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URUGEREKO RW'IBANZE, ICYUMBA I

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IBYABEREYE MURI REPUBULIKA IHARANIRA DEMOKARASI YA KONGO

URUBANZA POROKIRERI aburana na BOSCO NTAGANDA

Iyi nyandiko ishyirwa ahagaragara

Inyandiko Ikubiyemo Ibirego

Inkomoko : Ibiro bya Porokireri

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Abavoka bahagarariye abaregera indishyi

Abahohotewe badahagarariwe

Abasabye gukurikirana urubanza n'abaregera indishyi badahagarariwe

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A. INTANGIRIRO

1. Kuva ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, **Bosco NTAGANDA** yagize uruhare mu mugambi wo kwigarurira ubutegetsi bwa gisirikare n'ubwa politiki muri Ituri, kwigarurira uturere two muri Ituri tutiganjemo Abahema no kumenesha abaturage b'abasiviri batari Abahema, cyane cyane Abalendu, Abangiti n'*abimukira* (« abaturage b'abasiviri batari Abahema »)[1], hakoreshejwe uburyo burimo ibyaha bikurikira : kwica cyangwa kugerageza kwica, kugaba ibitero ku baturage b'abasiviri, gusambanya ku gahato, gushyira mu bucakara bushingiye ku gitsina, gutoteza, gusahura, kwimura abaturage ku gahato, kwinjiza mu gisirikare ku gahato abana bari munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano, kugaba ibitero ku nyubako za gisiviri zirinzwe no gusenya amazu (« Umugambi Uhuriweho »).

2. Byongeye kandi, **Bosco NTAGANDA** ku giti cye yakoze ibyaha byo kwica no kugerageza kwica, kugaba ibitero ku baturage b'abasiviri, gutoteza, gusahura, kwimura abaturage ku gahato, kwinjiza mu gisirikare ku gahato abana bari munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano, kugaba ibitero ku nyubako za gisiviri zirinzwe no gusenya amazu. Mu gukora ibi byaha we ubwe, abo yari ashinzwe kuyobora bahari kandi babizi, **Bosco NTAGANDA** yatanze urugero ku bo yayoboraga, maze abatera gukora ibyaha bisa n'ibyo we yakoze. Iyo myifatire ye nk' « icyitegererezo » mu byaha imbere y'abo yari ashinzwe kuyobora byabaye uruhare rw'inyongera yagize mu Mugambi Uhuruweho.

[1] Iri jambo rikubiyemo abantu batari bafite uruhare mu mirwano, harimo n'abantu bari barahoze mu mitwe y'abarwanyi ariko bashyize intwaro zabo hasi, hamwe n'abari batakiri mu mirwano *(hors de combat)* kubera kurwara, gukomereka, cyangwa izindi mpamvu izo ari zo zose (ingingo ya 8(2)(c)).

3. Uwo Mugambi Uhuriweho wari ukubiyemo uburyo bwinshi bw'itoteza n'ibikorwa bigambiriwe : kwibasira ku bushake abaturage b'abasiviri batari Abahema bo muri Ituri, kubamenesha no kwigarurira uturere bari batuyemo, no gukoresha ku bushake abasirikare b'abana, cyane cyane Abahema, mu gushyiraho ingabo no kugaba ibitero.

4. Kuva nibura ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, hariho intambara itari mpuzamahanga muri Ituri, Repubulika iharanira demokarasi ya Kongo (« RDC »). **Bosco NTAGANDA** araregwa ibyaha by'intambara byo kwinjiza mu gisirikare ku gahato abana bari munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano mu karere ka Ituri muri icyo gihe cyose cyabayemo ibyo aregwa. Araregwa kandi ibyaha byo gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina abasirikare b'abana bari bari mu bagize itsinda rye muri ako karere kavuzwe no muri icyo gihe nyine.

5. Kuva nibura ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, **Bosco NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha, bakoresheje ingabo za *Forces Patriotiques pour la Libération du Congo* (« FPLC »), ishami rya gisirikare rya *Union des Patriotes Congolais* (« UPC ») na/cyangwa Abahema b'abasiviri bafashaga UPC/FPLC (« Abahema b'abasiviri babafashaga »), bagabye ibitero rusange kandi biri kuri gahunda ku baturage b'abasiviri. Muri iyi nyandiko ikubiyemo ibirego, **Bosco NTAGANDA** araregwa ibyaha bikomoka ku bikorwa bye cyangwa ku byo yagombaga gukora ariko atakoze, mu gihe cyangwa nyuma y'igitero cyagabwe muri *kolekitivite* ya Banyali-Kilo mu Gushyingo no mu Kuboza 2002, no mu gihe cyangwa nyuma y'igitero cyagabwe muri *kolekitivite* ya Walendu-Djatsi muri Gashyantare na Werurwe 2003. Ibi bitero uko ari bibiri byari bimwe mu bitero rusange cyangwa biri kuri gahunda byagabwe ku baturage batari Abahema, kandi

hakurikijwe umurongo ugenderwaho n'uwo mutwe. Koko, ibi bitero uko ari bibiri ubwabyo n'uko biteye bigaragara ko ari ibitero byari byibasiye abaturage b'abasiviri. **Bosco NTAGANDA** araregwa kandi ibyakozwe hamwe n'ibitarakozwe kandi byari ngombwa, ibyo bikaba ari ibyaha by'intambara byakozwe mu gihe ibi bitero uko ari bibiri byagabwe.[2]

6. **Bosco NTAGANDA** ni we wari komanda w'ingenzi ushinzwe ibikorwa bya gisirikare muri FPLC guhera muri Nzeri 2002, ubwo yagizwe Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare.[3] Mbere y'ishingwa rya FPLC ku mugaragaro muri Nzeri 2002, ni we wari komanda w'ingenzi ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare w'ingabo zaje kwitwa FPLC. Kubera ko yari komanda w'ingenzi ushinzwe ibikorwa bya gisirikare, yashyizeho gahunda z'ibitero akoresha inama zo kubitegura hamwe n'abo bafatanyije gukora ibyaha, kandi we ubwe yagiye mu bitero byagabwe ayobora ingabo zari ku rugamba, yatanze amategeko mbere no mu gihe ibitero byagabwaga, kandi na we ubwe yagiye ku rugamba. Yanashakaga imbunda n'amasasu maze akabiha abasirikare.

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[2] Ibireba ibyaha byakozwe na UPC/FPLC mu bihe by'ibitero byibasiye abaturage b'abasiviri (ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003), ariko bidafitanye isano n'ibyaha byakozwe na Bosco NTAGANDA cyangwa ibintu atakoze kandi yaragombaga kubikora mu gihe cyangwa nyuma y'igitero cyagabwe muri *kolekitivite* ya Banyali-Kilo mu Gushyingo kugeza mu Kuboza 2002, n'igitero cyagabwe muri *kolekitivite* ya Walendu-Djatsi muri Gashyantare kugeza muri Werurwe 2003 bizakoreshwa n'Ubushinjacyaha mu kugaragaza ibimenyetso bishingiye ku byabaye biranga ibyaha by'intambara n'ibyaha byibasiye inyokomuntu, no kuba Bosco NTAGANDA yari afite umugambi n'ubumenyi bw'ibintu, hakurikijwe ibiteganywa n'ingingo ya 30. Itandukaniro rimwe ryonyine ni iryerekeye ibyaha by'intambara byo kwinjiza mu gisirikare ku gahato abana bari munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano, n'ibyaha byo gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina abasirikare b'abana bari bari muri UPC/FPLC, Bosco NTAGANDA akaba ashinjwa ibyo byaha mu gihe gihera ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003.

[3] UPC/FPLC ni umutwe wa politiki n'igisirikare. UPC ni ishami rya politiki, naho FPLC ni ishami rya gisirikare. Uwo mutwe wakunze kujya uvugwa ko witwa gusa « UPC ». Muri iyi nyandiko ikubiyemo ibirego, Ubushinjacyaha bwakoresheje UPC/FPLC, UPC cyangwa FPLC, byose bikaba bivuga kimwe.

7. **Bosco NTAGANDA** yari afite ububasha bwo gutegeka no kugenzura izo ngabo,[4] zari ingabo zigendera kuri gahunda ihamye, zifite inzego z'ubuyobozi, zifite ibikoresho bihagije kandi zahawe imyitozo ihagije. Yahaga amabwiriza n'amategeko ingabo za UPC/FPLC, kandi yari afite ububasha bwo gushyiraho amategeko agenga imyitwarire no gutanga ibihano. Ibyaha byakozwe akenshi hari kubahirizwa amategeko yari yatanzwe na **Bosco NTAGANDA** n'abo bafatanije ibyaha, harimo Thomas LUBANGA (« LUBANGA ») na Floribert KISEMBO (« KISEMBO »). Mu kwezi kw'Ukuboza 2003, LUBANGA yazamuye **Bosco NTAGANDA** ku ipeti ry'Umugaba Mukuru w'ingabo wa FPLC, amushimira ibikorwa yakoze mu rwego rwa gisirikare.

8. Kuva nibura muri Mata 2002 na nyuma yaho, **Bosco NTAGANDA** we ubwe yakoze ibyaha cyangwa yakoze ibiranga icyaha nyirizina bigaragara {éléments matériels} : yinjije mu gisirikare anakoresha imyitozo ya gisirikare urubyiruko, harimo n'abana bafite munsi y'imyaka 15 y'amavuko kandi abashora ku rugamba mu gihe cy'imirwano ; yagiye gusura ibigo byaberagamo imyitozo ya gisirikare, yashishikaje abarikiri ndetse anayobora imihango yo kwinjizwa kwabo mu mirimo ya gisirikare ; yahaye abasirikare imbunda, za iniforume, n'amasasu ; yanateguye ibitero, abishyira kuri gahunda, abitangaho amategeko, abibera umuhuzabikorwa ndetse aranabiyobora, harimo n'ibitero byibasiye abaturage b'abasiviri, ibyo byose bikorwa hakurikijwe wa Mugambi Uhuriweho.

[4] Ubayobozi b'ikirenga ba UPC/FPLC bari LUBANGA, KISEMBO na Bosco NTAGANDA. Bityo rero, Bosco NTAGANDA *si we wenyine* wari ufite ubuyobozi n'ubugenzuzi bw'ingabo. Ariko ibi ntacyo bihindura na gito ku iryozwacyaha rya Bosco NTAGANDA, kandi ibyaha aregwa bijyanye n'imyifatire hamwe n'ibikorwa byabaye mu gihe we yari afite ubuyobozi n'ubugenzuzi.

9. **Bosco NTAGANDA** yategetse, kandi/cyangwa yashishikarije abantu gukora ibyaha. Kuba yari afite umwanya watumaga yubahwa, kuba we ubwe yarakoze ibyaha, no kuba atarahagaritse ikorwa ry'ibyaha cyangwa ngo ahane ababikoze, byagaragarije ingabo ze ko gukora ibyaha ari ibintu byari byemewe n'ubuyobozi bwabo. **Bosco NTAGANDA** abarwaho kandi ibyaha byo kugerageza kwica abantu byakozwe n'ingabo za UPC/FPLC ari we wazihaye amategeko cyangwa wazishishikaje, hakurikijwe wa Mugambi Uhuriweho.

10. Byongeye kandi, **Bosco NTAGANDA** yagize uruhare mu byaha byakozwe cyangwa byageragejwe gukorwa n'abantu bari bahuje umugambi wo gushyira mu bikorwa umugambi w'iryo tsinda wo gukora ibyaha, cyangwa yari azi umugambi w'iryo tsinda wo gukora ibyo byaha. Na none **Bosco NTAGANDA** ntiyafashe ingamba za ngombwa kandi zikwiriye kugira ngo ibyo byaha bidakorwa, cyangwa ngo ahane ababikoze.

11. **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko ku giti cye kubera ibyaha aregwa muri iyi nyandiko ukubiyemo ibirego hakurikijwe ibiteganywa n'ingingo ya 25(3)(a) nk'uwakoze ibyaha ku buryo butaziguye, umufatanyacyaha ku buryo butaziguye na/cyangwa umufatanyacyaha ku buryo buziguye, ingingo ya 25(3)(b), iya 25(3)(d) n'iya/cyangwa iya 25(3)(f) za Sitati ya Roma. Byongeye kandi, **Bosco NTAGANDA** afite uburyozwachaya imbere y'amategeko ku byaha bivugwa ko byakozwe, kubera ko yari komanda, hakurikijwe ibiteganywa mu ngingo ya 28(a).

12. Bosco NTAGANDA yagambiriye ikorwa rya buri cyaha ukwacyo, cyangwa yari azi neza ko ibyo byaha byaribuze gukorwa mu rwego rwa gahunda y'ibikorwa isanzwe.

B. IBISOBANURO KU HABEREYE IBIVUGWA N'INCAMAKE Y'IBYABAYE

13. Ituri iherereye mu majyaruguru y'iburasirazuba bwa Repubulika iharanira demokarasi ya Kongo (RDC), *Intara y'Iburasirazuba*. Igizwe na teritwari eshanu : Mambasa, Aru, Mahagi, Irumu na Djugu. Buri teritwari igabanyijwemo *kolekitivite* nyinshi. Ituwe n'abaturage b'aborozi n'abahinzi, igizwe n'amoko nibura 14 harimo Abahema, Abalendu, Abalulu, Abanyali n'Ababira, ikaba ifite abaturage bose hamwe babarirwa hagati ya miliyoni 3,5 na 5,5 bakwirakwiye ku butaka burenga kilometero kare 65.000. Mu rwego rw'imitere y'isi, ku ruhande rw'iburasirazuba hari Ikiyaga Albert n'igihugu cy'igituranyi cya Repubulika ya Uganda, naho mu majyaruguru, hari Repubulika ya Sudani y'Amajyepfo.

14. Muri Ituri hamaze igihe kinini hari ishyamirana hagati y'amoko y'Abahema n'Abalendu-Ngiti[5]. Iryo shyamirana ryiyongereye cyane mu 1998 bitewe n'amakimbirane ashingiye ku butaka hagati y'ayo moko yombi, biza gukara cyane guhera mu mpera z'umwaka wa 2001, ubwo habayeho ibitero byagabwaga ku bantu hashingiwe ku bwoko bwabo ku mpande zose, harimo ibitero by'Abahema ku nsisiro ziganjemo Abalendu, n'ibikorwa byo kwica, gusambanya ku gahato, gusahura no gusenya amazu n'ibikorwaremezo bya gisiviri.

15. Ku itariki ya 15 Nzeri 2000, LUBANGA, Aimable RAFIKI SABA (« RAFIKI ») n'abandi bashinze UPC. Icyo gihe, ishyaka ryari rifite umutwe wa gisirikare ryagenzuraga Ituri ryitwaga *Rassemblement Congolais pour la Démocratie-Kisangani* (« RCD-Kis »), n'ishami ryayo ry'ingabo ryitwaga *Armée du Peuple Congolais* (« APC »). Ernest WAMBA DIA WAMBA ni we wari Perezida waryo. Nyuma yaho yaje kuvanwaho,

[5] Ubwoko bw'Abalendu bugizwe n'Abalendu bo mu majyepfo, bazwi nka « Abangiti ».

nuko mu Gushyingo 2000, MBUSA NYAMWISI (« NYAMWISI ») afata ubutegetsi muri Ituri, aba ari we uyobora *Rassemblement Congolais pour la Démocratie-Kisangani/Mouvement de Libération* (« RCD-K/ML ») n'umutwe wa gisirikare wayo wa APC. Muri Kanama 2002, **Bosco NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha bigaruriye umujyi mukuru w'iyo Disitirigiti, Bunia, ku ngufu. Ku itariki ya 2 n'iya 3 Nzeri 2002, LUBANGA yashyizeho umuyobozi mukuru ushinzwe ibya politiki muri UPC n'ubuyobozi bukuru bwa gisirikare bwayo mu mutwe w'ingabo wa FPLC. Nyuma yaho, UPC/FPLC ni yo yabaye ishyaka rya politiki rifite umutwe wa gisirikare riyobora Ituri.

16. **Bosco NTAGANDA** yakoranye n'abafatanyacyaha bandi barimo : LUBANGA, KISEMBO (kugeza mu ntangiriro z'Ukuboza 2003), Shefu KAHWA PANGA MANDRO (« KAHWA ») (kugeza mu mpera z'Ugushyingo 2002), RAFIKI, Abdul BAGONZA KASORO (« BAGONZA ») (kugeza ku itariki 2 Ukuboza 2002), TCHALIGONZA na KASANGAKI. Buri wese muri abo bantu, kubera ibintu yakoze cyangwa atakoze kandi byari ngombwa gukorwa, yagize uruhare mu gushyira mu bikorwa Umugambi Uhuriweho.

17. LUBANGA, nka perezida na Komanda w'ikirenga wa UPC/FPLC, yahuzaga ibikorwa byose bya UPC/FPLC. Yateguraga ibikorwa bya gisirikare kandi agatanga ibikoresho bya ngombwa harimo imbunda, amasasu, ibiribwa, iniforume, ibyo kurya by'abasirikare, n'ibindi bintu nkenerwa yahaga abasirikare ba FPLC. Yafataga ibyemezo ku murongo ngenderwaho mu byerekeranye no kwinjiza abantu mu gisirikare, kandi we ubwe yafashije mu bikorwa byo kwinjiza abantu mu gisirikare.

18. KAHWA, umutware gakondo wa Mandro, yakoresheje umwanya n'icyubahiro yari afite mu kwinjiza abantu mu gisirikare, mu kubona

intwaro zivuye mu Rwanda, mu gushyiraho ikigo cy'imyitozo ya gisirikare hafi y'i Mandro, no kuyobora iyo myitozo.

19. KISEMBO yakoresheje imyitozo ya gisirikare abarikiri n'abandi bakomanda bakuru ba FPLC, kandi yagize uruhare mu bikorwa bya gisirikare, harimo n'ifatwa rya Bunia muri Kanama 2002. KISEMBO ni we wari Umugaba mukuru w'ingabo za UPC/FPLC.

