MWUMVANEZA, URUKIKO RWA MBERE RWIREMEZO RWA Gitarama, URUGEREKO RWIHARIYE, IKIZA RY'URUBANZA MU RUHAME RYO KUWA 6/06/1998.

MINISTERE PUBLIC contre MWUMVANEZA JUVENAL
Tribunal de Première Instance de Gitarama
Chambre Spécialisée
Jugement RP26/GIT/CH.S/1/97 du 6 juin 1998

ITSEMBABWOKO NITSEMBATSEMBA - IBYAHA BYIBASIYE INYOKO-MUNTU GUSABA ISUBIKWA RYIBURANISHWA KWUMVA AGAGABO - KUDASAZA KWIBYAHA BYINTAMBARA NIBYAHA BYIBASIYE INYOKO-MUNTU - IKIMENYETSO GISHINGIYE KU BAGABO IKIMENYETSO GISHINGIYE KU BYO UMUGABO YABWIYE UKWIVUGURUZA UGOMBA GUTANGA IKIMENYETSO.

Crime de génocide crime contre lhumanité demande de suspension audition des témoins imprescriptibilité des crimes de guerre et des crimes contre lhumanité preuve par témoin témoignage indirect contradictions charge de la preuve -

1. Si ngombwa guhagarika urubanza kugira ngo abagabo batumirwe. Bashobora gutumirwa iburanisha rikomeza.

1. Une demande daudition de témoins nexige pas du tribunal de supsendre les débats. Les témoins peuvent être convoqués et entendus sans suspendre les débats.

2. Itsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu, ubwabyo si icyaha, ahubwo ni ubusobanuro byuburyo icyo cyaha gikorwamo nkuko biteganywa namasezerano mpuzamahanga kuwa 09/12/1948 yerekeranye no guhana icyaha cya génocide , amasezerano mpuzamahanga yakorewe i Genève kuwa 12/08/1949, yerekeranye no kurengera abantu batari abasilikare mu gihe cyintambara nandi masezerano yumugereka, ndetse namasezerano mpuzamahanga yo kuwa 26/11/1968 yerekeranye no kudasaza kwibyaha byintambara nibyaha byibasiye inyoko-muntu

2. Le génocide et les crimes contre lhumanité ne sont en eux-mêmes des infractions mais une qualification de faits constitutifs de linfraction prévue par la convention internationale du 9 décembre 1948 relative à la répression du crime de génocide, la convention de Genève du 12 août 1949 relative à la protection de la population civile en période de guerre et ses protocoles additionnels ainsi que par la convention internationale du 26/11/1968 sur limprescriptibilité des crimes de guerre et des crimes contre lhumanité.

3. Ikimenyetso gishingiye ku bagabo nticyafatwaho ukuri igihe umugabo atabonye ubwe ibyabaye, akabyumvana abandi, kandi nibyo avuze akivuguruza. Ikimenyetso cyumugabo nticyafatwaho ukuri igihe umugabo ubazwa ashaje, akivuguruza, urukiko rugasanga asa nutarebaga neza.

3. Les déclarations dun témoin ne peuvent être tenues pour vraies sil est établi que la personne na pas été témoin de lévénement, quelle rapporte ce quelle a entendu des autres et quen plus elle se contredit. Elles ne peuvent être tenues pour vraies non plus si le témoin est trop vieux et se contredit, surtout si le tribunal constate quil na pas bien vu ce quil rapporte.

4. Kuba umuntu yemera ko yabonye abantu bicwa ntibyaba ari ikimenyetso kigaragaza uruhare yagize mu rupfu rwabo, cyane cyane iyo nta muntu numwe wigeze ahamya ko yigeze yica mu ntambara.

4. Le fait pour une personne de reconnaître quelle a vu des personnes entrain dêtre tuées nest pas une preuve de sa participation au crime surtout si aucun témoin ne le charge davoir pris part au crime.

5. Ubushinja-cyaha nibwo butanga ikimenyetso cyibyaha byakozwe. Iyo ikimenyetso kibuze uregwa ararekurwa.

5. La charge de la preuve revient au Ministère public. Faute de preuve le prévenu est acquitté.

IKIZA RYURUBANZA R.P. N° 26/GIT/CH.S/1/97 ; R.M.P. N°27853/S4/MP MU RUHAME RYO KUWA 06.08.1998.

URUGEREKO RWIHARIYE MU RUKIKO RWA MBERE RWIREMEZO RWA GITARAMA RULI I GITARAMA RUHABURANISHILIZA IMANZA ZIGIZE ICYAHA CYITSEMBABWOKO NITSEMBATSEMBA CYANGWA IBYAHA BYIBASIYE INYOKO-MUNTU BYAKOZWE KUVA TALIKI YA MBERE UKWAKIRA 1990 KUGEZA TARIKI YA 31 UKUBOZA 1994, RWAKIJIJE URU RUBANZA MU RWEGO RWA MBERE KU BURYO BUKURIKIRA :

IKIZA RYURUBANZA R.P. N° 26/GIT/CH.S/1/97 ; R.M.P. N°27853/S4/MP MU RUHAME RYO KUWA 06.08.1998.

HABURANA

UREGA : Ubushinja-cyaha

UREGWA : MWUMVANEZA Juvénal, mwene NGENDAHAYO Vénant na MUKAMURENZI Madeleine, wavutse muw1957, i Musasa-Kigali-ngali, utuye i Gahengeri, Komini Bicumbi , Kigali ngali, umupfakazi, ufite abana babili wahoze ari umucamanza mu rukiko rwa Kanto ya Komini Bicumbi ho muri Perefegitura ya Kigali ngali.

IBYAHA AREGWA :

1. Kuba ari muri segiteri Gahengeri, Komini Bicumbi, Perefegitura ya Kigali-ngali, muri Repubulika yu Rwanda, hagati yukwezi kwa Mata na Nyakanga 1994, afatanyije nabandi yarakoze icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu nkuko byasobanuwe mu mategeko mpuzamahanga yo kuwa 09/12/1948 yerekeranye no guhana icyaha cya génocide ; mu masezerano mpuzamahanga yabereye i Genève kuwa 12/08/1949 yerekeranye no kurengera abantu batari abasirikare mu gihe cyintambara namasezerano yinyongera, no mu masezerano yo kuwa 26/11/1968 yerekeranye no kudasaza kwibyaha byintambara nibyaha byibasiye inyoko-muntu, yose uko ari atatu akaba yaremewe nu Rwanda. Ibyo bikorwa biteganywa kandi bigahanishwa ningingo ya 2, 14, na 15 zitegeko-ngenga n° 08/96 ryo kuwa 30/08/1996.

2. Kuba ari aho hantu twavuze haruguru, mu gihe kimwe, afatanyije nabandi, yarakoze umutwe wabagizi ba nabi, kandi akaba umwe mu bayobozi buwo mutwe witwaraga gisirikare ugamije kugirira nabi abantu cyangwa ibyabo. Nkuko biteganywa kandi bigahanishwa ingingo za 281-283 zigitabo cyamategeko ahana.

3. Kuba ari aho hantu twavuze haruguru, mu gihe kimwe, afatanyije nabandi babishaka kandi babikoreye igico barakoze ubuhotozi bwabantu benshi abitwa : MAFENE Mathias, BUDENSIYANA, NYIRAKABIBI, KANYANGOGA, KARURANGA, umukecuru GATARINA, umusaza BOROSA, umukobwa wahungaga, nabandi batamenyekanye bo mu miryango ya bariya ba nyakwigendera. Ibikorwa biteganywa kandi bigahanishwa ingingo ya 312 yo mu gitabo cya kabiri cyamategeko ahana yu Rwanda.

4. Kuba ari aho hantu twavuze haruguru, mu gihe kimwe, afatanyije nabandi yaratunze intwaro za gisirikare, atabyemerewe, nkuko biteganywa nitegeko N° 12/79 ryo kuwa 07/05/1979 (J.O. 1979 P. 343).

5. Kuba ari aho hantu twavuze haruguru, mu gihe kimwe, afatanyije nabandi yarakoze icyaha cyo kwinjira mu rugo namazu byabaturage bahigamo abatutsi kandi atari mu bihe itegeko ritangamo uburenganzira bwo kwinjira mu ngo zabaturage naho benezo batabyemera. Ibyo biteganywa kandi bigahanishwa ningingo 304-305 zigitabo cya kabiri cyamategeko ahana yu Rwanda.

6. Kuba ari aho hantu twavuze haruguru, mu gihe kimwe, afatanyije nabandi yarakoze icyaha kigamije kuyogoza, gutsemba no gusahura ibintu byabatutsi. Ibyo biteganywa kandi bigahanishwa ingingo ya 168 yigitabo cyamategeko ahana yu Rwanda.

RUMAZE kubona ko anketi zuru rubanza zatangiriye mu bushinja-cyaha bwa parike ya Repubulika ya Kigali, dosiye yohererezwa Porokireri wa Repubulika muri parike ya Repubulika ya Kigali muw1995 ;

RUMAZE kubona ko dosiye ya MWUMVANEZA Juvénal yashyikirijwe Minisiteri yubutabera, uyu nawe ayohereza umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali iherekejwe nibaruwa n° 137/06.01 yo kuwa 27.01.1995 ;

RUMAZE kubona ko dosiye ya MWUMVANEZA Juvénal yageze imbere ya Porokireri wa Repubulika muri parike ya Kigali, uyu nawe yongera kuyohererereza umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali iherekejwe nibarwa n° 0114/RMP, n° 5740/S11/HF/PRORE yo kuwa 23/02/1995 ;

RUMAZE kubona ko dosiye ya MWUMVANEZA Juvénal na none yohererejwe visi-perezida mu rukiko rwa mbere rwiremezo rwa Gitarama, urugereko rwihariye iherekejwe nibaruwa n° B/482/B/PRORE yo kuwa 12/11/1997 yoherejwe na parike ya Repubulika i Gitarama ;

RUMAZE kubona ko dosiye ya MWUMVANEZA Juvénal yageze mu rukiko rwa mbere rwiremezo rwa Gitarama, urugereko rwihariye yandikwa mu gitabo cyibirego kuwa 03/12/1997 kuri R.P.N° 26/GIT/CH.S/1/97 ;

RUMAZE kubona itegeko ryo kuwa 08/10/1998 rya Prezida wurugereko rwihariye mu rukiko rumaze kuvugwa haruguru rishyira iburanisha ryuru rubanza kuwa 29/01/1998 saa mbiri za mu gitondo, iyo tariki imenyeshwa ubushinja-cyaha bwa Parike ya Repubulika i Gitarama ;

