Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda

Umuryango w'Abibumbye

Umwimerere: Icyongereza

URUGEREKO RWA MBERE RW'IREMEZO III

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POROKIRERI

aburana na

THARCISSE MUVUNYI

Urubanza Nº ICTR-00-55A-T

INYANDIKO Y'URUBANZA

Ibiro bya Porokireri

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Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

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UMUTWE WA 1 – INTANGIRIRO

1. Uru rubanza ni urwa Tharcisse Muvunyi wari wahamijwe icyaha n'Urugereko rwa Mbere rw'Iremezo II rw'uru Rukiko ku itariki ya 12 Nzeri 2006, kubera ibikorwa binyuranye bya jenoside, guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside, n'ibindi bikorwa birenze kameremuntu. Yari yarakatiwe igihano cy'igifungo cy'imyaka 25[1]. Ku itariki ya 29 Kanama 2008, Urugereko rw'Ubujurire rwakuyeho ibyemezo byose bimuhamya icyaha n'igihano yakatiwe, maze rutegeka ko urubanza ruburanishwa bundi bushya ku kirego kimwe rukumbi cyo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame, gukora jenoside[2].

2. Iyi rero ni inyandiko y'urubanza rwaburanishije bushya icyo kirego. Inyandiko y'ibirego ivuga ko Muvunyi yavugiye ijambo mu nama yabereye kuri santeri y'ubucuruzi ya Gikore muri Komine ya Nyaruhengeri, Perefegitura ya Butare, mu ntangiriro za Gicurasi 1994. Havugwa ko, muri iryo jambo, yahamagariye abantu kwica Abatutsi, akoresheje imigani y'ikinyarwanda yafashwe n'abaturage bo muri ako karere nk'ibahamagarira gutsembatsemba Abatutsi. Icyo cyaha aregwa giteganywa n'ingingo ya 2(3)(c) ya Sitati.[3]

3. Ubwunganizi buhakana ko Muvunyi yagiye mu nama yabereye i Gikore "mu ntangiriro za Gicurasi 1994", ariko bukemera ko yagiye mu nama yabereye i Gikore, umunsi umwe, ahagana mu gice cya kabiri cy'ukwezi kwa Gicurasi 1994. Cyakora, Ubwunganizi buvuga ko ijambo yavugiye muri iyo nama ritahamagariraga abantu kwica Abatutsi, ko ahubwo Muvunyi yasobanuriye abaturage uko ibintu byari byifashe mu rwego rw'umutekano n'urwa gisirikare, maze abasaba kuba maso, barengera igihugu bakanaha aboyobozi amakuru[4].

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[1] *Urubanza Porokireri aburana na Tharcisse Muvunyi*, N° ICTR-2000-55A-T, Inyandiko y'urubanza (mu rw'iremezo), 12 Nzeri 2006, igika 531, ("Inyandiko y'urubanza rwa Muvunyi mu rw'iremezo").

[2] *Urubanza Porokireri aburana na Tharcisse Muvunyi*, N° ICTR-2000-55A-T, Inyandiko y'urubanza (mu bujurire), 29 Nzeri 2008, igika 171 ("Inyandiko y'urubanza rwa Muvunyi mu bujurire").

[3] *Urubanza Porokireri aburana na Tharcisse Muvunyi*, N° ICTR-2000-55A-T, Inyandiko y'ibirego yatanzwe ku itariki ya 23 Ukuboza 2003, ibika 3.24 na 3.25, ("Inyandiko y'ibirego"); Imyanzuro mbanzirizarubanza ya Porokireri, 4 Gicurasi 2009, ibika 14-17; Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 2 (Impinamyanzuro mu magambo ibanziriza itangwa ry'ibimenyetso bishinja), Imyanzuro nsozarubanza ya Porokireri, 23 Nzeri 2009, ibika 51-54, ("Imyanzuro nsozarubanza ya Porokireri").

[4] Imyanzuro mbanzirizarubanza ya Tharcisse Muvunyi, 6 Nyakanga 2009, ibika 8, 9, ("Imyanzuro y'Ubwunganizi ibanziriza itangwa ry'ibimenyetso bishinjura"); Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 6,7

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

4. Uru rubanza rushya rwa Muvunyi rwatangiye kuburanishwa ku itariki ya 17 Kamena 2009. Ku itariki ya 22 Kamena 2009, Porokireri yarangije gutanga ibimenyetso bishinja, amaze guhamagaza abatangabuhamya 6 no gutanga ibimenyetso gihamya 21. Ubwunganizi bwatangiye gutanga ibimenyetso bishinjura ku itariki ya 24 Kanama 2009 burangiza ku ya 17 Nzeri, nyuma yo guhamagaza abatangabuhamya 7 no gutanga ibimenyetso gihamya 11[5].

5. Rumaze gusuzuma ibimenyetso byose byatanzwe, Urugereko rwasanze Muvunyi ahamwa n'icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame, gukora jenoside, maze rumukatira igihano cy'igifungo cy'imyaka 15.

UMUTWE WA 2 – IBIBAZO BIREBANA N'IBIMENYETSO

Umuburanyi ufite inshingano yo gutanga ibimenyetso n'ibigenderwaho mu igenagaciro ry'ibimenyetso

6. Ingingo ya 20(3) ya Sitati iteganya ko uregwa wese afatwa nk'umwere kugeza ahamwe n'icyaha. Porokireri ni we wenyine ufite inshingano yo kugaragaza, mu buryo budashidikanywaho, ko uregwa yakoze icyaha kandi nta na rimwe iyo nshingano ishobora kwimurirwa ku bwunganizi. Mbere yo guhamya uregwa icyaha, Urugereko rugomba kugaragarizwa, ku buryo budashidikanywaho, ko Uregwa yagikoze[6].

7. Muri uru rubanza rushya, Muvunyi yahisemo kudatanga ubuhamya, kandi yari abyemerewe, ibyo bikaba nta ngaruka mbi byagira ku myiregurire ye[7]. N'ubwo ubwunganizi budategetswe gutanga ibimenyetso bivuguruza ibyo Porokireri avuga, Porokireri ntashobora kwibwira ko yarangije inshingano ye yo gutanga ibimenyetso, igihe ubwunganizi butanze ibimenyetso bituma habaho gushindikanya ku bivugwa na

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(Impinamyanzuro mu magambo y'Ubwunganizi ibanziriza itangwa ry'ibimenyetso bishinjura); Imyanzuro nsozarubanza ya Tharcisse Muvunyi, 23 Nzeri 2009, ibika 53-56 ("Imyanzuro nsozarubanza y'Ubwunganizi").

[5] Amavu n'amavuko yuzuye y'iburanisha ari mu mugereka wa I w'iyi Nyandiko y'urubanza.

[6] *Urubanza Porokireri aburana na Rukundo*, N° ICTR-2001-70-T, Inyandiko y'urubanza (mu rw'iremezo), 27 Gashyantare 2009, igika 36 ("Inyandiko y'urubanza rwa Rukundo mu rw'iremezo"); *Urubanza Porokireri aburana na Nchamihigo*, N° ICTR-01-63-T, Inyandiko y'urubanza (mu rw'iremezo), 12 Ugushyingo 2008, igika 12; Ingingo ya 87(A) y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso.

[7] *Urubanza Porokireri aburana na Niyitegeka*, N° ICTR-96-14-T, Inyandiko y'urubanza (mu rw'iremezo), 16 Gicurasi 2003, igika 46; Ingingo ya 20(4)(g) ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("Sitati").

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Porokireri[8]. Uregwa agomba kugirwa umwere iyo ibimenyetso bituma habaho ikindi gisobanuro, gishyize mu gaciro, kitari icyo kumuhamya icyaha.[9] Iyo Urugereko rwanze kwemera cyangwa gushingira ku bimenyetso bishinjura, ntibivuga byanze bikunze ko ruhamya uregwa icyaha. Urugereko rugomba kubanza gusuzuma ko Porokireri yagaragaje buri kintu kigize icyaha ashinja uregwa, imiterere y'uburyozwacyaha, hamwe n'ikindi kintu cyose cya ngombwa ngo umuntu ahamwe n'icyaha ku buryo budashidikanywaho[10].

