAMBI bashoboraga kuyabona. Uyu mutangabuhamya kimwe n'inshuti ye y'Umututsikazi yari imuri iruhande bahise bumva uregwa aribo avuga maze bahita bigendera. TAS asobanura ko yumvise amagambo ya Burugumesitiri asobanura ko bagomba gutangira ubwicanyi nk'uko mu yandi makomini byari bimeze. Ku mugoroba w'uwo muni, mu gihe yari yihishe mu gihuru cyari muni y'umuhanda, KAZOBA yarahanyuze maze TAS yumva abwira umuntu bari kumwe ko bukeye bwaho kuwa kane tariki ya 14 Mata 1994 guhera saa sita

z'amanywa nta mututsi n'umwe wagombaga kuba akiriho kuko uregwa yari yasabye ko Abatutsi bose bicwa bahereye kuri MARIE na BEATRICE bari bacumbitse iwe bakodesha. TAS yongeraho ko uwo munsu ku manywa uregwa yari yirukanye abantu bari bahungiyeye ku biro bya komini RUSUMO⁵⁹.

68. Nanone TAS asobanura ko nyuma y'urupfu rwa Perezida HABYARIMANA habaye amanama rwihishwa akaba ataremerewe kuyajyamo kuko yari yarashatse mu Batutsi kandi Abatutsi bakaba bari baratangiye kwicwa kuva ku itariki ya 12 Mata 1994 mu masegiteri ya KIREHE na KIGINA⁶⁰.

69. **Umutangabuhamya TAW** avuga ko ku itariki ya 13 Mata 1994 mu ma saa tatu za mu gitondo, uregwa amaze kujya i NYAKARAMBI aho yari afite amazu akodesha no kwirukana abari bayarimo, yatumiye indangururamajwi kuri komini maze abwira abapolisi guhuriza hamwe abantu bari mu isoko ry'i NYAKARAMBI. Uregwa yababwiye ko bibujijwe kuva muri segiteri imwe ujya mu yindi kandi ko bagomba gushinga za bariyeri ku mihanda kugirango bashobore gutangira abantu bahungaga. Yakomeje avuga ko nta muntu uturuste mu yindi komini ugomba kwinjira muri komini RUSUMO kandi ko bagomba gukora amarondo nijoro no kugenzura za bariyeri ziri ku mihanda. Umutangabuhamya asobanura ko uregwa amaze kubereka amazu yashyaga muri komini RUKIRA yabwiye abaturage aya magambo : “ Nimurebe ibibera muri komini RUKIRA. Nimugende maze murinde umutekano wanyu. Nta kundi byagenda. Buri wese agomba kurinda umutekano

⁵⁹ T. 5 Kanama 2003, urupapuro rwa 11, kuva ku rupapuro rwa 13 kugeza k'urwa 17, kuva ku rupapuro rwa 31 kugeza k'urwa 40 no kuva ku rupapuro 58 kugeza k'urwa 59.

⁶⁰ T. 5 Kanama 2003, urupapuro rwa 16.

we”. K’ubw’umutangabuhamya TAW, ayo yari amayeri kuko mu by’ukuri uregwa yashakaga guhumuriza abaturage no kubarangaza kugirango hatagira umuntu n’umwe ushaka guhunga : “yashakaga kuyobya uburari”. Nk’uko TAW abivuga, uregwa yari yamenyeshejwe umugambi ukurikira : *Interahamwe* zagombaga kuva i KIBUNGO maze zikaza kwicira Abatutsi kuri iryo soko”⁶¹

70. TAW asobanura ko igitero cyo ku isoko ry’i NYAKARAMBI kitabaye muri icyo gitondo maze bigeze mu ma saa munani “abari aho” bacika intege. Intumwa ziturutse i KIBUNGO zabamenyesheje ko igitero kitakibaye kubera ko mu gihe abicanyi barimo *Interahamwe* zari ziyobowe na CYASA berekezaga ku RUSUMO kugirango bagabe igitero i NYAKARAMBI baje kumenya ko Burugumesitiri wa komini RUKIRA n’abapolisi ba komini banze ko Abatutsi bo muri icyo komini bicwa maze bahita bafata icyemezo cyo kujyayo⁶².

71. **Umutangabuhamya w’Umuhutu YCW wahamagajwe n’uregwa** avuga ko ku itariki ya 13 Mata 1994, igihe yaganiraga n’abandi bacuruzi imbere y’iduka rye, uregwa yababwiye ko ibintu byamurenze anabagira inama yo guhunga. Inzererezi n’izindi mburamukoro zari aho zahise zimwibasira kumugaragararo ndetse zitangira kuvuga ko Burugumesitiri ari icyitso cy’*Inkotanyi*⁶³.

⁶¹ T. 20 Kanama 2003, kuva ku rupapuro rwa 333 kugeza k’urwa 35. T. 21 Kanama 2003, kuva ku rupapuro rwa 11 kugeza k’urwa 12.

⁶² T. 20 Kanama 2003, kuva ku rupapuro rwa 35 kugeza k’urwa 36.

⁶³ T. 16 Ukwakira 2003, kuva ku rupapuro rwa 25 kugeza k’urwa 27.

72. **Uregwa** avuga ko nyuma y'igitero ibisambo byagabye mu rugo rwari hafi y'uruzi rw'Akagera ku itariki ya 13 Mata 1994, yagiye yo kugirango yirebere uko ibintu byagenze maze icyo kibazo akimenyesha Pariki. Uregwa yasubiye ku biro bya komini nko mu ma saa saba z'amanywa. Ageze i NYAKARAMBI yahasanze umwuka mubi cyane uturutse kuri za ntumwa zari zaturutse i KIBUNGO zoherejwe na CYASA⁶⁴. Izo ntumwa zamwutse inabi maze zigereranya inzu ye na "CND", iyi ikaba yari inzu ingabo za F.P.R. zari zicumbikiwemo i KIGALI. Abibonye atyo, yahise agira inama yo guhungira muri TANZANIYA umushoferi we wari Umututsi. Uregwa nawe yagiye kwa Superefe kuko yatekerezaga ko ashobora kwicwa. Uregwa yashakaga guhunga⁶⁵.

Kuwa kane tariki ya 14 Mata 1994

73. **Umutangabuhamya TBJ wahamagajwe n'Ubushinjacyaha**, akaba ari Umuhutu⁶⁶ wafunzwe muri 1997 aregwa ibyaha bifitanye isano n'itsembabwoko n'itsembatsemba hanyuma akaza kurekurwa by'agateganyo muri 2003, ubu akaba ategereje kuburanishwa n'Inkiko GACACA, avuga ko kuwa kane tariki ya 14 Mata 1994, hagati ya saa yine na saa sita z'amanywa, yabonye uregwa agera kuri Santeri y'ubucuruzi y'i RWANTERU. Uregwa yari kumwe n'abapolisi barimo Burigadiye witwa RUKARA, Burigadiye wungirije witwa KAZOBA na BERAKUMENYO. Uregwa yabwiye uyu mutangabuhamya n'abo basangiraga inzoga ko atangajwe no

⁶⁴ Rishobora kwandika na none kuri ubu buryo : Kasa, reba : T. 21 Ugushyingo 2003, urupapuro rwa 42.

⁶⁵ T. 21 Ugushyingo 2003, kuva ku rupapuro rwa 41 kugeza k'urwa 43.

⁶⁶ T. 18 Kanama 2003, urupapuro 75.

kubona binywera inzoga aho gufatanya n’abandi “kurwanya umwanzi”⁶⁷. Iyi mvugo ikaba yarasobanuraga guhiga Abatutsi no gusahura ibyabo. Kuri iyo Santeri y’ubucuruzi aho uregwa yavugiye ayo magambo hari nibura abantu bagera ku ijana. Uwitwa Juvénal NTAMWEMEZI bari barahimbye “ Serija” witwaraga nk’intumwa y’uregwa cyangwa “umuhagarariye”⁶⁸ yaremye amatsinda abiri y’abicanyi. Itsinda rimwe ryagumye muri ako gace maze ryigabiza urugo rwa BUHANDA Ludovoco⁶⁹ n’ibyho yari atunze. Irindi tsinda uyu mutangabuhamya yari arimo kandi ryari rigizwe n’abantu bari hagati ya mirongo itanu na mirongo itandatu, bitwaje ibibando n’imipanga, ryakurikiye Burugumesitiri maze berekeza i KIGARAMA. KIGARAMA iri mu bilometero icumi uturutse kuri Santeri y’ubucuruzi. Hari urugendo rw’isaha ku muntu ugenda n’amaguru. Muri iri tsinda harimo abasirikari babiri bafite imbunda n’abandi bantu bake bafite za “grenades”. Abicanyi bagiye i KIGARAMA kwa Callixte bavugaga ko ari Umututsi bari bayobowe n’umusore witwa BAMENYA, bageze mu nzira bahura n’abandi bantu maze barema umutwe w’abantu bari hagati y’ijana na mirongo itanu na magana abiri. Basahuye ibintu byari mu nzu ya Callixte ndetse batwara n’inka ze. Nk’uko umutangabuhamya abivuga, icyo gitero cyagabwe mu rwego rwo “gushyira mu bikorwa amabwiriza” uregwa⁷⁰ yari yatanze.

74. Umutangabuhamya TBH ushinja avuga ko ku itariki ya 14 Mata 1994, hagati ya saa sita na saa saba z’amanywa, yabonye uregwa aje aho imodoka zihagarara i

⁶⁷ T. 18 Kanama 2003, urupapuro 75.

⁶⁸ T. 19 Kanama 2003, urupapuro rwa 4.

⁶⁹ Mu iburanisha Buhanda bamwita Ludovico cyangwa Ludoviko cyangwa Louis.

⁷⁰ T. 18 Kanama 2003, kuva ku rupapuro rwa 77 kugeza k’urwa 78 ; T. 19 Kanama 2003, kuva ku rupapuro rwa 2 kugeza k’urwa 5 n’urupapuro rwa 29.

RWANTERU, ari mu modoka ya komini kandi aherekejwe n’abapolisi ba komini. Uyu mutangabuhamya avuga ko yumvise abantu bavuga ko uregwa akiri mu modoka ye yakankamiye abantu benshi bari bateraniye aho muri aya magambo : “Murihagarariye kandi abandi barangije. Nimufate imipanga yanyu kandi mukore k’uburyo hatagira Umututsi n’umwe uzaba akiriho ejo mu gitondo!” Uyu mutangabuhamya asobanura ko “amaze kuvuga ayo magambo abaturage bafashe imipanga”⁷¹. Hashize akanya gato uregwa amaze kuvuga iryo jambo, TBH yabonye abacuruzi bafunga amaduka yabo n’abaturage bafite imipanga berekeza i KIGARAMA uregwa abarangaje imbere. TBH yumvise kandi abantu bavuga ko uregwa yahaye Juvénal NTAMWEMEZI wari ufite ipeti rya serija mu ngabo zatsinzwe amabwiriza yo kwica abantu⁷².

75. TBH avuga ko kubera ko yari yiyumviye amategeko yatanzwe n’uregwa kandi adashobora kumusuzugura, yahise ahamagarira abandi baturage kujya kwica Abatutsi bo muri serire BUGARURA ndetse afata icyemezo cyo kwitabira ubwicanyi kugirango hatagira umurega ko yasuzuguye amategeko yatanzwe no kugirango “akomeze kwizerwa”⁷³.

76. TBH asobanura ko mu gihe cy’ubwicanyi bwakozwe hagati y’itariki ya 14 n’iya 16 Mata 1994 Abatutsi bishwe mu maserire yose ya RUSUMO. Avuga ko abantu bishwe bari hagati ya magana atatu na magana ane. TBH yongeraho ko muri serire RUGANGO Abatutsi 57 bafungiranwe mu mazu y’abo n’abasirikari bagendaga

⁷¹ T. 25 Kanama 2003, urupapuro rwa 34.

⁷² T. 25 Kanama 2003, kuva ku rupapuro rwa 35 kugeza k’urwa 36.

⁷³ T.25 Kanama 2003. kuva ku rupapuro rwa 36 kugeza k’urwa 37.

berekwa n'Abahutu amazu y'Abatutsi maze bayabarasiramo. Nk'uko abivuga, ubwicanyi bwatangijwe na Burugumesitiri abitewemo inkunga n'abapolisi. Yemeza ko Burugumesitiri nta mugizi wa nabi yigeze ahana⁷⁴.

77. **Umutangabuhamya** w'umuhutu⁷⁵ **TBK ushinja** yafunzwe muri 1997 hanyuma aza gufungurwa by'agateganyo muri 2003 kubera ko yemeye ko yishe umuntu none ubu ategereje gucibwa urubanza n'Inkiko GACACA. Avuga ko kuwa kane tariki ya 14 Mata 1994 nko mu ma saa cyenda yabonye uregwa i MUSAZA, kuri Santeri y'ubucuruzi ya KANYINYA no ku RUSUMO. Uregwa yaje mu modoka y'ikamyoneti y'umweru ifite ibyicaro bibiri (double cabine), ari kumwe n'abantu bane barimo abapolisi babiri bambaye umwambaro ubaranga, umwe muri bo witwa BERAKUMENYO afite imbunda. Yari kumwe kandi n'umusirikari ndetse n'umushoferi. Uregwa yabwiye aya magambo abantu bagera ku icumi barimo TBK bari aho : “Abandi barangije akazi. Mwe mukagejeje he?”⁷⁶. Abantu bababajije ako “kazi” ako ari ko, BERAKUMENYO abatungira agatoki umugore wacuruzaga ikigage ababwira ko agiye kubereka ko uwo mugore ari Umututsikazi. Kubera ko bamusubije ko uwo mugore atari Umututsikazi, uwo mugore ntacyo yamutwaye. Uregwa yahise avuga ko umuntu wese usa n'Umututsi agomba guhita yicwa, hanyuma ahita yerekeza ku isoko rya NGANDA. Uregwa amaze kugenda, abasore babiri bo muri ako karere bari baravuye mu gisirikari aribo NKAKA na SENDAMA bari kuri iyo Santeri y'ubucuruzi bashyize ayo mabwiriza mu bikorwa. Kuva ku itariki ya 15 Mata 1994, abo basore bari bafite imbunda

⁷⁴ T. 25 Kanama 2003, kuva ku rupapuro rwa 37 kugeza k'urwa 38.

⁷⁵ T. 19 Kanama 2003, kuva ku rupapuro rwa 36 kugeza k'urwa 37.

⁷⁶ T. 19 Kanama 2003, urupapuro rwa 44.

bahamagariye abaturage kwica, gusahura no gusenya. Umutangabuhamya avuga ko ibitero byibasiye Abatutsi hakurikijwe amabwiriza yari yatanzwe n'Uregwa. Uyu mutangabuhamya nawe yagize uruhare mu bitero byagabwe i MUYOKA byahitanye abantu bagera ku ijana. TBK yongeraho ko ku itariki ya 15 Mata 1994 aribwo yatangiye kwitwaza umuheto yari asanzwe akoresha mu guhiga inyamaswa ariko ko Umututsi wa mbere yari azi⁷⁷ yamwishe ku itariki ya 16 Mata.

78. **Umutangabuhamya TBI ushinja** ni Umuhutu⁷⁸ kandi muri 1994 yari atuye muri komini RUSUMO. Yafunzwe muri 1997 azira ko yishe abantu batatu uretse ko we abihakana. Yarekuwe by'agateganyo muri 2003 amaze kwirega ibindi byaha yakoze. Kuva icyo gihe, ategereje gucibwa urubanza n'Inkiko GACACA⁷⁹.

79. TBI avuga ko yabonye uregwa ku itariki ya 14 Mata 1994 nko mu ma saa kumi kuri Santeri y'ubucuruzi ya GASENYI. Uregwa wagenderaga mu ikamyoneti ya komini RUSUMO y'umweru, yo mu bwoko bwa "Hilux" kandi ifite ibyicaro bibiri (double cabine) yari kumwe n'abapolisi ba komini bafite imbunda n'Umugenzacyaha wa komini RUSUMO. Uregwa yabwiye abantu bagera kuri mirongo ine bari aho ko bagomba kwica Abatutsi imirambo yabo bakayijugunya mu ruzi. Yategetse abasare kuvana amato yabo mu ruzi rw'Akagera kugirango Abatutsi batayakoresha bahunga. Nyuma y'ayo magambo, TBI yumvise uregwa abwira André NYANDWI ko agomba gukora ku buryo abaturage bashyira mu

⁷⁷ T.19 Kanama 2003, kuva ku rupapuro rwa 42 kugeza k'urwa 45, urupapuro rwa 49, urwa 50, urwa 54, urwa 55 n'urwa 56.

⁷⁸ T. 18 Kanama 2003, urupapuro rwa 7.

⁷⁹ T. 18 Kanama 2003, kuva ku rupapuro rwa 8 kugeza k'urwa 11.

bikorwa amategeko yari amaze gutanga. Kimwe n'abandi Banyarwanda muri rusange, TBI yubaha kandi yumvira cyane abategets. Niyo mpamvu yakurikije amabwiriza ya Burugumesitiri. Abatutsi bake bari kuri Santeri ya GASENYI igihe uregwa yatangaga amabwiriza bahise bahunga kuko bahise bamenya ko akabo kashobotse. Igihe abaturage bahigaga Abatutsi mu mazu yabo, bakayasenya ndetse bagasahura n'ibintu byabo, Abahutu bamwe bahise Abatutsi. Nk'uko TBI abivuga, Burugumesitiri amaze kuvuga ijambo, Abahutu bahise batangira gusahura, gutwika amazu y'Abatutsi no kubaga amatungo yabo kubera ko nta kundi bari kubigenza. TBI nawe ari mu basahuye. icyakora yafashije inshuti ze ebyiri z'Abatutsi guhunga mbere y'uko yica abandi batutsi. Uregwa amaze kuvuga ijambo, abapolisi n'Umugenzacyaha basabye abantu gukurikiza amabwiriza yari amaze gutanga⁸⁰.

80. Umutangabuhamya TBI yongeraho ko uregwa yari yatanze amabwiriza asobanutse ku byerekeye konseye wa segiteri ye wari Umututsi. Ayo mabwiriza yavugaga ko kwica Abatutsi bitareba uwo mu konseye n'umuryango we. Uwo mu konseye aracyariho kandi n'ibintu bye ntibyigeze bisahurwa⁸¹.

81. **Uregwa** avuga ko ku itariki ya 14 Mata 1994 yari mu rugo iwe kandi ko atigeze ahava. Yari yabwiye abo mu muryango we kubwira abamushaka ko adahari. Ntiyashakaga guhunga kandi yari ategereje ko abategets bagira icyo bamumarira⁸².

⁸⁰ T. 18 Kanama 2003, urupapuro rwa 17, kuva ku rupapuro rwa 20 kugeza k'urwa 25, urupapuro rwa 37 n'urwa 41 ; reba n'ikimenyetso-gihamya ku rupapuro rwa 12.

⁸¹ T. 18 Kanama 2003, urupapuro rwa 51.

⁸² T. 21 Ugushyingo 2003, urupapuro rwa 45 n'urwa 46.

82. **Umutangabuhamya w'Umuhutu⁸³ RDR wahamagajwe n'uregwa kugirango amushinjure** avuga ko kuri iyi tariki ya 14 Mata 1994 atigeze abona uregwa cyangwa undi mutegetsi uwo ariwe wese. Yongeraho ko konseye wa segiteri yabo na Burugumesitiri GACUMBITSI batigeze bakoresha inama mu karere k'iwabo muri Mata 1994⁸⁴.

3. Impaka n'imyanzuro

83. Urugereko rusanze hari byinshi ubuhamya bwa TAW n'ubwa TBI buhurizaho. icyakora Urugereko rwasanze hari ibintu bike badahurizaho nk'itariki impapuro zitumira abaturage mu nama yo ku itariki ya 9 Mata 1994 zohererejwe, umubare w'abantu bayitabiriye, no kuba umugambi wo gukwirakwiza intwari waba warayivugiwemo. Urugereko rurasanga uko kunyuranya bishobora guterwa n'igihe ibyaha bimaze bikoze ndetse n'uburyo aba batangabuhamya babona ibyabaye.

84. Urugereko rurasanga ubuhamya bwa TAW ari ubw'ukuri. Yasobanuye neza ibikorwa uregwa yakoze kuva ku itariki ya 7 kugeza ubwo ahungiyeye muri TANZANIYA ku itariki ya 13 Mata 1994. Kuba ubuhamya yatangiye mu iburanisha bunyuranye n'ubwo yatanze mu ibazwa rye rya mbere ku byerekeye ubutumwa avuga ko yasigiyeye uregwa mbere yo guhungira muri TANZANIYA ntibishobora gutuma Urugereko rushidikanya ko ubuhamya yatanze ku bintu

⁸³ T. 21 Ukwakira 2003, urupapuro rwa 53 n'urwa 60.

⁸⁴ T. 21 Ugushyamba 2003, urupapuro rwa 59 n'urwa 60.

byabaye mbere yaho ari ukuri. TAW yagerageje kudashyira amakabyankuru mu buhamya bwe agamije kubangamira uregwa. Urugero, yemeye ko kuba yaravuze ko mu makarito yapakiwe mu modoka za komini tariki ya 10 Mata 1994 mu kigo cya gisirikari cya KIBUNGO harimo imbunda atari uko yari yabyiboneye ko ahubwo yabiketse hanyuma akaza no kubibwirwa n'undi muntu.

85. Urugereko rurasanga mu bimenyetso rwashyikirijwe nta na kimwe kigaragaza ko uyu mutangabuhamya yaba afite uruhande abogamiyeho nk'uko uregwa abyemeza⁸⁵. Bwaba uburyo umutangabuhamya yitwaye mu iburanisha, byaba n'ibyo yatangarije Urugereko, nta na kimwe cyerekana ko yaba yarahimbye inkuru ye agamije kugirira nabi uregwa.

86. Urugereko ruributsa ko TBH yiswe icyitso cy'uregwa kandi nk'uko TBH ubwe abiyemerera uregwa akaba yaratumye adahabwa umwanya mu butegetsi. Niyo mpamvu Urugereko rwasanze ubuhamya bwe bugomba kwitonderwa cyane. Rumaze kubusuzuma ingingo ku yindi, Urugereko rurasanga ubuhamya bwe ku byerekeye inama yo ku itariki ya 9 Mata 1994 n'ibikorwa byayikurikiye kandi uregwa yagizemo uruhare bukwiye gufatwaho ukuri kandi ko nta kigaragaza ko TBH yatanze ubwo buhamya mu rwego rwo kwihimura k'Uregwa. Urugereko ntirushobora kwemera imvugo y'uregwa uvuga ko TBH ari igikoresho cy'Ubutegetsi bw'u Rwanda kubera ko nta bimenyetso yabitangiye.

⁸⁵ Umwanzuro wa nyuma w'Uregwa, kuva ku gika cya 562 kugeza ku cya 593.

87. Urugereko rusanga kuba TBH yaravukijwe uburenganzira bwe ubwabyo byonyine bitatuma ubuhamya yatangiye imbere y'uru Rukiko budahabwa agaciro nk'uko uregwa⁸⁶ abisaba kuko Sitati y'uru Rukiko n'Amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso uru Rukiko rugenderaho bidateganya ko kugirango ubuhamya bwemerwe nk'ikimenyetso bugomba kuba bwubahirije ibiteganywa n'Amategeko y'u Rwanda.
88. Urugereko rwemeje ko abatangabuhamya TAS, TBJ, TBI na TBK bavuga ukuri. Ubuhamya bwabo bugenda bwuzuzanya kandi nta kintu na kimwe cyatuma umuntu akeka ko bwaba atari ukuri. Ubuhamya bwa TBH na TAW bugaragaza ko kuva inama yo ku itariki ya 9 Mata 1994 ibaye, uregwa yakoze ingendo nyinshi muri komini RUSUMO ndetse no mu yandi makomini agiye kubonana n'abayobozi b'*Interahamwe* n'aba Jandarumori cyangwa kureba ukuntu amabwiriza yatangiwe mu nama yo kuwa 9 Mata 1994 yashyirwa mu bikorwa muri utwo turere cyangwa agiye gushishikariza abaturage ba komini RUSUMO kwitabira urugamba rwo kurwanya "umwanzi" no kwitabira gahunda yo kurimbura Abatutsi.
89. Urugereko rwasuzumanye ubwitonzi ubuhamya bwatanzwe n'uregwa ndetse n'ubwatanzwe n'abandi batangabuhamya bamushinjura. Rushingiye ku bimenyetso bikwiye kwiringirwa kandi bigaragaza ukuri byatanzwe n'Ubushinjacyaha byerekeye ibyaha uregwa yakoze hagati y'itariki ya 7 n'ya 14 Mata 1994,

⁸⁶ Umwanzuro wa nyuma w'Uregwa, kuva ku gika cya 448 kugeza ku cya 466.

Urugereko rusanga ibimenyetso bishinjura bidashobora gutuma imyanzuro ikurikira ishidikanywaho.

90. Rushingiye ku buhamya bwa TAW, Urugereko rwemeje ko mu gitondo cyo ku itariki ya 7 Mata 1994 uregwa yagiye mu kigo cya Jandarumori cyari i RWANTERU k'uburyo bw'agateganyo maze ahahurira na Majoro NDEKEZI. Mu kiganiro bagiranye TAW nawe ahari, Majoro NDEKEZI yasobanuriye uregwa ko Abatutsi bagomba gupfa kugirango intambara irangire. Uwo muni uregwa yanabonye na Majoro NSABIMANA mu kigo cya gisirikari kiri ku isumo rya RUSUMO, hanyuma amaze kugaruka ku biro bya komini asurwa na Koloneli RWAGAFIRITA wari umujandarume.
91. Ku itariki ya 8 Mata 1994 yagiye i KIBUNGO mu nama yari irimo perefefe wa KIBUNGO, Koloneli RWAGAFIRITA w'umujandarume, abayobozi b'amashyaka n'abayobozi b'*Interahamwe* mu nzego z'ibanze barimo uwitwa CYASA, n'abandi ba Burugumesitiri bo muri iyo perefegitura.
92. Uregwa ntahakana ko ku itariki ya 9 Mata 1994, nka Burugumesitiri wa komini RUSUMO, yaba yaratumiye abakonseye b'amasegiteri agize iyo komini mu nama.
93. Urukiko rwemeje ko ku itariki ya 9 Mata 1994 uregwa yayoboye inama muri IGA ya komini RUSUMO hari abakonseye bose uretse umwe wari Umututsi n'abayobozi ba M.R.N.D. mu nzego z'ibanze aribo BUGINGO Edmond wari

Perezida w'ishyaka na MANAYABAGABO Justin wari Umunyamabanga. Muri iyo nama, uregwa yasabye abakonseye ko hagati y'itariki ya 9 n'ya 12 Mata 1994 bakoresha amanama ku buryo Abatutsi batabimenya maze bakabwira Abahutu ko bagomba kwica Abatutsi bose kugirango *Inkotanyi* zibure ibyitso⁸⁷.

94. Kubera ko nta kindi kimenyetso gishimangira ubuhamya bwa TAW utaragiye muri iyo nama kandi bukaba butandukanye n'ubwa TBH wari uhibereye, Urugereko ntirushobora kwemeza ko muri iyo nama yo kuwa 9 Mata 1994 habaye impaka ku byerekeye itangwa ry'intwaro mu baturage.

95. Rushingiye ku buhamya bwa TAW, Urugereko rwemeje ko ku itariki ya 10 Mata 1994 uregwa aherekejwe n'abapolisi ba komini yagiye mu kigo cya jandarumori i KIBUNGO ashoreye imodoka eshatu za komini maze ahahurira na Koloneli RWAGAFIRITA. Uregwa yahawe amakarito ijana n'atanu maze ayapakiza muri za modoka za komini RUSUMO. Uburyo ayo makarito yatanzwemo n'amakuru TAW yahawe n'umwe mu bo ayo makarito yari agenewe bituma Urugereko rwemeza ko muri ayo makarito hari harimo intwaro uretse ko rudashobora kwemeza ubwoko bwazo. Agarutse ku biro bya komini RUSUMO, uregwa yatanze we ubwe cyangwa afashijwe n'abandi ayo makarito mu duce tunyuranye twa komini.

⁸⁷ Muri 1994, ijamba *Inkotanyi* ryasobanuraga ingabo za F.P.R. zarwanyaga ubutegetsi bwa Perezida Habyarimana kuva muri 1990.

96. Rushingiye ku buhamya bwa TAW, Urugereko rwemeje ko ku itariki ya 11 Mata 1994 uregwa yagiye mu duce twinshi twa komini RUSUMO ari kumwe na ba Majoro NDEKEZI na NSABIMANA n’umuyobozi w’*Interahamwe* CYASA. Ku itariki ya 12 Mata 1994 yakomereje ingendo ze mu ma segiteri ya komini RUSUMO agamije kureba ko abakonseye bakoresheje amanama y’umutekano. Uwo munsu yahuriye i GASENYI n’umuyobozi wa CDR muri ako karere witwa André maze amubwiramo ibyo yari yamusabye ku itariki ya 10 Mata ubwo yamubwiraga ko atagomba kugira umuntu yemerera guhungira muri TANZANIYA.
97. Rushingiye ku buhamya bwa TAS na TAW, Urugereko rwemeje ko mu gitondo cyo ku itariki ya 13 Mata 1994, ku isoko ry’i NYAKARAMBI uregwa wari uherekewe n’abapolisi ba komini yashishikariye abaturage kwirindira umutekano akoresheje indangururamajwi, abaha amabwiriza bagomba gukurikiza anabasaba gukora ku buryo hatagira ubacika. Ayo mabwiriza yari agenewe rubanda nyamwinshi rw’Abahutu yari agamije gutuma Abatutsi badashobora gucika abicanyi no gutegurira Abahutu kurimbura Abatutsi.
98. Rushingiye ku buhamya bwa TBJ, Urugereko rwemeje ko ku itariki ya 14 Mata 1994, uregwa aherekewe n’abapolisi ba komini yagiye kuri Santeri y’ubucuruzi ya RWANTERU maze akangurira abaturage bagera ku ijana gufata imipanga maze bakitabira urugamba rwo kurwanya umwanzi ndetse anasobanura ko bagomba guhiga Abatutsi bose. Amaze kuvuga ayo magambo, uregwa yagiye i KIGARAMA

akurikirwa n'igice kimwe cy'abaturage. Bageze i KIGARAMA, abicanyi bibasiye inzu n'ibintu by'Umututsi witwa Callixte banasahura n'ibintu by'abandi batutsi. Kiyobowe n'uwitwa Juvénal NTAMWEMEZI wagaragaraga nk'uhagarariye uregwa, ikindi gice kigizwe n'abaturage bari bumvise amagambo uregwa yavugiye i RWANTERU cyigabije ibintu by'Umututsi witwa BUHANDA. Urugereko rusanga ibyo bitero ari ingaruka y'amagambo uregwa yavugiye muri Santeri y'ubucuruzi ya RWANTERU ashishikariza abaturage ibikorwa bibi. Urugereko rusanga kandi uregwa ari we wayoboye ubwe igitero cy'i KAGARAMA, naho icyagabwe ku nzu ya BUHANDA kikaba cyari kiyobowe n'uwari umuhagarariye.

99. Rushingiye ku buhamya bwa TBK, Urugereko rwemeje ko ku gicamunsi cyo ku itariki ya 14 Mata 1994, uregwa yagiye kuri Santeri y'ubucuruzi ya KANYINYA aherekejwe n'abapolisi ba komini bari bafite imbunda. Yabwiye abantu bagera ku icumi bari bahari amagambo akurikira: “Ko abandi barangije akazi mwe mukagejeje he?” Amaze kugenda, agaco k'abicanyi kashyizweho n'abasore babiri bari baravuye mu gisirikari aribo NKAKA na SENDAMA kagabye ibitero ku batutsi. Rushingiye ku buhamya bwa TBI, Urugereko rwemeje ko amaze kuvugira ijambo kuri Santeri y'ubucuruzi ya KANYINYA ku itariki ya 14 Mata 1994, uregwa yagiye kuri Santeri y'ubucuruzi ya GASENYI akiri kumwe na ba bapolisi ba komini maze ashishikariza abantu bagera kuri mirongo ine bari aho biganjemo cyane cyane Abahutu kwica Abatutsi bose hanyuma bakajugunya imirambo yabo mu ruzi rw'Akagera. Yanasabye abasare gukura amato yabo mu ruzi kugirango Abatutsi batayakoresha mu kwambuka urwo ruzi.

100. Umushinjacyaha yagaragaje ibimenyetso byerekana ko mu bihe binyuranye hagati y'itariki ya 7 n'ya 12 Mata 1994 Sylvestre GACUMBITSI yabonye na Majoro NDEKEZI mu kigo cya gisirikari cy'i RWANTERU. Kuba uregwa yarahaye André wari umuyobozi w'ishyamba ry'Impuzamugambi Ziharanira Repubulika (CDR) amabwiriza yo kutagira umuntu yemerera kwambuka uruzi rw'Akagera ajya muri TANZANIYA nabyo biramuhama. Rushingiye ku bimenyetso byatanze, Urugereko rwemeje ko amabwiriza uregwa yatanze yari agamije kubuza abantu bashakaga guhunga komini kubera ibitero byategurwaga kwambuka uruzi kandi ko ayo mabwiriza yarebaga Abatutsi bari baratanzwe agatoki kuva ku nama yo ku itariki ya 9 Mata 1994. Kuba muri icyo gihe hari abantu bashoboye kwambuka uruzi bagahungira muri TANZANIYA, harimo n'Abatutsi, ntibishobora gutesha agaciro ibimaze kuvugwa bitareba icyo amabwiriza uregwa yatanze yagezeho ahubwo bireba icyo uregwa yifuzaga kugeraho.

101. Urugereko rwemeje ko mu nama yo ku itariki ya 9 Mata 1994 uregwa yahaye abakonseye ba za segiteri n'abaresiponsabule b'amaserire b'Abahutu amabwiriza yo kubwira Abahutu kwitandukanya n'Abatutsi no kubica. Uregwa yatanze inshuro nyinshi yiherereye ndetse no mu ruhame amabwiriza yo gutsemba Abatutsi, anashishikariza mu ruhame Abahutu kwica Abatutsi.

102. Urugereko rwemeje ko ku itariki ya 10 Mata 1994, uregwa yahuriye na Koloneli Pierre Célestin RWAGAFIRITA mu kigo cya gisirikari cya KIBUNGO maze

ahabwa amakarito arimo intwaro ariko akaba nta muntu washoboye kumenya ubwoko bwazo. Abandi ba Burugumesitiri bo muri perefegitura ya KIBUNGO nabo bari baje muri icyo kigo kugirango bahabwe izo ntwaro. Nyuma yaho, Sylvestre GACUMBITSI we ubwe cyangwa afashijwe n'abandi yatanze ayo makarito mu duce tunyuranye twa komini yayoboraga. N'ubwo nta kimenyetso rwagaragarijwe cyerekana ko izo ntwaro zahawe abaturage kugirango bice Abatutsi nk'uko bivugwa mu gika cya 9 cy'Inyandiko y'Ibirego, Urugereko rushingiye ku bimenyetso byose byatanzwe kandi runashingiye ku kuntu ibintu byari byifashe rushobora kwemeza ko izo ntwaro zahawe abantu bagize uruhare mu bitero byagabwe muri komini. Urugereko rusanga mu bitero byagabwe i NYARUBUYE abicanyi bari bafite intwaro z'ubwoko bunyuranye nk'imipanga, intwaro za gakondo, za “grenades” n'imbunda.

103. Urugereko rwemeje ko kuba Uregwa yarahawe amakarito arimo imbunda no kuba yarazikwirakwije muri komini biri mu mugambi umwe n'amanama kimwe n'mahuriro uregwa yagiyemo cyangwa yakoranije, uwo mugambi ukaba wari uwo gutegura ubwicanyi bw'Abatutsi bo muri komini RUSUMO muri Mata 1994 no kwiga uburyo washyirwa mu bikorwa.

104. Umushinjacyaha yagaragaje ko mu cyumweru cyo kuva ku itariki ya 11 kugeza ku ya 17 Mata 1994 uregwa yazengurutse komini RUSUMO ari mu modoka za komini kandi ko kenshi na kenshi aherekejwe n'abapolisi ba komini. Izo ngendo ze zari zigamije gusura abategetsu barimo abakonseye, abasirikari n'abanyapolitiki

bo muri ako karere no kujya mu manama amwe namwe. Muri izo ngendo no muri ayo manama, Uregwa yaganiraga n'abaturage ibyerekeye umutekano, akabaha amakarito arimo intwari, akanashishikariza Abahutu kwitandunya n'Abatutsi ndetse no kubica abinyujije kuri ba konseye ba za segiteri cyangwa akabyivugira ku giti cye.

105. Umushinjacyaha ntiyashoboye kugaragaza ibimenyetso simusiga byerekana ko mu ngendo yakoze mbere y'itariki ya 15 Mata 1994 uregwa yaba yaraherekezwaga kenshi n'*Interahamwe* cyangwa ko imodoka ye yatwaraga kenshi imipanga nk'uko abishinjwa mu gika cya 11 cy'Inyandiko y'Ibirego. icyakora, Urugereko rwemeje ko ku itariki ya 14 Mata 1994, uregwa yabonye na CYASA wari umuyobozi w'*Interahamwe* muri perefegitura ya KIBUNGO kandi ko yagiranye amanama menshi n'abayobozi ba gisirikari ari kumwe na CYASA.

106. Umushinjacyaha ntiyashoboye kugaragaza ibimenyetso simusiga byerekana ko kuva ku itariki ya 7 kugeza ku ya 14 Mata 1994, ni ukuvuga mbere y'uko ubwicanyi bwabereye kuri paruwasi ya NYARUBUYE ku itariki ya 15 Mata 1994 buba, Sylvestre GACUMBITSI yaba yaragiye mu maserire anyuranye kugirango agenzure uko ubwicanyi bukorwa. icyakora, kuba ingendo uregwa yakoze zari zigamije gushishikariza abaturage gutangira ubwicanyi mu duce yasuye no gukangurira Abahutu kwica Abatutsi biramuhama.

107. Urugereko rwemeje ko Sylvestre GACUMBITSI yagize uruhare rukomeye mu

bikorwa byo guhamagarira abaturage kwica Abatutsi muri komini RUSUMO. Mu gihe yakoraga ibyo bikorwa, GACUMBITSI ku giti cye yashishikarije ku mugaragaro Abahutu kwitandukanya n'abaturanyi babo b'Abatutsi no kubica ndetse no kwica Abatutsi bose bo muri komini RUSUMO muri rusange.

**C. IGIKA CYA 15 KUGEZA KU CYA 19 N'IGIKA CYA 27 BY'INYANDIKO Y'IBIREGO
(IBITERO BYO KURI PARUWASI YA NYARUBUYE).**

1. Imvugo

108. Mu gika cya 15 kugeza ku cya 19, n'icya 27 Inyandiko y'Ibirego iragira iti :

15. Hagati y'itariki ya 15 n'ya 17 Mata 1994, Sylvestre GACUMBITSI yayoboye igitero cyagabwe kuri paruwasi ya NYARUBUYE hari hateraniye impunzi nyinshi z'Abahutu n'Abatutsi. Sylvestre GACUMBITSI yari mu mdokoka iri hamwe n'izindi nyinshi zari zirimo abapolisi ba komini n'*Interahamwe*. Abicanyi benshi bari bambaye ingofero n'umwambaro ubaranga udoze mu *gitenge* kiriho ikirango cy'*Interahamwe* za M.R.N.D. Muri izo modoka hapakuruwemo imipanga myinshi maze irambikwa imbere ya kiriziya. Sylvestre GACUMBITSI akoresheje indangururamajwi yafashe ijamba maze ateguka impunzi z'Abahutu kwitandukanya n'Abatutsi. Abantu bamaze kwitandukanya, ibitero byahise bitangira.
16. Abapolisi ba komini n'*Interahamwe* bazengurutse kiriziya maze Sylvestre GACUMBITSI ateguka Abahutu gutera Abatutsi, abwira Abahutu bari bahahungiyeye gufatanya n'abapolisi ba komini ndetse n'*Interahamwe* yategukaga kugaba ibitero ku batutsi.

17. Abapolisi ba komini n’*Interahamwe* bagabye igitero ku mpunzi z’Abatutsi bakoresheje za “grenades”, imbunda n’intwari za gakondo. Abandi bicanyi bo bakoresheje imipanga yari yatanze na Sylvestre GACUMBITSI.
18. Bukeye bwaho, Sylvestre GACUMBITSI ari kumwe na RUBANGUKA wari Perezida w’Urukiko rwa Kato rwa komini RUSUMO n’agatsiko k’*Interahamwe* basubiye kuri kiriziya ya NYARUBUYE yari yahinduwe umuyonga bafite amacumu, imipanga, imiheto n’imyambi. Barangajwe imbere na RUBANGUKA, abo bicanyi bahorahoje abantu bari barusimbutse bari baryamye hagati y’imirambo. Ibyo birangiye, abicanyi basahuye kiriziya, batwara utubati, ameza, amaradiyo, ibitanda n’imyenda.
19. Impunzi zose z’Abatutsi zabarirwaga mu bihumbi byinshi ziciwe muri paruwasi ya NYARUBUYE.

(...)

27. Hagati y’itariki ya 15 n’iya 18 Mata 1994, Sylvestre GACUMBITSI yafashije abicanyi cyangwa yatanze itegeko ryo kugaba ibitero ku baturage b’abasivili bari bahungiyeye kuri paruwasi ya NYARUBUYE cyangwa yagize uruhare mu kugaba ibyo bitero. Sylvestre GACUMBITSI yatwaye mu modoka cyangwa ashaka imodoka zajyanye abapolisi ba komini, *Interahamwe* cyangwa intwari kuri paruwasi ya NYARUBUYE, kandi yanayoboye ibitero byagabwe ku batutsi anatanga urugero rwo kwica impunzi cyangwa ateguka abicanyi kuzica.

2. Ibimenyetso

Ku itariki ya 15 Mata 1994

109. **Umutangabuhamya TAQ ushinja** ni umugore w’Umututsikazi ukiri muto wari

utuye muri komini RUSUMO muri 1994 kandi wari uzi uregwa. Muri Mata 1994 yari atwite⁸⁸. Ku itariki ya 14 Mata 1994, nko mu ma saa kumi z'amanywa, yagiye kuri paruwasi ya NYARUBUYE ari kumwe n'abo mu muryango we ndetse n'abaturanyi bahunga ubwicanyi bwakorerwaga Abatutsi i NYARUTUNGA. Yahasanze ibihumbi byinshi by'abasivili, bamwe muri bo bakaba barakomokaga mu makomini ahana imbibi na komini RUSUMO nka RUKIRA, BIRENGA na KIGARAMA. Yaje kumenya ko abo bantu na bo bari bahunze ubwicanyi bwakorerwaga Abatutsi. Hagati y'itariki ya 14 n'ya 15 Mata 1994 umubare w'impunzi wariyongereye⁸⁹.

110. Nk'uko TAQ abivuga, ku itariki ya 15 Mata 1994 mu ma saa mbiri za mu gitondo, kuri paruwasi haje abasore bafite ibibando, inkoni n'imiheto, bakenyeye amakoma kandi bambaye ibibabi by'inturusu mu mutwe. Muri bo yashoboye kumenyamo uwitwa BAGARUKA n'umusirikari witwa LYAMUGWIZA bari kumwe na konseye Isaïe KARAMAGE. Yemeza ko bari *Interahamwe* kubera ibyo bari bambaye no kubera ko yari yaraye ababonye i NYARUTUNGA aho yari yabonye Abatutsi baterwa maze abantu bari aho bakavuga ko icyo gitero cyagabwe *n'Interahamwe*. Yasobanuye ko izo *nterahamwe* zari "abaturage nk'abandi" kubera ko bari abaturage basanzwe kandi akaba yari asanzwe azi bamwe muri bo. N'ubwo abo bantu bari bateye ubwoba impunzi, mbere yo kugenda konseye KARAMAGE

⁸⁸ T. 29 Nyakanga 2003, kuva ku rupapuro rwa 48 kugeza k'urwa 52, n'urupapuro rwa 60.

⁸⁹ T. 29 Nyakanga 2003, urupapuro rwa 55 ; T. Nyakanga 2003, kuva ku rupapuro rwa 9 kugeza k'urwa 11, no kuva ku rupapuro rwa 31 kugeza k'urwa 32.

yasabye impunzi kuguma kuri paruwasi. *Interahamwe* zagumye aho zishaka gucuza impunzi ariko impunzi zanga kubaha amafaranga⁹⁰.

111.TAQ yongeraho ko ku itariki ya 15 Mata 1994 mu ma saa cyenda z'amanywa, igihe yari imbere y'abapadiri mu kibuga kiri kuri paruwasi hafi ya kiriziya, yabonye ikamyoneti y'umweru ya komini RUSUMO ifite ibyicaró bibiri iza maze ihagarara imbere ya paruwasi. Muri iyo modoka yabonyemo uregwa wari wambaye imyenda ya gisivili n'indorerwamo. Yabonyemo kandi n'abandi bantu barimo umushoferi n'umusore witwa Augustin. Mu modoka inyuma yabonyemo imipanga n'abapolisi ba komini bambaye imyenda ibaranga kandi bafite imbunda. Muri bo yamenyemo BERAKUMENYO na KAZOBA. Mu zindi modoka ebyiri zari zitamirije ibibabi zaje zikurikiye imodoka ya komini harimo insoresore nyinshi zambaye nk'*Interahamwe* zifite inkoni, za "grenades" n'ubuhiri. Baririmbaga bagira bati :”Tubatsembatsembe”. Haje izindi modoka ariko umutangabuhamya ntiyashoboye kuzibona kubera ko imodoka eshatu zari zaje mbere zari zimukingirije. TAQ asobanura ko we n'izindi mpunzi bagize icyizere babonye uregwa ahageze. Bibwiraga ko mu gihe *Interahamwe* zashakaga kubica Burugumesitiri agiye kugarura umutekano. TAQ yabonye Burugumesitiri asohoka mu modoka ye agana aho impunzi ziri maze impunzi na zo ziza zimusanga⁹¹.

112.TAQ asobanura ko impunzi eshatu arizo MUREFU wari umusaza w'umwarimu, Simon RUHONOGO na RUJIGENA bose b'Abatutsi babajije uregwa icyo

⁹⁰ T. 29 Nyakanga 2003, kuva ku rupapuro rwa 54 kugeza k'urwa 56 ; T. 30 Nyakanga 2003, urupapuro rwa 15.

⁹¹ T. 29 Nyakanga 2003, kuva ku rupapuro rwa 56 kugeza k'urwa 59.

Abatutsi bakoze n'impamvu barimo kwicwa. Muri ako kanya TAQ nawe yegereye uregwa amwumva abwira impunzi arakaye cyane ko ntacyo agomba kuzisubiza ngo kuko ak'Abatutsi kashobotse. Hanyuma abona yambuye *Interahamwe* imwe umupanga ahita awukubita MUREFU mu irugu maze ahita apfa. Muri ako kanya, umusore TAQ atazi yahise atemagura Simom BUHONOGO naho RUJIGENA we araswa n'umupolisi. Aba uko ari babiri bari inyuma ya MUREFU⁹².