Rumaze kubona ko MWUMVANEZA Juvénal yamenyeshejwe iyo tariki maze akayisinyira ;

RUMAZE kubona ko uwo munsi wageze maze MWUMVANEZA Juvénal kimwe nuhagarariye ubushinja-cyaha batitabye urukiko kubera ko hari habaye ikiruhuko, uregwa yongera guhamagarwa kuwa 18/03/1998 ;

RUMAZE kubona ko iyo tariki imaze kuvugwa haruguru nabwo uru rubanza rutaburanishijwe kubera ko ubushinja-cyaha butari bwahamagawe muri uru rubanza, rwimurirwa kuwa 13/04/1998 ;
Rumaze kubona ko iyo tariki imaze kuvugwa haruguru aribwo MWUMVANEZA Juvénal kimwe nuhagarariye ubushinja-cyaha bitabye urukiko maze MWUMVANEZA Juvénal araburana ;

RUMAZE kumva MWUMVANEZA Juvénal ari imbere yurukiko mbere yo kwiregura ku byo aregwa nubushinja-cyaha avuga ko hari ibyo ashaka gukosoza ku byerekeranye numwirondoro we ;

RUMAZE kumva MWUMVANEZA Juvénal avuga ko icyo ashaka gukosoza ari itariki yafungiweho ngo kuko muri dosiye itagaragaramo, akomeza avuga ko yafunzwe kuwa 21/11/1994 ;

RUMAZE kumva avuga ko muri uru rubanza yunganirwa na Maître Avocat KONARE Tiécoro wo mu muryango wa ba Avocat batagira umupaka, uyu nawe abitangira icyemezo yahawe nuwo muryango cyo kuwa 02/04/1998 ;

RUMAZE kumva MWUMVANEZA Juvénal akomeza avuga ko Maître KONARE avuga urulimi rwigifaransa, ko ariko afite umusemuzi uvuga urulimi rwikinyarwanda witwa RWAMIGABO Eugène akaba ari nawe uri bumusemurire, uyu atanga

umwirondoro we, anatanga nicyemezo cyo gusemura yahawe numuryango wAbavoka batagira umupaka kuwa 20/06/1997, uyu amaze kurahira avuga ko Maître KONARE Téicoro wunganira MWUMVANEZA Juvénal muri uru rubanza asaba urukiko ijambo ;

RUMAZE kumva RWAMIGABO Eugène avuga ko ngo Maître KONARE asemurira yifuza ko mbere yuko urukiko rwinjira mu mizi yuru rubanza rwakwita ku mvugo za MWUMVANEZA Juvénal yunganira, akomeza avuga ko mu gihe uyu Maître KONARE yajyaga gusura MWUMVANEZA Juvénal muri gereza ya Gitarama yamubwiye ko afite abagabo batanu yifuza ko babazwa muri uru rubanza bakaba basobanura ko ari umwere ku byaha aregwa ;

RUMAZE kumva akomeza asemura avuga ko Maître KONARE yifuza ko uru rubanza rwahabwa indi tariki kugirango ashobore kuzahamagaza abo bagabo mu rukiko ngo babazwe ;

RUMAZE kumva MWUMVANEZA nawe avuga ko yifuza ko mbere yuko aburana habanza hagahamagarwa abagabo umwunganira Maître KONARE avuga kugirango urukiko ruzabashe kubabaza ;

RUMAZE kumva uhagarariye ubushinja-cyaha nawe ahabwa ijambo agasobanura ko uwunganira MWUMVANEZA muri uru rubanza asaba ko habanza guhamagarwa abagabo yifuza ko babazwa bakaba bagira MWUMVANEZA umwere ku byaha aregwa iyo atari impamvu yatuma uru rubanza ruhagarara ngo kuko bashobora no gutumizwa mu gihe uru rubanza rugikomeza ;

RUMAZE kubona ko urubanza rwakomeje kuburanishwa MWUMVANEZA Juvénal akabazwa gusobanura niba yemera kiriya cyaha cya mbere aregwa nubushinja-cyaha, asubiza ko ngo mbere yuko ibyo aregwa abyisobanuraho abanza kugira icyo asobanura kuri dosiye ye ;

RUMAZE kumva akomeza avuga ko ngo idosiye ye igizwe ninyandiko-mvugo zamaperereza yakozwe numugenza-cyaha, uyu yayakoze anyuranyije ningingo ya 10 yo mu gitabo cyamategeko agenga imiburanishirize yimanza zinshinja-byaha kimwe ningingo ya 23 na none yo muri icyo gitabo zibuza umugenza-cyaha iyo milimo kuko ngo izo ngingo zemerera umushinja-cyaha mukuru mu rukiko rwubujurire gukurikirana imilimo yo gukora iperereza ku muntu wakoze icyaha ari umucamanza, bityo ngo bikaba bigaragara muri dosiye ye ko umushinja-cyaha mukuru mu rukiko rwubujurire ariwe wenyine yabajije gusa aho kugirango abe ariwe gusa wikurikiranira dosiye ye ;

RUMAZE kumva akomeza avuga ko uru rukiko rutagombye gusuzuma ibyaha biri muri assignation imuhamagara kuza kuburana aribyo icya kabiri nicya kane, icya gatanu nicya gatandatu ngo kubera ko icyaha cya kabiri kiri mu byaha bihungabanya umudendezo mu gihugu , icya kane kikaba kiri mu byaha bitari mu rutonde rwibyaha birebana nitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu, icyaha cya gatanu nacyo kikaba kiri mu byaha bihungabanya umudendezo mu gihugu naho icyaha cya gatandatu kikaba kiri mu

byaha bihungabanya Leta, bityo ngo ibyo bikaba aribyo bituma urukiko rwagombye kwiyambura ububasha bwo kuburanisha kuri ibyo byaha, noneho ngo ibindi byaha bisigaye akaba yabyireguraho ;

RUMAZE kumva akomeza avuga ko ngo nubwo amategeko yo kumukorera iperereza ryuru rubanza atubahirijwe bwose, ko ariko yemera icyemezo urukiko ruzafata kubera izo mpamvu asobanuye azemera icyo ngicyo, bityo ngo akazakomeza akaburana ;

RUMAZE kumva Maître KONARE Téicoro wunganira MWUMVANEZA Juvénal muri uru rubanza ahabwa ijambo akavuga ko ushinjwa hari ibintu yemererwa namategeko, ko ngo ari nayo mpamvu asaba ko dosiye ya MWUMVANEZA Juvénal yakohererezwa umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali kugirango abe ariwe ubwe wibariza abagabo bose barebwa nuru rubanza nkuko amategeko abiteganya ;

RUMAZE kumva umushinja-cyaha nawe ahabwa ijambo akavuga ko ibyo Maître KONARE Téicoro wunganira MWUMVANEZA Juvénal muri uru rubanza avuga ko ngo ubushinja-cyaha bwa parike ya Repubulika ya Gitarama bwari bukwiye gusubiza umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali dosiye ya MWUMVANEZA Juvénal akayikorera imilimo yose yagombye kuba yarayikozeho, ko ngo iyo atari impamvu yatuma uru rubanza ruhagarara ngo kuko ibyo abivuga yirengagije ko muri kiriya gihe cy'intambara abantu benshi bafatwaga nabandi bantu batabifitiye ububasha, ko ariko MWUMVANEZA Juvénal we idosiye ye yamaze gukorwa yohererezwa umuntu ubifitiye ububasha, bityo ngo akaba abona ko urubanza rwe rukwiye gukomeza noneho urukiko rwaregewe rukareba ibyaha bikwiye gukurikiranwa kuri MWUMVANEZA Juvénal ;

RUMAZE kubona ko rwabaye ruhagaritse iburanisha ryuru rubanza kugirango rusuzume ibimaze kuvugwa haruguru ;

RUMAZE kubona ko rwafashe icyemezo cyuko ibyo MWUMVANEZA Juvénal avuga ko urukiko rwakwiyambura ububasha bwo kuburanisha ibyaha : icya 2, icya 4, icya 5 nicya 6 aregwa nubushinja-cyaha nta shingiro bifite kuko ingingo ya mbere , agace kayo ka (b) yo mu itegeko-ngenga n° 08/96 ryo kuwa 30/08/1996 rigena imitunganyirize yikurikirana ryibyaha bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu byakozwe kuva tariki ya mbere Ukwakira 1990 iteganya ko ingereko zihariye mu nkiko za mbere ziremezo zishobora no kuburanisha ibyaha biteganywa mu gitabo cyamategeko ahana, bityo rero iburanisha ryuru rubanza rikazakomeza kuwa 23/04/1998 ;

RUMAZE kubona ko uwo munsi umaze kuvugwa haruguru, uru rubanza rutakomeje kuburanishwa kubera ko abacamanza bari mu mahugurwa, maze umukarani wurukiko arwimurira kuwa 13/05/1998

RUMAZE kubona ko rwasubiye kuri uru rubanza kuwa 13/05/1998 nkuko bimaze kuvugwa haruguru, MWUMVANEZA Juvénal kimwe nuhagarariye ubushinja-cyaha bahari ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa gusobanurira urukiko niba yiburanira, asubiza ko ataburana adafite umwunganira ngo kuko igihe yaherewe itariki azagarukiraho mu rukiko uwo umwunganira atari ahari ngo abe yaramenye ikindi gihe uru rubanza ruzakomeza kuburanishwa ngo abe yaje, bityo akomeza avuga ko asaba urukiko kumuha indi tariki azaburaniraho kugirango azabe yashatse umwunganira ;

RUMAZE kumva uhagarariye ubushinja-cyaha ahabwa ijambo asobanura ko ngo urukiko ruha MWUMVANEZA Juvénal indi tariki ubushinja-cyaha butari buhari ngo nabwo bube bwaramenye iyo tariki, bityo uwo wari ubuhagarariye yifuza ko MWUMVANEZA Juvénal yahabwa indi tariki kugirango azabashe gushaka umwunganira muri uru rubanza ruzabone gukomeza;

RUMAZE kubona ko rwahise rwimurira uru rubanza kuwa 13/05/1998 saa mbiri za mugitondo kugirango MWUMVANEZA Juvénal azashake umwunganira muri uru rubanza rwe ;