Ubuhamya umugabo atanze mu Rukiko

8. Iyo rusuzuma ubuhamya umugabo atanze mu Rukiko, Urugereko rushobora kugendera ku bintu binyuranye birimo imyitwarire ye mu Rukiko, rukareba niba ubuhamya bwe busobanutse ndetse niba ibyo avuga bishoboka. Rureba kandi niba ubuhamya bwe butavuguruzanya cyangwa budahuzagurika, rugasuzuma niba ubuhamya bwe mu Rukiko butavuguruza ubwanditse yatanze mbere, cyangwa niba butavuguruzanya n'ubw'abandi batangabuhamya[11]. Urugereko rwa Mbere rw'Iremezo rushobora kandi gusuzuma ibintu byihariye byerekeye umutangabuhamya, harimo n'uruhare yagize mu byabaye bisuzumwa mu rubanza, isano afitanye n'uregwa cyangwa n'abandi batangabuhamya. Rushobora kandi gusuzuma niba atarigeze akurikiranwa mu nkiko, rukareba ingaruka z'ihahamuka ku bushobozi bwe bwo kwibuka ibyabaye, ibintu bishingiye ku muco n'imibereho mbonezamubano, no kuba haba hari impamvu yindi imutera kuvuga inkuru ku buryo ubu n'ubu[12].

9. Kuba ubuhamya butangwa mu Rukiko hashize igihe kinini ibivugwa mu nyandiko y'ibirego bibaye, cyangwa no kuba nta buryo bwariho bwo kubika amakuru ku byabaye ntibigomba byanze bikunze gutuma abatangabuhamya batemerwa cyangwa batizerwa[13].

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[8] *Urubanza Porokireri aburana na Niyitegeka,* N^o ICTR-96-14-A, Inyandiko y'urubanza (mu bujurire), 9 Nyakanga 2004, ibika 60,61, ("Inyandiko y'urubanza rwa Niyitegeka mu bujurire"); *Urubanza Porokireri aburana na Kayishema na Ruzindana*, N^o ICTR-95-1-A, Inyandiko y'urubanza (mu bujurire), 1 Kamena 2001, igika 117, ("Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire").

[9] *Urubanza Porokireri aburana na Mucić, Delić, na Landžo*, N^o. IT-96-21-A *bis,* Inyandiko y'urubanza (mu bujurire), 8 Mata 2003, igika 458 ("Inyandiko y'urubanza rwa Čelebići mu bujurire").

[10] Inyandiko y'urubanza rwa Rukundo mu rw'iremezo, igika 37.

[11] *Urubanza Porokireri aburana na Bikindi*, N^o ICTR-01-72-T, Inyandiko y'urubanza (mu rw'iremezo), 2 Ukuboza 2008, igika 31 ("Inyandiko y'urubanza rwa Bikindi mu rw'iremezo").

[12] Ni kimwe no haruguru.

[13] Ni kimwe no haruguru, igika 32.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

10. Urugereko rwa Mbere rw'Iremezo rufite uburenganzira busesuye bwo gusuzuma ukunyuranya kwaboneka hagati y'ubuhamya bwanditse umugabo yatanze mbere n'ubwo atangiye mu Rukiko, no kugena uburemere bwahabwa uko kunyuranya[14]. Rushingiye ku gihe gishize hagati y'itangwa ry'ubuhamya bwanditse n'itangwa ry'ubuhamya mu Rukiko, ingorane umuntu agira zo kwibuka neza uko ibintu byagenze kubera ko hashize imyaka myinshi bibaye, ibibazo by'isemura mu zindi ndimi, no kuba abatangabuhamya bashobora kuba batazi gusoma no kwandika cyangwa batarasomye ubuhamya bwabo bwanditse, Urugereko rushobora kwemeza ko ubwo buhamya buvugwa ko buvuguruzanya, bufite agaciro gato ubugereranyije n'ubutangiwe mu Rukiko bwanyomojwe hasuzumwa ukuri kwabwo[15].

11. Ibi bikunze kuba iyo umugabo abazwa ku buhamya bwanditse yahaye umupererezi w'Urukiko mu rundi rubanza. Urugereko rusanga akenshi ubuhamya nk'ubwo bwanditse bufite agaciro gato ubugereranije n'ubutangiwe mu Rukiko kubera ko mu buhamya bwanditse akenshi umugabo aba asubiza ibibazo byerekeranye n'ibindi bitandukanye byabaye. Byongeye kandi, Urugereko rwemera ko umupererezi ashobora gukora incamake cyangwa akandika ibice yihitiyemo by'ubuhamya bw'umugabo, ashaka kwibanda ku buhamya bujyanye n'ibyo akoraho iperereza. N'ubwo iyo mikorere yemewe, igabanya agaciro k'ubuhamya bwanditse nk'ikintu cyifashishwa mu rundi rubanza mu gusuzuma ukwizerwa k'umutangabuhamya, kuko bishoboka cyane ko ubuhamya bwanditse bwatanzwe mbere buba bwerekeranye n'ibintu bitandukanye n'ibivugwa muri urwo rubanza rundi.

12. N'ubwo ruhitamo ubuhamya bw'umugabo uvuga ibyo yahagazeho, Urugereko rushobora no kwemera ubuhamya umugabo atanze ku byo yumvanye abandi bantu[16]. Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo gusuzumana ubushishozi bene ubwo buhamya, rushingiye ku miterere ya buri rubanza[17]. Rimwe na rimwe, kugira ngo bushingirweho mu gufata umwanzuro ku byabaye ku buryo budashidikanywaho, bishobora

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[14] *Urubanza Gacumbitsi aburana na Porokireri*, N° ICTR-2001-64-A, Inyandiko y'urubanza (mu bujurire), 7 Nyakanga 2006, igika 74.

[15] *Urubanza Porokireri aburana n'Akayesu*, N°. ICTR-96-4-A, Inyandiko y'urubanza (mu bujurire), 1 Kamena 2001, ibika 131,132.

[16] *Urubanza Porokireri aburana na Rutaganda*, N° ICTR-96-3-A, Inyandiko y'urubanza (mu bujurire), 26 Gicurasi 2003, igika 34, ("Inyandiko y'urubanza rwa Rutaganda mu bujurire").

[17] Ni kimwe no haruguru.

kuba ngombwa ko ubuhamya bushingiye ku nkuru mbarirano bugira ubundi bwakwizerwa bubushimangira bwatanzwe na Porokireri.[18]

13. Mu gusoza kuri iyi ngingo, Urugereko ruvuga ko iyo umucamanza usuzuma ibyabaye yemeye ibice bimwe by'ubuhamya ariko hakagira ibyo atemera, ibyo bitavuga ko aba adashyize mu gaciro[19].

Umutangabuhamya ufatwa nk'icyitso cy'uregwa n'umutangabuhamya ufunze

14. Abatangabuhamya babaye ibyitso by'uregwa, bahuje na we uburyozwacyaha cyangwa bafatanyije na we gukora icyaha, bashobora gushinja uregwa kugira ngo babigiremo inyungu mu rubanza rwabo cyangwa bagabanyirizwe ibihano[20]. Iyo umutangabuhamya wabaye icyitso cy'uregwa atanze ubuhamya mu Rukiko buhuje n'ubwanditse yatanze mbere ashinja uregwa, Urugereko rugomba kuzirikana ko igihe yatangaga ubuhamya bwanditse, uwo mugabo ashobora kuba yari afite impamvu imutera gushinja, kabone n'iyo yaba yaramaze gukatirwa cyangwa yararangije igihano cye.