20. RAFIKI yari umwe mu bashinze ishyaka UPC akaba yari ashinzwe kurinda umutekano wa LUBANGA. Ni we wari umuyobozi mukuru wa *Administration Générale de Sécurité* (« AGS »).

21. TCHALIGONZA, BAGONZA na KASANGAKI bari abakomanda bakuru muri UPC/FPLC, bayoboye ibikorwa bya gisirikare kandi bagize uruhare mu gukoresha urubyiruko rw'Abahema imyitozo ya gisirikare mu nkambi zo muri Ituri no mu gihugu cya Uganda mu cyi cyo mu 2000.

22. LUBANGA ni we wari Perezida wa UPC kuva yashingwa ku itariki 15 Nzeri 2000.

23. **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha bari bafatanyije kuva nibura muri Nzeri 2000. Icyo gihe, **Bosco NTAGANDA** n'abandi bafatanyacyaha bari barigometse bava muri APC, umutwe wa gisirikare w'abigometse wari uyoboye ako gace muri icyo gihe, ari yo RCD-Kis. LUBANGA ni we wari umuvugizi wabo.

24. **Bosco NTAGANDA** yagize uruhare rw'ingenzi mu gutuma FPLC iba umutwe wa gisirikare uteguwe neza, ukora neza kandi ufite ingufu cyane, kuva ku ngabo nyuma zaje guhuzwa n'iza FPLC. Afatanyije na LUBANGA, KISEMBO, KAHWA n'abandi bafatanyije gukora ibyaha batangiye gukoresha imyitozo ya gisirikare urubyiruko rw'Abahema, harimo n'abana bato, mu mwaka wa 2000. **Bosco NTAGANDA**,

KISEMBO, TCHALIGONZA, KASANGAKI na BAGONZA bakurikiye imyitozo ya gisirikare muri Uganda. Ibyo byiciro bya mbere byo kwinjiza mu gisirikare urubyiruko rw'Abahema no kuruha imyitozo byabaye intangiriro y'icyaje kuba FPLC.

C. UMUNTU UREGWA

25. **Bosco NTAGANDA** yavukiye mu Rwanda ku itariki 5 Ugushyingo 1973. Mu 1990 cyangwa hafi yaho, yahungiye muri Repubulika iharanira demokarasi ya Kongo. Afite ubwenegihugu bwa Kongo, akaba ari uwo mu bwoko bw'Abatutsi. **Bosco NTAGANDA** arubatse.

26. Hagati y'1991 n'1996, **Bosco NTAGANDA** yari mu mitwe y'ingabo zo mu Rwanda. Yasubiye muri Repubulika iharanira demokarasi ya Kongo akaba yari umwigisha w'ibya gisirikare mu mutwe wa gisirikare witwa *Alliance des Forces Démocratiques pour la Libération du Congo*-Zaire ("AFDL"). Igihe intambara ya kabiri y'imitwe yigometse yatangiye muri Kongo mu mwaka wa 1998, yinjiye mu ishami rya gisirikare rya RCD-Kis, ariko aza kuvamo mu cyi cyo mu 2000. **Bosco NTAGANDA** yagiye mu gihugu cya Uganda guhabwa amahugurwa ya gisirikare mu bigo nk'icya Jinja n'icya Kyankwanzi. Igihe yari muri Uganda, **Bosco NTAGANDA** yatawe muri yombi n'abayobozi b'igihugu cya Uganda. Agarutse i Bunia, yahawe umwanya wa gisirikare muri APC.

27. Ku itariki 2 cyangwa 3 Nzeri 2002, **Bosco NTAGANDA** yahawe na LUBANGA kuba Umugaba w'ingabo wungirije wa UPC/FPLC ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare. Nk'Umugaba w'ingabo wungirije, **Bosco NTAGANDA** yari afite uruhare rw'ingenzi muri UPC/FPLC kuko mu ngiro ni we wari ufite umwanya wa kabiri mu ngabo za FPLC, akaba yarabonanaga n'abo bafanyije gukora ibyaha,

harimo Umugaba mukuru w'ingabo na Perezida, inshuro nyinshi kandi ziri kuri gahunda.

28. Mu Kuboza 2003, LUBANGA yazamuye **Bosco NTAGANDA** mu ntera amugira Umugaba Mukuru w'ingabo.

29. Ku itariki 11 Ukuboza 2004, Perezida KABILA yagize **Bosco NTAGANDA** Jenerali wa Burigade mu *Ngabo za Repubulika iharanira demokarasi ya Kongo* (« FARDC »), ingabo za leta ya Repubulika iharanira demokarasi ya Kongo. **Bosco NTAGANDA** ntiyemeye kujya muri uwo mwanya yari ahawe. Ahubwo, mu 2004 no mu 2005, **Bosco NTAGANDA** yakomeje kugira uruhare mu buyobozi bwa UPC/FPLC ayobora ibikorwa bya gisirikare, atanga amategeko, ajya mu mihango yo kuzamura mu byiciro abasirikare ba UPC, ashyira umukono kuri za manifesito za gisirikare, ndetse anemeza amasezerano y'iby'imari UPC/FPLC yagiranye n'abandi. Mu ntangiriro z'umwaka wa 2005 **Bosco NTAGANDA**, afatanyije n'abandi, babaye bamwe mu bakoze umutwe w'abarwanyi mushya wiswe *Mouvement Révolutionnaire Congolais* (« MRC ») nuko bakomeza kurwana na FARDC.

30. Mu mpera z'umwaka wa 2006, igihe MRC yasheshwe kubera igitutu yari yashyizweho n'abasirikare ba FARDC, **Bosco NTAGANDA** yimukiye mu karere ka Masisi, mu Ntara ya Kivu y'Amajyaruguru. Yabaye Umugaba mukuru w'ingabo w'ishyaka rya politiki rifite umutwe wa gisirikare ryitwa *Congrès National pour la Défense du Peuple* (« CNDP ») ryari riyobowe na Laurent NKUNDA. Bivugwa ko CNDP yakoreye ibyaha abaturage b'abasiviri.

31. Ku itariki 22 Mutarama 2009, **Bosco NTAGANDA** yatangaje ko habayeho ihagarika ry'imirwano barwanaga na FARDC. Nyuma yaho, hasinywe amasezerano y'amahoro akurikirwa n'itangira ryo kwinjiza abasirikare ba

CNDP mu ngabo za FARDC. **Bosco NTAGANDA** yinjijwe mu ngabo za FARDC ahabwa ipeti rya Jenerari. Abasirikare ba FARDC bivugwa ko, bategetswe na we, bakoreye abasiviri ibyaha.

32. **Bosco NTAGANDA** yikuye mu ngabo za FARDC hagati mu kwezi kwa Mata 2012. Hashize igihe gito, muri Gicurasi 2012, **Bosco NTAGANDA**, mu ngiro, yahise aba komanda w'umutwe wa *Mouvement du 23-Mars* (« M23 »). Kuva muri Mata 2012 kugeza mu ntangiriro z'Ugushyingo 2013, M23 yakoze ibikorwa bya gisirikare bikomeye kandi biteguye, ibigaba ku ngabo za FARDC no ku za MONUSCO zishinzwe kurinda amahoro mu burasirazuba bwa Repubulika iharanira demokarasi ya Kongo (RDC), inafata imijyi iri ahantu hakomeye mu rwego rwa gisirikare nka Rutshuru na Goma. Byongeye kandi, muri icyo gihe, bivugwa ko abasirikare ba M23 bakoreye abaturage b'abasiviri ibyaha, birimo ubwicanyi, ihohoterwa rishingiye ku gitsina, kwinjiza abana mu gisirikare no gusenya amazu, ibyo bikaba byarakozwe bubahiriza amategeko yatanzwe na **Bosco NTAGANDA**.

33. Muri Gashyantare na Werurwe 2013, habaye irwanirwa ry'ubutegetsi hagati y'abayobozi bakuru ba M23, **Bosco NTAGANDA** n'uwari umwungirije, Sultani MAKENGA, byatumye M23 icikamo ibice, hanyuma hakurikiraho kurwana hakoreshejwe intwaro hagati cy'ibyo bice byombi. Abasirikare ba MAKENGA banesheje aba **Bosco NTAGANDA** ku itariki 15 Werurwe 2013.

34. Ku itariki 20 Werurwe 2013, **Bosco NTAGANDA** yitanze muri Ambasade ya Leta zunze ubumwe za Amerika i Kigali mu Rwanda, asaaba ko yashyikirizwa Urukiko. Ku itariki 22 Werurwe 2013, **Bosco NTAGANDA** yagejejwe muri gereza y'Urukiko.

D. UBUBASHA BUSHINGIYE KU IFASI NO KU GIHE ICYAHA CYAKOREWE

35. Repubulika iharanira demokarasi ya Kongo yinjiye mu mubare w'ibihugu byashyize umukono kuri Sitati ya Roma ku itariki 11 Mata 2002 kandi, noneho hakurikijwe ibiteganywa n'ingingo ya 14 ya Sitati ya Roma, Perezida KABILA yasabye Porokireri gukurikirana ibintu byabaye muri Repubulika iharanira demokarasi ya Kongo muri Werurwe 2004. Amategeko ya Sitati yatangiye gukurikizwa ku birebana na Repubulika iharanira demokarasi ya Kongo ku itariki ya 1 Nyakanga 2002. Urugereko rw'ibanze, Icyumba cya I n'icya II byemeje ko icyo kibazo, nk'uko bigaragara mu rwandiko rwo gufata, kiri mu byo Urukiko rufitiye ububasha.

36. Ibyaha byose bivugwa muri iyi Nyandiko Ikubiyemo Ibirego ko byakozwe byabaye hagati y'itariki 2 Nyakanga 2002 na 31 Ukuboza 2003 muri Ituri, Repubulika iharanira demokarasi ya Kongo. Igihe cyose cyabayemo imyitwarire iregwa nk'ibyaha by'intambara, muri Repubulika iharanira demokarasi ya Kongo haberaga intambara itari mpuzamahanga. Hari ihuriro hagati y'igihe cy'iyi ntambara ikoreshejwemo intwaro n'ibyaha byakozwe na UPC/FPLC muri Repubulika iharanira demokarasi ya Kongo. Ibyaha **Bosco NTAGANDA** ashinjwa ni ibyaha by'intambara nk'uko biteganywa n'ingingo ya 8 ya Sitati.

37. Imyitwarire iregwa nk'ibyaha byibasiye inyokomuntu byari mu rwego rw'igitero rusange kandi kiri kuri gahunda kandi byakorerwaga abaturage b'abasiviri ba Repubulika iharanira demokarasi ya Kongo. Ibyaha **Bosco NTAGANDA** aregwa ni ibyaha byibasiye inyokomuntu nk'uko biteganywa n'ingingo ya 7 ya Sitati.

E. IBINTU BIFITANYE ISANO N'IBIMENYETSO BISHINGIYE KU BYABAYE BITEGANYWA N'INGINGO YA 7 N'INGINGO YA 8

Ibimenyetso bishingiye ku byabaye biteganywa mu Ngingo ya 7

38. Guhera ku itariki ya 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, abasirikare ba UPC/FPLC bagabye ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri batari Abahema. Baranzwe n'imyitwarire yari ikubiyemo ibikorwa byinshi byibasiye abaturage b'abasiviri bo muri Ituri, harimo n'ibyakozwe ku mategeko ya **Bosco NTAGANDA**, hakurikijwe ingengamikorere y'umutwe wabo.

39. Ingero z'ibikorwa bya UPC/FPLC bigize ibitero ku baturage b'abasiviri ubikubiye hamwe, harimo igitero cyagabwe i Bunia cyabaye hagati y'itariki 6 kugera ku 9 Kanama 2002 cyangwa hafi yaho, icyagabwe kuri Songolo ku itariki ya 31 Kanama 2002 cyangwa hafi yaho, icyagabwe kuri Zumbe ku itariki ya 15 kugeza ku ya 16 Ukwakira 2002 cyangwa hafi yaho, urukurikirane rw'ibitero byagabwe i Mambasa, Eringeti n'i Komanda hagati y'Ukwakira n'Ukuboza 2002, icyagabwe i Mongbwalu (no muri *kolekitivite* ya Banyali-Kilo) ku itariki 15 Ugushyingo cyangwa hafi yaho kugeza ku itariki 15 Ukuboza 2002 cyangwa hafi yaho, icyagabwe muri *kolekitivite* ya Walendu-Djatsi muri Mutarama 2003 n'ikindi cyagabwe ku itariki 16 Gashyantare cyangwa hafi yayo kugeza ku itariki 3 Werurwe 2003 cyangwa hafi yaho, n'ibindi bitero byagabwe i Bunia ku itariki 6 Werurwe 2003 cyangwa hafi yaho, no hagati y'itariki ya 6 n'iya 27 Gicurasi 2003.

40. Mu gihe **Bosco NTAGANDA** ashinjwa ibyaha byakozwe mu gihe cy'ibitero byagabwe i Mongbwalu (no muri *kolekitivite* ya Banyali-Kilo) ku itariki 15 Ugushyingo cyangwa hafi yayo, kugeza ku ya 15 Ukuboza 2002 cyangwa hafi yaho, no kuri *kolekitivite* ya Walendu-Djatsi ku itariki 16

Gashyantare cyangwa hafi yayo kugeza ku ya 3 Werurwe 2003 cyangwa hafi yaho, imyitwarire mbere na inyuma y'ibyo bitero byombi ni ikimenyetso cyerekana ko : (a) UPC/FPLC yagabye *'igitero'* rusange ku baturage b'abasiviri batari Abahema ; (b) UPC/FPLC yari ifite ingengamikorere yo kugaba ibitero ku baturage b'abasiviri ; (c) habaye intambara ikoreshejwemo intwaro igihe kirekire hagati ya UPC/FPLC n'abandi bayigizemo uruhare, harimo imitwe y'abarwanyi b'Abalendu n'abo bafatanyije b'abasirikare ba APC hakurikijwe ibigwa mu ngingo ya 8 ; kandi (d) **Bosco NTAGANDA** yari afite imigambi azi neza ibikorwa, nk'uko biteganywa n'ingingo ya 30.

41. Bitewe n'igitero cya UPC/FPLC ku baturage b'abasiviri batari Abahema muri *kolekitivite* ya Banyali-Kilo guhera mu kwezi kw'Ugushyingo kugera mu Kuboza 2002 no muri *kolekitivite* ya Walendu-Ndjatsi muri Gashyantare kugera muri Werurwe 2003 nibura Abalendu 240 n'abandi basiviri batari Abahema barishwe ; abasiviri basambanyijwe ku gahato, barashimutwa kandi bashyirwa mu bucakara bushingiye ku gitsina ; amagana n'amagana y'ibikorwaremezo bya gisiviri byarangirijwe cyangwa birasenywa (harimo amazu y'ingo, n'inyubako z'abasiviri zirinzwe nk'ibitaro, ibigo nderabuzima, insengero n'amashuri) kandi/cyangwa byarasahuwe. Na none kandi, abasiviri, cyane cyane abo mu bwoko bw'Abalendu, barakomerekejwe. Ibitero byagabwe na UPC/FPLC byabaga kenshi cyane muri ibyo bihe, ku buryo byabaye ngombwa ko abaturage b'abasiviri batari Abahema bava mu byabo, bagahungira mu bihuru bamarayo igihe kitari gito. Ibihumbi n'ibihumbi by'abantu bakuwe mu byabo kubera ibitero by'urudaca.

42. Ibyo bitero byombi bishinjwa ubwabyo ni ibitero byagabwe ku baturage b'abasiviri nk'uko biteganywa n'ibikubiye mu ngingo ya 7.

i. Ibitero byagabwe na UPC/FPLC ku baturage b'abasiviri batari Abahema

43. Abasirikare ba UPC/FPLC bagabye ibitero by'urudaca ku baturage b'abasiviri batari Abahema, byibasiye cyane cyane Abalendu n'Abangiti. **Bosco NTAGANDA** yayoboye byinshi muri ibyo bitero.

44. Guhera muri Nyakanga 2002, **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha bateguye ifatwa rya Bunia n'imeneshwa ry'abaturage b'abasiviri batari Abahema bakava i Bunia. Ku itariki ya 6 kugeza ku ya 9 Kanama 2002 cyangwa hafi yaho, UPC, ifatanyije n'abasirikare bo mu ngabo z'igihugu cya Uganda « UPDF », bagabye igitero kuri Bunia. **Bosco NTAGANDA** yari umukomanda wa gisirikare w'ingenzi muri icyo gitero. Abasirikare ba UPC bahize bukware abaturage b'Abalendu, Abandandi n'Ababira, haba aho abantu benshi bateranira cyangwa mu mago yabo. Abasirikare ba UPC bishe nibura abaturage 100 b'abasiviri batari Abahema (bamwe bicishijwe *intwaro za gakondo* [6]), harimo abageragezaga guhunga kuri za bariyeri, bataye muri yombi abasiviri nta mpamvu, basambanyije ku gahato abagore batari Abahema, kandi bameneshheje ku ngufu abaturage b'abasiviri batari Abahema, babavana mu mazu yabo kandi bangiriza imitungo yabo.

45. Kubera icyo gitero, ibihumbi n'ibihumbi by'abaturage b'abasiviri batari Abahema barahunze bava i Bunia, abasirikare ba APC baraneshwa, nuko UPC yigarurira uwo mujyi. Ku itariki ya 31 Kanama 2002, ingabo za UPC ziyobowe na **Bosco NTAGANDA** zagabye igitero i Songolo, urusisiro rwari rwiganjemo abaturage b'Abalendu, maze zibasira zabigambiriye abaturage b'abasiviri batari Abahema. Abasirikare ba UPC bazengurutse urusisiro hanyuma bahagarara mu tuyira, kugira ngo bafunge utuyira

[6] « Intwaro za gakondo » bivuga intwaro zifite ubugi bukeba, zitandukanye n'imbunda.

twose abantu bashoboraga gucamo bahunga ; bishe nibura abaturage 140 b'abasiviri batari Abahema, bamwe igihe barimo bagerageza guhunga. Imirambo y'abaturage b'abasiviri wayisangaga ku mihanda no mu mashyamba i Songolo. Uwo babonaga wese baramwicaga, hari n'abo biciye mu ngo zabo. Nta tandukanyirizo ryakorwaga hagati y'abaturage b'abasiviri n'abarwanyi. Abagore n'abakobwa basambanyijwe ku gahato, abandi babajyana kubashyira mu bucakara bushingiye ku gitsina. Abasirikare ba UPC basahuye urwo rusisiro, harimo n'ikigo nderabuzima, urusengero n'ikigo cy'amashuri, kandi basenya amazu ya gisiviri menshi bayatwika. Abasirikare ba UPC bakoresheje *intwaro gakondo* n'imbunda za rutura, harimo za morutiye na za roketi, bibasira amazu n'abaturage b'abasiviri barimo bahunga. Bamwe mu barokotse hanyuma bakaza gusubira i Songolo bishwe na za mine zari zatezwe n'abasirikare ba UPC/FPLC.