113. TAQ yemeza ko yumvise uregwa abwira *Interahamwe* zari zimukikije ngo nizigire vuba kugira ngo impunzi zidahunga. Mu gihe abantu bari barimo kwicishwa imipanga, imbunda na za “grenades” TAQ n'izindi mpunzi bahungiyeye mu mazu y'abapadiri. Abantu baragwiriranaga, “abandi bakagwa hejuru ya bagenzi babo”⁹³. Bageze mu gikari cy'abapadiri, igihe TAQ yari ageze iruhande rw'akazu k'imbwa yaje kwihishamo nyuma, yumvise uregwa “asaba ko Umuhutu wese wari mu mpunzi asohoka”⁹⁴. TAQ asobanura ko atashoboraga kubona uregwa muri icyo gihe ariko ko yamwumvaga avugira mu ndangururamajwi. Hari umugore wamwumviye arasohoka ndetse akurikirwa n'umwana ariko uwo mwana ahita asubira inyuma bamaze kumubwira ko atari Umuhutu. Uwo mugore akimara kwitandukanya n'abandi, bahise batera za “grenades” mu kivunge cy'abantu⁹⁵.

⁹² T. 29 Nyakanga 2003, kuva ku rupapuro rwa 59 kugeza k'urwa 61 ; T. 30 Nyakanga 2003, urupapuro rwa 23.

⁹³ T. 29 Nyakanga 2003, urupapuro rwa 61.

⁹⁴ T. 29 Nyakanga 2003, kuva ku rupapuro rwa 60 kugeza ku rupapuro rwa 62 ; T. 30 Nyakanaga 2003, kuva ku rupapuro rwa 28 kugeza k'urwa 29.

⁹⁵ T. 29 Nyakanga 2003, urupapuro rwa 62.

114.TAQ yongeraho ko yabonaga *Interahamwe* zisahura mu kigo cy’abapadiri, zitwara imodoka n’amapikiki byari bihari. Za “grenades” zimaze guturika, yabonye abantu batemagurwa. Abantu bose bavuzaga induru. Hashize akanya, mu gihe yari akiri mu kazu k’imbwa, yataye ubwenge maze abantu bakajya bamwitura hejuru. Yongeye kugarura ubwenge imvura igwa nko mu ma saa tanu cyangwa saa sita z’ijoro. Abantu benshi bakomeretse cyane bari bamuguye hejuru. Nyirabukwe wa mukuru we⁹⁶ nawe wari wakomeretse niwe wamufashije kwigizayo abo bantu. Yabonye abantu benshi bari bakomeretse, abasambaga, abavuzaga induru n’imirambo myinshi y’abagabo n’abagore yari igerekeranye. Hari umwana umwe wari wakomeretse n’abakobwa batatu bashoboye kurokoka hafi y’aho yari ari. Hashize umwanya, nko mu ma saa cyenda, TAQ n’abandi bari bashoboye kurokoka bagiye mu ishuri ryari hafi y’inzu y’abapadiri baharara ijoro rimwe⁹⁷. TAQ yavuye kuri paruwasi ku muni ukurikiyeho, tariki ya 16 Mata 1994 nko mu ma saa mbiri⁹⁸.

115.TAQ avuga ko abantu barenga ijana bo mu muryango we bahitanywe n’icyo gitero.

Muri bo avuga mukuru we akaba n’imfura y’iwabo n’abana be barindwi,

⁹⁶ Hakurikijwe uko byanditse mu ibazwa ryo kuwa 29 Nyakanga 2003, ku rupapuro rwa 64, umutangabuhamya yavuze nyina mu ibazwa rye ry’ingenzi. Mu ibazwa rye rinyomoza yavuze ko ahubwo ari “nyirabukwe wa mukuru we” (T. 30 Nyakanga 2003, urupapuro rwa 30). Urugereko rwagejeweje *inyandiko ikosora* ibyari byanditswe yo ku matariki ya 16, 18 na 19 Ukuboza 2003 iturutse mu gashami gashinzwe indimi yakozwe n’aka gashami kabisabwe n’Umushinjacyaha. Iyo *nyandiko ikosora* iragaragaza ko umutangabuhamya yari yakoresheje ijambo “nyina” rikunze gukoreshwa ariko agashami k’indimi kakaba karikosoje iry’ “umukecuru”. Iyo nyandiko yashyikirijwe Umushinjacyaha mbere y’uko ageza ku rukiko imyanzuro ye, ariko Urugereko n’Uregwa bahabwa kopi yayo ku itariki ya 2 Kamena 2004. N’ubwo Urugereko rwatinze kumenyeshwa iyi nyandiko, rurasanga nta ngaruka yagira k’uburyo rubona umutangabuhamya, bitewe n’ibisobanuro by’in Yongera umutangabuhamya yitangiye mu ibazwa rye rinyomoza ku byerekeye iryo jambo “nyina”.

⁹⁷ T. 29 Nyakanga 2003, kuwa ku rupapuro rwa 63 kugeza k’urwa 64.

⁹⁸ T. 29 Nyakanga 2003, kuwa ku rupapuro rwa 61 kugeza k’urwa 62 ; T. 30 Nyakanga 2003, urupapuro rwa 34.

murumuna we akaba n’umuherezzi iwabo n’abana be ndetse n’umugabo we, nyirasenge na ba se wabo (*cyangwa ba nyirarume*), buri wese muri bo akaba yari afite umuryango ugizwe n’abantu bagera kuri mirongo irindwi barimo abana n’abuzukuru. TAQ asobanura ko abantu batewe ku itariki ya 15 Mata 1994 bari Abatutsi. Ku byerekeye Abahutu bari mu mpunzi, atekereza ko bavuye kuri paruwasi mbere y’uko igitero kihagabwa bamaze gusabwa gusohoka mu kiriziya. Avuga ko abo bahutu bakiriho, ko ajya ababona kandi ko rimwe na rimwe na bo bajya babyivugira. Bamubwiye ko bavuye kuri paruwasi uregwa amaze kubibasaba⁹⁹.

116. Mu ibazwa rye rinyomoza, TAQ yongeyeho ko mbere y’uko ubwicanyi butangira, Abahutu bamaze gusabwa kwitandukanya n’izindi mpunzi zisigaye, hari abagabo babiri bari bambaye nk’*Interahamwe* bagiye mu nzu y’umupadiri w’umusaza witwaga Louis wabaga kuri paruwasi ya NYARUBUYE maze baramuhungisha¹⁰⁰. Yemeza ko aho yari ari imbere y’ibiro by’abapadiri yashoboraga kureba ku irembo rinini rya paruwasi “kuko riri hafi cyane ya kiriziya”¹⁰¹. Avuga ko atibuka ibara ry’imyenda uregwa yari yambaye ku itariki ya 15 Mata 1994. Nta n’ubwo yashoboye kuvuga niba indorerwamo uregwa yari yambaye zari iz’uburwayi cyangwa izo kwikingira izuba. icyakora yasobanuye ko zari indorerwamo uregwa yari asanzwe yambara¹⁰². Avuga ko icyo gihe atari azi CYASA, wari *Interahamwe* y’ i KIBUNGO. Uregwa yamwibukije ariko ko mu mvugo ye ya mbere

⁹⁹ T. 29 Nyakanga 2003, kuva ku rupapuro rwa 61 kugeza k’urwa 67.

¹⁰⁰ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 12 kugeza k’urwa 13.

¹⁰¹ T. 30 Nyakanga 2003, urupapuro rwa 20.

¹⁰² T. 30 Nyakanga 2003, kuva ku rupapuro rwa 20 kugeza k’urwa 20.

yasobanuye ko CYASA yaje kuri paruwasi NYARUBUYE ku itariki ya 15 Mata 1994 ari kumwe n’*Interahamwe*. Mu gusubiza icyo kibazo, TAQ akomeza kwemeza ko atari azi CYASA, agasobanura ko ari impunzi zari hafi ye zavuze iryo zina ari uko zimubonye aje mu modoka yuzuyemo *Interahamwe*¹⁰³.

117. **Umutangabuhamya TAO wahamagajwe n’Ubushinjacyaha** ni umugabo w’Umututsi wari utuye muri komini RUSUMO muri 1994 kandi wafushije umugore n’abana mu marorerwa yo muri 1994¹⁰⁴.

118. TAO avuga ko yarakotse ubwicanyi bwakozwe n’abajandarume, *Interahamwe*, n’abasivili b’Abahutu tariki ya 14 Mata 1994 bukibasira Abatutsi ku isoko ry’i NYARUTUNGA. Kuri iyo tariki nko mu ma saa kumi, TAO yahungiyeye kuri paruwasi ya NYARUBUYE yibwira ko ahasanga umuryango we. Yahasanze abantu benshi b’abasivili barimo Abahutu n’Abatutsi, akavuga ko agereranyije abo bantu bari hagati y’ibihumbi makumyabiri n’ibihumbi mirongo itatu. Zimwe muri izo mpunzi zakomokaga mu yandi makomini nka MUGESERA, MUHAZI, RWAMAGANA, BIRENGA, RUGERA na KIBUNGO. Akigera kuri paruwasi yahise atangira gushakisha abantu bo mu muryango we, akaba yaraje kubabona ku itariki ya 15 Mata, hagati ya saa saba na saa munani¹⁰⁵.

¹⁰³ T. 30 Nyakanga 2003, urupapuro rwa 25.

¹⁰⁴ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 54 kugeza k’urwa 55 ; T. 31 Nyakanga 2003, urupapuro rwa 5.

¹⁰⁵ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 54 kugeza k’urwa 61; T.31 Nyakanga 2003, kuva k’urupapuro rwa 11 kugeza k’urwa 12.

119. TAO avuga ko ku itariki ya 15 Mata, igihe yari imbere ya kiriziya, mu ruhande rw'iburyo rwa paruwasi, yabonye uregwa aje mu modoka y'umweru ya komini RUSUMO, ari kumwe n'abantu bambaye imyenda ya gipolisi. Iyo modoka yari ikamyoneti ifite ibyicaro bibiri, mu mpande zayo zombi haciye umurongo kandi ifite ibara riri hagati y'umutuku n'umuhondo¹⁰⁶. Uregwa yari yambaye imyenda ifite ibara rya kaki, isa n'iyo abajandarume bambaraga icyo gihe. Bitewe n'aho umutangabuhamya yari ahagaze, yabonye abapolisi bari baherekeje uregwa ari uko basohotse mu modoka. Inyuma mu modoka y'uregwa yabonyemo imipanga myinshi kandi mishya, naho mu cyicaro cy'imbere abonamo ibikapu. Nyuma yaho yaje kumenya ko ibyo bikapu byari birimo za "grenades". TAO yumvise n'izindi modoka ziza kuri paruwasi ariko ntiyashoboye kuzitegereza¹⁰⁷. Ibyo byose yabibonye ahagaze muri metero mirongo itatu haruguru y'uregwa¹⁰⁸.

120. TAO avuga ko igihe yabonye uregwa aza kuri paruwasi, yibwiye ko aje kureba uko impunzi ziri kuri kiriziya zimerewe. Ngo impunzi zaba zaragiye zimusanga maze abibonye azitegeka kutongera gutera intambwe n'imwe. Impunzi eshatu cyangwa enye zisheshe akanguhe zirimo uwitwa MUREFU, zaba zarakomeje kugenda zisanga uregwa. Umutangabuhamya yumvise uregwa abwira izo impunzi n'ijwi riranguruye ati: "Ntimwongere gutera intambwe kubera ko isaha y'Abatutsi yo gupfa yageze", anongeraho ko adashaka kongera kumva ibibazo byabo¹⁰⁹. Uregwa ngo yaba yarambuye umupanga umwe mu *nterahamwe* zari aho maze awukubita

¹⁰⁶ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 60 kugeza k'urwa 61.

¹⁰⁷ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 59 kugeza k'urwa 63.

¹⁰⁸ T. 31 Nyakanga 2003, urupapuro rwa 14, urwa 15 n'urwa 22.

¹⁰⁹ T. 30 Nyakanga 2003, urupapuro rwa 62.

imwe muri za mpunzi yitwa MUREFU, indi mpunzi nayo barayitemagura. TAO asobanura ko yabonye uregwa atema MUREFU wenyine¹¹⁰. Nyuma yaho, uregwa yasabye abapolisi “gutangira kurasa”¹¹¹. Abapolisi bararashe, naho abandi barimo *Interahamwe* TAO yari yaraye abonye ku isoko ry’i NYARUTUNGA bo bakoresheje imipanga. Hanyuma abo bicanyi batera za “grenades” mu mpunzi¹¹².

121.TAO avuga ko muri ako kanya uregwa yaranguruye ijwi agasaba Abahutu bari muri paruwasi kwitandukanya n’Abatutsi, yongeraho ko ak’Abatutsi kashobotse. icyo gihe, *Interahamwe* zararimbaga zigira ziti : “Tubatsembatsembe”¹¹³. TAO n’abana be bahise bahungira mu ishyamba riri hafi ya kiriziya. Ahindukiye, TAO yabonye umwe mu bicanyi witwa Claver MUHIRWA¹¹⁴ ajugunya “grenade” mu mpunzi. Avuga ko icyo gitero cyagabanyije umurego nko mu ma saa moya z’ijoro ari nayo saha yaviriye kuri paruwasi. Asobanura ko amasasu yari amaze kugabanuka ariko ko abantu bari bakiboroga¹¹⁵.

122.TAO asobanura ko abantu bose bahitanwe n’igitero cyo kuri kiriziya ya NYARUBUYE bari Abatutsi. Murumuna we, mushiki we n’umwe mu bana be wari ufite imyaka itandatu bahitanwe n’icyo gitero, kimwe n’abandi bantu magana abiri bo mu muryango we, bose bo mu bwoko bw’Abatutsi¹¹⁶.

¹¹⁰ T. 30 Nyakanga 2003, urupapuro rwa 62 n’urwa 70.

¹¹¹ Tariki ya 2 Kamena 2004, Urugereko rwagejeweho inyandiko ikosora ubuhamya bwatanze kuri iyi ngingo.

¹¹² T. 30 Nyakanga 2003, urupapuro rwa 62.

¹¹³ T. 30 Nyakanga 2003, kuva ku rupapuro rwa 62 kugeza k’urwa 63.

¹¹⁴ Iri zina rishobora kwandikwa nanone kuri ubu buryo “Muhigirwa”

¹¹⁵ T. 30 Nyakanga 2003, urupapuro rwa 63.

¹¹⁶ T. 30 Nyakanga 2003, urupapuro rwa 64.

123. Mu ibaza rinyomoza, uregwa yagaragaje ko mu mvugo ye ya mbere, umutangabuhamya TAO yari yavuze ko umubare w'impunzi zari ziri kuri paruwasi ya NYARUBUYE ari ibihumbi cumi na bibiri, uyu mubare ukaba utandukanye n'uwo yavugiye mu ibaza rinyomoza aho yavuze ko izo mpunzi zari hagati y'ibihumbi makumyabiri n'ibihumbi mirongo itatu¹¹⁷. TAO asobanura ko kuri icyo tariki ya 15 Mata 1994 atabonye uregwa aza kuri paruwasi ya NYARUBUYE ariko ko yumvise imodoka ye ihagera. Hashize akanya gato nibwo yabonye uregwa n'abapolisi batandatu bari bamuherekeje¹¹⁸. Amaze kubona imodoka yahise yumva ko ari icyo uregwa n'abo bapolisi bajemo¹¹⁹. Yongeraho ko bitewe n'aho yari ari, yashoboraga kubona ibyari mu modoka inyuma ariko ko ibyari mu cyicaro cy'imbere atashoboraga kubibona. Avuga ko yabonye Claver MUHIRWA akura "grenade" mu modoka y'uregwa, maze arayifungura arangije ayijugunya mu bantu. Yongeraho ko ibikapu yavuze mu ibazwa rye ry'ingenzi ko bitari mu cyicaro cy'imodoka ahubwo ko byari biteretse iruhande rwacyo. Ku byerekeye imyifatire uregwa yagize igihe impunzi zagendaga zimugana, uregwa yagaragaje ko mu mvugo ya mbere y'umutangabuhamya yagaragaramo imyifatire y'uregwa itandukanye n'icyo yagaragaje mu ibazwa rye ryakurikiyeho. Iyo imyifatire yagaragajwe mbere ikaba ari iyi : igihe abantu benshi bagendaga basanga Burugumesitiri bafite icyizere cyinshi, Burugumesitiri yaba yarahumuriye impunzi akazibwira ko umutekano ari wose. TAO ntahakana ko ayo magambo yayavuze. icyakora yakomeje gutsimbarara ku byo yavugiye mu ibazwa

¹¹⁷ T. 31 Nyakanga 2003, kuva ku rupapuro rwa 13 kugeza k'urwa 14.

¹¹⁸ T. 31 Nyakanga 2003, urupapuro rwa 13.

¹¹⁹ T. 31 Nyakanga 2003, kuva ku rupapuro rwa 12 kugeza k'urwa 13.

Yongeyeho ko Uregwa yari yambaye ipatalo n'ishati bya kaki, ariko ko atamenye niba iyo myambaro yari iya gisirikare. Yavuze ko intambara igitangira, yihishe hamwe n'umugore we n'abana be babiri mu misarane y'ishuri rya CERAI, ahantu ha metero nka magana abili uvuye ku rukuta rwa paruwasi ya Nyarubuye no kuri metero mirono ine uvuye ku muhanda.

124. **Umugabo Ushinja TAX**, Umututsikazi wari ufite imyaka cumi n'umwe mu kwezi kwa kane 1994, wabaga ku Rusumo, yarokotse igitero cya paruwasi Nyarubuye. Yari azi Uregwa kuko yari yaramubonye muri 1994, mbere y'igitero cyo mu kwezi kwa kane n'ukwa gatanu, mu nama yabereye muri segiteri yabagamo. Yongeraho ko uregwa yari afite ibimenyetso mu maso bisa n'inkovu. Mu rukiko, yegaraje ko amuzi.
125. TAX avuga ko yabonye Uregwa ku wa gatanu, tariki ya 15 Mata 1994, nka saa cyenda ya nyuma ya saa sita, kuri paruwasi ya Nyarubuye, akaba yari ahamaze iminsi, ahahungiyeye n'abo mu muryango we. Aho hantu hari hakoraniye abantu benshi. Igihe yari mu kibuga, inyuma y'amazu y'abihaye Imana, bugufi y'amazu y'abapadiri, yumvise amasasu n'imiborogo. Abasore bambaye amashara, bitwaje imihoro, impiri n'ibyuma, binjiye mu kibuga bavuzza induru, maze basahura ibyo impunzi zari zazanye. Uregwa yazanye n'abantu babiri ; uko bari batatu bari

bambaye gisilikare. Uregwa yabujije abo basore gukomeza gusahura, avuga ati : « Ese ntimuzi icyatuzanye hano ? Nimushaka kurwanya inzoka, mujye mubanziriza ku mutwe. Maze ntimugire uwo musiga ! » Nyuma y'ayo magambo, abari bagize igitero bategeka impunzi, harimo n'Umugabo Ushinja, kuryama hasi. Ubwicanyi ubitangirira aho. Igihe cyo kumubaza ibibazo byo kumunyomoza, TAX yavuze ko Uregwa ari we wabwiye Abahutu kwitandukanya n'abo bari kumwe. Umusore umwe abigira nk'uko, maze gerenade yari ijigunywe hafi ye imucamo kabiri, ahita apfa. Mu mvururu yakurikiyeho, impunzi zimaze guterwa n'abazirwanyaga bakoresha imihoro na gerenade, TAX ntiyashoboye kumenya aho ababyeyi be baherereye. Avuga ko akababaro n'invururu byarenze kamere. Umwe mu bari bateye yamuteya icyuma mu mbavu incuro ebyiri, agwa igihumure.

126. TAX avuga ko, ku itariki ya 15 Mata i Nyarubuye, hatewe Abatutsi benshi. Benshi mu muryango we barahaguye, abandi bapfa nyuma, bazize icyo gitero. Abo avugamo ni se, na nyina, n'abavandimwe be b'ibitsina byombi.
127. **Umugabo Uregura NG2** ni umusore wari utuye muri komine ya Rukira muri 1994. NG2 avuga ko, ku itariki ya 15 Mata 1994, abantu bavuye i Rukira bahatiye abaturage bahuraga nabo gufata intwari no kubakurikira ku maguru cyangwa mu modoka, bagana i Nyarubuye. Umugabo Ushinja avuga ko bamwinjije ku gahato mu mwe mu modoka z'igitero cyo ku Mulindi, muri komine ya Rukira. Hari mu masaa nani n'igice nyuma ya saa sita. Avuga ko yageze mu bambere kuri

paruwasu ya Nyamabuye, hafi y'ivuriro, akava mu modoka hamwe n'abandi. Bahawe itegeko ryo kuzenguruka paruwasu kugirango hoye kugira usohokamo. Yari bugufi bw'umuryango wa paruwasu. Uwo bitaga « *lieutenant* » yategetse « *inzirakarengane* » gusohoka muri paruwasu. Abantu bane cyangwa batanu basohotse mu kigo hamwe n'umusaza, n'umugore muto [mu myaka]. Impunzi zarashe imyambi, zitera igitero amacumu, na cyo kibarasa amasasu na gerenade. Bamwe mu bateraga basabye ko bavanamo bene wabo, ariko abajandarume bakomeje kurasa. Abantu benshi cyane barahapfiriye. Barangiye kurasa, abajandarume bategetse abari bagize igitero kujya gusahura, bagapakira ibintu mu modoka. Ndetse icyo gitero cyatwaye imodoka y'ubwoko bwa *Suzuki* yali iya paruwasu. Ntabwo, mu gitero, NG2 yigeze abona Uregwa cyangwa abapolisi ba koline ya Rusumo ; abo yabonye bonyine, ni abapolisi baba mu nkambi y'i Mulindi.

128. NG2 yemera ko yasahuye, ariko agahakana ko haba hari umuntu yishe. Ahakana kuba yarafatanyije n'igitero icyo ari cyo cyose kugeza igihe agiriye mu buhungiro mu kwezi Gicurasi 1994. Avuga ko nta ntwaro yahawe. Avuga ko abajandarume babwiye abo bari bashyize mu mirongo yabo kwitwaza izabo ntwaro – imihoro n'impiri. NG2 avuga ko nta ntwaro yari afite igihe cy'igitero. Yongeye kumubaza icyo kibazo, amubwiramo ibyo yari yavuze mbere, Umushinjacyaha yabimusomeye atya : « Twari dufite intwaro zacu z'i muhira : imihoro, amacumu, imyambi ; abajandarume bari bafite imbunda. », yasubije ko umupererezi w'abiregura yibeshye, ko icyo yavuze gusa cyari icy'ibindi bitero. NG2 arongera

- ahakana ko yagiye gusahura ku bushake bwe ; avuga ko yapakiye ibisahurano mu modoka z'abajandarume, kandi ko atigeze agira icyo ajyana iwe.
129. **Umugabo Uregura ZHZ**, w'Umuhutu yari utuye i Nyarubuye muri 1994 avuga ko kuva ku itariki ya 9 kugeza ku ya 14 z'ukwezi kwa kane 1994, impunzi nyinshi zaje kuri paruwasi ya Nyarubuye, zihunga amarorerwa yari yibasiye Abatutsi bo muri za komine zihana imbibi, cyane cyane abo muri Rukira. Ukurikije uko izo mpunzi zibivugaga, abategetsi ba Rukira baba barateye ubwoba abaturage b'i Nyarubuye, babahora ko bakiriye ibyitso by'abishe Perezida. Ku itariki ya 14 y'ukwezi kwa kane, abaturage ba Nyarubuye, Abahutu n'Abatutsi hamwe barwanyije igitero cy'i Rukira na Birembo. Mu gice cy'« Abatavugirwamo », barimo Umugabo Ushinja, bishemo batandatu, bafata abandi babiri b'abanyacyubahiro, ari bo Gisagara na Hakizamungu. Igihe biteguye kubahata ibibazo, abajandarume munani baherekejwe n'igitero bagera mu nkambi y'i Mulindi. Aho kubahata ibibazo, bafunguje Gisagara na Hakizamungu, hanyuma batera abaturage ba Nyarubuye, harimo Umugabo Ushinja, cyokora yashoboye kubahungira i Nyabitare. Yasubiye aho yari asanzwe atuye, ariko yari amaze gukira ikindi gitero cyo kw'itariki ya 15 y'ukwezi kwa kane 1994, gitewe n'abantu bari bitwikiye amakoma. Abo ni abaturage b'ahitwa « cuvette » na Nyabitare.
130. ZHZ yongeye ko, i Nyarubuye, nyuma ya saa sita ku itariki ya 15 z'ukwezi kwa kane, we ubwe n'abandi abaturage benshi basatswe n'igitero cyaje mu modoka

nyinshi i Birembo – muri komine ya Rukira. Abandi bajandarume, bambaye imyenda idatuma bamenyekana n’ingofero za gisirikare zitukura. Harimo Gisagara navuze ko abajandarume bari bamaze umunsi barekuye. Zigeze kuri paruwasi, impunzi zavugije induru, zituka abaziteraga. Umusirikare witwa « *Lieutenant* » yabwiye uwitwa Kibwa, w’i Kibungo, ngo kumuhagarikira inzirakarengane zo muri paruwasi. Kibwa yaramwumviye, abakobwa batatu n’umupadiri ukiri mutoya barasohoka. Igitero cyashatse ko umupadiri w’umusaza witwa Ludoviko Ntamezeze asohoka. Abaturage b’i Nyamabuye basigaye inyuma, igitero gikikiza paruwasi. Abasirikare bitwaje *roquettes* zo mu bwoko bwa *stream*, ikindi gitero gifite za gerenade. Lieutenant yatanze ikimenyetso, igitero cyari cyavuye i Birembo n’abasirikare barasa impunzi, batera na za gerenade. Umugabo Ushinja yahunze igitero kigitangira, ahungana n’abandi baturage b’i Nyarubuye bari basigaye inyuma. Umugabo Ushinja yahereyeke yihisha kugera ku itariki ya 28 y’ukwezi kwa kane 1994, abasirikare ba FPR bamaze kuhagera. ZHZ avuga ko atabonye Uregwa kandi ko atabonye intwaro zitungwa kuri paruwasi ya Nyarubuye, ku tariki ya 15 z’ukwezi kwa kane 1994.

131. **Umugabo Uregura ZIZ** w’Umuhutu yari atuye i Rukira, muri perefegitura ya Kibungo, muri 1994. Avuga ko yahunze ibitero by’i Rukira kuva kw’itariki ya 14 z’ukwezi kwa kane 1994, akajya i Nyarubuye. Inshuti ye yamucumbikiye kuva kw’itariki ya 14 z’ukwezi kwa kane 1994. Uko abivuga, igitero cya paruwasi ya Nyarubuye cyatangiyeye kw’itariki ya 15 z’ukwezi Mata 1994 nyuma ya saa sita, gitewe n’abantu bari bavuye muri za komine Rukira na Birenga zifitanye imbibi

na Rusumo, bazanywe n'abajandarume bo mu nkambi ya Mulindi, hafi ya Rusumo. Ngo abagabo n'abasore b'i Nyarubuye baba baragize uruhare mu gitero batabishaka, batinya ko bafatwa nk'ibitso. Umugabo n'inshuti ye barakubiswe, baherekeza igitero ku ngufu. icyo gitero cyababwiye ko hari « umurimo ugomba gukorwa » kuri paruwasi ya Nyarubuye. Igice kimwe cy'igitero n'imodoka byari byahageze. Umwe mu bajandarume bari aho, wari umukuru w'inkambi ya Mulindi iri bugufi bwa paruwasi, ni we wayoboraga ibikorwa, ni na we watanze ikimenyetso cyo gutangira igitero. Mbere y'aho, undi mutware w'ibitero yategetse « inzirakarengane » gusohoka mu kigo. Impunzi zarashe imyambi, zitera amacumu n'amabuye, ariko abajandarume na bo babatera za gerenade na za *roquettes* zo mu bwoko bwa *stream*, bazihata amasasu. Intumbi z'abantu bo mu bigero byose b'ibitsina byombi, harimo n'abana, zari zirunze ku kibuga cya paruwasi. Umugabo Ushinja, hamwe n'abandi bantu, barahunze, bajya kwihisha mu bihuru. Yongeyeho ko Uregwa atari ahari, ko abaturage ba Nyarubuye batekereze ko yapfuye. ZIZ nta mutegetsi, nta n'umupolisi wa Rusumo wa komine Rusumo yabonye mu gitero.

132. Asubiza ibibazo Urukiko, ZIZ avuga ko atari Abatutsi bonyine bari bagambiriwe n'amarorerwa yo mu kwezi kwa kane 1994, i Rukira na Nyarubuye, ko n'Abahutu bishwe. Avuga ahubwo ko abishwe muri icyo ntambara baziraga ibitekerezo byabo bya politike, ko atari uko bataziraga ubwoko ubu n'ubu. Avuga atamenye abantu batari bahuje ibitekerezo n'igitero. Arongerera, akavuga ko abatarafatanyaga kwica babonwaga nk'ibitso by'abo bicaga. Ntiyabashije kumenya abiyitaga inzirakarengane mu mpunzi, abo nabo bavuye muri paruwasi bahamagawe n'umugaba w'abajandarume mbere yo gutera, niba bari Abatutsi cyangwa Abahutu. Ashimangira ko abo bantu atarasanzwe abazi kandi ati : « Uko umuntu asa si byo bivuga ubwoko bwe. »

133. **Uregwa** avuga ko kw'itariki ya 15 y'ukwezi kwa kane, yari yihishe iwe, ugereranyije ni nko kuri kilometero 30 uvuye kuri pauwasi ya Nyarubuye. Kare mu gitondo cy'itariki ya 16 y'ukwa kane 1994, *brigadier* wa komine, uwitwa Neza, yaje kuvuga uko impunzi zatewe kuri paruwasu ya Nyarubuye, zitewe n'abantu baje mu modoka, hakaba harimo abasirikare n'abasiviri. *Brigadier* Neza amubwira ko abo bantu baturukaga muri komine ya Rukira, ko bari bayobowe n'abajandarume b'i Mulindi - inkambi iba muri komine ya Rukira -, kandi ko icyo gitero cyifashishije ku gahato abo baturage muri icyo gitero. Neza kandi yamubwiye ko icyo gitero cyavaga i Birembo, hagati ya komine ya Rukira n'iya Rusumo.
134. Uregwa avuga ko yababajwe cyane no kwumva iyo nkuru. Yongeyeho ko yamaze iminota ibiri ntacyo ashobora kuvuga kuko, igihe yari yihishe, nta kintu na kimwe yabashaga gukora. Avuga ko hanyuma yasabye *brigadier* Neza kumenyesha *sous-préfet* iyo nkuru kugirango aze kuko yari afite imodoka. Yasobanuye ko we bwite, ndetse na *sous-préfet* bari mu « magorwa akomeye » cyane cyane ko bamubonagamo icyitso cy'*Inkotanyi*, ashakishwa, nk'uko na *sous-préfet* ubwe yashakishwaga. Avuga ko « yahereyeke » asaba *sous-préfet* kwohereza yo *brigadier* wakoraga imirimo y'ushinzwe ibyerekeye amategeko ya gipolisi « kugirango barore... uko babigenza ».
135. Uregwa avuga ko imodoka ya *sous-préfet* yashizemo lisansi, umucuruzi witwa

Asarias akemera kubatiza imodoka, akayishyira mu maboko y'umu-*brigadier* wari ushinzwe kugenda, akarora uko byifashe i Nyarubuye, hanyuma akabikorera raporo. Brigadier yajyanye n'abandi bapolisi, Uregwa arataha. Bigeze ku mugoroba, brigadier yamumenyesheje ko hari abantu basanze kuri paruwasi, bapfuye. Uregwa yamubajije niba abapfuye bari benshi. Uregwa, igihe yabaraga iyo nkuru, yaravuze ati : « Kuko nari nsanzwe nzi ko hari abantu bake ». *Brigadier* yamusubije ko « mu by'ukuri », abishwe batari benshi cyane : hagati y'abantu 800 na 1000. Uregwa yongeraho ko, n'ubwo hari abo bantu biciwe kuri paruwasi ya Nyarubuye, umutekano wari urinzwe muri komine ya Rusumo kurusha izindi komine, asobanura ko impunzi zavaga muri komine zindi, nk'izo muri Byumba na Kibungo, zihunga ibitero by'*Inkotanyi*.

Kw'itariki ya 16 y'ukwezi kwa kane 1994

136. **Umugabo Urega TAQ** avuga ku itariki ya 16 y'ukwa kane 1994, mu ma saa mbiri ya mu gitondo, bamwe mu *Nterahamwe* na bamwe mu basirikare, bayobowe na Bagaruka na Liamuguiza, banyuze, bakurikirana, mu ishuli yari yihungiyemo, mu mazu ya paruwasi Nyamabuye, nyuma y'igitero cyo ku itariki ya 15 z'ukwezi kwa kane. Impunzi 30, ziri mu Umugabo Ushinja, bari muri iryo shuli. Bagaruka, na Liamuguiza, bababajije uwari wabahaye uruhusa rwo kuguma aho hantu, hanyuma bagenda ari uko bababwiye kuhaguma. Igihe yagendaga, Liamuguiza yavuze ko agiye gusahura. Impunzi ziyemeje kuva muri

iryo shuri, ziratatana. Umugabo Ushinja n'izindi mpunzi zaramanutse, zijya mu kabande. TAQ yabonye umucamanza Rubanguka agendagenda mu mirambo yari irambaraye muri paruwasi. Kugirango abakiri bazima batamucika, Rubanguka yabajugu-nyagaho urusenda. Abari bakiri bazima icyo gihe bakubitwaga impiri zishinzeho imisumari kugeza igihe bapfuye. Amaze kubona ibyo bintu, TAQ yahereke agenda. Mu bibazo byo kumunyomoza, TAQ yasobanuye ko ibyo yabonye, yabibonye mu ma saa mbiri za mu gitondo, ari imbere y'amazu y'ababikira, agisihika muri rya shuri. Yongeyeho ko Rubanguka yakoresheje igifukizo kirimo urusenda rucanye, akayizunguza hejuru y'imirambo.

137. **Umugabo Ushinja** TAO avuga ko yabonye Uregwa ku itariki ya 16 y'ukwezi kwa kane 1994 kuri paruwasi ya Nyamabuye, aho, kuva ku itariki ya 15 z'ukwezi kwa kane 1994, yari yihishe hamwe n'umugore we n'abana be babiri mu misarane y'amashuri abanza ya CERAI, ku metero 200 uvuye kuri paruwasi na metero 40 uvuye ku muhanda. Ngo Uregwa yaba yarazanye na Evarisiti Rubanguka, umucamanza mu rukiko rwa kanto, n'undi muntu babwiye Uregwa ko ari we Gatete. Yababonye bajya muri kabari kubatse bugufi ya paruwasi. Agereranyije, aho hantu, bahamaze nk'iminota 30. Bamaze gusohoka muri ako kabari, Uregwa, Evarisiti Rubanguka na Gatete baba baragiye kuri paruwasi, baherekejwe n'abaturage benshi, bose b'Abahutu. Bageze ahagereye amazu ya paruwasi, TAO abona Rubanguka ashinga icumu intumbi y'umuntu « wari wapfuye ». Yabonye Rubanguka afite ikindi kintu kimeze nk'icupa, ariko ntiyamenye icyo ari cyo kuko yari kure yacyo. TAO avuga kandi ko atabonye

icyakurikiyeho, icyo kikaba kidahuye n'ibyo yari yavuze mbere, agira ati :
 « Rubanguka yasohotse mu kiliziya afite igifukizo cyuzuyemo urusenda, yarucanye. Noneho, agendagenda aho intumbi zari zirambaraye mu kibuga. Umwotsi wavaga muri gifukizo wateraga abari bakiri bazima kwitsamura, aho bari hamara kumenyekana, bagasongwa.

138. **Umugabo Ushinjura UHT** w'Umuhutu wari utuye i Rusumo mu 1994 yavuze ko ku itariki ya 16 y'ukwezi kwa kane 1994, mu ma saa kumi n'ebiri za mu gitondo, ajya kwa muramu we Rwanteru, yahuye n'igitero, cyambaye amakoma, kibahatira kugikurikira ku kiliziya ya Nyarubuye. Bahageze mu bya saa moya cyangwa saa mbiri za mu gitondo. Kuri paruwasi, yabonye imirambo myinshi, abana bagendaga batazi aho bajya, abantu bavuga ko barokotse itsembatsemba. Yahabonye abasirikare n'abantu bambaye ibitenge. Igitero cyasonze abakiri bazima babatera ibyuma n'impiri. Umwe mu bari bambaye ibitenge, ngo bamukomeraga amashyi ku buryo bw'umwihariko kandi ni na we wayoboraga igitero. Byageze aho, UHT abona imodoka y'umutuku y'abajandarume. Bigeze mu ma saa sita, yabonye kamyoneti ijya kuri paruwasi, abantu bavugaga ko yari iya komine ya Rusumo. Abayisohotsemo, ni abapolisi ba komine, bambaye gipolisi, n'abandi bantu batatu barimo n'umushoferi. Uregwa ntiyari mu bari bambaye gisiviri kuko ngo 'byari bifite byose nibura ibiro 60' (*!!toutes pesaient au moins 60 kg !!*). Bigeze saa nani ya ku manywa, UHT yashoboye gucika.

139. Nk'uko byavuzwe mbere, **Uregwa** avuga ko kare mu gitondo cyo kw'itariki ya

16 z'ukwezu kwa kane 1994, *brigadier* wa komine, Neza, yasanze yihishe iwe, amubwira iby'ubwicanyi bwo muri komine Nyarubuye. Yongeraho ko *sous-préfet* yaje amushaka, bakajyana kwa *sous-préfet*, bakaganira. *Sous-préfet* yohereje abapolisi i Nyarubuye kurora uko ibintu byifashe, Uregwa asubira iwe. Yatekerezaga ko *brigadier*, namwakira ni mugoroba, amubwira aho bigeze.

Kw'itariki ya 17 y'ukwezi kwa kane 1994

140. **Umugabo Ushinja, TAX**, avuga ko yabonye Uregwa ku cyumweru, tariki ya 15 z'ukwezi kwa kane 1994, akaba ari wo muni w'igitero cya paruwasi Nyarubuye (ni ukuvuga, kuri 17 z'ukwezi kwa kane) cyabereye mu ma saa tatu za mu gitondo. TAX avuga ko, mu ma saa moya za mu gitondo, *Interahamwe* zitwaje imiheto, imihoro, impiri n'ibyuma, ziyobowe n'uwitwa Antoni, zari zabonye mu nzu y'ishuri impunzi 15 z'Abatutsi : abantu bakuru babiri, abana, abagore n'abakobwa b'inkumi. Muri abo bantu harimo Umugabo Ushinja. Imwe mu modoka yari itwaye *Interahamwe* avamo afite intwari. Indi modoka yari itwaye Uregwa. Uregwa yavuye mu modoka ababwira gusubira iyo bavuye. Arongera aravuga ati : « Sinsubira mu byo nababwiye. Buri muntu afate intwari ye ! Ushaka kwica inzoka, ayirasa ku mutwe. Ntihagire n'umwe musiga. » Umugabo Ushinja n'abandi bari barokotse basabye imbabazi, ariko biba iby'ubusa. TAX avuga ko Feredinandi na Pasikali - yari abazi bomi - ko bari mu gitero. N'ubwo yabasabaga imbabazi, bamurekuriye Antoni, amukubita impiri ku kiganza

cy'iburyo kugeza aho igufwa rigaragariye, arongera amukubita no ku rukugu. Yamukubise umuhoro ku mutwe inshuro ebyiri. TAX avuga ko nyuma y'ibyo, yongeye guta ubwenge. icyo gihe, Uregwa yari kuri metero ebyiri.

141. Uregwa avuga ko kw'itariki ya 17 z'ukwezi kwa kane 1994, yiriwe yihishe iwe. Avuga ko yari ategereje ko *sous-préfet* - yari yaraye abonanye nawe -, amubwira « ibyemezo byerekeye umutekano wacu » byari byafashwe kugirango ave mu bwihisho. Mu bisobanuro bye, agira ati : « Ubwoba nari mfite, nabuterwaga n'uko abo twakoranaga bari barishwe ». Iyo Uregwa avuga abo bakoranaga, aba avuga « ba burugumesitiri ». Yibukije urupfu rw'uwohoze ari burugumesitiri wa komine ya Kinigi, muri perefegitura ya Ruhengeri, wishwe ku itariki ya 9 y'ukwezi kwa kane, « igihe yageragezaga kwirukana igitero cyari cyateye komine ye ». Nk'uko abivuga, yakekaga ko ashobora kumukurikiza.

Nyuma y'itariki ya 17 z'ukwezi kwa kane 1994

142. **Umugabo w'Impuguke Alison Des Forges**, yemeza ko hamwe mu Rwanda yashoboye gusura mu kwezi kwa munani 1994, bugufi bwa Nyarubuye, yahabonye intumbi. Uwo Mugabo avuga ko, akurikije ibyo yumvanye abantu batari bake baganiriye, ariko ntavuge amazina yabo mu rukiko, ko intumbi yabonye aho yagiye hose cyane cyane zari iz'Abatutsi, cyangwa iz'Abahutu bitewe n'aho ageze ; izambere, ni iz'abarashwe n'ingabo z'u Rwanda (FAR),

insoresore zitwara gisirikare n'abaturage, iza kabiri ni izarashwe na FPR.

143. Umugabo w'Impuguke yerekanye ibyo yabwiwe, bikubiye mu nyandiko yahawe n'Abiregura, yita *Rapport Gersony*. Avuga ko iyo nyandiko ari raporo Bwana Robert Gersony yasabwe n'Umuryango w'Abibumbye Ufasha Impunzi, ariko iyo raporo ntiyamenyeshejwe rubanda. Uko abyumva, Gersony avuga imirambo yarerembaga mu migezi hashize ibyumweru bike nyuma y'uko FPR ihagera, mu gice cya Rusumo, mu ruzi w'Akagera na Nyarubuye. Madamu Des Forges asobanura ko, akurikije ibyo yiyumviye, ari ngombwa gutandukanya muri rusange intumbi zagaragaje ibiganza biboshwe inyuma y'umugongo n'intumbi zitaboshye ibiganza, za mbere y'uko FPR ihagera. Yongeyeho ko nta ntumbi iboshwe ibiganza yabonye kuri paruwasi ya Nyarubuye.
144. Mu kwezi kwa gatanu 1994, **Umugabo Ushinja, Patrick Fergal Kaene**, umunyamakuru wavugiye kuri televiziyo y'Ubwongereza, *British Broadcasting Corporation (BBC)*, mu kwezi kwa gatanu 1994, ibyabaye muri komine ya Rusumo, mu Rwanda, avuga ko mu mpera y'ukwezi kwa gatanu 1994, abifashijwemo na FPR yari yafashe ako karere, yagiye ku Rusumo, agashobora gufotora amazu ya paruwasi ya Nyarubuye, intumbi nyinshi ziharunze. Amaze kwumva ibyo abarokotse [ubwicanyi] bwo kuri paruwasi bamubwiye, yashakishije burugumesitiri Silivesitiri Gacumbitsi, aganirira nawe mu nkambi y'impunzi za Benaco, muri Tanzaniya. Mu byo yafotoye, hariho amashusho yerekanywe, ashirwa mu bimenyetso bihamya : intumbi nyinshi zaboraga,

zivangitiranye, zarabonekaga. Inyuma ya kiliziya ya Nyarubuye ni ho intumbi zigaragara ari nyinshi cyane, zigerekeranye. Muri izo ntumbi, harimo iz'abantu b'ibitsina byombi, ndetse n'intumbi z'abana, bamwe bambaye imyenda ya kinyeshuri.

3. Ikiganiro

Kw'itariki ya 15 y'ukwezi kwa kane 1994

145. Urukiko rurasanga Abagabo Bashinja, TAQ, TAO na TAX, bavuga ukuri. Bavuze ibyabereye kuri paruwasi ya Nyarubuye kandi biboneye n'amaso yabo, batanga ibimenyetso. Nta bitandukanye cyangwa binyomozanya byabaye mu magambo bavuze. Hari ubwo utuntu tudahuye neza dushobora kuboneka mu byo bavuze, bitewe n'igihe gishize nyuma y'ubwicanyi, n'ahantu hatandukanye byabereye, ndetse no mu bihe bitari bimwe. Ikindi ni umunaniro abatanga-buhamya bagize igihe babazwa.
146. Umugabo Ushinja, TAQ, yashoboye kuvuga abantu benshi bagize uruhare mu byabaye. Urukiko rutekereza ko, niba atarabonye ipakururwa ry'imihoro imbere ya kiliziya ya Nyarubuye, ibyo bidahagije kugirango rubikuremo ko ibyo yavuze ari ibinyoma ku byabaye aho hantu, nk'uko Abagabo Baregura babihamya. Urukiko rurasanga kandi TAQ avuga ko intwari zari zihari, cyane cyane imihoro yari mu modoka y'Uregwa.

147. Mu gihe cyo kunyomoza, TAQ yasobanuye ko igihe yagwaga igihumure, yari yihishe hamwe n’abadi bantu benshi mu nzu y’imbwa z’abapadiri. Abunganira Uregwa basa n’abahakana ko abo bantu benshi bahihishe, nyamara Umugabo Ushinja yivugira ko umuntu ashobora kuhahagarara. Urukiko rwasanze icyo gisubizo gihagije kubera ko rwari rwumvise Umugabo Ushinja ubwe yivugira ati : « Uko byari biteye – turi impunzi – nta kundi twari kubigira. Iyo ukeneye aho wihisha, ntushaka aho ushobora guhagarara, icyo uba ushaka ni aho wihisha, nta kindi ».
148. Urukiko rurasanga ubuhamya bwa TAQ na TAO ntaho butandukaniye ku byerekeye ibitekerezo impunzi zo kuri paruwasi zari zifite, igihe Uregwa yageraga aho hantu. Icyo gihe, TAQ na TAO, bombi bashobora kuba bavuga rumwe iyo bavuga ukuntu impunzi zegereye Uregwa zishaka kuganira na we kugirango, ahari - dukurikije uko Umugabo Ushinja TAQ yabibonaga - abasobanurire cyangwa abarengere.
149. Niba Uregwa « yaratiye » umuhoro – nk’uko TAQ na TAO babivuga – Urukiko rusanga ubwo buhamya bwombi butavuguruzanya, ahubwo bwongerana imbaraga. Niba TAO aterekana nka TAQ, mu rukiko, nyir’umuhoro watiwe n’Uregwa, kugirango avuge ko ari *Interahamwe*, ibyo si ukuvuguruza TAQ. Kubera intambara yari iriho, birumvikana ko abagabo bombi babivuga ku buryo butandukanye.