15. Ubukemuramanza bw'uru Rukiko bwerekana ko kuba ubuhamya butanzwe n'umugabo wabaye icyitso cy'uregwa ubwabyo bitavuga ko budashobora kwizerwa cyangwa gushingirwaho, cyane cyane iyo uwo mugabo yanyomojwe ku buryo burambuye[21]. Cyakora, iyo rusuzuma agaciro kahabwa ubwo buhamya, Urugereko rugomba kuzirikana uburyo bwose ubwo buhamya bwatanzwemo, byaba ngombwa rukabusuzumana ubushishozi kugira ngo urubanza rucibwe mu buryo buboneye kandi runarebe ko umutangabuhamya atatanze ubuhamya kubera inyungu ze bwite[22]. Kubera iyo mpamvu, Urugereko rwa Mbere rw'Iremezo rugomba gusobanura, nibura mu magambo make, impamvu rwemeye ubuhamya bw'umugabo ushobora kuba yari afite inyungu zindi

[18] *Urubanza Porokireri aburana na Kalimanzira*, N° ICTR-05-88-T, Inyandiko y'urubanza (mu rw'iremezo), 22 Kamena 2009, igika 75.
[19] *Urubanza Porokireri aburana na Karera*, N° ICTR-01-74-A, Inyandiko y'urubanza (mu bujurire), 2 Gashyantare 2009, igika 88, ("Inyandiko y'urubanza rwa Karera mu bujurire").
[20] Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 98.
[21] Ni kimwe no haruguru.
[22] Ni kimwe no haruguru*;* Inyandiko y'urubanza rwa Muvunyi, igika 128.

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cyangwa impamvu zindi zimutera gushinja uregwa, bityo rukaba rugaragaje ko rwakoresheje ubushishozi mu gusuzuma ubwo buhamya[23].

16. Byongeye kandi, bitewe n'imiterere y'urubanza, bishobora kuba ngombwa gukoresha ubushishozi ku batangabuhamya bashinjwa gusa ibyaha bisa n'iby'uregwa. Cyakora, akenshi abo batangabuhamya ntibagira impamvu zifatika zibatera gutanga ubuhamya bw'ikinyoma nk'iz'abatangabuhamya bavugwa ko bafatanyije n'uregwa mu gukora ibyaha. Kubera iyo mpamvu, igihe hatagaragajwe impamvu zihariye, Urugereko rwa Mbere rw'Iremezo ruba rushyize mu gaciro iyo rutigengesereye cyane mu gusuzuma ubuhamya bw'abagabo bashinjwa ibyaha bisa n'ibyo uregwa, ugereranyije n'uko rusuzuma ubuhamya bw'abagabo babaye ibyitso by'uregwa[24].

17. Urugereko rw'Ubujurire rwasobanuye ko ubuhamya bubiri buba bashyigikirana iyo, ku kintu runaka cyabaye cyangwa ku byabaye bifitanye isano hagati yabyo, ubuhamya bugaragara mu ikubitiro nk'ubwakwizerwa, buhuje n'ubundi buhamya na bwo bugaragara, mu ikubitiro, nk'ubwakwizerwa[25]. Byongeye kandi, ubuhamya bushobora kuba bushyigikirana kabone n'iyo bufite aho butandukaniye gato, hapfa gusa kuba nta bundi buhamya bwakwizerwa buvuga icyo kintu cyabaye, mu buryo butandukanye n'uko kivugwa mu bundi buhamya bwakwizerwa[26].

18. Ubukemuramanza budahinduka bw'Urukiko bwerekana ko Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo kwemeza ko ikintu cy'ingenzi cyabaye cyagaragajwe, hashingiwe ku buhamya bwatanzwe n'umugabo umwe rukumbi kandi budafite ubundi bubushyigikira, iyo rusanga ubwo buhamya bwakwizerwa[27]. Ubwo buhamya bugomba ariko gusuzumanwa ubushishozi bukwiye[28]. Cyakora, n'iyo Urugereko rwa Mbere rw'Iremezo rusanze ubuhamya bw'umugabo buhuzagurika cyangwa burimo

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[23] *Urubanza Porokireri aburana na Krajišnik*, N° IT-00-39-A, Inyandiko y'urubanza (mu bujurire), 17 Werurwe 2009, igika 146.
[24] *Urubanza Porokireri aburana na Ntagerura, Bagambiki na Imanishimwe,* N° ICTR-99-46-A, Inyandiko y'urubanza (mu bujurire), 7 Nyakanga 2006, igika 234, ("Inyandiko y'urubanza rwiswe urwa Cyangugu, mu bujurire").
[25] Inyandiko y'urubanza rwa Karera mu bujurire, igika 173.
[26] Ni kimwe no haruguru.
[27] Ni kimwe no haruguru*,* igika 45.
[28] Ni kimwe no haruguru.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

ibindi bibazo, rushobora kubwemera igihe hari ubundi buhamya bubushyigikira[29]. Kumenya niba ari ngombwa gushingira ku buhamya bumwe cyangwa bwinshi abagabo batanze mu Rukiko mu kugaragaza ikintu cy'ingenzi cyabaye, biterwa n'ibintu byinshi bigomba gusuzumwa hashingiwe ku miterere ya buri rubanza[30]. Iyo hari ubuhamya buvuguruzanya, Urugereko rwa Mbere rw'Iremezo rufite inshingano yo kwemeza ubwo rubona bufite agaciro kanini kurusha ubundi[31].

Urubanza rwa mbere

19. Mu rubanza rwa mbere, Porokireri yashingiye ku buhamya bwatanzwe mu Rukiko n'abagabo babiri bavuga ibyabaye ku byerekeranye n'inama ivugwa yabereye kuri santeri y'ubucuruzi ya Gikore. Mu rubanza rushya, Porokireri yongeye guhamagaza abo batangabuhamya biswe YAI na CCP, anahamagaza abiswe FXB, AMJ, na CCS. Mu rubanza rushya, Ubwunganizi na bwo bwahamagaje abatangabuhamya b'inyogera. Umugabo ushinjura wiswe MO78 yatanze ubuhamya mu manza zombi, ariko mu rubanza rushya, Ubwunganizi bwanahamagaje Sixbert Iryivuze, Juvénal Bimenyimana, abatangabuhamya biswe MO69, MO31, na MO99 kugira ngo batange ubuhamya ku kirego cyerekeranye n'ibintu byabereye i Gikore. Uburenganzira bwo guhamagaza abatanga-buhamya b'inyongera mu rubanza rushya, bwatanzwe n'Urugereko rw'Ubujurire mu cyemezo rwafashe muri Werurwe 2009[32].

UMUTWE WA 3 - IMYANZURO Y'URUGEREKO

1. IKIREGO

20. Ku kirego cya gatatu cyo mu Nyandiko y'ibirego, Porokireri ashinja Muvunyi icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, nk'uko giteganywa n'ingingo ya 2(3)(c) ya Sitati. Porokireri avuga ko Muvunyi agomba kuryozwa

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[29] *Urubanza Porokireri aburana na Ntakirutimana,* N° ICTR-96-10-A na ICTR-96-17-A, Inyandiko y'urubanza (mu bujurire), 13 Ukuboza 2004, igika 132.
[30] Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 29.
[31] Ni kimwe no haruguru.
[32] *Urubanza Porokireri aburana na Muvunyi*, N° ICTR-2000-55A-AR73, Icyemezo ku bujurire bwa Porokireri bwerekeranye n'imiterere y'ibimenyetso bigomba gutangwa mu rubanza rushya, (mu rw'iremezo), 24 Werurwe 2009.

