MUSHIMIYIMANA, URUKIKO RWA MBERE RWIREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI, IKIZA RY'URUBANZA MU RUHAME RYO KUWA 5/03/1998.

Ière Partie

TRIBUNAL DE PREMIERE INSTANCE DE KIGALI
CHAMBRE SPECIALISEE
JUGEMENT RENDU EN SEANCE PUBLIQUE DU 5 MARS 1998

URUKIKO RWA MBERE RWIREMEZO RWA KIGALI,
URUGEREKO RWIHARIYE RURI I KIGALI
IKIZA RY'URUBANZA MU RUHAME RYO KUWA 5/03/1998.

ICYAHA CYITSEMBABWOKO NITSEMBATSEMBA NIBINDI BYAHA BYIBASIYE INYOKO-MUNTU - GATOZI CYANGWA IKITSO CYABANDI - ICYAHA KIGAMIJE KUYOGOZA IGIHUGU MU KWICA BITSEMBA IMBAGA - ICYAHA CYUBUHOTOZI - KUTAGOBOKA ABATURAGE BARI MU KAGA - UKWIREGA NO KWEMERA ICYAHA IMPANVU ZITUMA BYEMERWA NURUKIKO - IMPURIRANE Y'IMBONEZA MUGAMBI - URWEGO RWA MBERE RWABICANYI RUHARWA IGIHANO CYO KWICWA - KWAMBURWA UBURENGANZIRA BURUNDU -

1. Ukwirega no kwemera icyaha ntibyemerwa nurukiko iyo uwireze atavuga mu buryo burambuye ibyaha byubwicanyi yakoze, igihe yaviriye ahakorewe ibyaha nahantu yari atuye. Ukwirega no kwemera icyaha ntibyemerwa nurukiko iyo uwireze atavuga abantu bose bafatanyije ubwicanyi, kuko biba bigaragaza ko ahishira abandi bicanyi bafatanyije.

1. Le plaidoyer daveu de culpabilité nest pas acceptable lorsque laccusé ne dit pas en détail les crimes quil a commis, quand il a quitté le lieu du crime et où il habitait. Laveu et le plaidoyer de culpabilité nest pas acceptable lorsque laccusé ne donne pas la liste des coauteurs que cela montre quil veut ne pas révéler leur identité.

2. Ibirego byerekeye ibyaha byitsembabwoko, ibyaha byibasiye inyoko-muntu nibyaha byubuhotozi biba bifite ishingiro iyo uregwa abyemeye ubwe, akanavuga nabo bafatanije.

2. Les faits constitutifs du crime de génocide, de crimes contre lhumanité et dassassinat sont établis lorsque laccusé passe aux aveux et cite les coauteurs.

3. Uwakoze icyaha cyitsembabwoko ntashobora gukurikiranwaho icya ha cyo kudatabara abari mu kaga gakomeye kuko atashobora gutabara abo yashakaga kwica.

3. Nul ne peut être poursuivi à la fois pour non assistance à personne en danger et pour génocide parce quil ne peut pas secourir ceux quil a lintention de tuer.

4. Ibyaha biba byarakozwe mu buryo bwimpurirane y'imboneza mugambi iyo bigamije icyaha cyitsembabwoko nitsembatsemba n'ibindi byaha byibasiye inyoko-muntu. Uwabikoze kandi ashyirwa mu rwego rwa mbere rwabicanyi ruharwa bamamaye aho bari n'aho banyuze bagahanishwa ibihano bikomeye kurusha ibindi, igihano cyo kwicwa.

4. Il ya concours idéal dinfractions lorsque les faits établis visaient tous à faciliter le génocide et les crimes contre lhumanité. La personne convaincue de ces infractions est placée dans la première catégorie des criminels qui se sont distingués partout où ilsétaient et où ils sont passés et punis de la peine la plus lourde à savoir la peine de mort.

5. Ikirego cyabaregera indishyi nticyakirwa iyo nta bimenyetso bashyikirije urukiko byamasano bafitanye nabishwe nindishyi baka. Nta ndishyi zitangwa iyo abarega bazihawe mu rundi rubanza.

5. Les demandes en dommages et intérêtes ne sont pas recevables lorsque les demandeurs ne fournissent pas les preuves des relations existantes avec les victimes et des dommages subis. Le tribunal qui a déjà accordé des dommages-intérêts ne peut plus les accorder une deuxième fois pour les mêmes victimes dans un autre procès.

IKIZA RYURUBANZA (Jugement)

URUKIKO RWA MBERE RWIREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI, RUHABURANISHIRIZA IMANZA ZIBYAHA BYITSEMBABWOKO NITSEMBATSEMBA NIBYAHA BYIBASIYE INYOKO-MUNTU NIBINDI BYAHA BIFITANYE ISANO RWAKIJIJE URU RUBANZA MU BURYO BUKURIKIRA:

IKIZA RY'URUBANZA MU RUHAME RYO KUWA 5/03/1998.