RUMAZE kubona ko rukimara gufata icyemezo kimaze kuvugwa haruguru mu gika kibanziriza iki, haje uwitwa KASSOUM TAPO avuga ko yari aje kunganira MWUMVANEZA Juvénal muri uru rubanza rwe anasobanura ko aje akererewe ngo kuko yatinjijwe no gushaka icyemezo kimuha ububasha bwo kumwunganira ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa gusobanura niba askaka gukomeza kuburana kubera ko abonye umwunganira, asubiza ko ngo kubera ko uwo ari mushya bakaba batarashobora kuvugana, urukiko rwamuha akanya kangana niminota 15 akabanza akavugana nawe akamubwira uko bimeze ;

RUMAZE kubona ko nyuma yiminota 15 MWUMVANEZA Juvénal yamaze avugana na Maître KASSOUM TAPO wari uje kumwunganira yamumenyesheje ko ashaka gukomeza kuburana ;

RUMAZE kumva MWUMVANEZA Juvénal akomeza avuga ko umwunganira yitwa KASSOUM TAPO akaba avuga urulimi rwigifaransa, ko ariko afite umusemurira witwa KAKUZE Joséphine ;

RUMAZE kubona ko uyu KAKUZE Joséphine yabitangiye umwirondoro we ndetse anarahira ko umulimo wo gusemurira Maître KASSOUM TAPO azawukorana ukuri ;

RUMAZE kumva MWUMVANEZA Juvénal ahakana ibyaha byose aregwa nubushinja-cyaha avuga ko bubimurega bumubeshyera ;

RUMAZE kumva uhagarariye ubushinja-cyaha ahabwa ijambo agasobanurira urukiko imikorere yibyaha agatanga nibimenyetso ubushinja-cyaha bushingiraho burega MWUMVANEZA Juvénal biriya byaha ;

RUMAZE kumva MWUMVANEZA Juvénal yiregura ku cyaha cyo kuba yarakoze umutwe wabagizi ba nabi avuga ko uwo mutwe atawuzi ngo kandi uwo mutwe

akaba atari kuwujyamo ngo kuko hari nitegeko ryabuzaga abacamanza kujya mu mashyaka ya politiki ; bityo ngo akaba atari kurenga iryo tegeko ngo ashobore gukora icyaha kirebana nibya politiki, ko nabamushinja ko yabaye umuyobozi wuwo mutwe ari abashatse kumuharabika bamushakira ibyaha kugirango umugambi wabo ugerweho baburizamo ikirego yabashyikirije cyuko hari igitero cyagiye iwabo cyiyobowe nuwitwa RUZINDANA Paulin cyikica umugore we witwa MUKAHIRWA Laurence wari utwite kimwe na murumuna we hamwe nabandi baturage bari baturanye nkuko bigaragarira muri rapport yakozwe na OPJ MWISENEZA Urbain kuwa 08/01/1995 ;

RUMAZE kumva yarakomeje asobanurira urukiko ko akurikije inkuru yincamugongo yari amaze kumva yurupfu rwa se wabo KAVARUGANDA wari umaze kwicwa mu ikubitiro rya mbere intambara yitsembabwoko nitsembatsemba igitangira kandi ngo akurikije nuburikije nuburwayi bwo munda yari afite , ibyo bitari gutuma ajya mu gaco kabagizi ba nabi ;

RUMAZE kumva akomeza yiregura ku cyaha cya gatatu aregwa nubushinja-cyaha avuga ko ntacyo yigeze akora, ko ariko mu rwego rwo gufasha ubucamanza yasobanurira urukiko ibyerekeranye nurupfu rwa bariya bantu aregwa ko yafatanyije nabandi kwica ;

RUMAZE kumva akomeza avuga ko uwitwa MAFENE Mathias yishwe nuwitwa RWAKAYIGAMBA nabantu bari kumwe mu gitero bakamutsinda iwe ; ko naho NYIRAKABIBI Budensiyana atazi ubyurupfu rwe ngo kuko hagati ye nawe haciyemo indi sambu , ko ibyo byasobanurwa na KIMENYI Jean de Dieu uvugwa muri dosiye ye(ya MWUMVANEZA Juvénal) ko azi ko yishwe na MUNYANEZA , BAYINGANA , na Claude wi Murama muri Bicumbi, bityo ngo akaba yumva imvugo ye ivuguruzanya niya RUSINGIZA Olivier, naho ngo ibyurupfu rwa KANYANGOGA André yabibwiwe numukozi we wari umunya Kibuye wakoraga mu isambu ye (ya KANYANGOGA nyine) ko naho umusaza BAZANSANGA yarashwe numupolisi witwa NTABARA Idirisa ubarizwa muri segiteri Rubona, muri Komini Bicumbi yo muri Perefegitura ya Kigali-ngali ;

RUMAZE kumva MWUMVANEZA Juvénal asobanura ko we na NIYONZIMA aho bamenyeye urupfu rwa KANYANGOGA bashatse uko umurambo we washyingurwa , dore ko ngo uwo nyakwigendera yari nincuti yuyu NIYONZIMA ngo kuko bari barahanye ninka, akomeza avuga ko ngo ibyo KIMENYI Jean de Dieu avuga ko bahuye afite umuhoro uriho amaraso avuye kwica KANYANGOGA abeshya ngo kuko batigeze bahura kandi ngo akaba atanavuga umunsi namasaha bahuriyeho , ko ahubwo ngo ibyo yabivuze ari uko abonye ageraniwe nibyo aregwa byo muri ubwo bwicanyi, bityo rero ngo akaba yaramwitakanaga ngo atagenda wenyine, ko naho kuri KARURANGA azi ko yahunze nkabandi bose kimwe nabo mu muryango we mu gihe ubwicanyi bwatangiraga, bityo rero ngo akaba ari nta nkuru yabo azi kuva yafungwa ;

RUMAZE kumva akomeza asobanura ko umukecuru GATARINA yaguye iwe kimwe nabantu bari kumwe bishwe nigitero cya RWEMAYIRE , agahambwa na HAKIZIMANA Yozefu wari umukozi mu isambu ye afatanyije na MUNYAZIKWIYE

Mathias wari umukwe wuwo mukecuru akaba yari numukarani muri parike ya Repubulika ya Kigali, ubu ngo akaba afungiye i Gikondo ; akomeza asobanura ko MUNYAZIKWIYE yafatanyije nanone nabapagasi babiri bo mu Ruhengeri yari aturanye nabo , bityo rero ngo akaba aribo ibyo urupfu rwuwo mukecuru GATARINA byabazwa ngo kuko bamwica bari hafi aho, ko ibyo KIMENYI Jean de Dieu avuga ko ngo uwo mukecuru yaba yarishwe na MUNYANEZA ko bishoboka ko uyu yaba yari muri ibyo bitero byagendaga byica abantu , ko rero uyu KIMENYI Jean de Dieu atamushyira mu bagize uruhare mu iyicwa ryuwo mukecuru akaba atamuryozwa ;

RUMAZE kumva akomeza sobanura ko BARASA Epimaque yishwe na BIZIMANA Claver kandi ngo naho ahungukiye yabikurikiranyweho ngo kuko yari azi ko yarafungiye muri Komini Bicumbi, anavuga ko ngo uwo musaza yari se wuwitwa GASANA Siméonwabajijwe muri dosiye yakorewe nubushinja-cyaha ku rupapuro rwa 51 ngo ariko we akaba ari ntacyo yamuvuzeho, bityo ngo akaba ari ntaho ahuriye nurupfu rwuwo musaza wari umuturanyi we ;

RUMAZE kumva akomeza avuga ko ku rupfu rwumukobwa wahungaga kimwe nabandi bishwe batashoboye kumenyekana ari ntacyo yabavugaho ngo kuko imyirondoro yabo itazwi, ko ngo uwo mukobwa GAHIGI akeka ko yari kwa MUNYURWA cyangwa kwa MUNYANGAJU ariwe warusobanuye ngo avuga nuwamwishe, bityo rero we ngo akaba ntaho ahuriye nurupfu rwe, akomeza avuga ko abo bantu biciwe iwabo bishwe ngo nibitero byavuzwe haruguru ubwicanyi bugitangira, ko rero we nta ruhare yabigizemo, anasobanura ko ngo kuri ibyo bisobanuro atanze bibaye nkene urukiko rwakwikorera iperereza rukabaza abaturage bakaba barusobanurira ko ari nta ruhare yigeze agira mu iyicwa rya bariya bantu ;

RUMAZE kumva akomeza avuga ko icyaha cya kane aregwa nubushinja-cyaha cyo kuba yaratunze intwaro za gisirikare atacyemera ngo kuko nta muntu wigeze azimuha cyangwa ngo asobanure aho yaba yarazikuye, byongeye kandi ngo akaba ari nta muntu wigeze avuga ko yazimubonanye, ko kandi nubushinja-cyaha buzimurega butavuga izo arizo ;

RUMAZE kumva ahakana icyaha cya gatanu aregwa nanone nubushinja-cyaha cyo kuba ngo yarinjiye mu mago yabaturage ahigamo abatutsi avuga ko atigeze agikora ngo kuko ubwicanyi bwatangiye ngo binakubitiyeho ngo nakababaro kurupfu rwa se wabo KAVARUGANDA Joseph wari umaze kwicwa mu ikubitiro rya mbere itsembabwoko nitsembatsemba rigitangira mu gihugu yari arwaye , bityo rero ngo akaba atari kurenga ibyo ngo ngo ajye guhiga abatutsi ari ntacyo bapfa kandi ngo naho yaratuye barashyikiranaga, anavuga ko ubushinja-cyaha butagaragaza ingo yagiyemo cyangwa ngo bunagaragaze abantu babimwemeza ndetse ngo bunagaragaze abandi bantu bafatanyije kujya muri izo ngo bahigamo abatutsi ;

RUMAZE kumva ahakana icyaha cya gatandatu aregwa nubushinja-cyaha cyo kuba yarayogoje igihugu no gusahura ibintu byabatutsi avuga ko ngo ibintu bivugwa muri dosiye byari ku masegiteri nahandi havugwa, anasobanura ko uwategekaga

détachement ya Murehe muri Komini Bicumbi hakimara gufatwa ningabo za F.P.R. yakoresheje inama abaturage bose ababwira ko ngo ababa barasahuye ibintu byabatutsi bose babisubiza bikabikwa ku masegiteri yose ya komini Bicumbi, anavuga ko kandi ngo ibyo byakozwe na commission yo gusaka ibyo bintu , ko kandi ibintu ubushinja-cyaha bumwemeza bwitwaje amabati yabikijwe iwe nuwitwa BUSYOKI mwishywa wa GASANA utuye muri selire Rwamashyongoshyo, Komini Gikoro kimwe ninka yari yabatoraguriye ngo ibyo akaba aribyo bita ko yari yayisahuye , ngo kuko yayisanze muze ahungutse, dore ko ngo yahungutse vuba, bityo iyo nka ngo ahita ayibasubiza ngo kubera ko ari nta gitekerezo cyo gutwara ibyabandi yari afite ;