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icyo cyaha nka gatozi, hashingiwe ku ngingo ya 6(1) [ya Sitati][33]. Ikirego rukumbi gisuzumwa muri uru rubanza rushya kivugwa mu bika 3.24 na 3.25 byo mu Nyandiko y'ibirego:

> 3.24 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, **Liyetona Koloneli Tharcisse Muvunyi**, ari hamwe na Perezida wa gahunda y'ukwirengera kw'abaturage (*défense civile*) muri Butare waje kuba Perefe wa Butare, n'abandi bantu bakomeye bo muri iyo perefegitura, yagiye mu makomine atandukanye ya Perefegitura ya Butare, yitwaje ko arimo gukangurira abaturage bo muri ayo makomine kurengera igihugu. Cyakora mu by'ukuri, yashakaga kubahamagarira gukora ubwicanyi bwibasiye Abatutsi. Ayo manama yo gukangurira abaturage [ubwicanyi] yabereye ahantu henshi muri Perefegitura ya Butare. Muri aho hantu havugwa nka :
>
> ………….
>
> *- Kuri santeri y'ubucuruzi ya Gikore mu ntangiriro za Gicurasi 1994; …*
>
> 3.25. Mu nama zivugwa hejuru mu gika cya 3.24, urebye zitabirwaga n'Abahutu gusa, **Liyetona Koloneli Muvunyi,** afatanyije n'abategetsi bo muri ayo makomine bari kumwe, yavugiye mu ruhame amagambo ya gashozantambara yibasiye Abatutsi. Yakoresheje imigani y'ikinyarwanda abwira abaturage b'aho n'abantu bitwara gisirikare. Abaturage bumvise ko iyo migani ibahamagarira gutsembatsemba Abatutsi, kandi buri gihe izo nama zakurikirwaga n'ubwicanyi bwibasiye Abatutsi bari batuye muri iyo komine cyangwa bari bahahungiye.

21. Urugereko ruributsa ko nta muburanyi uhakana ko, ku birebana n'itariki inama y'i Gikore yabereyeho, ibivugwa mu Nyandiko y'ibirego bitandukanye n'ibivugwa mu buhamya bwatanzwe mu Rukiko. Porokireri yemera ko itariki ivugwa mu gika cya 3.24 cyo mu

[33] Inyandiko y'ibirego, ibika 3.23-3.25, imp. 16, 17.

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Nyandiko y'ibirego atari yo kuko hari kwandikwa ko iyo nama yabaye mu mpera za Gicurasi cyangwa mu ntangiriro za Kamena 1994, aho kuba mu ntangiriro za Gicurasi.[34]

22. Kubera iyo mpamvu, Urugereko rugomba gusuzuma niba uko kunyuranya kuri hagati y'itariki ivugwa mu Nyandiko y'ibirego n'ivugwa mu bimenyetso Porokireri yatanze gufite ireme ku buryo umuntu yavuga ko Uregwa atamenyeshejwe ukwo bikwiye iby'iyo nama ibirego bishingiyeho.[35] Urugereko rurasuzuma icyo kibazo hasi muri uyu mutwe wa 3, icyiciro cya 4.1.

2. AMATEGEKO AKURIKIZWA

23. Umuntu ashobora guhamwa n'icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside, iyo yabahamagariye, mu buryo butaziguye kandi mu ruhame, gukora jenoside (igikorwa kigize icyaha) kandi akaba yari afite igitekerezo cyo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame, gukora jenoside (igitekerezo cyo gukora icyaha)[36].

24. Guhamagarira abantu mu buryo butaziguye gukora icyaha, ni ukubahamagarira by'umwihariko gukora igikorwa giteganywa n'ingingo ya 2(2) ya Sitati, kandi bigomba kuba bisobanutse ndetse bitaziguye[37]. Nk'icyaha kiganisha ku kindi, guhamagarira abantu, mu buryo butaziguye kandi mu ruhame, gukora jenoside birahanirwa kabone n'iyo nta gikorwa cya jenoside cyabiturutseho[38]. Icyaha kiba cyatsotsobwe iyo amagambo cyangwa inyandiko bihamagarira abantu gukora icyaha byasohotse, kabone n'iyo inkurikizi z'ayo magambo cyangwa z'izo nyandiko zitahita ziboneka[39].

25. Cyakora, imvugo iteruye ishobora gufatwa "nk'uburyo butaziguye" kubera ko guhamagarira [abantu gukora icyaha] bitagombera imvugo yeruye ihamagarira abantu

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[34] Igisubizo cya Porokireri ku cyifuzo cya Tharcisse Muvunyi gisaba ko yahanagurwaho ibyaha, hashingiwe ku ngingo ya 98 bis, cyatanzwe ku itariki ya 9 Nyakanga 2009, igika 26.
[35] *Urubanza Porokireri aburana na Muvunyi*, N° ICTR-00-55A-T, ("Urubanza rwa Muvunyi"), Icyemezo cy'Urugereko rwa Mbere rw'Iremezo gishingiye ku cyemezo cy'Urugereko rw'Ubujurire kirusaba kongera gusuzuma icyifuzo gisaba guhanaguraho Uregwa icyaha (mu rw'iremezo), 25 Ugushyingo 2009, ibika 11, 12, ("Icyemezo cyo kongera gusuzuma icyifuzo cya Muvunyi").
[36] *Urubanza Nahimana, Barayagwiza na Ngeze baburana na Porokireri,* N° ICTR-99-52-A, Inyandiko y'urubanza (mu bujurire), 28 Ugushyingo 2007, igika 677, ("Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire").
[37] Ni kimwe no haruguru, igika 692.
[38] Ni kimwe no haruguru, ibika 678, 720.
[39] Ni kimwe no haruguru, igika 723.

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gukora jenoside. Kumenya niba imvugo itaziguye, bigomba gusuzumwa hakurikijwe imiterere y'umuco n'ururimi, ababwirwa, ishyaka rya politiki ry'uhamagarira [abantu gukora icyaha] ndetse n'igice cy'abaturage akomokamo. Kubera izo mpamvu, Urugereko rurasuzuma niba, hashingiwe ku muco nyarwanda n'imyumvire y'ikinyarwanda, bimwe mu bikorwa byo guhamagarira [abantu gukora icyaha] byafatwa nk'ibitaziguye, hibandwa cyane cyane ku bisobanuro by'amagambo, urebye igihe yakoresherejwe n'uburyo byakozwemo. Kimwe mu by'ingenzi kigenderwaho mu kumenya ubutumwa nyakuri bukubiye mu magambo ni ukureba uko abayabwiwe bayumvise[40].

26. Rimwe na rimwe, kuba amagambo yaratumye habaho ibikorwa bya jenoside bishobora kugaragaza ko muri ibyo bihe, ayo magambo n'uburyo yavuzwemo, yumvikanye nk'ahamagarira abantu gukora jenoside, kandi ko koko nyiri kuyavuga ari cyo yari agamije. Nyamara ariko, iki ntigishobora kuba ikimenyetso rukumbi cyatanzwe cyashingirwaho mu kugaragaza ko ayo amagambo, cyangwa nyiri ukuyavuga, yari agamije guhamagarira abantu gukora jenoside.[41]

27. Guhamagarira [abantu gukora icyaha] *mu ruhame* bishobora gusuzumwa hashingiwe ku buryo ibintu byari byifashe igihe icyo gikorwa cyabaga. Mu bisuzumwa harimo ahantu icyo gikorwa cyabereye no kureba niba ababwirwaga bari abantu bamwe cyangwa bake batoranyijwe. Guhamagarira abantu [gukora icyaha] biba ari mu ruhame iyo bikozwe mu magambo mbwirwaruhame, mu magambo aranguruye cyangwa atera ubwoba avugiwe ahantu rubanda iteranira, cyangwa mu nama y'abaturage. Bishobora gukorwa hifashishijwe igikorwa cy'igurisha cyangwa icyo gutanga ibisobanuro ahantu rubanda iteranira cyangwa mu nama y'abaturage, cyangwa bigakorwa hifashishijwe amatangazo yanditse cyangwa yamanitswe ahantu rubanda ibona. Bishobora kandi gukorwa hifashishijwe ubundi buryo ubwo ari bwo bwose bw'itumanaho bukoresha amashusho n'amajwi.[42]

28. Kugira ngo havugwe ko umuntu yari yaritswemo n'igitekerezo cya ngombwa cyo gukora icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside,

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[40] Ni kimwe no haruguru, ibika 698-701; Inyandiko y'urubanza rwa Bikindi mu rw'iremezo, igika 387, Inyandiko y'urubanza rwa Kalimanzira mu rw'iremezo, igika 514.
[41] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 709.
[42] Inyandiko y'urubanza rwa Kalimanzira mu rw'iremezo, igika 515.

ni ngombwa kwerekana ko uwo muntu yari afite igitekerezo cyo gukora jenoside[43]. Ni ukuvuga ko umuntu uhamagarira abandi gukora jenoside agomba kuba ubwe afite igitekerezo cyihariye cyo gukora jenoside, ari cyo kurimbura abantu bose bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, abaziza icyo bari cyo[44]. Nta mubare fatizo wa ngombwa w'abakorewe icyaha ushingirwaho mu kugaragaza icyaha cya jenoside. Si na ngombwa kugaragaza ko uwakoze icyaha yari agamije gutsembatsemba itsinda rirengerwa n'amategeko mpuzamahanga. Cyakora, kugira ngo igitekerezo cyo gukora jenoside kigaragazwe, ni ngombwa kwerekana ko uwakoze icyaha yari agambiriye kurimbura nibura igice kinini cy'iryo tsinda[45].