HABURANA: UBUSHINJA-CYAHA

NA

MUSHIMIYIMANA Jean Pierre Alias Ninja, mwene RUCOGOZA NA MUKANKUSI Saveri wavukiye i Rwamatamu muri PREFEGITURA ya KIBUYE, akaba atuye i Mugozi, Komini Rwamatamu, washakanye na MUKASINE Jacqueline, bakaba bafitanye umwana umwe, yari umujandarume mu ngabo zatsinzwe, ubu akaba yikoreraga, imilimo y'ubukorikori ni umunyarwanda, nta mutungo afite uzwi kandi nta kindi cyaha kizwi yakoze.

IBYAHA AREGWA

1. Kuba ari muri Segiteri Biryogo, Komini Nyarugenge, Perefiegitura ya Kigali yUmujyi, muri Repubulika yu Rwanda, hagati yukwezi kwa 4 n'ukwa 6/94, ari

gatozi cyangwa ari icyitso cyabandi, yarakoze icyaha cyitsembabwoko nitsembatsemba nibindi byaha byibasiye inyoko-muntu. Icyo cyaha giteganywa kandi kigahanishwa n'amasezerano mpuzamahanga yo kuwa 9 Ukuboza 1948 yerekeranye no guhana icyaha cya Génocide, namasezerano mpuzamahanga yabereye i Genève kuwa 12 Kanama 1949 yerekeranye no kurengera abantu batari abasirikare mu gihe cyintanbara n'amasezerano yinyongera ndetse n'amase-zerano yo kuwa 26 Ugushyingo 1968 yerekeranye no kudasaza kwibyaha byintambara n'ibyaha byibasiye inyoko-muntu ndetse n'Itegeko-ngenga n° 08/96 ryo kuwa 30/8/96 ingingo ya 2 urwego rwa 1.C.

2. Kuba nanone ari aho hantu havuzwe haruguru, mu gihe kimwe, ari gatozi cyangwa ari ikitso cyabandi, yarakoze icyaha kigamije kuyogoza igihugu mu kwica bitsemba imbaga, icyo cyaha giteganywa kandi kigahanishwa n'ingingo ya 168 yigitabo cya II cyamategeko ahana yu Rwanda.

3. Kuba ari aho hantu hakomeje kuvugwa mu gihe kimwe, ari gatozi cyangwa ari ikitso cyabandi, yarakoze icyaha cyubuhotozi, icyo cyaha giteganjwa kandi kigahanishwa n'ingingo ya 312 y'igitabo cya II cyamategeko ahana yu Rwanda.

4. Kuba nanone ari aho hantu havuzwe mu gihe kimwe, ari gatozi cyangwa ari ikitso cy'abandi yarakoze icyaha cyo kutagoboka abaturage bari mu kaga. Icyo cyaha giteganywa kandi kigahanishwa ningingo ya 256 yigitabo cya II cy'amategeko ahana yu Rwanda.

ABAREGERA INDISHYI:

1 . NYATANYI J.B .
2. RANGIRA Said.
3. CYABAKANGA Etienne
4. NKURIKIYINKA Yunusu
5. KAYITETE Dorothée
6. KAMEGERI
7. MUKANSOROZA Pélagie

URUKIK0 :

RUMAZE kubona ibaruwa n° A/47/6539/S12/NRV yo kuwa 28/8/97 umushinja-cyaha wa mbere wurugereko Rwihariye yanndikiye Perezida wurugereko mu Rukiko rwa mbere rw'Iremezo rwa Kigali, amwoherereza dosiye RMP 6539/Sl2/NRV ya MUSHIMIYIMANA Jean Pierre Alias Ninja, amusaba ko iyo dosiye yaburanishwa;

RUMAZE kubona ko iyo dosiye yanditswe mu gitabo cyibirego cyUrukiko rwurugereko Rwihariye kuli n° R.P. 040/CS/KIG. Perezida afata icyemezo ko izaburanishwa kuwa 7/11/97, uwo munsi ugeze umenyeshwa ababuranyi;

RUMAZE kubona uwo munsi ugeze MUSHIMIYIMANA J.Pierre yitabye Urukiko, Ubushinja-cyaha buhagarariwe na RUCONDO n'abaregera indishyi bahari bunganirwa na Me UMUBYEYI ;

RUMAZE kumva MUSHIMIYIMANA J.Pierre abazwa niba umwirondoro asomewe numwanditsi w'Urukiko aruwe asubiza ko aruwe, ku kibazo cyuko yiburanira cyangwa afite umwunganira asubiza ko yiburanira aliko ko afite numwunganira Maître BALLO ;

RUMAZE kumva asobanurirwa ko Ubushinja-cyaha bwamusobanuriye inyungu afite zo kwirega no kivemera ibyaha akabikora aliko ntibyemerwe kuko hari ibyo atubahirije nko kutavuga abo bakoranye icyaha, abazwa niba agishaka kwirega no kwemera ibyaha, asubiza ko akibishaka;