150. Ku byerekeye uburyo Abagabo Bashinja bamenye *Interahamwe*, Urukiko rwumvise ko, mu myumvire y'Abagabo Bashinja, iryo jambo rishobora kuvuga umunyamuryango ku rwego rw'igihugu n'urw'akarere uri mu ishyamba ry'insoresore z'ishyamba rya MRND, cyangwa se rikavugaga umuntu wese wagize uruhare mw'itsembatsemba ryo mu 1994 kandi wabaga yambaye ku buryo amenyeshya uwo ari we. Mu gusuzuma intangamugabo, bitewe n'uko byari bimeze icyo gihe, Urukiko rwirinzwe gushingira ku buhamya buvugaga ko *Interahamwe* zari ahantu aha n'aha igihe cy'ubuhotozi, ngo rutekereze huti huti ko muri komine ya Rusumo habaye umutwe bise *Interahamwe*.
151. Urukiko rwumvise neza ko, rukurikije ubuhamya bwa TAQ, bugashimangirwa n'abandi Bagabo Bashinja, n'Umugabo Uregura ZHZ, ko kw'itariki ya 15 y'ukwezi kwa kane 1994, ibihumbi n'ibindi by'abasivili, abenshi muri bo babababari Abatutsi, baturukaga muri komine zitandukanye no muri segiteri zimwe na zimwe za Rusumo, bahungiyeye muri paruwasi ya Nyarubuye, bahungaga umutekano muke n'ibitero by'*Interahamwe*, n'ibindi bitero mu turere twabo.
152. Ikindi Urukiko rwumvise, ni uko kw'itariki ya 15 y'ukwezi kwa kane 1994, mu ma saa mbiri, umukonseye yagiye kuri paruwasi aherekejwe n'igitero cy'*Interahamwe*, hanyuma akabwiriza impunzi kwitonda kikaguma kuri paruwasi. Uwo mukonseye yaragiye, *Interahamwe* zirasigara. Uregwa yagiye kuri

paruwasu ya Nyarubuye mu ma saa cyenda y'anywa. Yari aherekewe n'abapolisi ba komine ya Rusumo n'*Interahamwe*. Izo Nterahamwe zara-rimbaga, zigira ziti : « Tubatsembatsembe. » Amaze kuhagera, impunzi eshatu, zirimo umusaza w'Umututsi witwa Murefu, zegereye Uregwa, maze azibwira ko « isaha y'Abatutsi yageze ». Uregwa aherako afata umuhoro, uwutemesha Murefu kw'ijosi, aragwa, arapfa. Uregwa yategetse *Interahamwe* n'abapolisi ba komine gutera impunzi no kuzibuza guhunga. Ikindi, Uregwa yabwiye Abahutu kuva muri paruwasu. Hari umwana wagerageje kuva mu mpunzi, igitero kimusubizayo, kivuga ko atari Umuhutu, hanyuma baza kumutera gerenade kw'ijosi.

153. Kuba Abahutu barabwiwe kuva muri paruwasu kugirango bataza guterwa byemejwe n'Abagabo Baregura, NG2 na ZIZ, bavuga kandi ko igitero gikomeye cyatewe aho hantu ku itariki ya 15 y'ukwezi kwa kane 1994. Ariko, abo Bagabo bavuze ko ari abajandarume bayoboye ubwo bwicanyi, ko atari Uregwa wakiyoboye, kuko atari ahari. Urukiko rwemeye ubwo buhamya. Kuvuguruzwa ubuhamya bwa TAQ, TAO na TAX bwumvikana neza, Urukiko rwasanze bitashidikanywa ko Uregwa yagize uruhare mu bwicanyi bwabereye kuri paruwasu ya Nyarubuye, ku itariki ya 15 y'ukwezi kwa kane 1994.

154. Na none, Urukiko rufashe umwanzuro w'uko igitero cyateye impunzi zo kuri paruwasu zikoresheje gerenade, imbunda n'imihoro, kugera mu ma saa moya ya ninjoro, zikica, zikazikomereetsamo nyinshi.

Ku itariki ya 16 y'ukwezi kwa kane 1994

155. Urukiko rwemeye ubuhamya bw'Abagabo Barega TAO na TAX bahagaze ku cyo bavuga, ibikwiriye icyizere, abavuga ukuri kubyo Uregwa yakoze kuri paruwasi ya Nyarubuye kw'itariki ya 16 y'ukwezi kwa kane 1994.
156. Umugabo Ushinja, TAO, yavuze ko yabonye Uregwa mu gitondo cy'itariki ya 16 y'ukwezi kwa kane 1994, hakurya y'umupaka wa Nyarubuye, ari ho agana hamwe n'abandi bantu barimo Rubanguka. Kuba Rubanguka n'abantu bari hamwe n'Uregwa mu gitero byashimangiwe na Rubanguka, avuga ko yateraye umuntu icumu, akamwica, hanyuma y'uko ajya kuri paruwasi. Urukiko rwasanze abivuga yarabibonye, bikwiriye kwizerwa, kimwe na metero 40 zari zitandukanyije Umugabo TAO n'Umucamanza Rubanguka, nk'uko yabyivugiye.
157. Uretse ibivugwa n'Abunganira Uregwa, ntabwo Urukiko rwumva ko Umugabo Ushinja TAO, umugore we n'abana be babiri, bose bihishe iminsi ibiri mu misarane ya CERAI, hafi ya paruwasi ya Nyarubuye, nk'uko Umugabo Ushinja abivuga.
158. Ubundi kandi, rushingiye ku buhamya bwatanzwe na TAO, na TAQ, ndetse na UHT, Umugabo wunganira Uregwa wavuze ko bamufatiye ko yari mu gitero cya paroisie ya Nyarubuye mu gitondo cyo kw'itariki ya 16 y'ukwezi kwa kane 1994, Urukiko rusanga, muri icyo gitondo, icyo gitero TAQ na TAO bise

icy’*Interahamwe*, Umugabo Ushinja akaba yarakibonyemo umucamanza Rubanguka wasonzwe hamwe n’abari bakiri bazima bari baraye batewe. Kuba hari ibyo TAO yabonye umucamanza Rubanguka amena urusenda hejuru y’intumbi agirango avumbure abari bakiri bazima, ariko ibyo ntibibe mu buhamya bw’Umugabo Ushinja yatanze agitangira, ibyo ntaho bitambamiye uyu mwanzuro kandi ntibibujije ko ibyo Umugabo Ushinja avuga ari ukuri.

159. Kuba TAQ ataravuze ko yabonye Uregwa kuri paruwasi ya Nyarubuye ku itariki ya 16 y’ukwezi kwa kane 1994, si byo byatuma dushidikanya ko TAO yabonye Uregwa. Impamvu bitavugwa kimwe yaterwa n’uko aho bombi bari batari hamwe. Kandi, TAQ avuga ko yabonye umucamanza Rubanguka muri paruwasi, naho TAO yabonye Uregwa hamwe na Rubanguka n’abandi, bagana hafi ya paruwasi. Birumvikana ko ibyo TAO yabonye, yabibonye mbere ya TAQ.

160. Urukiko rurasanga Umugabo Wunganira Uregwa, UHT, adakwiriye kwizerwa. Mu bibazo by’inyomoza, yavuze ko mu gihe cy’amasaha atandatu yamaranye n’igitero kuri paruwasi ku itariki ya 16 z’ukwezi kwa kane 1994, atagize uruhare mu kwica inkomere zari zikiri nzima muri izo ntumbi. Nyamara, ntiyavuze icyo yakoraga, uretse ko yari kumwe na muramu we kandi ibyo yarabonaga bikaba byari biteye ubwoba cyane. Bamunyomoza, baramubajije, abanza kuvuga ko atazi nyir’imodoka, hanyuma ashimangira ko iyo modoka itari iya komine. Kandi ni ko yakomeje kubivuga mu bindi bibazo byiyongereyeho. Bamubajije uwari atwaye iyo modoka, yashubije ko yamumenye kuko yakoreraga komine. Urukiko kandi

rwabonye ko, mu bibazo by'inyomoza, Umushinjacyaha Mukuru yavuze ko UHT yaba yarabwiye umupererezi w'uruhande rwunganira uregwa, rwafashe ubuhamya yatanze mbere, ko yabonye iyo imodoka ava kuri paruwasi ya Nyabitare, kuri kilometero 15, aho imihanda ihurira, ariko Umugabo we avuga ko Umupererezi yibeshye.

161. Ariko Urukiko rubona ko Umugabo Ushinja, TAO, kandi ari we wenyine wumvise Uregwa avugira mu ndangururamajwi mu gitondo cy'itariki ya 16 z'ukwezi kwa kane 1994. Ariko ntiyavuze ko Uregwa hari intwaro yari yitwaje. Ubundi kandi, ari TAO, ari TAQ, ari UHT, ntibigeze bagira icyo bavuga cyerekeye isahura ry'amazu ya paruwasi, ubwicanyi burangiye.

Ku itariki ya 17 y'ukwezi kwa kane 1994

162. Nk'Abunganira Uregwa, Umugabo Ushinja TAQ yavuze ko yumvise Uregwa avugira mu ndangururamajwi ahandi hatari paruwasi ya Nyarubuye, hakaba hari mu ma saa tatu ya mugitondo, ku itariki ya 17 y'ukwezi kwa kane 1994, icyo igihe kikaba ari cyo TAX yavuze yamubonye. Ari Umugabo Ushinja TAQ, ari n'Umugabo Ushinja TAX, nta saha bavuze. Ikindi Umugabo Urega, TAQ, yavuze ni uko yumvise Uregwa avugira mu ndangururamajwi igihe yari muri imwe mu modoka eshatu yabonye zinyura aho segiteri ya Kankobwa na Nyarubuye bihurira, bugufi bwa paruwasi ya Nyarubuye. Niba Umugabo Ushinja TAX yarabonye Uregwa agera kuri paruwasi mu modoka, ibyo bintu byabonywe

byabaye mu gihe gito, mu saa tatu za mu gitondo. Urukiko rurabona ubuhamya bwa TAQ butavuguruza, kimwe n'icyizere kigirirwa cya TAX mu byo avuga byabaye icyo gihe.

163. Urukiko rurabona Umugabo TAX yarabonye ibyabaye neza cyane : byabaye mu gitondo, TAX yari bugufi cyane bw'Uregwa, yagereranyije ko hari nka metero ebyiri. Rushingiye ku buhamya bwe, Urukiko rufata umwanzuro ko, kw'itariki ya 17 z'ukwezi kwa kane 1994, mu ma saa tatu ya mu gitondo, Uregwa yegeranyije impunzi z'Abatutsi 15 zikiri nzima, maze akimara kuvuga ayo magambo, igitero cyahuka mu bari barokotse, kibatera imihoro imbere ya kiliziya ya Nyarubuye, ababwira gufata inywaro, kwica abari bakiri bazima bakubita ku mitwe, ntibagire uwo basiga. Ntawashidikanya ko Uregwa yategekaga kwica buri mututsi muri abo 15 kuko yamaze kuvuga ayo magambo, igitero kigatema abari bakiri ho imihoro, babiri muri icyo gitero bakomeretsa TAX abasaba imbabazi, basiga agiye gupfa. Kuri iyo mpamvu, Urukiko rufashe umwanzuro w'uko, kw'itariki ya 17 z'ukwezi kwa kane 1994, Uregwa yateye abasivili b'Abatutsi kuri paruwasi ya Nyarubuye, agategeka igitero kwica impunzi nk'uko byanditse mu gika cya 27 cy'inyandiko y'ikirego.

Ikivugwa n'Uruhande Rwiregura : ubwicanyi bwakozwe na FPR

164. Uruhande rw'Uregwa ruvuga ko ayo mashusho atari ay'igitero cyo kuri paruwasi ya Nyarubuye, ku matariki ya 15, 16 na 17 z'ukwezi kwa kane 1994. Ni yo

mpamvu, ku byerekeye intumbi zigaragara mu mashusho yafashwe na Patrick Fergal Keane, havugwa ko ari izo mw'itsembatsemba ryo kw'itariki ya 15 y'ukwezi kwa kane kuri paruwasi ya Nyarubuye. Abunganira Uregwa bavuga ko ahubwo ayo mashusho ari ay'abishwe na FPR. Raporo y'abaganga w'inzobere mu by'amategeko, bakaba ari Abagabo Bashinjura batangwa n'Abunganira Uregwa, uroye niko babivuga. Na none, Umugabo wunganira Uregwa, XW9, wo mw'ishyaka rya *MDR-Power*, utuye mri segiteri ya Kigina, avuga ko, kw'itariki ya 28 y'ukwezi kwa kane 1994, yari yafashwe n'ingabo za FPR zari zateye u Rwanda. Uwo Mugabo avuga ko yamenye mu ngabo za FPR umwe mu baturanyi be, w'Umututsi, ariko ko atari yambaye imyambaro ya gisirikare. Yongeyeho ko bamujyanye hamwe n'abandi, nyuma yo kumuhambira. Mu nzira, yaraguye, maze ngo umwe mu basirikare amurasa amasasu abiri, asiga ameze nk'uwapfuye. Abasirikare ba APR (ishami rya FPR) bakomeje inzira n'abandi bari bafasheho imfungwa, hanyuma ngo babarasa amasasu bamaze kugera kuri metero 20 z'aho Umugabo wunganira Uregwa yari ari, i Nyabitare. Yongeraho ko kw'itariki ya 5 z'ukwezi kwa gatanu 1994, umugore we n'abana be batanu (umuherezzi yari afite umwaka umwe n'amezi atandatu), n'abaturanyi be bose ngo baba barishwe n'abasirikare ba APR. Uruhande rwunganira Uregwa rushingira kuri *Raporo yatanzwe na Garsony*, rukavuga yo ibyo ibyaha byakozwe na FPR. Urugero rukaba nko muri komine ya Rusumo n'izindi byegeranye.

165. Icyamba mbere, Uruhande rwunganira Uregwa rusa n'aho ruvuga – kuko ahangaha rutabisobanura ku buryo bwumvikana - ko FPR, amashyamba yari muri icyo

ntambara yo mu Rwanda, nayo yabigizemo uruhare. Kuri iyo ngingo, ubwo buryo bwo kwiregura, bita *tu quoque* [... nawe...], ntacyo buvuze igihe Urukiko ruca imanza z'ibyaha bikomeye, cyane cyane ko nk'ubu Abunganira Uregwa batavuga ko FPR yaba yarakoze ibyaha i Nyarubuye mbere y'amatariki ya 15, 16 na 17 y'ukwezi kwa kane 1994.

166. icya kabiri, niba Abunganira Uregwa bavuga ko mu ntumbi basanze i Nyarubuye - ntibavuge uko umubare wabo ungana - ari iz'abishwe na FPR. Urukiko rurasanga raporo y'abaganga bakorana n'urukiko batanga ari iyo kwitondera. Impamvu, ni uko abavuga ko intumbi zose ziri kuri kasete babonye atari izo mu kwezi kwa kane 1994. Ariko ntivivuga ko izo ntumbi ari iz'igihe abaturage basanzwe b'Abatutsi baterwaga kuri paruwasi ya Nyarubuye, muri komine ya Rusumo, kuva kw'itariki ya 15 kugera kw'itariki ya 17 z'ukwezi kwa kane 1994. Iyo raporo rero si yo yatuma bishidikanywa ko habaye ibitero byavuzwe n'Abagabo benshi bashinja n'Abunganira Uregwa.

4. Imyanzuro

167. Rushingiye ku bika bya 15, 16 na 17 by'Ikirego, Urukiko rufashe umwanzuro ruvuga ko kw'itariki ya 15 y'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yari mu gitero cyateye paruwasi ya Nyarubuye yari yateraniwemo n'Abatutsi benshi n'Abahutu. Silivesitiri Gacumbitsi yegereye paruwasi ari 9 muri mwe mu modoka nyinshi zari zitwaye abapolisi ba za komine n'*Interahamwe* Igitero cyari

- cyambaye imyambaro yagenewe *Interahamwe*. Igitero cyari cyitwaje imihoro z'izindi ntwaro za gakondo, imbunda na gerenade, bazikoresha mu gitero bateye. Nyamara, Urukiko ntirushobora, rushingiye ku ntangamugabo rwahawe, gufata umwanzuro w'uko iyo mihoro bari bayihawe mbere na Silivesitiri Gacumbitsi.
168. Hashize igihe gito ageze kuri paruwasi, nka saa cyenda y'amanya, Silivesitiri Gacumbitsi yishe Murefu, Umututsi w'impunzi, wari wamusanze, yatanze ikimenyetso cyo gutangira kwica. Silivesitiri Gacumbitsi yabwiraga imbaga yifajishijishe indangururamajwi, abwira impunzi z'Abahutu kwitandukanya n'Abatutsi. Harimo abumviye ibyo ababwiye, abapolisi ba komine n'*Interahamwe* batara izindi mpunzi zisigaye mu kigo cya kiliziya.
169. Urukiko rufashe umwanzuro w'uko abapolisi ba komine bateye paruwasi babibwirijwe n'Uregwa. Yategetse abicanyi, arabigisha kugera aho bumviye ko izo nyigisho zari izo kubashishikaza.
170. Urukiko rwafashe umwanzuro w'uko Uregwa ari we watumye igitero kiba : yagihaye imodoka za komine ya Rusumo kugirango zikijyane, zitware n'intwaro. Ubwe, yahageze aherekejwe n'abapolisi n'igitero mu modoka imwe mu za gendaga zikurikiranye. Izo modoka zajyanye aho intwaro igitero cyagombaga kubera, ariko Urukiko ntirufite gihamya ko izo ntwaro zatanzwe.
171. Rumaze gusoma igika cya 18 cy'ikirego, Urukiko rwumvise ko kw'itariki ya

16 z'ukwezi kwa kane 1994, umunsi ukurikira itariki ya 15 z'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yegereye kiliziya ya Nyarubuye ari kumwe n'igitero. Muri icyo kiliziya, harimo umucamanza witwa Rubanguka. Bamwe mu bari muri icyo gitero bari bitwaje amacumu, imihoro, imiheto n'imyambi. Ntawe uvuga ko Uregwa yari afite intwari. Uregwa yabonye Rubanguka atera icumu umuntu ariko ntawamenye ko yapfuye cyangwa akiri muzima icyo gihe. Urukiko rwafashe umwanzuro w'uko Uregwa ari we wayoboraga igitero cyo kw'itariki ya 16 z'ukwezi kwa kane, kandi yari yayoboye n'icyo ku ya 15 y'ukwezi kwa kane. Muri icyo gitero, abateraga, barimo umucamanza Rubanguka, basanze abari bakiriho. Nyuma y'ibyo, igitero cyasahuye mu kigo cya paruwasi.

172. Ku byerekeye igika cya 27, Urukiko rwafashe umwanzuro w'uko hagati y'itariki ya 15 n'ya 17 z'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yayoboye ibitero byateraga abasivili b'Abatutsi bari birunduye muri paruwasi ya Nyarubuye, kandi bafashe uruhare mu bitero. Kw'itariki ya 15 y'ukwezi kwa kane, yishe Umututsi witwa Murefu. Ku matariki ya 15, 16 na 17, yayoboye ibitero mu gutanga amategeko akomeye yo kwica Abatutsi bari bahungiye muri paruwasi. Interahamwe, abajandarume n'abapolisi ba komine Rusumo bari muri icyo gitero cyo kw'itariki ya 15 z'ukwezi kwa kane 1994.

173. Urukiko rurabona Gacumbitsi yoroheje urugendo mu modoka rw'abapolisi ba komine, Interahamwe n'intwari kugera kuri paruwasi ya Nyarubuye kuko

yatanze uruhushya rwo gukoresha cyangwa agatanga imodoka za komine. Yayoboye ibitero byateye abasivili b'Abatutsi, aha urugero igitero cyangwa akibwiriza ibyo cyagombaga gukora kugirango cyice impunzi.

174. Mu gika cya 19 cy'ikirego, Urukiko ntirushora gushingira ku ntangamugabo rweretswe ngo ruvuge ko « impunzi zose z'Abatutsi ibihumbi n'ibihumbi ziciwe kuri paruwasi ya Nyarubuye ». Ariko rero, rufashe ko byagaragaye ko ibihumbi n'ibindi by'abasivili b'Abahutu n'Abatutsi byari byahunze mbere y'itariki ya 15 z'ukwezi kwa kane 1994. Ikindi, uwo muni, Abahutu batandukanyijwe Abatutsi, hanyuma Abatutsi baraterwa. Uwo muni Abatutsi benshi cyane barahapfiriye. Urukiko rufashe umwanzuro ko umubare munini cyane w'Abatutsi bari bahungiyeye kuri paruwasi ya Nyamabuye bishwe hagati y'amatariki ya 15 na 17 z'ukwezi kwa kane 1994.

D. IBIKA BYA 31 KUGEZA KURI 36 BY'IKIREGO (UBUHOTOZI)

1. Ibivugwa

175. Mu bika 31, 33 na 36 by'inyandiko y'ikirego, havugwa ibikurikira :

31. Silivesitiri GACUMBITSI ntiyatanze amabwiriza yonyine, ubwe yaba yarayoboye ibitero, agamije kwica impunzi z'Abatutsi b'abasivili. Ndetse,

yavugaga ko abasivili b'Abatutsi bo muri perefegitura ya Kibungo bagomba gupfa.

33. Kw'itariki itazwi y'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yishe umugore w'Umututsikazi n'abana be batatu, abasanze iwabo. Silivesitiri GACUMBITSI yari yarabyaye mu batisimu umwe muri abo bana, kandi uwo Mututsikazi yari yahungiyeye k'uwari inshuti ye kuva kera. Aho kubatabara, Silivesitiri GACUMBITSI yateganyije kwica uwo mugore n'abana be.

34. Kuri 14 z'ukwezi kwa kane 1994 cyangwa hafi aho, Silivesitiri GACUMBITSI yarashe abasivili babiri b'Abatutsi, bugufi bwa santarale y'abagatolika y'i Nyabitare. Abo bantu bari basabye imbabazi Silivesitiri GACUMBITSI, bagera n'aho bamuha n'amafaranga bagirango abarase aho kubatemesha umuhoro. Silivesitiri GACUMBITSI yanze amafaranga, arabarasa, arangije, abakuramo amafaranga yari asigaye.

36. Kw'itariki itazwi, mu kwezi kwa kane 1994, Silivesitiri GACUMBITSI ubwe yahaye itegeko abakodeshaga imwe mu mazu ye yo kubamo. Amaze kuvuga ko inzu ye atari CND, ashaka kuvuga aho abasilikare ba FPR bari bakambitse i Kigali, Silivesitiri GACUMBITSI yatanze itegeko ryo kwica abari mu mazu ye yakodeshaga.

176. Urukiko rusanga igika cya 31 cyanditswe mu magambo rusange, icyo gika ntacyo kivuga ryabaye kw'itariki iyi n'iyi cyangwa ahantu aha n'aha, ko ryakorewe abantu aba n'aba. Urukiko rusanga icyo gika gisa n'aho ari inkuru igitangira, kikaba kitafatwa nk'ubundi bwicanyi buvugwa mu bika bya 32 kugera

ku cya 36 by’Inyandiko y’ikirego. Nta kimenyetso atanga cy’urupfu rwa Murefu, Simoni Buhonogo na Rugenera cyangwa cy’urupfu rwa Tasiyana Mukamwiza avuga. Ntibishobora rero, nk’uko Umushinjacyaha Mukuru abivuga, kugira icyo bimarira intangamugabo zatanzwe kuri iyo ngingo. Ni yo mpamvu Urukiko rufata umwanzuro w’uko igika cya 31 kidahagije kugirango imyanzuro ibe ihamye ishingiyeye ku buhamya bw’urupfu rwa Murefu, Simoni Buhonogo na Rugegena iyo hasuzumwe igika cya 15 cy’Inyandiko y’ikirego cyerekeye iterwa rwa Nyarubuye.

177. Umushinjacyaha Mukuru yemeye ko nta kimenyetso na kimwe yatanze ku bika bya 32 na 35 by’Inyandiko y’ikirego. Urukiko rero ntiruzita ku myanzuro yerekeye ibyavuzwemo.
178. Urukiko rubona, ku byerekeye igika cya 34 cy’Inyandiko y’Ikirego, ko mubuhamya bwe yatanze ataragera mu rukiko, Umushinjacyaha yerekanye ku buryo budashidikanywa ko azi inzirakarengane zivugwamo izo ari zo kandi yerekana ko ibyo avuga bishingiyeye ku buhamya bwa TAC.

2. Ibigize intangamugabo

Kw’itariki ya 13 z’ukwezi kwa kane 1994 – Urupfu rwa Mariya na Beatirisa

179. **Umugabo Ushinja TBC**, umucuruzi w’i Rusumo wari uzi neza Uregwa kandi wari wamwerekanye mu rukiko, avuga ko yamubonye mu ma saa mbiri ya mu gitondo, kw’itariki ya 13 y’ukwezi kwa kane 1994, aherekewe n’abapolisi, Mukankusi, Kazoba na Gidas, bita Gitamisi. Uregwa yasobanuriye abakodesha be, harimo abakobwa babiri bava inda imwe, Mariya na Beatirisa, kandi ko *Interahamwe* zamutumyeho ko ziza saa sita, abapangayi bakaba baragombaga rero kumusubiza infunguzo. Yongeyeho ko amazu ye atari CND – ubwo yavugaga inzu iri i Kigali yari yatijwe abasilikare ba FPR n’amasezerano ya Arusha. Abakodesha bumvise ko iwe atari urugo rw’Abatutsi, ko bagombaga kuruvamo. Nyuma y’icyo gihe, TBC yahungiyeye muri Tanzaniya. Agarutse i Rwanda mu kwezi kwa gatandatu 1994, yamenye ko Mariya na Beatirisa bapfuye muri iryo joro ry’itariki ya 13 y’ukwezi kwa kane 1994. TBC yongeraho ko atigeze yumva Uregwa ateguka kugira abantu bica.
180. **Umugabo Ushinja TAS** avuga ko yabonye Uregwa kw’isoko ry’i Nyakarambi kuwa gatatu, tariki ya 13 z’ukwezi kwa kane 1994, mu ma saa tanu za mugitondo. Mu bantu bari bamuherekeje, uwo yashoboye kumenya ni umupolisi witwa Kazoba wenyine. Kuri uwo mugoroba, igihe yari yihishe, yumvise Kazoba, wari kuri metero 30 - ariko ntiyamubonaga -, abwira uwo baganiraga ko kuva saa sita z’amanywa, kuri uwo wa kane, nta Mututsi uza kuba akiriho kuko Silivesitiri Gacumbitsi yari yavuze ko babica bose, batangiriye kuri Mariya na Beatirisa.

181. **Umugabo Uregura TAW** avuga ko, kw'itariki ya 13 z'ukwezi kwa kane 1994, mu ma saa tatu ya mu gitondo, Uregwa n'abapolisi ba komine bagiye ku nzu y'Uregwa « kurora ko abakodeshaga biyemeje kumuvira mu nzu ». Mu bari muri iyo nzu y'Uregwa, harimo Mariya na Beatirisa. Abakodeshaga amazu y'Uregwa basabye kwongererwa igihe cyo kuhazava kuko nta handi bari bashoboraga gucumbika, ariko Uregwa abwira abapolisi kubakura mu nzu ku gahato no kubaka imfunguzo. Abapolisi bakuruye Mariya n'umwana we, babavana mu nzu. Uregwa yafashe imfunguzo z'inzu, maze abwira abakodeshaga ati : « Nsubiye ku murimo. Ningaruka, ngasanga mukiri aha, muragowe. » Yahagarutse nyuma ya saa sita, ahasanga Mariya na Beatirisa, yongera kubaha itegeko ryo kuhava.
182. **Umugabo Uregura UPT** – umukobwa wari ufite imyaka 16 muri 1994 – avuga ko mw'ijoro ryo kuri 13 z'ukwezi kwa kane 1994, ubwicanyi bwatangiriye kuri Beatirisa na Mariya, b'Abatutsikazi. Igitero cyatewe n'ingegera nka Kirenge na Kigati. Abo bagore, uko ari babiri, bapfiriye aho bari bahungiyeye, bamaze kwumva amagambo y'iterabwoba yabwirwaga burugumesitiri kuko ngo yari acumbikiye *Inkotanyi*. Umugabo Ushinja yemeza ko burugumesitiri atirukanye abapangayi be uwo muni.
183. **Umugabo Uregura YEW** avuga ko kw'itariki ya 13 z'ukwezi kwa kane 1994, yahuye n'umwe mu bapangayi ba burugumesitiri, akamubwira ko yahunze kubera

ko burugumesitiri yari yamubwiye ko atagishoboye kumurindira umutekano. Bwarakeye, Umugabo Ushinja amenya ko Mariya na Beatirisa bishwe, yongeraho ko Mariya ari we wari ucumbitse kwa burugumesitiri, Beatirisa akaba yarabaga mu nzu y'uwategekaga Banki y'abaturage y'aho hantu.

Kw'itariki ya 14 z'ukwezi kwa kane 1994 – kwicwa kwa Kanyogote

184. **Abagabo Bashinja TAK na TBK** batanze ubuhamya ku rupfu rwa Kanyogote, w'Umututsi, n'abana be babiri, kw'itariki ya 14 n'ya 15 z'ukwezi kwa kane 1994, hafi y'urugo rw'Uregwa.

Kw'itariki ya 14 z'ukwezi kwa kane 1994 – Iterwa rya santarali gatolika y'i Nyabitare

185. **Umugabo Uregura TAC**, w'Umututsi, uvuga ko azi « neza » Uregwa - ariko yari yarerekaniye mu rukiko ko amuzi -, avuga ko yamubonye kw'itariki ya 14 cyangwa iya 15 z'ukwezi kwa kane 1994 ku kagoroba, hafi ya santarali gatolika y'i Nyabitare, muri komine ya Rusumo. Aho hantu, abaturage batari benshi cyane bari bahungiye. TAC yari yihishe mu rutoki ruri nko kuri metro 30 za santarali. Mu bari kumwe n'Uregwa, twavugaga Edimondi Bugingo, umukuru w'Interahamwe z'aho hantu, ari zo nsoresore za MRND, Geregori Kabandanyi, wari ushinze CDR muri segiteri ya Nyabitare n'umujyanama Rwabalinda. TAC asobanura ko inyuma muri kamyoneti *double cabine* y'Uregwa yarimo intwari

n’abapolisi, kandi ko Uregwa yari ayiri imbere.

186. Ibyo TAC yavuze, bakimara kuvugana n’Uregwa, ni uko abapolisi bitwa Berakumenyo na Kazoba binjiye muri santrali gatolika, hanyuma basohokana impunzi ebyiri, ari zo Rukomeza na Viyane Mutunzi, umukinnyi w’ikirangire mu mupira w’amaguru. Uregwa yari asanzwe azi abo Batutsi babiri. TAC yabonye Mutunzi na Rukomeza basaba imbabazi Uregwa kugirango, aho kubica nabi, abarase, yoye kubatemagura imihoro. Yabonye bakura ikintu mu mufuka, bagihereza Uregwa. TAC yaketse ko byari amafaranga. Hanyuma Uregwa asubira mu modoka ye, ajya i Nyarubuye. Uregwa amaze kugenda, Mutunzi na Rukomeza baraswa n’abapolisi babiri, hanyuma basaka imirambo yabo. Mu bibazo by’inyomoza, TAC yashimangiye ko Mutunzi na Rukomeza barashwe « (Uregwa) amaze kuhava ».

3. Ibiganiro n’imyanzuro

Igika cya 33 cy’Inyandiko y’ikirego

187. Ikimenyetso gitangwa na TAK na TBH cy’urupfu rw’Umututsi bita Kanyogote, ari kumwe n’abana be babiri, rwo kuri 14 z’ukwezi kwa kane 1994, mu rugo cyangwa hafi y’urugo rw’Uregwa. Igika cya 33 cy’Inyandiko y’ikirego gitandukanye na byo : [iki gika] kivuga iby’urupfu rw’Umututsikazi n’abana be batatu. Ni yo mpamvu, Urukiko rudashobora kwita ku buhamya bwa TAK na

- TBH kuko ntaho buhuriye n'inzirakarengane imwe cyangwa zirenze imwe mu zuvigwa mu gika cya 33 cy'Inyandiko y'Ikirego.
188. Ni na yo mpamvu Urukiko rufashe umwanzuro w'uko Inyandiko y'ikirego itavuga na gato urupfu rwa Kanyogote n'urw'abana be. Kuba Umushinjacyaha, mu magambo yavuze mbere y'urubanza, yaragize icyo avuga ku rupfu rwa Kanyogote n'urw'abana be ntibihagije kugirango bihindure iyo Nyandiko y'ikirego idasobanutse ; cyane cyane iyo ushingiyeye ku magambo yavuze mbere, usanga atagaragaza aho icyo kirego gishya gihuriye n'igika cya 33 cyavuzwe hejuru. Ayo magambo yavuze mbere y'urubanza, aho kurushaho kwumvikana, ahubwo azanamo urujijo kuko yitiranya abantu bari mu gika cya 33, ubundi akongeraho ikindi kirego cy'icyaha cy'ubwicanyi kitabaye. Ayo magambo abanza ntashobora guhindura Inyandiko y'ikirego kuko atubahiriza Ingingo ya 50 y'Igitabo cy'amategeko.
189. Mu by'ukuri, Inyandiko y'ikirego ni yo ivugwaho ko yongereye ku kirego icyaha kitarimo cyangwa yahinduye ibimenyetso byerekana ko zishwe. Kubera iyo mpamvu, Urukiko rwiyeje kutita ku ntangamugabo bwahawe n'Ubushinjacyaha ku byerekeye urupfu rwa Kanyogote n'abana be. Rufashe umwanzuro ko abo Batutsi, batinyaga gupfa bazira ubwoko bwabo. Mu kwezi kwa kane 1994, biciwe muri komine ya Rusumo n'abantu batashoboye kumenywa.
190. Urukiko rurabona kandi Ubushinjacyaha batarerekanye ikimenyetso na kimwe ku

bikubiye mu gika cya 33 cy'Inyandiko y'ikirego.

Igika cya 34 cy'Inyandiko y'ikirego

191. Aho bigeze, Urukiko rusanga imyumvikanire mike iri mu gika cya 34 ku nzirakarengane ikosorwa n'ibyavuzwe mbere y'urubanza. Abo bantu, basobanuye abo ari bo.
192. Urukiko rwumva rutakwemera ubuhamya bwa TAC. Hari impamvu nyinshi zirutera kutizerwa. Urukiko ruributsa ko TAC atiboneye ibyo avuga kandi hari ubwo yari aryamye yubanye, igihe hari yihishe mu rutoke, ku metero 30. Utekereje uko ibintu byari byifashe, ukagereranya ubwoba Umugabo Ushinja yari afite icyo gihe n'uko yabwiye [Urukiko] buri kintu yaba yabonye, ibyo bintu byarasuzumanywe ubushishozi. Ubundi kandi, Urukiko rwavumbuye ingingo nyinshi zivuguruzanya mu buhamya bwa TAC. Dore urugero : umubare w'abapolisi bahasigaye, Uregwa amaze kuhava n'abo bapolisi abo ari bo, yagiye abivuga ku buryo budahuye. Ikindi, Umugabo Ushinja yivugurujye kenshi ugereranyije n'ibyo yari yavuze atarantanga ubuhamya nyirizina mu rukiko. Hari nk'ubwo TAC yavuze ko Uregwa ata afite intwaro, ko ngo yavuye kuri santarali gatolika mbere y'uko abapolisi babiri bica Mutunzi na Rukomeza, kandi mu buhamya bwe bwa mbere bwo kw'itariki ya 8 y'ukwezi kwa kane 1997, Uregwa yari afite intwaro, akaba ndetse yaranyicyiye inzirakarengane ebyiri. Yaba yaranabwiye abashinzwe iperereza ko Uregwa yambuye amafaranga izo

nzirakarengane ebyiri atarazica ; ariko yavugiye mu rukiko ko nta kintu na kimwe yabambuye. Ikindi yavuze, ni uko igihe yari mu bwihisho, wenyine mu rutoke, nyamara ataraza mu rukiko, yavuze ko yari kumwe n’umugore we na bashiki be batatu. Umugabo Ushinja, ntiyasobanuye ku buryo bwumvikana impamvu ibyo avuga bidahuye, kandi rero ntawahamya ko abapererezi bibeshye.

193. Kubera izo mpamvu, Urukiko rwemeje ko Umushinjacyaha aterekanye ku buryo bwose budashidikanywa ibiri mu gika cya 34 cy’Inyandiko y’ikirego.

Igika cya 36 cy’Inyandiko y’ikirego

194. Urukiko rusanga igika cya 36 cy’Inyandiko y’ikirego kidasobanutse kuko kidasobanura inzirikarengane izo ari zo, kandi ntikivuge abicanyi abo ari bo. Ikivugwa cyonyine ni uko Uregwa yatanze itegeko ryo kwica abari bacumbitse iwe. Urukiko rusanga ikimaze kuvugwa cyarakosowe mu biganiri byabaye mbere yo gushinja no mu zindi nyandiko bifitanye isano.

195. Urukiko rusanga ubuhamya bwa TBC na TAS bukwiye kwemerwa kandi rugasanga ibyavuzwe na TAW bihuye na byo, urukiko rukaba rwarasanze bikwiriye kwemerwa. Rushingiye ku buhamya bwa TAW, TBC na TAS, Urukiko rusanga, kw’itariki ya 12 y’ukwezi kwa kane 1994, bari i Nyakarambi igihe Uregwa yategekaga Mariya na Beatirisa - abo Batutsikazi bavaga inda imwe - kuva mu nzu ye bakodeshaga, akavuga ko inzu ze atari CND, ashaka kuvuga

- inkambi ya FPR y'i Kigali. Uregwa yahagarutse kw'itariki ya 13 z'ukwezi kwa kane 1994, afatanywa n'abapolisi ba komine, abirukana ku gahato.
196. Rumaze kwumva ubuhamya bwa TBC n'ubw'Abagabo Bahamya UPT, YCW na YEW, Urukiko rufashe umwanzuro w'uko Mariya na Beatirisa bishwe mw'ijoro ryo ku ya 13 z'ukwezi kwa kane 1994. Ariko rero, ibyo TAS yumvise bavugaga ntibihagije, kereka ahari habaye undi muntu ubihamya kugirango bigaragare ko Uregwa yategetse ko Mariya na Beatirisa bicwa.
197. Rumaze kwumva imyanzuro yagezeho ku byerekeye uruhare rw'Uregwa ibyaha by'itegura bishishikariza kwica Abatutsi i Rusumo, Urukiko rufashe umwanzuro w'uko, kw'itariki ya 13 z'ukwezi kwa kane 1994, Uregwa yirukanye abapangayi be – abagore b'Abatutsikazi – bazira ubwoko bwabo, azi ko abatereje abicanyi.

E. IBIKA BYA 20, 21 NO KUVA KU CYA 37 KUGEZA KU CYA 40 BY'INYANDIKO Y'IKIREGO (UGUFATWA KU NGUFU)

1. Ibirego

198. Mu bika bya 20, 21 37. 38. 39 na 40 by'Inyandiko y'ibirego, dusangamo ibirego bikurikira :

20. Kugirira nabi abagore b'Abatutsikazi ku bitsina byabo ni ikintu cyagaragaye igihe cyose, kandi ntawe baretse. Mu gihe Silivesitiri GACUMBITSI yari umuyobozi, yatanze amategeko kandi yashishikarije itsembatsemba muri komine ya Rusumo. icyo gihe, yari azi, cyangwa yagombaga kuba azi ko kugirira nabi abasivili b'Abatutsi ku gitsina cyabo byari, cyangwa bizaba rusange cyangwa bikagirwa ntawe bisize. Ikindi, ni uko abagombaga gishyira ibyo bikorwa mu ngiro bazishakira abo bategeka cyangwa abazumvira amategeko ye yo gutsembatsemba Abatutsi bese.
21. Silivesitiri GACUMBITSI yatambagiye mu modoka muri komine ya Rusumo yose, avugira mu ndangururamajwi ko Abatutsikazi bagomba gufatwa ku ngufu, bakabatesha agaciro ibitsina byabo. Urugero : kuri 17 z'ukwa kane cyangwa hafi yaho, Silivesitiri GACUMBITSI yashishikaje abaturage batuye bugufi bw'umuhanda wose wa Nyarubuye « *gufata ku ngufu abakobwa b'Abatutsikazi kuko batigeze bemera kuryamana n'Abahutu...* » no « *gushakishuriza mu bihuru izo nzoka zose...* ». Ntibyatinze, ibitero no gufata abagore b'Abatutsikazi ku ngufu biratangira.
(...)
37. Mu kwezi kwa kane, kwa gatanu n'ukwa gatandatu, gufata ku ngufu no kugirira abagore ibya mfura mbi byasakaye ku gitsina gore cyose kandi ntawe bisize inyuma. Kugira ibya mfura mbi byabaga kenshi na kenshi bikurikirwa no kwica [ababigiriwe], kandi rimwe na rimwe, bikaba ari na yo mpamvu bamwe mu Batutsi b'abasivili bapfuye bazize.
38. By'umwihariko, ahagana kw'itariki ya 17 z'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yashutse abagore b'Abatutsikazi, abajyana ahantu, ababwirira mu ndangururamajwi ko abagore b'Abatutsikazi ntacyo bazaba, ko ngo abagabo b'Abatutsi ari bo bazicwa. Abagore bamwe bamaze ibyo Silivesitiri GACUMBITSI yari amaze kuvuga, bateranira hamwe nk'uko yari yababwiye, hanyuma abicany

barabagota, babafata ku ngufu, barangije, barabica. Abo bicanyi kandi bakoze ibyamfura mbi ku Batutsikazi bamwe na bamwe, binjiza ibintu mu bitsina byabo.

39. Ahagana kw'itariki ya 17 y'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yagiye ku muhanda ugana i Nyarubuye. Yari muri imwe mu modoka zari zikurikiranye, avugira mu ndangururamajwi ati : « *Mushakire mu bihuru, ntimugire inzoka mubabarira... Abahutu bababarira Abatutsi bagomba kwicwa... Abakobwa b'Abatutsikazi bahoze banga kuryamana n'Abahutu bagomba gufatwa ku ngufu, inkoni zigomba kunjizwa mu bitsina byabo...* » Silivesitiri GACUMBITSI amaze kuhava, hari abagabo bateye abagore b'Abatutsikazi bari bihishe bugufi y'aho, maze bafatamo benshi ku ngufu. Umwe muri abo bagore yarishwe, hanyuma bamuseseka inkoni mu nda ibyara.

40. Gukorera abagore ibya mfura mbi byabaye rusange kugeza aho bikorerwa mu maso y'abantu. Byari intwari mu ntambara nk'izindi zo kurwanya abasivili, ku buryo Silivesitiri GACUMBITSI yagombaga, cyangwa yagombye, kumenya ko bikorwa kandi ko ababikoraga ari abo yari yategetse kubikora, kuko cyane cyane abateraga bari babandi bo mu gitero rusange cyarwanyaga Abatutsi, bashyira mu bikorwa amabwiriza ya Silivesitiri GACUMBITSI.

199. Urukiko rusanze rutaramenyeshewe ibimemenyetso bishinja mu gika cya 38 cy'Inyandiko y'ikirego. Ni yo mpamvu, nta mwanzuro ruzafata ku birorana n'ibirego bikubiyemo.

2. Ibigize intangamugabo

200. **Umugabo Ushinja TAQ** avuga ko kw'itariki ya 17 y'ukwezi kwa kane 1994, yabonye mu ma saa tatu ya mu gitondo, ari mu nsi y'ikiraro kiri hagati ya segiteri ya Kankobwana n'iya Nyarubuye, muri selire ya Rubare, abantu bagendaga mu modoka eshatu, yumva mu ndangururamajwi batanga itegeko « ryo gutema ibisambu birebire byose, bakica inzoka, bakubita ku mutwe wayo ». Umugabo Ushinja kandi avuga ko yumvise abo bantu bavuga ko bashaka abakobwa b'Abatutsikazi banze gushakwa n'Abahutu, bakabafata ku ngufu, bakwanga, bakabica.
201. TAQ yemeza ko mu majwi yashoboye kumenya mu ndangururamajwi, hari irya Silivesitiri GACUMBITSI nawe wasubiragamo ayo mabwiriza, asobanura ko abakobwa b'Abatutsikazi banga, bagombaga kwicwa « urubozo », ari byo bivugaga kubica baseseka inkoni mu bitsina.
202. TAQ avuga ko nyuma y'ayo magambo, agatsiko k'abicanyi barenze icumi birukaga inyuma y'inka, babavumbuye aho we ubwe n'abandi bagore barindwi bari bihishe. Muri bo, hari umukecuru n'abakobwa batandatu, umukuru muri bo akaba yari Shantali w'imyaka 25, umuto afite imyaka 12. Abicanyi babategetse kuzamuka agasozi, hanyuma babahitishamo gupfa cyangwa kwiambura. Hanyuma, babambitse ubusa, bashwanyuza imyambaro yabo, hanyuma babafata ngu ngufu.
203. TAQ avuga ko icyo gihe, yaragiye kubyara, ko yarutse mu gihe umwe mu bicanyi

yamufataga ku ngufu, igitsina cye kiri mu cye. Umugabo Ushinja yongeraho k'uwu mwicanyi yamubajije niba umwana afite mu nda yari umuhungu cyangwa umukobwa. Iyo aba umuhungu, aba yaramumufomoje, akamwica. Igihe cy'inyomoza, Umugabo Ushinja yasubiyemo amagambo yari yavuze mbere yo kuza mu rukiko : ngo uwo mwicanyi yamubwiye ko yashakaga kwihorera kuri mukuru we wamubenze. Umugabo Ushinja avuga ko, ku mugoroba w'iryo fatwa ku ngufu, yabyaye abifashijwemo n'umukecuru twavuze, kandi ko resiponsabure wa selire yamufashije cyane. Uwo muresiponsabure yabahishe mu nzu y'umuhungu we yari itaruzura, hanyuma bukeye, abwira TAQ na wa mukecuru n'abandi bakobwa babiri ko babonye icyemezo kibahesha uburenganzira bwo gusubira mu matongo y'ingo zabo ntacyo bikanga. Impunzi zindi uko zari eshatu zaragiye, hanyuma ni mugoroba, resiponsabure wa selire agaruka kumenyesha TAQ ko izo mpunzi zari zahawe icyemezo, ariko ko zajyanywe ku biro bya segiteri, hanyuma zikicwa, zikajugunywa mu cyobo ubundi cyagenewe kujyamo amazi y'imvura.

204. TAQ avuga ko yabonye Shantali, bamutanyije amaguru, bamushinze inkoni mu gitsina, ko yabonye abandi bakobwa batatu bajyana n'abicyanyi kubabera abagore. Umugabo Ushinja yemeza ko Shantali yishwe n'ibyo bamukoreye.
205. Umugabo Ushinja TAO avuga ko umugore we yamubwiye ko, kuri bariyeri, mu kwezi kwa kane 1994, nyuma y'ubwicanyi bwabereye kuri paruwasi ya Nyarubuye, yafashwe akajyanwa kwa konseye Izayi Karamage. Yaba yarahamaze

iminsi itatu, afatwa ku ngufu na konseye buri mugoroba na buri joro. Ava muri urwo rugo, konseye yamuhaye icyemezo ngo cyamuheshaga uburenganzira bwo gusubira iwabo mu ma mahoro, anamusezeranya kuzajya amusura. Uko uwo Mugabo Ushinja abivuga, icyo cyemezo cyari giteye gitya : « Uwitwa [...] yemerewe kujya aho ashaka, adatinya uwo ari we wese. [...] [umukono] Jyewe, Konseye Izayi Karamage. » Hari n'indi nyandiko ikurikira : « Abagore n'abakobwa batari babona iyo nyandiko bagomba kwihutira kuza kuyisaba kwa Konseye. » Izo mpapuro zombi zikaba zariho kashe ya segiteri Nyarubuye.