29. Kubera imiterere yacyo, igitekerezo [cyo gukora icyaha] ntigishobora kugaragazwa buri gihe n'ibimenyetso bitaziguye. Iyo nta bimenyetso bitaziguye bihari, igitekerezo cyo gukora jenoside gishobora kugaragarira mu byabaye bijyanye n'urubanza no mu buryo ibintu byari byifashe, bigaragaza ku buryo budashidikanywaho ko icyo gitekerezo cyariho. Cyakora, ni ngombwa ko uwo mwanzuro uba ari wo wonyine ushyize mu gaciro ushobora gufatwa, hasuzumwe ibimenyetso byose byatanzwe.[46] Igitekerezo cyo gukora jenoside gishobora kandi kugaragarira mu byabaye bimwe na bimwe cyangwa mu bimenyetso bimwe na bimwe, birimo (a) uko ibintu byari byifashe muri rusange; (b) ikorwa ry'ibindi bikorwa bihanirwa byibasiye, ku buryo buri kuri gahunda, abantu bagize itsinda rimwe, bikozwe n'uwo muntu cyangwa abandi; (c) intera y'amarorerwa yakozwe; (d) imiterere rusange y'ayo marorerwa; (e) uko yakozwe mu karere cyangwa mu gihugu; (f) kuba abakorewe ibyaha barajonjowe ku bwende kandi biri kuri gahunda bazira ko bagize itsinda runaka; (g) kuba muri urwo rwego, abantu bo mu yandi matsinda bataribasiwe; (h) inyigisho za politiki zatumye ibikorwa bivugwa biba; (i) kuba ibikorwa byo kurimbura no kuvangura byarakozwe inshuro nyinshi; no (j) kuba harakozwe ibikorwa bihungabanya, cyangwa ba nyiri ukubikora bumva ko bihungabanya, ishingiro ry'iryo tsinda ryibasiwe[47].

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[43] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 677.

[44] Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 524; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 39.

[45] *Urubanza Porokireri aburana na Simba*, N° ICTR-01-76-T, Inyandiko y'urubanza (mu rw'iremezo), 13 Ukuboza 2005, igika 412, ("Inyandiko y'urubanza rwa Simba mu rw'iremezo")

[46] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 524.

[47] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 731, Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, ibika 40-41.

30. Urugereko ruributsa ko hagaragajwe ko ubwoko bw'Abatutsi ari itsinda rirengerwa rivugwa mu mategeko mpuzamahanga[48].

3. UREGWA

31. Tharcisse Muvunyi yavukiye muri Komine ya Mukarange muri Perefegitura ya Byumba[49] ku itariki ya 19 Kanama 1953. Umwuga we yari umusirikare[50].

32. Ababuranyi bombi bemera ko mu mwaka wa 1994, Tharcisse Muvunyi yari Liyetona Koloneli mu gisirikare cy'u Rwanda, akaba yarakoreraga mu ishuri ry'abasuzofisiye (ESO) muri Perefegitura ya Butare[51]. Nta bimenyetso birenzeho Porokireri yatanze byerekeranye n'umwanya wihariye Muvunyi yari afite muri ESO muri icyo gihe.

33. Ubwunganizi bwahamagaje abatangabuhamya bane ari bo Juvénal Bimenyimana, uwiswe MO69, uwiswe MO31, n'uwiswe MO103. Bose batanze ubuhamya ku mico n'imyifatire ya Muvunyi.

34. Juvénal Bimenyimana avuga ko ku itariki ya 12 Mata 1994 yavuye i Kigali agahungira kwa muramu we muri Perefegitura ya Butare[52]. Ahageze, abantu bamubwiye ko Muvunyi ari umwe mu bayobozi bari bashoboye kubungabunga umutekano n'amahoro muri iyo perefegitura[53]. Muramu we yari atuye munsi yo kwa Musenyeri, kandi mu buhamya bwe, Bimenyimana avuga ko Musenyeri, Jean-Baptiste Gahamanyi wari Umututsi, yamubwiye ko Koloneli Muvunyi yari yamwemereye kumurindira umutekano, bityo akaba yari yarashyize abasirikare ku icumbi rye no ku biro bye[54]. Kwa muramu wa Bimenyimana habaga Abatutsi 16 n'Abahutu babiri, kandi iyo Interahamwe zateraga, Bimenyimana yabwiraga Musenyeri, na we agahamagara Muvunyi akohereza abasirikare. Abasirikare

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48 *Urubanza Porokireri aburana na Renzaho*, N° ICTR-97-31-T, Inyandiko y'urubanza (mu rw'iremezo), 14 Nyakanga 2009, igika 762. Byongeye kandi, Urugereko rusanga muri buri rubanza rwaciwe n'uru Rukiko rwerekeranye na jenoside, havugwa ko ubwoko bw'Abatutsi bwari bugize itsinda rirengerwa rivugwa mu mategeko mpuzamahanga.
49 Inyandiko y'ibirego, igika 2.1.
50 Imyanzuro mbanzirizarubanza ya Porokireri, igika 6.
51 Ni kimwe no haruguru, Imyanzuro mbanzirizarubanza y'Ubwunganizi, ibika 6, 7; Imyanzuro nsozarubanza ya Porokireri, igika 38.
52 Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 36 (ENG} (Juvénal Bimenyimana).
53 Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 37-39 (Juvénal Bimenyimana).
54 Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 37 (Juvénal Bimenyimana).

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boherejwe aho hantu inshuro eshatu[55]. Abantu babaga muri urwo rugo bahavuye ku itariki ya 4 Nyakanga ubwo umujyi wa Butare wafatwaga [n'Inkotanyi], kandi Musenyeri n'abantu babaga aho barokotse ubwicanyi[56]. Umutangabuhamya anavuga ko Muvunyi yohereje mu kigo cy'imfubyi ku Karubanda, abana bari biciwe ababyeyi kugira ngo barindirweyo[57]. Bimenyimana avuga ko yasubiye i Kigali Leta nshya imaze kujyaho, maze ava mu Rwanda mu mwaka wa 1998[58].

35. Umutangabuhamya wiswe MO69 na we yahungiye muri Perefegitura ya Butare avuye i Kigali ku itariki ya 17 Mata 1994[59]. MO69 avuga ko amaze ibyumweru nka bitatu ahageze, yaje guhura n'abana batanu b'Abatutsi bahigwaga. Buri munsi abo bana bahinduraga ubwihisho kandi bihishaga mu masaka no mu bihuru. Ise w'abo bana yari yarishwe kandi abagababaga ibitero bazaga kwa MO69 buri munsi gushaka abo bana. Uyu mutangabuhamya avuga ko bahaye abagabye ibitero amafaranga, ariko mu cyumweru cya kabiri cyangwa icya gatatu cya Gicurasi cyangwa muri Kamena, yiyemeje kugerageza kuvugana na Muvunyi kugira ngo arebe niba yabafasha kurokora abo bana[60].