RUMAZE kubona ko uwo munsi uru rubanza rwabaye rusubitswe kubera ko amasaha yikiruhuko yarageze , rutangariza mu ruhame ko rurarusubukura saa munani zuzuye , ababuranyi bajya kuruhuka basinyiye ayo magambo ;

RUMAZE kubona ko uwo munsi saa munani rwasubiye kuri uru rubanza, rubaza MWUMVANEZA Juvénal gusobanura abantu yavuze haruguru ko bamubeshyeye ko yakoze umutwe wabagizi ba nabi , asubiza avuga ko ababivuze ari abashatse kumuharabika ngo kuko yagiye kuri criminologie agiye kureba igisubizo cyikirego cye yari yatanze akurikije umunsi umugenza cyaha MWISENEZA Urbain yari yamuhaye ngo agakubitana na adjudant-chef MUKAGASANA Liberata, uyu nawe akabwira uwo umugenza-cyaha wavuzwe haruguru ko amufata akamufunga ngo kuko RUZINDANA Paulin amurega, bityo ngo amubwira ko azazana abamushinja, akomeza asobanura ko ngo kuva icyo gihe atabazanye ngo bamushinje ahubwo ngo agahita afatwa agafungwa, bityo rero ngo agasanga uwo mushinja-cyaha nuwo mwadjudant-chef bafite uruhare mubyo aregwa, ibyo ngo bikaba byongera kugaragazwa no kuba barirengagije ikirego yari yabashyikirije, bityo ngo uwo mugenza-cyaha akaba yarabikoze mu buryo bwe bwite yirengagije amategeko agira ngo atabona uko akomeza gukurikirana ikirego yari yamugejejeho yamuregeye ;

RUMAZE kumva akomeza avuga ko abamurega batagaragaza uruhare buri wese yagize mu kurema uriya mutwe wabagizi ba nabi ndetse naho waba warakoreraga, anakomeza asobanura ko nabamufunze bagiraga ngo atabona uko akurikirana ikirego yari yabaregeye cyabamwiciye umugore kimwe na muramu we ;

RUMAZE kumva abazwa gusobanura niba haramutse hagaragaye ibimenyetso byamushinja kimwe muri biriya byaha cyangwa byose yakwemera kubihanirwa, asubiza ko ririya perereza arikemanga ngo kuko ryakozwe numugenza-cyaha ngo nkuko yabisobanuye haruguru, bityo avuga ko urukiko rubonye ari ngombwa rwakwishakira ibindi bimenyetso ;

RUMAZE kumva akomeza avuga ko igitero cyaje iwe cyikamuca inzoga yurwagwa ngo kuko atajyaga kuri bariyeri yari hafi yiwe, ibyo ngo akaba yarabivuze mu iperereza ryuru rubanza aho kugirango bibe aribyo bandika ahubwo bakandika ko ngo yakuye ijerekani yurwagwa mu kabari yari afite hafi aho akajya kuyiha abari kuri iyo bariyeri, bityo rero ngo akaba atariko byagenze ;

RUMAZE kumva akomeza avuga ko iyo bariyeri itari hafi yiwe, ko ahubwo yari hafi yamasambu yabitwa ba RWEREKANA Paul na MAFENE, anasobanura ko kuri yo ari nta bintu bibi azi byayibereyeho, binakubitiyeho ko ngo bari barayishyizeho abasaza, anavuga kandi ko muri make aho intambara irangiriye abantu bahunguka kubera umujinya uwitwa RUZINDANA Paulin yamufungishije agirango azitire dosiye ye yari yaregeye umugenza-cyaha avuga ko abantu barimo kwihorera bakica abandi ndetse ko muri abo bandi haguyemo umugore we na murumuna we, nawe ngo abonye bimuyobeye ahungira mu butegetsi, bamwohereza ku mugenza-cyaha ari nawe wasise ngo amugambanira ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa gusobanura impamvu yabonye MUKAGASANA Liberata kuwa 21.11.1994 akanyerera nkuko bigaragarira muri raporo yo kuwa 08/01/1995 yakozwe numugenza-cyaha MWISENEZA Urbain, asubiza ko atigeze anyerera, ko ahubwo bamusanze aho criminologie ikorera imbere ya Komini Nyarugenge ;

RUMAZE kumva uhagarariye ubushinja-cyaha ahabwa ijambo akavuga ko yifuza ko MWUMVANEZA Juvénal yakongera gusobanurira urukiko ibyerekeranye niriya bariyeri yari hafi yiwe, uyu asubiza ko iyo bariyeri yagiyeho nkizindi zose zari mu gihugu, ko atanazi nuwayishyizeho ngo uretse ko azi ko yari iyo kubuza imodoka gucaracara kubera imidugararo yari mu gihugu, ndetse ngo bikaba byaragaragajwe nitangazo ryahise kuri radio yigihugu ribuza abantu bose gucaracara kandi ko iyo bariyeri yagiyeho nyuma yuko uwitwa MAFENE apfa, bityo rero ngo akaba ari nta muntu wigeze ayigwaho ;

RUMAZE kumva akomeza avuga ko bwakeye mu gitondo agahura numukecuru bari baturanye witwaga GATALINA ngo amubwira ko yahunga, umukecuru nawe ngo amubwira amusubiza ko ngo adashobora guhunga ngo kuko ari ntacyo yaba , noneho ngo igitero kiraza kirahamusanga kiramwica, bityo rero akaba yumva ko nta cyaha yakoze,akomeza asobanura akomeje ko atigeze ayobora iriya bariyeri ivugwa ndetse ngo abe yarabaye muri uriya mutwe uvugwa, anavuga ko intambara igitangira yari yibereye mu gahinda ka se wabo KAVARUGANDA Joseph wari umaze kwicwa, ko kandi ibyo byose nabaturanyi be babizi ;

RUMAZE kumva Maître KASSOUM TAPO wunganira MWUMVANEZA Juvénal muri uru rubanza ahabwa ijambo, agasobanura ko yifuza ko urukiko rwahagarika iburanisha ryuru rubanza ngo kuko amasaha yakazi ageze kandi ngo bafite isaha batagomba kurenza, ndetse ko urukiko rubimwemereye uru rubanza rwazakomezwa nundi mugenzi we ngo kuko we azasubira mu gihugu cye kuwa gatanu cyangwa kuwa gatandatu, akomeza avuga ko urukiko rwabajije uwoyunganira ko rusuzumye dosiye ye nuburyo yireguye rugasanga ibimenyetso bimuhama niba atakwemera kubihanirwa, ko kuri we rero asanga ari nta kimenyetso gifatika kimuhamya ibyaha aregwa, akomeza asobanura ko nka MWUMVANEZA Juvénal yunganira wari umucamanza mu gihe cyitsembabwoko nitsembatsemba, intambara yararangiye ntihagira umuntu numwe wo muri Komini ye wacitse ku icumu wigeze amutunga agatoki kugeza ubwo we bamwicira umugore na murumuna we agafatwa ari uko agiye gutanga ikirego, akomeza asobanura ko iyo haba hari umuntu yaba yaragize uwo yicira mu bo

ubushinja-cyaha bumurega waba yaracitse ku icumu bitari kugeza iki gihe ari nta numwe uje kuregera indishyi muri uru rubanza ;

RUMAZE kumva akomeza avuga ko atangajwe no kubona umushinja-cyaha abaza MWUMVANEZA Juvénal yunganira muri uru rubanza ibyakozwe kuri bariyeri avuga ko yari yashyizwe hafi yiwe ngo kandi ariwe wagombye kwerekana ibyo yakoze akabitangira nibimenyetso, bityo akomeza avuga ko abona muri dosiye ya MWUMVANEZA Juvénal harabajijwemo abagabo benshi bamugira umwere ku byaha aregwa kuruta abagabo babajijwe bamushinja ;

RUMAZE kubona ko rwasubitse uru rubanza kubera ko bwari bwije no kugirango hubahirizwe icyifuzo cya Maître KASSOUM TAPO uvuga ko azasubira mu gihugu cye uru rubanza rutararangira, bityo rwimurirwa kuwa 08.06.1998 saa mbili za mu gitondo, iyo tariki ababuranyi bakaba bayisinyiye ;

RUMAZE kubona ko ku itariki imaze kuvugwa haruguru, uru rubanza rutasubukuwe kubera ko hari umwe mu bacamanza utarashoboye kuboneka, maze rwimurirwa kuwa 26.06.1998 saa mbiri za mu gitondo ;

RUMAZE kubona ko ku munsi umaze kuvugwa haruguru urukiko rwasubukuye uru rubanza ;

RUMAZE kumva MWUMVANEZA Juvénal amaze gusomerwa imvugo yari yaburanishije ubushize, abazwa gusobanura niba amagambo amaze gusomerwa ariko yayavuze, asubiza ko amwe ariko yagenze, ko ariko hari andi magambo umwanditsi yagiye asimbuka ;

RUMAZE kumva avuga ko ubushize yari afite umwunganira muri uru rubanza , ko ariko ubu ataje , bityo asaba urukiko ko rwakwimurira uru rubanza ku yindi tariki kugirango azabe yabonye undi wo kumwunganira ;

RUMAZE kubona ko MWUMVANEZA Juvénal akimara kuvuga ayo magambo amaze gusobanura haruguru haje Maître LY-SAIDON asobanurira urukiko ko aje kumenyesha ko mugenzi we Maître Paul ALDI wunganiraga MWUMVANEZA Juvénal muri uru rubanza atabonetse ngo kuko hari umugororwa yagiye kunganira i Kibungo, bityo asaba ko uru rubanza rwakwimurirwa ku yindi tariki kugirango uyu Maître Paul ALDI azabashe kuboneka ;

RUMAZE kumva uwari uhagarariye ubushinja-cyaha ahabwa ijambo akavuga ko ashyigikiye icyifuzo cya MWUMVANEZA Juvénal kimwe nicya Maître LY-SAIDON cyuko uru rubanza rwahabwa indi tariki kugirango uyu MWUMVANEZA Juvénal azabashe kubona umwunganira ;