206. Umugabo Ushinja TAO avuga ko yongeye kubona umugore we hashize iminsi itanu, igihe bamujyanaga kwa konseye, mw'itongo ryo kwa sekuru, aherekejwe n'abandi bantu. Yajyaga kubasura buri mugoroba. Umunsi umwe, mu ma saa kumi n'imwe z'igicamunsi, yabonye abicanyi batera inzu ye. Ubwo yari yihishe, yabonye umugore we afatwa ku ngufu. Nyuma y'iryo fatwa ku ngufu, umwicanyi yanze kumurekera undi mwicanyi ; noneho, uwo mwicanyi wundi amutema umuhoro kugirango amahane arangirire aho.
207. **Umugabo Ushinja TAP**, ni umukobwa w'Umututsikazi, avuga ko igitero cy'abantu bageze kuri mirongo itatu bateye nyina, kikamusesekamo inkoni, igasohokera mu mutwe. Yumvise nyina ataka, atekereza ko apfuye. Umugabo Ushinja avuga ko icyo gitero cyabaye bukeye bw'umunsi wakurikiye uwo Perezida yapfiriye, mu kwezi wa kane 1994 ; uwo munsi yumvise urusaku rwinshi, amenya ko habaye ikintu kidasanzwe kuri paruwasi ya Nyarubuye.

208. TAP avuga ko bamaze gutera nyina, abicanyi baje bamwegera. Batatu muri bo, umwe akaba yaramumenye, baramukubise. Abo bicanyi bavuze ko Abatutsikazi banga Abahutu, ntibashake kurongorwa na bo, ariko ko ubungubu bagiye kubasambanya ntacyo bahonze. Abicanyi batatu bamutegetse kwicara. Abicanyi benshi bamufashe ku ngufu, hakaba umwe muri bo azi, yanavuze. Bamusohetse mu gitsina ishami ry'igiti risumba metero imwe, riramukomeretsa, rimuvisha amaraso menshi.
209. **Umugabo Ushinja TAS** - Umuhutu wari utunze Umututsikazi - nta tariki atanga, ariko akavuga ibyabaye mbere kw'itariki ya 14 z'ukwezi kwa kane 1994, ko, ubwo yashakaga aho yihisha, yahuye n'Umuhutu wamubwiye ko ashaka kumusambanya, ariko ntamwice. Undi Muhutu yarahageze, abwira uwa mbera ko Uregwa atabahaye uruhusa rwo gufata ku ngufu Abatutsikazi, yongeraho ko nta cyemezo cyafashwe cyerekeye Abahutukazi bashatswe n'abagabo b'Abatutsi. Umwicanyi wa mbere yashikuje Umugabo Ushinja umwana yarahetse, amanura ipataro ye, amwambura imyenda, hanyuma amufata ku ngufu. Undi mwicanyi nawe yamufashe ku ngufu. Bombi bumvise ifirimbi, baragenda. Umugabo Ushinja akeka ko icyatumye afatwa ku ngufu kuba ari uko yari yarashatswe n'Umututsi.
210. **Abagabo baregura, UA3, ZEZ, UHT, XW9, XW10, XW1, YCW, UPT, NG4, NG2, MQ1, XW15 na XW13** bavuze, nta kindi gisobanuro, ko batigeze bamenya

icyateganyijwe na burugumesitiri, kandi ko batumvise ibyo gufatwa ku ngufu na rimwe.

3. Ikiganiro

211. Uwunganira Uregwa arasanga Umugabo Ushinja adakwiriye icyizere kuko yivuguruza cyane mu buhamya yatanze mu nyandiko no mu mvugo, Abunganira Uregwa bakongeraho ko ibyo avuga ari ibinyoma bitumvikana. Cyane cyane ku byavuzwe nyuma, Abunganira Uregwa baravuga ko Umugabo Ushinja yibeshye ijwi kuko Ubuhamya bwe nta wundi wabusubiyemo, ahubwo Umugabo Ushinja TAX, uvuga ko Uregwa yari i Nyarubuye. Ubwo rero yarabuvugurije.

212. Urukiko rwasanze rudakwiriye gutinda ku gisubizo cy'Uwunganira Uregwa ku byo Umugabo Ushinja TAQ avuga kuko rusanga ntacyo gitwaye, kandi birumvikana iyo utekereje igihe gishize ibyo ashinja bibaye.

213. Urukiko rutekereza ko Umugabo Ushinja TAQ yari azi bihagije Uregwa, kuko bari bafitanye isano, ku buryo yashoboraga kumenya ijwi rye avugiye mu ndangururamajwi, atagombye kumubona. Urukiko ruributsa ko nta tegeko riteganywa ikindi kimenyetso kandi rurumva ibyo TAQ yavuze ari ukuri, cyane cyane ko uwo Mugabo Ushinja yari ahibereye.

214. Hanyuma, Urukiko ruributsa imyanzuro yarwo ku byerekeye Abagabo bunganira

Uregwa. Bavuga ko Abagabo Bashinja, TAQ na TAX, bavuguruzanya. Umugabo Ushinja TAQ, Abunganira Uregwa bavuga muri rusange ko nta wakwemera Umugabo Ushinja, TAQ, ngo kuko ubuhamya bwe ari ibinyoma, ariko ntibavuge icyo bashingiraho n'aho bivuguruzanya. Urukiko rusubiyemo ibyo rwari rwavuze, ko TAQ akwiriye kwizerwa kandi ko, nk'uko yigeze kubivuga, bigaragara ko avuga ukuri. Ikindi ni uko rurora, rugasanga kuba yari atwite mu ntambara, bitagize icyo bihungabanyaho ubwenge bwe. Ibyo avuga ni ukuri, TAQ akwiriye kugirirwa icyizere iyo umuntu atekereje ibyo avuga kw'ifatwa ku ngufu rye n'abandi bagore n'abakobwa b'Abatutsikazi.

215. Urukiko rufashe umwanzuro w'uko, kw'itariki ya 16 z'ukwezi kwa kane 1994, igihe cya saa tatu ya mu gitondo, Uregwa ari mu modoka muri selire ya Rubare, segiteri ya Nyarubuye, akoresha indangururamajwi, yategetse abasore b'Abahutu gushakisha abakobwa b'Abatutsikazi banze gushakwa na bo, kugirango babasambanye, ati : « Niba abo bakobwa banze, bagomba kwicwa ku buryo bw'intanga rugero ». Ayo magambo avugwa n'Uregwa yari ayo gushikariza ifata ku ngufu ry'abagore b'Abatutsikazi bo muri ako karere, hakaba hari ahantu yari afite ijamba. Ni yo mpamvu, akimara kuvuga ayo magambo, abicanyi bamwe bafashe TAQ n'abandi bagore n'abakobwa b'Abatutsikazi bari bihishanye, maze bakabafata ku ngufu. Shantali, umwe muri bo, yapfuye azize inkoni yashinzwe mu gitsina, nk'uko Uregwa yari yabibashishikarije. Abakobwa batatu bajanywe ku ngufu.

216. Amagambo y'Umugabo Ushinja, TAO, agizwe n'ibintu bibiri by'intangamugabo. Icyamba mbere, ni ifatwa ku ngufu ry'umugore we ryaba ryarabereye kwa konseye Izayi Karamage. Iryo fatwa ku ngufu yaribwiwe n'uwo mugore ; icya kabiri, ni ifatwa ku ngufu ry'umugore we mw'itongo ryo kwa sekuru, akaba yararyiboneye ubwe.
217. Mu gice cya mbere, - gufatwa ku ngufu kwabereye mu rugo rwa konseye Izayi Karamage – Urukiko rusanga Umugabo Ushinja avuga ukuri kuko n'ubundi ibikorwa nk'ibyo mu rugo rw'uwo mukonseye cyangwa kujyana abagore n'abakobwa kwa konseye byavuzwe n'abandi Bagabo, ibyo rero bikaba bidahuye n'ibyo Uwunganira Uregwa atashoboye kuvuga ngo urukiko rusange bishoboka. Urugero, ni Umugabo Ushinja, TAQ, uvuga ko umuresiponsabure wa selire yamumenyesheje ko abagore n'abakobwa bari bashishikarijwe kujya gusaba ibyemezo cy'urugendo kwa konseye, ariko bamara kuhabwa ibyo byemezo, bakajyanwa mu biro bya segiteri, bakicwa bakajugunywa ku mu cyobo rusange. Umugabo TBH nawe yavuze ibyerekeye itangwa ry'icyemezo cyahawe uwo Umututsikazi, byarangira, abicanyi bakamwica. Ibyo ni ibivuga ko abagore n'abakobwa bajanywe kwa konseye, bafagafawa ku ngufu.
218. Mu gice cya kabiri – ugufatwa ku ngufu n'urupfu rw'umugore wa TAO mw'itongo ryo kwa sekuru – Urukiko rwemera ko Umugabo Ushinja akwiriye icyizere kandi ko ibyo avuga ari ukuri, n'ubwo nta wundi wabishimangiye, bitewe n'uko ari Umugabo ubwe wabyiboneye kandi hakaba hari n'ibindi bintu bifitanye

- isano n'iryo shyano, nk'isano y'Umugabo ushinja n'uwazize kuba yarafashwe ku ngufu, akicwa.
219. Ku byerekeye ibyavuzwe n'Umugabo Ushinja, TAP, Uwunganira Uregwa avuga ko ubuhamya bw'Umugabo Ushinja atari ukuri kuko uburyo abara inkuru bitumvikana. Yarivuguruje kandi mu rukiko, ni bwo bwa mbere avuga ko Uregwa yamufashe ku ngufu. Mbere na mbere, Urukiko ruributsa ko kuba rutaritaye ku buhamya yahatangiye ubwa mbere atari byo bibuza ibindi yahavugiye kwumvikana. Ikindi, Urukiko rurasanga ubuhamya yatanze mbere butavuguruza ubwo atangiye mu rukiko ku byerekeye umunsi w'ifatwa ku ngufu kuko igihe bashakaga kumunyomoza, yavuze ko hari hashize igihe kinini ibyo bintu bibaye, akaba atacyibuka amatariki. Ubundi kandi, Urukiko rurabona ibyo TAP avuga bisa n'aho ari byo, ko kugirango inzirakarengane zibe zararokotse bisa n'igitangaza. Urukiko rufashe uwanzuro ko Umugabo Ushinja TAP akwiriye kwizerwa mu byo avuga ku gufatwa ku ngufu, we na nyina bakaba barabizize.
220. Uwunganira Uregwa ntiyemera na gato ibyo Umugabo Ushinja, TAS, avuga kuko, nk'inzirakarengane, adashobora kuvuga ibyabaye ngo byemerwe kandi ikindi, ubuhamya atanga ni ubwo Ishyirahamwe *Ibuka* ryamubwiye kuvuga rishingiye ku magambo ya RDR. Urukiko rutekereza ko, kuba yari mu mazi abira, atari yo mpamvu yatuma ibyo avuga bita agaciro ku buryo ibyo avuga byose bitakwitabwaho. Urukiko ruributsa ko inzirakarengane nyinshi zafashije inkiko kumenya ukuri ku byabaye, no muri uru Rukiko bikaba ari ko bimeze. Ikindi, ku

- byerekeye ubuhamya bwa *Ibuka*, Urukiko rutekereza ko ubuhamya bwa RDR budahagije. Urukiko rurabona TAS ari umuntu ukwiriye icyizere mu byo avuga..
221. Ikindi, Uwunganira Uregwa avuga ko ibivugwa n’Umugabo TAS ku bwicanyi bw’abantu babiri bitagomba kwemerwa kuko uwo Mugabo uvuga ko atiyumviye Uregwa ashishikariza gufata abagore ku ngufu.
222. Urukiko rwumvise Umugabo Ushinja, TAS, wafashwe ku ngufu ari Umuhutukazi washatswe n’Umututsi. Urukiko rutekereza ko muri uko kwibasira umugore, bari bagamije umugabo we wari Umututsi w’umusivili ; ibyo ni byo Umushinjacyaha Mukuru avuga mu gika cya 40 cy’Inyandiko y’ikirego.
223. Muri rusange, Uwunganira Uregwa avuga ko abagabo batanzwe n’uruhande rurega butakwemerwa kuko, kimwe, ari inzirakarengane z’ibyabaye mu 1994, ikindi bakaba ari ibyitso ; kuri iyo mpamvu, barafunzwe cyangwa bafunguwe by’agateganyo. Ikindi, avuga ko ubuhamya atanga ntaho buhuriye n’ibyabaye. Icyuma nyuma Urukiko ruvuga, ni uko ubuhamya bwatanzwe butagomba kwemwera kuko Ababo atanga ari bo bonyine bashoboye kumenya iby’ifatwa ku ngufu, ko nta Mugabo Ushinja watanzwe wumvise ibyo gufatwa ku ngufu cyangwa wabibonye, cyangwa akaba yarafashwe ku ngufu.

4. Imyanzuro

224. Rumaze gusoma igika cya 21 n'icya 39 cy'Inyandiko y'ikirego, hakurikijwe ibimenyetso rwahawe hejuru, Urukiko rufashe umwanzuro w'uko bigaragara ko Uregwa yashishikariye ku ka rubanda ifata ku ngufu ry'abakobwa b'Abatutsikazi kandi baramuka banze, bagasesekwa inkoni mu gitsina. Urukiko rurasanga gufatwa ku ngufu n'ubundi bugome bwagiriwe igitsina byerekanywe n'Umugabo Ushinja TAQ, kandi ko ibyo byaha byakorerwaga abagore n'abakobwa b'Abatutsikazi.
225. Ku gika cya 40 cy'Inyandiko y'ikirego, Urukiko rufashe umwanzuro w'uko, rumaze kubona intangamugabo zafashwe, gufata ku ngufu byabaye intwari nk'izindi zose zahohoteye Abatutsi b'abasivili mw'itsembatsemba n'itsembabwoko ryo mu kwezi kwa kane 1994. N'ubwo muri komine ya Rusumo, bishoboka ko abagore n'abakobwa benshi bafashwe ku ngufu, nta kimenyetso Urukiko rwahawe, kereka bake muri bo, bigatuma Urukiko rutavuga ko byabaye rusange. Urukiko ntirwashobora gufata umwanzuro uvuga ko Uregwa yamenye cyangwa yaragombaga kumenya ko ibyo bikorwa byabaye. Ariko rero, niba, nk'uko Urukiko rwabifatiye umwanzuro uvuga ko Uregwa yarashishikariye ubwo bugizi bwa nabi, ko yerekanye ku buryo bugaragara ko yashakaga ko ibikorwa nk'ibyo.
226. Urukiko rufashe umwanzuro ko rwemeye ko ifatwa ku ngufu rivuzwe n'Abagabo Bashinja TZQ, TAO, TAS na TAP ryabaye koko.

227. Bitewe n'uko, kw'itariki ya 17 z'ukwezi kwa kane 1994, bitatinze, Uregwa amaze gushishikariza ifata ku ngufu rya TAQ n'abandi bagore n'abakobwa, bigashyirwa mu ngiro, kandi uko byagenze bikaba bihuje n'uko byashishikarijwe, Urukiko rufashe umwuzuro w'uko iryo fata ku ngufu ryabaye nta shiti rikurikiza amabwiriza yatanzwe. Nyamara ariko, Urukiko ntirubona ko gushishikariza gufata ku ngufu Uregwa n'ibindi bikorwa byo gufata ku ngufu byashyizwe mu ngiro bigasobantse ku buryo bigaragara rwose ko byabaye. Umugabo Ushinja yavuze ko umwicanyi yamubwiye akora abyo yategetswe y'Uregwa, ariko Urukiko ntirufite ibimenyetso bituma rwakwemera iyo ngingo y'ubuhamya.
228. Rumaze kubona ibika bya 20 na 37 by'Inyandiko y'ikirego, rumaze kandi kubona ibimenyetso byatanzwe mu bika bya 39 na 40 by'iyi Nyandiko, Urukiko rurabona Umushinjacyaha yarasobanuye ku buryo bushoboka bwose ko, kuva mu kwezi kwa kane kugeza hagati y'ukwezi kwa gatandatu 1994, muri komine ya Rusumo, habaye ifatwa ku ngufu n'igirirwa rya nabi ry'ibitsina igihe Abatutsi b'abasivili baterwaga. Rumaze kubona ko Uregwa yarashishikarije kwica abasivili b'Abatutsi, Urukiko rufashe umwanzuro w'uko Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko iryo fatwa ku ngufu ryakozwe.

F. IBIKA BYA 8 NO KUVA KU CYA 22 KUGERA KU CYA 24 BY'INYANDIKO

Y'IKIREGO (UBUBASHA BW'UREGWA)**1. Ibivugwamo**

229. Mu bika bya 8 no kuva ku cya 22 kugera ku cya 24, haravugwamo ibi bikurikira :

8. Kuko yari burugumesitiri, Silivesitiri GACUMBITSI yakoresheje ububasha yarafite ku bo ategeka, barimo : abakozi bo mu biro bya komine bagizwe n'Abajyanama ba segiteri, abakuru bashinzwe selire, ba *nyumbakumi* n'abapolisi ba komine. Kuba yari afite umurimo w'ububurugumesitiri bwa komine ya Rusumo, akaba na *milita* w'ishyamba rya politike rya MRND byaheshaga Silivesitiri GACUMBITSI ububasha bwo gutegeka abajandarume n'insosore za komine ya Rusumo.

(...)

22. Kuva muri icyo minsi ya mbere y'ukwezi kwa kane 1994 kugeza kw'itariki ya 30 z'ukwezi kwa kane 1994 z'uwo mwaka, Silivesitiri GACUMBITSI yategetse cyangwa yayoboye abategetsi b'uturere twa perefegitura ya Kibungo, harimo ba burugumesitiri n'abajyanama ba segiteri, kutera impunzi b'Abatutsi b'abasivili kandi yorohera b'abapolisi ba komine, *Interahamwe*, insosore z'abasivili n'abali bahatuye barwanyaga Abatutsi cyangwa afatanyaga n'abategetsi mu bikorwa byo kubatera.

23. Mu bihe byose bivugwa muri iyi Nyandiko y'ikirego, Silivesitiri GACUMBITSI ntiyitaye ku mutekano wa rubanda cyangwa yawuhungabanyije abihunze aho yategekaga, abifatanyijemo n'abanyapolitike ba MRND cyangwa ba Leta y'Agateganyo, cyangwa ashyigikiye ibyo bitekerezo bya politike kandi yari azi ko ibyo bitekerezo byari ibyo kurimbura Abatutsi bose cyangwa igice kimwe cyabo

Batutsi.

24. Nk'umutegetsi wa MRND n'*Iterahamwe*, abihawe n'ukokubera nyine ko ari we wari burugumesitiri wa Rusumo, Silivesitiri GACUMBITSI yategetse cyangwa yatumye, cyangwa ku bundi buryo bwose yahaye uburenganzira ingabo za Leta, insoresore n'abasivili, gutoteza, gufata ku ngufu, kwica Abatutsi b'abasivili cyangwa kubica. Ashingiye kuri ubwo bubasha, Silivesitiri GACUMBITSI yari afite ububasha n'inshingano byo guhagarika, kwirinda, gutesha cyangwa guhana abantu bakoraga amarorerwa cyangwa bagambiriye gukora ibikorwa nk'ibyongibyo, ariko ntiyabigira cyangwa se abigirira abo ahisemo.

2. Ibigize ibimenyetso

230. Mu rubanza rw'*Umushinjacyaha na Johani-Paulo Akayesu*, **Umutangabuhamya w'Impuguke, Mme Alison Des Forges**, yavuze imikorere ya Leta, yibanda ku bubasha bw'umuburugumesitiri, avuga n'amateka y'u Rwanda. Dore uko yabigenjeje muri uru rubanza : iyo mpuguke yibukije amateka y'u Rwanda, yibanda ku miturire yarwo kuva mu kinyejana cya cumi kugeza ku bukoloni, avuga uburyo ibice bigize abaturage byahindutse amoko buhoro buhoro, hanyuma agera by'umwihariko ku kibazo cy'ubutegetsi n'ububasha bwa baburugumesitiri mu Rwanda, muri 1994.
231. Uko Impuguke ibibona, burugumesitiri afite muri komine ateguka ubushobozi ahabwa n'ubutegetsi bwa politike ishingiyeye kw'ishyamba rimwe rukumbi kandi

uretse ko burugumesitiri yabaga yashyizwe ku butegetsi na Perezida wa Repubulika, yabaga ari na we uhagarariye iryo shyamba muri komine ye. Amashyamba menshi yaradutse, uburemere burugumesitiri yari afite buragabanuka, n'ubwo butakuweho bwose. icya mbere, ntibyari bikiri ngombwa ko burugumesitiri aba umutware w'ishamba mu karere ke kuko buri shyamba ryabaga rifite uruhagarariye ; ikindi, politike yari iriho ku rwego rw'igihugu, mu by'ukuri, yagize ingaruka ku byo yashoboraga gutegeka. Ni cyo gituma imibanire ye na Perezida wa Repubulika yagabanutse cyane ku buryo umuburugumesitiri wabaga atari mw'ishyamba rya MRND atabonwagamo umuntu wa Perezida, cyokora agakomeza kuba ari we ubutegetsi bw'igihugu bunyuragaho.

232. Iko Impuguke ibyumva, uwo mwanya ukomeye burugumesitiri yari afite muri komine ye ushingiyeye ku mategeko no ku bubasha bwo kuwukoresha. Amategeko amushyamba kwubahiriza amategeko yatowe n'inama ya komine igizwe n'abajanyama ba segiteri muri komine na we ubwe : kwubahiriza amategeko n'umutekano muri komine, gutegeka abakozi ba komine, gutanga amashamba. Afite kandi ubushobozi busa n'ubw'abacamanza butuma akemura ibibazo by'abaturage n'ibyaha bibiturukaho, afite n'inshingano zo gucunga umutekano wa gipolisi. Ibubasha afite ku bapolisi ba komine buva ku nshingano afite zo kwubahiriza amategeko n'umutekano w'abaturage. Ubwo bubasha abufite no ku bajandarume iyo ibintu byazambye ku buryo prefe akenera abajandarume. Nyamara, ububasha bwo gukoresha amategeko ntibwasobanuwe. Uko impuguke ibibona, ubwo bubasha burugumesitiri afite bumuha uburenganzira bwo kwanga

- kwubaha umuperefe iyo yanze ko ubwicanyi bushyirwa mu bikorwa, kandi prefe ntagire icyo amukoraho kugirango amubuze kugera ku ntegano ze.
233. Muri uru rubanza, igihe Abunganira Uregwa bamunyomozaga, Umugabo w'Impuguke yashimangiye ko prefe, umukozi wa Leta w'umusivili, akuriye burugumesitiri nk'uko amategeko abiteganya, ariko ubutegetsi bwa burugumesitiri muri komine ye ntibugire icyo buhugabanukaho kuko hari ubwo ashobora kudakurikiza amabwiriza y'umukuriye. Umugabo w'Impuguke yarongeye ashimangira ubushobozi afite mu gusaranganya ibyo komine itunze, ndetse n'ubutaka, ubwo bubasha bukaba ari ikintu gifite uburemere mu mibereho no mu mutungo w'umunyarwanda. Umugabo w'Impuguke yongeraho ko kera na kare, muri komine ye no ku baturage ba yo, mu buzima bwa buri muni, burugumesitiri ari we ufite ubutegetsi bwo nyabwo.
234. Umugabo w'Impuguke avuga ko, bitewe n'ubwo bubasha burugumesitiri yari afite muri komine yategekaga bwari buremereye ku buryo iyo umuturage yabaga azize ibyemezo byafashwe na burugumesitiri, kenshi na kenshi nta handi yari afite bamutabara. Ibyo binagaragarira no mu mibanire ye n'abatowe mu karere, ari bo bajyanama ba segiteri.
235. Abunganira Uregwa bamaze kumubaza ibyo ibibazo, Umugabo yasubiye ku byo yari yavuze kuri prefe kuko na none *sous-préfet* ari we washyikirizaga burugumesitiri ibyo yagombaga gukora. Umugabo yibukije ko kuba hariho *sous-*

préfet bitabuzaga, mu by'ukuri, burugumesitiri kwumvikana na perefefe. Umugabo yongeyeho ko, mu byekeye politike, perefefe na *sous-préfet* ntabwo banganyaga uburemere. Abunganira Uregwa nabo bumvishije Umugabo w'Impuguke ko habaye itandukanyirizo rigaragara mu makomine atandukanye ku byerekeye uko ubutegetsi bwari buteye n'uruhare rwa burugumesitiri yari abufiteho ku mpamvu nyinshi ziterwa n'igihe burugumesiti amara ku butegetsi, kurwanira imyanya mu karere n'ibimuhuza na Perezida wa Repubulika by'umwihariko. Umugabo yongeye ko ahangaha, ibibatandukanya ntaho byanditse mu bitabo by'amategeko, ariko bigaturuka ku buryo politike iteye.

236. Umugabo w'Impuguke yemeza, ashingiye ku bubasha burugumesitiri afite ku bw'amategeko no kuba afite uwo mwanya, niba aramutse afatanyije mw'itsembatsemba, abashakishwa barokoka baba imbarwa.
237. Uretse n'icyo, Abagabo benshi berekanye uko babona ububasha bukomeye burugumesitiri yari afite. Urugero, **Umugabo Urega TAO** avuga ko umuntu ukomeye cyane, wari n'umutegetsi wo mu rwego rwo hejuru muri komine ya Rusumo yari atuyemo mu kwezi kwa kane 1994 yari burugumesitiri Silivesitiri Gacumbitsi. Uko Umugabo abivuga, burugumesitiri ni we wari perezida w'akarere wa MRND, kuri icyo mpamvu akaba yarayoboraga ibikorwa byose by'iryo shyamba muri komine ye. Icyo Umugabo abikuramo, ni uko Uregwa n'uwaru amwungirije, Edimondi Bugingo, ari bo bari bashinzwe *Interahamwe*. Naho **Umugabo Ushinja, TAQ**, avuga ko Uregwa, bitewe n'uko yari

burugumesitiri, yari ashinzwe umutekano muri komine. Ni yo mpamvu, igihe yazaga kuri paruwasi ya Nyarubuye, Umugabo n'azindi mpunzi zishimye kuko zabanaga ko agiye kubamara ubwoba baterwaga n'Interahamwe. Umugabo avuga ko ibitero, byibasiye impunzi zari kuri paruwasi ya Nyarubuye kw'itariki ya 15 z'ukwezi kwa kane 1994, byari byimirijwe imbere n'Uregwa kandi ko Interahamwe n'abapolisi ba komine bari babirimo. **Umugabo Urega TBH**, we, avuga ko burugumesitiri yahaga abajyanama amabwiriza n'amategeko agomba gukurikizwa muri segiteri zabo. Ubundi kandi, Umugabo akavuga ko Uregwa yatumiye kandi agahagarira inama n'abajyanama ba komine yategekaga, akababwiriza kwica Abatutsi. Umugabo yongeraho ko Uregwa yari afite abapolisi ba komine, ko ari we wari mukuru ku bajyanama, ko yagize amakosa yo kutabuzza amarorerwa kuba, akaba atarahanye abakoze ubwicanyi. Umugabo yongeraho ko adatekereza ko umujyanama ashobora kwanga gukora ibyo ategetswe na burugmesitiri Silivesitiri Gacumbitsi. Undi, **Umugabo Ushinja TAC** avuga ko burugumesitiri ari we mukozi wo mu rwego rwo hejuru muri komine ya Rusumo, naho ku rwego rwa *sous-préfecture*, usumba abandi akaba *sous-préfet* Yozefu Habimana, kandi *sous-préfecture* ya Kirehe ikaba yari igizwe na komine ebyiri, iya Rusumo n'iya Rukira. Hari n'undi, **Umugabo Ushinja TBI** akavuga abapolisi ba komine n'ushinzwe ubucamanza bwa gipolisi bumvira amategeko bahawe n'Uregwa. Hari ku maduka ya Gasenyi. Uwo mugabo avuga ko abapolisi bategekwa n'Uregwa.

238. Ashimangira ko, kuko ari burugumesitiri, ariwe ukuriye abakozi bo muri komine

ye. Yemera ko abakozi bakomine bumvira amategeko atanze, ndetse n'abapolisi bategekwa na *brigadier* wa komine.

Impaka n'Imyanzuro

239. Urukiko ruributsa imyanzuro rwafashe mbere ku byerekeye kuba Uregwa yagize uruhare mu ma nama no mu bwicanyi.
240. Alison Des Forges yatanze ubuhamya nk'Umugabo w'Impuguke mu mateka y'u Rwanda. Ahanini, ubuhamya bwe bushingiye ku buryo ubutegetsu bwari bumeze mbere y'ishyirwaho ry'amashyaka menshi no ku bubasha bwa burugumesitiri mbere y'ibyabaye mu kwezi kwa kane 1994. Urukiko rusanga ubuhamya butuma umwanya burugumesitiri yabaga afite wumvikana ku baturage no ku mibanire n'abapolisi ba komine, abajyanama n'abaturage basanzwe mu rwego rwa komine. Mu buhamya bwe ntavugaga ko imirimo ya burugumesitiri yaba yarahindutse aho amashyaka menshi aziye. Uburenganzira bw'ingenzi burugumesitiri yari afite, nk'uko [Alison Des Forges] yabivuze, ubyitereje, bwarakomeje kugeza mu kwezi kwa kane 1994.
241. Rushingiye ku buhamya tumaze kuvugaga no ku myanzuro yafashwe mbere, Urukiko rwumvise ko Uregwa yari afite imbaraga muri komine ya Rusumo yategekaga. Mu bihe bisanzwe, niwe wari uhagarariye ubutegetsu [bwa Leta] kandi kubera iyo mpamvu, akaba ari we mutegetsu wari ukomeye kurusha abandi

- bose. Kandi ni uko abaturage yatwaraga bamubonaga, ukongeraho ko k'umwanya we wa burugumesitiri, yari yarigeze kuba umurwanashyaka uhagarariye MRND, mbere y'uko amashyaka menshi atangira.
242. Burugumesitiri yari afite ubushobozi ahabwa n'amategeko ku bakozi ba komine no ku bapolisi ba komine, ndetse n'aba-*brigadiers* ba komine. Niwe wari ubabereye mukuru. Kandi rero, ni we wari ushinzwe by'umwihariko kwita ku mutekano muri komine ye.
243. Rushingiye ku bimenyetso rwahawe, Urukiko ntirushobora gufata umwanzuro ruvuga ko umwanya Uregwa yarafite wamuhaga gutegeka abajyanama, abajandarume, abasilikare n'*Interahamwe* zari muri komine mu gihe cy'ibivugwa muri uru rubanza. Itegeko ntiryamuhaga iyo nshingano. Ni byo koko, inshingano yari afite zo kurinda umutekano zamuhaga ububasha bwo gufata ibyemezo, umuturage wese wo muri komine akagomba gushyira mu bikorwa, ariko Umushinjacyaha nta kimenyetso yatanze ko cyerekana ko ubwo bubasha bwamuheshaga gutegeka ibyo byiciro byose by'abantu bavuzwe hejuru.

Yongeyeho ko Uregwa yari yambaye ipatalo n'ishati bya kaki, ariko ko atamenye niba iyo myambaro yari iya gisirikare. Yavuze ko intambara igitangira, yihishe hamwe n'umugore we n'abana be babiri mu misarane y'ishuri rya CERAI, ahantu

ha metero nka magana abili uvuye ku rukuta rwa paruwasi ya Nyarubuye no kuri metero mirono ine uvuye ku muhanda.

127. **Umugabo Ushinja TAX**, Umututsikazi wari ufite imyaka cumi n’umwe mu kwezi kwa kane 1994, wabaga ku Rusumo, yarokotse igitero cya paruwasi Nyarubuye. Yari azi Uregwa kuko yari yaramubonye muri 1994, mbere y’igitero cyo mu kwezi kwa kane n’ukwa gatanu, mu nama yabereye muri segiteri yabagamo. Yongeraho ko uregwa yari afite ibimenyetso mu maso bisa n’inkovu. Mu rukiko, yegaraje ko amuzi.
128. TAX avuga ko yabonye Uregwa ku wa gatanu, tariki ya 15 Mata 1994, nka saa cyenda ya nyuma ya saa sita, kuri paruwasi ya Nyarubuye, akaba yari ahamaze iminsi, ahahungiyeye n’abo mu muryango we. Aho hantu hari hakoraniye abantu benshi. Igihe yari mu kibuga, inyuma y’amazu y’abihaye Imana, bugufi y’amazu y’abapadiri, yumvise amasasu n’imiborogo. Abasore bambaye amashara, bitwaje imihoro, impiri n’ibyuma, binjiye mu kibuga bavuzura induru, maze basahura ibyo impunzi zari zazanye. Uregwa yazanye n’abantu babiri ; uko bari batatu bari bambaye gisilikare. Uregwa yabujije abo basore gukomeza gusahura, avuga ati : « Ese ntimuzi icyatuzanye hano ? Nimushaka kurwanya inzoka, mujye mubanziriza ku mutwe. Maze ntimugire uwo musiga ! » Nyuma y’ayo magambo, abari bagize igitero bategeka impunzi, harimo n’Umugabo Ushinja, kuryama hasi. Ubwicanyi ubitangirira aho. Igihe cyo kumubaza ibibazo byo kumunyomoza, TAX yavuze ko Uregwa ari we wabwiye Abahutu kwitandukanya n’abo bari

- kumwe. Umusore umwe abigira nk'uko, maze gerenade yari ijigunywe hafi ye imucamo kabiri, ahita apfa. Mu mvururu yakurikiyeho, impunzi zimaze guterwa n'abazirwanyaga bakoresha imihoro na gerenade, TAX ntiyashoboye kumenya aho ababyeyi be baherereye. Avuga ko akababaro n'invururu byarenze kamere. Umwe mu bari bateye yamuteya icyuma mu mbavu incuro ebyiri, agwa igihumure.
129. TAX avuga ko, ku itariki ya 15 Mata i Nyarubuye, hatewe Abatutsi benshi. Benshi mu muryango we barahaguye, abandi bapfa nyuma, bazize icyo gitero. Abo avugamo ni se, na nyina, n'abavandimwe be b'ibitsina byombi.
127. **Umugabo Uregura NG2** ni umusore wari utuye muri komine ya Rukira muri 1994. NG2 avuga ko, ku itariki ya 15 Mata 1994, abantu bavuye i Rukira bahatiye abaturage baturaga nabo gufata intwari no kubakurikira ku maguru cyangwa mu modoka, bagana i Nyarubuye. Umugabo Ushinja avuga ko bamwinjije ku gahato mu mwe mu modoka z'igitero cyo ku Mulindi, muri komine ya Rukira. Hari mu masaa nani n'igice nyuma ya saa sita. Avuga ko yageze mu bambere kuri paruwasi ya Nyamabuye, hafi y'ivuriro, akava mu modoka hamwe n'abandi. Bahawe itegeko ryo kuzenguruka paruwasi kugirango hoye kugira usohokamo. Yari bugufi bw'umuryango wa paruwasi. Uwo bitaga « *lieutenant* » yategetse « *inzirakarengane* » gusohoka muri paruwasi. Abantu bane cyangwa batanu basohotse mu kigo hamwe n'umusaza, n'umugore muto [mu myaka]. Impunzi zarashe imyambi, zitera igitero amacumu, na cyo kibarasa amasasu na gerenade.

Bamwe mu bateraga basabye ko bavanamo bene wabo, ariko abajandarume bakomeje kurasa. Abantu benshi cyane barahapfiriye. Barangije kurasa, abajandarume bategetse abari bagize igitero kujya gusahura, bagapakira ibintu mu modoka. Ndetse icyo gitero cyatwaye imodoka y'ubwoko bwa *Suzuki* yali iya paruwasi. Ntabwo, mu gitero, NG2 yigeze abona Uregwa cyangwa abapolisi ba koline ya Rusumo ; abo yabonye bonyine, ni abapolisi baba mu nkambi y'i Mulindi.

128. NG2 yemera ko yasahuye, ariko agahakana ko haba hari umuntu yishe. Ahakana kuba yarafatanyije n'igitero icyo ari cyo cyose kugeza igihe agiriye mu buhungiro mu kwezi Gicurasi 1994. Avuga ko nta ntwaro yahawe. Avuga ko abajandarume babwiye abo bari bashyize mu mirongo yabo kwitwaza izabo ntwaro – imihoro n'impiri. NG2 avuga ko nta ntwaro yari afite igihe cy'igitero. Yongeye kumubaza icyo kibazo, amubwiramo ibyo yari yavuze mbere, Umushinjacyaha yabimusomeye atya : « Twari dufite intwaro zacu z'i muhira : imihoro, amacumu, imyambi ; abajandarume bari bafite imbunda. », yasubije ko umupererezi w'abiregura yibeshye, ko icyo yavuze gusa cyari icy'ibindi bitero. NG2 arongera ahakana ko yagiye gusahura ku bushake bwe ; avuga ko yapakiye ibisahurano mu modoka z'abajandarume, kandi ko atigeze agira icyo ajyana iwe.

129. **Umugabo Uregura ZHZ**, w'Umuhutu yari utuye i Nyarubuye muri 1994 avuga ko kuva ku itariki ya 9 kugeza ku ya 14 z'ukwezi kwa kane 1994, impunzi nyinshi zaje kuri paruwasi ya Nyarubuye, zihunga amarorerwa yari yibasiye Abatutsi bo

muri za komine zihana imbibi, cyane cyane abo muri Rukira. Ukurikije uko izo mpunzi zibivuga, abategetsi ba Rukira baba barateye ubwoba abaturage b'i Nyarubuye, babahora ko bakiriye ibyitso by'abishe Perezida. Ku itariki ya 14 y'ukwezi kwa kane, abaturage ba Nyarubuye, Abahutu n'Abatutsi hamwe barwanyije igitero cy'i Rukira na Birembo. Mu gice cy'« Abatavugirwamo », barimo Umugabo Ushinja, bishemo batandatu, bafata abandi babiri b'abanyacyubahiro, ari bo Gisagara na Hakizamungu. Igihe biteguye kubahata ibibazo, abajandarume munani baherekejwe n'igitero bagera mu nkambi y'i Mulindi. Aho kubahata ibibazo, bafunguje Gisagara na Hakizamungu, hanyuma batera abaturage ba Nyarubuye, harimo Umugabo Ushinja, cyokora yashoboye kubahungira i Nyabitare. Yasubiye aho yari asanzwe atuye, ariko yari amaze gukira ikindi gitero cyo kw'itariki ya 15 y'ukwezi kwa kane 1994, gitewe n'abantu bari bitwikiye amakoma. Abo ni abaturage b'ahitwa « cuvette » na Nyabitare.

130. ZHZ yongeye ko, i Nyarubuye, nyuma ya saa sita ku itariki ya 15 z'ukwezi kwa kane, we ubwe n'abandi baturage benshi basatswe n'igitero cyaje mu modoka nyinshi i Birembo – muri komine ya Rukira. Abandi bajandarume, bambaye imyenda idatuma bamenyekana n'ingofero za gisirikare zitukura. Harimo Gisagara navuze ko abajandarume bari bamaze umunsi barekuye. Zigeze kuri paruwasi, impunzi zavugije induru, zituka abaziteraga. Umusirikare witwa « *Lieutenant* » yabwiye uwitwa Kibwa, w'i Kibungo, ngo kumuhagarikira inzirikarengane zo muri paruwasi. Kibwa yaramwumviye, abakobwa batatu

n'umupadiri ukiri mutoya barasohoka. Igitero cyashatse ko umupadiri w'umusaza witwa Ludoviko Ntamezeze asohoka. Abaturage b'i Nyamabuye basigaye inyuma, igitero gikikiza paruwasi. Abasirikare bitwaje *roquettes* zo mu bwoko bwa *stream*, ikindi gitero gifite za gerenade. Lieutenant yatanze ikimenyetso, igitero cyari cyavuye i Birembo n'abasirikare barasa impunzi, batera na za gerenade. Umugabo Ushinja yahunze igitero kigitangira, ahungana n'abandi baturage b'i Nyarubuye bari basigaye inyuma. Umugabo Ushinja yahereyeke yihisha kugera ku itariki ya 28 y'ukwezi kwa kane 1994, abasirikare ba FPR bamaze kuhagera. ZHZ avuga ko atabonye Uregwa kandi ko atabonye intwaro zitangwa kuri paruwasi ya Nyarubuye, ku tariki ya 15 z'ukwezi kwa kane 1994.

131. **Umugabo Uregura ZIZ** w'Umuhutu yari atuye i Rukira, muri perefegitura ya Kibungo, muri 1994. Avuga ko yahunze ibitero by'i Rukira kuva kw'itariki ya 14 z'ukwezi kwa kane 1994, akajya i Nyarubuye. Inshuti ye yamucumbikiye kuva kw'itariki ya 14 z'ukwezi kwa kane 1994. Uko abivuga, igitero cya paruwasi ya Nyarubuye cyatangiyeye kw'itariki ya 15 z'ukwezi Mata 1994 nyuma ya saa sita, gitewe n'abantu bari bavuye muri za komine Rukira na Birenga zifitanye imbibi na Rusumo, bazanywe n'abajandarume bo mu nkambi ya Mulindi, hafi ya Rusumo. Ngo abagabo n'abasore b'i Nyarubuye baba baragize uruhare mu gitero batabishaka, batinya ko bafatwa nk'ibitso. Umugabo n'inshuti ye barakubiswe, baherekeza igitero ku ngufu. icyo gitero cyababwiye ko hari « umurimo ugomba gukorwa » kuri paruwasi ya Nyarubuye. Igice kimwe cy'igitero n'imodoka byari byahageze. Umwe mu bajandarume bari aho, wari umukuru w'inkambi ya

Mulindi iri bugufi bwa paruwasi, ni we wayoboraga ibikorwa, ni na we watanze ikimenyetso cyo gutangira igitero. Mbere y'aho, undi mutware w'ibitero yategetse «inzirakarengane» gusohoka mu kigo. Impunzi zarashe imyambi, zitera amacumu n'amabuye, ariko abajandarume na bo babatera za gerenade na za *roquettes* zo mu bwoko bwa *stream*, bazihata amasasu. Intumbi z'abantu bo mu bigero byose b'ibitsina byombi, harimo n'abana, zari zirunze ku kibuga cya paruwasi. Umugabo Ushinja, hamwe n'abandi bantu, barahunze, bajya kwihisha mu bihuru. Yongeyeho ko Uregwa atari ahari, ko abaturage ba Nyarubuye batekerezaga ko yapfuye. ZIZ nta mutegetsi, nta n'umupolisi wa Rusumo wa komine Rusumo yabonye mu gitero.

132. Asubiza ibibazo Urukiko, ZIZ avuga ko atari Abatutsi bonyine bari bagambiriwe n'amarorerwa yo mu kwezi kwa kane 1994, i Rukira na Nyarubuye, ko n'Abahutu bishwe. Avuga ahubwo ko abishwe muri icyo ntambara baziraga ibitekerezo byabo bya politike, ko atari uko bataziraga ubwoko ubu n'ubu. Avuga atamenye abantu batari bahuje ibitekerezo n'igitero. Arongerera, akavuga ko abatarafatanyaga kwica babonwaga nk'ibitso by'abo bicaga. Ntiyabashije kumenya abiyitaga inzirakarengane mu mpunzi, abo nabo bavuye muri paruwasi bahamagawe n'umugaba w'abajandarume mbere yo gutera, niba bari Abatutsi cyangwa Abahutu. Ashimangira ko abo bantu atarasanzwe abazi kandi ati : « Uko umuntu asa si byo bivuga ubwoko bwe. »

133. **Uregwa** avuga ko kw'itariki ya 15 y'ukwezi kwa kane, yari yihishe iwe, ugereranyije ni nko kuri kilometero 30 uvuye kuri paruwasi ya Nyarubuye. Kare mu gitondo cy'itariki ya 16 y'ukwa kane 1994, *brigadier* wa komine, uwitwaga Neza, yaje kuvuga uko impunzi zatewe kuri paruwasi ya Nyarubuye, zitewe n'abantu baje mu modoka, hakaba harimo abasirikare n'abasiviri. *Brigadier* Neza

amubwira ko abo bantu baturukaga muri komine ya Rukira, ko bari bayobowe n'abajandarume b'i Mulindi - inkambi iba muri komine ya Rukira -, kandi ko icyo gitero cyifashishije ku gahato abo baturage muri icyo gitero. Neza kandi yamubwiye ko icyo gitero cyavaga i Birembo, hagati ya komine ya Rukira n'iya Rusumo.

134. Uregwa avuga ko yababajwe cyane no kwumva iyo nkuru. Yongeyeho ko yamaze iminota ibiri ntacyo ashobora kuvuga kuko, igihe yari yihishe, nta kintu na kimwe yabashaga gukora. Avuga ko hanyuma yasabye *brigadier* Neza kumenyesha *sous-préfet* iyo nkuru kugirango aze kuko yari afite imodoka. Yasobanuye ko we bwite, ndetse na *sous-préfet* bari mu « magorwa akomeye » cyane cyane ko bamubonagamo icyitso cy'*Inkotanyi*, ashakishwa, nk'uko na *sous-préfet* ubwe yashakishwaga. Avuga ko « yahereyeko » asaba *sous-préfet* kwohereza yo *brigadier* wakoraga imirimo y'ushinzwe ibyerekeye amategeko ya gipolisi « kugirango barore... uko babigenza ».
144. Uregwa avuga ko imodoka ya *sous-préfet* yashizemo lisansi, umucuruzi witwa Asarias akemera kubatiza imodoka, akayishyira mu maboko y'umu-*brigadier* wari ushinzwe kugenda, akarora uko byifashe i Nyarubuye, hanyuma akabikorera raporo. *Brigadier* yajyanye n'abandi bapolisi, Uregwa arataha. Bigeze ku mugoroba, *brigadier* yamumenyesheje ko hari abantu basanze kuri paruwasi, bapfuye. Uregwa yamubajije niba abapfuye bari benshi. Uregwa, igihe yabaraga iyo nkuru, yaravuze ati : « Kuko nari nsanzwe nzi ko hari abantu bake ».

Brigadier yamusubije ko « mu by'ukuri », abishwe batari benshi cyane : hagati y'abantu 800 na 1000. Uregwa yongeraho ko, n'ubwo hari abo bantu biciwe kuri paruwasi ya Nyarubuye, umutekano wari urinzwe muri komine ya Rusumo kurusha izindi komine, asobanura ko impunzi zavaga muri komine zindi, nk'izo muri Byumba na Kibungo, zihunga ibitero by'*Inkotanyi*.