RUMAZE kumva asomerwa inyandiko-mvugo yagiriwe imbere y'ubushinja-cyaha yirega kandi yemera ibyaha, abazwa niba haricyo ayongeraho avuga ko amazina yabo yishe hari ayo atibutse kuvuga muriyo nyandiko-mvugo aliko ko yabibutse nyuma aribo umuryango wa GAHIRA wari ugizwe n'abantu bane;

RUMAZE kumva MUSHIMIYIMANA J.Pierre avuga ko we nabo bafatanyije mu bwicanyi bahawe imbunda na Stanis SIMBIZI uretse uwitwa MUKIGA wamubwiye ko yayihawe na RWIGEMA Pierre Célestin;

RUMAZE kumva MUSHIMIYIMANA abazwa aho yari atuye nuko SIMBIZI yamuhuje n'abasirikare babili bafatanyije kwica, asubiza ko yari atuye mu Biryogo aho yari amaze umwaka akora akazi ku bufundi naho uko SIMBIZI yamuhuje n'abasirikare, avuga ko bahuye na SIMBIZI kuwa 7/4/1994 akababwira ko Perezida HABYALIMANA yapfuye kandi ko yishwe nabatutsi, rero bagomba kumuhorera, ibyo rero SIMBIZI yabivugaga ali kumwe na Théogène, n'Adjudant uyu nawe akaba ariwe waberekaga abo bica;

RUMAZE kumva abazwa abo bafatanije, avuga ko ari SIMBIZI Stanis, MUKIGA, ADJUDANT, SANKARA na THEOGENE, avuga ko arayo mazina yabo azi;

RUMAZE kumva abazwa niba abantu bishwe kuva itariki ya 7/4/94 kugeza tariki ya 24/5/94 mu Biryogo niba bari kumutwe wabo, asubiza ko hari n'ibindi bitero byicaga ;

RUMAZE kumva abazwa niba yemera iyindi miryango ashinjwa, asubiza ko bamubeshyera, ku kibazo cyamabariyeri yari mu Biryogo n'abari bayariho, asubiza ko hari bariyeri yari hafi yakagezi n'indi kwa MAYAKA ariko ko atazi abayakoreragaho;

Urukiko rusanze rutakwakira ukwirega no kwemera icyaha kwa MUSHIMIYIMANA kuko rutujuje ibisabwa nitegeko kuko:

1. Atavuga mu buryo burambuye ibyaha byubwicanyi yakoze hagati yitariki ya 10/4/94 - 24/5/94 igihe yaviriye mu Biryogo, kandi yemeza ko yakomezaga kwica, ahantu yari atuye, mu Biryogo, ahamaze hafi umwaka.

2. Ntabwo avuga abantu bose bafatanyije ubwicanyi mu Biryogo. Bikaba bigaragaza ko ahishira abandi bicanyi bafatanyije (uretse batandatu avuga) cyane cyane ko bitumvikana ko ari bo gusa bishe mu Biryogo.

RWEMEJE kutakira ukwirega no kwemera icyaha bya MUSHIMIYIMANA

RUTEGETSE ko uru rubanza rwimurirwa kuwa 21/11/1997 kugira ngo ruzabuzanishwe mu ngingo zarwo zose;

RUMAZE kubona uwo munsi ugeze MUSHIMIYIMANA Jean Pierre yitabye urukiko yunganirwa na Me BALLO Etienne, abaregera indishyi bitabye aribo MUGABO KAMEGERI Amri, RANGIRA Saïd, CYABAKANGA, RUTAYISIRE, NYATANYI, KAYITETE Dorothée, MUKAGACINYA, ubushinja-cyaha buhagarariwe na RUCONDO;

RUMAZE kumva ababuranyi basomewe icyemezo cyurukiko cyanga ukwirega no kwemera icyaha bya MUSHIMIYIMANA J.P.;

RUMAZE kumva MUSHIMIYIMANA J. P asomerwa ibyaha aregwa, abazwa niba abyemera, asubiza ko icyaha cyitsembabwoko nitsembatsemba acyemera, icyaha cyo kuyogoza igihugu atacyemera, icyaha cy'ubuhotozi nacyo acyemera, icyo kudatabara abali mu kaga atacyemera;

RUMAZE kumva MUSHIMIYIMANA J. P. abazwa uko yakoze icyaha cyitsembabwoko nitsembatsemba, asubiza ko mu gitondo cy'itariki ya 7/4/94 yabyutse agiye ku kazi, ageze kumuhanda ahura na Stanis SIMBIZI ri kumwe na Adjudant, caporal Sankara (abasirikare) na Théogène, ababwira ko abatutsi bishe HABYARIMANA ko bagomba kumuhorera, abaha imbunda abumvisha ko bagomba gukurikiza amabwiriza abahaye, ko batayakulikije bazaba ari ibyitso, nibwo batangiye ubwicanyi;