46. Ku itariki 15 na 16 Ukwakira 2002, UPC/FPLC, ifatanyije n'abasirikare ba UPDF n'Abahema b'abasiviri babafashaga, bagabye igitero kuri lokalite ya Zumbe, yari yiganjemo abaturage b'Abalendu kandi yari ibirindiro bikuru by'abarwanyi b'Abalendu. **Bosco NTAGANDA** yayoboye icyo gitero.

47. Abasirikare ba UPC/FPLC bigaruriye urusisiro rwa Zumbe iminsi ibiri, bica abasiviri barenga 180 (harimo abicishijwe *intwaro za gakondo*) kandi itega na za mine zagenewe guturikana abantu. Abasirikare ba UPC/FPLC barasahuye kandi batwika urwo rusisiro, harimo n'ikigo nderabuzima, urusengero, ikigo cy'amashuri n'ingo ; banatwitse insisiro zari zihakikije. Abagore bagera nibura kuri 50 basambanyijwe ku gahato n'abasirikare ba UPC. Abaturage b'abasiviri bahunze Zumbe. Bamwe mu bashoboye kurokoka bagasubira i Zumbe bakomerekejwe cyangwa bicwa na za mine zitegwa mu butaka.

48. Hagati y'Ukwakira n'Ukuboza 2002, abasirikare ba UPC/FPLC bagabye ibitero bikurikiranye bafatanyije n'abo muri *Mouvement de Libération du Congo* (« MLC ») na *Rassemblement Congolais pour la Démocratie/National* (« RCD-N ») i Mambasa, Komanda n'i Eringeti, rimwe na rimwe bajya bita *Opération effacer le tableau*. Ibyo bitero byari bigambiriye kumenesha burundu abaturage b'abasiviri batari Abahema muri ako gace, no kwirukana abasirikare ba RCD-K/ML, kandi byababayemo n'ibikorwa byo gusambanya ku gahato, guca imirambo mo ibice bakayisiga ahantu hagaragara kugira ngo batere abaturage ubwoba, habayemo kandi no kurya abantu no kwica abaturage b'abasiviri batari Abahema. Abasirikare ba UPC/FPLC, harimo **Bosco NTAGANDA**, bigaruriye Komanda na Eringeti bafatanyije n'abasirikare ba MLC n'aba RCD-N. Abari bafatanyije na UPC/FPLC berekeje i Mambasa. Abasirikare ba UPC/FPLC ni bo bakoze ibyinshi mu byaha byakorewe i Komanda, muri ibyo harimo ibikorwa bigambiriye kwica, gusambanya ku gahato, no gusahura byakorewe abaturage b'abasiviri batari Abahema.

49. Nkuko bigaragara ku buryo burambuye mu ibika bya 63-91, abasirikare ba UPC/FPLC bayobowe na **Bosco NTAGANDA** bagabye igitero i Mongbwalu no muri *kolekitivite* ya Banyali-Kilo mu Gushyingo n'Ukuboza 2002, na nyuma yaho muri *kolekitivite* ya Walendu-Djatsi muri Gashyantare na Werurwe 2003.

50. Ku itariki 6 Werurwe 2003, abo basirikare ba UPC/FPLC bagerageje kwirukana muri Bunia abasirikare ba UPDF n'abo bari bafatanije b'Abalendu, kandi ari na ko barimo bibasira abaturage b'abasiviri batari Abahema. Abaturage b'Abahema b'abasiviri bari baburiwe ngo bave muri Bunia, bitaba ibyo bagafatwa kimwe n'abanzi. **Bosco NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha LUBANGA na KISEMBO bateguye icyo gitero. **Bosco NTAGANDA** yafashije mu gutegura icyo

gitero, ategeka abasirikare ba UPC/FPLC kujya muri pozisiyo kandi ayobora igitero. Ubwe ku giti cye yagiye ku rugamba muri icyo gitero. Abasirikare ba UPC/FPLC basenye amazu ku bwende, barasahura, bica nibura abaturage 25 b'abasiviri, kandi bakomeretsa abandi (bamwe bakomerekejwe n'amabombe yasukwaga ku mazu yabo).

51. Ku itariki 6 Gicurasi 2003, abasirikare ba UPC/FPLC (icyo gihe noneho bafatanyije n'abasirikare ba PUSIC)[7] bararwanye kugira ngo bongere bigarurire Bunia. **Bosco NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha bateguye icyo gitero. **Bosco NTAGANDA** yatanze inkunga mu kubona imbunda n'amasasu mbere y'uko igitero kiba, kandi ayobora abasirikare ba UPC/FPLC. Igihe igitero cyarimo kiba, abasirikare ba UPC/FPLC bibasiye ku bwende abaturage b'abasiviri batari Abahema, cyane cyane Abalendu, Ababira n'Abandandi. Abasirikare ba UPC/FPLC bateye ubwoba, bashimuta, bica kandi basambanya ku gahato abaturage b'abasiviri batari Abalendu. Abasirikare ba UPC/FPLC bishe nibura abaturage 100 b'abasiviri batari Abahema kandi basahura ingo n'amazu y'ubucuruzi.

52. Abasirikare ba UPC/FPLC bamaze kwigarurira Bunia, bakomeje kwibasira abaturage b'abasiviri batari Abahema mu buryo buri kuri gahunda. Abaturage b'abasiviri benshi batari Abahema basambanyijwe ku gahato baranicwa. Abasirikare ba UPC/FPLC bakangishije, batera ubwoba kandi bica nta mpamvu abaturage b'abasiviri batari Abahema. Habayeho ingero z'iyicarubozo n'ubusahuzi. Ibikangisho n'uko ubugizi bwa nabi bwari buteye byatumye abantu bagera hafi ku bihumbi 200 bahunga bava i Bunia no mu nsisiro zihakikije. Ndetse na nyuma y'isinywa ry'amasezerano yo guhagarika imirwano hagati y'ingabo za

[7] *Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo*

UPC/FPLC n'iza FNI-FRPI[8], abasirikare ba UPC/FPLC bakomeje gukora ibikorwa byo gusambanya ku gahato, gusahura, kwica urubozo, gushimuta no kwica abantu.

ii. Igitero kigabwe mu buryo bwa rusange kandi buri kuri gahunda

53. Igitero cyagabwe ku baturage b'abasiviri batari Abahema cyakozwe mu buryo bwa rusange cyangwa buri kuri gahunda. Kuba icyo gitero cyaragabwe mu buryo bwa rusange bigaragazwa n'ibintu bikurikira :

(a) kuba ibyaha byakorewe abaturage b'abasiviri byaramaze igihe kirekire (guhera muri Nyakanga 2002 kugera mu Kuboza 2003) ;

(b) ubukare bw'ibitero byagabwe na UPC/FPLC muri icyo gihe ;

(c) umubare munini w'abakorewe ibyaha by'ubwicanyi (nibura 680), gusambanya ku gahato, gusahura, gusenya amazu, no kuvana abantu benshi mu byabo ku ngufu (nibura 60.000) ;

(d) umubare w'ibitero binyuranye mu gitero rusange iki n'iki ; no

(e) kuba ibitero byaragabwaga ahantu hatandukanye muri Ituri yose harimo n'ahantu hatuwe n'abantu benshi muri Bunia, muri *kolekitivite* ya Walendu Bindi (Songolo), muri teritwari ya Irumu no muri *kolekitivite* za Walendu Tatsi (Zumbe), Walendu Djatsi (insisiro zirimo Lipri, Kobu, Bambu n'izindi) na Banyali-Kilo (imijyi n'insisiro nka Pluto, Nzebi, Mongbwalu, Sayo na Kilo) muri teritwari ya Djugu.

54. Kuba igitero cyaragabwe mu buryo buri kuri gahunda bigaragazwa n'ibintu bikurikira :

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[8] *Front des nationalistes et intégrationnistes* (« FNI ») na *Force de résistance patriotique en Ituri* (« FRPI ») ni imitwe y'abarwanyi.

(a) abasirikare ba UPC/FPLC bagabye ibitero byinshi, rimwe na rimwe bafatanyije n'indi mitwe y'ingabo bakoranaga hamwe n'Abahema b'abasiviri babafashaga ;

(b) ubugizi bwa nabi bwakozwe na UPC/FPLC ntibwakorwaga ku buryo butunguranye, ahubwo abakorewe ibyaha babaga bibasiwe kubera ko batari abo mu bwoko bw'Abahema, cyane cyane abaturage b'Abalendu bafatwaga nk'aho ari bo banzi ;

(c) buri gitero cyakurikizaga gahunda yari isanzwe imenyerewe, kubera ko buri gitero cyarangwaga na kimwe cyangwa byinshi muri ibi bikurikira :

(i) insisiro zari ziganjemo abaturage batari Abahema ni zo zari zibasiwe ;

(ii) insisiro zaragotwaga kugira ngo babuze abantu gucika, bigakorwa bafunga inzira zisohoka, barasa abasiviri bahungaga banashyiraho za bariyeri kugira ngo bafate kandi basambanye ku gahato, kandi/cyangwa bice abaturage b'abasiviri batari Abahema.

(iii) gusuka amabombe ahari ho hose nta kuvangura, no kwibasira abaturage b'abasiviri ku bushake hakoreshejwe imbunda za rutura ;

(iv) kugana ibitero ahantu ku maguru hakoreshejwe *intwaro za gakondo* n'izindi ntwaro ntoya hagamijwe kwica bose, harimo n'abasiviri, nta kuvangura ;

(v) gushakisha bigambiriwe abaturage b'abasiviri batari Abahema no kubasambanya ku gahato no/cyangwa kubica ;

(vi) urugomo rushingiye ku gitsina rwakoreshejwe mu gutoteza abasiviri batari Abahema no kuzamura morali y'abasirikare ba UPC/FPLC ;

(vii) gusahura no gutwika amazu, kwangiriza no gusenya inyubako za gisiviri nk'ibitaro, ibigo nderabuzima, no gufata ibindi byemezo nko gutega za mine bagamije kubuza abarokotse gusubira mu bice bigenzurwa na UPC/FPLC ; no

(viii) kwica abarokotse basubiragayo.

iii. Umurongo ngenderwaho w'umuryango

55. Ibyaha bivugwa muri iyi nyandiko ikubiyemo ibirego byakozwe hakurikijwe cyangwa hubahirizwa umurongo ugenderwaho kugira ngo hagabwe igitero ku baturage b'abasiviri batari Abahema, ku by'umwihariko Abalendu.

UPC/FPLC yari igize umuryango

56. Nk'uko bivugwa mu bika bikurikira kuva ku cya 121 kugeza ku cya 125, UPC/FPLC yari igize umuryango hakurikijwe ibisobanuro bikubiye mu ngingo ya 7(2)(a). UPC/FPLC yari ifite ubushobozi bwo kugaba ibitero mu rwego rusange kandi biri kuri gahunda ku baturage b'abasiviri. UPC/FPLC yari ifite inzego z'ubuyobozi aho abayobozi bo mu rwego rwo hejuru bari bafatanyije ku bw'amategeko no mu ngiro ububasha bwo gutegeka no kugenzura uwo muryango, LUBANGA ari Perezida, KISEMBO ari Umugaba Mukuru w'ingabo, naho **Bosco NTAGANDA** ari Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare. UPC/FPLC yakoreraga mu nzego z'ubutegetsi zitunganyije, harimo kugira uburyo b'itumanaho bwakoreshwaga mu gutanga amategeko yahabwaga abasirikare ba UPC/FPLC no

guhererekanya amakuru arebana n'ibyaberaga aho abasirikare bakoreraga ibikorwa byabo. UPC/FPLC yari ifite ubushobozi bwo kugaba igitero rusange, harimo no kubona amafaranga, imbunda n'amasasu.

Ingengamikorere yo kugaba igitero cyibasiye abaturage b'abasiviri batari Abahema

57. UPC/FPLC yafashe ingengamikorere yo gutera abaturage b'abasiviri batari Abahema no kubamenesha mu duce bari batuyemo. Hari ibintu byinshi bigaragaza ko iyi ngengamikorere yari ihari n'ukuntu yari iteye.

58. Hagati y'itariki 2 Nyakanga 2002 na 31 Ukuboza 2003, UPC/FPLC yagabye ibitero byinshi binyuranye, bikorewe icyarimwe ku baturage b'abasiviri batari Abahema. Ibyo bitero byibasiraga ku bwende abasiviri batari Abahema kandi bigakurikiza uburyo bumenyerewe, n'imigendekere yabyo (*modus operandi*) yari irimo ibyo kwimura abaturage ku ngufu, ubwicanyi bwo mu rwego rusange kandi buri kuri gahunda (akenshi hakoreshejwe uburyo bumwe), urugomo rushingiye ku gitsina, gusahura no gusenyera abasiviri no gusenya inyubako za gisiviri zirinzwe. Ibitero byageraga ahantu hanini cyane ho mu karere ka Ituri.

59. **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha bateguye kandi bashyira mu bikorwa ibitero byinshi bigamije kwigarurira ibice by'aho abaturage b'abasiviri batari Abahema bari batuye, hanakoreshejwe abasirikare ba UPC/FPLC, kugira ngo bigarurire Ituri. Ibyo bitero byari birimo no kwinjiza abantu mu gisirikare no guha ingabo imyitozo, kohereza abasirikare benshi aho bagomba kujya gukorera no kujyana imbunda, amasasu n'amabombe n'ibindi bikoresho bikenewe mu buryo buyobowe neza.

60. Uretse abasirikare ba UPC/FPLC, Abahema b'abasiviri babafashaga baherekezaga kandi bagafasha abasirikare ba UPC/FPLC bakoze ibyaha

mu buryo buteguye neza kandi buri kuri gahunda. Mu buryo bwihariye, iyo abasirikare ba UPC/FPLC bamaraga kwigarurira agace nyuma y'imirwano, Abahema b'abasiviri bari babashyikiye babaga babari inyuma na bo bakoraga ibindi byaha, birimo gusahura no gusenya. Ndetse baricaga. **Bosco NTAGANDA** yashishikarije kandi ategeka urubyiruko rw'Abahema kwica Abalendu. Bari basanzwe bazwi ku izina rya *combattants* cyangwa *cadres*, usibye ko iri tsinda ry'Abahema b'abasiviri babafashaga batajyaga ku rugamba, ahubwo bakoraga ibyaha bafatanyije n'abasirikare ba UPC/FPLC, haba mu bitero UPC/FPLC yagabaga ku baturage b'abasiviri batari Abahema, haba no mu mirwano ikoreshejwe imbunda n'abarwanyi yagiranaga n'abasirikare b'Abalendu.

Ibimenyetso bishingiye ku byabaye biteganywa mu Ngingo ya 8

61. Mu gihe cyose kirebana n'iyi nyandiko ikubiyemo ibirego, muri Ituri hari hari intambara itari mpuzamahanga yashyamiranyaga UPC/FPLC n'indi mitwe iteguwe neza yitwaje intwaro, nk'uko byagaragajwe n'ibitero byinshi bitandukanye byagabwe na UPC/FPLC ku hantu higanjemo abaturage b'abasiviri batari Abahema nkuko bivugwa mu ibika bya 43-52 na 63-91. Imitwe itandukanye yari muri iyo ntambara yo muri Ituri, harimo UPC/FPLC, APC, PUSIC, n'imitwe y'abarwanyi b'Abalendu, yari imitwe iteguwe neza yerekanye ko ifite ubushobozi bwo gukora ubugizi bwa nabi bukoreshejwemo intwaro igihe kirekire.

62. Hariho isano hagati y'iki gihe cy'intambara ikoresheje imbunda n'ibyaha byakozwe na UPC/FPLC muri Repubulika iharanira demokarasi ya Kongo (RDC). Mu gihe cyose kirebana n'ibivugwa muri iyi nyandiko ikubiyemo ibirego, **Bosco NTAGANDA** yari azi neza ko hari intambara yariho iba muri Repubulika iharanira demokarasi ya Kongo.

F. IBYABAYE BIJYANYE N'IBYAHA BINYURANYE BISHINJWA

i. Igitero cyagabwe muri kolekitivite ya Banyali-Kilo mu kwezi kw'Ugushyingo n'Ukuboza 2002

63. Muri Kamena 2002, abarwanyi b'Abalendu n'abo bari bafatanyije bo muri APC birukanye igice kinini cy'abaturage b'Abahema i Mongbwalu. Bityo, guhera mu Gushyingo 2002, Mongbwalu yari ituwe ahanini n'abaturage b'abasiviri batari Abahema. Abasirikare ba UPC/FPLC, babigambiriye, bibasiye abaturage b'abasiviri batari Abahema mu gitero cyagabwe mu Gushyingo n'Ukuboza 2002 ahantu henshi muri *kolekitivite* ya Banyali-Kilo, harimo : Pluto, Nzebi, Mongbwalu, Sayo[9] na Kilo. Abasirikare ba UPC/FPLC bishe nibura abaturage 28 b'abasiviri batari Abahema muri icyo gitero.