Kw'itariki ya 16 y'ukwezi kwa kane 1994

145. **Umugabo Urega TAQ** avuga ku itariki ya 16 y'ukwa kane 1994, mu ma saa mbiri ya mu gitondo, bamwe mu *Nterahamwe* na bamwe mu basirikare, bayobowe na Bagaruka na Liamuguiza, banyuze, bakurikirana, mu ishuli yari yihungiyemo, mu mazu ya paruwasi Nyamabuye, nyuma y'igitero cyo ku itariki ya 15 z'ukwezi kwa kane. Impunzi 30, ziri mu Umugabo Ushinja, bari muri iryo shuli. Bagaruka, na Liamuguiza, bababajije uwari wabahaye uruhusa rwo kuguma aho hantu, hanyuma bagenda ari uko bababwiye kuhaguma. Igihe yagendaga, Liamuguiza yavuze ko agiye gusahura. Impunzi ziyemeje kuva muri iryo shuri, ziratatana. Umugabo Ushinja n'izindi mpunzi zaramanutse, zijya mu kabande. TAQ yabonye umucamanza Rubanguka agendagenda mu mirambo yari irambaraye muri paruwasi. Kugirango abakiri bazima batamucika, Rubanguka yabajugu-nyagaho urusenda. Abari bakiri bazima icyo gihe bakubitwaga impiri zishinzeho imisumari kugeza igihe bapfuye. Amaze kubona ibyo bintu, TAQ yahereke agenda. Mu bibazo byo kumunyomoza, TAQ yasobanuye ko ibyo

yabonye, yabibonye mu ma saa mbiri za mu gitondo, ari imbere y'amazu y'ababikira, agisihika muri rya shuri. Yongeyeho ko Rubanguka yakoresheje igifukizo kirimo urusenda rucanye, akayizunguza hejuru y'imirambo.

146. **Umugabo Ushinja** TAO avuga ko yabonye Uregwa ku itariki ya 16 y'ukwezi kwa kane 1994 kuri paruwasi ya Nyamabuye, aho, kuva ku itariki ya 15 z'ukwezi kwa kane 1994, yari yihishe hamwe n'umugore we n'abana be babiri mu misarane y'amashuri abanza ya CERAI, ku metero 200 uvuye kuri paruwasi na metero 40 uvuye ku muhanda. Ngo Uregwa yaba yarazanye na Evarisiti Rubanguka, umucamanza mu rukiko rwa kanto, n'undi muntu babwiye Uregwa ko ari we Gatete. Yababonye bajya muri kabari kubatse bugufi ya paruwasi. Agereranyije, aho hantu, bahamaze nk'iminota 30. Bamaze gusohoka muri ako kabari, Uregwa, Evarisiti Rubanguka na Gatete baba baragiye kuri paruwasi, baherekejwe n'abaturage benshi, bose b'Abahutu. Bageze ahagereye amazu ya paruwasi, TAO abona Rubanguka ashinga icumu intumbi y'umuntu « wari wapfuye ». Yabonye Rubanguka afite ikindi kintu kimeze nk'icupa, ariko ntiyamenye icyo ari cyo kuko yari kure yacyo. TAO avuga kandi ko atabonye icyakurikiyeho, icyo kikaba kidahuye n'ibyo yari yavuze mbere, agira ati : « Rubanguka yasohotse mu kiliziya afite igifukizo cyuzuyemo urusenda, yarucanye. Noneho, agendagenda aho intumbi zari zirambaraye mu kibuga. Umwotsi wavaga muri gifukizo wateraga abari bakiri bazima kwitsamura, aho bari hamara kumenyekana, bagasongwa.

147. **Umugabo Ushinjura UHT** w’Umuhutu wari utuye i Rusumo mu 1994 yavuze ko ku itariki ya 16 y’ukwezi kwa kane 1994, mu ma saa kumi n’ebyiri za mu gitondo, ajya kwa muramu we Rwanteru, yahuye n’igitero, cyambaye amakoma, kibahatira kugikurikira ku kiliziya ya Nyarubuye. Bahageze mu bya saa moya cyangwa saa mbiri za mu gitondo. Kuri paruwasi, yabonye imirambo myinshi, abana bagendaga batazi aho bajya, abantu bavuga ko barokotse itsembatsemba. Yahabonye abasirikare n’abantu bambaye ibitenge. Igitero cyasonze abakiri bazima babatera ibyuma n’impiri. Umwe mu bari bambaye ibitenge, ngo bamukomeraga amashyi ku buryo bw’umwihariko kandi ni na we wayoboraga igitero. Byageze aho, UHT abona imodoka y’umutuku y’abajandarume. Bigeze mu ma saa sita, yabonye kamyoneti ijya kuri paruwasi, abantu bavugaga ko yari iya komine ya Rusumo. Abayisohotsemo, ni abapolisi ba komine, bambaye gipolisi, n’abandi bantu batatu barimo n’umushoferi. Uregwa ntiyari mu bari bambaye gisiviri kuko ngo ‘byari bifite byose nibura ibiro 60’ (*!!toutes pesaient au moins 60 kg !!*). Bigeze saa nani ya ku manywa, UHT yashoboye gucika.
148. Nk’uko byavuzwe mbere, **Uregwa** avuga ko kare mu gitondo cyo kw’itariki ya 16 z’ukwezi kwa kane 1994, *brigadier* wa komine, Neza, yasanze yihishe iwe, amubwira iby’ubwicanyi bwo muri komine Nyarubuye. Yongeraho ko *sous-préfet* yaje amushaka, bakajyana kwa *sous-préfet*, bakaganira. *Sous-préfet* yohereje abapolisi i Nyarubuye kurora uko ibintu byifashe, Uregwa asubira iwe. Yatekerezaga ko *brigadier*, namwakira ni mugoroba, amubwira aho bigeze.

Kw'itariki ya 17 y'ukwezi kwa kane 1994

149. **Umugabo Ushinja, TAX**, avuga ko yabonye Uregwa ku cyumweru, tariki ya 15 z'ukwezi kwa kane 1994, akaba ari wo muni w'igitero cya paruwasi Nyarubuye (ni ukuvuga, kuri 17 z'ukwezi kwa kane) cyabereye mu ma saa tatu za mu gitondo. TAX avuga ko, mu ma saa moya za mu gitondo, *Interahamwe* zitwaje imiheto, imihoro, impiri n'ibyuma, ziyobowe n'uwitwa Antoni, zari zabonye mu nzu y'ishuri impunzi 15 z'Abatutsi: abantu bakuru babiri, abana, abagore n'abakobwa b'inkumi. Muri abo bantu harimo Umugabo Ushinja. Imwe mu modoka yari itwaye *Interahamwe* avamo afite intwaro. Indi modoka yari itwaye Uregwa. Uregwa yavuye mu modoka ababwira gusubira iyo bavuye. Arongera aravuga ati: «Sinsubira mu byo nababwiye. Buri muntu afate intwaro ye! Ushaka kwica inzoka, ayirasa ku mutwe. Ntihagire n'umwe musiga.» Umugabo Ushinja n'abandi bari barokotse basabye imbabazi, ariko biba iby'ubusa. TAX avuga ko Feredinandi na Pasikali - yari abazi bomi - ko bari mu gitero. N'ubwo yabasabaga imbabazi, bamurekuriye Antoni, amukubita impiri ku kiganza cy'iburyo kugeza aho igufwa rigaragariye, arongera amukubita no ku rukugu. Yamukubise umuhoro ku mutwe inshuro ebyiri. TAX avuga ko nyuma y'ibyo, yongeye guta ubwenge. icyo gihe, Uregwa yari kuri metero ebyiri.
150. Uregwa avuga ko kw'itariki ya 17 z'ukwezi kwa kane 1994, yiriwe yihishe iwe. Avuga ko yari ategereje ko *sous-préfet* - yari yaraye abonanye nawe -, amubwira

« ibyemezo byerekeye umutekano wacu » byari byafashwe kugirango ave mu bwihisho. Mu bisobanuro bye, agira ati : « Ubwoba nari mfite, nabuterwaga n’uko abo twakorana bari barishwe ». Iyo Uregwa avuga abo bakoranaga, aba avuga « ba burugumesitiri ». Yibukije urupfu rw’uwahoze ari burugumesitiri wa komine ya Kinigi, muri perefegitura ya Ruhengeri, wishwe ku itariki ya 9 y’ukwezi kwa kane, « igihe yageragezaga kwirukana igitero cyari cyateye komine ye ». Nk’uko abivuga, yakekaga ko ashobora kumukurikiza.

Nyuma y’itariki ya 17 z’ukwezi kwa kane 1994

151. **Umugabo w’Impuguke Alison Des Forges**, yemeza ko hamwe mu Rwanda yashoboye gusura mu kwezi kwa munani 1994, bugufi bwa Nyarubuye, yahabonye intumbi. Uwo Mugabo avuga ko, akurikije ibyo yumvanye abantu batari bake baganiriye, ariko ntavuge amazina yabo mu rukiko, ko intumbi yabonye aho yagiye hose cyane cyane zari iz’Abatutsi, cyangwa iz’Abahutu bitewe n’aho ageze ; izambere, ni iz’abarashwe n’ingabo z’u Rwanda (FAR), insoresore zitwara gisirikare n’abaturage, iza kabiri ni izarashwe na FPR.
152. Umugabo w’Impuguke yerekanye ibyo yabwiwe, bikubiye mu nyandiko yahawe n’Abiregura, yita *Rapport Gersony*. Avuga ko iyo nyandiko ari raporo Bwana Robert Gersony yasabwe n’Umuryango w’Abibumbye Ufasha Impunzi, ariko iyo raporo ntiyamenyeshejwe rubanda. Uko abyumva, Gersony avuga imirambo

yarerembaga mu migezi hashize ibyumweru bike nyuma y'uko FPR ihagera, mu gice cya Rusumo, mu ruzi w'Akagera na Nyarubuye. Madamu Des Forges asobanura ko, akurikije ibyo yiyumviye, ari ngombwa gutandukanya muri rusange intumbi zagaragaje ibiganza biboshwe inyuma y'umugongo n'intumbi zitaboshye ibiganza, za mbere y'uko FPR ihagera. Yongeyeho ko nta ntumbi iboshwe ibiganza yabonye kuri paruwasi ya Nyarubuye.

144. Mu kwezi kwa gatanu 1994, **Umugabo Ushinja, Patrick Fergal Kaene**, umunyamakuru wavugiyeye kuri televiziyo y'Ubwongereza, *British Broadcasting Corporation (BBC)*, mu kwezi kwa gatanu 1994, ibyabaye muri komine ya Rusumo, mu Rwanda, avuga ko mu mpera y'ukwezi kwa gatanu 1994, abifashijwemo na FPR yari yafashe ako karere, yagiye ku Rusumo, agashobora gufotora amazu ya paruwasi ya Nyarubuye, intumbi nyinshi ziharunze. Amaze kwumva ibyo abarokotse [ubwicanyi] bwo kuri paruwasi bamubwiye, yashakishije burugumesitiri Silivesitiri Gacumbitsi, aganirira nawe mu nkambi y'impunzi za Benaco, muri Tanzaniya. Mu byo yafotoye, hariho amashusho yerekanywe, ashirwa mu bimenyetso bihamya : intumbi nyinshi zaboraga, zivangitiranye, zarabonekaga. Inyuma ya kiliziya ya Nyarubuye ni ho intumbi zigaragara ari nyinshi cyane, zigerekeranye. Muri izo ntumbi, harimo iz'abantu b'ibitsina byombi, ndetse n'intumbi z'abana, bamwe bambaye imyenda ya kinyeshuri.

5. Ikiganiro

Kw'itariki ya 15 y'ukwezi kwa kane 1994

145. Urukiko rurasanga Abagabo Bashinja, TAQ, TAO na TAX, bavuga ukuri. Bavuze ibyabereye kuri paruwasi ya Nyarubuye kandi biboneye n'amaso yabo, batanga ibimenyetso. Nta bitandukanye cyangwa binyomozanya byabaye mu magambo bavuze. Hari ubwo utuntu tudahuye neza dushobora kuboneka mu byo bavuze, bitewe n'igihe gishize nyuma y'ubwicanyi, n'ahantu hatandukanye byabereye, ndetse no mu bihe bitari bimwe. Ikindi ni umunaniro abatanga-buhamya bagize igihe babazwa.
146. Umugabo Ushinja, TAQ, yashoboye kuvuga abantu benshi bagize uruhare mu byabaye. Urukiko rutekereza ko, niba atarabonye ipakururwa ry'imihoro imbere ya kiliziya ya Nyarubuye, ibyo bidahagije kugirango rubikuremo ko ibyo yavuze ari ibinyoma ku byabaye aho hantu, nk'uko Abagabo Baregura babihamya. Urukiko rurasanga kandi TAQ avuga ko intwari zari zihari, cyane cyane imihoro yari mu modoka y'Uregwa.
147. Mu gihe cyo kunyomoza, TAQ yasobanuye ko igihe yagwaga igihumure, yari yihishe hamwe n'abandi bantu benshi mu nzu y'imbwa z'abapadiri. Abunganira Uregwa basa n'abahakana ko abo bantu benshi bahihishe, nyamara Umugabo Ushinja yivugira ko umuntu ashobora kuhahagarara. Urukiko rwasanze icyo gisubizo gihagije kubera ko rwari rwumvise Umugabo Ushinja ubwe yivugira

- ati : « Uko byari biteye – turi impunzi – nta kundi twari kubigira. Iyo ukeneye aho wihisha, ntushaka aho ushobora guhagarara, icyo uba ushaka ni aho wihisha, nta kindi ».
148. Urukiko rurasanga ubuhamya bwa TAQ na TAO ntaho butandukaniye ku byerekeye ibitekerezo impunzi zo kuri paruwasi zari zifite, igihe Uregwa yageraga aho hantu. Icyo gihe, TAQ na TAO, bombi bashobora kuba bavugaga rumwe iyo bavugaga ukuntu impunzi zegereye Uregwa zishakaga kuganira na we kugirango, ahari - dukurikije uko Umugabo Ushinja TAQ yabibonaga - abasobanurire cyangwa abarengere.
149. Niba Uregwa « yaratiye » umuhoro – nk’uko TAQ na TAO babivugaga – Urukiko rurasanga ubwo buhamya bwombi butavuguruzanyaga, ahubwo bwongerana imbaraga. Niba TAO aterekana nka TAQ, mu rukiko, nyir’umuhoro watiwe n’Uregwa, kugirango avugaga ko ari *Interahamwe*, ibyo si ukuvuguruzaga TAQ. Kubera intambara yari iriho, birumvikana ko abagabo bombi babivugaga ku buryo butandukanye.
150. Ku byerekeye uburyo Abagabo Bashinje bamenye *Interahamwe*, Urukiko rwumvise ko, mu myumvire y’Abagabo Bashinje, iryo jambo rishobora kuvugaga umunyamuryango ku rwego rw’igihugu n’urw’akarere uri mu ishyamba ry’insorosore z’ishyamba rya MRND, cyangwa se rikavugaga umuntu wese wagize

uruhare mw'itsembatsemba ryo mu 1994 kandi wabaga yambaye ku buryo amenyesha uwo ari we. Mu gusuzuma intangamugabo, bitewe n'uko byari bimeze icyo gihe, Urukiko rwirinze gushingira ku buhamya buvuga ko *Interahamwe* zari ahantu aha n'aha igihe cy'ubuhotozi, ngo rutekereze huti huti ko muri komine ya Rusumo habaye umutwe bise *Interahamwe*.

151. Urukiko rwumvise neza ko, rukurikije ubuhamya bwa TAQ, bugashimangirwa n'abandi Bagabo Bashinja, n'Umugabo Uregura ZHZ, ko kw'itariki ya 15 y'ukwezi kwa kane 1994, ibihumbi n'bindi by'abasivili, abenshi muri bo bababa bari Abatutsi, baturukaga muri komine zitandukanye no muri segiteri zimwe na zimwe za Rusumo, bahungiyeye muri paruwasi ya Nyarubuye, bahunga umutekano muke n'ibitero by'*Interahamwe*, n'ibindi bitero mu turere twabo.
152. Ikindi Urukiko rwumvise, ni uko kw'itariki ya 15 y'ukwezi kwa kane 1994, mu ma saa mbiri, umukonseye yagiye kuri paruwasi aherekejwe n'igitero cy'*Interahamwe*, hanyuma akabwiriza impunzi kwitonda kikaguma kuri paruwasi. Uwo mukonseye yaragiye, *Interahamwe* zirasigara. Uregwa yagiye kuri paruwasi ya Nyarubuye mu ma saa cyenda y'anywa. Yari aherekejwe n'abapolisi ba komine ya Rusumo n'*Interahamwe*. Izo *Interahamwe* zazaririmbaga, zigira ziti : « Tubatsembatsembe. » Amaze kuhagera, impunzi eshatu, zirimo umusaza w'Umututsi witwa Murefu, zegereye Uregwa, maze azibwira ko « isaha y'Abatutsi yageze ». Uregwa aherako afata umuhoro, uwutemesha Murefu kw'ijosi, aragwa, arapfa. Uregwa yategetse *Interahamwe* n'abapolisi ba komine

- guterwa impunzi no kuzibuza guhunga. Ikindi, Uregwa yabwiye Abahutu kuva muri paruwasi. Hari umwana wagerageje kuva mu mpunzi, igitero kimusubizayo, kivuga ko atari Umuhutu, hanyuma baza kumutera gerenade kw'ijosi.
153. Kuba Abahutu barabwiye kuva muri paruwasi kugirango bataza guterwa byemejwe n'Abagabo Baregura, NG2 na ZIZ, bavuga kandi ko igitero gikomeye cyatewe aho hantu ku itariki ya 15 y'ukwezi kwa kane 1994. Ariko, abo Bagabo bavuze ko ari abajandarume bayoboye ubwo bwicanyi, ko atari Uregwa wakiyoboye, kuko atari ahari. Urukiko rwemeye ubwo buhamya. Kuvuguruza ubuhamya bwa TAQ, TAO na TAX bwumvikana neza, Urukiko rwasanze bitashidikanywa ko Uregwa yagize uruhare mu bwicanyi bwabereye kuri paruwasi ya Nyarubuye, ku itariki ya 15 y'ukwezi kwa kane 1994.
154. Na none, Urukiko rufashe umwanzuro w'uko igitero cyateye impunzi zo kuri paruwasi zikoresheje gerenade, imbunda n'imihoro, kugera mu ma saa moya ya ninjoro, zikica, zikazikomereye nyinshi.

Ku itariki ya 16 y'ukwezi kwa kane 1994

167. Urukiko rwemeye ubuhamya bw'Abagabo Baregura TAO na TAX bahagaze ku cyo bavugaga, ibikwiriye icyizere, abavugaga ukuri kubyo Uregwa yakozwe kuri paruwasi ya Nyarubuye kw'itariki ya 16 y'ukwezi kwa kane 1994.

168. Umugabo Ushinja, TAO, yavuze ko yabonye Uregwa mu gitondo cy'itariki ya 16 y'ukwezi kwa kane 1994, hakurya y'umupaka wa Nyarubuye, ari ho agana hamwe n'abandi bantu barimo Rubanguka. Kuba Rubanguka n'abantu bari hamwe n'Uregwa mu gitero byashimangiwe na Rubanguka, avuga ko yateraye umuntu icumu, akamwica, hanyuma y'uko ajya kuri paruwasi. Urukiko rwasanze abivuga yarabibonye, bikwiriye kwizerwa, kimwe na metero 40 zari zitandukanyije Umugabo TAO n'Umucamanza Rubanguka, nk'uko yabyivugiye.
169. Uretse ibivugwa n'Abunganira Uregwa, ntabwo Urukiko rwumva ko Umugabo Ushinja TAO, umugore we n'abana be babiri, bese bihishe iminsi ibiri mu misarane ya CERAI, hafi ya paruwasi ya Nyarubuye, nk'uko Umugabo Ushinja abivuga.
170. Ubundi kandi, rushingiye ku buhamya bwatanzwe na TAO, na TAQ, ndetse na UHT, Umugabo wunganira Uregwa wavuze ko bamufatiye ko yari mu gitero cya paroisse ya Nyarubuye mu gitondo cyo kw'itariki ya 16 y'ukwezi kwa kane 1994, Urukiko rusanga, muri icyo gitondo, icyo gitero TAQ na TAO bise icy'*Interahamwe*, Umugabo Ushinja akaba yarakibonyemo umucamanza Rubanguka wasonzwe hamwe n'abari bakiri bazima bari baraye batewe. Kuba hari ibyo TAO yabonye umucamanza Rubanguka amena urusenda hejuru y'intumbi agirango avumbure abari bakiri bazima, ariko ibyo ntibibe mu buhamya bw'Umugabo Ushinja yatanze agitangira, ibyo ntaho bitambamiye uyu mwanzuro kandi ntibibujije ko ibyo Umugabo Ushinja avuga ari ukuri.

171. Kuba TAQ ataravuze ko yabonye Uregwa kuri paruwasi ya Nyarubuye ku itariki ya 16 y'ukwezi kwa kane 1994, si byo byatuma dushidikanya ko TAO yabonye Uregwa. Impamvu bitavugwa kimwe yaterwa n'uko aho bombi bari batari hamwe. Kandi, TAQ avuga ko yabonye umucamanza Rubanguka muri parwasi, naho TAO yabonye Uregwa hamwe na Rubanguka n'abandi, bagana hafi ya paruwasi. Birumvikana ko ibyo TAO yabonye, yabibonye mbere ya TAQ.
172. Urukiko rurasanga Umugabo Wunganira Uregwa, UHT, adakwiriye kwizerwa. Mu bibazo by'inyomoza, yavuze ko mu gihe cy'amasaha atandatu yamaranye n'igitero kuri paruwasi ku itariki ya 16 z'ukwezi kwa kane 1994, atagize uruhare mu kwica inkomere zari zikiri nzima muri izo ntumbi. Nyamara, ntiyavuze icyo yakoraga, uretse ko yari kumwe na muramu we kandi ibyo yarabonaga bikaba byari biteye ubwoba cyane. Bamunyomoza, baramubajije, abanza kuvuga ko atazi nyir'imodoka, hanyuma ashimangira ko iyo modoka itari iya komine. Kandi ni ko yakomeje kubivuga mu bindi bibazo byiyongereyeho. Bamubajije uwari atwaye iyo modoka, yashubije ko yamumenye kuko yakoreraga komine. Urukiko kandi rwabonye ko, mu bibazo by'inyomoza, Umushinjacyaha Mukuru yavuze ko UHT yaba yarabwiye umupererezi w'uruhande rwunganira uregwa, rwafashe ubuhamya yatanze mbere, ko yabonye iyo imodoka ava kuri paruwasi ya Nyabitare, kuri kilometero 15, aho imihanda ihurira, ariko Umugabo we avuga ko Umupererezi yibeshye.

173. Ariko Urukiko rubona ko Umugabo Ushinja, TAO, kandi ari we wenyine wumvise Uregwa avugira mu ndangururamajwi mu gitondo cy'itariki ya 16 z'ukwezi kwa kane 1994. Ariko ntiyavuze ko Uregwa hari intwari yari yitwaje. Ubundi kandi, ari TAO, ari TAQ, ari UHT, ntibigeze bagira icyo bavuga cyerekeye isahura ry'amazu ya paruwasi, ubwicanyi burangiye.

Ku itariki ya 17 y'ukwezi kwa kane 1994

174. Nk'Abunganira Uregwa, Umugabo Ushinja TAQ yavuze ko yumvise Uregwa avugira mu ndangururamajwi ahandi hatari paruwasi ya Nyarubuye, hakaba hari mu ma saa tatu ya mugitondo, ku itariki ya 17 y'ukwezi kwa kane 1994, icyo igihe kikaba ari cyo TAX yavuze yamubonye. Ari Umugabo Ushinja TAQ, ari n'Umugabo Ushinja TAX, nta saha bavuze. Ikindi Umugabo Urega, TAQ, yavuze ni uko yumvise Uregwa avugira mu ndangururamajwi igihe yari muri imwe mu modoka eshatu yabonye zinyura aho segiteri ya Kankobwa na Nyarubuye bihurira, bugufi bwa paruwasi ya Nyarubuye. Niba Umugabo Ushinja TAX yarabonye Uregwa agera kuri paruwasi mu modoka, ibyo bintu byabonywe byabaye mu gihe gito, mu saa tatu za mu gitondo. Urukiko rurabona ubuhamya bwa TAQ butavuguruza, kimwe n'icyizere kigirirwa cya TAX mu byo avuga byabaye icyo gihe.
175. Urukiko rurabona Umugabo TAX yarabonye ibyabaye neza cyane : byabaye mu gitondo, TAX yari bugufi cyane bw'Uregwa, yagereranyije ko hari nka metero

ebiyiri. Rushingiye ku buhamya bwe, Urukiko rufata umwanzuro ko, kw'itariki ya 17 z'ukwezi kwa kane 1994, mu ma saa tatu ya mu gitondo, Uregwa yegeranyije impunzi z'Abatutsi 15 zikiri nzima, maze akimara kuvuga ayo magambo, igitero cyahuka mu bari barokotse, kibatera imihoro imbere ya kiliziya ya Nyarubuye, ababwira gufata inywaro, kwica abari bakiri bazima bakubita ku mitwe, ntibagire uwo basiga. Ntawashidikanya ko Uregwa yategekaga kwica buri mututsi muri abo 15 kuko yamaze kuvuga ayo magambo, igitero kigatema abari bakiri ho imihoro, babiri muri icyo gitero bakomeretsa TAX abasaba imbabazi, basiga agiye gupfa. Kuri icyo mpamvu, Urukiko rufashe umwanzuro w'uko, kw'itariki ya 17 z'ukwezi kwa kane 1994, Uregwa yateye abasivili b'Abatutsi kuri paruwasi ya Nyarubuye, agategeka igitero kwica impunzi nk'uko byanditse mu gika cya 27 cy'inyandiko y'ikirego.

Ikivugwa n'Uruhande Rwiregura : ubwicanyi bwakozwe na FPR

176. Uruhande rw'Uregwa ruvuga ko ayo mashusho atari ay'igitero cyo kuri paruwasi ya Nyarubuye, ku matariki ya 15, 16 na 17 z'ukwezi kwa kane 1994. Ni yo mpamvu, ku byerekeye intumbi zigaragara mu mashusho yafashwe na Patrick Fergal Keane, havugwa ko ari izo mw'itsembatsemba ryo kw'itariki ya 15 y'ukwezi kwa kane kuri paruwasi ya Nyarubuye. Abunganira Uregwa bavugaga ko ahubwo ayo mashusho ari ay'abishwe na FPR. Raporo y'abaganga w'inzobere mu by'amategeko, bakaba ari Abagabo Bashinjura batangwa n'Abunganira Uregwa, uroye niko babivugaga. Na none, Umugabo wunganira Uregwa, XW9, wo

mw'ishyaka rya *MDR-Power*, utuye muri segiteri ya Kigina, avugako, kw'itariki ya 28 y'ukwezi kwa kane 1994, yari yafashwe n'ingabo za FPR zari zateye u Rwanda. Uwo Mugabo avugako yamenye mu ngabo za FPR umwe mu baturanyi be, w'Umututsi, ariko ko atari yambaye imyambaro ya gisirikare. Yongeyeho ko bamujyanye hamwe n'abandi, nyuma yo kumuhambira. Mu nzira, yaraguye, maze ngo umwe mu basirikare amurasa amasasu abiri, asiga ameze nk'uwapfuye. Abasilikare ba APR (ishami rya FPR) bakomeje inzira n'abandi bari bafasheho imfungwa, hanyuma ngo babarasa amasasu bamaze kugera kuri metero 20 z'aho Umugabo wunganira Uregwa yari ari, i Nyabitare. Yongeraho ko kw'itariki ya 5 z'ukwezi kwa gatanu 1994, umugore we n'abana be batanu (umuherezizi yari afite umwaka umwe n'amezi atandatu), n'abaturanyi be bose ngo baba barishwe n'abasirikare ba APR. Uruhande rwunganira Uregwa rushingira kuri *Raporo yatanzwe na Garsony*, rukavugako ibyo ibyaha byakozwe na FPR. Urugero rukaba nko muri komine ya Rusumo n'izindi byegeranye.

177. icya mbere, Uruhande rwunganira Uregwa rusa n'aho ruvugako – kuko ahangaha rutabisobanura ku buryo bwumvikana - ko FPR, amashyaka yari muri icyo ntambara yo mu Rwanda, nayo yabigizemo uruhare. Kuri icyo ngingo, ubwo buryo bwo kwiregura, bita *tu quoque* [... nawe...], ntacyo buvuze igihe Urukiko ruca imanza z'ibyaha bikomeye, cyane cyane ko nk'ubu Abunganira Uregwa batavugako ko FPR yaba yakoze ibyaha i Nyarubuye mbere y'amatariki ya 15, 16 na 17 y'ukwezi kwa kane 1994.

178. icya kabiri, niba Abunganira Uregwa bavuga ko mu ntumbi basanze i Nyarubuye - ntibavuge uko umubare wabo ungana - ari iz'abishwe na FPR. Urukiko rurasanga raporo y'abaganga bakorana n'urukiko batanga ari iyo kwitondera. Impamvu, ni uko abavuga ko intumbi zose ziri kuri kasete babonye atari izo mu kwezi kwa kane 1994. Ariko ntivivuga ko izo ntumbi ari iz'igihe abaturage basanzwe b'Abatutsi baterwaga kuri paruwasi ya Nyarubuye, muri komine ya Rusumo, kuva kw'itariki ya 15 kugera kw'itariki ya 17 z'ukwezi kwa kane 1994. Iyo raporo rero si yo yatuma bishidikanywa ko habaye ibitero byavuzwe n'Abagabo benshi bashinje n'Abunganira Uregwa.

6. Imyanzuro

167. Rushingiye ku bika bya 15, 16 na 17 by'Ikirego, Urukiko rufashe umwanzuro ruvuga ko kw'itariki ya 15 y'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yari mu gitero cyateye paruwasi ya Nyarubuye yari yateraniwemo n'Abatutsi benshi n'Abahutu. Silivesitiri Gacumbitsi yegereye paruwasi ari 9 muri mwe mu modoka nyinshi zari zitwaye abapolisi ba za komine n'*Interahamwe* Igitero cyari cyambaye imyambaro yagenewe *Interahamwe*. Igitero cyari cyitwaje imihoro z'izindi ntwaro za gakondo, imbunda na gerenade, bazikoresha mu gitero bateye. Nyamara, Urukiko ntirushobora, rushingiye ku ntangamugabo rwahawe, gufata umwanzuro w'uko iyo mihoro bari bayihawe mbere na Silivesitiri Gacumbitsi.
168. Hashize igihe gito ageze kuri paruwasi, nka saa cyenda y'amanya, Silivesitiri

- Gacumbitsi yishe Murefu, Umututsi w'impunzi, wari wamusanze, yatanze ikimenyetso cyo gutangira kwica. Silivesitiri Gacumbitsi yabwiraga imbaga yifajishijishe indangururamajwi, abwira impunzi z'Abahutu kwitandukanya n'Abatutsi. Harimo abumviye ibyo ababwiye, abapolisi ba komine n'*Interahamwe* batera izindi mpunzi zisigaye mu kigo cya kiliziya.
169. Urukiko rufashe umwanzuro w'uko abapolisi ba komine bateye paruwasi babibwirijwe n'Uregwa. Yategetse abicanyi, arabigisha kugera aho bumviye ko izo nyigisho zari izo kubashishikaza.
170. Urukiko rwafashe umwanzuro w'uko Uregwa ari we watumye igitero kiba : yagihaye imodoka za komine ya Rusumo kugirango zikijyane, zitware n'intwaro. Ubwe, yahageze aherekejwe n'abapolisi n'igitero mu modoka imwe mu za gendaga zikurikiranye. Izo modoka zajyanye aho intwaro igitero cyagombaga kubera, ariko Urukiko ntirufite gihamya ko izo ntwaro zatanzwe.
175. Rumaze gusoma igika cya 18 cy'ikirego, Urukiko rwumvise ko kw'itariki ya 16 z'ukwezi kwa kane 1994, umunsi ukurikira itariki ya 15 z'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yegereye kiliziya ya Nyarubuye ari kumwe n'igitero. Muri icyo kiliziya, harimo umucamanza witwa Rubanguka. Bamwe mu bari muri icyo gitero bari bitwaje amacumu, imihoro, imiheto n'imyambi. Ntawe uvuga ko Uregwa yari afite intwaro. Uregwa yabonye Rubanguka atera icumu umuntu ariko ntawamenye ko yapfuye cyangwa akiri muzima icyo

gihe. Urukiko rwafashe umwanzuro w'uko Uregwa ari we wayoboraga igitero cyo kw'itariki ya 16 z'ukwezi kwa kane, kandi yari yayoboye n'icyo ku ya 15 y'ukwezi kwa kane. Muri icyo gitero, abateraga, barimo umucamanza Rubanguka, basonze abari bakiriho. Nyuma y'ibyo, igitero cyasahuye mu kigo cya paruwasi.

176. Ku byerekeye igika cya 27, Urukiko rwafashe umwanzuro w'uko hagati y'itariki ya 15 n'ya 17 z'ukwezi kwa kane 1994, Silivesitiri Gacumbitsi yayoboye ibitero byateraga abasivili b'Abatutsi bari birunduye muri paruwasi ya Nyarubuye, kandi bafashe uruhare mu bitero. Kw'itariki ya 15 y'ukwezi kwa kane, yishe Umututsi witwa Murefu. Ku matariki ya 15, 16 na 17, yayoboye ibitero mu gutanga amategeko akomeye yo kwica Abatutsi bari bahungiyeye muri paruwasi. Interahamwe, abajandarume n'abapolisi ba komine Rusumo bari muri icyo gitero cyo kw'itariki ya 15 z'ukwezi kwa kane 1994.
177. Urukiko rurabona Gacumbitsi yoroheje urugendo mu modoka rw'abapolisi ba komine, Interahamwe n'intwari kugera kuri paruwasi ya Nyarubuye kuko yatanze uruhushya rwo gukoresha cyangwa agatanga imodoka za komine. Yayoboye ibitero byateye abasivili b'Abatutsi, aha urugero igitero cyangwa akibwiriza ibyo cyagombaga gukora kugirango cyice impunzi.
178. Mu gika cya 19 cy'ikirego, Urukiko ntirushora gushingira ku ntangamugabo rweretswe ngo ruvuge ko « impunzi zose z'Abatutsi ibihumbi n'ibihumbi

ziciwe kuri paruwasi ya Nyarubuye ». Ariko rero, rufashe ko byagaragaye ko ibihumbu n'ibindi by'abasivili b'Abahutu n'Abatutsi byari byahunze mbere y'itariki ya 15 z'ukwezi kwa kane 1994. Ikindi, uwo muni, Abahutu batandukanyijwe Abatutsi, hanyuma Abatutsi baraterwa. Uwo muni Abatutsi benshi cyane barahapfiriye. Urukiko rufashe umwanzuro ko umubare munini cyane w'Abatutsi bari bahungiye kuri paruwasi ya Nyamabuye bishwe hagati y'amatariki ya 15 na 17 z'ukwezi kwa kane 1994.

D. IBIKA BYA 31 KUGEZA KURI 36 BY'IKIREGO (UBUHOTOZI)

5. Ibivugwa

175. Mu bika 31, 33 na 36 by'inyandiko y'ikirego, havugwa ibikurikira :

32. Silivesitiri GACUMBITSI ntiyatanze amabwiriza yonyine, ubwe yaba yarayoboye ibitero, agamije kwica impunzi z'Abatutsi b'abasivili. Ndetse, yavugaga ko abasivili b'Abatutsi bo muri perefegitura ya Kibungo bagomba gupfa.
33. Kw'itariki itazwi y'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yishe umugore w'Umututsikazi n'abana be batatu, abasanze iwabo. Silivesitiri GACUMBITSI yari yarabyaye mu batisimu umwe muri abo bana, kandi uwo Mututsikazi yari yahungiye k'uwari inshuti ye kuva kera. Aho kubatabara,

Silivestiri GACUMBITSI yateganyije kwica uwo mugore n'abana be.

34. Kuri 14 z'ukwezi kwa kane 1994 cyangwa hafi aho, Silivestiri GACUMBITSI yarashe abasivili babiri b'Abatutsi, bugufi bwa santarale y'abagatolika y'i Nyabitare. Abo bantu bari basabye imbabazi Silivestiri GACUMBITSI, bagera n'aho bamuha n'amafaranga bagirango abarase aho kubatemesha umuhoro. Silivestiri GACUMBITSI yanze amafaranga, arabarasa, arangije, abakuramo amafaranga yari asigaye.
36. Kw'itariki itazwi, mu kwezi kwa kane 1994, Silivestiri GACUMBITSI ubwe yahaye itegeko abakodeshaga imwe mu mazu ye yo kubamo. Amaze kuvuga ko inzu ye atari CND, ashaka kuvuga aho abasilikare ba FPR bari bakambitse i Kigali, Silivestiri GACUMBITSI yatanze itegeko ryo kwica abari mu mazu ye yakodeshaga.
176. Urukiko rusanga igika cya 31 cyanditswe mu magambo rusange, icyo gika ntacyo kivuga ryabaye kw'itariki iyi n'iyi cyangwa ahantu aha n'aha, ko ryakorewe abantu aba n'aba. Urukiko rusanga icyo gika gisa n'aho ari inkuru igitangira, kikaba kitafatwa nk'ubundi bwicanyi buvugwa mu bika bya 32 kugera ku cya 36 by'Inyandiko y'ikirego. Nta kimenyetso atanga cy'urupfu rwa Murefu, Simoni Buhonogo na Rugenera cyangwa cy'urupfu rwa Tasiyana Mukamwiza avuga. Ntibishobora rero, nk'uko Umushinjacyaha Mukuru abivuga, kugira icyo bimarira intangamugabo zatanze kuri iyo ngingo. Ni yo mpamvu Urukiko rufata umwanzuro w'uko igika cya 31 kidahagije kugirango imyanzuro ibe ihamye ishingiyeye ku buhamya bw'urupfu rwa Murefu, Simoni Buhonogo na Rugegena

- iyo hasuzumwe igika cya 15 cy'Inyandiko y'ikirego cyerekeye iterwa rwa Nyarubuye.
177. Umushinjacyaha Mukuru yemeye ko nta kimenyetso na kimwe yatanze ku bika bya 32 na 35 by'Inyandiko y'ikirego. Urukiko rero ntiruzita ku myanzuro yerekeye ibyavuzwemo.
178. Urukiko rubona, ku byerekeye igika cya 34 cy'Inyandiko y'ikirego, ko mubuhamya bwe yatanze ataragera mu rukiko, Umushinjacyaha yerekanye ku buryo budashidikanywa ko azi inzirakarengane zivugwamo izo ari zo kandi yerekana ko ibyo avuga bishingiye ku buhamya bwa TAC.

6. Ibigize intangamugabo

Kw'itariki ya 13 z'ukwezi kwa kane 1994 – Urupfu rwa Mariya na Beatirisa

179. **Umugabo Ushinja TBC**, umucuruzi w'i Rusumo wari uzi neza Uregwa kandi wari wamwerekanye mu rukiko, avuga ko yamubonye mu ma saa mbiri ya mu gitondo, kw'itariki ya 13 y'ukwezi kwa kane 1994, aherekejwe n'abapolisi, Mukankusi, Kazoba na Gidas, bita Gitamisi. Uregwa yasobanuriye abakodesha be, harimo abakobwa babiri bava inda imwe, Mariya na Beatirisa, kandi ko *Interahamwe* zamutumyeho ko ziza saa sita, abapangayi bakaba

baragombaga rero kumusubiza infunguzo. Yongeyeho ko amazu ye atari CND – ubwo yavugaga inzu iri i Kigali yari yatijwe abasilikare ba FPR n’amasezerano ya Arusha. Abakodesha bumvise ko iwe atari urugo rw’Abatutsi, ko bagombaga kuruvamo. Nyuma y’icyo gihe, TBC yahungiyeye muri Tanzaniya. Agarutse i Rwanda mu kwezi kwa gatandatu 1994, yamenye ko Mariya na Beatirisa bapfuye muri iryo joro ry’itariki ya 13 y’ukwezi kwa kane 1994. TBC yongeraho ko atigeze yumva Uregwa ateguka kugira abantu bica.

180. **Umugabo Ushinja TAS** avuga ko yabonye Uregwa kw’isoko ry’i Nyakarambi kuwa gatatu, tariki ya 13 z’ukwezi kwa kane 1994, mu ma saa tanu za mugitondo. Mu bantu bari bamuherekeje, uwo yashoboye kumenya ni umupolisi witwa Kazoba wenyine. Kuri uwo mugoroba, igihe yari yihishe, yumvise Kazoba, wari kuri metero 30 - ariko ntiyamubonaga -, abwira uwo baganiraga ko kuva saa sita z’amanywa, kuri uwo wa kane, nta Mututsi uza kuba akiriho kuko Silivesitiri Gacumbitsi yari yavuze ko babica bise, batangiriye kuri Mariya na Beatirisa.

181. **Umugabo Uregura TAW** avuga ko, kw’itariki ya 13 z’ukwezi kwa kane 1994, mu ma saa tatu ya mu gitondo, Uregwa n’abapolisi ba komine bagiye ku nzu y’Uregwa « kurora ko abakodeshaga biyemeje kumuvira mu nzu ». Mu bari muri icyo nzu y’Uregwa, harimo Mariya na Beatirisa. Abakodeshaga amazu y’Uregwa basabye kwongererwa igihe cyo kuhazava kuko nta handi

bari bashoboraga gucumbika, ariko Uregwa abwira abapolisi kubakura mu nzu ku gahato no kubaka imfunguzo. Abapolisi bakuruye Mariya n’umwana we, babavana mu nzu. Uregwa yafashe imfunguzo z’inzu, maze abwira abakodeshaga ati : « Nsubiye ku murimo. Ningaruka, ngasanga mukiri aha, muragowe. » Yahagarutse nyuma ya saa sita, ahasanga Mariya na Beatirisa, yongera kubaha itegeko ryo kuhava.

182. **Umugabo Uregura UPT** – umukobwa wari ufite imyaka 16 muri 1994 – avuga ko mw’ijoro ryo kuri 13 z’ukwezi kwa kane 1994, ubwicanyi bwatangiriye kuri Beatirisa na Mariya, b’Abatutsikazi. Igitero cyatewe n’ingegera nka Kirenge na Kigati. Abo bagore, uko ari babiri, bapfiriye aho bari bahungiyeye, bamaze kwumva amagambo y’iterabwoba yabwirwaga burugumesitiri kuko ngo yari acumbikiye *Inkotanyi*. Umugabo Ushinja yemeza ko burugumesitiri atirukanye abapangayi be uwo muni.

183. **Umugabo Uregura YEW** avuga ko kw’itariki ya 13 z’ukwezi kwa kane 1994, yahuye n’umwe mu bapangayi ba burugumesitiri, akamubwira ko yahunze kubera ko burugumesitiri yari yamubwiye ko atagishoboye kumurindira umutekano. Bwarakeye, Umugabo Ushinja amenya ko Mariya na Beatirisa bishwe, yongeraho ko Mariya ari we wari ucumbitse kwa burugumesitiri, Beatirisa akaba yarabaga mu nzu y’uwategekaga Banki y’abaturage y’aho hantu.

Kw’itariki ya 14 z’ukwezi kwa kane 1994 – kwicwa kwa Kanyogote

184. **Abagabo Bashinja TAK na TBK** batanze ubuhamya ku rupfu rwa Kanyogote, w'Umututsi, n'abana be babiri, kw'itariki ya 14 n'ya 15 z'ukwezi kwa kane 1994, hafi y'urugo rw'Uregwa.

Kw'itariki ya 14 z'ukwezi kwa kane 1994 – Iterwa rya santarali gatolika y'i Nyabitare

185. **Umugabo Uregura TAC**, w'Umututsi, uvuga ko azi « neza » Uregwa - ariko yari yarerekaniye mu rukiko ko amuzi -, avuga ko yamubonye kw'itariki ya 14 cyangwa iya 15 z'ukwezi kwa kane 1994 ku kagoroba, hafi ya santarali gatolika y'i Nyabitare, muri komine ya Rusumo. Aho hantu, abaturage batari benshi cyane bari bahungiyeye. TAC yari yihishe mu rutoki ruri nko kuri metro 30 za santarali. Mu bari kumwe n'Uregwa, twavugaga Edimondi Bugingo, umukuru w'*Interahamwe* z'aho hantu, ari zo nsoresore za MRND, Geregori Kabandanyi, wari ushinze CDR muri segiteri ya Nyabitare n'umujyanama Rwabalinda. TAC asobanura ko inyuma muri kamyoneti *double cabine* y'Uregwa yarimo intwari n'abapolisi, kandi ko Uregwa yari ayiri imbere.
186. Ibyo TAC yavuze, bakimara kuvugana n'Uregwa, ni uko abapolisi bitwaga Berakumenyo na Kazoba binjiye muri santarali gatolika, hanyuma basohokana impunzi ebyiri, ari zo Rukomeza na Viyane Mutunzi, umukinnyi w'ikirangire mu mupira w'amaguru. Uregwa yari asanzwe aza abo Batutsi babiri. TAC yabonye

Mutunzi na Rukomeza basaba imbabazi Uregwa kugirango, aho kubica nabi, abarase, yoye kubatemagura imihoro. Yabonye bakura ikintu mu mufuka, bagihereza Uregwa. TAC yaketse ko byari amafaranga. Hanyuma Uregwa asubira mu modoka ye, ajya i Nyarubuye. Uregwa amaze kugenda, Mutunzi na Rukomeza baraswa n'abapolisi babiri, hanyuma basaka imirambo yabo. Mu bibazo by'inyomoza, TAC yashimangiye ko Mutunzi na Rukomeza barashwe « (Uregwa) amaze kuhava ».

7. Ibiganiro n'imyanzuro

Igika cya 33 cy'Inyandiko y'ikirego

187. Ikimenyetso gitangwa na TAK na TBH cy'urupfu rw'Umututsi bita Kanyogote, ari kumwe n'abana be babiri, rwo kuri 14 z'ukwezi kwa kane 1994, mu rugo cyangwa hafi y'urugo rw'Uregwa. Igika cya 33 cy'Inyandiko y'ikirego gitandukanye na byo : [iki gika] kivuga iby'urupfu rw'Umututsikazi n'abana be batatu. Ni yo mpamvu, Urukiko rudashobora kwita ku buhamya bwa TAK na TBH kuko ntaho buhuriye n'inzirakarengane imwe cyangwa zirenze imwe mu zavigwa mu gika cya 33 cy'Inyandiko y'ikirego.
188. Ni na yo mpamvu Urukiko rufashe umwanzuro w'uko Inyandiko y'ikirego itavuga na gato urupfu rwa Kanyogote n'urw'abana be. Kuba Umushinjacyaha, mu magambo yavuze mbere y'urubanza, yaragize icyo avuga ku rupfu rwa

Kanyogote n'urw'abana be ntibihagije kugirango bihindure iyo Nyandiko y'ikirego idasobanutse ; cyane cyane iyo ushingiye ku magambo yavuze mbere, usanga atagaragaza aho icyo kirego gishya gihuriye n'igika cya 33 cyavuzwe hejuru. Ayo magambo yavuze mbere y'urubanza, aho kurushaho kwumvikana, ahubwo azanamo urujijo kuko yitiranya abantu bari mu gika cya 33, ubundi akongeraho ikindi kirego cy'icyaha cy'ubwicanyi kitabaye. Ayo magambo abanza ntashobora guhindura Inyandiko y'ikirego kuko atubahiriza Ingingo ya 50 y'Igitabo cy'amategeko.

189. Mu by'ukuri, Inyandiko y'ikirego ni yo ivugwaho ko yongereye ku kirego icyaha kitarimo cyangwa yahinduye ibimenyetso byerekana ko zishwe. Kubera iyo mpamvu, Urukiko rwiyemeje kutita ku ntangamugabo bwahawe n'Ubushinjacyaha ku byerekeye urupfu rwa Kanyogote n'abana be. Rufashe umwanzuro ko abo Batutsi, batinyaga gupfa bazira ubwoko bwabo. Mu kwezi kwa kane 1994, biciwe muri komine ya Rusumo n'abantu batashoboye kumenywa.
190. Urukiko rurabona kandi Ubushinjacyaha batarerekanye ikimenyetso na kimwe ku bikubiye mu gika cya 33 cy'Inyandiko y'ikirego.