RUMAZE kumva MUSHIMIYIMANA abazwa igihe batangiriye kwica nabo bishe, avuga ko batangiye kuwa 7/4/94 kugeza kuwa 24/5/94, avuga ko mubo bishe hari Issa numugore we, ZAHARA numwana wabo, kandi ko bari abatutsi;

RUMAZE kumva abazwa abantu bose yishe, asubiza ko yishe 14, ku kibazo niba ari abo gusa kuva kuwa 7/4/94 kugeza kuwa 24/5/94 avuga ko hari umuryango wa GAHIMA wari ugizwe nabantu bane, MUKAKARERA, umugore wa BAMBANZA na MUKARUKAKA Belancilla, abo nemera ni 19 hamwe nabo twari kumwe, nishe benshi ntamenya umubare;

RUMAZE kumva MUSHIMIYIMANA abazwa ko muri abo bose yishe harimo abahutu asubiza ko barimo batavugaga rumwe nubutegetsi, avuga ko ibyo byaje nyuma ndetse avuga ko aribyo byatumye ahunga;

RUMAZE kumva MUSHIMIYIMANA abazwa niba icyaha cy'iyogoza igihugu mu gutsemba imbaga (art168) asubiza ko atacyemera, avuga ko we yumva ko icyo cyaha yumva ko byose ari ukwica;

RUMAZE kumva abazwa niba yemera icyaha cyo gusahura, asubiza ko atasahuye kuko uwari wamuhaye amabwiriza yari yamubujije gusahura amubwira kwica gusa;

RUMAZE kumva OMP asaba ijambo, agasaba urukiko ko rumubariza MUSHIMIYIMANA niba aho bicaga hose babaga bari kumwe nabasirikare yavuze haruguru, nuwari umukuru wibitero, asubiza urukiko ko hose bajyanaga, ko uwari mukuru wibitero yari adjudant;

RUMAZE kumva abazwa niba nta bandi bantu bicwaga areba, niba nta ntumbi yacagaho, asubiza ko yabonaga ibitero hakurya akumva ninduru aliko ko atabyitagaho, naho intumbi zo ngo yarazibonaga zitwikiriye;

RUMAZE kmva abazwa niba ntabantu yatabaye cyangwa yasabiye imbabazi, avuga ko hari abo yari azi aho bihishe ntabavuge kandi ntabice abo ni nka: NTAGANIRA, umugore wari wihishe kwa BIRARA n'umwana we, avuga ko ku kibazo cy'imbabazi ntawe yazisabiye kandi kubakiriho narazibahaye abapfuye nabo barazinsabye sinazibaha;

RUMAZE kumva abazwa niba nta bantu bandi yishe uretse bariya 19 asubiza ko byose abyemera (ibyo kwica);

RUMAZE kumva Maître Ballo Etienne asaba ijambo akavuga mbere yuko abaregera indishyi bahabwa ijambo, avuga ko abona ko uwo yunganira yemera ibyaha ashinjwa (ibyo yabivugaga mu gifaransa umusemuzi NTIVUGURUZWA wari warahiye agasemurira Urukiko), gusa birababaje ko umuntu yakwibaza ko hari ibyo ahisha, gusa aliko kandi ko abona asa nuwataye umutwe, ninayo mpamvu akeka ko atibuka byose, asaba urukiko kubisuzuma; kubyerekeye kudatabara yagombye kubyemera kuko abantu barapfaga nawe ashaka ko bapfa, bigatuma atabatabara, kwemera icyaha cyitsembabwoko n'ubuhotozi ndumva atabikurikiranwaho;

RUMAZE kumva KAYITETE Dorothée ushinja Ninja ahabwa ijambo avuga ko ashinja MUSHIMIYIMANA kuba yarishe KATUMBA kuwa 28/3/94 bigatuma ndetse abe bahunga Biryogo, avuga kandi ko yamubonanye imbunda kuwa 7/4/94 saa 6h 30 mu gitondo;

RUMAZE kumva MUSHIMIYIMANA asabwa kugira icyo avuga kubyo KAYITETE avuze, asubiza ko mbere yo kuwa 6/4/94 nta mbunda bari bamuhaye kandi ko kuwa 27/3/94 yari ataragera mu mujyi;

RUMAZE kumva KAYITETE abazwa niba hari ikindi afite avuga, asubiza ko MUSHIMIYIMANA yakoresheje agatsiko agakora bariyeri, atondeka abantu ari kumwe na muramu we bica bose hari ku kazu kamazi;

RUMAZE kumva MUSHIMIYIMANA abazwa niba abyemera avuga ko yishe gusa aliko nta bariyeri yagiyeho;

RUMAZE kumva KAYITETE avuga ko hari nabahutu bari bahari babyemeza;

RUMAZE kumva Ninja abazwa niba nta bantu bahaguye asubiza ko haguye abantu batanu;