64. **Bosco NTAGANDA** yayoboye ingabo za UPC/FPLC mu ifatwa rya Mongbwalu, ahantu h'ingenzi hacukurwa zahabu hanafite ikibuga cy'indege. Umugambi wa UPC/FPLC wari uwo gufata umujyi no kumenesha muri ako gace abasiviri batari Abahema, cyane cyane Abalendu. Mbere y'igitero, **Bosco NTAGANDA** yakoze urugendo ajya i Aru gutanga imbunda n'amasasu no guha amabwiriza abakomanda n'abasirikare be bagombaga kugaba igitero i Mongbwalu baturutse mu majyaruguru.

65. UPC/FPLC yitabiriye kwinjiza mu gisirikare abana bari munsi y'imyaka 15 y'amavuko i Kilo mbere y'igitero cy'i Mongbwalu no mu nsisiro zihakikije. Abasirikare b'abana bo muri UPC/FPLC bagize uruhare muri icyo gitero. Abakomanda ba UPC/FPLC, harimo na **Bosco NTAGANDA**,

[9] Byandikwa « Saio » cyangwa « Sayo ».

bakoresheje abasirikare b'abana nk'abesikoti babo kandi banabakoresha mu mirwano mu gitero cyagabwe i Mongbwalu no mu nsisiro zihakikije.

66. Ahagana cyangwa ku itariki 21 Ugushyingo 2002, abasirikare ba UPC/FPLC bagabye igitero i Pluto bakurikizaho Mongbwalu, bafata ikibuga cy'indege cyaho n'ibirindiro hafi ya byose by'abo bari bahanganye. Ahagana cyangwa ku itariki 22 Ugushyingo 2002, abasirikare ba UPC/FPLC bashyizeho bariyeri ku muhanda ugana i Bunia banarangiza kwigarurira udusozi dukikije Mongbwalu.

67. **Bosco NTAGANDA** yari ahari i Mongbwalu ari komanda mukuru w'ibikorwa bya gisirikare, agira uruhare mu mirwano kandi aha amabwiriza burigade ebyiri za UPC zari ziyobowe n'abari bamwungirije, ari bo Salumu MULENDA na Emmanuel NDUNGUTSE. Abasirikare ba UPC/FPLC bishe abaturage b'abasiviri, abandi babavana mu byabo, basambanya ku gahato, barasahura kandi basenya n'amazu. **Bosco NTAGANDA** yategetse abasirikare kwigira imbere ku rugamba kandi arasisha imbunda ziremereye mu duce turimo abasiviri.

68. Igitero cya UPC/FPLC cyibasiye abaturage b'abasiviri batari Abahema. **Bosco NTAGANDA** yategetse abasirikare ba UPC/FPLCkwibasira abasiviri, harimo n'abageragezaga guhunga. Inite y'imbunda ziremereye yari iyobowe kandi ikoreshwa na **Bosco NTAGANDA** ubwe yarashe ku bantu bariho bahunga igitero, yica abasiviri. UPC/FPLC yibasiraga abantu bose yakekaga ko bashyigikiye Abalendu. **Bosco NTAGANDA** yategetse abasirikare ba UPC/FPLC kwica Abalendu, nta kuvangura abasiviri cyangwa abarwanyi.

69. Igitero cya UPC/FPLC cyatumye abaturage b'abasiviri bahunga bava i Pluto n'i Mongbwalu. Abantu benshi bahungiye mu rusisiro rwa Sayo no mu zindi nsisiro zikikije Mongbwalu. Ku itariki 23 Ugushyingo 2002

cyangwa hafi yaho, UPC/FPLC yafashe Sayo yica abaturage benshi, harimo abagabo, abagore n'abana. Abasiviri bahungiye mu rusengero rw'i Sayo barishwe, banicwa kandi **Bosco NTAGANDA** ubwe ahibereye. I Nzebi, hari abaturage b'abasiviri babiri **Bosco NTAGANDA** yategetse ko bicwa.

70. UPC/FPLC imaze gufata Mongbwalu na Sayo, abasirikare bayo binjiye mu nzu ku yindi bashakisha Abalendu n'abandi bantu batari Abahema. Hari inyubako yari mu gipangu cya **Bosco NTAGANDA** i Mongbwalu yakoreshwaga nk'uburoko. Zimwe mu mfungwa zabanzaga guhatwa ibibazo mbere y'uko UPC/FPLC izica. Imirambo y'izindi mfungwa zishwe yashyizwe mu mva rusange no mu misarane.

71. Hari umuturage umwe abasirikare ba UPC/FPLC bishe ubwo yari asubiye i Sayo, yari yarahunze imirwano. Abasirikare ba UPC/FPLC bishe abakozi ba sosiyete ya Kilo-Moto i Mongbwalu. Na none UPC/FPLC yibasiye abasiviri kandi ikomeretsa abarwanyi b'Abalendu batari bari mu mirwano ahubwo bari bagiye kwivuriza mu kigo nderabuzima cy'i Sayo. Ku itariki ya/cyangwa hafi y'itariki 25 Ugushyingo 2002, **Bosco NTAGANDA** we ubwe yataye muri yombi kandi afunga umupadiri wa paruwasi ya Mongbwalu n'ababikira batatu. **Bosco NTAGANDA** we ubwe yarashe uwo mupadiri aramwica.

72. Nyuma y'ifatwa rya Mongbwalu na Sayo, abasirikare ba UPC/FPLC bakoze ibikorwa byo gusambanya ku gahato. Abakomanda ba UPC/FPLC bakoreshaga amagambo y'igiswayire avuga ngo *kupiga na kuchaji*[10] bashishikariza abasirikare ba UPC/FPLC gusambanya ku gahato no gusahura ; abagore bafatwaga nk'imwe mu minyago y'intambara. Abasirikare ba UPC/FPLC bakoraga amarondo ya buri munsi bagatwara

[10] Ayo ni amagambo y'igiswayire asobanuye « gukubita no gusahura ».

abagore bakabasambaya ku gahato. Imfungwa z'abagore zafungiwe mu nzu **Bosco NTAGANDA** yabagamo i Mongbwalu zasambanyijwe ku gahato n'abasirikare be. Abakomanda ba UPC/FPLC bari bafite 'inshoreke'mu nkambi yabo i Mongbwalu. **Bosco NTAGANDA** yategetse ingabo gusahura kandi na we ubwe yagize uruhare mu gusagura. Abasirikare ba UPC/FPLC basahuye ibitaro by'i Mongbwalu n'ikigo nderabuzima cy'i Sayo, kimwe na kiliziya y'i Sayo.

73. Abasirikare ba UPC/FPLC basenye amazu y'abasiviri i Mongbwalu n'i Sayo, bayibasira ku bushake bakoresheje imbunda ziremereye.

74. Ku itariki 6 Ukuboza 2002 cyangwa hafi yaho, abasirikare ba UPC/FPLC bagabye igitero i Kilo, aho abasiviri benshi bari barahungiye kubera igitero cyagabwe i Sayo. Abasirikare ba UPC/FPLC bahafungiye abantu, barica kandi banakubita imfungwa. Abasirikare ba UPC/FPLC na none basambanyije ku gahato abaturage b'Abanyali benshi cyane i Kilo. Abakomanda benshi ba UPC/FPLC bari bafite abagore n'abakobwa bakoreshaga ubucakara bushingiye ku gitsina.

75. Abasirikare ba UPC/FPLC ni bo bakomeje kugenzura Mongbwalu kugeza nibura muri Gashyantare 2003.

ii. Igitero cyagabwe muri kolekitivite ya Walendu-Djatsi muri Gashyantare na Werurwe 2003

76. Muri Mutarama 2003, ingabo za UPC/FPLC zivuye i Mongbwalu zagabye igitero i Nyangaray, urusisiro rwo mu majyepfo ya Kilo, ku muhanda wo mu burengerazuba ugana i Bunia. Baturutse ahongaho kimwe n'i Mwanga (urusisiro ruri mu majyepfo ya Lipri no mu majyaruguru ya Bunia UPC/FPLC yari yarigaruriye mu Kuboza 2002), abasirikare ba UPC/FPLC bagabye ibitero byinshi ku nsisiro zo muri *kolekitivite* ya Walendu-Djatsi. Harimo ibitero bibiri byagabwe i Lipri, aho abaturage

b'abasiviri b'i Nyangaray n'i Mwanga bari barahungiye, hagati y'itariki 21 na 25 Mutarama 2003.

77. Ku itariki 16 Gashyantare cyangwa hafi yayo kugera kuri 3 Werurwe 2003 cyangwa hafi yaho, **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha bagabye ibitero rusange kandi biri kuri gahunda ku baturage b'abasiviri mu nsisiro zirenga 40[11] zo muri *kolekitivite* ya Walendu-Djatsi, harimo Lipri, Kobu, Bambu n'izindi. Icyo gitero, cyagabwe hagamijwe kwigarurira uturere two muri Ituri tutari twiganjemo Abahema no kumenesha abaturage b'abasiviri batari Abahema babaga muri utwo turere, cyateguwe na **Bosco NTAGANDA**, LUBANGA, KISEMBO n'abandi bafatanyije gukora ibyaha i Bunia. Hatanzwe imirimo, maze buri wese akora umurimo yari yashinzwe, bose bagenda bahuza ibikorwa byabo hagati yabo ubwabo no hagati yabo n'ingabo zari ku rugamba. **Bosco NTAGANDA** ni we wari komanda w'ikirenga, kandi ni we wari umuhuzabikorwa w'igitero cyagabwe i Lipri. Abakomanda ba UPC/FPLC bategetse abasirikare n'Abahema b'abasiviri babafashaga kuhafata, gusahura no kurasa ikintu cyose kigenda, harimo n'abaturage b'abasiviri, kandi babashishikariza ibikorwa byo gusambanya ku gahato. Amategeko yo gusenya amazu yatanzwe ku buryo buteruye.

78. Muri icyo gitero, cyiswe « s*hika na mukono* », amagambo y'igiswayire asobanura ngo « fatisha amaboko », abasirikare ba UPC/FPLC bavuye i Kilo, Bunia n'i Nyangaray batumye abaturage b'abasiviri bagera ku bihumbi 60 guhungira mu bihuru bikikije Kobu. Abasirikare ba

[11] Ibyo bitero byagabwe mu ntera y'ibirometero 15 ku muzenguruko wa Lipri, Kobu na Bambu, harimo insisiro za : Avetso, Bambu/Bambu Mines, Buli/Bule, Camp P.M., Dala, Dhekpa/Dr'kpa, Djuba, Dyalo/Dyaro, Gogo/Ngogo, Gola/Gula, Goy, Gutsi/Guti, Jeaku/Jicho/Jichu/Jitcho/Jitchu/Jitsu, Katho/Kato, Lipri, Kobu, Nyangaray, Tchudja/Chuja, Pili, Sangi, Thali, Mindjo/Mindju/Minju/Minju-Dhelo, Mpetsi/Petsi/Mpety/Peti/Petsy, Langa, Mbidjo, Ngabuli/Ngabulo/Ngabuleu, Tsili/Tsele and Wadda/Wadha.

UPC/FPLC bajagajaze ibihuru, bahiga bukware abaturage bari babihungiyemo. Bishe abaturage b'abasiviri batari Abahema babarirwa hagati ya 210 na 350, basambanya ku gahato banashyira abantu mu bucakara bushingiye ku gitsina, bakora isahura rusange, kandi basenya amazu y'abasiviri, inyubako z'ubutegetsi n'inyubako za gisiviri zirinzwe (harimo n'ibitaro by'i Bambu), kandi bidafite aho bihuriye n'ibya gisirikare, ku muhanda munini no mu nsisiro zirenga 25.

79. Ku itariki ya 18 Gashyantare 2003 cyangwa hafi yaho, ingabo za UPC zagabye igitero i Lipri no ku nsisiro zihakikije, harimo na Tsili, zica nibura abasiviri 30, n'umuntu umwe i Ngongo. Abasirikare ba UPC/FPLC banatwitse Lipri. Abaturage bahunze bagana i Petsy, i Buli n'i Goy. Nyuma gato y'icyo gitero cyagabwe kuri Lipri, abasirikare ba UPC/FPLC bafashe abagore b'Abalendu, barabafunga kandi babasambanya ku gahato.

80. Ku itariki 18 Gashyantare 2003 cyangwa hafi yaho, abasirikare ba UPC/FPLC bagabye igitero i Kobu bahakora ibikorwa byo kwica no gutwika amazu.

81. Ku itariki ya 19 Gashyantare 2003 cyangwa hafi yaho, abasirikare ba UPC/FPLC bagabye igitero i Bambu, bica nibura abasiviri 12, banasahura ikigo cy'imfubyi, ikigo nderabuzima, amashuri, insengero, n'icyicaro gikuru cya sosiyete icukura zahabu ya Kilo Moto ; basahuye ibitaro kandi barabisenya. Kuri uwo munsi, UPC/FPLC yagabye igitero n'i Petsy ndetse no mu zindi nsisiro nyinshi, ituma abaturage bari barahahungiye bongera guhunga, maze bajya mu mashyamba akikije Buli, Gola, Gutsi na Jitchu. Ku itariki 20 Gashyantare 2003 cyangwa hafi yaho, UPC/FPLC yagabye igitero i Gutsi.

82. Ku itariki 22 Gashyantare 2003 cyangwa hafi yaho, Komanda MULENDA wa UPC/FPLC, wari washinze ibirindiro bye i Kobu, yatumiye abanyacyubahiro b'Abalendu n'abakuru b'abarwanyi kujya mu 'nama yo kugarura amahoro' i Sangi. Kubera ko bari bamaze kurambirwa kuba mu buzima buruhije bwo mu bihuru, abakuru b'imiryango y'Abalendu n'abaturage bemeye kwitabira ubwo butumire bwe.

83. Ku itariki 25 Gashyantare 2003 cyangwa hafi yaho, itsinda ry'intumwa rigizwe n'abanyacyubahiro b'Abalendu n'abaturage b'abasiviri bagera kuri 50 bahagurutse nta ntwaro bitwaje, bajya muri iyo nama yagombaga kubera i Sangi. Bakigera i Sangi, abasirikare ba MULENDA bataye muri yombi izo ntumwa. Abasirikare ba UPC/FPLC bahase ibitutsi izo mfungwa baziziza ubwoko bwazo ; izo ntumwa zarakubiswe bikabije ziranicwa. Izindi mfungwa zazanywe i Sangi kuri uwo munsi, kubera ko abasirikare ba UPC/FPLC bafashe abaturage b'abasiviri mu mashyamba yari ahakikije.

84. Muri gihe icyo gitero cyabaga, abasirikare ba UPC/FPLC basambanyije abagore ku gahato kandi babashyira mu bucakara bushingiye ku gitsina. Abasirikare ba UPC/FPLC bataye muri yombi abagore b'Abalendu i Sangi, i Jitchu no mu bihuru bihakikije. Bagizwe imfungwa, hari mo n'i Kobu. Abasirikare ba UPC/FPLC basambanyije abo bagore b'imfungwa ku gahato, buri wese muri bo asambanywa na benshi icyarimwe kandi kenshi, babakangisha kubica, bababakubita bikomeye, banabatunga imbunda. Bamwe muri bo barishwe bazira ukwihagararaho kwabo. Abasirikare ba UPC/FPLC babakoreraga ibya mfura mbi ari na ko babatukagura babaziza ubwoko bwabo. Bamwe muri abo bahohotewe barishwe kubera ko bagerageje gutoroka. Abasirikare ba UPC/FPLC basambanyije ku gahato inshuro nyinshi abagore bari barataye muri

yombi, kandi babategeka kwikorera ibintu byari byasahuwe, no kujya batekera abakomanda.

85. Kuri uwo munsi, UPC/FPLC yagabye igitero i Buli n'i Jitchu**.** Abasirikare ba UPC/FPLC bategetse abasiviri bari batawe muri yombi kwikorera ibintu byari byasahuwe babivana i Jitchu, i Sangi n'i Buli babijyana i Kobu, aho UPC/FPLC yari yashinze ibirindiro bikuru byayo. Irindi sahura ryakorewe i Kobu. UPC/FPLC yatwitse Sangi, Buli, Pili, Jitchu, Mindjo, Goy, Langa, Dyalo na Wadda.

86. UPC/FPLC yagabye ibitero mu turere abaturage batari Abahema bari barahungiyemo. Ingabo za UPC/FPLC zamanutse kuri Gola, Buli, Jitchu, Gogo no mu mashyamba yari ahakikije, bashakisha abari bayihishemo, maze barasa cyangwa bata muri yombi abagiye bayasohokamo. Abasirikare ba UPC/FPLC bagendaga batera akaruru bavuga ngo « *shika na mukono* » bashishikariza abandi kwica bakoresheje *intwaro za gakondo* kugira ngo 'badapfusha ubusa' amasasu.

87. Ingabo za UPC/FPLC zashyize mu mutego impunzi z'abaturage b'abasiviri mu karere gafite hafi ibirometero bitandatu gakoze igishushanyo cy'impande eshatu hagati ya Lipri, Kobu na Bambu. Kubera ko bari bagoswe, abo baturage ntibashoboraga gusohoka muri ako karere, ahubwo bagendaga bava ku gasozi bagahungira ku kandi.

88. Abasirikare ba UPC/FPLC bakomeje kubahiga bukware (*ratissage*) ku itariki 26 Gashyantare 2003 cyangwa hafi yaho, bata muri yombi kandi bica abasiviri bagera kuri 92 mu ishyamba ry'i Jitchu, n'iryo shyamba bararitwika.

89. Ku itariki 26 Gashyantare 2003 cyangwa hafi yaho, burigade ya MULENDA yajyanye imfungwa zo muri ya 'nama yo kugarura amahoro'

izivana i Sangi izijyana i Kobu-Wadza. MULENDA yavuganye kenshi na KISEMBO bashakisha uko baribugenze izo mfungwa, kubera ko iyo burigade yari ikenewe byihutirwa i Bunia. Muri iryo joro, abasirikare ba UPC/FPLC, harimo na Komanda SIMBA, bishe izo mfungwa bazihora ubwoko bwazo kandi babasambanya ku gahato. Bamaze kwicira izo mfungwa z'Abalendu i Kobu, abasirikare ba UPC/FPLC bahise batwika urwo rusisiro.