Igika cya 34 cy'Inyandiko y'ikirego

191. Aho bigeze, Urukiko rusanga imyumvikanire mike iri mu gika cya 34 ku nzirakarengane ikosorwa n'ibyavuzwe mbere y'urubanza. Abo bantu, basobanuye

abo ari bo.

192. Urukiko rwumva rutakwemera ubuhamya bwa TAC. Hari impamvu nyinshi zirutera kutizerwa. Urukiko ruributsa ko TAC atiboneye ibyo avuga kandi hari ubwo yari aryamye yubamye, igihe hari yihishe mu rutoke, ku metero 30. Utekereje uko ibintu byari byifashe, ukagereranya ubwoba Umugabo Ushinja yari afite icyo gihe n'uko yabwiye [Urukiko] buri kintu yaba yabonye, ibyo bintu byarasuzumanywe ubushishozi. Ubundi kandi, Urukiko rwavumbuye ingingo nyinshi zivuguruzanya mu buhamya bwa TAC. Dore urugero : umubare w'abapolisi bahasigaye, Uregwa amaze kuhava n'abo bapolisi abo ari bo, yagiye abivuga ku buryo budahuye. Ikindi, Umugabo Ushinja yivugurujye kenshi ugereranyije n'ibyo yari yavuze ataratanga ubuhamya nyirizina mu rukiko. Hari nk'ubwo TAC yavuze ko Uregwa ata afite intwara, ko ngo yavuye kuri santarali gatolika mbere y'uko abapolisi babiri bica Mutunzi na Rukomeza, kandi mu buhamya bwe bwa mbere bwo kw'itariki ya 8 y'ukwezi kwa kane 1997, Uregwa yari afite intwara, akaba ndetse yaranyicyiye inzirakarengane ebyiri. Yaba yaranabwiye abashinzwe iperereza ko Uregwa yambuye amafaranga izo nzirakarengane ebyiri atarazica ; ariko yavugiye mu rukiko ko nta kintu na kimwe yabambuye. Ikindi yavuze, ni uko igihe yari mu bwihisho, wenyine mu rutoke, nyamara ataraza mu rukiko, yavuze ko yari kumwe n'umugore we na bashiki be batatu. Umugabo Ushinja, ntiyasobanuye ku buryo bwumvikana impamvu ibyo avuga bidahuye, kandi rero ntawahamya ko abapererezi bibeshye.

193. Kubera izo mpamvu, Urukiko rwemeje ko Umushinjacyaha aterekanye ku buryo bwose budashidikanywa ibiri mu gika cya 34 cy'Inyandiko y'ikirego.

Igika cya 36 cy'Inyandiko y'ikirego

194. Urukiko rusanga igika cya 36 cy'Inyandiko y'ikirego kidasobanutse kuko kidasobanura inzirakarengane izo ari zo, kandi ntikivuge abicanyi abo ari bo. Ikivugwa cyonyine ni uko Uregwa yatanze itegeko ryo kwica abari bacumbitse iwe. Urukiko rusanga ikimaze kuvugwa cyarakosowe mu biganiri byabaye mbere yo gushinja no mu zindi nyandiko bifitanye isano.
195. Urukiko rusanga ubuhamya bwa TBC na TAS bukwiye kwemerwa kandi rugasanga ibyavuzwe na TAW bihuye na byo, urukiko rukaba rwarasanze bikwiriye kwemerwa. Rushingiye ku buhamya bwa TAW, TBC na TAS, Urukiko rusanga, kw'itariki ya 12 y'ukwezi kwa kane 1994, bari i Nyakarambi igihe Uregwa yategekaga Mariya na Beatirisa - abo Batutsikazi bavaga inda imwe - kuva mu nzu ye bakodeshaga, akavuga ko inzu ze atari CND, ashaka kuvuga inkambi ya FPR y'i Kigali. Uregwa yahagarutse kw'itariki ya 13 z'ukwezi kwa kane 1994, afatanyaga n'abapolisi ba komine, abirukana ku gahato.
196. Rumaze kwumva ubuhamya bwa TBC n'ubw'Abagabo Bahamya UPT, YCW na YEW, Urukiko rufashe umwanzuro w'uko Mariya na Beatirisa bishwe mw'ijoro ryo ku ya 13 z'ukwezi kwa kane 1994. Ariko rero, ibyo TAS yumvise bavuga

ntibihagije, kereka ahari habaye undi muntu ubihamya kugirango bigaragare ko Uregwa yategetse ko Mariya na Beatirisa bicwa.

197. Rumaze kwumva imyanzuro yagezeho ku byerekeye uruhare rw'Uregwa ibyaha by'itegura bishishikariza kwica Abatutsi i Rusumo, Urukiko rufashe umwanzuro w'uko, kw'itariki ya 13 z'ukwezi kwa kane 1994, Uregwa yirukanye abapangayi be – abagore b'Abatutsikazi – bazira ubwoko bwabo, azi ko abatereje abicanyi.

E. IBIKA BYA 20, 21 NO KUVA KU CYA 37 KUGEZA KU CYA 40 BY'INYANDIKO Y'IKIREGO (UGUFATWA KU NGUFU)

1. Ibirego

198. Mu bika bya 20, 21 37. 38. 39 na 40 by'Inyandiko y'ibirego, dusangamo ibirego bikurikira :

22. Kugirira nabi abagore b'Abatutsikazi ku bitsina byabo ni ikintu cyagaragaye igihe cyose, kandi ntawe baretse. Mu gihe Silivesitiri GACUMBITSI yari umuyobozi, yatanze amategeko kandi yashishikarije itsembatsemba muri komine ya Rusumo. icyo gihe, yari azi, cyangwa yagombaga kuba azi ko kugirira nabi abasivili b'Abatutsi ku gitsina cyabo byari, cyangwa bizaba rusange cyangwa bikagirwa ntawe bisize. Ikindi, ni uko abagombaga gishyira ibyo bikorwa mu ngiro bazishakira abo bategeka cyangwa abazumvira amategeko ye yo gutsembatsemba Abatutsi bose.

23. Silivesitiri GACUMBITSI yatambagiye mu modoka muri komine ya Rusumo yose, avugira mu ndangururamajwi ko Abatutsikazi bagomba gufatwa ku ngufu, bakabatesha agaciro ibitsina byabo. Urugero : kuri 17 z'ukwa kane cyangwa hafi yaho, Silivesitiri GACUMBITSI yashishikaje abaturage batuye bugufi bw'umuhanda wose wa Nyarubuye « *gufata ku ngufu abakobwa b'Abatutsikazi kuko batigeze bemera kuryamana n'Abahutu...* » no « *gushakishuriza mu bihuru izo nzoka zose...* ». Ntibyatinye, ibitero no gufata abagore b'Abatutsikazi ku ngufu biratangira.
(...)
37. Mu kwezi kwa kane, kwa gatanu n'ukwa gatandatu, gufata ku ngufu no kugirira abagore ibya mfura mbi byasakaye ku gitsina gore cyose kandi ntawe bisize inyuma. Kugira ibya mfura mbi byabaga kenshi na kenshi bikurikirwa no kwica [ababigiriwe], kandi rimwe na rimwe, bikaba ari na yo mpamvu bamwe mu Batutsi b'abasivili bapfuye bazize.
38. By'umwihariko, ahagana kw'itariki ya 17 z'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yashutse abagore b'Abatutsikazi, abajyana ahantu, ababwirira mu ndangururamajwi ko abagore b'Abatutsikazi ntacyo bazaba, ko ngo abagabo b'Abatutsi ari bo bazicwa. Abagore bamwe bamaze ibyo Silivesitiri GACUMBITSI yari amaze kuvuga, bateranira hamwe nk'uko yari yababwiye, hanyuma abicanyi barabagota, babafata ku ngufu, barangije, barabica. Abo bicanyi kandi bakoze ibyamfura mbi ku Batutsikazi bamwe na bamwe, binjiza ibintu mu bitsina byabo.
39. Ahagana kw'itariki ya 17 y'ukwezi kwa kane 1994, Silivesitiri GACUMBITSI yagiye ku muhanda ugana i Nyarubuye. Yari muri imwe mu modoka zari zikurikiranye, avugira mu ndangururamajwi ati : « *Mushakire mu bihuru, ntimugire inzoka mubabarira... Abahutu bababarira Abatutsi bagomba kwicwa... Abakobwa*

b'Abatutsikazi bahoze banga kuryamana n'Abahutu bagomba gufatwa ku ngufu, inkoni zigomba kunjizwa mu bitsina byabo... » Silivesitiri GACUMBITSI amaze kuhava, hari abagabo bateye abagore b'Abatutsikazi bari bihishe bugufi y'aho, maze bafatamo benshi ku ngufu. Umwe muri abo bagore yarishwe, hanyuma bamuseseka inkoni mu nda ibyara.

40. Gukorera abagore ibya mfura mbi byabaye rusange kugeza aho bikorerwa mu maso y'abantu. Byari intwari mu ntambara nk'izindi zo kurwanya abasivili, ku buryo Silivesitiri GACUMBITSI yagombaga, cyangwa yagombye, kumenya ko bikorwa kandi ko ababikoraga ari abo yari yategetse kubikora, kuko cyane cyane abateraga bari babandi bo mu gitero rusange cyarwanyaga Abatutsi, bashyira mu bikorwa amabwiriza ya Silivesitiri GACUMBITSI.

199. Urukiko rusanze rutaramenyeshwe ibimemenyetso bishinja mu gika cya 38 cy' Inyandiko y'ikirego. Ni yo mpamvu, nta mwanzuro ruzafata ku birorana n'ibirego bikubiyemo.

2. Ibigize intangamugabo

200. **Umugabo Ushinja TAQ** avuga ko kw'itariki ya 17 y'ukwezi kwa kane 1994, yabonye mu ma saa tatu ya mu gitondo, ari mu nsi y'ikiraro kiri hagati ya segiteri ya Kankobwana n'iya Nyarubuye, muri selire ya Rubare, abantu bagendaga mu modoka eshatu, yumva mu ndangururamajwi batanga itegeko « ryo gutema ibisambu birebire byose, bakica inzoka, bakubita ku mutwe wayo ». Umugabo Ushinja kandi avuga ko yumvise abo bantu bavuga ko bashaka abakobwa

- b'Abatutsikazi banze gushakwa n'Abahutu, bakabafata ku ngufu, bakwanga, bakabica.
201. TAQ yemeza ko mu majwi yashoboye kumenya mu ndangururamajwi, hari irya Silivesitiri GACUMBITSI nawe wasubiragamo ayo mabwiriza, asobanura ko abakobwa b'Abatutsikazi banga, bagombaga kwicwa « urubozo », ari byo bivuga kubica baseseka inkoni mu bitsina.
202. TAQ avuga ko nyuma y'ayo magambo, agatsiko k'abicanyi barenze icumi birukaga inyuma y'inka, babavumbuye aho we ubwe n'abandi bagore barindwi bari bihishe. Muri bo, hari umukecuru n'abakobwa batandatu, umukuru muri bo akaba yari Shantali w'imyaka 25, umuto afite imyaka 12. Abicanyi babategetse kuzamuka agasozi, hanyuma babahitishamo gupfa cyangwa kwiambura. Hanyuma, babambitse ubusa, bashwanyuza imyambaro yabo, hanyuma babafata ngu ngufu.
203. TAQ avuga ko icyo gihe, yaragiye kubyara, ko yarutse mu gihe umwe mu bicanyi yamufataga ku ngufu, igitsina cye kiri mu cye. Umugabo Ushinja yongeraho k'uwo mwicanyi yamubajije niba umwana afite mu nda yari umuhungu cyangwa umukobwa. Iyo aba umuhungu, aba yaramumufomoje, akamwica. Igihe cy'inyomoza, Umugabo Ushinja yasubiyemo amagambo yari yavuze mbere yo kuza mu rukiko : ngo uwo mwicanyi yamubwiye ko yashakaga kwihorera kuri mukuru we wamubenze. Umugabo Ushinja avuga ko, ku mugoroba w'iryo fatwa

- ku ngufu, yabyaye abifashijwemo n'umukecuru twavuze, kandi ko resiponsabure wa selire yamufashije cyane. Uwo muresiponsabure yabahashe mu nzu y'umuhungu we yari itaruzura, hanyuma bukeye, abwira TAQ na wa mukecuru n'abandi bakobwa babiri ko babonye icyemezo kibahesha uburenganzira bwo gusubira mu matongo y'ingo zabo ntacyo bikanga. Impunzi zindi uko zari eshatu zaragiye, hanyuma ni mugoroba, resiponsabure wa selire agaruka kumenyesha TAQ ko izo mpunzi zari zahawe icyemezo, ariko ko zajyanywe ku biro bya segiteri, hanyuma zikicwa, zikajugunywa mu cyobo ubundi cyagenewe kujyamo amazi y'imvura.
204. TAQ avuga ko yabonye Shantali, bamutanyije amaguru, bamushinze inkoni mu gitsina, ko yabonye abandi bakobwa batatu bajyana n'abicyanyi kubabera abagore. Umugabo Ushinja yemeza ko Shantali yishwe n'ibyo bamukoreye.
205. Umugabo Ushinja TAO avuga ko umugore we yamubwiye ko, kuri bariyeri, mu kwezi kwa kane 1994, nyuma y'ubwicanyi bwabereye kuri paruwasi ya Nyarubuye, yafashwe akajyanwa kwa konseye Izayi Karamage. Yaba yarahamaze iminsi itatu, afatwa ku ngufu na konseye buri mugoroba na buri joro. Ava muri urwo rugo, konseye yamuhaye icyemezo ngo cyamuheshaga uburenganzira bwo gusubira iwabo mu ma mahoro, anamusezeranya kuzajya amusura. Uko uwo Mugabo Ushinja abivuga, icyo cyemezo cyari giteye gitya : « Uwitwa [...] yemerewe kujya aho ashaka, adatinya uwo ari we wese. [...] [umukono] Jyewe, Konseye Izayi Karamage. » Hari n'indi nyandiko ikurikira : « Abagore

- n'abakobwa batari babona iyo nyandiko bagomba kwihutira kuza kuyisaba kwa Konseye. » Izo mpapuro zombi zikaba zariho kashe ya segiteri Nyarubuye.
206. Umugabo Ushinja TAO avuga ko yongeye kubona umugore we hashize iminsi itanu, igihe bamujyanaga kwa konseye, mw'itongo ryo kwa sekuru, aherekejwe n'abandi bantu. Yajyaga kubasura buri mugoroba. Umunsi umwe, mu ma saa kumi n'imwe z'igicamunsi, yabonye abicanyi batera inzu ye. Ubwo yari yihishe, yabonye umugore we afatwa ku ngufu. Nyuma y'iryo fatwa ku ngufu, umwicanyi yanze kumurekera undi mwicanyi ; noneho, uwo mwicanyi wundi amutema umuhoro kugirango amahane arangirire aho.
207. **Umugabo Ushinja TAP**, ni umukobwa w'Umututsikazi, avuga ko igitero cy'abantu bageze kuri mirongo itatu bateye nyina, kikamusesekamo inkoni, igasohokera mu mutwe. Yumvise nyina ataka, atekereza ko apfuye. Umugabo Ushinja avuga ko icyo gitero cyabayeye bukeye bw'umunsi wakurikiye uwo Perezida yapfiriyeho, mu kwezi wa kane 1994 ; uwo munsi yumvise urusaku rwinshi, amenya ko habaye ikintu kidasanzwe kuri paruwasi ya Nyarubuye.
208. TAP avuga ko bamaze gutera nyina, abicanyi baje bamwegera. Batatu muri bo, umwe akaba yaramumenye, baramukubise. Abo bicanyi bavuze ko Abatutsikazi banga Abahutu, ntibashake kurongorwa na bo, ariko ko ubungubu bagiye kubasambanya ntacyo bahonze. Abicanyi batatu bamutegetse kwicara. Abicanyi benshi bamufashe ku ngufu, hakaba umwe muri bo azi, yanavuze. Bamusohetse

mu gitsina ishami ry'igiti risumba metero imwe, riramukomeretsa, rimuvisha amaraso menshi.

209. **Umugabo Ushinja TAS** - Umuhutu wari utunze Umututsikazi - nta tariki atanga, ariko akavugaga ibyabaye mbere kw'itariki ya 14 z'ukwezi kwa kane 1994, ko, ubwo yashakaga aho yihisha, yahuye n'Umuhutu wamubwiye ko ashaka kumusambanya, ariko ntamwice. Undi Muhutu yarahageze, abwira uwa mbera ko Uregwa atabahaye uruhusa rwo gufata ku ngufu Abatutsikazi, yongeraho ko nta cyemezo cyafashwe cyerekeye Abahutukazi bashatswe n'abagabo b'Abatutsi. Umwicanyi wa mbere yashikuje Umugabo Ushinja umwana yarahetse, amanura ipataro ye, amwambura imyenda, hanyuma amufata ku ngufu. Undi mwicanyi nawe yamufashe ku ngufu. Bombi bumvise ifirimbi, baragenda. Umugabo Ushinja akeka ko icyatumye afatwa ku ngufu kuba ari uko yari yarashatswe n'Umututsi.

210. **Abagabo baregura, UA3, ZEZ, UHT, XW9, XW10, XW1, YCW, UPT, NG4, NG2, MQ1, XW15 na XW13** bavuze, nta kindi gisobanuro, ko batigeze bamenya icyateganyijwe na burugumesitiri, kandi ko batumvise ibyo gufatwa ku ngufu na rimwe.

3. **Ikiganiro**

211. Uwunganira Uregwa arasanga Umugabo Ushinja adakwiriye icyizere kuko

- yivuguruza cyane mu buhamya yatanze mu nyandiko no mu mvugo, Abunganira Uregwa bakongeraho ko ibyo avuga ari ibinyoma bitumvikana. Cyane cyane ku byavuzwe nyuma, Abunganira Uregwa baravuga ko Umugabo Ushinja yibeshye ijwi kuko Ubuhamya bwe nta wundi wabusubiyemo, ahubwo Umugabo Ushinja TAX, uvuga ko Uregwa yari i Nyarubuye. Ubwo rero yarabuvugurije.
212. Urukiko rwasanze rudakwiriye gutinda ku gisubizo cy'Uwunganira Uregwa ku byo Umugabo Ushinja TAQ avuga kuko rusanga ntacyo gitwaye, kandi birumvikana iyo utekereje igihe gishize ibyo ashinja bibaye.
213. Urukiko rutekereza ko Umugabo Ushinja TAQ yari azi bihagije Uregwa, kuko bari bafitanye isano, ku buryo yashoboraga kumenya ijwi rye avugiye mu ndangururamajwi, atagombye kumubona. Urukiko ruributsa ko nta tegeko riteganywa ikindi kimenyetso kandi rurumva ibyo TAQ yavuze ari ukuri, cyane cyane ko uwo Mugabo Ushinja yari ahibereye.
214. Hanyuma, Urukiko ruributsa imyanzuro yarwo ku byerekeye Abagabo bunganira Uregwa. Bavuga ko Abagabo Bashinja, TAQ na TAX, bavuguruzanya. Umugabo Ushinja TAQ, Abunganira Uregwa bavuga muri rusange ko nta wakwemera Umugabo Ushinja, TAQ, ngo kuko ubuhamya bwe ari ibinyoma, ariko ntibavuge icyo bashingiraho n'aho bivuguruza. Urukiko rusubiyemo ibyo rwari rwavuze, ko TAQ akwiriye kwizerwa kandi ko, nk'uko yigeze kubivuga, bigaragara ko avuga ukuri. Ikindi ni uko rurora, rugasanga kuba yari atwite mu ntambara, bitagize

- icyo bihungabanyaho ubwenge bwe. Ibyo avuga ni ukuri, TAQ akwiriye kugirirwa icyizere iyo umuntu atekereje ibyo avuga kw'ifatwa ku ngufu rye n'abandi bagore n'abakobwa b'Abatutsikazi.
215. Urukiko rufashe umwanzuro w'uko, kw'itariki ya 16 z'ukwezi kwa kane 1994, igihe cya saa tatu ya mu gitondo, Uregwa ari mu modoka muri selire ya Rubare, segiteri ya Nyarubuye, akoresha indangururamajwi, yategetse abasore b'Abahutu gushakisha abakobwa b'Abatutsikazi banze gushakwa na bo, kugirango babasambanye, ati : « Niba abo bakobwa banze, bagomba kwicwa ku buryo bw'intanga rugero ». Ayo magambo avugwa n'Uregwa yari ayo gushikariza ifata ku ngufu ry'abagore b'Abatutsikazi bo muri ako karere, hakaba hari ahantu yari afite ijamba. Ni yo mpamvu, akimara kuvuga ayo magambo, abicanyi bamwe bafashe TAQ n'abandi bagore n'abakobwa b'Abatutsikazi bari bihishanye, maze bakabafata ku ngufu. Shantali, umwe muri bo, yapfuye azize inkoni yashinzwe mu gitsina, nk'uko Uregwa yari yabibashishikarije. Abakobwa batatu bajyanywe ku ngufu.
216. Amagambo y'Umugabo Ushinja, TAO, agizwe n'ibintu bibiri by'intangamugabo. icya mbere, ni ifatwa ku ngufu ry'umugore we ryaba ryarabereye kwa konseye Izayi Karamage. Iryo fatwa ku ngufu yaribwiwe n'uwo mugore ; icya kabiri, ni ifatwa ku ngufu ry'umugore we mw'itongo ryo kwa sekuru, akaba yararyiboneye ubwe.

217. Mu gice cya mbere, - gufatwa ku ngufu kwabereye mu rugo rwa konseye Izayi Karamage – Urukiko rusanga Umugabo Ushinja avuga ukuri kuko n’ubundi ibikorwa nk’ibyo mu rugo rw’uwo mukonseye cyangwa kujyana abagore n’abakobwa kwa konseye byavuzwe n’abandi Bagabo, ibyo rero bikaba bidahuye n’ibyo Uwunganira Uregwa atashoboye kuvuga ngo urukiko rusange bishoboka. Urugero, ni Umugabo Ushinja, TAQ, uvuga ko umuresiponsabure wa selire yamumenyesheje ko abagore n’abakobwa bari bashishikarijwe kujya gusaba ibyemezo cy’urugendo kwa konseye, ariko bamara kuhabwa ibyo byemezo, bakajyanwa mu biro bya segiteri, bakicwa bakajugunywa ku mu cyobo rusange. Umugabo TBH nawe yavuze ibyerekeye itangwa ry’icyemezo cyahawe uwo Umututsikazi, byarangira, abicanyi bakamwica. Ibyo ni ibivuga ko abagore n’abakobwa bajyanywe kwa konseye, bafagafawa ku ngufu.
218. Mu gice cya kabiri – ugufatwa ku ngufu n’urupfu rw’umugore wa TAO mw’itongo ryo kwa sekuru – Urukiko rwemera ko Umugabo Ushinja akwiriye icyizere kandi ko ibyo avuga ari ukuri, n’ubwo nta wundi wabishimangiye, bitewe n’uko ari Umugabo ubwe wabyiboneye kandi hakaba hari n’ibindi bintu bifitanye isano n’iryo shyano, nk’isano y’Umugabo ushinja n’uwazize kuba yarafashwe ku ngufu, akicwa.
219. Ku byerekeye ibyavuzwe n’Umugabo Ushinja, TAP, Uwunganira Uregwa avuga ko ubuhamya bw’Umugabo Ushinja atari ukuri kuko uburyo abara inkuru bitumvikana. Yarivuguruje kandi mu rukiko, ni bwo bwa mbere avuga ko Uregwa

- yamufashe ku ngufu. Mbere na mbere, Urukiko ruributsa ko kuba rutaritaye ku buhamya yahatangiye ubwa mbere atari byo bibuza ibindi yahavugiye kwumvikana. Ikindi, Urukiko rurasanga ubuhamya yatanze mbere butavuguruza ubwo atangiye mu rukiko ku byerekeye umunsi w'ifatwa ku ngufu kuko igihe bashakaga kumunyomoza, yavuze ko hari hashize igihe kinini ibyo bintu bibaye, akaba atacyibuka amatariki. Ubundi kandi, Urukiko rurabona ibyo TAP avuga bisa n'aho ari byo, ko kugirango inzirakarengane zibe zararokotse bisa n'igitangaza. Urukiko rufashe uwanzuro ko Umugabo Ushinja TAP akwiriye kwizerwa mu byo avuga ku gufatwa ku ngufu, we na nyina bakaba barabizize.
220. Uwunganira Uregwa ntiyemera na gato ibyo Umugabo Ushinja, TAS, avuga kuko, nk'inzirakarengane, adashobora kuvuga ibyabaye ngo byemerwe kandi ikindi, ubuhamya atanga ni ubwo Ishyirahamwe *Ibuka* ryamubwiye kuvuga rishingiye ku magambo ya RDR. Urukiko rutekereza ko, kuba yari mu mazi abira, atari yo mpamvu yatuma ibyo avuga bita agaciro ku buryo ibyo avuga byose bitakwitabwaho. Urukiko ruributsa ko inzirakarengane nyinshi zafashije inkiko kumenya ukuri ku byabaye, no muri uru Rukiko bikaba ari ko bimeze. Ikindi, ku byerekeye ubuhamya bwa *Ibuka*, Urukiko rutekereza ko ubuhamya bwa RDR budahagije. Urukiko rurabona TAS ari umuntu ukwiriye icyizere mu byo avuga..
221. Ikindi, Uwunganira Uregwa avuga ko ibivugwa n'Umugabo TAS ku bwicanyi bw'abantu babiri bitagomba kwemerwa kuko uwo Mugabo uvuga ko atiyumviye Uregwa ashishikariza gufata abagore ku ngufu.

222. Urukiko rwumvise Umugabo Ushinja, TAS, wafashwe ku ngufu ari Umuhutukazi washatswe n'Umututsi. Urukiko rutekereza ko muri uko kwibasira umugore, bari bagamije umugabo we wari Umututsi w'umusivili ; ibyo ni byo Umushinjacyaha Mukuru avuga mu gika cya 40 cy'Inyandiko y'ikirego.
223. Muri rusange, Uwunganira Uregwa avuga ko abagabo batanzwe n'uruhande rurega butakwemerwa kuko, kimwe, ari inzirakarengane z'ibyabaye mu 1994, ikindi bakaba ari ibyitso ; kuri iyo mpamvu, barafunzwe cyangwa bafunguwe by'agateganyo. Ikindi, avuga ko ubuhamya atanga ntaho buhuriye n'ibyabaye. Icyo nyuma Urukiko ruvuga, ni uko ubuhamya bwatanzwe butagomba kwemwera kuko Ababo atanga ari bo bonyine bashoboye kumenya iby'ifatwa ku ngufu, ko nta Mugabo Ushinja watanzwe wumvise ibyo gufatwa ku ngufu cyangwa wabibonye, cyangwa akaba yarafashwe ku ngufu.

8. Imyanzuro

224. Rumaze gusoma igika cya 21 n'icya 39 cy'Inyandiko y'ikirego, hakurikijwe ibimenyetso rwahawe hejuru, Urukiko rufashe umwanzuro w'uko bigaragara ko Uregwa yashishikariye ku ka rubanda ifata ku ngufu ry'abakobwa b'Abatutsikazi kandi baramuka banze, bagasesekwa inkoni mu gitsina. Urukiko rurasanga gufatwa ku ngufu n'ubundi bugome bwagiriwe igitsina byerekanywe n'Umugabo Ushinja TAQ, kandi ko ibyo byaha byakorerwaga abagore n'abakobwa

b'Abatutsikazi.

225. Ku gika cya 40 cy'Inyandiko y'ikirego, Urukiko rufashe umwanzuro w'uko, rumaze kubona intangamugabo zafashwe, gufata ku ngufu byabaye intwaro nk'izindi zose zahohoteye Abatutsi b'abasivili mw'itsembatsemba n'itsembabwoko ryo mu kwezi kwa kane 1994. N'ubwo muri komine ya Rusumo, bishoboka ko abagore n'abakobwa benshi bafashwe ku ngufu, nta kimenyetso Urukiko rwahawe, kereka bake muri bo, bigatuma Urukiko rutavuga ko byabaye rusange. Urukiko ntirwashobora gufata umwanzuro uvuga ko Uregwa yamenye cyangwa yaragombaga kumenya ko ibyo bikorwa byabaye. Ariko rero, niba, nk'uko Urukiko rwabifatye umwanzuro uvuga ko Uregwa yarashishikarije ubwo bugizi bwa nabi, ko yerekanye ku buryo bugaragara ko yashakaga ko ibikorwa nk'ibyo.
226. Urukiko rufashe umwanzuro ko rwemeye ko ifatwa ku ngufu rivuzwe n'Abagabo Bashinja TZQ, TAO, TAS na TAP ryabaye koko.
227. Bitewe n'uko, kw'itariki ya 17 z'ukwezi kwa kane 1994, bitatinze, Uregwa amaze gushishikariza ifata ku ngufu rya TAQ n'abandi bagore n'abakobwa, bigashyirwa mu ngiro, kandi uko byagenze bikaba bihuje n'uko byashishikarijwe, Urukiko rufashe umwuzuro w'uko iryo fata ku ngufu ryabaye nta shiti rikurikiza amabwiriza yatanzwe. Nyamara ariko, Urukiko ntirubona ko gushishikariza gufata ku ngufu Uregwa n'ibindi bikorwa byo gufata ku ngufu byashyizwe mu

ngiro bigasobantse ku buryo bigaragara rwose ko byabaye. Umugabo Ushinja yavuze ko umwicanyi yamubwiye akora abyo yategetswe y'Uregwa, ariko Urukiko ntirufite ibimenyetso bituma rwakwemera iyo ngingo y'ubuhamya.

228. Rumaze kubona ibika bya 20 na 37 by'Inyandiko y'ikirego, rumaze kandi kubona ibimenyetso byatanzwe mu bika bya 39 na 40 by'iyo Nyandiko, Urukiko rurabona Umushinjacyaha yarasobanuye ku buryo bushoboka bwose ko, kuva mu kwezi kwa kane kugeza hagati y'ukwezi kwa gatandatu 1994, muri komine ya Rusumo, habaye ifatwa ku ngufu n'igirirwa rya nabi ry'ibitsina igihe Abatutsi b'abasivili baterwaga. Rumaze kubona ko Uregwa yarashishikarije kwica abasivili b'Abatutsi, Urukiko rufashe umwanzuro w'uko Uregwa yari azi cyangwa yari afite impamvu zo kumenya ko iryo fatwa ku ngufu ryakozwe.

F. IBIKA BYA 8 NO KUVA KU CYA 22 KUGERA KU CYA 24 BY'INYANDIKO Y'IKIREGO (UBUBASHA BW'UREGWA)

1. Ibivugwamo

229. Mu bika bya 8 no kuva ku cya 22 kugera ku cya 24, haravugwamo ibi bikurikira :

9. Kuko yari burugumesitiri, Silivesitiri GACUMBITSI yakoreshegaga ububasha yarafite ku bo ateguka, barimo : abakozi bo mu biro bya komine bagizwe n'Abajyanama ba segiteri, abakuru bashinzwe selire, ba *nyumbakumi* n'abapolisi ba komine. Kuba yari afite umurimo w'ububurugumesitiri bwa komine ya Rusumo, akaba na *milita* w'ishyamba rya politike rya MRND byaheshaga Silivesitiri GACUMBITSI ububasha bwo gutegeka abajandarume n'insoresore za komine ya Rusumo.

(...)

22. Kuva muri icyo minsi ya mbere y'ukwezi kwa kane 1994 kugeza kw'itariki ya 30 z'ukwezi kwa kane 1994 z'uwo mwaka, Silivesitiri GACUMBITSI yategetse cyangwa yayoboye abategesi b'uturere twa perefegitura ya Kibungo, harimo ba burugumesitiri n'abajyanama ba segiteri, kutera impunzi b'Abatutsi b'abasivili kandi yorohera b'abapolisi ba komine, *Interahamwe*, insoresore z'abasivili n'abali bahatuye barwanyaga Abatutsi cyangwa afatanyaga n'abategesi mu bikorwa byo kubatera.

23. Mu bihe byose bivugwa muri iyi Nyandiko y'ikirego, Silivesitiri GACUMBITSI ntiyitaye ku mutekano wa rubanda cyangwa yawuhungabanyije abihunze aho yategekaga, abifatanyijemo n'abanyapolitike ba MRND cyangwa ba Leta y'Agateganyo, cyangwa ashigikiye ibyo bitekerezo bya politike kandi yari azi ko ibyo bitekerezo byari ibyo kurimbura Abatutsi bose cyangwa igice kimwe cyabo Batutsi.

24. Nk'umutegetsi wa MRND n'*Interahamwe*, abihawe n'ukokubera nyine ko ari we wari burugumesitiri wa Rusumo, Silivesitiri GACUMBITSI yategetse cyangwa yatumye, cyangwa ku bundi buryo bwose yahaye uburenganzira ingabo za Leta, insoresore n'abasivili, gutoteza, gufata ku ngufu, kwica Abatutsi b'abasivili cyangwa kubica. Ashingiye kuri ubwo bubasha, Silivesitiri GACUMBITSI yari afite ububasha

n'inshingano byo guhagarika, kwirinda, gutesha cyangwa guhana abantu bakoraga amarorerwa cyangwa bagambiriye gukora ibikorwa nk'ibiyongibyo, ariko ntiyabigira cyangwa se abigirira abo ahisemo.

2. Ibigize ibimenyetso

230. Mu rubanza rw'Umushinjacyaha na Johani-Paulo Akayesu, **Umutangabuhamya w'Impuguke, Mme Alison Des Forges**, yavuze imikorere ya Leta, yibanda ku bubasha bw'umuburugumesitiri, avuga n'amateka y'u Rwanda. Dore uko yabigenjeje muri uru rubanza : iyo mpuguke yibukije amateka y'u Rwanda, yibanda ku miturire yarwo kuva mu kinyejana cya cumi kugeza ku bukoloni, avuga uburyo ibice bigize abaturage byahindutse amoko buhoro buhoro, hanyuma agera by'umwihariko ku kibazo cy'ubutegetsi n'ububasha bwa baburugumesitiri mu Rwanda, muri 1994.

231. Uko Impuguke ibibona, burugumesitiri afite muri komine ateguka ubushobozi ahabwa n'ubutegetsi bwa politike ishingiyeye kw'ishyamba rimwe rukumbi kandi uretse ko burugumesitiri yabaga yashyizwe ku butegetsi na Perezida wa Repubulika, yabaga ari na we uhagarariye iryo shyamba muri komine ye. Amashyamba menshi yaradutse, uburemere burugumesitiri yari afite buragabanuka, n'ubwo butakuweho bwose. icya mbere, ntibyari bikiri ngombwa ko burugumesitiri aba umutware w'ishamba mu karere ke kuko buri shyamba ryabaga rifite uruhagarariye ; ikindi, politike yari iriho ku rwego rw'igihugu, mu by'ukuri,

- yagize ingaruka ku byo yashoboraga gutegeka. Ni cyo gituma imibanire ye na Perezida wa Repubulika yagabanutse cyane ku buryo umuburugumesitiri wabaga atari mw'ishyaka rya MRND atabonwagamo umuntu wa Perezida, cyokora agakomeza kuba ari we ubutegetsi bw'igihugu bunyuragaho.
232. Iko Impuguke ibyumva, uwo mwanya ukomeye burugumesitiri yari afite muri komine ye ushingiyeye ku mategeko no ku bubasha bwo kuwukoresha. Amategeko amushinga kwubahiriza amategeko yatowe n'inama ya komine igizwe n'abajyanama ba segiteri muri komine na we ubwe : kwubahiriza amategeko n'umutekano muri komine, gutegeka abakozi ba komine, gutanga amasambu. Afite kandi ubushobozi busa n'ubw'abacamanza butuma akemura ibibazo by'abaturage n'ibyaha bibiturukaho, afite n'inshingano zo gucunga umutekano wa gipolisi. Ibubasha afite ku bapolisi ba komine buva ku nshingano afite zo kwubahiriza amategeko n'umutekano w'abaturage. Ubwo bubasha abufite no ku bajandarume iyo ibintu byazambye ku buryo prefe akenera abajandarume. Nyamara, ububasha bwo gukoresha amategeko ntibwasobanuwe. Uko impuguke ibibona, ubwo bubasha burugumesitiri afite bumuha uburenganzira bwo kwanga kwubaha umuperefe iyo yanze ko ubwicanyi bushyirwa mu bikorwa, kandi prefe ntagire icyo amukoraho kugirango amubuze kugera ku ntegano ze.
233. Muri uru rubanza, igihe Abunganira Uregwa bamunyomozaga, Umugabo w'Impuguke yashimangiye ko prefe, umukozi wa Leta w'umusivili, akuriye burugumesitiri nk'uko amategeko abiteganyaga, ariko ubutegetsi bwa

- burugumesitiri muri komine ye ntibugire icyo buhugabanukaho kuko hari ubwo ashobora kudakurikiza amabwiriza y’umukuriye. Umugabo w’Impuguke yarongeye ashimangira ubushobozi afite mu gusaranganya ibyo komine itunze, ndetse n’ubutaka, ubwo bubasha bukaba ari ikintu gifite uburemere mu mibereho no mu mutungo w’umunyarwanda. Umugabo w’Impuguke yongeraho ko kera na kare, muri komine ye no ku baturage ba yo, mu buzima bwa buri muni, burugumesitiri ari we ufite ubutegetsi bwo nyabwo.
234. Umugabo w’Impuguke avuga ko, bitewe n’ubwo bubasha burugumesitiri yari afite muri komine yategekaga bwari buremereye ku buryo iyo umuturage yabaga azize ibyemezo byafashwe na burugumesitiri, kenshi na kenshi nta handi yari afite bamutabara. Ibyo binagaragarira no mu mibanire ye n’abatowe mu karere, ari bo bajyanama ba segiteri.
235. Abunganira Uregwa bamaze kumubaza ibyo ibibazo, Umugabo yasubiye ku byo yari yavuze kuri prefe kuko na none *sous-préfet* ari we washyikirizaga burugumesitiri ibyo yagombaga gukora. Umugabo yibukije ko kuba hariho *sous-préfet* bitabuzaga, mu by’ukuri, burugumesitiri kwumvikana na perefefu. Umugabo yongeyeho ko, mu byekeye politike, perefefu na *sous-préfet* ntabwo banganyaga uburemere. Abunganira Uregwa nabo bumvishije Umugabo w’Impuguke ko habaye itandukanyirizo rigaragara mu makomine atandukanye ku byerekeye uko ubutegetsi bwari buteye n’uruhare rwa burugumesitiri yari abufiteho ku mpamvu nyinshi ziterwa n’igihe burugumesitiri amara ku butegetsi, kurwanira imyanya mu

- karere n'ibimuhuza na Perezida wa Repubulika by'umwihariko. Umugabo yongeye ko ahangaha, ibibatandukanya ntaho byanditse mu bitabo by'amategeko, ariko bigaturuka ku buryo politike iteye.
236. Umugabo w'Impuguke yemeza, ashingiye ku bubasha burugumesitiri afite ku bw'amategeko no kuba afite uwo mwanya, niba aramutse afatanyije mw'itsembatsemba, abashakishwa barokoka baba imbarwa.
237. Uretse n'icyo, Abagabo benshi berekanye uko babona ububasha bukomeye burugumesitiri yari afite. Urugero, **Umugabo Urega TAO** avuga ko umuntu ukomeye cyane, wari n'umutegetsu wo mu rwego rwo hejuru muri komine ya Rusumo yari atuyemo mu kwezi kwa kane 1994 yari burugumesitiri Silivesitiri Gacumbitsi. Uko Umugabo abivugaga, burugumesitiri ni we wari perezida w'akarere wa MRND, kuri icyo mpamvu akaba yarayoboraga ibikorwa byose by'iryo shyamba muri komine ye. Icyo Umugabo abikuramo, ni uko Uregwa n'uwaru amwungirije, Edimondi Bugingo, ari bo bari bashinzwe *Interahamwe*. Naho **Umugabo Ushinja, TAQ**, avugaga ko Uregwa, bitewe n'uko yari burugumesitiri, yari ashinzwe umutekano muri komine. Ni yo mpamvu, igihe yazaga kuri paruwasi ya Nyarubuye, Umugabo n'azindi mpunzi zishimye kuko zabonaga ko agiye kubamara ubwoba baterwaga n'*Interahamwe*. Umugabo avugaga ko ibitero, byibasiye impunzi zari kuri paruwasi ya Nyarubuye kw'itariki ya 15 z'ukwezi kwa kane 1994, byari byimirijwe imbere n'Uregwa kandi ko *Interahamwe* n'abapolisi ba komine bari babirimo. **Umugabo Urega TBH**, we,

avuga ko burugumesitiri yahaga abajyanama amabwiriza n'amategeko agomba gukurikizwa muri segiteri zabo. Ubundi kandi, Umugabo akavuga ko Uregwa yatumiye kandi agahagarira inama n'abajyanama ba komine yategekaga, akababwiriza kwica Abatutsi. Umugabo yongeraho ko Uregwa yari afite abapolisi ba komine, ko ari we wari mukuru ku bajyanama, ko yagize amakosa yo kutabuza amarorerwa kuba, akaba atarahannyeye abakoze ubwicanyi. Umugabo yongeraho ko adatekereza ko umujyanama ashobora kwanga gukora ibyo ategetswe na burugumesitiri Silivesitiri Gacumbitsi. Undi, **Umugabo Ushinja TAC** avuga ko burugumesitiri ari we mukozi wo mu rwego rwo hejuru muri komine ya Rusumo, naho ku rwego rwa *sous-préfecture*, usumba abandi akaba *sous-préfet* Yozefu Habimana, kandi *sous-préfecture* ya Kirehe ikaba yari igizwe na komine ebyiri, iya Rusumo n'iya Rukira. Hari n'undi, **Umugabo Ushinja TBI** akavuga abapolisi ba komine n'ushinzwe ubucamanza bwa gipolisi bumvira amategeko bahawe n'Uregwa. Hari ku maduka ya Gasenyi. Uwo mugabo avuga ko abapolisi bategekwa n'Uregwa.

238. Ashimangira ko, kuko ari burugumesitiri, ariwe ukuriye abakozi bo muri komine ye. Yemera ko abakozi bakomine bumvira amategeko atanze, ndetse n'abapolisi bategekwa na *brigadier* wa komine.

Impaka n'Imyanzuro

239. Urukiko ruributsa imyanzuro rwafashe mbere ku byerekeye kuba Uregwa yagize

- uruhare mu ma nama no mu bwicanyi.
240. Alison Des Forges yatanze ubuhamya nk'Umugabo w'Impuguke mu mateka y'u Rwanda. Ahanini, ubuhamya bwe bushingiye ku buryo ubutegetsu bwari bumeze mbere y'ishyirwaho ry'amashyaka menshi no ku bubasha bwa burugumesitiri mbere y'ibyabaye mu kwezi kwa kane 1994. Urukiko rusanga ubuhamya butuma umwanya burugumesitiri yabaga afite wumvikana ku baturage no ku mibanire n'abapolisi ba komine, abajyanama n'abaturage basanzwe mu rwego rwa komine. Mu buhamya bwe ntavugaga ko imirimo ya burugumesitiri yaba yarahindutse aho amashyaka menshi aziye. Uburenganzira bw'ingenzi burugumesitiri yari afite, nk'uko [Alison Des Forges] yabivuze, ubyitereje, bwarakomeje kugeza mu kwezi kwa kane 1994.
241. Rushingiye ku buhamya tumaze kuvugaga no ku myanzuro yafashwe mbere, Urukiko rwumvise ko Uregwa yari afite imbaraga muri komine ya Rusumo yategekaga. Mu bihe bisanzwe, niwe wari uhagarariye ubutegetsu [bwa Leta] kandi kubera icyo mpamvu, akaba ari we mutegetsu wari ukomeye kurusha abandi bese. Kandi ni uko abaturage yatwaraga bamubonaga, ukongeraho ko k'umwanya we wa burugumesitiri, yari yarigeze kuba umurwanashyaka uhagarariye MRND, mbere y'uko amashyaka menshi atangira.
242. Burugumesitiri yari afite ubushobozi ahabwa n'amategeko ku bakozi ba komine no ku bapolisi ba komine, ndetse n'aba-*brigadiers* ba komine. Niwe wari

- ubabereye mukuru. Kandi rero, ni we wari ushinzwe by'umwihariko kwita ku mutekano muri komine ye.
243. Rushingiye ku bimenyetso rwahawe, Urukiko ntirushobora gufata umwanzuro ruvuga ko umwanya Uregwa yarafite wamuhaga gutegeka abajyanama, abajandarume, abasilikare n' *Interahamwe* zari muri komine mu gihe cy'ibivugwa muri uru rubanza. Itegeko ntiryamuhaga iyo nshingano. Ni byo koko, inshingano yari afite zo kurinda umutekano zamuhaga ububasha bwo gufata ibyemezo, umuturage wese wo muri komine akagomba gushyira mu bikorwa, ariko Umushinjacyaha nta kimenyetso yatanze ko cyerekana ko ubwo bubasha bwamuheshaga gutegeka ibyo byiciro byose by'abantu bavuzwe hejuru.

UMUTWE WA III: IMYANZURO YEREKEYE UBUTABERA

244. Urugereko ruzafata imyanzuro yarwo mu rwego rw'ubutabera ihereye ku myanzuro y'ibimenyetso yashunguwe mu mutwe wa II uvugwa haruguru.
245. Inyandiko y'ibirego igizwe n'ingingo 5 z'ibyaha. Mu iburanishwa ry'urubanza, Abunganira bemeje ko Umushinjacyaha arega Sylvestre Gacumbitsi mu rwego rwa mbere ko yakoze icyaha cya jenocide, mu rwego rukulikiraho akaregwa ubufatanyacyaha muli jenocide n'ibindi byaha byibasiye inyokomuntu birimo (itsembatsemba, ubwicanyi no gusambanya ku ngufu). Abunganira bumvikanisha kandi ko Umushinjacyaha yihatiye kwerekana ko ibyo byaha byose by'ubugome

mu kubikusanyiliza hamwe byerekana, nta gushidikanya, ikimenyetso kigaragaza ko nawe ubwe atumva neza iby'iyi dosiye. Kubera ibyo ngibyoye, abunganira basanga Urugereko rwagombye gusa gukukirana icyaha cy'itsembatsemba, noneho rwasanga umwanzuro kuli icyo cyaha aho ntacyo ufata, rukabona gukukirana ibindi byaha.²³⁵

246 Uko Urugereko rubibona, ingingo 5 z'ibirego zishijwe Sylvestre Gacumbitsi nti, ntizisimburana, ahubwo zirakomatanyije, keretse izirebana n'ibyaha bibili bya mbere (itsembabwoko n'ifatanyacyaha cy'itsembatsemba). Ibyo bikaba bigaragazwa nta gushidikanya n'inyandiko y'umwimerere yanditse mu cyongereza mu nyandiko y'ibirego. Muli iyi nyandiko nta gushidikanya ko Umushinjacyaha yumvaga ko Uregwa yakulikiranwa ku ngingo z'ibyaha 1,3, 4 n'ya 5 bishyizwe hamwe aho kugirango bamushinje kimwe kimwe uko bikulikiranana. Umugambi w'ibanze w'Umushinjacyaha, utaligeze uvuguruzwa na gato, waje kugaragalira mu bitekerezo bye rugikubita, mu mvugo yatangaje y'umusogongereho no mu bihano yasabiye uregwa, Abunganira bakaba barabashije kubimenya. Akaba aliyo mpamvu, Urugereko ruzashakisha buli gihe niba Umushinjacyaha yarerekanye gihamya ku ruhare Sylvestre Gacumbitsi yagize muli buli ngingo y'ibyaha bamushinja.