RUMAZE kumva MUKAGACINYA, amaze kurahira, abazwa icyo azi kuli MUSHIMIYIMANA avuga ko amuzi mbere ya 1994, avuga ko yamubonye muwi 1988 yinjira mu gisirikali yongera kumwumva muri 1992 mwitwika rya Bugesera, abavagayo bavuga ko yatsembye abantu, avuga kandi ko kuwa 7/4/94 saa kumi 12 yaramaze kwica abantu 7 abarasiye kwa muramu we ko yabibonye kuko baturanye, saa moya yuwo munsi yishe NDOLI na baramu we 2, amanukana abahungu 6 abatsinda muri ruhurura mureba, saa 2 yishe barumuna banjye 2 na mukuru wanjye n'abana, yishe kandi MUTIMURA, SILIRO, MUTEMBEREZI, NDUGUTEYE na KALISA, mw'ijoro ryo kuwa 24/4 lishyira uwa 25/4/94 Ninja, Konseye , KAREKEZI, na Sergent Major J. Paul na MUSABENDE bateye Cercle bahasahura amafaranga 3.000.000 namadorari atazwi (MUKAGACINYA) umubare bayagabanira kwa Venant, aho bishe hose barahasahuraga;

RUMAZE kumva MUSHIMIYIMANA alias Ninja abazwa niba hari ibyo avuguruza kubyo bamushinja, avuga ko MUKAGACINYA abeshya ko muri 1992 yari Byumba akavayo ajya mu Ruhengeri, ko muri 1988 yakoraga ku i posta ku Kibuye , naho ibyo gusahura nabyo babeshya ko uwo mukiga avuga yari yarabohoje inzu ya musaza we;

RUMAZE kumva MUKAGACINYA abazwa niba hari icyo yongera ku mvugo ze avuga ko MUSHIMIYIMANA nabo bafatanyije bamaze kunywa urumogi bajyaga kwica no gusahura, avuga kandi ko ba Ninja kuwa 5/4/94 bagiriye inama kwa OSCAR igamije kwica abatutsi nabohereje abana babo muri FPR;

RUMAZE kumva MUSHIMIYIMANA abazwa niba hari ikindi avuga, avuga ko MUKAGACINYA abeshya kuko iyo aba yarakoze nabi mbere aba afite dosiye, avuga ko niba MUKAGACINYA afite ibimenyetso yabitanga, arangiza kubyo MUKAGACINYA yamushinjaga avuga ko yavuye mu gisirikare muri 1993 mu kwezi kwa gatatu;

RUMAZE kumva NYATANYI J. P. avuga icyo azi kuri MUSHIMIYIMANA avuga ko mbere yuko HABYALIMANA apfa MUSHIMIYIMANA yari afite imbunda na grenade ari kumwe na NGEZE HASSANI, KAREKEZI, na JAFARI bagiye RWAMPARA kwa ZACHARIE bahatera grenade, rero arabeshya ntiyatangiye kwica kuwa 7/4/94, avuga ko MUSHIMIYIMANA yari kumwe na MUGESERA, CYOTARA, GATERA HALIDI, ASSOUMANI, HABIB, SALEHE, TURATSINZE, KINDONDI, BUKURU na GATO abo bose bakoraga amanama batera amagrenade;

RUMAZE kumva RUTAYISIRE Eugène, amaze kurahira, avuga ko Ninja ari kumwe na NGEZE Hassan, KAREKEZI, RYEZE Damascène, RWANKUBITO, hari kamyoneti irimo imipanga, (Ninja) aramuhamagara aramubwira ati akanyu kashobotse, akomeza avuga ko yasubiye kubona Ninja kuwa 6/4/94 hari mu saa tatu batera grenade kwa KANYAMUDENGE basahura, abantu batangiye guhunga, kuwa 7/4/94 mu gitondo Ninja atangira ngo yamubonye arasa aliko ntiyabonye abo yishe;

RUMAZE kumva MUYOMBANA Joseph, amaze kurahira, abazwa kuvuga icyo azi kuli MUSHIMIYIMANA alias Ninja, avuga ko Ninja ari kumwe ninterahamwe UWERA, RUTAGANDA, UWAMWEZI Edith, afite imbunda, yasanze yicaye ku nzu iwe ari kumwe na Serge RUTAGENGWA babaza aho abandi bari, abari kwa CYABAKANGA bahita basohoka, bategeka umuryango wa CYABAGAMBA gusubira aho bari bari kwa NYATANYI Jean, abandi babasubiza mu nzu barinjirana hanyuma numva amasasu aravuze, hanyuma Ninja arasohoka amubaza ibya ngombwa ati uri umututsi aremera amwinjiza iwe mu nzu amwaka amafaranga arayabura amubwira ko ayafite muri Banque amusaba chèque arayimwandikira ya 25.000 Frw, aramusohokana amujyana kuri bariyeri aramushingana avuga ko ariwe uzamwiyicira, bucyeye Ninja agaruka kureba ko MUYOMBANA akiriho, avuga ko chèque Ninja atayifashe kuko Banque yari ifunze MUYOMBANA avuga ko yahungiye muri collège ko ngo atasubiye kubona Ninja, avaga ko icyatumye adapfa ari uko umunsi utari wageze;