90. UPC/FPLC imaze kuva i Kobu ku itariki 27 Gashyantare 2003 cyangwa hafi yaho, Abalendu n'abandi baturage batari Abahema bari bacitse ku icumu basohotse mu bihuru. Batahuye ko abantu bagera kuri 50 bari biciwe mu murima w'urutoke. Hari hari imirambo y'abagabo, iy'abagore n'iy'abana, imwe muri yo iboshye amaboko kandi yambaye ubusa igihande kimwe. Muri iyo mirambo harimo n'iy'abanyacyubahiro b'Abalendu, nk'uwa BUROMBI, hamwe n'iy'abandi basiviri b'Abalendu bari bagizwe imfungwa muri ya 'nama yo kugarura amahoro'.

91. Ibi bintu byabaye byaramenyekanye cyane muri UPC/FPLC. Kubera ko yashyizweho igitutu na MONUC, LUBANGA yasabye Umukuru w'Ubutasi muri UPC/FPLC kumuha raporo kuri ibyo bintu. MULENDA n'abandi bakomanda ba UPC, ndetse n'abasirikare bagabye icyo gitero cyo muri *kolekitivite* ya Walendu-Djatsi, ntibigeze bahanirwa ibyo byaha bakoze.

iii. Kwinjiza mu gisirikare ku ngufu abana bafite munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano

92. UPC/FPLC yasabaga buri gihe ko babaha abandi basirikare kugira ngo bagire benshi mu ngabo zabo. Kugira ngo ibi bigerweho, UPC/FPLC yashyizeho ubukangurambaga bwo kwinjiza abantu benshi mu gisirikare, harimo abagabo, abagore n'abana batitaye ku myaka bari

bafite. Abafatanyacyaha bakoreshaga intumwa zabo z'icengezamatwara kugira ngo bahatire urubyiruko rw'Abahema kwinjira mu gisirikare cya UPC/FPLC.

93. Kuva UPC yashingwa, yinjije mu gisirikare abana bafite munsi y'imyaka 15 y'amavuko mu ngabo zayo. Muri aba bana, hari harimo abana wasangaga uramutse witegereje igihagararo cyabo byagaragaraga neza ko bari bafite munsi y'imyaka 15 y'amavuko bakaba baritwaga ba *kadogo*, ijambo ry'igiswayire risobanura « akantu gato ». **Bosco NTAGANDA** ni we wari ushinzwe kubinjiza mu gisirikare. Hagati y'itariki 2 Nyakanga 2002 na 31 Ukuboza 2003, muri Ituri yose, **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha, buri wese ku giti cye cyangwa binyujijwe muri UPC/FPLC, binjije abana mu gisirikare ku ngufu, harimo n'abo bigaragara neza ko bari bafite imyaka iri munsi ya 15 y'amavuko. Abasirikare ba UPC/FPLC bashimuse ahanini abana b'abahungu, ariko rero n'abakobwa, maze babinjiza ku ngufu mu gisirikare cya UPC/FPLC. Uko gushaka kwinjiza abantu mu gisirikare kwari kugambiriye urubyiruko ku buryo buziguye cyangwa se butaziguye, harimo n'abari bafite imyaka iri munsi ya 15 y'amavuko.

94. UPC/FPLC na **Bosco NTAGANDA** bashyize igitutu ku miryango y'Abahema kugira ngo bagire inkunga batanga ku ntambara, baha abana umutwe w'abarwanyi w'Abahema. Bimwe mu bintu byateraga abo bana bari munsi y'imyaka 15 y'amavuko kwinjira mu gisirikare 'ku bushake', harimo kuba barifuzaga guhorera imfubyi zo mu miryango yishwe cyangwa se bivugwa ko yishwe n'imitwe y'abarwanyi bari bahanganye na FPLC, kubihatirwa n'imiryango yabo, kuba barashakaga kurinda imiryango yabo, kureshywa n'ubuzima bwa gisirikare no/cyangwa ubuzima bugoye abana babagamo, nko gukenera kurengerwa no kubona ibiryo ku buryo bwihutirwa.

95. Bakimara kwinjizwa mu gisirikare, abasirikare b'abana bo muri UPC/FPLC bajyanwaga mu bigo byinshi bitandukanye byakorerwagamo imyitozo ya gisirikare muri Ituri. Ibigo byababaga ahantu nka Centrale, Mandro, Mahabusu, Lingo, Rwampara, Bule, Bogoro, Sota, Mongbwalu, Bunia, Fataki, Khari na Kilo. Bosco NTAGANDA yasuraga kandi akagenzura ibyo bigo byakorerwagamo imyitozo ya gisirikare. Yabonaga abana barimo bari gukoreshwa imyitozo ya gisirikare kandi yarabashishikazaga muri iyo myitozo ya gisirikare.

96. Icyari kigambiriwe muri iyo myitozo ya gisirikare kwari ugutegura abana kugira ngo bagire uruhare rugaragara mu mirwano. Iyo myitozo yamaraga amezi abiri kandi yari ikubiyemo ibintu by'ibanze mu myitozo ya gisirikare nk'imyitwarire, uko batanga isaluti, gukora akarasisi n'imyitozo yo gukoresha imbunda. Kugira ngo bongere morali y'abo bana, ababigishaga babashishikarizaga kuririmba indirimbo za gisirikare z'intambara, harimo indirimbo zo gusuzugura, no gutera ubwoba abaturage bo mu bwoko bw'Abalendu.

97. Abasirikare b'abana bafatwaga nabi birenze urugero mu nkambi bakoreragamo imyitozo ya gisirikare. Barakubitwaga buri gihe bakanashyirwaho agahato ko kunywa urumogi n'ibindi biyobyabwenge. Imyitwarire myiza yari igoye cyane kandi yaririmo no gukubitwa ibiboko. Abasirikare b'abana barapfaga kubera ibihano nk'ibyo.

98. Igihe barangizaga gukora imyitozo ya gisirikare, **Bosco NTAGANDA** yahaga buri mwana iniforume ya gisirikare n'imbunda, bisobanuye ko bari biteguye kujya ku rugamba. Abarikiri babaga bamaze gukoreshwa imyitozo ya gisirikare yaraboherezaga ngo bajye kugira uruhare mu mirwano. Abana bafite imyaka iri munsi ya 15 y'amavuko na bo bagize uruhare rugaragara mu mirwano ubwo bari bari ku rugamba, barwana

mu bitero byagabwe i Bunia (6-9 Kanama 2002); Songolo (31 Kanama 2002); Zumbe (16 Ukwakira 2002); Libi (Ukwakira 2002); Mbau (Ukwakira -Ugushyingo 2002); Kpandroma (Ukwakira 2002); Mambasa, Komanda and Eringeti (hagati y' Ukwakira n'Ukuboza 2002) ; Mongbwalu, (18-23 Ugushyingo 2002) Mabanga (Gicurasi cyangwa Kamena 2003); Lonyo (Gicurasi cyangwa Kamena 2003); Lipri, Kobu, Bambu, (16 Gasyantare kugeza kuri 3 Werurwe 2003); Bunia (6 Werurwe, 6 Gicurasi 2003) n'ahandi. Mbere yo gutangira kurwana, abakomanda ba FPLC bategekaga abana kwica abasiviri no gutwika amazu. Abasirikare b'abana bishe abantu ariko na bo harimo abapfuye. Mu mirwano, abasirikare b'abana benshi barwaniraga FPLC barishwe.

99. Byongeye kandi, **Bosco NTAGANDA** n'abandi bakomanda ba gisirikare ba FPLC, abanyamabanga ba UPC ku rwego rw'igihugu na LUBANGA bakoreshaga abasirikare b'abana bari munsi y'imyaka 15 y'amavuko nk'abashinzwe kubarindira umutekano. Mu byo bari bashinzwe harimo gukora ibishoboka byose kugira ngo babarindire umutekano, no mu bihe abasirikare babaga boherejwe ahaberaga ibikorwa bya gisirikare.

iv. Ibikorwa byo gusambanywa ku gahato n'ubucakara bushingiye ku gitsina byakoreraga abasirikare b'abana bo muri UPC/FPLC

100. Kuva ku itariki 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, abakomanda ba UPC/FPLC n'abasirikare bayo basambanyije ku gahato kandi bashyira mu bucakara bushingiye ku gitsina abasirikare babo batitaye ku myaka yabo, harimo n'abasirikare b'abana bari munsi y'imyaka 15 y'amavuko. Bamwe mu basirikare b'abana batwaye inda nyuma yo gusambanywa ku gahato. Abasirikare b'abana akenshi basambanywaga ku gahato n'abakomanda cyangwa abasirikare ba UPC/FPLC barenze umwe. Abo basirikare b'abana bahoraga

basambanywaga ku gahato igihe babaga batari mu mirwano, nko mu gihe cy'imyitozo ya gisirikare n'igihe ibitero byabaga byarangiye. Abakomanda n'abasirikare ba UPC/FPLC bitaga abasirikare b'abana (kimwe n'abandi bakobwa n'abagore bari bari muri UPC/FPLC barengeje imyaka 15 y'amavuko) *guduria*, isafuriya nini itekwamo, bashaka kuvuga ko bashobora gukoreshwa imibonano mpuzabitsina igihe cyose abasirikare babishakiye.

101. Abakomanda ba UPC/FPLC bakoreshaga abasirikare b’abana b'abakobwa bo muri UPC/FPLC, mu mirimo yo mu rugo, mu guteka, no mu mibonano mpuzabitsina. Kubera ko bari abasirikare ba UPC/FPLC, abakobwa n’abagore basambanywaga ku gahato bitewe n’imiterere y’icyo gisirikare yari ikaze cyane, ku buryo batashoboraga kukivamo. Abakomanda ba UPC/FPLC basambanyaga abasirikare babo babakangisha kubica kandi akenshi abo bakomanda bakaba babaga banafite imbunda. Abakobwa n’abagore bo muri UPC/FPLC ntibashobora kwanga.

102. Na none abasirikare ba UPC/FPLC basambanyaga ku gahato abasirikare babo nk’igihano.

103. **Bosco NTAGANDA** n'abandi bakomanda bari bazi cyangwa bagombaga kuba bazi ko mu rwego rwa gahunda y'ibikorwa isanzwe, abasirikare ba UPC/FPLC, harimo n'abana batarageza ku myaka 15 y'amavuko, basambanywaga ku gahato bakanashyirwa mu bucakara bushingiye ku gitsina n’abakomanda babo ndetse n’abandi basirikare ba UPC/FPLC. Abakobwa n'abagore bari bari muri UPC/FPLC bari mu kaga ko guhura na byo by'umwihariko. Bacumbikaga mu nkambi z'imyitozo ya gisirikare hamwe n'abakomanda n’abasirikare b'igitsina gabo bari babafiteho ububasha, bakoreshaga ubwo bubasha mu buryo

budakwiye, bari bafite intwaro kandi bakabikorana ingufu nyinshi. Abo bakobwa n'abagore bashingwaga imirimo yo mu rugo aho abo bakomanda babaga batuye. Ntibashoboraga gusohoka mu nkambi nta ruhusa kandi bagombaga kumvira abayobozi n'abakomanda babo, bitaba ibyo bagahabwa ibihano. Muri UPC/FPLC ntibatandukanyaga abantu bakurikije ikigero cy'imyaka yabo, abinjizwaga mu gisirikare bose bafatwaga kimwe.

104. **Bosco NTAGANDA** n'abandi bakomanda bayoboraga batanga urugero rubi. Basambanyaga ku gahato abasirikare b'abakobwa n'abagore, harimo n'abari bafite munsi y'imyaka 15 y'amavuko, kandi bakabashyira mu bucakara bushingiye ku gitsina.

105. **Bosco NTAGANDA** ubwe bamwe yasambanyije kandi/cyangwa ashyira mu bucakara bushingiye ku gitsina abagore n'abakobwa bo muri UPC/FPLC, harimo n'abari bashinzwe kumurinda, ibyo bikaba byaratanze ubutumwa bw'uko bene ibyo bikorwa byemewe n'ubuyobozi, kandi bigira n'uruhare mu gutuma hakorwa ibindi byaha.

106. **Bosco** NTAGANDA ntiyafashe ingamba zose za ngombwa kandi zikwiye zari mu bubasha bwe kugira ngo akumire cyangwa ahagarike ikorwa ry'ibyo byaha cyangwa ngo ahane ababikoraga.

107. Kuba abakomanda n'abasirikare ba UPC/FPLC barakoze ibikorwa byo gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina abasirikare b'abana, ibyo biri mu bigize ibyaha by'intambara. Abasirikare b'abana barindwa muri rusange ihohoterwa rishingiye ku gitsina hakurikijwe amahame remezo areba ibyerekeranye n'abantu bahuye n'intambara itari iyo mu rwego mpuzamahanga.[12] Byongeye

[12] Ingingo ya 4 y'Umugereka wa II n'Ingingo rusange ya 3 y'Amasezerano y'i Jeneve.

kandi, bafite amategeko yihariye abarengera, kubera ko kuba ari abana bituma bashobora kuzahazwa cyane n'ubuzima bubi bari mo.[13] Izo nzego zombi z'amategeko abarengera zemeza ko abasirikare b'abana bafatwa nk'abakorewe ibyaha by'ihohoterwa rishingiye ku gitsina mu rwego rw'ibirego hakurikijwe ibikubiye mu ngingo ya 8(2)(e)(vi).

108. Ibimenyetso-gihamya by'ibyaha byo gusambanya ku gahato n'ubucakara bushingiye ku gitsina byakozwe n'abasirikare ba UPC/FPLC b'imyaka yose birahagije kwerekana ko **Bosco NTAGANDA** yakomeje nkana kugira imyitwarire n'umugambi wo kubikora kandi abizi neza nubwo ibirego byerekeranye gusa n'abasirikare ba UPC/FPLC b'abana bari bari munsi y'imyaka 15 y'amavuko.

G. IBINTU BYABAYE BIGARAGAZA UBURYOZWACYAHA BWA BOSCO NTAGANDA KU GITI CYE

109. **Bosco NTAGANDA** afite uburyozwacyaha ku giti cye ku byaha aregwa muri iyi nyandiko ikubiyemo ibirego, ko yakoze, yatanze amategeko, yashishikaje kandi/cyangwa yagerageje gukora, hakurikijwe ibiteganywa mu ngingo ya 25(3)(a), ari we ubwe wakoze icyaha ku buryo butaziguye, ari umufatanyacyaha ku buryo butaziguye kandi/cyangwa ari umufatanyacyaha ku buryo buziguye, mu ngingo za 25(3)(b) na 25(3)(f), cyangwa ku byo yagizemo uruhare hakurikijwe ibikubiye mu ngingo ya 25(3)(d), cyangwa kubera ko yari komanda w'abasirikare hakurikijwe ibikubiye mu ngingo ya 28(a).

110. Mu Cyemezo cyafashwe ku Cyifuzo cya Porokireri gisaba Urwandiko rwo Gufata, Urugereko rwasanze uburyozwacyaha bwa **Bosco NTAGANDA**, nk'umufatanyacyaha ku buryo buziguye « ntacyo buhungabanyaho ku bindi bishobora kuzaboneka nyuma birebana no

[13] Ingingo ya 4(3) y'Umugereka wa II w'Amasezerano y'i Jeneve.

kuba hakoreshwa ubundi buryo bwo kuryozwa icyaha nyuma muri uru rubanza ».[14] Ubushinjacyaha burifashisha ubundi buryo bwo kuryozwa icyaha bukomoka ku ruhurirane rw'ibyabaye bimwe, kugira ngo buhe Abunganira Uregwa kuva mu ntangiriro, aho kubohèrereza imenyesha hakurikijwe ibikubiye mu ngingo ya 55(2) y'Amategeko agenga Urukiko, nyuma mu rubanza. Hanyuma, ibirego nibyemezwa, Urugereko rwa mbere rw'Iremezo ruzasuzuma niba uregwa afite uburyozwacyaha koko, noneho hagaragazwe uburyo bwo kuryozwa icyaha bwakoreshejwe. Kwemeza ibirego hashakwa ubundi buryo bwo kuryozwa icyaha bituma ubucamanza burushaho gukora neza kandi bigabanya, ku rwego rw'iburanisha, kuba imenyekanisha ry'uko isobanurwa ry'ibyaha mu rwego rw'amategeko rishobora guhinduka. Ubushinjacyaha buremeza ko uburyo bwose Urugereko rwa mbere rw'Iremezo rufite butagombye kugabanywa bitari ngombwa, mu gihe ubundi buryo bwo kuryozwa icyaha bufite ibimenyetso bibushyigikira.

i. *Ingingo ya 25(3)(a) ya Sitati ya Roma*

a) *Umugambi Uhuriweho na Bosco NTAGANDA n'abo bafatanyije gukora ibyaha*

111. **Bosco NTAGANDA** yakoze buri cyaha cyose aregwa afatanyije n'abandi we ubwe, cyangwa binyuze mu ruhare yagize muri wa Mugambi Uhuriweho, nk'uko byavuzwe mu gika cya 1 hejuru, hakoreshejwe uburyo burimo no gukora ibyaha. **Bosco NTAGANDA**, LUBANGA, KISEMBO (kugeza mu ntangiriro z'Ukuboza 2003) n'abandi, bari abafatanyacyaha muri wa Mugambi Uhuriweho wabayeho kuva ku itariki 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003.

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[14] ICC-01/04-02/06-36-Red, igika cya 66.

112. Nk'uko byasobanuwe mu bika bya 23, aba bafatanyacyaha bishyize hamwe kuva mu mwaka wa 2000. Mu mwaka wa 2002, LUBANGA yari Minisitiri w'ingabo muri RCD-K/ML na Perezida wa UPC ; **Bosco NTAGANDA** yari umwe mu bagize APC, ishami rya gisirikare rya RCD-K/ML. Haje kuba amakimbirane no gushwana hagati ya LUBANGA, (wari ushyigikiwe na **Bosco NTAGANDA** na KISEMBO), na Perezida NYAMWISI wa RCD-K/ML.