A. ITSEMBABWOKO N'IBINDI BYAHA BIJYANA NAYO

²³⁵ Uko Abunganira baburanye, reba : T ku wa 1 Werurwe 2004, pp 41-42.

247 Ingingo ya mbere y'icyaha ishinja Uregwa icyaha cy'itsembabwoko, iya kabili ibusana n'iya mbere, ikamushinja ubufatanyacyaha mu itsembabwoko.

248 Urugereko rulibutsa ko hagati y'uwa 1 Mutarama n'uwa 17 Nyakanga 1994, u Rwanda rwali kimwe mu bihugu byashyize umukono ku Masezerano mpuzamahanga (yashyizweho muri 1948) yamagana kandi akarwanya icyaha cy'itsembabwoko, u Rwanda rukaba rwali rwarayishyizeho umukono ku wa 12 Gashyantare 1975²³⁶

1. Itegeko ngenga n'Ibyemezo bigega ubucamanza

249 Ingingo ya 2 y'Amategeko y'Urukiko igira iti:

1 Urukiko mpuzamahanga rw'u Rwanda rufite ububasha bwo gukulikirana abantu bakoze icyaha cy'itsembabwoko, nk'uko icyo cyaha gisoboanurwa mu gika cya 2 cy'iyi ngingo, cyangwa se kimwe mu bikorwa bitondaguye mu gika cya 3 cy'iyi ngingo.

2 Itsembabwoko ni kimwe mu bikorwa bitondaguye mu mirongo ikulikira, byakozwe hagamijwe gukuraho igice cyagwa cyose, agatsiko mu rwego rw'igihugu, akoko, ubwoko cyangwa mu rwego rw'idini, nk'uko bikulikira hepho:

²³⁶ Ibibwa by'Urubanza rwa Akayesu (Ch.) igika cya 496; ibibwa by'Urubanza rwa Kajelijeli (Ch.), igika cya 744, ibibwa by'Urubanza rwa Kamuhanda (Ch.) igika cya 576.

- a) Kwica abantu bagize agatsiko;
- b) Guhohotera bikomeye umutekano ku mubili no ku bwenge abantu bagize agatsiko;
- c) Gushyira ku bushake abantu bo muli ako gatsiko mu buzima bushobora kubica mu igihe kimwe cyangwa uruhongohongo;
- d) Gufatira ibyemezo bituma ibyaro zihagalikwa mu bantu bagize agatsiko;
- e) Gufata ku ngufu abana bagize agatsiko kamwe bakabajyana mu kandi gatsiko.

3. Ibyaha bikulikira birahanywa:

- a) Itsembatsemba;
- b) Umugambi ugamije gukora itsembabwoko
- c) Gushishikaliza ku mugaragaro kandi bitaziguye gukora itsembabwoko
- d) Gutekereza gukora itsembabwoko
- f) Ubufatanyacyaha bw'itsembabwoko.

250. Ikintu cy'umuco cy'itsembabwoko kigaragalira mu mugambi wihaliye usobanurwa n'ingingo ya 22 y'Amategeko y'Urukiko, alibyo kuvuga "umugambi wo gukuraho, igice cyagwo abantu bose bagize agatsiko mu rwego rw'igihugu, gahuje akoko, ubwoko, cyangwa idini"

251. Ikimenyetso gifatika cy'itsembabwoko kiboneka muli umwe mu mitwe itanu y'ibyaha bitondaguye mu ngingo 2 2) y'Amategako y'Urukiko. Ibyaha bibili gusa muli ibyo nibyo bitangwa n'Umushinjacyaha muli uru rubanza: kwica abantu bagize itsinda no guhohotera bikomeye umutekano ku mubili no mu mbitekerezo by'abantu bagize agatsiko. Kubera ibyo lero, Urugereko ruzibanda ku gusuzuma ibyo bintu.
- 252 Birashoboka gusenya umugambi w'itsembabwoko wagaragaye mu gukora icyaha kihaliye gihana ibyaha byose n'amagambo bikubiye hamwe bishinjwa uregwa cyangwa uko bintu byali bimeze muli rusange mu gukora ibindi byaha bitoteza muli rusange byakorerwaga abagize agatsiko kamwe, bitabujije ko ibyo byaha bikorwa n'uwo muntu cyangwa se n'abandi. Impamvu zimwe, nk'ubukana bw'amarorerwa yakozwe, agakorwa ahantu henshi, mu karere cyangwa mu gihugu; cyangwa akaba yarakozwe biboneka ko byibasiraga abantu batoranjwe kubera ko ali abo mu gatsiko aka naka, nubwo havamo abantu bo mu tundi dutsiko, ibyo nanone bituma Urugereko rushobora gukura mo ko hali umugambi w'itsembabwoko.²³⁷
- 253 Ikimenyetso cy'umugambi nk'uwo gishobora guturuka ku "gikorwa cyo guhohotera abantu bagize agatsiko cyangwa umutungo wabo, mu gukoresha amagambo y'ibitutsi abwirwa abantu bagize ako gatsiko nyine; mu ntwaro zakoreshejwe ndetse no ku nguma zikabiye zakorewe abahohotewe; bishora no

²³⁷ Ibibwa by'urubanza rwa Akayezu (Ch., igika cya 523; urwa Ntagerura n'abandi (Ch.) igika 663, urwa Kajelijeli (Ch.) igika cya 804-805.

kugaragalira ku bulyo bw'itegurwa ly'uwo mugambi no ku bulyo icyaha cyakoranwe"²³⁸. Igiterekerezo cyo gusenya agatsiko cyumvikanira “ mu gusenya ibintu bitunzwe n'agatsiko hakoreshejwe ubulyo bw'ingufu, bw'imyororokere, aliko litavanaho ubunyagihugu, indimi, idini, umuco n'ibindi bifitwe n'agatsiko”²³⁹. Kugirango herekanwe umugambi wo gusenya “igice cyangwa agatsiko kose” ntabwo ali ngombwa kwerekana ko ubikora agomba gutsemba byuzuye agatsiko aho kaba kali kw'isi hose. Nta mubare muto w'abahoterwa ugomba kubaho kugirango bivugwe ko habaye itsembabwoko²⁴⁰, niyo gutsemba cyangwa umugambi wo gutsemba agatsiko k'abantu byaba byarakozwe ahantu henshi, bigakorwa, na bumwe mu bulyo buvugwa mu ngingo ya 2 y'Amategekoy' Urukiko byaba bigize umugambi ukomeye w'umushinga udasazwe kugirango batsembe igice cyangwa burundu ako gatsiko²⁴¹

254. Kuvuga ko umuntu ashirwa mu gatsiko ni igitekerezo cy'uko uwo muntu abifata kuruta uko abandi bamufata: uhohoterwa abonwa n'umukorera ubugome kuko aba amushyira mu gatsiko k'abantu bagomba kuvanwaho²⁴², icyakora kwemeza agatsiko ako aliko kwose bigomba gukorwa kuli buli gatsiko, hakoreshejwe

²³⁸ Icibwa ly'urubanza rwa Kayishema na Ruzindana (Cp.) igika 93; rwa Kajelijeli (Ch.), igika cya 86.

²³⁹ Reba raporo ya CDI (1996), igika cya 50. Reba kandi: Icibwa ly'Urubanza rwa Semanza (Ch.), igika cya 315 Rwa Kayishema na Ruzindana (Ch.) igika cya 95.

²⁴⁰ Icibwa ly'urubanza rwa Semanza (Ch.) igika cya 316.

²⁴¹ Icibwa ly'urubanza rwa Kayishema na Ruzindana (Ch.) igika cya 93.

²⁴² Icibwa ly'urubanza rwa Rutaganda (Ch.), igika cya 56; urwa Musema (Ch.), igika cya 161; urwa Semanza (Ch.); igika cya 317.

icyalimwe ibimenyetso bitabogamye n'ibibogamye²⁴³. Dufashe nk'igihe kimwe, uwakoze icyaha cy'ubugome, kimwe n'uwahohotewe, buli muntu ashobora kwibwira ko habaho ikimenyetso kiboneye kigaragaza ko ali uwo agatsiko k'ubwoko ahereye k'ubulyo bukoreshwa n'ubutegetsi kugirango herekanwe ko umuntu uyu n'uyu ali uwo muli ubwo bwoko²⁴⁴

255 Ni inshingano z'Urukiko kugirango umuntu ushinjwa icyaha cy'ubwicanyi bw'abantu bo mu bwoko bumwe yumva ko yakoze itsembabwoko, Umushinjacyaha agomba kwerekana ikimenyetso ko nyirukubikora yarafite umugambi w'ubwicanyi, cyangwa ko yategetse kwica, ko yashishikalije kwica, ko yishe cyangwa yafashije kwica cyangwa guhamagalira kwica umuntu cyangwa abantu benshi bo muli ubwo bwoko, hagamijwe gukuraho ubwo bwoko igice cyagwa abantu bose bagize ubwo bwoko. icyo kimenyetso kigomba nanone kwerekana ko uwahohotewe ali uwo muli ako gatsiko k'ubwoko, k'igihugu cyangwa idini runaka, cyangwa ko nyirugukora icyaha yemeraga ko uwo ahohotera ali uwo muli ubwo bwoko.

256 Hakulikijwe ingingo ya 2 2) b), kugirango bamulyoze, uwabikoze agomba kuba yarasagaliye bikomeye umutekano ku mubili cyangwa ku bwenge abantu bo mu bwoko runaka²⁴⁷.

²⁴³ Ibibwira ly'Urubanza rwa Semanza (Ch.) igika cya 316.

²⁴⁴ Kubw'umwihaliko, u Rwanda mu w'1994, habagaho indangamuntu yanditsemo ubwoko bwa nyirayo, biyo bigahuza n'ibivugwa muli iyi nyandiko. Ikoreshwa, n'iyandikwa ly'ubwoko muli iyo ndanga-munu, turabisanga mu hamya bw'inzobere Alison des forges: T. ku wa 26 Kanama 2003, urup. 51-52.

²⁴⁷ Reba ? ibika bya 291-293. Reba raporo ya cdi (1996) igika cya 8.

2. Itsembabwoko

257. Urugereko rwanzuye ko mu gihe kivugwa mu Nyandiko y'ibirego, buli muturage wo mu Rwanda yari afite ikimuranga hakulikijwe ubwoko bukulikira: *Umututsi, Umuhutu n'Umutwa*²⁴⁸.
258. Urugereko rulibutsa ko imvugo “gusenya, gukuraho agatsiko k'ubwoko igice cyangwa kose” bitakumvikana ku rwego rw'umubare. Birahagije ko Uregwa yaba yaragize umugambi wo kwica umubare ugaragara w'abagize ubwoko bwibasiwe²⁴⁹.
259. Mu myazuro yarwo irebana n'ibikorwa, Urugereko rw'ibanze, cyane ku magambo n'ibikorwa by'Uregwa. Mu nama yo ku wa 9 Mata, nibwo yategetse abakonseye b'a segiteri gukangulira *Abahutu* kwica *Abatutsi*. Mu gitondo cy'uwa 13 Mata nanone mu isoko ly'i Nyakarambi, ku wa 14 Mata bali ku maduka y'i Rwanteru n'i Kanyinya, aho naho yahavugiye amagambo ameze atyo abwira abaturage, ku wa 17 Mata yashishikalije kurongora ku ngufu abagore n'abakobwa b'*Abatutsi*. Ikindi kandi, yishe ubwe uwitwa Murefu umugabo w'*Umututsi*, icyo kikaba cyarabaye ikimenyetso cyafunguye ubwicanyi bwakorewe kuli kiliziya y'i Nyarubuye ku wa 15 Mata 1994²⁵⁰. Urugereko rwanzuye ko icyo gihe, ubwicanyi bwakozwe muli komini ya Rusumo kandi bwavuzwe mu mirongo ibanza haruguru mu myanzuro y'ibyakozwe ko

²⁴⁸ Reba ? Umutwe wa II, Igice A, ibika bya 28 n'ibikulikira.

²⁴⁹ Reba Raporo ya CDI (1969), igika cya 8.

²⁵⁰ Reba ? : Umutwe wa II, Igice cya B na C.

Silivestirii Gacumbitsi yaragamije kwica igice cyangwa ubwoko bwose bw'Abatutsi

260. Hamaze kugaragazwa ku *Abatutsi* bali bagize ubwoko bumwe kandi ko Uregwa yari agamije kwica igice cyangwa ubwoko bwabo bwose, Urugereko rugomba kugumya gushakisha niba Uregwa yakoze kimwe mu byaha bibili bivugwa kandi aregwa mu ngingo ya 2 2) y'Amategeko y'Urukiko, icyo cyaha akaba ali ukwica abantu bo mu bwoko bw'Abatutsi [Ingingo ya 2 2) a)] no kwibasira bikomeye umutekano ku mubili cyangwa mu mutwe w'abantu bo mu bwoko bw'Abatutsi [Ingingo ya 2 2) b)].

Ubwicanyi bw'abantu bo mu bwoko runaka

261. Urugereko rwarangije kwanzura ko umubare munini w'ubwicanyi bwibasiye abasivili b'Abatutsi bwakorewe muli komini Rusumo hagati y'uwa 7 n'uwa 18 Mata. Ku bw'Umwihaliko rwanzuye ko Uregwa yishe Murefu, umuturage w'Umututsi ku wa 15 Mata 1994 kuli kiliziya y'i Nyarubuye. Rwanzuye kandi ko Uregwa yagiye mu bitero byagabwe kuli kiliziya y'i Nyarubuye ku wa 15 n'uwa 16 Mata 1994²⁵¹. Hanyuma, Urugereko rwanzuye nanone ko ku wa 17 Mata ko umukobwa w'Umututsikazi witwa Chantali yishwe azize gushingwa igiti gisongoye mu gitsina, ibyo bikaba byarabaye Uregwa amaze kubishishikaliza ababikoze. Urugereko rukiyumvisha ko Uregwa yagize uruhare mu rwego

²⁵¹ Reba ibivugwa mu: Mutwe wa II, igice cya C.

rw'ibianze mu kuyobora, cyane cyane no mu gutanga amabwiliza mu ikorwa ly'icyo gitera.

262. Urugereko rukabyanzura ho ruvuga ko, muli icyo gihe bavugwa mu Nyandiko y'ibirego, Silivesitiri Gacumbitsi yagize uruhare mu kwica *Abatutsi* afite umugambi wahamijwe wo gukora itsembabwoko. Urugereko lero rugomba gusuzuma ubulyo ubukana bw'urwo ruhare yabigizemo.

263. Mu Nyandiko y'ibirego, mu magambo asobanura kandi ashinja itembabwoko akubiye mu bika kuva kuli 1 kugeza ku cya 25, Umushinjacyaha ashinja Uregwa uburyozwacyaha bukomatanyije nk'uko bikubiye mu mirongo 1 n'uwa 3 by'igingo ya 6 y'Amategeko y'Urukiko nk'uko biteganywa hano hepho:

1. Umuntu uwo aliwe wese wateguye, wahamagaliye gukora, wategetse, wakoze cyangwa wafashije kandi agashishikaliza, mu buluyo ubwo alibwo bwose mu gukora umugambi, gutegura no mu gushyira mu bikorwa icyaha kivugwa mu ngingo kuva ku ya 2 kugera ku ya 4 z'aya Mategeko alyozwa ku giti cye icyo cyaha.

(...)

3. Kuba kimwe, icyo ali cyo cyose muli ibyo byaha bivugwa mu ngingo kuva ku ya 2 kugera ku ya 4 z'aya Mategeko cyarakozwe n'umugererwa ntibihanagura ubulyozwe bw'icyo cyaha umutegeka mu gihe yali abizi, cyangwa hali ibimenyetso ko yali azi ko uwo ateguka yiteguraga gukora icyo cyaha cyangwa yarangije kugikora noneho umutegeka akaba ntacyo yakoze gishoboka kandi cya ngombwa kugirango

amubuze gukora icyo cyaha cyangwa ngo abe yarahannye abagikoze.

(...)

264. Hakulikijwe Ingingo ya 6 1) y'Amategeko y'Urukiko, Inyandiko y'ibirego ishinja Silivesitiri Gacumbitsi kuba yarahaye amategeko, yarashishikalije gukora, yatanze amategeko, yaragiye mu kanama kandi agafasha akanashyigikira gucura umugambi, gutegura no gushyira mu ngiro icyaha bamurega²⁵².
265. Hakulikijwe Ingingo ya 6 3) y' Amategeko, Inyandiko y'ibirego ishinja Silivesitiri Gacumbitsi kuba “koko akekwa kuba yali azi ibyakozwe cyangwa ibitarakozwe n'abajendarume, abapolisi ba komini, *Interahamwe*, insoresore za gisivili cyangwa abaturage yayoboraga kandi akaba ntacyo yakoze gikwiye kandi cyumvikana kugirango abubuze cyangwa abahagaliye, kugirango abafatire ibyemezo bibakosora cyangwa bafatirwe ibihano bihwanye n'ibyaha bakoze mu gutegura no gushyira mu bikorwa ibyaha bamushinje”.
266. Ubwo bulyo bwombi bw'ubulyozwe ntibushobora gushyirwa hamwe ku byaha bimwe; mu gihe hali ubwo bulyo bwo kubona ibintu, Urugereko nta bundi bulyozwe bwahitamo butali ubwerekana kurusha ubundi uruhare Uregwa yabigizemo.

²⁵² Reba ibibanza : Umutwe wa II, Igice cya C

267. Ingingo ya 6 1) ishimangira ihame liteganywa ko umuntu alyozwa icyaha kivugwa n'Amategeko y'Urukiko, uwo aliwe wese ufite uruhare muli bumwe mu bulyo butanu buteganywa n'ayo Mategeko²⁵³. Mu Nyandiko y'ibirego mu rulimi rw'icyongereza, inyandiko y'umwimerere, Umushinjacyaha yahisemo ubulyo bwinshi bwo kugira uruhare budahura neza n'ibiteganywa n'amategeko alibyo bikulikira: gutegeka, guhamagalira gukora, kuyobora, gufatanya no gufasha ndetse no gushishikaliza gutegura no gushyira mu bikorwa. Muli ubwo bulyo bwose, ubwa nyuma bwonyine – alibwo kuyobora ku ruhande rumwe, ku rundi ruhande, gufatanya no gufasha, gushishikaliza itegurwa n'ishyirwa mu bikorwa-ntabwo byanditswe mu Mategeko y'Urukiko, kandi Urugereko rukaba rushinzwe gusobanuro ibikubiyemo.
268. Imvugo “gutegeka (kuyobora)” lihura ngirango n'imvugo yo gufatanya mu by'amategeko *gutegeka*, iyo ilyo jambo lifashwe mu myumvire yalyo isanzwe; Niyo mpamvu, Urugereko rufata ko iyo mvugo yo gufatanya Umushinjacyaha ayihanisha inshuro ebyili.
269. Ku byerekeye imvugo “gufatanya no gufasha no gushishikaliza itegurwa n'ishyirwa mu bikorwa”, bigaragara ko hali interuro ebyili byashyizwe hamwe: Ku ruhande rumwe “gufatanya mw'itegurwa no mu'ishyirwa mu bikorwa” no ku rundi ruhande “gufasha no gushishikaliza mu itegurwa n'ishyirwa mu

²⁵³ Icibwa ly'Urubanza rwa Semanza (Ch.), igika cya 377; urwa Kayishema na Ruzindana, Itegeko –teka (App), igika cya 185; Icibwa ly'Urubanza rwa Musema (Ch), igika cya 114; urwa Rutanganda (Ch.), igika cya 33; urwa Kayishema na Ruzindana (Ch.) ibika bya 196 na 197; urwa Kayesu (Ch.), igika 473; urwa Kajelijeli (Ch.), igika cya 757.

bikorwa”.Interuro ya mbere ihuye n’imvugo ebyili zo gufasha zanditswe mu Mategeko: icyambere gukora umugambi biturutse ku mvugo “ kugira uruhare”, hanyuma gukora icyaha nabyo bituruka ku mvugo” kugira uruhare mw’ishyirwa ry’ibikorwa. Urugereko na none rwumva ko ku byerekeye iliya nteruro ya mbere ko mu Ntekerezo y’ibanze y’Umushinjacyaha, mu ijambo “Itsembabwoko” ashinja Uregwa ibyaha byo gucura umugambi.²⁵⁴ Yerekana na none ko Inyandiko y’ibirego igizwe n’ibirego birebana n’ibikorwa bishyigikira. Itegurwa, icura-mugambi n’itegura bikaba byose bishinjwa Uregwa.²⁵⁵ Ku birebana n’imvugo”gufasha no gushishikaliza itegura n’ishyirwa mu bikorwa”, bigomba kwumvikana ko imvugo gufasha no gushishikaliza bishobora kuba ku rwego rw’icura-mugambi cyangwa se ku rw’ishyira mu bikorwa y’icyaha kimwe, hakulikijwe Amategeko y’Urukiko ateganya ko iyo mvugo y’ilyozwa, ku bulyo bubusanya, ku nzego eshatu lyo gutegura icyaha (gucura umugambi, gutegura no gushyira mu bikorwa).

270 Hakulikijwe Ingingo ya 6 1), Umushinjacyaha arega Sylvestre Gacumbitsi, kuba yaracuze umugambi, yarahamagaliye, yarategetse gukora, kuba yarakoze no kuba yarashishikalije gukora itsembabwoko. Urugereko ruzasuzuma ubwo bulyo bwose bwo kugira uruhare bumwe ku bundi.

271 Icyaha cyo gucura umugambi kigomba kuba ali uko umuntu umwe cyangwa benshi bategura gukora icyaha, mu gihe cyo kugitegura cyangwa kugishyira mu

²⁵⁴ Inyandiko y’ibanze y’Umushinjacyaha, igika cya 3.35.

²⁵⁵ Inyandiko y’ibirego yo ku wa 20 Kamena 2001, ibika bya 4-7, icya 9 ni cya 11.

bikorwa²⁵⁶. Ku wa 9 Mata 1994, Sylvestiri Gacumbitsi, ali burugumesitiri wa komini Rusumo, yakoresheje inama ya ba konseye abaha amabwiliza yo kuyobora, *Abatutsi* batabizi, na none hagati y'uwa 9 n'uwa 12 Mata, akoresha inama ku rwego rwa segiteri, ahamagalira abaturage b'*Abahutu* kwica *Abatutsi*. Ku wa 10 Mata 1994, Silivesitiri Gacumbitsi, aherekewe n'abapolisi ba komini, yakiliye amakarito y'intwari mu kigo cya jandarumori cya Kibungo, nyuma azikwiza mu za segiteri zinyuranye. Ku wa 11 Mata, Silvestiri Gacumbitsi yabonye inkulikirana na ba majoro Ndekezi na Nsabimana n'umuyobozi w'*Interahamwe* witwa Cyasa. Ku wa 11 Mata 1994, Uregwa yakoze ingendo mu duce twinshi twa komini, aherekewe n'abo bantu tumaze kuvuga. Yakomeje iza ingendo mu masegiteri anyuranye ya komini Rusumo, ubwo hali ku wa 12 Mata 1994, agamije kugenzura ko bakonseye bakoresheje inama n'abaturage muli za segiteri zabo. Uwo muni na none, yahuliye mu Gasenyi n'umukuru wa CDR w'aho ngaho witwa Andereya n'uko amusubirira mu byo yamusabye ku wa 10 Mata, ko atagomba gutuma abantu bahungira muli Tanzaniya²⁵⁷

272 Mu gitondo cy'uwa 13 Mata 1994, ali mu isoko ly'i Nyakarambi, Uregwa yahamagaye abaturage bagera ku ijana akoresheje icyuma kirangurura ijwi. Uregwa abagezaho amabwiriza anyuranye kandi anabasaba ko nta muntu ugomba kubacika. Ayo mabwiliza yayashyikilizaga abaturage bali biganje mu *Abahutu*,

²⁵⁶ Urukiko mpuzamahanga mpanabyaha rwa Yugoslaviya, Icibwa ly'Urubanza rwa Blaskic (Ch.) igika cya 386; Urwa Musema (Ch.), igika cya 119; Urwa Kayesu (Ch.), igika cya 480.

²⁵⁷ Reba ibibanza: Umutwe wa II, Igice cya B. Byakwifashishwa kandi bikagir akamaro mu kwibutsa imyanzuro y'ibikorwa bikulikira.

akaba yaragamije kubuza *Abatutsi* guhunga ibitero kandi ategura abaturage b'*Abahutu* ngo batsembe *Abatutusi*

273Ku wa 14 Mata 1994, ku maduka y'i Rwanteru, Uregwa yabwiye abaturage bagera ku ijana amagambo abahamagalira gufata imipanga maze bakarwanya umwanzi, asobanura ko bagomba guhiga *Abatutsi*. Arangije kuvuga ayo magambo, Uregwa yafashe inzira igana i Kigarama, aherekejwe na bamwe mu baturage. Bageze aho i Kigarama, bateye urugo n'umutungo by'*Umututsi* witwa Kalisiti, basahura n'ibintu by'abandi *Batutsi* baho. Bayobowe na Ntamwemezi Yuvenali, umugabo bitaga ko ahagaraliye Uregwa; ikindi getero kigizwe n'abantu bali bakulikiye amagambo yavugiye i Rwanteru bagiye gusahura ibintu by'*Umututsi* witwa Buhanda.

274. Urugereko rusango ko ibyo bitero bikomoka ku magambo ahamagalira abaturage yavuzwe n'Uregwa ku maduka y'i Rwanteru: Igitero cy'i Kigarama kikaba aliwe ubwe wakiyoboye; naho igitero cyo kwa Buhanda cyo cyali kiyobowe n'uwali amuhagaraliye.

275. Ku wa 14 Mata nyuma ya saa sita, Uregwa aherekejwe n'abapolisi ba komini bitwaje intwari, yagiye ku maduka y'i Kanyinya.. Afata ijamba imbere y'abaturage bagera ku icumi, abasaba ibi bikulikira: "Abandi barangije gukora umulimo wabo, mwebwe mugeze he? Hashize umwanya muto bagiye, igitero cyahise kirema, kiyobowe n'abasilikare babili bavuye ku rugerero, abo bakitwa

Nkaka na Sendama, batera *Abatutsi*.

276. Ku wa 14 Mata 1994, amaze kubwira ijamba abantu benshi bali ku maduka y'i Kanyinya, Uregwa, ali kumwe bul gihe n'abapolisi ba komini, yagiye ku maduka y'i Gisenyi ahafatira ijamba imbere y'abantu bagera kuli mirongo ine bali biganje mo Abahutu, abahamagalira kwica Abatutsi bose, imirambo yabo bakayiroha mu ruzi rw'Akagera. ateguka abasare kuvana ubwato bwabo ku nkombe z'uruzi kugirango *Abatutsi* batabwitabaza kugirango babwambukiremo.
277. Ikindi, Uregwa yabonanye n'abategetsi banyuranye ba politiki n'abagisilikare, halimo kolonel Rwagafirita wamuhaye amkalito yuzuye intwari nawe akazikwiza ahantu hanyuranye muli komini.
278. Ibyo byose iyo bigiye hamwe, bibyara ibikorwa bitegura ubwicanyi bw'*Abatutsi* bo muli komini Rusumo. Uruhare rwa Silivesitiri Gacumbitsi rutuma Urugereko rwanzura ko yacuze umugambi wo kwica *Abatutsi* muli komini Rusumo muli Mata 1994.
279. Igikorwa cyo guhamagalira kwica kigizwe no gusembura umuntu ngo akore icyaha²⁵⁸ Ntabwo kandi ali ngombwa ko kwoshya bikorwa mu ruhamwe kandi bitaziguye²⁵⁹. Kugirango bishobore guhanirwa, hagomba kuboneka isano hagati

²⁵⁸ Icyibwa ly'Urubanza rwa Kajelijeli (Ch.), igika cya 762, Urwa Bagilishema (Ch.), igika cya 30; Urwa Akayesu (Ch.), igika cya 482.

²⁵⁹ Icyibwa ly'Urubanza rwa Semanza (Ch.), igika cya 381; Iteka ly'urubanza rwa Akayezy (App.), ibika bya 478 –482.

- yoguhamagalira no gukora icyaha²⁶⁰. Muli urwo rwego, ahantu hanyuranye Uregwa yahamagaliye ku mugaragaro abaturage kwica *Abatutsi*. Urugero, Uregwa yavuze amagambo ali ku maduka y’i Rwanteru, nyuma y’ayo magambo, abantu bali bateze amatwi ibyo yahavugiye, nyuma y’aho gato baje kujya mu bikorwa by’ubusahuzi n’ubwicanyi byibasiye *Abatutsi*²⁶¹
280. Urugereko rwanzuye ruvuga ko Silivesitiri Gacumbitsi yahamagaliye kwica *Abatutsi* muli komini Rusumo muli Mata 1994.
281. Igikorwa cyo gutegeka kigaragazwa n’umutegetsi yishingikiliza umwanya afite mu butegetsi kugirango ahatire umuntu gukora icyaha²⁶². Izo Nkiko zombi nk’uko zashyizweho, mu bubasha bwazo, zihaye inzira ebyili zo gukoresha: Imwe isanga ko gutegeka bishaka kuba umuntu umwe ategeka uwa kabili ategekwa; uwa mbere agaha amategeko uwa kabili nawe akayashyira mu bikorwa²⁶³; naho inzira ya kabili yindi igashaka ko imvugo yo gutegeka itavanaho byanze bikunze ko habaho isano y’uko umwe ategeka undi nk’uko bisanzwe bigenda.
282. Urugereko rusanga ikibazo kigomba gukemurwa hakulikijwe icyatumye ibyo bibaho. Igitinyiro cy’umuntu ukomeye gishobora guterwa n’umwanya ahabwa na rubanda biturutse ku mutungo we, umwanya afite muli politiki cyangwa mu butegetsi cyangwa se ku bupfura agira. Igitinyiro gishobora kuba ku bw’itegeko

²⁶⁰ Icibwa ly’Urubanza rwa Bagilishema (Ch.), igika cya 30.

²⁶¹ Reba ibibanza: Umutwe wa II, Igice cya B.

²⁶² Icibwa ly’Urubanza rwa Akayesu (Ch.), igika cya 483; Urwa Kajelijeli (Ch.), igika 763;

²⁶³ Icibwa ly’Urubanza rwa Semanza (Ch.), igika cya 382; Urwa Ntegerura n’abo bafatanije (Ch.), igika cya 624.

cyangwa kuba kigaragaza ubwacyo. Bitewe n'ibihe bidasanze cyangwa bidatekanye, abantu babasha mu bulyo busanzwe kwitabaza bene uwo muntu utinywa, bateze ko yababonera ibisubizo, imfashanyo cyangwa bamutezeho ko yakora uko ashoboye kugirango ababonere igisubizo mu bihe biruhije. Amagambo y'umuntu nk'uwo kenshi bayatega amatwi n'ubwitonzi bwihaliye, inama ze zigahabwa amahitamo kurusha iz'abandi kandi ibikorwa bye bikaba intanga-rugero. Mu bihe bidasanze, amagambo n'ibikorwa by'umuntu wubashywe, birumvikana rwose, bishobora gutera abaturage gushishikara. Si ngombwa ko bihanirwa aliko kandi bishobora, igihe bibaye ngombwa, bishobora kwegera ubulyo bw'ifatanya-cyaha "guhamagalira cyangwa gufasha no gushishikaliza biteganywa n'Ingingo ya 6 1) y'Amategeko y'Urukiko. Mu bihe bimwe, igitinyiro cy'umuntu bubaha gihabwa ingufu n'igihano cyemewe cyangwa kitema n'amategeko – twavuga nk'igihe cy'umukwabu cyangwa cy'intambara, kuba umuntu ashinzwe imilimo y'ubutegetsi, ubundi akaba yakoresha iterabwoba cyangwa agakoresha igitugu. Igaragara ly'imikoreshereze y'igitugu bituma imyumvire y'amagambo yakoresheshwe n'umuntu ufite igitinyiro ihinduka. Ya magambo, ubusanze yagombye kuba ayo guhamagalira no gushishikaliza, agafatwa nk'amategeko nk'uko biteganywa n'Ingingo ya 6 1) yavuzwe haruguru. Ibintu bimeze nk'ibyo ntibihita byerekana ko bifitanye isano no kuba hali utegeka n'utegekwa hagati ya nyirugukora ibyo bamutegetse n'umuntu walihawe. Birumvikana neza ko, iyo bitali mu rwego rw'akazi mu mibanire y'umukoresha n'umukozi, aliko bigakorwa mu rwego rw'umukuru mu milimo, ibyo bikaba byaboneka hubahilizwa itegeko cyangwa byigaragaza mu

- ngiro, icyo gihe byitwa nabyo, ko ali “itegeko” nk’uko biteganywa n’ingingo ya 6 1) y’Amategeko y’Urukiko.
283. Urugereko rulibutsa umwanzuro warwo urebana n’ibikorwa, uvuga ko Silivesitiri Gacumbitsi atali umukuru mu rwego rw’ubutegetsi mu bisanzwe kubirebana n’abapolisi ba komini²⁶⁵. Umushinjacyaha ntabwo yashoboye kandi kugaragaza ko yali afite ububasha kuli ba konseye, ku *Interahamwe* , ku bajandarume cyangwa se ku bandi bantu bagiye bagaba ibitero. Umushinjacyaha ntibashije na none kwerekana ko igihe nta kimenyetso cy’ubutegetsi bugaragara ku baturage no ku bantu bagabaga ibitere, ibihe nka biliya byashoboraga gutuma abantu batekereza ko babashaga gufata amagambo yo gushikaliza yavugwaga n’Uregwa; bayafataga nk’aho ali amategeko nk’uko biteganywa n’Ingingo ya 6 1) Amategeko y’Urukiko.
- 284 Akaba aliyo mpamvu Urugereko rwanzuye ruvugako Silivesitiri Gacumbitsi yategetse kwica Abatutsi abapolisi ba komini bali kuli paruwasi ya Nyarubuye ku 15 Mata 1994. Uruhare rw’abo bapolisi mu bwicanyi nk’uko bigaragazwa n’ikimenyetso cyatangajwe byakuruye itegekon’ilyozwa-cyaha by’Uregwa bikajyana no kuba yatanze amategeko nk’ayo nk’uko biteganywa n’Ingingo ya 6 1) y’Amategeko y’Urukiko.

²⁶⁵ Reba ibibanza: Umutwe wa II, Igice cya F.

285. Mu gukoresha imvugo *gukora icyaha*, muli rusange byumvikana ko, kuli nyirukugikora ubwe akora kandi agashyira mu bikorwa icyo cyaha²⁶⁶. Muli iru rubanza, Uregwa yishe Umututsi witwa Murefu. Urugereko rwanzuye ruvuga ko yakoze icyaha cy'itsembabwoko, nk'uko bitegeganywa n'Ingingo ya 6 1) yAmategeko y'Urukiko.
286. Imvugo *gufasha no gushishikaliza* iravangitiranyqa. Gufasha bishaka ko ushyigikira umuntu mu rwego rwo gukora icyaha. *Gushishikaliza* bishaka ngutera inkunga, kugira inama cyangwa gukoma imbarutso mu gukora icyaha²⁶⁸. Muli uru rubanza, Uregwa yatwaye abantu bagize ibitero inshuro nyinshi kandi akoresheje imodoka nyinshi, imodoka yabaga alimo ikaba buli gihe aliyo yarangazaga izindi imbere. Ibitero byagendanga mu mamodoka ya komini ku bulyo Uregwa yarafite ububasha bwo kuzibuza kubitwara. Kuba Uregwa yaragendaga mu modokali imbere y'izindi byerekana bihagije ko yashigikiye ko izo modoka za komini zikoreshwa muli ibyo. Hanyuma Uregwa yagaragaye igihe cyose igitero cyamaze mu iyicwa ly'*Abatutsi* ku Rusumo, kimwe no kuli paruwasi ya Nyarubuye ku 15 Mata 1994, ndtse no mu nkengero za paruwasi ku wa 16 na 17 Mata 1994²⁶⁹. Urugereko rwanzuye ruvuga ko Silivesitiri Gacumbitsi bityo yafashije mu gutegura ubwicanyi kandi akanashishikaliza mu gukora icyaha cy'itsembabwoko muli komini ya Rusumo muli Mata 1994.

²⁶⁶ Iteka lireba Kayishema na Ruzindana (App.), igika cya 187; Iteka lireba Tadic, Urukiko rwa Yugoslaviya (App.), igika cya 188; n'Icibwa ly'Urubanza rwa Kunarc na Bagenzi be (Ch.) igika cya 390; Urwa Semanza (Ch.), igika cya 383.

²⁶⁸ Icibwa ly'Urubanza rwa Ntakirutinka (Ch.), igika cya 787; Urwa Akayesu (Ch.), igika cya 484; Urwa Kajelijeli, (Ch.), igika cya 765.

²⁶⁹ Reba ibibanza: Umutwe wa II, Igice cya C.

287. Urugereko rusanga muli uru rubanza, umugambi nyakuli wa ngombwa kugirango bigaragare ko jenocide yakozwe, uhagijwekugargaza umugambi w'Uregwa mu gukora ibyaha yagizemo uruhare kandi akaba alibyo bigize icyaha cya jenocide..
288. Urugereko rwanzuye ruherewe kubimaze kuvugwa ko Silivesitiri Gacumbitsi alyozwa kuba yaracuze umugambi, yarahamagaliye gukora, yarategetse abapolisi ba komini, yarakoze ndtse akanafasha, akanashishikaliza gushyira mu bikorwa ubwicanyi bw'abantu bo mu bwoko bw'Abatutsi hagamijwe gukora icyaha cy'itsembabwoko.
289. Nanone mu Nyandiko y'ibirego, mu gika cya 25, Umushinjacyaha ashinja uregwa kuba yarafatanyije n'abandi, kuba yaragize uruhare mu gucura umugambi, mu gutegura cyangwa gushyira mu bikorwa umugambi, ubulyo wakorwa cyangwa igitekerezo cya bose kigamije gutsemba Abatutsi, bikaba binyuze mu bikorwa bye byubaka cyangwa abinyujije ku bantu yafashijecyangwa abakozi be yarazi akndi ashigikiye ibikorwa byabo. Umushinjacyaha asa n'ushinja Uregwa kugira uruhare mu gikorwa cy'umushinga w'ubugome ahuliweho na benshi. Icyakora Urugereko ntirushobora kwakira icyo kirego mu gihe kitatanzwe mu bulyo busobanutse bihagije ku bulyo uregwa abasha kukireguraho. Hanyuma nanone Umushinjacyaha agasa n'ushinja Uregwa ko yaba yaragize uruhare mu kugambana, mu bulyo bumwe yaba yarakoze mo icyaha cy'itsembabwoko [Ingingo ya 2 3) c) y'Amategeko y'Urukiko, Urugereko kandi ntirubasha kwakira

icyo kirego kuberako mu Nyandiko y'ibirego handitsemo gusa icyaha cy'itsembabwoko n'icyo ubufatanyacyaha mu'itsembabwoko. Muli icyo gika nanone kandi, Umushinjacyaha ashinja Uregwa ko yacuze umugambi, agategeka, agafasha kandi agashishikaliza gukora itsembabwoko. Nyamara Urugereko rarangije kubifatira umwanzuro. Hanyuma Umushinjacyaha akemeza abikulikirana, ko Uregwa yagize uruhare, akoresheje abo yategekaga; nukuvuga ko uruhare rwe rugomba gushakirwa kubitegeganywa n'Ingingo ya 6 3) y'Amategeko y'Urukiko.

290. Ubwo, Urugereko rwali rwakiliye ubulyozwacyaha bw'Uregwa ruhereye ku ngingo ya 6 1) y'Amategeko y'Urukiko yerekeye itsembabwoko lyakorewe abantu bo mu bwoko bw'Abatutsi bo muli komini Rusumo mu w'1994, rusanga rutagomba gusuzuma niba ubulyozwacyaha bwe bugaragara mu biteganywa n'Ingingo ya 6 3), kubere imiterere y'ibyaha bivugwa.

Guhungabanya bikomeye umutekano k'umubili cyangwa mu mutwe abantu bo mu bwoko bw'Abatutsi.

291. Guhungabanya bikomeye umutekano w'umubili, umuntu yumva ko ali ubulyo bwo kubabaza umubili, icyo alicyo cyose gihungabanya bikomeye umubili w'ihohoterwa, urugero ni nk'urubozo, ihohoterwa lirebana n'igitsina, bitiliwe

biba ngombwa ko ilyo hungabana lishobora kwirindwa²⁷⁰. Guhungabanya bikomeye mu rwego rwo mu mutwe, bibasha kwumvikana mu bulyo bumwe nk'ikintu cyonona imikorere y'ubwonka, igikorwa cyose gishobora guhungabanya ubuzima bwo mu mutwe bw'uwahohotewe²⁷¹.

292. Hakulikijwe igika cya 21 cy'Inyandiko y'Ibirego, Urugereko rwarangije kwanzura ko Uregwa, ku mugaragaro yashishikalije kurongora abagore n'abakobwa ku gahato kandi gufata ku ngufu kwa TAQ n'abandi bagore n'abakobwa balindwi b'*Abatutsi* babikorewe n'abantu bagabye ibitero bakulikije ko bali babibashishikalije, ibyo bikaba byali ingaruka yabyo. Nk'uko Urugereko rubibona, uko kurongora ku ngufu kukaba ali uguhungabanya bikomeye umutekano ku mubili w'abantu bo mu bwoko bw'*Abatutsi*. Ubwo lero, ku birebana n'icyaha bwite cyo guhungabanya bikomeye ubuzima bw'umubili, Urugereko rwanzuye ruvuga ko Silivesitiri Gacumbitsi yakulikiranywaho kuba yarahamagaliye gufata abagore n'abakobwa b'*Abatutsi*, icyokikaba ali icyaha cy'itsembabwoko.

293. Niyo mpamvu, Urugereko rutangaza ko Silivesitiri Gacumbitsi AHAMWA N'ITSEMBABWOKO hubahilijwe Ingingo ya 2 3) a) na b) by'Amategeko y'Urukiko nk'uko bivugwa mu nyandiko ya mbere y'ibirego.

²⁷⁰ Icibwa ly'Urubanza rwa Akayesu(Ch.) igika cya 502; Urwa Kayishema na Ruzindana (Ch.), igika cya 110; Urwa Semanza,(CH.ibika. bya 320-321.

²⁷¹ Reba Raporo ya CDI (1996), igika cya 14 ingingo ya 17 y'Umushinga w'igitabo cy'amategeko. Ihungabana likomeye ku rwego rw'umubili lirasobanuye “ nk'ubulyo bumwe cyangwa ubundi bubabaza umubili”,

3. Ifatanyacyaha mu itsembabwoko

294. Inyandiko y'ibirego ya kabili, ifatanyacyaha mu itsembabwoko, yifashisha iya mbere, n'itsembabwoko, kandi ifatira ku bika bimwe ndangabikorwa by'Inyandiko y'ibirego.

295. Kuba rwarangije guhamya Uregwa icyaha cy'itsembabwoko mu rwego rw'icyaha cy'ibanze hakulikijwe Ingingo ya 2 3) a) na b) y'Amategeko y'Urukiko, Urugereko ntiruzakira IKIREGO CY'UBUFATANYACYAHA MU ITSEMBABWOKO kivugwa mu ngingo ya 2 3) e), bityo rukaba rwaracyanze.

B. IBYAHA BYIBASIYE INYOKOMUNTU

1. Ingingo rusange

296. Ingingo ya 3 y'Amategeko iteganya ko:

Urukiko mpuzamahanga rw'u Rwanda rufite ububasha bwo gucira imanza abantu bagize uruhare mubyaha bikulikira, ubwo byakorwaga mu gihe cy'ibitero rusange bya simusiga byibasiraga abaturage batali abasikare kandi b'ingeli zinyuranye, babaziza ubwenegihu bwabo, ishyaka lya politiki, ubwoko, akoko cyangwa idini:

a) Ubuhotozi;

- b) Itsembatsemba;
- c) Ubucakara
- d) Ihungisha ku gahato;
- e) Igifungo;
- f) Urubozo;
- g) Irongora ku ngufu;
- h) Itotezwa kubere impamvu za politiki, z'akoko cyagwa idini;
- i) Ibindi byaha by'indengakamere.

297 Ingingo ya 3 y'Amategeko yerekeye ibyaha byibasira inyokomuntu ilimo ingingo rusange ikaboneka mu byaha byose bivugwa. Iyo uregwa akoze kimwe muli ibyo byose, icyo cyaha ntikibasha kuba kimwe mu byibasira inyokomuntu, kereka Urugereko rwanzuye ko cyakozwe mu rwego rw'ibitero bya henshi kandi bya simusiga byibasiye abaturage batali abasilikare bazira ubwenegihugu, imutwe wa politiki, ubwoko, akoko cyangwa idini

298. Imvugo igitero, nk'uko biteganywa mu Ingingo ya 3, ishaka kuvugako icyaha

cyose cyangwa igikorwa ndetse n'ibikorwa bitandukanye binyuranye n'amategeko, mbese byo mu rwego n'ibitondaguwe mu Ngingo 3) a) kugeza kuli i) by'Amategeko y'Urukiko²⁷². Ilyo sobanura lyagumye uko lyakabaye mu nzego z'Urukiko²⁷³.

299. Ibitero bigomba kuba rusange kandi ali simusiga²⁷⁴ Imvugo y'ibitero "rusange" nk'ukobivugwa mu Ngingo ya 3 y'Amategeko y'Urukiko, ishaka kuvuga ubukana bw'ibitero kandi byibasira abahohoterwa b'uruvange²⁷⁵. Ibitero bigomba kuba mu rwego rusakaye kandi bikibasira umubare muniniw'abantu²⁷⁶. Imvugo y'ibitero "simusiga", nk'uko bivugwa mu Ngingo ya 3 y'Amategeko y'Urukiko, iganisha ku gitekerezo cy'umurongo uyobowe ku bushake, uteguye, aliko ntidusangemo byanze bikunze igitekerezo cy'umugambi²⁷⁷. Politiki cyangwa umugambi bishobora kuba byaliho, aliko ku byerekeye ibimenyetso bishobora kwerekana ko ibitero bivugwa ko byibasiye abaturage batali abasikare kandi bikaba byali bisakye hose bikanaba simusiga, ibyo lero ntibihagije kugirango bitange ingingo ituma bivamo icyaha.²⁷⁸

²⁷² Icibwa ly'Urubanza rwa Semanza (Ch.), igika cya 327.

²⁷³ Icibwa ly'Urubanza rwa Musema (Ch.), igika cya 205; Urwa Rutaganda. (Ch.) igika cya 70; Urwa Akayesu (CH.); igika cya 581.