RUMAZE kumva MUKANDOLI Caritas, amaze kurahira abazwa kugira icyo avuga, ku byo Ninja aregwa, avuga ko yumvise Ninja avuga ngo agiye guhorera HABYALIMANA hanyuma MUKANDOLI Caritas ko yahise yinjira mu nzu ari kumwe na TWAGIRA ubwo Ninja yica Claude wigishaga muri C.C.F. yica EMILE amurashe, Ninja aherako amanuka ajya gukaraba amaraso yari afite ku ntoki ayahabwa na KIJYAMBERE, NINJA yari kumwe na BIRARA na MUGESERA bica abantu bari kwa CYABAKANGA abo bantu bose bapfiriye umunsi umwe;

IIème Partie

RUMAZE kumva RWABUHINDI Valence, amaze kurahira abazwa icyo azi kuri NINJA avuga ko yamubonye yica abantu mu Rwampara avanye kwisoko, ahica CLOTILDE, UWANTEGE, na CYRILLE numugore numwana muri iryo joro yishe abantu 40, njye nari nihishe kwa NYAMASWA hanyuma njya kwa GIHANGA nongeye kumubona afite Mazda ubwo hari mu kwezi kwa 6, nyuma sinasubiye kumubona;

RUMAZE kumva MUKANKUSI Safina, amaze kurahira abazwa niba yari azi MUSHIMIYIMANA J.P. Alias Ninja, avuga ko yamubonye kwa CYABAKANGA bapfa kuko baturanye, avuga ko Ninja yaje iwe agafata umwana akareba muri garde-robe no munsi yigitanda hanyuma akamusaba amafaranga amuha 400 yari afite arayanga; ku kibazo cyuko yabonye, uko kwa CYABAKANGA bapfuye, avuga ko atabibonye ariko ko yumvaga izina rya Ninja;

RUMAZE kumva MUSHIMIYIMANA abazwa abamaze kumushinja icyo Urukiko rwababamubaliza, avuga ko bari bakwiye kumusubiriramo ibyo bavuze, ku kibazo cyuko yari ahari avuga ko ibyo Caritas yavuze adahuza n'abandi, kandi ko buri wese adahurira n'undi ku bimenyetso batanga, avuga ko kubyubufatanye bwe n'interahamwe atazi niba hari ibimenyetso babifitiye; akomeza avuga ko ibyo bamushinja ari ibinyoma akomeza asaba Urukiko ko rwamubaliza NYATANYI icyo yakoraga nubutegetsi yaba yarifashishije, asaba kandi ko rwamubaliza RWABUHINDI uko yamubonye kandi yari yihishe asaba na none ko Caritas yavuga aho yari abona arasa umuntu;

RUMAZE kumva Caritas abazwa igihe cya Génocide aho yari yihishe avuga ko atihishe, avuga ko igitero cyishe CYABAKANGA cyaje saa tatu za mu gitondo, ko kandi ariwe wagiye gushaka ibyo kubahambamo, avuga ko icyo gitero cyari kigizwe na Ninja, Mugesera, Zaïrwa, Bizimana, Twagira, ko baje bashoreye umwana wo kwa CYABAKANGA atibuka izina;

RUMAZE kumva MUSHIMIYIMANA asabwa kwisobanura kubyo Caritas avuze, avuga ko ibyo avuze ari ibinyoma kuko bidahura n'ibya NYATANYI asaba ko bamubaliza NYATANYI icyatumye yaramusanze iwe ntamwice, avuga ko ibya chèque MUYOMBANA avuga atabyemera bitabayeho;

RUMAZE kumva Ninja abazwa niba hari abantu yakijije, avuga ko yakijije umugore atazi amazina, numusore witwa NTAGANIRA;

RUMAZE kumva RWABUHINDI asabwa gusobanura uko yabonye Ninja yica abantu 41 nuko we yarokotse, asubiza ko yabonye Ninja arasa kwa Cyrille akikinga ku kigo kwa BITONI Ninja ntiyamubona, kandi hari hegereye bariyeri, avuga ko abo bantu bose barashwe na Ninja, ku kibazo cyuko Ninja ariwe wakuruye izo ntumbi wenyine, asubiza ko ariwe wazikururaga azijyana kuri bariyeri, arangije RWABUHINDI aramucika, Ninja ararakara yica umuhungu wa Idi Amiri;

RUMAZE kimva Ninja abazwa niba hari icyo avuga kubyo RWABUHINDI amushinja, asubiza abaza icyatumye yihisha, asubizwa ko byasobanuwe;

RUMAZE kumva abaregera indishyi babazwa indishyi basaba, no kwisobanura; NYATANYI J.B. avuga ko Ninja yishe mushiki we Gerardine nabana be 3 abasanze kwa CYABAKANGA akanamusenyera ninzu, byose akaba abisabira indishyi zingana na 40.000.000 Frw ku kibazo cyuko hari ibimenyetso abifitiye avuga ko hari ibyo yatanze mu rubanza rwa KAREKEZI aliko ko hari ibyo afite yerekana;

