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(1107bis - 1103bis)

1107bis
Sum

GUFATA KU NGUFU ABARI N'ABATEGARUGORI MU GIHE
CYA GENOCIDE Y'ABATUTSI YABAYE MU RWANDA MURI
1994.

- I. Imibereho mu buzima bwa buri munsu bw'abatutsikazi mu
Rwanda mbere y'ubwigenge.

22 APR 2004
5:00 PM
[Signature]

Amateka y' u Rwanda , agaragaza neza uko amakimbirane yavutse hagati y'icyo bise amoko y'abahutu n'abatutsi mu Rwanda.Ibi byatangiranye n'igihe cy'abakoloni. Aba bageze mu Rwanda , bemeza abo bitaga abatutsi ko bazi ubwenge kurusha abo bitaga abahutu, ko ari nabo bakwiye gutegeka. Ubwo abana b'abatutsi aba aribo bahabwa amahirwe yo kwiga, ari nabyo byabateguraga kuzavamo abategutsi b'igihugu.Ibintu byakomeje bityo mu karengane ka bamwe mu banyarwanda , kazanywe n'umukoloni dore ko ari nawe muby'ukuri wari ufite ubutegetsu.

Igihe cy'ubwigenge kigeze , abakoloni bagize uruhare runini mu guteranya abanyarwanda.Ibyari bishingiye ku mitungo bihinduka ubwoko.(Abitwaga abatutsi ni ababaga bafite inka nyinshi,abitwaga abahutu ni ababaga bafite inka nkeya. Ku buryo umuhutu wabonaga inka yahitaga yitwa umututsi , naho umututsi ukennye agahita yitwa umuhutu.)

Birumvikana ko ubwo busumbane bwaciye icyuho hagati y'abanyarwanda , ugasanga abitwaga abatutsi basa n'abari hejuru y' abahutu mu mibanire n'imibereho yabo.Igihe rero cy'ubwigenge , cyaranzwe n'imyivumbatanyo y'abahutu,aho gufatanyaga n'abatutsi ngo nk'abanyarwanda barwanye umukoloni, ahubwo habayeho icyiswe kwipakurura ingoma ya cyami na gikolonize, ariko iyo bavugaga ingoma ya cyami , wasangaga bibasiye abatutsi bose, kandi bizwi ko batari abami cyangwa abatware.

Icyo gihe abatutsi barasenyewe , baricwa,abenshi bahungira mu bihugu bihana imbibi n'u Rwanda.Wa mwobo wari wacukuwe n'umukoloni hagati y'abahutu n'abatutsi urushaho kwiyongera , kuko noneho hari hajemo n'inzangano zishingiye kuri ubwo buhemu bwo kwicana , kumenesha bamwe no gukandamiza abatutsi bari basigaye mu Rwanda.

Abakobwa b'abatutsikazi b'abatutsikazi, mbere y'ubwigenge bw'u Rwanda, ntibagaragaraga hanze cyane. Uwo ariwe wese ntiyapfaga kubabona cyangwa kubavugisha. Mu Muco nyarwanda, muri rusange , igitsina gore cyarubahwaga, kuko bababonagamo ababyeyi n'abarezi. Ntabwo hashakanaga umukobwa n'umuhungu kuko akenshi babaga batanziranye, ubwumvikane bwo gushyingirana bwakorerwaga hagati y'imiryango y'umuhungu n'umukobwa.

Ku by'umwihariko rero ,abenshi mu bakobwa b'abatutsikazi bari kibonumwe kubera impamvu nyinshi, ariko iz'ingenzi umutu yavuga ni uko :

- Ntibyabaga ngombwa ko basohoka cyane hanze , kuko bari bafite ababakorera imirimo yo hanze, bo bakabazwa gusa ibyerekeranye n'isuku yo mu nzu n'ibyo gutereka amata.
- Babateguriraga kuzarongorwa n'abatware , ibisonga cyangwa abantu bakomeye, bityo bigatuma babarinda buri , wese kugirango hatazagira ubangiza akaba yabatera inda y'indaro.
- Ntibari bemerewe gupfa kuganira n'ubonetse wese, bityo n'abagendaga iwabo akenshi ntibabakubitaga ijisho.