²⁷⁴ Nubwo byombi byemewe, inyandiko y'igifaransa n'iy'icyongereza y'Amategeko y'Urukiko ziranyuraniye kuli icyo kibazo. Ntera "bisakaye hose" na "simusiga" birakusanyije mu nyandiko y'igifaransa ("simusiga" na "bisakaye hose"), nyamara kimwe muli byo kirahagije mu nyandiko y'icyongereza ("bisakaye hose cg. Simusiga"). Mu mikorere yazo, UMMR na UMMY) zihitamo inyandiko y'icyongereza, aliyo ikoreshwa mu ngenga mategeko y'umuco karende. Reba Raporo ya CDI (1996), ibika bya 3 na 4 by'Ingingo ya 18 (ibyaha byibasiye inyoko muntu Umushinga w'igitabo cy'amategeko.

²⁷⁵ Icibwa ly'Urubanza rwa Semanza (CH.), igika cya 329; Urwa Niyitegeka (CH), igika cya 439; Urwa Akayesu (Ch), igika cya 580.

²⁷⁶ Icibwa ly'Urubanza rwa Niyitegeka (Ch), igika cya 439; Urwa Ntakirutimana (Ch.), igika cya 804

²⁷⁷ Icibwa ly'Urubanza rwa Semanza (Ch.), igika cya 329.

²⁷⁸ Icibwa ly'Urubanza rwa Semanza (Ch.) igika cya 329, hiyambajwe urwa Kunarac na bagenzi be (Ch.) igika cya 98.

300. Igitero kigomba kwibasira abaturage bobonetse bose batali abasilikare. Kuba muli abo baturage batali abasilikare habonekamo abantu nyamuke batinjira mu mubare w'abatali abasilikare ntacyo bihindure ku mimerere y'abaturage²⁷⁹.
301. Ibitero byibasiye abaturage batali abasilikare bigomba kuba byaraturutse ku mpamvu z'ivangura, nukuvuga ko byakozwe bihereye ku mpamvu z'ubwenegihugu, ku bitekerezo bya politiki, ku moko, akoko cg. Idini". Ibyo bihuje n'ububasha bw'Urukiko bikaba bihagaralira ku gice gitoya cy'ibyaha²⁸⁰. Ibyaha byakorewe abantu batabalirwa mu bice byabalinzwe ntibigomba byanze bikunze kurengwa n'ububasha bw'Urukiko niba umugambi w'uwabikoze wali ugambiliye kushyira mu ngiro ibitero byibasira abantu bakorerwaga ivangura liturutse kuli imwe mu mpamvu zavuzwe²⁸¹.
302. Hanyuma, uregwa agomba kuba yali azi uko ibintu byali byifashe igihe cy'ibitero akanamenya kandi ko ibyo bikorwa bibalirwa byuzuye mu bitero bikwiliye henshi kandi bikaba simusiga kandi bikibasira abaturage batali abasilikare²⁸².
303. Urukiko rwarangije kwanzura ko, mu minsi itatu yakulikiranye, aliyo kuva ku wa 15 kugeza ku wa 17 Mata 1994, ibitero byali byibasiye *Abatutsi* bali bahungiyeye ku li paruwasi ya Nyarubuye. Naho *Abatutsi* bali barahungiyeye kuli iyo paruwasi

²⁷⁹ Icibwa ly'Urubanza rwa Akayesu (Ch.), igika cya 582.

²⁸⁰ Iteka ly'Urubanza rwa Akayesu (App.), ibika bya 464 kugeza ku cya 465.

²⁸¹ Icibwa ly'Urubanza rwa Kajelijeli (Ch.), ibika bya 877-878; Urwa Semanza (Ch.), igika cya 331.

²⁸² Icibwa ly'Urubanza rwa Semanza (Ch.) igika cya 332; Urwa Ntagerura na bagenzi be (Ch.), igika cya 698.

babategetse kwitandukanya n’uruvange rw’abenshi. Ibyo byafashije abantu batazwi umubare gucika ibyo bitero. Umubare munini w’Abatutsi barahatikiliye. Nyuma y’igitero cya mbere cyo kuli paruwasi, ku wa 15 Mata 1994, abagabaga ibitero bagarutse bucyeyenoneho bucyeye bwaho bagaruka kurangiza abali bakilimo akuka. Hagati y’uwa 7 n’uwa 8 Mata 1994, hali abandi batutsi bishwe babateye kandi bazira ubwoko bwabo. Impunzi z’abatutsi n’abatutsi bandi bali batuye muli komini Rusumo baratewe, imitungo yabo irasahurwa. Ku wa 13 Mata 1994, Uregwa yirukanye abakodeshaga amazu ye – abagore b’Abatutsikazi – kandi yarazi neza ko ali ukabategeza byanze bikunze ibitero by’Abahutu .Kuko ibitero byali simusiga byagaragaye mu mvugo no mu bikorwa by’Uregwa mu nama yakorewe ku wa 9 Mata 1994 no mu zindi nama zakozwe ku mugaragaro, zikaba zarakozwe iminsi mike mbere y’ibitero byo kuli paruwasi. Bakusanyije intwari bategura gukora ibyo bitero.Uregwa buli muni yabonanaga n’abakuru b’ingabo kugirango bumvikane uko bazakorana. Yakoze uko ashoboye kugirango asakaze amabwirilza mu ngendo yakoreye mu duce tunyuranye twa Komini Rusumo. Aho abaturage bamaliye kubishishikalizwa, batangiye kwibasira Abatutsi mu turere tunyuranye , aliko igitero kiruta ibindi, alicyo cyo kuli paruwasi, cyakozwe aho bamaliye kubona agatsiko k’*Interahamwe* kaje kubatiza umulindi.²⁸³

304. Urugereko rwanzuye ko, impamvu y’ivangura, yatanzwe n’Uregwa ku bantu bagabaga ibitero, niyo yashyirwaga imbere mu gutera no gutoranya abahohoterwaga.

²⁸³ Reba mu mirongo ibanza: Umutwe wa II, Igice bya B, C na D.

305. Nubwo Ingingo ya 3 y'Amategeko y'Urukiko idahatira gutanga ibimenyetso bigaragaza icyalimwe ko ibitero byali rusange kandi bikaba simusiga byibasira abaturage b'abasivili, Urugereko rusanga bikwiye ko rubifatira imyanzuro. Ibyo alukugirango rwerekane uko ibitero byakozwe n'ubulyo byakozwemo mu gihe byibasiraga abaturage b'*Abatutsi* bo muli Rusumo mu wa 1994.

306. Bikorwa n'udutsiko tw'abantu, ibyo bitero byibasiraga bantu benshi bazira ko ali abo mu bwoko bw'*Abatusi*; Abo bantu ibitero bikaba byarabasanga mu duce tw'imigi, aho babaga batuye emwe n'aho bahungiyeye. Imilyango y'*Abatutsi* barayitsembye²⁸⁴. Urugerko rwanzuye ko mu kwezi kwa Mata 1994, muli komini Rusumo ibitero byakozwe hose kandi ali simusiga, byibasira agatsiko k'abaturage b'*Abatutsi* batali abasilikare, kandi hakoreshwe ivangura.

2. Ibyaha byibasiye inyokomuntu - itsembatsemba

307 Umutwe wa gatatu w'ibirego ushinja Uregwa icyaha cy'itsembatsemba nk'icyaha kibasira inyokomuntu nk'uko biteganywa n'Ingingo ya 3 y'Amategeko. Umushinjacyaha kugirango atsindagire icyo cyaha yafashishije ibika kuva ku cya 4 kugeza ku cya 16 no kuva ku cya 26 kugeza ku cya 30 cy'Inyandiko y'ibierego kandi rugahamya ko Uregwa ahamwa n'icyaha hakulikijwe Ingingo ya 6 1) ni 3) y'Amategeko y'Urukiko.

²⁸⁴ Reba mu mirongo ibanza Umutwe wa II, Igice bya B, C na E.

307. Urugereko rubonye ko ibirego bireba ibikorwa byatanzwe hifashishijwe ingingo y'itsembatsemba bitarangwamo ibishyigikira ikirego cy'itsembabwoko, nk'ubwicanyi bwakorewe kuli paruwasi ya Nyarubuye ku ya 15,16 na 17 Mata 1994. Urugereko rulibutsa ko mu birebana n'izusuma ly'icyaha k'itsembabwoko, rwanzuye ko ubulyozwacyaha bw'Uregwa hakulikijwe Ingingo ya 6 1) y'Amategako y'Urukiko mu ruhare rugaragara yagize mu bwicanyi bwo kuli paruwasi ya Nyarubuye. Uregwa yiyiciye ubwe uwitwa Murefu, wali Umututsi utali umusilikare, yakomye imbarutso ngo bice, hanyuma kandi ashishikaliza abicanyi kwica impunzi z'*Abatutsi* zali kuli Paruwasi.

309. Byaragaragaye mu byemezo byafashe n'UMMU (TPIR) ko itsembatsemba mu miterere yalyo yibasira agatsiko k'abantu kandi ikagaragalira mu bwicanyi bukozwe ku rwego runini²⁸⁶ Gukoresha imvugo "Urwego ruhanitse" ntibibuza ko habaho umubare mfatizo, uko uwo mubare waba ungana bikagenwa hakulikijwe buli gice hakoreshejwe uko umuntu abyumva²⁸⁸.

310. Urugereko rufashe ko, ruhereye ku myanzuro y'ibikorwa bya mbere, ku umubare munini w'abantu baguye kuli paruwasi ya Nyarubuye uhagije kugirango bashobore kwemeza ko ubwicanyi bwakozwe ahantu henshi. Birazwi ko hali abantu benshi halimo *Abatutsi* n'*Abahutu* bali barahungiyeye kuli paruwasi mu minsi yabanjilje ubwicanyi: bamwe mu babibonye bavuga ko umubare wabo wabalirwaga mu bihumbi byinshi. Bavauga kandi nanone ko *Abahutu* basabwe

²⁸⁶ Icibwa ly'Urubanza rwa Akayesu (Ch.), igika cya 591; Urwa Semanza (Ch.), igika cya 340; Urwa Nahimana na bagenzi be, (Ch.), igika cya 1061.

²⁸⁸ Icibwa ly'Urubanza rwa Semanza (Ch.), igika cya 340.

kwitandukanya n'Abatutsi mbere yuko ubwicanyi butangira. Ubwicanyi bwamaze amasaha menshi kandi abicanyi bagiye bagaruka gusonga abali bakilimo akuka mu minsi ibili yakulikiyeho. Ibisobanuro bitagwa n'ababihagazeho birahagije kugirango byemezwe ko buliya bwicanyi bushyirwa mu rwego rurerure kandi bwahitanye abantu benshi. Ibyo bikaba bishimangirwa n'umutangabuhamya ushinja witwa Patrick Fergal Kane wahageze nyuma y'ibyumweru byinsh akahasanga imirambo myinshi²⁸⁹.

311. Hakulikijwe uruhare rugaragara Uregwa yagize mu gutegura no kugaba igitero, ingendo yakoze zirebana n'igitero aho kuli paruwasi agamije gushikaliza abicanyi ngo basonge abali bagihumeka kandi akagenzuro ko ibyo bikorwa neza, Urugereko ntirushidikanya ko Uregwa yali afite umugambi wo gufatanya n'abandi mu bwicanyi bw'i Nyarubuye.

311. Urugereko rwanzuye ko Uregwa yarazi ko haliho hakorwa ubwicanyi ahantu hose kandi bukaba simusiga bwibasira abaturage batali abasilikare bo muli Rusumo muli Mata 1994, kuko mu rwego rw'akarere, yabiculiye umugambi kandi yanayoboye bimwe mui ibyo bikorwa.²⁹⁰

313 Urugereko rulibutsa ko rwanzuye ruvuga ko Ubwicanyi bw'Abatutsi²⁹¹ bwakozwe ahantu henshi kandi bwali simusiga.

²⁸⁹ Reba mu nyandiko zibanza: Umutwe wa II, Igice cya C.

²⁹⁰ Reba mu nyandiko zibanza: Umutwe wa II, Ibice bya B na C.

²⁹¹ Reba mu nyandiko zibanza I Ibika bya 303-306.

314. Mu kwanzura, Urugereko rwemeza nta gushidikanya gushoboka, ubulyozwacyaha bw'Uregwa ubwe bugaragazwa mu Ingingo ya 6 1) y'Amategeko y'Urukiko, mu gucura umugambi wo gutsemba, guhamagalira gutsemba, gutegeka abapolisi ba komini ngo batsembem mu gufasha no gushishikaliza gutemba abantu bo mu bwoko bw'Abatutsi bo muli komini Rusumo, bikaba byarabaye muli Mata 1994.
- 315 Urugereko rumaze kwanzura ku bulyozwacyaha bw'Uregwa rwifashishije Ingingo ya 6 1) y'Amategeko y'Urukiko kubyo iteganya birebana n'itsembatsemaba ly'Abatutsi muli komini Rusumo byakozwe muli Mata 1994, rusanga kudasuzuma niba ubulyozwacyaha bw'Uregwa bwarakulikijwe nk'uko Ingingo ya 6 3) y'Amategeko y'Urukiko, bikulikije imiterere y'ibikorwa.
316. Niyo mpamvu, ku bijyanye numutwe wa gatatu w'ikirego, Urugereko rutangaza ko Uregwa AHAMWA N'ICYAHA K'ITSEMBABWOKA KIGIZE IBYHA BYIBASIYE INYOKOMUNTU.

3. Ibyaha byibasiye inyokomuntu - ubuhotozi

317. Umutwe wa kane w'ibirego ushinja Uregwa ubuhotozi nk'icyaha kibasiye inyokomuntu hakulikijwe Ingingo ya 3 a) y'Amategeko y'Urukiko. Umushinjacyaha ahamya icyo kirego yishingikiliye ku bika bya 31 kugeza ku cya 36 by'Inyandiko y'ibirego.

318. Mu Nyandiko y'ibirego, Umushinjacyaha yabeshyeye Gacumbitsi ko yishe umugore wali utwite w'Umututsi kazi, ngo akaba yaramusatuye inda kugirango akuremo impinja ebyili, ngo kandi yaba yaramwicanye na nyirabukwe w'uwo mugore, ngo akaba bombi yarabishe abasogose icyuma. Ngo yaba yalishen"Umugore w'Umutusikazi hamwe n'abana be batatu, umwe muli abobana akaba yali yaramubyaye mu batisimu; ngo yaba yalichishije amasasu Abatutsi babili batali abasilikare; ngo yaba yarategetse cyangwa yaracuze umugambi wo kwica bana bali barahungiye kuli paruwasi ya Nyarubuye; hanyuma kandi ngo yirukanye knadiategeka kwica abantu bakodeshaga amazu ye²⁹².

319 Urugereko rulibutsa ku rutigeze rushikilizwa ikimenyetse na kimwe ku birebana n'ibirego bikubiye mu bika bya 32 na 35 by'inyandiko y'ibirego. Ku birebana n'igika cya 33, Umushinjacyaha yavuze gusa ku bimenyetso by'iyicwa ly'Umututsi witwa Kanyogote n'lya abana be, bykozwe ku wa 14 Mata. Urukiko rusanga urupfu rw'abo bantu rutandukanye n'uruvugwa mu Nyandiko y'ibirego. Haherewe ku igika cya 34, Urugereko ntabwo rwashoboye kwemera ibimenyetso byatanzwe ku rupfu rwa Mutunzi na Rukomeza biciwe kuli santarali y'abagatoka. Hanyuma, ku birebana n'igika cya 36, Urugereko ntirwanyuzwe n'ibimenyetso bishinja Uregwa ubulyozwacyaha mu ruphu rwa Mariya na Beyatrisa, abantu yirukanye mu mazu ye bakodeshaga.

²⁹² Reba mu nyandiko zibabanza: Umutwe wa II, Igice cya D.

320 Niyo mpamvu, Urugereko rwagize Uregwa umwere ku cyaha kivugwa mu mutwe wakane w'inyandiko y'ibirego: ICYAHA CY'UBUHOTOZI KIMWE MU BYAHA BYIBISIYIYE INYOKOMUNTU.

4. Ibyaha byibasira inyokomuntu – kurongora ku ngufu

321. Urugereko rusanga icyaha cyo kurongora ku ngufu kiba cyo igihe cyose ugikora yinjije igitsina cye mu gitsina cy'uhohoterwa, cyangwa ikindi kintu cyose cyakoreshwa na nyirukubigira, kabone niyo ibyo bikorwa atali byo byonyine bibaho ngo bikore icyaha cyo kurongora ku ngufu nk'uko biteganywa n'ingingo ya 3) g) y'Amategeko y'Urukiko²⁹³. Mu birebana nabyo, Urugereko rwarangije kwumva ko umutangabuhamya bise TAQ yarongowe ku ngufu, akabigilirwa hamwe n'abandi bagore n'abakobwa b'Abatutsikazi; Ababikoze bakaba balinjije igitsina cyabo mu gitsina cyabuli muntu bahohoteye cyangwa baragiye binjizamo inkoni; rusanga kandi ko umugore w'umutangabuhamya bise TAO, yarongowe ku ngufu, uwabikoze aha nawe akaba yarashyize igitsina cye mu cy'uwahohotewe; ko uwo bise TAS yararongowe ku ngufu, mu bulyo bumwe, uwo bise TAP naw nuko ndetse na nyina. Ibyo byaha byose byashyikilijwe Urugereko byinjira byose hamwe muli uru rwego.

²⁹³ Ibibwira by'Urubanza rwa Akayesu (Ch.), ibika bya 597-598; UMMY, Kunarc na bagenzi be, Iteka (App), ibika bya 127-133.

322. Urugereko rulibutsa imyanzuro yarwo ya mbere yerekeye ku bitero bya hose kandi bya simusiga byagiliwe abaturage b'abasivili bo muli Rusumo muli Mata 1994²⁹⁴.
323. Mu myanzuro yarwa irebana n'ibikorwa, Urugereko rwali rwakiliye, ku ruhande rumwe ko ibitero byasakaye hose kandi bya simusiga byibasiye k'ubw'umwihaliko abaturage batali abasilikare b'*Abatutsi*, ku rundi ruhande ko kurongora ku ngufu byakorewe Abatangabuhamya bashinja bise TAQ, TAP na TAS, bigakorerwa umugore w'umutangabuhamya ushinja bise TAO, bikanakorerwa nyina w'Umutangabuhamya bise TAP, bigakorerwa kandi abagore balindwi n'abakobwa b'*Abatutsikazi* nk'uko byavuzwe n'umutangabuhamya ushinja bise TAQ. Abahohotewe bise bakaba batali abasilikare nk'uko bivugwa n'ababitanzeho ubuhamya²⁹⁵.
324. Urugereko rusanga ko abahohotewe barongorwa ku ngufu batoranijwe hakulikije ko ali *Abatutsikazi* cyangwa ko bafitanye isano n'umuntu w'*Umututsi*, ibyo akaba alibyo byakorewe umutangabuhamya ushinja bise TAS. Urugereko rwaranzuye kuli ibyo ko, ivangura nk'ilyo, Uregwa yalibwiraga abicanyi, lyigaragaje mu kugaba ibitero no mu gutoranya abarongorwaga ku gahato.
325. Uko ibyo bintu byakorwaga, amagambo uregwa yavugaga ko mu gihe abahohoterwa babarwanyaga, bagombaga kubica ku bulyo bw'intangarugero;

²⁹⁴ Reba inyandiko zibanza: ibika bya 303-306.

²⁹⁵ Reba mu nyandiko zibanza: Umutwe wa II, Igice cya E. Ibivugwaho kandi bikaba bishyigikira iyibutsa ly'imyanzuro irebana n'ibikorwa ikulikirahoa.

- ikindi nuko mu gihe abahohoterwaga baterwaga n'abicanyi, bakagerageza kubahunga, byali bihagije kugirango bafatwe ko banze ko barongorwa n'ababahoteraga 295²⁹⁵.
326. Uregwa ashyigikira ko Uregwa yacuze umugambi, yahamaliye gukora, ategeka, akora cyangwa mu bundi bulyo bwose yafashije kandi ashishikaliza mu gucura umugambi, gutegura cyangwa gushyira mu bikorwa kurongora ku ngufu abavugwa kuba barahohotewe.
327. Urugereko rusanga ko ubuhamya rwashyikilijwe bugaragaza ko Silivesitiri Gacumbitsi yahamagaliye kurongora abagore n'abakobwa b'Abatutsikazi, bikagaragazwa n'amagambo ye nk'uko yumviswe n'umutangabuhamya ushinja bise TAQ. Umutangabuhamya ushinja bise TAS, ku ruhande rwe, nawe akaba yaravuze ko yumvanye abarongoraga ku ngufu bavuga ko Uregwa yabategetse kurongora ku ngufu abagore n'abakobwa b'Abatutsikazi, aliko ubuhamya bwe buziguye nta wundi wabushyigikiye, ibyo bikaba bidahagije ubwabyo ngo bibe ikimenyetso kerekana ko Uregwa yabigize mo uruhare.
328. Urugerko rulibutsa ko, ako kanya nyuma y'amagambo y'Uregwa yahamagaliraga kurongora abagore n'abakobwa b'Abatutsi, ibyo akaba yarabifuga aherekejwe n'imodoka nyishi, ubwo bali bageze ku kiraro kili hagati ya segiteri Kankobwa n'iya Nyarubuye, berekeza I Nyarubuye. Umutangabuhamya ushinja bise TAQ

²⁹⁵ Reba inyandiko zibanza: Umutwe wa II, Igice cya E. Ibyo bishobora kugenderwaho kugirango bibutse imyanzuro y'ibikora ikulikira

- n'abandi bagore n'abakobwa balindwi b'Abatutsikazi barongowe ku gahato n'insoresore, baka bali aho hafi, aho bamaliye kumva amabagambo ya burugumesitiri. Urugereko rukanzura ko gufatwa ku ngufu byahamijwe n'uwo mutangabuhamya ushinja bise TAQ, byakuruwe nta gushidikanya ko Uregwa yabibahamagaliye.
329. Nubwo bwose Urugereko rudafite kihamya ko kurongorwa ku gahato k'umutangabuhamya ushinja bise TAS bifite aho bihuliye n'amagabo yaba yaravuzwe n'Uregwa, kandi rukaba rudashobora kwanzura ku builyozwacyaha bw'Uregwa muli icyo cyaha. Ibyo ninako bimeze kubirebana no kurongorwa ku ngufu byakorewe umugore w'umutangabuhamya ushinja biseTAO, ndetse no gufata ku ngufu bya nyina w'umutangabuhamya ushinja bise TAP. Urugereko nyamara rusanga ibyo bikorwa byo kurongora ku gahato byarabayeho kandi bikaba bibalirwa mu bwicanyi busakaye kandi bukaba simusiga bwibasiye abaturage batali abasilikare bo muli Rusumo.
330. Urugereko rwanzura ko, hakulikijwe Ingingo ya 6 1) y'Amategeko y'Urukiko, Silivesitiri Gacumbitsi ahamwa n'icyaha cyo guhamagalira kurongora ku ngufu umutangabuhamya TAO ndetse n'abagore n'abakobwa b'Abatutsikazi, ibyo bikaba ali ibyaha byibasiye inyokomuntu.
331. Ku bundi bulyo yaba yaragize uruhare mu gukora ibyaha, Urugereko rusanga ko kuba rutarashyikijwe ibimenyetso kugirango birufashe gushinje Uregwa muli

urwo rubanza

332. Urugereko rumaze kwanzura ku bulyozwacyaha bw'Uregwa nk'uko biteganywa n'Ingingo ya 6 1) y'Amategeko y'Urukiko kuko yahamagaliye abantu kurongora ku ngufu muli Komini Rusumo muli Mata 1994, rusanga rutabasha gusuzuma niba ubulyozwacyaha bwe bugaragara hakulikijwe Ingingo ya 6 3) y'Amategeko y'Urukiko ku birebana n'imiterere y'ibikorwa no kubura ibimenyetso byerekana ku Uregwa hali isano mu rwego rw'ubutegetsi n'abakoraga ibyo kurongora ku ngufu.
333. Bityo, ku byerekeye umuwe wa gatanu w'ibirego, Urugereko rutegetse ko Silivesitiri Gacumbitsi AHAMWA N'ICYHA CYO KURONGORA KU NGUFU, KIMWE MU BIGIZE IBYAHA BYIBASIYE INYOKOMUNTU.

UMUTWE WA VI : IKATWA LY'URUBANZA

334. Duhereye ku mpamvu zashyizwe ahagaragara mu icibwa ly'uru rubanza, tumaze kureba kandi ibimenyetso bikubiye hamwe ndetse n'ibisobanuro ababuranyi barushyikilije, Urugereko rwa mbere rw'iremezo rukatiye uregwa ibyaha bikulikira:

Icyaha cya mbere 1 (Itsembabwoko) **KIRAMUHAMA**

Icyaha kigize umutwe wa 2 (Ifatanyacyaha

Mw'itsembabwoko: **URUKIKO RWA CYANZE**

Icyaha kigize umutwe wa 3 (Itsembatsemba:

Gifatwa nk'icyaha kibasiye inyokomuntu) **KIRAMUHAMA**

Icyaha kigize umutwe wa 4 (Ubuhotozi

Gifatwa nk'icyaha kibasiye inyokomuntu: **URUKIKO RWACYANZE**

Icyaha kigize umutwe wa 5 (Kurongora

Ku ngufu nk'icyaha kibasiye inyokomuntu: **KIRAMUHAMA**

UMUTWE WA GATANU: IBIHANO

A *AMATEGEKO RUSANGE AKULIKIZWA MU KUGENA IBIHANO*

335 icyemezo cya 955 cy'Inama ishinzw umutekano cyashyizeho Urukiko, mu ijambo lyawo ly'ibinze, yashyize imbere inshingano zo gukumira, z'ubutabera, z'ubwiyunge, zo kugarura no kubungabunga umutekano.

336. Mu kwemeza igihano kigomba guhabwa Uregwa, Urugereko ruzasuzuma ibintu byose bishobora gutuma inhingano zavuzwe haruguru zigerwaho. Hakulikijwe uburemere bw'ibyaha byakorewe mu Rwanda mu 1994. Ni ngombwa cyane ko amahanga yabyamagana ku bulyo byatuma bitongera gukorwa, haba mu rwanda cyangwa ahandi. Ubwiyunge hagati y'Abanyarwanada, inshingano z'Urukiko rugomba gugeraho nk'uko icyemezo kibivuga nazo zigomba kwitabwaho n'Urugereko.

337. Nk'uko biteganywa n'Ingingo ya 23²⁹⁶ y'Amategeko y'Urukiko n'iya 101²⁹⁷ y'Amategeko agenga Urukiko, mu guca urubanza rwa Gacumbitsi,

²⁹⁶ Ingingo ya 23 y'Amategeko iteganya ko:

1. Urugereko rwa mbere rw'iremezo ntirutanga gusa ibihano by'igifungo. Kugirango rwemeze ubulyo rw'igifungo, Urugereko rwa mbere rw'iremezo ruhera ku rutonde rusange rw'ibihano by'igifungo nk'uko bihanishwa mu nkiko z'u Rwanda.
2. Mu gutanga igihano cyose, Urugereko rwa mbere rw'iremezo rwibanda ku mpamvu, nk'uburemere bw'icyaha n'imitere bwite y'ukwirwa.
3. Uretse igihano cy'uwakatiwe, Urugereko rwa mbere rw'iremezo rushobora gutegeka gusubiza banyirabyo bemewe n'amategeko imitungo yose n'ibindi bintu byagezweho mu bulyo bunyuranije n'amategeko, ndetse n'ibyagezweho hakoreshejwe igitugu.

²⁹⁷ Ingingo ya 101 y'Itegeko nenga iteganya:

Urugereko ruzibanda ku bukomere bw'ibyaha bamushinja, ku mimerere ye bwite, ku bimenyetse byagaragara nkomeza cyangwa nyoroshya cyaha, n'imikorere rusange y'Urukiko mu byerekeye itanga ly'ibihano, kandi hakitabwaho kwifashisha urutonde rw'ibihano by'igifungo inkiko zo mu rwanda zihanisha. Iyo bibaye ngombwa, Urugereko mu gihe cy'igifungo cyose hamwe Silivesitiri Gacumbitsi azakatirwa, bazakuramo iminsi yafungwiye by'agateganyo.

B. IMPAMVU NKALISHYACYAHA

338. Nk'uko Umushinjacyaha abivuga, yifashishije ibyemanyezoro z'ubutabera, igihano cyo gufungwa burundu kigomba guhanishwa ibyaha bikomeye kurusha ibindi kandi bikagenerwa abantu bo mu rwego rwa ruharwa nk'uko bimeze muli uru rubanza²⁹⁸.

A) Umuntu wese ukatiwe n'Urukiko ahabwa igihano cy'igifungo, icyo gifungo gishobora kugeza kugufungwa burundu.

B) Iyo rutanze igihano, Urugereko rwa mbere rw'iremezo rwibanda ku mpamvu zivugwa mu gika cya 2) cy'Ingingo ya 23 y'Amategeko, kimwe n'izindi mpamvu nk'izikulikira.

i) Kubaho kw'impamvundemeza cyaha;

ii) Kubaho kw'impavu nyoroshyacyaha, hakajyamo ubulyo uregwa yagaragaje kwerekana ubufatanye n'Umushinjacyaha mbere cyangwa nyuma y'uko ahamwa n'icyaha.

iii) Urutonde rusange rw'ibihano by'igifungo biteganywa n'inkiko z'u Rwanda;

iv.) Ubulyo umuntu wakatiwe yaba yararangije igihe cy'igifungo cye yashoboragga gukatirwa n'inkiko zo mu Rwanda ku cyaha kimwe, hakulikijwe igika cya 3), Ingingo ya 9 y'Amategeko.

C) Mu gihe hateganywa ibihano byinshi, Urugereko rwa mbere rw'iremezo rwemeza niba ibyo bihano bishobora guhanishwa inkulikirane cyangwa bigahanishwa bishyizwe hamwe.

E) Igihe umuntu yamaze afunzwe by'agateganyo ategereje gushyikilizwa Urukiko cyangwo ko acibwaurubanza n'Urugereko rwa mbere rw'iremezo cyangwa Urukiko rw'ubujulire, iyo bigenze bityo, icyo gikurwa mu gihe k'igifungo yakatiwe.

²⁹⁸ Igitabo cya nyuma cy'Umushinjacyaha, ibika bya 419-425, n'ibya 436-437

339. Ku byerekeye impamvu nkalishyacyaha, Umushinjacyaha yitabaza uburemere bbw'ibyaha byakozwe muli Rusumo, ali nabyo yareze Silivesitiri Gacumbitsi, n'ukuvuga icyaha cy'itsembabwoko hamwe n'ibyaha byibasiye inyoko muntu²⁹⁹. Umushinjacyaha alibutsa kandi ubwinshi bw'ibyaha ku rwego rw'igihugu, alibyo “ubwicanyi mu gihe cy'iminsi 100, bw'abantu bagera ku 500.000 by'Abatutsi batali abasilikarekandi n'imiterere y'ihaliye “ icyaha gihatse ibindi byaha” icyah cy'itsembabwoko. Umushinjacyaha alibutsa ko muli Rusumo, Uregwa, ibyabaye byose byamuturukagaho, byaba gucura umugambi, guhamagalira gukora ibyaha, cyagwa amategeko yatanze yo kubikora³⁰⁰.
340. Hanyuma, Umushinjacyaha akavuga ko ngo ibyaha byakozwe bigenderewe. Ku ruhande rumwe ibyah byakozwe muli Rusumo atali ibyaha byihaliye ahubwo kobikomoka ku mugambi; ku rundi ruhande, icyo gihe Uregwa akaba yali umutegetsi wa leta uli hejuru ya bandi mu rwego rwa komini. Bityo lero akaba yaramenyaga ko ibyaha byakorwaga³⁰¹.
341. Umushinjacyaha akeka kandi ko kubera umulimo Uregwa yakoraga nka burugumesitiri, ni impamvu nkalishyacyaha kubera ko atakozeuko bikwiye umulimo we: mbere na mbere nko kuba atararwanye ku baturage batali abasilikare kandi yarashinzw kubalinda, kandi nyamara yarafite ububasha kuli bo, ikindi n'ukubona atalitandukani na politike y'itsembabwoko y'ubutegetsi bw'icyo

²⁹⁹ Igitabo cya nyuma cy'Umushinjacyaha, igika cya 436

³⁰⁰ Igitabo cya nyuma cy'Umushinjacyaha, igika cya 437.

³⁰¹ Igitabo cya nyuma cy'Umushinjacyaha, igika cya 438

gihe³⁰². Ikindi nanone, Umushinjacyaha yemeza ko ubulyozwacyaha bw'Uregwa bugaragara hakulikijwe Ingingo ya 6 3) y'Amategeko y'Urukiko kubera ko yali umuyobozi mu birebana n'ibyaha byakozwe n'*Interahamwe*, hakulikijwe kandi Ingingo ya 6 1) y'Amategeko kubirebana no gutegura ibitero, mu gutanga intwaro no mu guhamagalira gukora ibyaha byo kurongora ku ngufu³⁰³. Uko bivugwa n'Umushinjacyaha, Uregwa yafashije, nta gahato, mu gukora ibyo byaha³⁰⁴.

342. Hanyuma Umushinjacyaha akeka ko ibyaha byakozwe mu bulyo buteguwe neza³⁰⁵. Akagaragaza uruhare mu rwego rw'ibanze rwagizwe n'Urugwa muli ibyo byaha³⁰⁶. Agasanga nanone ko Uregwa atigeze arwanya ndetse nta nabuze guikora ibyaha³⁰⁷.

343. Mu gusubiza ibivugwa ko Uregwa yanze kwitandukanya na politiki y'ubwicanyi y'ubutegetsi, Abunganira uregwa basubiza ko bigaragazwa n'ibimenyetso bitangwa n'Umushinjacyaha ubwe ko muli Rusumo ibyaha bitahereyeke bikorwa ako kanya nyuma y'impanuka y'indege y'umukuru w'igihugu. Ikindi, Abunganira uregwa basanga Umushinjacyaha ataragaragaje ibimenyetso ko Uregwa yaba yarahuye n'abategetsi ba leta ya gateganyo mu gihe cyahise hagati y'impanuka y'indege y'umukuru w'igihugu n'ihunga lye. Ikindi nanone. Ibyaha byakozwe muli Rusumo byaba ali igikorwa cy'abasilikare baturutse ahandi ndetse bashyira

³⁰² Igitabo cya nyuma cy'Umushinjacyaha, igika cya 440

³⁰³ Igitabo cya nyuma cy'Umushinjacyaha, ibika bya 441-442

³⁰⁴ Igitabo cya nyuma cy'Umushinjacyaha, ibika bya 443-445

³⁰⁵ Igitabo cya nyuma cy'Umushinjacyaha, igika cya 446

³⁰⁶ Igitabo cya nyuma cy'Umushinjacyaha, igika cya 448

³⁰⁷ Igitabo cya nyuma cy'Umushinjacyaha, ibika bya 449-450

mu majwi n'impunzi ubwazo. Ubunganizi bahakana ndetse ko nta n'itegurwa lyabayeho, banongeraho ko nta ruhare Uregwa yagize mu bwicanyi bwo muli Mata 1994 bwakozwe muli Rusumo³⁰⁸.

Umwanzuro

344. Urugereko rusangako, nk'uko biteganywa n'Ingingo ya 23 2) y'Amategeko y'Urukiko, uburemere bw'ibyaha byakozwe bugomba kwitabwaho igihe cyo gutanga ibihano. Bigakulikirwa n'uko, uko ibyaha birushaho kuba bibi, ari nako ibihano birushaho gukomera. Nuko Ingingo ya 23 2) ibiteganywa, ikaba ishingiyeye ku byo Umushinjacyaha yemeza, alibyo bivuga ko igihano kirenze ibindi gifatirwa abicanyi bo mu rwego rwa ruharwa. Aliko kandi agomba gusuzuma uburemere bw'ibyaha bihama Uregwa, Urugereko ruzita ku mpamvu z'umwihaliko zabiteye rutibagiwe k'ubulyo no ku rwego zerekeye uruhare mu gukora ibyo byaha³⁰⁹.

345. Kuli biyo, Urugereko rusanga ko, imiterere y'Uregwa muli Mata 1994, nk'uko yali burgumesitiri, umutegetsi n'umuntu w'icyubahiro rusumba izindi mu rwego rwa komini ya Rusumo, ibyo byose bibyara impamvu nkalishyacyaha mu gihe Uregwa yaba yaragize uruhare mu byaha byakozwe kandi ko yali umwe mu bali kw'isonga ly'abayoboraga, mu gura umugambi w'ibyaha, mu gushishikaliza kubikora no mu kuyobora limwe nalimwe ibitero aho ubwicanyi bwakorewe. Ni

³⁰⁸ Igitabo cya nyuma cy'Umushinjacyaha, ibika bya. 1006-1019

³⁰⁹ Ibibwira by'Urubanza rwa Semanza (Ch.), igika cya 555.

muli urwo rwego, yarengeye ku kizere abo yategekaga bamugiliraga. Uruhare rugaragara yagize muli ibyo bikorwa by'ubwicanyi bisobanura ko atashoboye gufata ingamba zo kubuza cyangwa guhana ababikoraga, mu gihe yarabifitiye ubushobozi. Uburemere bw'ibyaha byakozwe, ku bw'umwihaliko ibyaha by'itsembabwoko, tutibagiwe na none ibyo gufata ku ngufu by'agahebuzo byakorewe bamwe mu bahohoterwaga bifatwaho kuba ali impamvu nkalishyacyaha.

C. IMPAMVU NYOROSHYACYAHA

346. Hakulikijwe ingingo zatanzwe zo kumugir umwere, aramutse akatiwe, Abunganira basobanura mu bulyo rusange, ko Urugereko rufite ububasha busesuye bwo gukatira igihano kigamije gutsura inyungu z'ubutabera³¹⁰.

347. Hakulikijwe impavu nyoroshyacyaha, Abunganizi bahamya ko Abatutsi barokotse babikesha Silivesitiri Gacumbitsi kandi ko imiterere y'umulyango no gushyira imbere ubutabera bye byagombye kumubera impamvu nyoroshyacyaha. Bagasobanura ko Uregwa yashatse kandi akaba ali se w'abana batandatu; ko umugore we n'abo bana bagituye muli komini Rusumo ho mu Rwanda ndetse bakaba babanye neza n'abandi baturage. Uko abunganizi babivuga, igihano

³¹⁰ Igitabo cya mbere Werurwe 2004, urup. Rwa 57.

- cyoroheje, gishobora kugabanye akababaro k'abantu bo mu mulyango we batagize uruhare muli iyo ntambara³¹¹.
348. Ubunganira bavuga kandi ko Silivesitiri Gacumbitsi nta dosiye yigeze agira mu nkiko³¹², ko atigeze afungwa, ko atigeze yitwara nabi, ibyo bikaba byaratazweho ubuhamya n'abagabo bamuburaniraga³¹³.
349. Abunganizi bakavuga kandi ko Silivesitiri Gacumbitsi buli gihe yabaye burugumesitiri w'intangarugero yabashije guteka komini adakoresheje ivanguramoko, kandi buli gihe wasangaga afitanye umubano mwiza n'abo yayoboraga. Abaunganizi bagashyigikira nanone ko, kubona Silivesitiri Gacumbitsi yarabanaga buli gihe n'inshuti z'Abatutsi, bamwe ndtse bakaba bali babanye igihe kirekire, kandi ko abatangabuhamya bashinjura nabo bakemeza ko mbere ya Mata 1994, aliko byali bimeze. Hanyuma, Abunganira bakemeza ko umutekano wabashije kuboneka muli Rusumo mu gihe k'icyumwere cyakulikiye impanuka ya Perezida Habyalimana, ali ikimenyetso kerekana ko Uregwa yali burugumesitiri w'intangarugero. Abunganira bakongeraho ko icyo kimenyetso ko umubare w'abantu bakomoka mu makomine byegeranye bahungiyeye muli Rusumo muli icyo gihe, kandi ko aho amenyeye ko hali bagashoza ntambara batangiye ibikorwa bibi, ntiyatinze gutegeka ko bafatwa³¹⁴.

³¹¹ Igitabo cya mbere Werurwe 2004, urup. Rwa 56.

³¹² Inyandiko ya nyuma y'Abunganira, igika cya 1003.

³¹³ Inyandiko ya nyuma y'Abunganira, ibika bya 1004-1006.

³¹⁴ Inyandiko ya nyuma y'Abunganira, igika cya 1007.

350. Nk'uko Umushinjacyaha abibona, Silivesitiri Gacumbitsi yashoboraga kurengerwa n'impamvu nyoroshyacyaha iyo aza kugira ubufatanye n'Ubshinjacyaha kugirango ukuli kugerweho cyangwa iyo aza kwerekana ku yababajwe n'ubwicanyi bwo muli Mata 1994³¹⁵. Ibyo alibyo byose Umushinjacyaha yemeza, ahereye ku manza zaciwe mbere alizo urubanza rwa Kajelijeli³¹⁶ n'urw'Itangazamakuru³¹⁷, ku birebana Na Hassan Ngeze, ko hali bamwe mu Batutsi bahigwaga bahishwe mu rugo rw'Uregwa, ibyo ko bidahagije ko bifatwaho impamvu nyoroshyacyaha³¹⁸. Hanyuma, Umushinjacyaha yemeza ko ubwinshi n'uburemere bw'ibyaha byakozwe byagombye gutambamira ko hitabwaho imitere y'umulyango y'Uregwa ngo bigirwe impamvu nyoroshyacyaha³¹⁹.
351. Abunganira, mu gushyiraho ikirego kimwe cyonyine kijyanye no kutagira ukwicuza, bemeza ko Uregwa atashoboye kubyerekana, kuberako ataliwe ubwicanyi bwaturutseho, iyo niyo ngingo yafashe mu kumushinjura.³²⁰

Umwanzuro

352. Urugereko rutekereza ko igikorwa cyakozwe n'Uregwa wali burgumesitiri kigaragaza neza impamvu nyoroshyacyaha, kimwe n'imyitwalire ye ya mbere ya

³¹⁵ Inyandiko irangiza y'Umushinjacyaha, igika cya 451.

³¹⁶ Icibwa ly'Urubanza rwa Kajelijeli (Ch.).

³¹⁷ Icibwa ly'Urubanza rwa Nahimana na bagenzi be (Ch.).

³¹⁸ Inyandiko irangiza y'Umushinjacyaha, igika cya 425.

³¹⁹ Inyandiko irangiza y'Umushinjacyaha, Igika cya 456.

³²⁰ Inyandiko irengiza y'Abunganira, ibika bya 1018 na 1019

Mata 1994. Izo mpamvu zigaragazwa n'abatangabuhamya bashinjura, halimo n'ubuhamya bwite bwatazwe n'Uregwa, aliko nanone n'ubuhamya bwatazwe n'abashinja nk'ubwatanzwe n'uwo bise TAW. Uwo mutangabuhamya yasobanuye imitwalire myiza y'Uregwa ndetse n'umubano mwiza yagiranaga n'Abatutsi mbere y'urupfu rwa Perezida Habyalimana. Ikindi kandi umulyango w'Uregwa uracyatuye mu Rwanda, kandi ubanye neza n'abaturanyi bawo kandi bo mubwoko abwo alibwo bwose. Aliko lero, izo mpamvu nyoroshyacyaha zagombye gushyirwa ku munzani n'izindi mpamvu nkalishyacyaha mu gihe cyo kumufatira ibihano.

353. Nyamara, Urugereko muli uru rubanza, Uregwa yishyize mu murongo w'ibyakorwaga, aho kugirango abe yarashoboye guteganya mbere ko hariye kuzaba amahano muli Rusumo. Ikindi kandi, igihe yasabiraga ibihano byo hejuru Silivesitiri Gacumbitsi, Umushinjacyaha yavuze ku by'ubwinshi bw'ibyaha byakozwe mu Rwanda hose aho kuvuga ibyabaye muli komini Rusumo yonyine. Hanyuma Urugereko ntirwanzuye ko rwanyuzwe n'ikibazo cy'uko Uregwa yali umutegetsi w'abantu bakoraga ibyaha byakorewe muli komini Rusumo muli Mata 1994, ukuyemo abanyapolitiki bo mu rwego rwa komini ya Rusumo. Akaba aliyo mpamvu Urugereko rutagomba kwita kuli izo ngingo zitangwa n'Abunganizi ku bijyanye n'impamvu nkalishyacyaha.

D. URUTONDE RW'IBIHANO

354. Urugereko rugomba kwitaku mikorere ikulikizwa mu inkiko UMMR na UMMY mu byerekeye igenywa ly'ibihano, rusanga ko igihano kigomba, mbere ya byose, gukulikiza uburemere bw'icyaha. Abantu bahamwa n'icyaha cy'itsembabwoko cyangwa k'itsembatsemba nk'icyaha kibasira inyoko muntu, cyangwa ibyo byaha byombi, bagiye bahanishwa ibihano kuva ku myaka 15 y'igifungo kugza ku gifungo cya burundu. Ubulyo bwo kugira uruhare rudakabije cyangwa ruziguye buhanishwa muli rusange igihano cyoroheje. Urugero, nka G\joriji Ruggiu yakatiwe igifungo cy'imyaka 12 kubera guhamagalira gukora icyaha cy'itsembabwoko amaze kwemera icyaha, naho Elizefani Ntakirutinka ahanishwa igifungo cy'imyaka 10 bitewe by'umwihaliko n'imyaka y'iza bukuru, kuko yafashije kandi agashishikaliza gukora icyaha cy'itembabwoko.
355. Rukulikije ubusumbane rw'ibihano rusange by'igifungo bihanishwa muli izo nkiko zavuzwe n'izo mu Rwanda, rukita kandi ku mpamvu nyoroshyacyaha na nkalishyacyaha, Urugereko rusanga bikwiye guhanisha Silivesitiri Gacumbitsi igihano ntangarugero.

Umwanzuro

356. Kubera izo mpamvu, Urugereko rwa mbere rw'iremezo rukatiye Silivesitiri Gacumbitsi igihano rukumbi gikulikira.

IGIFUNGO CY'IMYAKA MIRONGO ITATU

- 357 Urugereko rutegetse ko igihano cyo gufungwa kizarangilizwa mu Gihugu kizamenyekanishwa nyuma nyuma y'i'ubwimvikane buzakorwa hagati y'Urugereko rwa mbere rw'iremezo, kandi ko igihe cy'igifungo cy'agateganyo kizagabanywa ku gihe igihano cyose kigombaga kuzamara.
358. Urugereko rutegetse nanone ko iki gihano kigomba guhita gishyirwa mu bikorwa. Ikemezo cy'ubujulire ni gitangazwa, igihe nikigera, iki gihano kizaba gisubitswe kugeza umunsi Urugereko rw'ubujulire ruzakatira urubanza, imfungwa hagatai aho izaguma ifungwe.
359. BIKOREWE Arusha, ku 17 Nyakanga 2004, mu gifaransa n'icyongereza, urulimi rw'icifaransa akaba alirwo rwemewe.

Andresia Vaz

Jai Ram Reddy

Sergei Alekseevich Egorrov

Peresidakazi

Umucamanza

Umucamanza

[kashe y'Urukiko)