36. Mu buhamya bwe, MO69 avuga ko byamugoye cyane kuva aho yari atuye, ko ariko we n'abana baje gushobora kubonana na Muvunyi i Butare. Muvunyi yakoze ibishoboka ngo abana bajye mu kigo cy'imfubyi, ariko ibintu birushijeho kumera nabi i Butare, abo bana bajyanywe i Burundi. Abo bana barokotse ubwicanyi kandi bongeye kubonana n'imiryango yabo hashize umwaka[61]. Umutangabuhamya avuga ko na we yaje guhunga akava mu Rwanda ariko akaza kugaruka i Kigali mu mwaka wa 1997[62]. Muri 1989, yafatanyije gucuruza n'umugore wa Muvunyi mu gihe gito, kandi barandikiranye nyuma y'intambara[63].

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[55] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 37, 38 (Juvénal Bimenyimana).
[56] Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 38 (Juvénal Bimenyimana).
[57] Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 40 (Juvénal Bimenyimana).
[58] Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 39 (Juvénal Bimenyimana).
[59] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 47 (Iburanisha mu muhezo), 51 (MO69).
[60] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 48 (Iburanisha mu muhezo), 51 (MO69).
[61] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 51-53, (MO69).
[62] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 48-49 (Iburanisha mu muhezo) (MO69).
[63] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 46-47 (Iburanisha mu muhezo), 56-57 (MO69).

37. MO31 yari umusirikare mu ngabo z'u Rwanda muri Mata 1994.[64] Mu buhamya bwe, avuga ko abantu bamukekagaho kuba icyitso cy'umwanzi bityo akaba yarasabye kwimurirwa mu karere karimo intagondwa nke. Yoherejwe i Butare ahagana mu mpera za Mata 1994[65]. Mu mirimo ye mishya, MO31 yakoreraga nko mu birometero bibiri cyangwa bitatu uvuye kuri ESO, kandi avuga ko Muvunyi yakoreraga muri ESO muri Gicurasi 1994[66]. MO31 yibuka ko hagati muri Kamena 1994, Muvunyi Yaje kwimurwa agasimburwa na François Munyangango. Uyu mutangabuhamya avuga ko yumvaga Muvunyi atari akunzwe cyane muri Butare, akaba yarashinjwaga kuba ari icyitso cya FPR[67]. Nyuma yaho, Muvunyi yaje kubwira umutangabuhamya ko Minisitiri w'Ingabo yamusobanuriye iby'iyimurwa rye avuga ko ari Pauline Nyiramasuhuko, wari Minisitiri w'Umuryango n'Iterambere ry'Abategarugori, wasabye ko Muvunyi na MO31 bimurwa kubera ko ngo bari ibyitso bya FPR[68]. MO31 yavuye mu Rwanda hagati muri Nyakanga 1994 kandi ntarasubirayo.[69]

38. Umutangabuhamya wiswe MO103 ni umukobwa wa Muvunyi. Igihe indege ya Perezida Habyarimana yahanurwaga, yabanaga n'umuryango we i Kigali, n'ubwo Muvunyi yari yaroherejwe gukorera muri Perefeguitura ya Butare igihe gito[70]. Ba nyirarume be bose uko ari batatu bari bafite abagore b'Abatutsikazi, kandi mu gitondo indege yaraye ihanuwe, umutangabuhamya yamenye ko umwe muri ba nyirarume yicanywe n'umugore we n'umwana[71]. Umunsi ukurikiyeho, umuryango wose wimukiye mu rugo rw'umuturanyi wari koloneli mu gisirikare, kubera ko ku muryango w'igipangu cyabo hari abantu bakomezaga gusakuza batuka ba nyinawabo banabita Inyenzi. Ku muryango w'icyo gipangu harashwe amasasu[72]. Hashize iminsi igera kuri ine, Muvunyi yohereje abantu bavuye i Butare baza gutwara umuryango we[73]. Umutangabuhamya avuga ko umuryango we wabaye muri ESO kandi ko nko mu gihe cy'icyumweru abana bari bagishobora

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[64] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 4 (Iburanisha mu muhezo) (MO31).
[65] Inyandikomvugo y'iburanisha, 27 Kanama 2009, imp. 5-6 (Iburanisha mu muhezo), (MO31).
[66] Inyandikomvugo y'iburanisha, 27 Kanama 2009, imp. 6 (Iburanisha mu muhezo), 9 (MO31).
[67] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 9, (MO69).
[68] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 13, (Iburanisha mu muhezo) (MO69).
[69] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 10, (MO69).
[70] Inyandikomvugo y'iburanisha, 27 Kanama 2009, imp. 21,22, (MO103).
[71] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 23 , (MO103).
[72] Inyandikomvugo y'iburanisha, 27 Kanama 2009, imp. 23, 24, (MO103).
[73] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 25, (MO103).

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gukinira hanze. Byageze aho bamwe mu basirikare babita abana b'Inkotanyi, maze Muvunyi ntiyongera kwemerera abo bana gukinira hanze. Nyuma y'ibyumweru bigera kuri bitatu, MO31 yavuye i Butare ajya i Burundi[74]. Uyu mutangabuhamya anavuga ko yakuze abona umuryango we ubana neza n'Abatutsi benshi, kandi ko n'ababyeyi be ba batisimu bari Abatutsi[75].

39. Mu ibaza rinyomoza, Porokireri ntiyashoboye gutesha cyane agaciro ukwizerwa kw'aba batangabuhamya. Urugereko rusanga M069 yaratanze ubuhamya bushinjura Muvunyi kubera ahanini isano afitanye n'umugore wa Muvunyi. Cyakora, Urugereko rusanga yakwizerwa, bityo rukaba rwemera ubuhamya bwe. N'ubwo rusanga M0103 atabeshya, kuba afitanye isano na Muvunyi ndetse akaba yari muto mu gihe cy'ibyabaye bisuzumwa, bigabanya agaciro kahabwa ubuhamya bwe. Urugereko rusanga kandi Bimenyimana na M031 bakwizerwa, bityo rukaba rwemera ubuhamya bwabo. N'ubwo Porokireri avuga ko ubuhamya bwerekeranye n'imico n'imyifatire myiza by'Uregwa bigomba guhabwa agaciro gake, cyangwa ntibugire agaciro na gake buhabwa[76], Urugereko rurasuzuma ingaruka z'ubwo buhamya ku bivugwa na Porokireri, hazirikanwa ibimenyetso byose byatanzwe maze rufate umwanzuro kuri iki kibazo muri uyu Mutwe wa 3, Icyiciro cya 4.3 hasi.

4. ISESENGURA RY'URUGEREKO

40. Urugereko rusanga ababuranyi bemeranya ko Muvunyi yafashe ijambo mu nama y'abaturage yabereye i Gikore muri Gicurasi[77]. Nyamara ariko, ntibemeranya ku ntego y'iyo nama no ku ngingo rusange abafashe ijambo bibanzeho, cyane cyane ku bikubiye mu ijambo rya Muvunyi.