Ibi rero byatumaga abatutsikazi buri wese yumva abifuza , nk'uko baca umugani ngo « Agapfundikiye gatera amatsiko ». Usibye n'abahutu, hari n'abatutsi b'amikoro macye batapfaga kurongora umututsikazi wese, barangoraga nyine abo bareshya. Birumvikana rero ko abahutu benshi bumvaga batazapfa bagiranye imibonano mpuzabitsina n'umututsikazi mu buzima bwabo.

II. Ingaruka mu mibanire n'umuco ku byerekeranye no gufata abagore ku ngufu bikoreshwa nk'intwari y'intambara.

Kubera izo mpamvu zavuzwe haruguru, cyane cyane uko kuntu abahutu benshi babonaga abatutsikazi nk'inzozi (rêve) bashobora kuzarinda bapfa bataryamanye nabo, byatumye hejuru yo kubifuza hazamo urwango ndetse n'ishyari.

Mu guhe cy'itsembabwoko rero, abahutu babonye noneho umwanya wo gukoresha abatutsikazi icyo bashakira cyose. Birazwi kandi ko byavugwaga ko abatutsikazi ngo ari beza cyane, ngo bakirata kandi bagasuzugura. Niyo mpamvu abenshi mu batutsikazi mu gihe cya Génocide bafashwe ku ngufu n'abantu benshi icyarimwe kandi ku karubanda. Ibi abafataga ku ngufu babikoreye kwihimura ku batutsikazi , mbese bisa no kubahana , kuko banivugiraga ngo barashakira kubamaramo ubwirasi n'agasuzuguro. Akenshi babafatiraga imbere y'abana babo cyangwa abangana n'abana babo. Impamvu babikoze batyo ni uko bari bazi neza ko gufata umunyarwandakazi ku ngufu , ari cyo kintu gishobora kumutera isoni no gutuma yiyanga. Mbese ntanacyamubabaza kurusha gukorerwa ayo marorerwa. Muri Génocide by'umwihariko ,gufatwa ku ngufu byakoranywe ubugome bwinshi , ku buryo hari abatutsikazi bashinzwe ibiti mu myanya ndangabitsina, abandu basukwamo ibitaka ndetse rimwe na rimwe bakabasukamo acide.

Umunyarwandakazi wafatiwe ku ngufu ku karubanda, akagirwa igikinisho cy'abagome bene ako kageni, ariko bamutuka banamwishongoraho, cyangwa uwo byamenyekanye ko byamubayeho, bimukoza isoni cyane, ku buryo

bishobora no kumuviramo kwiyahura, cyangwa kugira ingaruka zimwangiriza ubuzima burundu.

Aha twatanga urugero nko ku bagore bakiri bato cyangwa abakobwa bafashwe ku ngufu n'abantu benshi, usanga bamwe barabaye indaya kuko batagikunda batanacyubaha umubiri wabo. Abandi barwaye intinyi, ku buryo badashobora gukora imibonanao mpuzabitsina. Ku mugore cyangwa umukobwa nta rupfu rurenze kwishora mu bumaraya cyangwa kurwara intinyi, kuko nta bundi buzima aba ateze kuzagira.

By'umwihariko rero, abenshi muri bo bandujwe agakoko ka SIDA, rimwe na rimwe ku bushake.

Uwashaka intwari y'intambara mu Rwanda, cyane cyane agamije gutsemba abantu, nta yindi yabona irengeje ubugome bwo gufata ku ngufu, kuko uwo byabayeho n'iyi adapfuye, ntashobora na rimwe kuzongera kugira ubuzima nk'ubw'abandi. Gufata ku ngufu umunyarwandakazi rero ni ukumwicana ubugome burenze kumutema cyangwa kumurasa.

Ni nayo mpamvu dusanga hafi y'abatutsikazi bose barafashwe ku ngufu nta gutoranya (nibura nka 90%), baba abato, abashaje, abeza n'ababi. Bitabaye intwari y'itsembabwoko, nta kundi wasobanura uko abantu bafataga ku ngufu abana bari muni y'imyaka 10, cyangwa abakecuru barengeje imyaka 60.