RUMAZE kubona ko uru rubanza rwasubitswe kugirango ibimaze kuvugwa haruguru byubahirizwe, rwimurirwa kuwa 02/07/1998 saa mbili za mu gitondo ;

RUMAZE kubona ko ku munsi umaze kuvugwa haruguru, aribwo urukiko rwasubiye kuri uru rubanza, MWUMVANEZA Juvénal yitabye urukiko kimwe nuhagarariye ubushinja-cyaha ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa gusobanura niba mu miburanire ye iherutse hari ikindi yari asigaje kwireguza, asubiza ko ari ntacyo ;

RUMAZE kumva avuga ko Maître LY-SAIDON wakunze kumwunganira muri uru rubanza atabonetse, asaba ko uru rubanza rwahabwa indi tariki kugirango azabanze aboneke ;

RUMAZE kumva abazwa impamvu ashaka ko Maître LS-SAIDON umwunganira yabanza akaboneka kandi yarisobanuye ku birego byose ubushinja-cyaha bwamureze, asubiza ko hari imyanzuro yamukoreye yagombaga kuzamufasha muri uru rubanza yari yari gushyikiriza urukiko ;

RUMAZE kumva abazwa gusobanura ukuntu Maître LY-SAIDON umwunganira yabanza akaboneka kandi hari mugenzi we waruherutse mu rukiko warusobanuriye ko azamumenyesha itariki yisubukurwa ryuru rubanza rwe, asubiza ko azamutumaho ;

RUMAZE kubona ko mbere yuko uru rubanza rukomeza haje Maître LY-SAIDON ari kumwe numusemuzi witwa NDUTIYE Emmanuel, uyu mbere yo kugira icyo avuga muri uru rubanza abanza kurahira ;

RUMAZE kumva uhagarariye ubushinja-cyaha yongera guhabwa ijambo agasobanurira urukiko ko mu iburanisha riherutse yarugejejeho ibyaha MWUMVANEZA Juvénal aregwa byakozwe bukanabitangira nibimenyetso ndetse bukanatanga numwanzuro wanditse ukubiyemo ibyifuzo byabwo : ari byo ku cyaha cya mbere cyitsembabwoko nitsembatsemba, ari ibikorwa yakoze bimushyira mu rwego rwa mbere, kuko yari umuyobozi mu rwego rwa Komini kandi akoshya abandi gukora ibyo byaha, ndetse akanabigiramo umwete nkuko biteganywa ningingo ya 02 yitegeko n° 08/96 ryo kuwa 30.08.1996. Agahanishwa igihano cyurupfu.

Ku cyaha cya kabiri cyubuhotozi, agahanishwa igihano cyurupfu ;

Ku cyaha cya gatatu cyo kuyobora umutwe wabagizi ba nabi agahanishwa igifungo cyimyaka 20.

Ku cyaha cya kane cyo gutunga imbunda nta ruhushya agahanishwa igifungo cyumwaka ;

Ku cyaha cya gatanu cyo kwinjira mu mazu no mu ngo zabaturage, agahanishwa igifungo cyimyaka ibiri ;

Ku cyaha cya gatandatu cyo kuyogoza igihugu no gusahura ibintu byabandi, agahanishwa igihano cyo kwicwa, bityo ubushinja-cyaha bwifuza ko

MWUMVANEZA Juvénal yahanishwa igihano cyo kwicwa kuko ari cyo gifite uburemere kurusha ibindi, agatanga amagarama yuru rubanza naho abashaka indishyi bakazaziregera ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa kugira icyo yongera kurubanza rwe, asubiza ko habayeho ubugambanyi hagati yabo yareze nabamwiciye umugore we na murumuna we ndetse ngo bakanamusahura, akomeza asobanura ko abo yaregeye bafatanyije nabo arega bafashe umugambi wo kumuhimbira ibyaha banahita bamufunga, bityo ngo ikirego cye kiba kibaye imfabusa gihita kizimangatana ahinduka umunyabyaha hejuru yibirego byibinyoma ;

RUMAZE kumva akomeza asobanura ko yareze kuva taliki ya 14.11.94 noneho ngo agiye kuri criminologie kuwa 21.11.94 kubaza ibye aho bigeze Adjudant-chef witwa MUKAGASANA yahasanze ngo ahita abwira umugenza-cyaha (OPJ) witwa MWISENEZA Urbain, uyu ngo ari nawe wari ufite dosiye ye ngo namufunge ngo kubera ko uwitwa RUZINDANA Paulin amurega ariko ngo kugeza icyo gihe akaba nta birego yigeze atanga ari nta nabagabo yigeze azana ngo bamushinje, ibyo ngo akaba aribyo uwo mugenza-cyaha yuririyeho yiha ububasha adafite bwo kumukurikirana anyuranyije ningingo ya 10 niya 23 zo mu gitabo gikubiyemo amategeko agenga imiburanishilize yimanza nshinja-byaha bityo ngo akaba asaba urukiko ko rwashingira ku bisobanuro yarushyikirije mu myiregurire ye rukishakira ibindi bimenyetso nabyo byukuri ;

RUMAZE kumva Maître LY-SAIDON wunganira MWUMVANEZA Juvénal ahabwa ijambo agasobanurira urukiko ko yakorewe iperereza numuntu utabifitiye ububasha ngo kuko yirengagije ingingo za 10 na 23 zigitabo kimaze kuvugwa haruguru, izo ngingo zikaba ziha gusa umushinja-cyaha mukuru mu rukiko rwubujurire gukorera anketi uwakoze icyaha ari umucamanza, bityo rero ngo izo nyandiko-mvugo zikaba zigomba kwamburwa agaciro, urukiko rugahita rutegeka ko MWUMVANEZA Juvénal ahita arekurwa agataha ngo kuko ari umwere ku byaha aregwa nubushinja-cyaha ;

RUMAZE kumva akomeza avuga ko urukiko rwagombye kwibaza impamvu MWUMVANEZA Juvénal yafashwe ari uko agiye kuregera urupfu rwumugore we na mwene nyina, ko ndetse bitanumvikana ukuntu yaba yarakoze ibyaha nka biriya aregwa ngo ahinguke imbere yubugenza-cyaha ngo agiye gutanga ikirego, bityo ngo akaba abona igisubizo ari oya binakubitiyeho ko ngo uyu yunganira yigeze gucibwa inzoga bitewe ngo nuko yari yaranze kwifatanya nabandi mu itsembabwoko nitsembatsemba, bityo rero ngo akaba abona ko MWUMVANEZA Juvénal ari uwo guhanagurwaho ibyaha ; Maître LY-SAIDON asoza imvugo ze avuga ko azashyikiriza urukiko imyanzuro yakoze kuri uru rubanza ;

RUMAZE kubona ko uyu munsi aribwo iburanisha ryuru rubanza ryarangiye, rutangariza mu ruhame ko imikirize yarwo isomwa uwo munsi saa tanu nigice, maze urukiko ruza kwiherera ;

RUSANGA rero mbere yo gukiza uru rubanza burundu rugomba kubanza kwikorera iperereza kugirango rumenye aho ukuri kwa MWUMVANEZA Juvénal guherereye

kimwe nibimenyetso ubushinja-cyaha bushingiraho bumurega biriya byaha, rusubika amagarama ;

RUMAZE kubona ko kuwa 07/07/1998 rwageze muri serire Gihumuza, segiteri Gahengeri, Komini Bicumbi, Perefegitura ya Kigali-Ngali gukora iperereza ryuru rubanza, ruhasanga abitwa : KAZUNGU Célestin, MUKANTABANA Dancille, HABIYAREMYE Landouard, NKARAGAMYAMBI Emmanuel, MUKANTAGARA Anastasie, rubaza KAZUNGU Célestin kurusobanurira imyitwarire ya MWUMVANEZA Juvénal muri kiriya gihe cyintambara yitsembabwoko nitsembatsemba yabaye muri Mata 1994, asubiza ko iyo ntambara yabaye arwaje umwana mu bitaro i Rwamagana mu gihe ngo yari abivuyemo asanga abitwa : MAFENE Mathias, NYIRAKABIBI Budensiyana, KANYANGOGA, GATALINA na BARASA kimwe ngo numukobwa wahungaga barapfuye, anasobanura ko atazi ababishe abo aribo, anavuga ko avuye mu bitaro yasanze MWUMVANEZA Juvénal afite inka yikibamba yo kwa BARASA anakomeza kuyiragira na nyuma yintambara bigeza ho ngo ayijyanana nize kwa nyirakuru ;

RUMAZE kumva MUKANTAGARA Dancille nawe abazwa gusobanura uko MWUMVANEZA Juvénal yitwaye muri iriya ntambara, asubiza ko ngo atazi uko yitwaye ngo kuko iba atari i Gahengeri;

RUMAZE kumva HABIYAREMYE Landouard nawe abazwa gusobanura uko MWUMVANEZA Juvénal yaba yaritwaye muri iriya ntambara, asubiza ko abantu babatutsi bapfuye bose bishwe ninterahamwe zarimo abitwa : RWAKAYIGAMBA, BYEMAYIRE, KAYONDO na MUGABO, anasobanura ko uwitwa KANYANGOGA, uregwa MWUMVANEZA Juvénal yapfuye, ko ariko atazi abamuhambye, anavuga kandi ko MWUMVANEZA Juvénal ari nta ruhare yagize mu ntambara yitsembabwoko nitsembatsemba yabaye muri Mata 1994, ko naho kuba yarahambye umurambo wa KANYANGOGA, akeka ko uyu yari inshuti ye, anasobanura ko nta ntwaro MWUMVANEZA Juvénal yigeze atunga muri iyi ntambara, ko naho ibyo bavuga ko MWUMVANEZA Juvénal yaba yarigeze gusahura inka yabandi atabizi ngo icyo azi ari uko yahunze ngo akamusigana ize yari yariyororeye gusa ;

RUMAZE kumva NKARAGAMYAMBI Emmanuel akomeza avuga ko MWUMVANEZA Juvénal yitwaye neza mu ntambara, ko ariko intambara irangiye MWUMVANEZA Juvénal yagiye i Kigali ari uko abonye umugore we bamaze kumwica, ko naho ibyo gufungwa kwe atabimenye, anasobanura ko MWUMVANEZA Juvénal atigeze atunga imbunda muri kiriya gihe cyintambara, anavuga kandi ko atazi urupfu rwa KANYANGOGA nishyingurwa ryumurambo we ngo kuko icyo gihe bari barahungiye i MASAKA, anavuga kandi ko MWUMVANEZA Juvénal ari nta nka yigeze asahura ;