41. Mu rwego rwo kugaragaza ibyo aregera, Porokireri yahamagaje abagabo batanu ngo batange ubuhamya ku byabaye. Abo ni abiswe FBX, AMJ, CCS, YAI na CCP. Urugereko rusanga FBX, AMJ na CCS barabaye ibyitso[78], kandi bivugira ko bahamijwe icyaha

[74] Inyandikomvugo y'iburanisha, 27 Kanama 2009, imp. 30, 31, (MO103).
[75] Inyandikomvugo y'iburanisha, 27 Kanama 2009, urup. 33, (MO103).
[76] Imyanzuro nsozarubanza ya Porokireri, igika 185.
[77] Imyanzuro nsozarubanza y'Ubwunganizi, ibika 53, 56.
[78] Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 24-25 ; Ibimenyetso gihamya bya Porokireri, N° P6-R (cyagizwe ibanga) na P11-R (cyagizwe ibanga) ; ikimenyetso gihamya cya Porokireri, N° P12-R (Amaze kwerekwa

bakanakatirwa ibihano kubera uruhare bagize mu bwicanyi bwabaye biturutse ku nama yabereye i Gikore, ahagana mu gice cya kabiri cya Gicurasi mu mwaka wa 1994[79]. FBX yafunguwe mu Ukwakira 2007[80], AMJ yemeye icyaha kandi arafunze[81], naho CCS yararekuwe ngo akore imirimo nsimburagifungo mu gihe gisigaye cy'imyaka 11[82]. Kubera izo mpamvu, Urugereko rurasuzumana ubushishozi ubuhamya bwatanzwe na FBX, AMJ na CCS, kugira ngo urubanza rucibwe mu mucyo kuko abagabo bashobora kuba baratanze ubuhamya babitewe n'izindi mpamvu zihishe inyuma. Cyakora, rurabikora rutirengagije ko AMJ yemeye icyaha ndetse na FBX na CCS bakaba barafunguwe[83].

42. Urugereko rusanga kandi YAI na CCP bafunze. Kubera uruhare bagize muri jenoside, YAI yakatiwe igihano cy'igifungo cy'imyaka 30 naho CCP akatirwa icya burundu, ariko ibyaha bahamijwe nta sano n'imwe bifitanye n'ubwicanyi bwakozwe nyuma y'inama ivugwa yabereye i Gikore[84]. Cyakora, kubera ko YAI na CCP barezwe gusa ibyaha biteye kimwe, Urugereko ruributsa ko, mu gusuzuma ubuhamya bwabo, atari ngombwa gukoresha ubushishozi bwinshi ugereranyije n'ubwakoreshwa mu gusuzuma ubw'abantu babaye ibyitso by'Uregwa[85]. Urugereko rusanga, ubagereranyije na AMJ na CCS, abatangabuyamya biswe YAI na CCP basa n'abadafite impamvu zatuma bashinja Muvunyi ibinyoma.

43. Ababuranyi ntibavuga ubukemuramaza bwerekana ko ubuhamya butanzwe n'abagabo bava inda imwe bugomba gusuzumanwa ubushishozi bwinshi. Urugereko na rwo nta

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amazina abiri ari ku bimenyetso gihamya bya Porokireri, N° P6-R na P11-R, umutangabuhamya wiswe AMJ yemeje ko yafatanyije n'abo bantu bitwa gutyo mu gihe cy'ubwicanyi).

79 Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 11 (FBX ni Umuhutu wahamwe n'icyaha agakatirwa igihano cy'igifungo cy'imyaka umunani); inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 28 (AMJ ni Umuhutu wahamwe n'icyaha agakatirwa igihano cy'igifungo cy'imyaka 25); inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 8-9 (CCS ni Umuhutu wahamwe n'icyaha agakatirwa igihano cy'igifungo cy'imyaka 22).

80 Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 11 (FBX).

81 Ikimenyetso gihamya, N° P10-R (cyagizwe ibanga).

82 Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 8 (CCS).

83 Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 98, n'Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 128.

84 Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 21; ikimenyetso gihamya P12-R ; Inyandikomvugo y'iburanisha, 19 Kamenya 2009, urup. 26 (YAI, wakatiwe igihano cy' igifungo cy'imyaka 30, yumvise abantu bavuga iby'ubwicanyi nyuma y'inama ivugwa ko yabereye i Gikore. Cyakora ntiyitabiriye ubwo bwicanyi); Inyandikomvugo y'iburanisha, 18 kamena 2009, urup. 58; Ikimenyetso gihamya, N° P12-R ; Inyandikomvugo y'iburanisha, 18 Kamena 2009 (iburanisha mu muhezo), imp. 66, 67 (CCP, wakatiwe igihano cy'igifungo cya burundu kubera gusambanya ku gahato, avuga ko atari azi ibitero byagabwe nyuma y'iyo nama ivugwa ko yabereye i Gikore).

85 Inyandiko y'rubanza rwitiriwe urwa Cyangugu, mu bujurire, urup. 234.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

bukemuramanza nk'ubwo ruzi. Ibyo ari byo byose, kubera ko rumaze kubona ko FBX, CCS na CCP bava inda imwe[86], kubera inyungu z'ubutabera, Urugereko rurazirikana ko bashobora kuba barumvikanye ku buhamya bazatanga.

44. Mu rwego rwo gushyigikira ibyo buvuga, Ubwunganizi bwahamagaje abagabo batatu ngo batange ubuhamya ku byabaye. Abo batangabuhamya ni Sixbert Iryivuze, uwiswe MO78 n'uwiswe MO99 kandi nta n'umwe muri bo wabaye icyitso cy'Uregwa, nta n'umwe muri bo ufunze cyangwa ufitanye isano n'undi.

4.1 Ibyerekeranye n'inama

45. Ubwunganizi buvuga ko uguhuzagurika kwinshi kuboneka mu buhamya bushinja ndetse no kuba abagabo bashinja batakwizerwa cyane, bigaragaza ko abo batangabuhamya bagambanye ndetse ko bashobora kuba batari mu nama yabereye i Gikore ahagana mu gice cya kabiri cya Gicurasi mu wa 1994[87].

46. Cyakora, buri mugabo ushinja watanze ubuhamya ku byabaye avuga ko Muvunyi yari mu nama yabereye i Gikore kandi akaba yarayifashemo ijambo. FBX, AMJ, CCP na CCS bavuga ko iyo nama yabaye hagati muri Gicurasi cyangwa mu mpera z'uko kwezi mu mwaka wa 1994[88]. YAI ntiyabajijwe ku byekeranye n'itariki iyo nama yabereyeho[89].

47. Byongeye kandi, buri mugabo ushinjura watanze ubuhamya ku byabaye avuga ko Muvunyi yari mu nama yabereye i Gikore ahagana mu gice cya kabiri cy'ukwezi kwa Gicurasi mu wa 1994, kandi akaba yarahavugiye ijambo[90]. Kubera izo mpamvu,

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[86] Inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 13,14; ikimenyetso gihamya N° P6-R, cyatanzwe na Porokireri; Ikimenyetso gihamya N° P8-R, cyatanzwe na Porokireri, (Bamweretse ibimenyetso gihamya N° P6-R na P8-R, byatanzwe na Porokireri, FBX yemeje ko abantu bavugwa muri ibyo bimenyetso ari abavandimwe be.

[87] Imyanzuro nsozarubanza y'Ubwunganizi, urup. 51; Inyandikomvugo y'iburanisha, 2 Ukwakira 2009, igika 51 (Imyanzuro nsozarubanza).

[88] FBX, Inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 5-6 (Muvunyi yaje i Gikore hagati muri Gicurasi) ; AMJ, Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 22 (inama yabereye kuri santeri y'ubucuruzi ya Gikore, hagati y'itariki ya 22 n'iya 24 Gicurasi 1994); CCS, Inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 9, 27 (mu muhezo) (inama yabaye ahagana hagati muri Gicurasi).

[89] YAI, Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 25 (umutangabuhamya ntiyabajijwe itariki inama yabereyeho ariko avuga ko yabereye i Gikore).

[90] Iryivuze, Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 12-14, 16-18 (Mu mpera za Gicurasi, umutangabuhamya yagiye gusura ababyeyi be maze atwarwa ku buntu muri imwe mu modoka zari zigiyeyo zishoreranye. Muvunyi yari umwe mu bantu bari muri izo modoka; abo bantu bagiye i Gikore kandi Iryivuze avuga ko Muvunyi yahavugiye ijambo) ; MO78, Inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 12 (Iburanisha mu muhezo) n'urup. 13 (inama yabereye i Gikore ku itariki ya 23 cyangwa iya 24 Gicurasi) ; MO99, Inyandikomvugo

ibimenyetso bishinjura bihuje n'ibishinja ku byerekeranye n'itariki iyo nama ishobora kuba yarabereyeho, ku hantu yabereye ndetse n'uko Muvuyi yayigiyemo.