RANGIRA SAID,avuga ko Ninja yamurasiye umuryango double métallique akaba awusabira indishyi zingana na 200.000 Frw;

CYABAKANGA Etienne, avuga ko Ninja yamwiciye umugore nabana batatu, akamutwikira inzu nimodoka, ibyo byose akaba yarabitangiye ibimenyetso mu rubanza rwa KAREKEZI Amuri, akaba asaba urukiko ko Ninja yafatanya na KAREKEZI kuriha izo ndishyi zakababaro;

NKURIKIYINKA Yunusu, avuga ko yamwiciye umuvandimwe we HITIMANA Hussein, akaba afite ibimenyetso byuko uwo Ninja yishe ari umuvandimwe we; akaba asaba indishyi za 24.120.000 Frw;

KAYITETE Dorothée , avuga ko Ninja yishe umugabo we SIMPUNGA. Cyrille n'umwana we KANEZA, murumuna we MUKANDAMAGE Clothilde na Médiatrice UWANTEGE na mukuru we Concessa akaba byose abisabira indishyï zingana na 40.000.000 Frw;

KAMEGELI, avuga ko Ninja yamwiciye umuvandimwe we NKUSI Evode ariko akaba atabona indishyi yabisabira, akaba yaramusenyeye nibintu bimwe kunzu bifite agaciro ka 1.566.000 Frw;

MUKASOROZA Pélagie, avuga ko Ninja yishe musaza we BAZINA Emile nabana be BUGANURE Yassini, KAYITARE Amini, na SENDAKIZE Emile ; akaba asaba kuri buri mwana 4.000.000 Frw, izi ndishyi ngo ni nazo yasabye mu rubanza rwa KAREKEZI nibimenyetso akaba yarabitanze muri urwo rubanza;

RUMAZE kumva Me Etienne B. ahabwa ijambo ngo agire icyo avuga kuri izo ndishyi, avuga ko kubera ko ushinjwa atashoboye kuvuga abo yishe ku giti cye, ko urukiko rwarenganura abaregera indishyi kubyo basaba cyane kubyangijwe niba hari ibimenyetso bafite;

RUMAZE kumva umushinja-cyaha ahabwa ijambo, yibutsa ibyaha Ninja yakoze avaga HABYALIMANA amaze gupfa, abazize ubwoko, Ninja abica urwagashinyaguro, yica umubare nawe atazi, akomeza avuga ko Ninja yahoze ari umusirikare nyuma mu ntambara yitabira kwica nu Biryogo nahandi yishe nka ba MUTIMURA, EMILE, CONCESSA, KALISA, ALEXIS, MEDIATRICE, KAYIJUKA, nabandi afatanyije na muramu we MUKIGA;

RUMAZE kumva umushinja-cyaha asabira ibihano MUSHIMIYIMANANA J.P. Alias Ninja, avuga ko amusabira ibihano bikurikira:

Gushyira Ninja mu rwego rwa mbere agahanishwa urupfu

Gutanga indishyi zibyangiritse byose kubera Ninja,

Gutanga amagarama yurukiko mu gihe giteganyijwe bitaba ibyo agakurwa mu bye ku ngufu za Leta,

Gutanga miliyari imwe yimpozamarira ayo mafaranga agahabwa abana bimpfubyi ndetse nabapfakazibabuze ababo kubera itsembabwoko nitsembatsemba;

Gukurikirana abandi bose bafatanyije nawe gukora icyaha cyitsembabwoko;

RUMAZE kumva MUSHIMIYIMANA J.P. alias Ninja ahabwa ijambo ngo agire icyo yongera ku rubanza rwe, avuga ko byagaragaye ko ibyaha bimuhama nkaba mbisabira imbazi nkuko nazisabye;

RUSANZE ibyaha MUSHIMIYIMANA J.P Alias Ninja aregwa byitsembabwoko ibyibasiye inyoko-muntu nibyubuhotozi yakoreye mu Biryogo bimuhama kuko abyemera, akanavuga ko yarafatanije na SIMBIZI Stanis (ariwe wahaye Ninja imbunda) n'adjudant atazi izina- na caporal SANKARA, THEOGENE, SELEMENI, wari responsable na MUKIGA ; bakaba barishe abantu 19 harimo Issa, Zahara n'abana babo MUKARUKAKA Berancilla umuryango wa GAHOMA, numugore wa BAMBANZA bakaba barabishe kwitariki ya 7/4/1994 kugeza 9/4/94;

RUSANZE atari abantu 19 MUSHIMIYIMANA nabo bafatanyije bishe gusa, barishe abandi benshi mu Biryogo, batazi umubare, nkuko na MUSHIMIYIMANA ubwe abyiyemerera, ndetse n'abagabo bakabyemeza, abo bantu bakaba barabishe kugeza italiki ya 24/5/1994 italiki MUSHIMIYIMANA yemeza ko yahungiyeho;