III. Ingaruka zo gufatwa ku ngufu zishingiye ku muco no ku mibanire y'abanyarwanda.

Mu bisanzwe mu muco nyarwanda, ikintu cyose cyerekeranye n'imibonano mpuzabitsina ntikivugirwa ku mugaragaro (un sujet tabou). Gufatwa ku ngufu ku mugore cyangwa umukobwa ni ikibazo gikomeye cyane, kuko abantu iyo babimenye ntibamufata nk'uwahohotewe ahubwo bisa nkaho abifitemo uruhare, bakamutunga agatoki, ndetse rimwe na rimwe bakamuha akato. No mubi bisazwe bitari Génocide, gufata umugore cyangwa umukobwa ku ngufu ni ukumuhemukira birenze kamere, nkanswe rero kumufata mu gihe we n'abe bese bahigwa barimo kwicwa, kandi nawe azi ko umufata atabitewe no kwifuza nk'umugore, ahubwo abitewe no kumwifuza nk'umututsikazi, birimo no kumwanga no kumwifuriza ibyago byose bishoboka. Abafashwe ku ngufu mu gihe cya Jenocide bo rero byabaye ibindi bindi, bitewe nuko bafashwe n'abantu benshi batandukanye, kandi cyane cyane bagafatwa ku karubanda, ku manywa y'ihangu, imbere y'abana babo n'abagabo babo na rubanda rwose nk'uko twabivuze haruguru.

Kuri bo byabaye impamvu y'ihahamuka by'umwihariko kubera uburyo budasanze byakozwemo. Ku bafite abana usanga bibabaje kurushaho, kuko abo bana iyo bagiye mu ishuri cyangwa iyo bakina n'abandi usanga babibacyurira, bityo abana bataha bakabaza ba nyina niba koko ibyo bavuga ari byo. Umubyeyi bikamurushya gusobanurira umwana ukiri muto, ariko bikamubabaza kabiri kuko nyine asanga n'umwana ababaye. Byanabaye urukozasoni (humiliant) kurusha ibisanzwe, kuko wasangaga abayobozi bamwe babwira abaturage ngo: « Dore noneho mufite ubushobozi bwo kuryamana n'abatutsikazi bose, nimubyitesha ntihazagire uwongera kubaza uko umututsikazi ateye. » Birumvikana ko abarokotse Jenoside barafashwe ku ngufu, kandi ni benshi cyane nk'uko byagaragaye, bafite ikibazo cy'umwihariko, cyo kumva ko abantu bose bzi ko babaye isibaniro, bityo bikaba intandaro yo guhorana isoni n'ikimwaro mu bandi. Abari bakiri abakobwa, ntibashobora kuzabona abagabo, keretse abo bitamenyekanye. Bamwe mu bagore, byabaye intandaro yo gutandukana n'abagabo babo, cyane cyane ku batutsikazi bari barashatse ku bahutu.

IV .Ingaruka ku buzima no ku mibereho ya buri muni ku bafashwe ku ngufu muri Génocide.

Abanyarwandakazi bafashwe ku ngufu muri Jenoside, bahuye n'ibindi bibazo by'umwihariko. Abenshi muri bo bandujwe indwara zifatira mu mibonano mpuzabatsina, abandi barangirika ku buryo byabaye ngombwa ko babakuramo nyababyeyi. Abatari bacye bandujwe agakoko gatera SIDA, magingo aya bakaba baratangiye kurwara ndetse bamwe baranapfuye. Abanduye SIDA nta miti babasha kubona yaba igabanya ubukana bwa SIDA, cyangwa ivura indwara z'ibyuririzi. Hejuru y'ubwo burwayi, imibereho itari myiza muri rusange no kwiheba bitewe no kubona ko batazabasha kurera impfubyi basigaranye, hiyongeraho n'ingaruka ubwazo zo gufatwa ku ngufu, kuko nyine usanga bafite ikimwaro. Iyo umaze kubona abantu bafashwe ku ngufu, akenshi iyo muhuye urabyibwira nta n'icyo aravuga. Usanga ari abantu bahora bareba hasi bakirinda ko muhuza amaso, niyo akuvugisha ibindi, avuga buhoro asa n'uwongorera, kandi ibyo muvugana nta mabanga arimo. Bahorana ubwoba cyane, ku buryo agakomye kose, bariruka, kandi abenshi batubwiye ko bahora bikanga ubusa.

Nabataranduye SIDA, gusubira mu buzima busanzwe ntibiborohera, kuko umuryango nyarwanda utabibafashamo. By'umwihariko rero, aba bo bafashwe ku ngufu mu gihe bahigwaga, kandi bafatwa ku ngufu n'ababiciye, bigatuma guhahamuka, kwiyinga no kwiheba bifata intera ndende.