113. Muri Werurwe na Mata 2002, **Bosco NTAGANDA** n'abo bafatanyije gukora ibyaha bo muri APC bari bashyigikiye LUBANGA bigometse kuri Perezida NYAMWISI. Abo bantu bari baracuze umugambi wa mbere wo kwigomeka muri APC mu mwaka wa 2000 (ari bo, **Bosco NTAGANDA**, KISEMBO, TCHALIGONZA, KASANGAKI, BAGONZA) bongeye na none kwifatanya na LUBANGA mu kwigomeka bwa kabiri kuri Perezida NYAMWISI na RCD-K/ML mu mwaka wa 2002.

114. Hagati ya Mata na Kanama 2002, Bosco **NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha yagize uruhare mu gushyira mu bikorwa wa Mugambi Uhuriweho ashinga ibigo by'imyitozo ya gisirikare, yinjiza urubyiruko mu gisirikare harimo n'abana bari munsi y'imyaka 15 y'amavuko, ashakira abarikiri intwaro na iniforume kandi anayobora ibikorwa byo kumenesha RCD-K/ML no kwigarurira Bunia, abikorera UPC/FPLC.

115. Mu cyi cy'umwaka wa 2002, icyicaro gikuru cya UPC i Bunia cyakoreshejwe mu guha abarikiri imyitozo ya gisirikare, harimo n'abana bari munsi y'imyaka 15 y'amavuko. Batojwe uburyo bwo kwigarurira Bunia na Ituri, hakoreshejwe uburyo burimo no gukora ibyaha.

116. **Bosco NTAGANDA** yari komanda mu gitero cy'i Bunia mu ntangiriro za Kanama 2002, cyagabwe n'ingabo zaje kuba FPLC, ubwo UPDF

yabateraga inkunga. UPC/FPLC yigaruriye Bunia, ituma abaturage b'abasiviri ibihumbi n'ibihumbi bava mu byabo, hicwa abasiviri bagera ku 100, haba ibikorwa byo gusambanya ku gahato, gusahura ku buryo bwa rusange no gusenya amazu.

117. Kubera icyo gitero, UPC yahise igaragara imbere ya bose ko ari ryo shyaka riri ku butegetsi. Ku itariki 11 Kanama 2002, LUBANGA n'abandi bari mu nzego z'ubutegetsi za UPC bashyize umukono ku nyandiko yavugaga ko ari bo bashinzwe ubuyobozi bw'inzego za politiki, iz'ubukungu n'iza gisirikare muri Ituri.

118. Ku itariki ya 2 n'iya 3 Nzeri 2002, Perezida LUBANGA yashyizeho ku mugaragaro ishami rya gisirikare rya UPC, ariha izina rya FPLC, ubwo biba bigaragaye ko habayeho inzego za gisirikare muri UPC. Yahaye KISEMBO umwanya w'Umugaba Mukuru w'ingabo, **Bosco NTAGANDA** amugira Umugaba w'ingabo wungirije. Yahaye KAHWA umwanya wa Minisitiri w'ingabo, naho RAFIKI amugira Umuyobozi w'ibyerekeye umutekano, aba n'Umukuru wa AGS. TCHALIGONZA, BAGONZA na KASANGAKI bari abakomanda ba gisirikare bo mu rwego rwo hejuru. Yashyizeho kandi n'abayobozi bose b'inzego za politiki.

119. Abafatanyacyaha bahuye inshuro nyinshi, kugira ngo basuzumire hamwe ingamba zo gushyira mu bikorwa wa Umugambi Uhuriweho.

b) *UPC/FPLC yari ifite ubuyobozi butunganyije neza n'inzego ziteye ku buryo zimwe zikuriye izindi*

120. Ishyirwa mu bikorwa by'Umugambi Uhuriweho ryakozwe n'inzego ziteye ku buryo zimwe zikuriye izindi, zigizwe na LUBANGA wari Perezida kandi akaba n'Umugaba w'ikirenga w'ingabo, KISEMBO wari

Umugaba Mukuru na **Bosco NTAGANDA** wari Umugaba w'ingabo wungirije.

121. Kuva yashingwa ku itariki 15 Nzeri 2000, UPC ntiyatinze guhinduka umutwe wa gisirikare na politiki ukora neza cyane kandi ufite inzego zigaragara. Ubuyobozi bwa UPC muri Ituri bwari bumeze nk'ubwa guverinoma iyoboye igihugu, n'abanyamabanga bo ku rwego rw'igihugu bakorana na Perezida LUBANGA ku buryo butaziguye.

122. Ishami rya gisirikare rya UPC, ari ryo FPLC, ryashyizweho ku mugaragaro muri Nzeri 2002, hashyirwaho abakomanda n'abasirikare bari basanzwe bakorana na UPC. Abasirikare bakuru bashinzwe abakozi ba UPC, abashinzwe ubutasi, serivisi ishinzwe ibikoresho bya gisirikare (logistics), ubuyobozi, ibikorwa bya gisiviri n'ibya gisirikare bari bakuriwe n'Umugaba Mukuru w'ingabo n'Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare.

123. FPLC yari umutwe w'ingabo zuzuye, ikaba yari ifite icyicaro gikuru cyayo i Bunia. Yari igizwe na za segiteri, za burigade, za batayo, za kompanyi, za peroto na za segisiyo zari ziri muri Ituri yose, kandi buri burigade ikaba yari ifite nibura abasirikare babarirwa hagati ya 1000 na 1500. Yakoraga hakurikijwe inzego z'ubuyobozi, za raporo n'amategeko byatangwaga biturutse mu birindiro bikuru kugera mu nzego zo hasi aho abasirikare babaga baroherejwe gukorera, hanyuma bikongera bikazamuka bigana mu inzego z'ubutegetsi zo hejuru. Yari ifite inzego ziteye nk'inzego z'ubuyobozi b'igisirikare gisanzwe, **Bosco NTAGANDA** akaba yari afite muri izo nzego inshingano za gisirikare zikomeye.

124. Abasirikare ba UPC/FPLC banahabwaga imyitozo ya gisirikare harimo gukoresha imbunda, gukora akarasisi, amayeri ya gisirikare no kubaha ababakuriye.

125. Abasirikare ba UPC/FPLC bari bafite itumanaho rikora neza ryakoreshaga satellite na za « *radiyofoni* » za Motorola (« manpacks »), kandi abenshi mu bofisiye n'abakomanda bagakoresha za nimero bihariye bahamagarwaho ('call-signs') mu gihe cyo kuvugana. Hari inzego ziteguwe neza mu buryo zimwe zabaga zikuriwe n'izindi kandi zikora neza, ibyo bigafasha abayobozi batandukanye ba FPLC, harimo na Bosco NTAGANDA, bamenya amakuru yose y'ingenzi ku byabaga.

c) Uruhare rwa Bosco NTAGANDA

126. **Bosco NTAGANDA** yagize uruhare ku byaha aregwa mu buryo bukurikira :

a) kwinjiza mu gisirikare urubyiruko, harimo n'abafite munsi y'imyaka 15 y'amavuko, kubakoresha imyitozo ya gisirikare no kubakoresha mu mirwano ;

b) gutegura ibitero, gutanga amategeko no gushishikariza Abahema b'abasiviri bafashaga UPC/FPLC gukora ibyaha abashakira akanabaha imbunda n'amasasu mbere no mu gihe cy'ibitero, kohereza abasirikare aho bagomba akazi bahawe, kuyobora ibikorwa bya gisirikare, kuvugana n'abamukuriye ndetse n'abo ategeka ku bibazo bya gisirikare ; guhura no kuvugana buri gihe n'abo bafatanyije gukora ibyaha kugira ngo baganire uko Umugambi Uhuriweho washyirwa mu bikorwa, gukoresha inama abasirikare no kubaha amabwiriza yerekeranye n'ibikorwa bya gisirikare ; no

c) korohereza no/cyangwa gushishikariza abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga gukora ibyaha, binyuze mu gukora ibyaha we ubwe, mu kudafata ibyemezo bikwiye, kandi

byari mu nshingano z'umwanya yari afite, kugira ngo abuze, ahagarike cyangwa ahane abakoze bene ibyo byaha.

127. **Bosco NTAGANDA** yavuganaga buri gihe n'abo bafatanyije gukora ibyaha n'abo ategeka, haba ku cyicaro gikuru cyangwa se aho abasirikare babaga boherejwe gukora ibikorwa bya gisirikare. Yavuganaga buri gihe n'abasirikare be kuri radiyo Motorola, bumwe mu buryo bw'itumanaho bwakoreshwaga muri UPC/FPLC. **Bosco NTAGANDA** yanakoreshaga telefone ya satellite, akanakoresha radiyo yohereza ikanakira ubutumwa ku ntera ndende. Izina rye yahamagarwaga kuri radiyo ryari « Tango-Romeo. »

128. **Bosco NTAGANDA** yinjije abantu mu gisirikare, harimo n'abana bafite munsi y'imyaka 15 y'amavuko. Yajyaga kugenzura kenshi inkambi zakorerwagamo imyitozo ya gisirikare, akabona abana barimo gukoreshwa imyitozo ya gisirikare, akabashishikaza, kandi akitabira ibirori byo kurangiza imyitozo ya gisirikare ('*passing out*') ubwo abasirikari b'abana b'abarikiri babaga bageze igihe cyo koherezwa aho bagomba kujya gukorera akazi. Mu ruzinduko rumwe mu nkambi bakoreragamo imyitozo ya gisirikare ya Rwampara ku itariki 12 Gashyantare 2003, LUBANGA yagejeje ku basirikare b'abarikiri ijambo, maze ababwira ko **Bosco NTAGANDA** agomba gusura abarikiri mu nkambi bakoreramo imyitozo ya gisirikare kubera ko yari akeneye abasirikare. LUBANGA yasobanuye ko **Bosco NTAGANDA** n'abandi bayobozi bakuru ba UPC/FPLC bagombaga kujya gushishikaza abarikiri mu gihe barimo bakora imyitozo yabo ya gisirikare.

129. **Bosco NTAGANDA** yashakaga kandi akanatanga imbunda n'amasasu muri UPC/FPLC. Inzu yabagamo i Bunia yari ububiko bw'imbunda. Intwaro zavaga mu Rwanda, noneho **Bosco NTAGANDA** akazakira

hanyuma akazitanga. **Bosco NTAGANDA** ubwe yatwaye imbunda n'amasasu mu ndege, abishyira abasirikare aho bari bari i Aru mu myiteguro yo kugaba igitero i Mongbwalu.

130. Kubera ko yari Umugaba w'ingabo wungirije wari ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare, **Bosco NTAGANDA** yateguraga kandi agapanga ibikorwa bya gisirikare. Mu kazi ke ka komanda ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare, **Bosco NTAGANDA** yashyizeho uturere tw'imirwano, yohereje abasirikare aho bagomba kujya gukorera, kandi ni we wari komanda w'ingenzi wayoboraga ibikorwa bya gisirikare.

131. Mu gitero cy'i Mongbwalu mu Gushyingo 2002, **Bosco NTAGANDA** yohereje abasirikare aho bagomba gukorera akazi batumwe, abakoresha inama mbere y'icyo gitero kandi abaha amabwiriza yihariye yo gukora ibyaha. Yitabiriye inama zo gutegura igitero cyagombaga kugabwa muri *kolekitivite* ya Walendu-Djatsi harimo na Lipri, Kobu na Bambu, kandi yagize uruhare rw'ingenzi mu kuyobora igitero cyaturutse i Bunia. Kuba nta muntu n'umwe **Bosco NTAGANDA** yahannye mu bakoze ibyaha muri ibyo bitero byombi, byagaragaje ko yemeraga kandi agashyigikira ikorwa ryabyo.

d) Ikorwa ry'ibyaha ryabaga amategeko yatangwaga na Bosco NTAGANDA n'abo bafatanyije gukora ibyaha yubahirizwa nta gutindiganya.

132. Kubera imiterere n'ingano bya UPC/FPLC, **Bosco NTAGANDA** n'abandi bayobozi bo mu rwego rwo hejuru ba UPC/FPLC babaga bazi neza ko abo bategeka bose, harimo n'abakoraga ibyaha ku buryo butaziguye, bari bwubahirize amabwiriza babahaye. Ibyo bishimangirwa n'uko : (a) abakoze ibyaha ntibabikoraga bonyine, ahubwo bateraga mu matsinda, akenshi ayo matsinda akaba yarabaga agizwe n'abantu babarirwa muri

za mirongo ; (b) abakoraga ibyaha babaga bitwaje intwaro zihagije, ndetse banafite imbunda ziremereye ; kandi (c) abakoraga ibyaha bahawe inyigisho za gisirikare, harimo n'uko umusirikare agomba kumvira abamukuriye. **Bosco NTAGANDA** yagize uruhare rw'ingenzi mu gisirikare no mu bihe by'iteganywa n'ipangwa ry'ibitero. Yatangaga intwaro, agafata ibyemezo ku bagomba koherezwa mu butumwa bwa gisirikare, yashyizeho uturere tw'imirwano, yatangaga amategeko kandi yari azi neza ko agomba kubahirizwa.

ii. Ingingo ya 25(3)(b),(d) na (f) ya Sitati ya Roma

133. Ku rundi ruhande, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko ku giti cye hakurikijwe ibiteganywa mu ngingo ya 25(3)(b), (d) cyangwa (f) ku bireba ibyaha aregwa.

134. **Bosco** NTAGANDA yategetse ko hakorwa ibyaha, cyangwa yatumye hakorwa ibyaha. Yari afite umwanya watumaga yubahwa kubera ko yari Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare muri UPC/FPLC. Yari afite ububasha bwo guha abasirikare amategeko, kandi buri gihe yatangaga amategeko ya gisirikare mu gihe cy'ibikorwa bya gisirikare. Uretse kuba yaragiye ategeka abasirikare gukora ibyaha, we ubwe yakoze ibyaha, ukongeraho ko atabujije, ntanahane abasirikare ba UPC/FPLC bakoraga ibyo byaha buri gihe, bikaba byarasaga nk'ibibwira abasirikare ba UPC/FPLC ko gukora ibyaha byari ibintu byemewe n'inzego zibakuriye. Kuba yaratangaga amategeko akanashishikariza abantu gukora ibyaha byatumaga nta kabuza abo bantu bakora cyangwa bagerageza gukora ibyaha.

135. **Bosco** NTAGANDA yagize uruhare mu ikorwa ry'ibyaha cyangwa mu byaha byageragejwe gukorwa n'itsinda ry'abantu, harimo LUBANGA na

KISEMBO, babikoraga bafite umugambi bahuriyeho wo gukora icyaha cyangwa gusohoza umugambi w'icyaha w'umutwe wabo bigarurira Ituri, maze bakirukanamo abaturage batari Abahema bakoresheje uburyo bukubiyemo ikorwa ry'ibyaha. Mu yandi magambo, **Bosco NTAGANDA** yari azi neza ko iryo tsinda rifite umugambi wo gukora ibyaha. Nk'uko byasobanuwe mu bika 126-131 **Bosco NTAGANDA** yateguraga ibikorwa bya gisirikare, yoherezaga abasirikare aho bagomba gukorera, yahaga abasirikare imbunda n'amasasu, yashyizeho uturere tw'imirwano, yatangaga amategeko mu gihe cy'ibikorwa bya gisirikare, yagiraga uruhare mu bikorwa bya gisirikare byabereyemo ibyaha byakorerwaga abasiviri, yinjizaga mu gisirikare abasirikare bashya harimo n'abana batarageza ku myaka 15 y'amavuko kandi anabakoresha mu mirwano. Yavuganaga buri gihe n'abantu bafite umugambi bahuriyeho.

136. **Bosco NTAGANDA** afite kandi uburyozwacyaha imbere y'amategeko ku bikorwa byo kwica abantu byageragejwe n'abasirikare ba UPC/FPLC, bakoraga bubahiriza amategeko ye cyangwa abibashishikarije, cyangwa se bakoze bagamije gushyira mu bikorwa wa Mugambi Uhuriweho w'abafatanyacyaha.

a) ***Bosco NTAGANDA yujuje ibyangombwa biranga icyaha bidafite icyo bishingiyeho gifatika {éléments subjectifs} ku byaha ashinjwa***

137. **Bosco** NTAGANDA yagambiriye gushyira mu bikorwa ingingo zifatika zigize ibyo byaha, kandi/cyangwa yari azi neza ko bizakorwa mu rwego rwa gahunda y'ibikorwa isanzwe mu gushyira mu bikorwa Umugambi Uhuriweho. Yari azi neza ko imyitwarire ye yari kimwe mu bigize ibitero rusange kandi biri kuri gahunda byibasiye abaturage b'abasiviri batari Abahema hakurikijwe cyangwa mu rwego rwo gushyira mu bikorwa umurongo ngenderwaho w'umutwe wabo, kandi yari azi neza

uruhurirane rw'ibyabaye byagaragaje ukubaho kw'intambara ikoreshejwemo intwaro.

138. Kubera ko yari umwe mu bantu bari bafite uruhare rw'ingenzi mu Mugambi Uhuriweho, kandi bishingiye ku kuba yari afite umwanya wo gutanga amategeko no kuyobora FPLC, **Bosco NTAGANDA** yari azi neza ko uruhare rwe mu Mugambi Uhuriweho ruzafasha gushyira mu bikorwa ingingo zifatika zigize ibyaha aregwa kandi yagambiriye ko bigenda bityo.

139. Ibitero byabaye mbere na nyuma y'ibitero ashinjwa bivugwa mu bika bya 43-52 bihuye neza n'uko **Bosco NTAGANDA** yari afite umugambi kandi yari azi neza ibyo byaha aregwa. **Bosco NTAGANDA** yagize uruhare cyangwa yayoboye ibitero mbere y'ibitero bibiri ashinjwa kandi, bityo, ibitero byabanjirije n'ibyakurikiye bigaragaza ko byakorwaga ku buryo bumwe butahindukaga. Ibitero byabanjirije byari mu rwego rusange cyangwa biri kuri gahunda, ku buryo **Bosco NTAGANDA** agomba kuba yaramenye, nibura, ko ubwo bwoko bumwe bw'ibikorwa bibujijwe byakorwaga muri ibyo bitero byari kuba mu rwego rwa gahunda y'ibikorwa isanzwe y'ibyo bitero byombi ashinjwa. Ibyo ni ukuri cyane cyane urebye ko abakoze ibyaha boherejwe kurwana muri ibyo bitero byombi, bari baroherejwe kurwana mu bindi bitero byabayeho mbere.