RUMAZE kumva MUKANTAGARA Anastasie abazwa gusobanura uko MWUMVANEZA Juvénal yitwaye muri iriya ntambara nawe asubiza ko yitwaye neza, anasobanura ko uwitwaga KANYANGOGA yishwe ninterahamwe nabapolisi bamurashe, muri zo ngo hakaba harimo iyo yari azi yitwa Vital, anasobanura ko umugabo we witwa NIYONZIMA Alphonse ngo yavuze ko KANYANGOGA yari inshuti ye ntiyakwemera ko umurambo we wanama ku gasozi nuko ngo ahamagara MWUMVANEZA Juvénal

nabandi baturanyi baraza baramufasha baramushyingura, anavuga kandi ko MWUMVANEZA Juvénal atigeze agira imbunda muri kiriya gihe, akomeza avuga ko KANYANGOGA yicwa MWUMVANEZA Juvénal na NIYONZIMA batari bahari, ko kandi batigeze bamutsinda mu isambu ya Alphonse, ko ahubwo yaguye mu isambu ye, anavuga ko no muri kiriya gihe atigeze abona MWUMVANEZA Juvénal atwara umuhoro ;

RUMAZE kubona ko uwo munsi iperereza ryabaye risubitswe, risubukurirwa muri serire Gihumuza, segiteri Gahengeri, Komini Bicumbi, Perefegitura ya Kigali-ngali kuwa 09/07/1998 ;

RUMAZE kubona ko uwo munsi rwabajije abagabo bitwa : GASANA Siméon, RWEREKANA Paul, na UWIFASHIJE Théogène ;

RUMAZE kumva GASANA Siméon abazwa gusobanura aho yari ari muri kiriya gihe cyintambara yitsembabwoko nitsembatsemba yabaye muri Mata 1994, asubiza ko yabaye ari muri serire Gihumuza, segiteri Gahengeri, komini Bicumbi, Perefegitura ya Kigali-ngali, anavuga ko aho hantu hiciwe abantu benshi babatutsi barimo nabo mu muryango we kandi bakicwa nabarimo MWUMVANEZA Juvénal wari uturanye nabo bantu ;

RUMAZE kumva akomeza asobanura ko uruhare MWUMVANEZA yagize muri buriya bwicanyi ngo ari uko hari bariyeri yari hagati yiwabo niwe yari abereye umuyobozi kandi ko ngo abantu bafataga hanze babazanaga kuri iyo bariyeri bakabica kandi ngo akaba yari ayifatanyije nuwitwa NIYONZIMA Alphonse, ikindi kandi ngo nuko ariwe wari ufite ububasha bwo gutwara ibintu byabantu abasahuraga bamushyiraga ngo ninka zinzungu za mukuru we witwa NSANZABARASHI kimwe namabati akomeye bari barakuye ku nzu ye ;

RUMAZE kumva akomeza abazwa gusobanura uruhare nyarwo MWUMVANEZA Juvénal yagize ku giti cye mu iyicwa rya bariya bantu bamaze kuvugwa haruguru, asubiza ko MWUMVANEZA Juvénal yari umukwe wuwahoze ari Burugumesitiri wa Komini BICUMBI witwa SEMANZA, bityo ngo akaba yari umuntu ukomeye wubahana nabaturage ngo akaba yaramubonye ari kumwe nabariya bantu bicaga ntabashe kubabuza kwica kandi ngo akaba ari nta numwe yigeze ahisha mu bamuhungiyeho, akomeza avuga ko ngo ariko ibyo atabihagazeho ko ahubwo ngo yabyumvanye abandi ;

RUMAZE kumva abazwa gusobanura icyo yashatse gusobanura mu gihe yavugaga ko MWUMVANEZA Juvénal yari umukwe wa SEMANZA, asubiza ko yashatse kuvuga ko SEMANZA ariwe wari uhagarariye abicanyi muri iyo Komini ngo kuko yari umudepite wari uhagarariye ishyaka rya MRND muri iyo Komini, bityo ngo umukwe we akaba nta kibazo yari afite ari nabyo byari gutuma akiza abantu muri kiriya gihe cyintambara anasobanura ko urupfu rwumusaza witwaga KANYANGOGA ataruzi, usibye ko ngo yumvise ko yashyinguwe ku musezero wumuhanda ;

RUMAZE kumva RWEREKANA Paul abazwa akavuga ko muri kiriya gihe cyintambara yari i Gihumuza hi Gahengeri, asobanura ko nta bantu babatutsi azi baguye muri iyo segiteri ngo kuko atarebaga, anavuga ko no muri icyo gihe atigeze ava mu rugo iwe kandi ko atazi niba MWUMVANEZA Juvénal hari uruhare yagize muri iyo ntambara ;

RUMAZE kumva akomeza avuga ko atigeze abazwa ku byerekeranye nimyitwarire ya MWUMVANEZA Juvénal muri iriya ntambara yitsembabwoko nitsembatsemba yabaye muri Mata 1994, aliko abajijwe gusobanura niba ariwe wavuze ko uyu MWUMVANEZA Juvénal yafatanywe inka yumuntu yanyaze ikabanza kuba ku muhungu we witwa BIZIMANA Claver, asubiza ko ibyo ariwe wabivuze ko bayibafatanye bahunga, anavuga ko MWUMVANEZA Juvénal yabonye umugore we yishwe ngo arahurura ngo agiye kurega i Kigali nuko ngo agenda agiye ; akomeza yivugira ko ngo iyo nka MWUMVANEZA Juvénal n'umuhungu we BIZIMANA Claver bayishubije nyirayo NSANZABARASHI , anasobanura kandi ko atari imyaka ye yamavuko, ko aheruka afite imyaka 120 naho ubu ngo hakaba hariyongereho indi myaka 100 ;

RUMAZE kumva UWITIJE Théogène abazwa gusobanura niba hari ikintu yaba azi ku mwitwarire ya MWUMVANEZA Juvénal muri kiriya gihe cyintambara , asubiza ko ntacyo amuziho ngo kuko intambara iba yari i Kigali i Remera ku Giporoso avayo hagati mu kwezi kwa kane 1994 asanga abantu biwabo barahunze ;

RUMAZE kubona ko uyu munsi iperereza ryuru rubanza ryabaye risubitswe rigasubukurirwa i Kigali kuwa 13.07.1998 ;

RUMAZE kubona intumwa zurukiko zigizwe na MUJYAMBERE Prosper, NSENGIMANA Anaclet, Abacamanza na MUKANGAYABOSHYA Jacqueline, umwanditsi zageze muri gereza ya Kimironko, Komini Kacyiru, Kigali yumujyi zihabariza umugororwa witwa RUSINGIZA Olivier wabajijwe muri iyi dosiye mbere yuko avanwa iwabo akajyanwa muri gereza ya Kimironko, zimubaza niba azi umucamanza witwa MWUMVANEZA Juvénal akaba yasobanura imyitwarire ye , asubiza ko amuzi ariko atazi uko yitwaye ngo kuko atigeze abonana nawe muri kiriya gihe cyintambara, anasobanura ko ngo atigeze anumva urupfu rwa KANYANGOGA ko atazi naho bamuhambye ;

RUMAZE kumva KIMENYI Jean de Dieu nawe wabajijwe muri anketi zateguriye uru rubanza, abazwa gusobanura aho yari ari muri iriya ntambara, asubiza ko yari muri serire Kibare, segiteri Gahengeri, zimubaza gusobanura niba azi uwitwa MWUMVANEZA Juvénal wari umucamanza mu rukiko rwa kanto ya Bicumbi yaba amuzi akazibwira imwitwarire ye muri iriya ntambara, asubiza ko amuzi ariko atazi imyitwarire ye, anasobanura ko kuba yaravuze mbere abazwa ko MWUMVANEZA Juvénal yafatanyije na NIYONZIMA Alphonse kwica KANYANGOGA bamutsinze mu isambu ya NIYONZIMA ngo ibyo yabivuze kubera ko yari azi ko aturanye na KANYANGOGA kandi ko ngo ibyo yabivuze kubera ko yabyumvise ;

RUMAZE kumva akomeza avuga ko ngo kuba yaravuze ko yabonye MWUMVANEZA Juvénal afite umuhoro uriho amaraso ari kumwe na NIYONZIMA uyu

MWUMVANEZA Juvénal ngo yivugira ko bavuye kwica KANYANGOGA, atabivuze ari uko yamwiboneye ku giti cye namaso ye, ko ahubwo yabibwiye umugenza-cyaha ko yanyuze muri ako gace akumva abaturage bagatuyemo aribo babivuga ;

RUMAZE kumva ko uwo munsi iperereza ryakomereje muri gereza ya Gikondo, Kigali yumujyi kubaza umugororwa witwa GAHIGI zihasanga kapita jenerali witwa MAKOMBE Gaspard zimubaza kuzisobanurira aho uyu GAHIGI yaba aherereye, azereka registre décrou bandikamo abagororwa bitabye Imana, zirebyemo zisanga handitsemo ko GAHIGI mwene Rwagaju wavutse muri 1952 yitabye Imana kuwa 28/01/1998 ;

RUMAZE kubona ko uyu munsi iperereza ryuru rubanza ryarangiye, ruvuga ko iburanisha ryarwo rizakomeza kuwa 24/07/1998 saa mbiri za mu gitondo ;

RUMAZE kubona ko umunsi umaze kuvugwa haruguru aribwo uru rubanza rwasubukuwe, rusomera MWUMVANEZA Juvénal raporo yagezweho mu iperereza ryuru rubanza rwe, rumubaza kugira icyo ayivugaho, asubiza ko urukiko rwakoze neza rukora umulimo rutagombaga gukora, ahubwo waragombaga gukorwa nubushinja-cyaha, akomeza asobanura ko umugenza-cyaha atari afite ububasha bwo gukorera umuntu wari umucamanza iperereza, ko ahubwo ryagombaga gukorwa numushinja-cyaha mukuru mu rukiko rwubujurire nkuko amategeko abiteganya, akomeza asobanura ko ngo hari ikintu kidasanzwe uwo mugenza-cyaha yakoresheje kugirango abagabo yabajije bamwemeze icyaha ngo aricyo cyiterabwoba, ko ngo iyo bitaba ibyo baba barasubiye mu mvugo zabo imbere yabacamanza, akomeza avuga ko uwitwa RWEREKANA Paul ubushinja-cyaha bushingiraho bwemeza imvugo ye ari umusaza ari hafi kugira imyaka 120, bityo ubushinja-cyaha bukaba butari kwemera imvugo ye ngo kuko imvugo avuze none ejo atariyo asubiramo ;