RUSANZE icyaha cyo kudatabara abari mu kaga ataragi koze kuko abo yatabaye aribo yicaga;

RUSANZE ibyaha MUSHIMIYIMANA J.P. aregwa yarabikoze mu buryo bwimpurirane y'imboneza mugembi bigamije icyaha cyitsembabwoko nitsemba-tsemba n'ibindi byaha byibasiye inyoko-muntu kandi bimushyira mu rwego rwa mbere rwumwicanyi ruharwa wamamaye aho yari n'aho yanyuze kubera umutwe yagize mu bwicanyi akaba agomba guhanishwa ibihano bikomeye kurusha ibindi;

RUSANZE indishyi RUTAYIRE asaba atazihabwa kuko yazihawe mu rubanza rwa KAREKEZI Amuri na NYATANYI J. Baptiste izo asaba muri uru rubanza atazihabwa kuko nawe yazihawe mu rubanza rwa KAREKEZI Amuri;

RUSANZE indishyi KAMEGERI Amuri asaba za 1.566.000 Frw zibintu bye byangiritse n'ibyasahuwe, atazihabwa kuko ibimenyetso atanga Urukiko rutabishingiraho ;

RUSANZE abandi baregera indishyi muri uru rubanza aribo RANGIRA Saïd, CYABAKANGA, NKURIKIYINKA Yunusu, MUKANSOROZA Pélagie, na KAYITETE Dorothée, batazihabwa kuko nta kimenyetso na kimwe bashyikirije urukiko;

KUBERA IZO MPAMVU ZOSE RUBONYE MU RUHAME USHINJWA NABAREGERA INDISHYI BAHARI:

RUSHINGIYE ku itegeko -shingiro rya Repubulika yu Rwanda nkuko ryavuguruwe kuwa 16/01/1996

1° Ku Itegeko-Nshinga rya Repubulika y'u Rwanda ku ngingo 12,14,33,92-95;

2° Ku masezerano yamahoro ya Arusha yerekeranye n'Igabana ryubutegetsi cyane cyane ku ngingo za 25 na 26;

RUSHINGIYE ku ngingo za 6,12,76,104,129,199, na 200 z'Itegeko-Ngenga n° 09/90 ryo kuwa 7/7/1980 rishinga imitunganyirize nububasha bw'Inkiko;

RUSHINGIYE ku ngingo za 1, 2, 3, 11, 14a, 17a, 19, 21, 22al 1, 27, 29al3 ,30 z'Itegeko-Ngenga n°8/96 ryo kuwa 30/8/1996 rigena imitunganyirize nikurikirana ryibyaha bigize icyaha cy'itsembabwoko nitsembatsemba cyangwa ibyaha byibasiye inyoko-muntu byakozwe kuva tariki ya 1 Ukwakira 1990;

RUSHINGIYE ku masezerano mpuzamahanga yo kuwa 9/19/1948 yerekeranye no guhana icyaha cyitsembwoko nitsembatsemba;

RUSHINGIYE ku ngingso za 16,17,20,58,59,61,63,71,73,76,83,84, 90,138 zigitabo cyamategeko agenga imiburanishirize yimanza zinshinjabyaha;

RUSHINGIYE KUu ngingo za,66,89,90,91,168,281 na 312 zigitabo cyamategeko ahana;

RWEMEYE kwakira no gusuzuma ikirego cyubushinja-cyaha n'ibirego by'indishyi kuko byaje mu nzira zemewe n'amategeko kandi ko bifite ishingiro;

RUKIJIJE KO MUSHIMIYIMANA J. Pierre ALIAS NINJA ATSINZWE;

RUTEGETSE MUSHIMIYIMANA J. Pierre ahanishwa igihano cyurupfu;
RUTEGETSE ko MUSHIMIYIMANA J. Pierre yamburwa uburenganzira bwose yari afite mu Rwanda;

RUTEGETSE MUSHIMIYIMANA J. Pierre gutanga amafaranga 15.200.Frw yamagarama yuru rubanza atayatanga mu gihe cy'ukwezi agafungwa iminsi 15 yubugwatira mubiri, akanavanvra mu bye ku ngufu za Leta;

RUVUZE KO iminsi yo kujurira ari 15;

RUVUZE KO rwatinze gucibwa kubera ko umwe mu bacamanza yari arwaye;

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 5/3/1998 MU RUKIKO RWA MBERE RWIREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI, HARI ABACAMANZA: RUTAREMARA Jariel, (PEREZIDA), HAKIZIMANA Sébastien, na RWAGAHUNGU Albert (ABAJUJI) RUCONDO Vincent (UMUSHINJA-CYAHA) na BATAMULIZA Maya (UMWANDITSI).

JUJI PEREZIDA JUJI UMWANDITSI

HAKIZIMANA S. RUTAREMARA J. RWAGAHUNGU A. BATAMULIZA Maya
(sé) (sé) (sé) (sé)