140. Kuba **Bosco NTAGANDA** yaragize uruhare mu bitero byakurikiye byakozwe na CNDP yari abereye Umugaba Mukuru w'ingabo zayo, hamwe na M23, bikaba byarakozwemo ibyaha byibasiye abaturage b'abasiviri, bigaragaza imyitwarire yakomeje idahinduka.

b) ***Bosco NTAGANDA n'abo bafatanyije gukora ibyaha bari bazi neza kandi bemeraga ko gushyira mu bikorwa Umugambi Uhuriweho bizatuma ingingo zifatika zigize ibyo byaha zigerwaho***

141. **Bosco** NTAGANDA n'abo bafatanyije gukora ibyaha bose bari bazi neza kandi bemera ko gushyira mu bikorwa Umugambi Uhuriweho, mu rwego rwa gahunda y'ibikorwa isanzwe, bizavamo ibitero ku baturage b'abasiviri batari Abahema, kandi bikavamo ikorwa ry'ibyaha ashinjwa muri iyi nyandiko ikubiyemo ibirego. **Bosco NTAGANDA** afatanyije n'abandi yagambiriye kandi ategura gukoresha ingufu mu kwirukana abaturage b'abasiviri batari Abahema babavana mu duce twari twiganjemo abasiviri batari Abahema muri Ituri, bityo akaba ari bo bagira ingufu zisumba iz'abandi mu rwego rwa gisirikare, urwa politiki n'urw'ubukungu muri Ituri.

142. Kuba **Bosco NTAGANDA** yari afite umugambi kandi/cyangwa azi neza ibyo yariho akora bigaragazwa n'ibi bintu bikurikira : (a) we ubwe n'abo bafatanyije gukora ibyaha bakurikije Umugambi Uhuriweho ; (b) yari azi ko abo bafatanyacyaha, bamwe muri bo na bo bari bafite ububasha bwo guha abasirikare amategeko no kugenzura UPC/FPLC, bemeranyaga n'uwo Mugambi Uhuriweho ; (c) yari azi uruhare abandi bafatanyacyaha bari bafite muri uwo Mugambi Uhuriweho n'ibikoresho bya ngombwa bafite byo kuwushyira mu bikorwa ; (d) yagiranaga inama kenshi n'abo bafatanyacyaha, bakungurana ibitekerezo bakanahuza ibikorwa byo gushyira mu bikorwa uwo Mugambi Uhuriweho ; (e) yahaga amategeko abasirikare yari akuriye kugira ngo bashyire mu bikorwa Umugambi Uhuriweho ; (f) yatanze imbunda n'abasirikare muri ibyo bitero byombi ashinjwa ; (g) yavuganaga ku buryo butaziguye n'abasirikare ba UPC/FPLC bagize uruhare muri ibyo bitero byombi ashinjwa ; (h) yagize uruhare mu buryo butaziguye mu gitero cyagabwe muri *kolekitivite* ya Banyali-Kilo ; (i) yari azi uruhare abo bari bafatanyije Umugambi Uhuriweho bagiraga mu ishyirwa mu bikorwa ryawo ; (j) kubera ko yari Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo

n'ibikorwa bya gisirikare, yabwirwaga n'abo yari akuriye ndetse n'abo bafatanyije gukora ibyaha uko ibintu byababaga byifashe ahaberaga imirwano mu gihe ibitero byababaga bikorwa ; kandi (k) yamenyaga ibyaha byakorwaga n'abasirikare ba UPC/FPLC n'Abahema b'abasiviri bafatanyaga.

143. Kuba abafatanyacyaha bari bafite intego kandi/cyangwa bari bazi ibyo bakora bigaragazwa n'ibintu bikurikira : (a) kuba baremeye gukurikiza Umugambi Uhuriweho ; (b) kuba bari bazi ko **Bosco NTAGANDA** yemeye gukurikiza Umugambi Uhuriweho ; (c) kuba barahuriraga mu nama hamwe na **Bosco NTAGANDA** cyangwa se n'abandi bafatanyacyaha kugira ngo bungurane ibitekerezo no guhuza ibikorwa bigamije gusohoza Umugambi Uhuriweho ; (d) kuba bari bazi uburyo n'ububasha bari bafite byo gushyira mu bikorwa Umugambi Uhuriweho ; no (e) kuba bose baragize uruhare mu gushyira mu bikorwa Umugambi Uhuriweho, harimo kwinjiza mu gisirikare, gutanga intwaro, gutera inkunga y'amafaranga, kuyobora no guha amabwiriza abakoze ibyaha ku buryo butaziguye.

c) Bosco NTAGANDA yabaga azi neza uruhurirane rw'ibiba, bituma ashobora gufatanya n'abandi gukora igenzura ry'ikorwa ry'ibyaha

144. Kuba **Bosco NTAGANDA** yari azi neza uruhurirane rw'ibiba, byatumaga ashobora gufatanya n'abo bafatanyije gukora ibyaha gukora igenzura ry'ikorwa ry'ibyaha bishobora kugaragazwa n'ibintu bikurikira : (a) yari azi neza ko yari afite ubuyobozi, ku bw'amategeko no mu ngiro, kuri UPC/FPLC no ku basiviri b'Abahema babafashaga ; (b) uruhare rwe n'ububasha muri UPC/FPLC yitwa Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare ; (c) uruhare rwe mu gutegura no mu gutanga uburyo bwo gutwara abasirikare n'ibikoresho, harimo imbunda n'abasirikare, byo gukoresha

muri ibyo bitero byombi ashinjwa ; (d) uruhare rwe ku buryo butaziguye mu gitero cyagabwe kuri *kolekitivite* ya Banyali-Kilo no mu bindi bitero ; (e) kuba yarabaga azi ko abandi bafatanyacyaha bemeranya n'Umugambi Uhuriweho kandi bafite ubushake bwo kuwushyira mu bikorwa ; (e) kuba yarabaga azi ko abandi afitanye Umugambi Uhuriweho na bo bari bafite ububasha bwo kugenzura UPC/FPLC n'Abahema b'abasiviri babafashaga ; (f) kuba yari azi neza ko UPC/FPLC yari ifite inzego z'ubuyobozi n'imiterere bikora neza ; no (g) kuba yari azi neza uko UPC/FPLC ingana, no kuba yari igizwe n'abasirikare babitojwe kandi bumvira ababakuriye.

d) ***Ibyangombwa biranga icyaha bidafite icyo bishingiyeho gifatika biteganywa n'ingingo ya 25(3)(b)***

145. Bosco NTAGANDA yari azi ko ibyaha bizakorwa mu rwego rwa gahunda y'ibikorwa isanzwe bitewe n'ishyirwa mu bikorwa ry'itegeko cyangwa bitewe n'ukubishishikarizwa. Kuba yari Umugaba mukuru w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare mu mutwe w'ingabo ufite imitunganyirize ihamye nka UPC/FPLC, aho abasirikare bari baratojwe kubaha ababakuriye kandi aho uruhererekane rw'inzego z'ubuyobozi rwakurikizwaga, **Bosco NTAGANDA** yabaga azi neza ko amategeko ye aza kubahirizwa. Yabaga azi na none ko kuba we ubwe yarakoraga ibyaha no kuba atarabikumiriye, atarabihagaritse cyangwa ngo abihane byatangaga ubutumwa ko abyemera kandi ashishikariza ko ibyo byaha bikorwa n'abasirikare ba UPC/FPLC hamwe n'Abahema b'abasiviri babafashaga.

e) ***Ibyangombwa biranga icyaha bidafite icyo bishingiyeho gifatika biteganywa n'ingingo ya 25(3)(d)***

146. Uruhare Bosco NTAGANDA yagiraga abigambiriye yarugiraga agamije gukora icyaha cyangwa umugambi w'icyaha w'umutwe yari mo cyangwa

azi neza umugambi w'uwo mutwe wo gukora ibyo byaha. Ibyo bigaragazwa n'umwanya yari afite muri UPC/FPLC, kuba yarategekaga abasirikare, uruhare rwe mu gutegura no kwitabira igabwa ry'ibitero, kuba yarahererekanyaga amakuru n'abo yari akuriye hamwe n'abagize umutwe no kuba yari azi ibyo byaha.

iii. Ingingo ya 28 ya Sitati ya Roma

147. Byongeye kandi, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko ku giti cye nka komanda wa gisirikare hakurikijwe ibikubiye mu ngingo ya 28(a) ku byerekeye ibyaha ashinjwa.

148. Kuva nibura ku itariki 2 Nyakanga 2002 kugeza ku ya 31 Ukuboza 2003, **Bosco NTAGANDA** yari umwe mu bayobozi ba gisirikare bo ku rwego rw'ikirenga ba UPC/FPLC. Mu bubasha yari afite nk'Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare na nyuma amaze kuba Umugaba Mukuru w'ingabo, ni we wari komanda wa gisirikare kandi yari afite ububasha bwo gutegeka no kugenzura abasirikare ba UPC/FPLC n'Abahema b'abasiviri bagize uruhare mu byaha byakozwe nk'uko bivugwa muri iyi nyandiko ikubiyemo ibirego.

149. **Bosco** NTAGANDA yari azi, hakurikijwe uko ibintu byari bimeze muri icyo gihe, yagombaga kuba yaramenye ko abasirikare ba UPC/FPLC hamwe n'Abahema b'abasiviri babafashaga bari barimo gukora ibyaha cyangwa bari bagiye kubikora, abivanye ahantu henshi hanyuranye, harimo :

a) uruhare rwe bwite mu iteganya, itegurwa na/cyangwa ikorwa ry'ibyo byaha ;

b) kuba yarakiraga amakuru ku ikorwa ry'ibyo byaha abibwiwe n'abagize UPC/FPLC ndetse n'abantu bo mu miryango mpuzamahanga, ibinyamakuru na/cyangwa abandi bantu ;

c) kuba yari azi ko Abakomanda ba UPC/FPLC ari bo MULENDA, SIMBA, ABELANGA na LINGANGA barakoraga ibikorwa byo gusambanya ku gahato abasiviri b'Abalendu ; no

d) kuba ubwe yariboneraga ikorwa ry'ibyo byaha.

150. **Bosco** NTAGANDA ntiyafashe ingamba zose za ngombwa kandi zikwiye zari mu bubasha bwe kugira ngo akumire cyangwa ahagarike ikorwa ry'ibyaha ryakorwaga n'abagize UPC/FPLC hamwe n'Abahema b'abasiviri babafashaga na/cyangwa ngo ahane abakoraga ibyo byaha, cyangwa se ngo ashyikirize icyo kibazo ku butegetsi bubishinzwe. Ibintu **Bosco NTAGANDA** yakoze cyangwa atakoze kandi byari ngombwa bigaragaza kuba atarafashe izo ngamba za ngombwa kandi zikwiriye ni nk'ibi :

a) kuba atarategetse ko habaho cyangwa ngo atangize amaperereza nyayo kandi akwiye ku byavugwaga ko habayeho ibyaha byakozwe n'abasirikare ba UPC/FPLC na/cyangwa Abahema b'abasiviri babafashaga ;

b) kuba ataragejeje ku bayobozi bireba amakuru ku ikorwa ry'ibyaha cyangwa ku byaha byashoboraga gukorwa n'abasirikare ba UPC/FPLC na/cyangwa Abahema b'abasiviri babafashaga ;

c) kuba atarahannye, atarirukanye, ataratse amapeti cyangwa atararetse gutanga amapeti cyangwa guha amashimwe abasirikare ba UPC/FPLC na/cyangwa Abahema b'abasiviri

babafashaga bagize uruhare mu ikorwa ry'ibyaha na/cyangwa batakumiye cyangwa batahannye ikorwa ry'ibyaha abo bari bashinzwe kuyobora ; no

d) kuba ataratanze amategeko ya ngombwa kandi akwiriye muri ibyo bihe kugira ngo akumire cyangwa ahagarike ibyaha byakorwaga n'abasirikare ba UPC/FPLC na/cyangwa Abahema b'abasiviri babafashaga.

151. Kuba **Bosco NTAGANDA** atarakoresheje ububasha yari afite kugira ngo akumire ikorwa ry'ibyaha byarushijeho gushishikariza abasirikare gukora ibyo byaha.

H. IBIREGO

i. Ibyabaye n'uko ibintu byari byifashe muri rusange muri icyo gihe

a) Ibirebana n'ibirego hakurikijwe ibiteganywa n'Ingingo ya 25(3)(a), (b) na (d)

152. **Bosco NTAGANDA** yagizwe Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare muri UPC/FPLC mu ntangiriro za Nzeri 2002. Mbere y'icyo gihe, yari komanda w'ingenzi wari ushinzwe ibikorwa bya gisirikare mu ngabo zaje kuba FPLC. Hagati ya Nyakanga 2002 n'impera z'Ukuboza 2003, **Bosco NTAGANDA** yayoboraga igisirikare kandi akagenzura abasirikare bose, akanagenzura Abahema b'abasiviri babafashaga akaba ari bo we n'abo bafatanyije gukora ibyaha bashishikarije gukora ibyaha, mu gihe UPC/FPLC na yo yarimo ibikora. Mu Kuboza 2003, yagizwe Umugaba Mukuru w'ingabo.

153. UPC/FPLC yari umuryango ufite ubuyobozi butunganyije neza n'inzego ziteye ku buryo zimwe zari zikuriye izindi. Bitewe n'uyu mwanya we wa komanda w'ibikorwa bya gisirikare n'uruhare mu Mugambi Uhuriweho, harimo no kugira uruhare ku buryo butaziguye mu gukora ibyaha, **Bosco NTAGANDA** (n'abo bafatanyije gukora ibyaha bategekaga bakanagenzura, kandi bakagira uruhare mu Mugambi Uhuriweho) yari afite ubushobozi bwo gukora ibyaha we ubwe, no kwifashisha UPC/FPLC mu gushyira mu bikorwa umugambi wo gukora ibyaha no gukora ibyaha aregwa.

154. Muri Mata 2002, Bosco NTAGANDA n'abo bafatanyije gukora ibyaha biyemeje gukurikiza Umugambi Uhuriweho. Mu gushyira mu bikorwa uwo Mugambi Uhuriweho, abo bafatanyacyaha, abasirikare ba UPC/FPLC n'Abahema b'abasiviri bababafashaga bakoze ibyaha byinshi bitandukanye, harimo n'ibyaha aregwa.

155. Hagati ya Nyakanga 2002 n'Ukuboza 2003, Bosco NTAGANDA ubwe yakoze ibyaha, yakoze ibyaha afatanyije n'abandi ; kandi/cyangwa yategetse, cyangwa yashishikaje ; kandi/cyangwa yagize uruhare ku bundi buryo mu gukora cyangwa mu kugerageza gukora ibyaha by'ubwicanyi, gutoteza, kugaba ibitero ku baturage b'abasiviri, kuvana abantu mu byabo ku ngufu, gusambanya ku gahato, gushyira mu bucakara bushingiye ku gitsina, gusahura no gusenyera abaturage batari Abahema no kugaba ibitero ku nyubako za gisiviri zirinzwe muri *kolekitivite* za Banyali-Kilo na Walendu-Djatsi muri Ituri.

156. Hagati ya Nyakanga 2002 n'Ukuboza 2003, **Bosco NTAGANDA** yakoze ibyaha afatanyije n'abandi cyangwa yifashishije UPC/FPLC, kandi/cyangwa yategetse, cyangwa yashishikarije kwinjiza mu gisirikare abana bafite munsi y'imyaka 15 y'amavuko ku ngufu kandi anabakoresha

mu mirwano, gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina abasirikare ba UPC/FPLC bari bafite munsi y'imyaka 15 y'amavuko, nk'uko bivugwa mu bika bya 65, 92-99 na 100-106.

157. Ibikorwa by'ubwicanyi no kugerageza gukora ubwicanyi byari bimwe mu bigize Umugambi Uhuriweho byabaye ku itariki 15 Ugushyingo 2002 cyangwa hafi yaho kugeza kuri 3 Werurwe 2003 cyangwa hafi yaho bikozwe na **Bosco NTAGANDA**, UPC/FPLC n'Abahema b'abasiviri bari babashyikiye. Bikubiyemo :

a) ubwicanyi no kugerageza gukora ubwicanyi mu gitero UPC/FPLC yagabye i Mongbwalu (no muri *kolekitivite* ya Banyali-Kilo) na nyuma yacyo ku itariki 15 Ugushyingo cyangwa hafi yaho kugeza kuri 15 Ukuboza 2002 cyangwa hafi yaho, nk'uko bigaragara mu bika bya 63, 67-71 na 74 ; na

b) ubwicanyi no kugerageza gukora ubwicanyi mu gitero UPC/FPLC yagabye muri *kolekitivite* ya Walendu-Djatsi na nyuma yacyo ku itariki 16 Gashyantare cyangwa hafi yaho kugera kuri 3 Werurwe 2003 cyangwa hafi yaho, nkuko bigaragara mu bika bya 78-81, 83-84, 86 na 89-90.

158. Ibikorwa byo gutoteza byari bimwe mu byari bigize Umugambi Uhuriweho byabaye ku itariki 15 Ugushyingo 2002 cyangwa hafi yaho kugera kuri 3 Werurwe 2003 cyangwa hafi yaho, bikozwe na **Bosco NTAGANDA**, UPC/FPLC n'Abahema b'abasiviri bari babashyikiye. Bigaragaza urukurikirane rw'ibikorwa by'itoteza byakozwe ku buryo rusange muri Ituri yose.