RUMAZE kumva MWUMVANEZA Juvénal akomeza avuga ko ngo RWEREKANA Paul avuga ko ngo yamubonye kuri bariyeri abeshya ngo kuko atari kumubona ngo kuko atabona kubera ubusaza, anasobanura ko ngo nibyo avuga ko yafatanyije ibikorwa bibi numuhungu we witwa BIZIMANA Claver nabyo atari byo ngo kuko atigeze ababona bakora ibyo bikorwa, anasobanura ko ngo icyo uwo musaza yaba yari azi ari ukumva ijwi ryuwo muhungu we gusa ;

RUMAZE kumva MWUMVANEZA Juvénal akomeza avuga ko GASANA Siméon ngo ubusanzwe ari mu bamurega, ko namagambo yabwiye umugenza-cyaha anyuranye nayo yabwiye urukiko, ngo kuko abazwa numugenza-cyaha ngo yivugiye ko atabaga i Gahengeri , ko ibyo yemeza ari ibyo yabwiwe nabantu yari afite aho i Gahengeri, ko ngo naho abazwa nurukiko yarwemeje ko ibyo avuga ari ibyo yiboneye namaso ye ngo agakomeza asobanura ko abishe se BARASA ari BIZIMANA Claver, SIBOMANA Athanase, MINANI, MPAGARITSWENIMANA na GATSIMBANYI, bityo rero ngo kuba anyuranya imvugo ze kandi akaba atanamuvuga muri abo bantu bishe se ibyo avuga bikaba nta kuri bifite, akomeza avuga ko ngo kuba ibyo avuga yabibwiwe nabantu babikurikiraniriraga hafi aliko ntagaragaze ababimubwiye, ibyo urukiko rukaba rutabifataho ukuri, binakubitiyeho ko ngo mu ibazwa rye ryo kuwa 19/12/1994 ku rupapuro rwa 51

yivugiye ko intambara yamufatiranye atari mu rugo ari ahitwa i Nzige ho muri Komini Bicumbi aho yacururizaga ngo akaba ari naho yagumye, ibyo ngo bikaba byakwemezwa nabo bacuruzanyaga barimo : HABYARIMANA Athanase, mwene KABATSI, HARERIMANA, MUNYABARAME Evariste, MUNYESHULI Gérard, KAREMERA na KARAMUKA, akomeza asobanura ko hagati ya Nzige na segiteri Gahengeri hari urugendo rungana na kilometero cumi (10km) ;

RUMAZE kumva MWUMVANEZA Juvénal asobanura ko ngo ibyo umushinja-cyaha ashingiraho amushinja ari ibinyoma gusa, ngo kuko bishingiye ku bugambanyi bwabaye hagati yabamurega numugenza-cyaha ngo nkuko yakomeje kubisobanura haruguru, bityo ngo urukiko rukaba rudakwiye guha agaciro imvugo yumushinja-cyaha igaragara mu mikorere yibyaha nibimenyetso ngo kuko yakozwe ishingiye kuri anketi zakozwe numugenza-cyaha wivugira ubwe ko nta kuri yashoboye gukura mu iperereza yakoze aho atuye ;

RUMAZE kumva akomeza avuga ko ngo kuba yaremereye umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali ko hari abantu bishwe areba bitamubera ikimenyetso ko yagize uruhare mu bwicanyi, binakubitiye ko ngo yanamugaragarije namazina yabantu bagize uruhare muri ubwo bwicanyi kandi uyu nawe akaba yarasanze ibyo bitamubera icyaha kuko ngo atigeze akimurega ngo kibe kigaragara mu bindi birego, anasobanura ko nta ntwaro yigeze atunga ngo nkuko abagabo babajijwe mu iperereza ryuru rubanza babyemeje ;

RUMAZE kumva Maître BRAHIMA KELLY wunganira MWUMVANEZA Juvénal muri uru rubanza ahabwa ijambo agasobanurira urukiko ko nyuma yiperereza ryakozwe hari inyandiko yinyongera agirango ashyikirize urukiko muriyo akaba arusaba ko rwagira MWUMVANEZA Juvénal umwere ku byaha yaregwaga ngo kuko ari nta bimenyetso ngo nkuko uyu nawe yabisobanuye yiregura ;

RUMAZE kumva uhagarariye ubushinja-cyaha nawe ahabwa ijambo agasobanurira urukiko ko ntacyo ubushinja-cyaha buhindura ku bimenyetso bwari bwarashyikirije urukiko mbere yiperereza rwikoreye, ariko asobanura ko ngo ku byo MWUMVANEZA Juvénal yavuze haruguru ko urukiko rutaha agaciro iperereza ryakozwe numugenza-cyaha nta shingiro bifite ngo kuko we yakoze umulimo we akusanya ibimenyetso muri iyi dosiye nyuma ngo akabyohererereza umushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali ngo nkuko biteganywa ningingo ya 10 yigitabo gikubiyemo amategeko agenga imiburanishilize yimanza zinshinja-byaha ibisobanura ;

RUMAZE kumva MWUMVANEZA Juvénal abazwa kugira icyo yongera ku rubanza rwe, asubiza ko yifuza ko urukiko rwamurenganura rushingiye kumyiregurire ye no no ku bimenyetso rwashoboye kubona mu iperereza ryuru rubanza ;

RUMAZE kumva Maître BRAHIMA KELLY wunganira MWUMVANEZA Juvénal muri uru rubanza nawe abazwa kugira icyo arwongeraho, asubiza ko asaba urukiko ko rwahana abakoze ibyaha maze rukarenganura abarengana Igihugu kikongera kikagendera ku mategeko ;

RUMAZE kubona ko uwo munsi aribwo iburanisha ryarangiye , rugatangariza mu ruhame ko uru rubanza ruzasomwa kuwa 06/08/1998 kubera imilimo myinshi ruzaba rufite, maze ruza kwiherera ;

RUSANZE ibirego rwashyikirijwe nubushinja-cyaha burega MWUMVANEZA Juvénal bikwiye kwakirwa kuko byaje mu nzira zemewe namategeko, aliko rubisuzumye rusanga nta shingiro bifite;

RUSANZE rero icyaha cya mbere MWUMVANEZA Juvénal aregwa ko yakoze icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu, ubwabyo atari icyaha, ahubwo ari ubusobanuro uburyo icyo cyaha gikorwamo nkuko biteganywa namasezerano mpuzamahanga yo kuwa 09/12/1948 yerekeranye no guhana icyaha cya génocide , amasezerano mpuzamahanga yakorewe i Genève kuwa 12/08/1949, yerekeranye no kurengera abantu batari abasilikare mu gihe cyintambara nandi masezerano yumugereka , ndetse namasezerano mpuzamahanga yo kuwa 26/11/1968 yerekeranye no kudasaza kwibyaha byintambara nibyaha byibasiye inyoko-muntu, ayo masezerano yose u Rwanda rukaba rwarayashyizeho umukono kandi nkuko biteganywa mu itegeko ngenga n° 08/96 ryo kuwa 30/08/1996 rigena imitunganyirize yikurikirana ryibyaha bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu byakozwe kuva taliki ya 01 Ukwakira 1990 kugeza kuwa 31 Ukuboza 1994 ;

RUSANZE icyaha cya kabiri MWUMVANEZA Juvénal aregwa nubushinja-cyaha cyo kuba ngo yarafatanyije nabandi, yarakoze umutwe wabagizi ba nabi, kandi akaba umwe mu bayobozi buwo mutwe witwaraga gisirikare, ugamije kugirira nabi abantu cyangwa ibyabo nta shingiro bifite kuko ubushinja-cyaha bwakiburiye ibimenyetso kandi nabagabo babajijwe mu iperereza ryuru rubanza aribo : KIMENYI na MUSINGIZA ari nabo ubushinja-cyaha bushingiraho bukimurega bahakanye ko batigeze babona MWUMVANEZA Juvénal kuri bariyeri, ko ahubwo ibyo bari bavuze mbere babibwira umugenza-cyaha ngo ari ibyo bari bumvanye abaturage ;

RUSANZE no mu bandi bagabo benshi babajijwe mu iperereza urukiko rwikoreye kubera uru rubanza ari nta numwe wigeze asobanura ko MWUMVANEZA Juvénal yigeze ajya mu mutwe wabagizi ba nabi ;

RUSANZE umugabo witwa GASANA Siméon wacitse ku icumu yarabajijwe numugenza-cyaha kuwa 19/12/1994 yaramusobanuriye ko intambara yitsembabwoko nitsembatsemba yabaye muri Mata 1994 yamufatiranye ataraye iwe mu rugo i Gahengeri, ko ahubwo yari yaraye ahitwa i Nzige, ko ariko ibyabereye iwabo muri segiteri Gahengeri yabikurikiraniraga hafi ngo kuko yari afite abantu be bari aho, akanasobanura ko abantu bari kuri bariyeri bari haruguru yo kwa MWUMVANEZA Juvénal, uyu nawe yari mu bayobozi bayo bakomeye ;

RUSANZE kandi yarongeyeye kubazwa nurukiko mu iperereza ryuru rubanza agasobanura ko intambara imaze kuvugwa haruguru yabaye ari muri serire Gihumuza, segiteri Gahengeri, Komini Bicumbi, Kigali-ngali, akanavuga ko

MWUMVANEZA Juvénal yari umwe mu bayobozi bari kuri iyo bariyeri yari hafi yiwe, ko nabantu bafataga babazanaga kuri iyo bariyeri bakabica, ko no kuba ari nawe wari ufite ububasha bwo kwakira ibintu byabaga byasahuwe abatutsi byarimo inka za mukuru we NSANZABARASHI namabati ye , akanavuga ko ngo ninka 20 za se arizo zatungaga abantu bari kuri iyo bariyeri, avuga ko MWUMVANEZA Juvénal yari ayifiteho uruhare rwo kuyiyobora ;

RUSANZE rero muri uko kunyuranya imvugo kwa GASANA Siméon nta kuri kurimo, kuko iyo aza kuba afite ukuri, ibyo byose bimaze gusobanurwa haruguru aba yarabisobanuriye umugenza-cyaha ibintu bigishyushye mu ibazwa rye ryo kuwa 19/12/1994, bityo urukiko rukaba rutazifataho ukuri ngo ruhamye MWUMVANEZA Juvénal kiriya cyaha ;