Kubera impamvu zose zavuzwe haruguru, biragoye ku munyarwandakazi kugirango yature avuge ko yafashwe ku ngufu. Ahubwo akenshi abafashwe n'umuntu umwe mu ibanga bakora ibishoboka byose kugirango bitazamenyekana, kuko iyo bimenyekanye byanze bikunze bimugiraho ingaruka mbi mu buzima bwe bwa buri munsu no mu mibanire ye n'abandi.

Dore bimwe bisobanuro twahawe n'abagore badashaka gushinja abafashe ku ngufu :

1° . N.K : Uyu yaraturwiyeye ati : « Byabaye ngombwa ko nimuka aho nari ntuye nubw sinshobora gusubirayo kuko abenshi babonye mfatwa ku ngufu ku kibuga cy 'mashuri aho twari twagiye kwihisha. Aho ntuye ubu ntibabizi kuko batari banzi mbere y'intambara, none muragirango njye gushinja , bibe intandaro y'uko ibyambayeho bimenyekana ? »

2° . V. M : Uyu nawe yaraturwiyeye ko adashobora gushinja kuko byaba ngombwa gukoresha amagambo adashobora kuvuga. Ngo mu gihe yaba asobanura uko byagenze , byaba ngombwa ko avuga amazina y'ibitsina.

3° . R.N : Ngo ntiyashinja kuko nyuma yarongowe , ngo umugabo we abimenye yamwirukana.

4° . J.U : Ngo ntiyashinja kuko yaba ahemukiya abana be, abandi bajya babaseka.

5° . R.N : Ngo ntazashinja kuko aramutse agiye gushinja , byaba ngombwa ko avuga ko bamukuyemo nyababyeyi, bitewe nuko abamufashe bamwngije cyane, ntabashe kujya kwa muganga hakiri kare . Ati : « Ubu numva ntakiri umuntu wuzuye. None se ni ngombwa ko n'isi yose ibimenya ? Nimundeke n'agahinda kanjye, ariko mwinsaba no kujya kwiha rubanda, kuko n'abo mbibwira nzi ko nta mpuhwe bamfiteye. »

Muri rusange , umuntu yahamya ko abafashwe ku ngufu muri Génocide, hafi ya bose, bafite ipfunwe cyane, bafite imibereho mibi bikabije, ntawe bizera nabo ubwabo ntibiyizera, ntibizeye n'ejo hazaza, barihebye biteye ubwoba kandi barahamutse. Kurokoka Génocide ntacyo byabamariye, kuko ingaruka zo gufatwa ku ngufu zatumye batongera kugira ubuzima n'imibereho bitunganiye ikiremwa muntu nk'uko uburenganzira bwa buri wese bubimwemerera.

Ingabire Marie Immaculée.

TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	☐ Trial Chamber I N. M. Diallo	☐ Trial Chamber II R. N. Kouambo	☒ Trial Chamber III C. K. Hometowu	☐ Appeals Chamber / Arusha F. A. Talon
	☐ Chief, CMS J.-P. Fomété	☐ Deputy Chief, CMS M. Diop	☐ Chief, JPU, CMS K. K. A. Afande	☐ Appeals Chamber / The Hague R. Burriss
From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office Maymuchka Lauriston (names)	☐ Other: (names)
Case Name:	The Prosecutor vs. Mika Mihimana			Case Number: ICTR-ICTR-95-1B
Dates:	Transmitted: 22/04/04		Document's date: -	
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Classification Level:		TRIM Document Type:		
☐ Strictly Confidential / Under Seal		☐ Indictment ☐ Warrant ☐ Correspondence ☐ Submission from non-parties		
☐ Confidential		☐ Decision ☐ Affidavit ☐ Notice of Appeal ☐ Submission from parties		
☒ Public		☐ Disclosure ☐ Order ☐ Appeal Book ☐ Accused particulars		
		☐ Judgement ☐ Motion ☐ Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

☐ Filing Party hereby submits only the original, and **will not submit** any translated version.

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English ☐ French ☒ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	☐ English ☐ French ☒ Kinyarwanda
Translation	in	☐ English ☐ French ☒ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☒ Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

☐ Top priority ☐ Urgent ☐ Normal	COMMENTS	☐ Required date: ☐ Hearing date: ☐ Other deadlines:
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