159. Mu gihe cyose cy'ibirego, guhera muri Nyakanga 2002, abasirikare ba UPC/FPLC n'Abahema b'abasiviri bari babashyikiye bagabye ibitero kandi/cyangwa bigarurira imijyi n'insisiro byari byiganjemo abaturage batari Abahema muri Ituri. Ibyo bikorwa byo kwigarurira uturere byarakomeje no mu mwaka wa 2003.

160. Mu gihe ibi ibitero byarimo biba na nyuma yaho, no gukomeza kugera ku itariki 31 Ukuboza 2003, UPC/FPLC yakoze ibikorwa byo gutoteza abaturage batari Abahema, cyane cyane Abalendu, harimo ibikorwa byo kubavana mu byabo ku ngufu, ubwicanyi no kugerageza gukora ubwicanyi, gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina. Ibi bikorwa n'ibikangisho byo kongera gukora ibindi byaha byatumye abaturage batari Abahema, cyane cyane Abalendu, bahunga kubera ubwoba. Ibihumbi n'ibihumbi by'Abalendu n'abandi batari Abahema barahungaga, akenshi inshuro nyinshi, birukanywe mu ngo zabo n'aho bari barahungiye bwa mbere muri *kolekitivite* za Banyali-Kilo na Walendu-Djatsi.

161. **Bosco NTAGANDA** yagambiriye gukora ibyo bikorwa bishingiye ku bwoko kandi/cyangwa yari azi neza ko mu rwego rwa gahunda y'ibikorwa isanzwe mu ishyirwa mu bikorwa ry'Umugambi Uhuriweho, ibyo bintu byaribuze gukorwa cyangwa byari byamaze gukorwa.

162. Ibikorwa by'itoteza byakozwe n'abafatanyacyaha, ni ukuvuga abasirikare ba UPC/FPLC hamwe n'Abahema b'abasiviri bari babashyikiye, hakurikijwe ibyari bikubiye muri wa Mugambi Uhuriweho, byarimo ibikurikira :

a) kwimura ku gahato abaturage batari Abahema, cyane cyane Abalendu, babavana mu ngo zabo muri *kolekitivite* ya Banyali-Kilo ku itariki 15 Ugushyingo cyangwa hafi yaho kugeza kuri 15

Ukuboza 2002 cyangwa hafi yaho, no muri *kolekitivite* ya Walendu-Djatsi ku itariki 16 Gashyantare cyangwa hafi yaho kugeza kuri 3 Werurwe 2003 cyangwa hafi yaho, nk'uko bigaragara mu bika bya 67, 68-69, 71, 74, 76, 78-79, 81, 83-84 na 86-87

b) kwica no kugerageza kwica mu gitero cyagabwe i Mongbwalu (no muri *kolekitivite* ya Banyali-Kilo) na nyuma yacyo mu Gushyingo no mu Kuboza 2002, na nyuma y'igitero cyagabwe muri *kolekitivite* ya Walendu-Djatsi ku itariki 16 Gashyantare cyangwa hafi yaho kugeza kuri 3 Werurwe 2003 cyangwa hafi yaho, nk'uko bigaragara mu bika bya 63, 67-71, 74, 78-81, 83-84, 86 na 89-90; no

c) gusambanya ku gahato no gushyira mu bucakara bushingiye ku gitsina abaturage b'abasiviri batari Abahema mu gitero cyagabwe i Mongbwalu (no muri *kolekitivite* ya Banyali-Kilo) na nyuma yacyo mu Gushyingo no mu Kuboza 2002, no mu gitero cyagabwe muri *kolekitivite* ya Walendu-Djatsi na nyuma yacyo ku itariki 16 Gashyantare cyangwa hafi yaho kugeza kuri 3 Werurwe 2003 cyangwa hafi yaho, nk'uko bigaragara mu bika bya 67, 72, 74, 77-79, 84, 89.

163. Guhera muri Kanama 2002, ibikorwa by'ihohoterwa ryakorewe abaturage b'abasiviri bikozwe n'abasirikare be UPC/FPLC, birimo kwica, gusambanya ku gahato, gushyira mu bucakara bushingiye ku gitsina, gusahura, gusenya amazu no kugaba ibitero ku nyubako za gisiviri zirinzwe, byatumye abaturage batari abahema, cyane cyane Abalendu, bahunga kubera ubwoba. Kubera ibyo bikorwa, abasiviri benshi batari Abahema hamwe n'abandi bantu batari bafite uruhare mu mirwano muri

kolekitivite za Banyali-Kilo na Walendu-Djatsi bavanywe mu byabo ku gahato guhera mu Gushyingo 2002 kugeza muri Werurwe 2003, nk'uko bivugwa mu bika bya 67, 68-69, 71, 74, 76, 78-79, 81, 83-84 na 86-87.

164. Nk'uko bivugwa mu bika bya 92-99, guhera nibura muri Nyakanga 2002 kugeza mu Kuboza 2003, mu turere tunyuranye two muri Ituri harimo na Bunia, **Bosco NTAGANDA** hamwe n'abo bafatanyije gukora ibyaha ku buryo butaziguye, bafatanyije kandi bifashishije abandi mu bikorwa byo kwinjiza mu gisirikare cya UPC/FPLC abana bari munsi y'imyaka 15 y'amavuko no kubakoresha mu mirwano.

165. **Bosco NTAGANDA,** afatanyije n'abandi, yategetse, kandi/cyangwa yashishikarije kugaba ibitero ku nyubako za gisiviri zirinzwe i Mongbwalu n'i Sayo mu Gushyingo 2002, n'i Bambu muri Gashyantare 2003, nk'uko bivugwa mu bika bya 69, 71-72, 78 na 81.

166. Ibi bigize bikorwa byo kugaba ibitero ku baturage b'abasiviri byakozwe ku buryo bwa rusange cyangwa buri kuri gahunda hakurikijwe ingengamikorere y'umuryango.

167. **Bosco NTAGANDA** yagize uruhare mu ikorwa ry'ibi byaha mu buryo bukurikira :

a) kwinjiza mu gisirikare, gutanga imyitozo ya gisirikare no gukoresha mu mirwano urubyiruko, harimo n'abana bari munsi y'imyaka 15 y'amavuko ;

b) gutegura ibitero, gutegeka no gushishikariza abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga gukora ibyaha abashakira kandi abaha imbunda n'amasasu mbere no mu gihe cy'ibitero, kohereza ingabo ku rugamba, kuyobora ibikorwa bya gisirikare, gushyiraho uturere tw'imirwano, kuvugana

n'abamukuriye ndetse n'abo ayobora ku byerekeranye n'ibikorwa bya gisirikare ;

c) kubonana no kugirana imishyikirano kenshi n'abo bafatanyije gukora ibyaha kugira ngo baganire ku byerekeranye no gushyira mu bikorwa Umugambi Uhuriweho, gukoresha inama ingabo no kuziha amabwiriza ku byerekeranye n'ibikorwa bya gisirikare ;

d) kuba atarafashe ibyemezo bikwiye kugira ngo akumire ikorwa ry'ibyaha byibasiye abaturage batari Abahema babaga mu turere bari barigaruriye ; no

e) korohereza no/cyangwa gushishikariza abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga gukora ibyaha, binyuze mu kuba we ubwe yarakoraga ibyaha, no mu kudafata ibyemezo bikwiye, kandi byari mu nshingano yahabwaga n'umwanya yari afite, byo kubuza, guhagarika ikorwa ry'ibyo byaha cyangwa guhana ababikoze.

168. **Bosco NTAGANDA** yashishikarije gukora ibyaha aregwa muri ubu buryo : (i) yatanze amategeko yo gukora ibyaha ; (ii) we ubwe yakoze ibyaha, ibyo bikaba byarashishikaje ingabo ze n'Abahema b'abasiviri babafashaga kuko bumvise ko ibyo bintu byemewe ; kandi (iii) yakoresheje amagambo y'agasuzuguro avuga nabi Abalendu n'abaturage b'abasiviri batari Abahema.

169. **Bosco NTAGANDA** kandi yashishikarije abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga gukora ibyaha mu kudafata ibyemezo yari afitiye ububasha bwo kubuza, guhagarika cyangwa guhana ibyaha byakozwe.

170. **Bosco NTAGANDA** yakoze ibyo bikorwa yabigambiriye rwose kandi abizi. **Bosco NTAGANDA** yari azi neza ko Umugambi Uhuriweho wari ukubiyemo ikorwa ry'ibyaha ; yari azi neza amatwara y'ingenzi y'ingabo za UPC/FPLC n'Abahema b'abasiviri babafashaga, ndetse n'uruhurirane rw'ibyabaga byafashaga we ubwe n'abo bafatanyije gukora ibyaha gufatanya kugenzura ikorwa ry'ibyaha. **Bosco NTAGANDA** yanagambiriye kandi yari azi ko imyitwarire ye yari ijyanye n'ibikorwa rusange kandi biri kuri gahunda byo kugaba ibitero ku baturage b'abasiviri. Yari azi kandi ko yakoraga ibyo bintu hakurikijwe Umugambi Uhuriweho. Yari azi kandi ibigaragaza ko intambara ikoreshejwemo intwaro iri kuba. **Bosco NTAGANDA** yagize uruhare mu ikorwa ry'ibyaha, bitewe n'uko yari azi ko ibyo byaha byaribuze gukorwa mu rwego rwa gahunda y'ibikorwa isanzwe.

b) Ibiribana n'ibirego hakurikijwe ibiteganywa n'Ingingo ya 28(a)

171. Kubera ko yari Umugaba w'ingabo wungirije ushinzwe imitunganyirize y'ingabo n'ibikorwa bya gisirikare, kuva nibura muri Nyakanga 2002 kugera mu Kuboza 2003, **Bosco NTAGANDA** yari komanda wa gisirikare wari ufite ububasha nyabwo bwo kuyobora no kugenzura abasirikare ba UPC/FPLC.

172. **Bosco NTAGANDA** yari afite ububasha nyabwo bwo kuyobora no kugenzura abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga mu gihe cyose cyabereyemo ibyo aregwa. Guhera muri Nyakanga 2002 kugera mu Ukuboza 2003, **Bosco NTAGANDA,** ku bw'ububasha bw'amategeko no mu ngiro, yari afite ububasha n'ingufu byo gukumira, guhagarika no guhana abakoraga ibyaha aregwa. UPC/FPLC yari igizwe n'abasirikare n'abofisiye bahawe imyitozo ya gisirikare ihagije, kandi bari

bafite inzego z'ubutegetsi ziteguye neza. **Bosco NTAGANDA** yari afite ubushobozi bwo gushyira abantu mu myanya, kuzamura mu magarade, kumanura mu magarade, kuvana abasirikare n'abakomanda mu myanya yabo no kubahana, cyangwa gutegeka ko ibyemezo nk'ibyo bifatwa. Yari afite ububasha bwo gutegura ibitero, guha amabwiriza abakomanda n'abasirikare, no kuyobora ibikorwa bya gisirikare. Yari afite ubushobozi bwo guha intwaro abasirikare ba UPC/FPLC, kohereza abasirikare aho bagomba gukorera cyangwa kubavanayo, kandi agakora ku buryo abo ategeka bubahiriza amategeko ye.

173. **Bosco NTAGANDA** yari azi neza, cyangwa se bitewe n'ukuntu ibintu byari byifashe icyo gihe, yagombaga kumenya ko abasirikare ba UPC/FPLC n'Abahema b'abasiviri bari babashyikiye bari barimo gukora ibyaha cyangwa se bari bagiye gukora ibyaha aregwa. **Bosco NTAGANDA** ntiyafashe ingamba zose za ngombwa kandi zishoboka zari ziri mu bushobozi bwe kugira ngo akumire cyangwa se ahagarike ikorwa ry'ibyaha aregwa, cyangwa se ngo ahane ababikoze.

174. Ububasha abandi bafatanyacyaha bari bafite ku bo bayoboraga ntabwo bwakuragaho cyangwa ngo bugabanye ububasha **Bosco NTAGANDA** yari afite bwo gutegeka no kugenzura abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga, kandi yarabugumanye mu gihe cyose cyabereyemo ibyo ashinjwa.

175. Bitewe n'uko **Bosco NTAGANDA** yategekaga, akagenzura abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga nk'uko byasobanuwe haruguru, kuba atarafashe ibyemezo bigamije gukumira ibyaha byatumye abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga barushaho gukora ibyaha ashinjwa. Na none ntiyakumiriye ibyaha,

ntiyahannye ababikoze, kandi ntiyagejeje ibyo bibazo mu nzego z'iperereza cyangwa z'ubucamanza.

176. Ibyaha ashinjwa byakozwe n'abasirikare ba UPC/FPLC n'Abahema b'abasiviri babafashaga bijyanye n'ibikorwa byari biri mu nshingano n'ubushobozi **Bosco NTAGANDA** yari afite.

ii. hhhGusobanura ibyaha mu rwego rw'amategeko

IKIREGO cya 1 n'icya 2 : ICYAHA CYO KWICA N'ICYAHA CYO KUGERAGEZA KWICA

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 63, 67-71, 74, 78-81, 83-84, 86 na 89-90, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 1 : Kwica no kugerageza kwica abasiviri, **icyaha cyibasiye inyokomuntu**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 7(1)(a), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii), 25(3)(f) cyangwa 28(a).

Ikirego cya 2 : - Kwica no kugerageza kwica abasiviri, **icyaha cy'intambara,** gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(c)(i), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii), 25(3)(f) cyangwa 28(a).

IKIREGO cya 3 : IBITERO BYAGABWE KU BATURAGE B'ABASIVIRI

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 63-91, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 3 : Ibitero byagabwe ku baturage b'abasiviri, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(i), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

IKIREGO cya 4 n'icya 5 : GUSAMBANYA ABASIVIRI KU GAHATO

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 67, 72, 74, 77-79, 84, 89, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 4 : Gusambanya abasiviri ku gahato, **icyaha cyibasiye inyokomuntu**, gihanwa hakurikijwe ibiteganywa n'ingingo za 7(1)(g), hamwe na 25(3)(a) – gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

Ikirego cya 5 : Gusambanya abasiviri ku gahato, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vi), hamwe n'iya 25(3)(a) – gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

<u>IKIREGO cya 6</u> : GUSAMBANYA ABASIRIKARE BA UPC/FPLC B'ABANA KU GAHATO

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 100-106, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 6 : Gusambanya ku gahato abasirikare ba UPC/FPLC b'abana, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vi), hamwe n'iya 25(3)(a) – gufatanya n'abandi gukora ibyaha mu

buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

<u>IKIREGO cya 7 n'icya 8</u> : GUKORESHA ABASIVIRI UBUCAKARA BUSHINGIYE KU GITSINA

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 67, 72, 74, 77-79, 84, 89, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 7 : Gushyira abasiviri mu bucakara bushingiye ku gitsina, **icyaha cyibasiye inyokomuntu**, gihanwa hakurikijwe ibiteganywa n'ingingo za 7(1)(g), hamwe na 25(3)(a) – gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

Ikirego cya 8 : Gushyira abasiviri mu bucakara bushingiye ku gitsina, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vi), hamwe n'iya 25(3)(a) – gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

<u>IKIREGO cya 9</u> : GUKORESHA ABASIRIKARE BA UPC/FPLC B'ABANA UBUCAKARA BUSHINGIYE KU GITSINA

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 100-106, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 9 : Gushyira abasirikare b'abana bo muri UPC/FPLC mu bucakara bushingiye ku gitsina**, icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vi), hamwe n'iya 25(3)(a) – gufatanya

n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii), cyangwa 28(a).

<u>IKIREGO cya 10</u> : GUTOTEZA

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 63, 67-72, 74, 76-81, 83-84, 86-87 na 89-90, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 10 : Gutoteza, bishingiye ku bwoko, **icyaha cyibasiye inyokomuntu**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 7(1)(a), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii), cyangwa 28(a).

<u>IKIREGO cya 11</u> : GUSAHURA

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 67, 72, 77-78, 81 na 84-85, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 11 : Gusahura, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(v), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

<u>IKIREGO cya 12 n'icya 13</u> : KWIMURA ABATURAGE KU GAHATO

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 67, 68-69, 71, 74, 76, 78-79, 81, 83-84 na 86-87, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 12 : Kwimura abaturage ku gahato, **icyaha cyibasiye inyokomuntu**, gihanwa hakurikijwe ibiteganywa n'ingingo za 7(1)(d), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

Ikirego cya 13 : Gukura abasiviri mu byabo, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(viii), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

IKIREGO cya 14, icya 15 n'icya 16 : KWINJIZA MU GISIRIKARE KU GAHATO ABANA BARI MUNSI Y'IMYAKA 15 Y'AMAVUKO NO KUBAKORESHA MU MIRWANO

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 65, 92-99, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 14 : Kwinjiza mu gisirikare ku gahato abana batarageza ku myaka 15 y'amavuko, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vii), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

Ikirego cya 15 : Kwinjiza mu gisirikare abana batarageza ku myaka 15 y'amavuko, **icyaha cy'intambara,** bihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vii), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

Ikirego cya 16 : Gukoresha mu mirwano abana batarageza ku myaka 15 y'amavuko, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(vii), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

IKIREGO cya 17 : KUGABA IBITERO KU NYUBAKO ZA GISIVIRI ZIRINZWE

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 69, 71-72, 78 na 81, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 17 : Kugaba ibitero ku nyubako za gisiviri zirinzwe, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(iv), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).

IKIREGO cya 18 : GUSENYA AMAZU

Hashingiwe ku bintu byabaye n'uko ibintu byari byifashe nk'uko bisobanurwa mu bika bya 67, 73, 77-78, 80-81, 85, 89, **Bosco NTAGANDA** afite uburyozwacyaha imbere y'amategeko kubera :

Ikirego cya 18 : Gusenya amazu, **icyaha cy'intambara**, gihanwa hakurikijwe ibiteganywa n'ingingo ya 8(2)(e)(xii), hamwe n'iya 25(3)(a) – gukora ibyaha ku buryo butaziguye, gufatanya n'abandi gukora ibyaha mu buryo buziguye cyangwa butaziguye, 25(3)(b), 25(3)(d)(i) cyangwa (ii) cyangwa 28(a).