RUSANZE icyaha cya gatatu MWUMVANEZA Juvénal aregwa nubushinja-cyaha cyo kuba yarafatanyije nabandi babiteguriye igico barahohoteye abantu benshi barimo : MAFENE Mathias, NYIRAKABIBI Budensiyana, KANYANGOGA, KARAMAGA, GATARINA, BARASA, umukobwa wahungaga nabandi nacyo nta shingiro gifite kuko ubushinja-cyaha bwakiburiye ibimenyetso, usibye kuvuga gusa ko ngo MWUMVANEZA Juvénal abazwa numushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali yiyemereye ko yiboneye namaso ye iyicwa ryabo bantu ngo akanasobanura neza ukuntu abo bantu bishwe, ibyo rero akaba atari ibimenyetso bigaragaza uruhare MWUMVANEZA Juvénal yagize mu rupfu rwabariya bantu, byongeye kandi no mu iperereza ryuru rubanza urukiko rwikoreye akaba ari nta muntu numwe wigeze ahamya ko MWUMVANEZA Juvénal hari umuntu yigeze yica muri iriya ntambara, uretse MUKANTAGARA Anastasie wasobanuye ko KANYANGOGA yishwe arashwe ngo nabantu bari baje mu modoka bari kumwe nabapolisi barimo uwitwa VITAL ngo noneho umugabo we witwa NIYONZIMA Alphonse wari inshuti yuyu KANYANGOGA amaze kubyumva ajya gutabaza abantu ngo baze bamufashe gushyingura umurambo wa KANYANGOGA wari inshuti ye nuko ngo ajyana na MWUMVANEZA Juvénal nabandi yari atabaje bajya gushyingura uwo murambo ;

RUSANZE rero MWUMVANEZA Juvénal abazwa numushinja-cyaha mukuru mu rukiko rwubujurire rwa Kigali kuwa 14/07/1997 akamwemerera ko azi abantu bishe bariya banyakwigendera bamurega bitamubera ikimenyetso cyuko ariwe wabishe ngo abaryozwe, ahubwo byari kubera ubushinja-cyaha intango yo gukurikirana bariya avuga ko babishe ;

Icyaha cyo gutunga intwaro ta burenganzira ntikigira ishingiro igihe ubushinja-cyaha buterekanye ibimenyetso byiyo mbura, cyane cyane iyo abagabo batabyemeza.

RUSANZE icyaha cya kane MWUMVANEZA Juvénal aregwa nubushinja-cyaha cyo kuba yarafatanyije nabandi yaratunze intwaro za gisirikare atabyemerewe namategeko nacyo nta shingiro gifite kuko ubushinja-cyaha butakigaragarije ibimenyetso kandi no mu iperereza ryuru rubanza urukiko rwikoreye rubaza abagabo akaba ari nta numwe wakimuhamije ;

RUSANZE icyaha cya gatanu MWUMVANEZA Juvénal aregwa nubushinja-cyaha cyo kuba yarafatanyije nabandi, yarakoze icyaha cyo kwinjira mu ngo namazu byabaturage bahigamo abatutsi kandi atari mu bihe itegeko ritanga uburenganzira bwo kwinjira mu ngo zabaturage nabo bemeza batabyemera nta shingiro gifite kuko ubushinja-cyaha bukimurega nta kimenyetso namba bwagitangiye kandi no mu iperereza urukiko rwikoreye ubwarwo narwo ntacyo rwabonye ;

RUSANZE icyaha cya gatandatu ari nacyo cya nyuma MWUMVANEZA Juvénal aregwa nubushinja-cyaha cyo kuba afatanyije nabandi yarakoze icyaha kigamije kuyogoza igihugu, gutsemba no gusahura ibintu byabatutsi nacyo urukiko rutagifataho ukuri kuko mu miburanire ye uyu yasobanuye ko yabonye intambara irimbanyije ngo ahungira hafi yaho yaratuye inka ze azisiga ku gasozi, nyuma ngo aho ahungukiye asanga inka aregwa ko yasahuye ari nayo ubushinja-cyaha bushingiraho bumurega icyi cyaha atari byo ko ahubwo iyo nka yayisanze mu ze aho yari yazisize ku gasozi ariko ngo nayo ikaba yarasizwe ku gasozi numushumba wa NSANZABARASHI, mukuru wa GASANA bakundaga kwita GICECE nyuma ngo aza kuyisubiza beneyo, binakubitiyeho ko no mu iperereza urukiko rwikoreye ubwarwo rubaza abagabo abenshi ari nta wemeje MWUMVANEZA Juvénal kiriya cyaha ;

RUSANZE rero umusaza witwa RWEREKANA Paul yarabajijwe numugenza-cyaha kuwa 28/11/1994, amusobanurira ko MWUMVANEZA Juvénal yigeze gufatanya numuhungu we BIZIMANA Claver inka yumuntu banyaze ariko atavuze izina rye, nyuma ngo MWUMVANEZA Juvénal agiye kwimuka arayijyana ngo bukeye beneyo baje uyu arayibasubiza, abajijwe nurukiko mu iperereza rwikoreye imyaka afite, asubiza ko muri kiriya gihe cyintambara yari afite imyaka 120 yamavuko ngo ariko ubu hakaba hariyongereyeho imyaka 100, ko kandi ngo no muri icyo gihe atarebaga neza, akomeza yemeza ko iyo nka yasubijwe nyirayo NSANZABARASHI, kubera ubwo busaza bwe rero imvugo ye urukiko rukaba rutayifataho ukuri (rutayitaho) ngo rwemeze ko iyo nka MWUMVANEZA Juvénal yari yayisahuye koko (ari nabyo byaba ikimenyetso cyiki cyaha aregwa), ahubwo atari iyo yasanze mu ze nkuko abivuga, binakubitiyeho ko nuyu ukimushinja yivugiye ko icyo gihe atarebaga neza ngo kuko yari ashaje ;

RUSANZE rero biriya byaha byose uko ari bitandatu MWUMVANEZA Juvénal yaregwaga nubushinja-cyaha byari bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu kandi byari bigize impurirane yimboneza-mugambi ;

RUSANZE muri biriya byaha byose ari nta cyaha na kimwe gihama MWUMVANEZA Juvénal nkuko bimaze gusobanurwa haruguru muri za RUSANZE zuru rubanza ;

KUBERA IZO MPAMVU ZOSE, RUBONYE MWUMVANEZA JUVENAL, UMWUNGANIRA BURAHIMU KELLY, KIMWE NUHAGARARIYE UBUSHINJA-CYAHA BAHALI :

RUSHINGIYE ku itegeko-shingiro, cyane cyane itegeko-nshinga ryo kuwa 10 Kamena 1991 nkuko ryahinduwe kugeza ubu kandi rikuzuzwa namasezerano

yamahoro ya Arusha, mu gice kerekeranye nigabana ryubutegetsi cyane cyane mu ngingo zaryo za 25 ; 26 ;

RUSHINGIYE ku itegeko-nshinga ryo kuwa 10 Kamena 1991, cyane cyane mu ngingo zaryo za : 12, 13, 14, 16, 33, 92, 93, 94 ;

RUSHINGIYE ku itegeko n° 08/96 ryo kuwa 30/08/1996 rigena imitunganyirize yikurikirana ryibyaha bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko-muntu, mu ngingo zaryo za 19, 29 ;

RUSHINGIYE ku itegeko-teka n° 09/80 ryo kuwa 07 Nyakanga 1980 rishinga imitunganyirize nububasha byinkiko, cyane cyane mu ngingo zaryo za : 6, 76, 77, 104, 199, 200 ;

RUSHINGIYE ku gitabo gikubiyemo amategeko yimiburanishilize yimanza zinshinja-byaha, cyane cyane mu ngingo zaryo za : 58, 73, 76, 80, 83, 86, 90 ;

RUSHINGIYE ku gitabo gikubiyemo amategeko ahana, cyane cyane mu ngingo zacyo za : 168, 281-283, 304-305, 312 ;

RUSHINGIYE ku itegeko-teka n° 12/79 ryo kuwa 07/05/1979 ribuza gutunga intwaro za gisirikare utabifitiye uburenganzira, cyane cyane mu ngingo zaryo za 4, 16 ;

RUSHINGIYE ku itegeko rishyiraho urubuga rwAbavoka n° 03/97 ryo kuwa 19/03/1997, cyane cyane mu ngingo zaryo za 1, 2, ;

RWEMEJE kwakira ibirego rwashyikirijwe nubushinja-cyaha kuko byaje mu buryo buhuje namategeko, ariko rubisuzumye rusanga ari nta shingiro bifite ;

RWEMEJE ko ibyaha byose uko ari bitandatu MWUMVANEZA Juvénal yaregwaga nubushinja-cyaha byari bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibindi byaha byibasiye inyoko muntu kandi bikaba byaba byarakozwe mu buryo bwimpurirane mboneza-mugambi ;

RWEMEJE ko muri byose ari nta cyaha na kimwe gihama MWUMVANEZA Juvénal nkuko byasobanuwe haruguru muri za RUSANZE ZURU RUBANZA ;

RUKIJIJE KO MWUMVANEZA JUVENAL ATSINZE :
RUTEGETSE ko MWUMVANEZA Juvénal ahita arekurwa uru rubanza rukimara gusomwa ;

RUTEGETSE ko amagarama yuru rubanza uko ari 30.900 FRW ahererejwe ku isanduku ya Leta ;

RWIBUKIJE ko igihe cyo kujurira gikorwa mu minsi 15 kuva uru rubanza rusomwe ;

RUSOMWE rutinze kubera imilimo myinshi urukiko rwagize ;

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME NONE KUWA 06/08/1998 MU RUKIKO RWA MBERE RWIREMEZO RWA GITARAMA, URUGEREKO RWIHARIYE RURI I GITARAMA, RUGUZWE NA MUJYAMBERE Prosper, PREZIDA ; NSENGIMANA Anaclet, na RUHIGIRA Jotham, ABACAMANZA ; SHAKONDO Augustin, UMUSHINJA-CYAHA na MUKANGAYABOSHYA Jacqueline, UMWANDITSI.

ABACAMANZA

JUJI PREZIDA JUJI

NSENGIMANA Anaclet (sé) MUJYAMBERE Prosper (sé) RUHIGIRA Jotham (sé)

Greffier

MUKANGAYABOSHYA J. (sé)