48. Urugereko rusanga, uretse no kuba ubuhamya bwatanzwe mu Rukiko n'abagabo bashinja n'abashinjura buhuza ku byerekeranye n'itariki inama y'i Gikore yaba yarabereyeho, ku hantu yabereye no ku kuba Muvunyi yari ayirimo, ubwo buhamya buhuza no ku bindi bintu byinshi. Urugero, FBX, AMJ na MO99 bavuga ko inama yatumijwe na konseye wa segiteri[91] ; Iryivuze n'abatangabuhamya biswe FBX, AMJ, MO78 na MO99 bavuga ko yabaye nyuma ya saa sita[92]. FBX, Iryivuze, MO78 na MO99 bongeraho ko inama yabereye hanze ku isangano ry'imihanda[93]. Na none, ubuhamya bw'aba bagabo ntibuvuguruzanya ku byerekeranye n'umubare w'abantu bitabiriye iyo nama[94], ndetse FBX, AMJ, Iryivuze na MO99 bavuga ko abanyacyubahiro baje mu modoka[95].

49. Ikindi kandi, abo batangabuhamya hafi ya bose bavuga ko muri ako karere imvururu zatangiye ku itariki ya 22 Mata cyangwa hafi yayo, ariko zikaba zari zaracogoye cyane

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y'iburanisha, 17 Nzeri 2009, urup. 10 (umutangabuhamya avuga inama yabereye i Gikore mu mpera za Gicurasi 1994).

[91] FBX, Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 7 (Konseye Narcisse Gakwaya yatumiye abaturage muri iyo nama) ; AMJ, Inyandikomvugo y'iburanisha, 18 Kamena2009, urup. 22 (inama yatumijwe na Konseye Narcisse Gakwaya) ; MO99, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10 (Narcisse Gakwaya, wari Konseye wa segiteri, yamenyeshejwe abaturage ko iyo nama yari kuba).

[92] FBX, Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 6 (inama yabaye mu masaa munani z'amanywa) ; Iryivuze, Inyandikomvugo y'iburanisha, 2009, urup. 16,17, 20 (bageze i Gikore hashize nk'isaha imwe bavuye i Kibayi saa munani; inama y'i Gikore yarangiye hagati ya saa kumi n'igice na saa kumi n'imwe z'igicamunsi) ; MO99, Inyandikomvugo y'iburanisha, imp. 10, 11 (inama yabaye mu ma saa cyenda z'amanywa).

[93] FBX, inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 5 (inama yabereye imbere y'urugo rwa Vénuste Nkulikiyukuri, ku isangano ry'umuhanda ujya i Kansi n'ujya muri Komine ya Kibayi) ; Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 17 (inama yabereye ku isangano ry'umuhanda ugana i Gikore n'ugana ku ivuriro) ; MO78, inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 13 (inama yabereye mu mbuga) ; MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 10 (inama yebereye ku isoko, ku muhanda uva i Kibayi ugana i Butare).

[94] FBX, inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 6 (abantu bageze kuri 300); AMJ, inyandikomvugo y'iburanisha,18 Kamena 2009, urup. 22 (hari abantu benshi barenga 80); CCS, inyandikomvugo y'iburanisha, 22 Kamena 2009 (iburanisha mu muhezo); urup. 34 (abantu bari hagati ya 250 na 300); Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 17 (abantu bari hagati ya 100 na 150); MO78, inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 13 (yitabiriwe n'abantu bageze kuri 300); MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 11 (yitabiriwe n'abantu bageze kuri 400).

[95] FBX, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 2 (abanyacyubahiro baje mu modoka zitageze ku 10); AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 40 (Muvunyi na Nteziryayo baje mu modoka yo mu bwoko bwa Pajero, Superefe Ntawukulilyayo yaje mu modoka yo mu bwoko bwa Toyota, Burugumesitiri yaje mu modoka ye bwite); Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 13 (izo modoka zari zishoreranye zari eshanu cyangwa esheshatu); MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 10, 11 (abo bantu baje baturutse muri Komine ya Kibayi, bari mu modoka zishoreranye).

igihe iyo nama yabaga[96]. Urugereko rusanga kandi muri rusange, abatangabuhamya bavuga bimwe ku byerekeranye n'abategetsi bari muri iyo nama[97] ndetse n'ukuntu bakurikiranye mu gufata ijambo [98].

50. N'ubwo Porokireri n'Ubwunganizi batanze ibimenyetso bigaragaza ko Alphonse Nteziryayo yafashe ijambo muri iyo nama, ntibahuza ku kibazo cyerekeye kumenya niba yaraje muri iyo nama nka perefe. Abatangabuhamya bashinja benshi bemeza ko yaje muri iyo nama nka perefe: FBX avuga ko Nteziryayo yeretswe abaje muri iyo nama nka perefe kandi akaba yarafashe ijambo muri urwo rwego[99]. AMJ avuga ko Nteziryayo yabwiye

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[96] FBX, inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 21, 22 (ubwicanyi bwatangiye ku itariki ya 22 Mata); AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 32 (batangiye kwica Abatutsi ku buryo busesuye ku itariki ya 19 Mata); CCP, inyandikomvugo y'iburanisha ryo ku itariki ya 18 Kamena 2009, urup. 67 (iburanisha mu muhezo), n'iryo ku ya 19 Kamena 2009, urup. 7 (ubwicanyi bwatangiye ku itariki ya 22 Mata ariko iyo nama iba bwari bwarahagaze I Gikore); YAI, inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 23 (umutekano wabaye muke ku itariki ya 20 Mata); Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 28 (inama y'i Gikore yabaye ubwicanyi bwarahagaze); MO78, inyandikomvugo y'iburanisha, 25 Kanama 2009 (iburanisha mu muhezo), urup. 12 (nyuma y'itariki ya 12 Mata, ibintu byarahindutse; ibitero byatangiye mu mpera za Mata); MO99, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 14 na 26 (ibintu byarushijeho kuba bibi mu byumweru bibiri bya nyuma bya Mata; umutangabuhamya ntiyumva impamvu ijambo ryaba ryaravuzwe muri Gicurasi kandi ubwicanyi bwarabaye mu mpera za Mata).

[97] FBX, inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 7, n'iryo ku ya 18 Kamena 2009, urup. 4 (mu bategetsi harimo Narcisse Gakwaya wari Konseye, Charles Kalimanzira wakoraga muri Minisiteri y'Ubutegetsi bw'Igihugu, Alphonse Nteziryayo wari Perefe, Ruzindaza wari Perezida w'Urukiko rwa mbere rw'iremezo, Dominique Ntawukulilyayo wari Superefe na Charles Kabeza wari Burugumesitiri wa Komine ya Nyaruhengeri) ; AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 22 (mu bategetsi bo muri ako karere harimo konseye, abagize komite z'amaserire, Burugumesitiri n'umwungirije, Muvunyi, Nteziryayo na Superefe) ; CCP, inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 60, 63 (avuga ko Muvunyi na Nteziryayo bari bahari) ; CCP, inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 10 (mu bategetsi bari bahari harimo Muvunyi, Perefe Alphonse Nteziryayo, Perezida w'Urukiko rwa mbere rw'iremezo, umuyobozi wa gereza yo muri ako karere, burugumesitiri na konseye) ; Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 14, 15 na 17 (mu banyacyubahiro harimo Nteziryayo, Perefe Sylvain Nsabimana, Umucamanza Ruzindaza, Muvunyi, Cyprien Musabirema, Porokireri Bushishi na Burugumesitiri Kabeza) ; MO78, inyandikomvugo y'iburanisha, 25 Kamena 2009, urup. 14 (mu bafashe ijambo harimo Perefe Sylvain Nsabimana, Muvunyi, Alphonse Nteziryayo, Cyprien Musabirema wari uhagarariye ORINFOR, Ruzindaza, Superefe Dominique Ntawukulilyayo, umuyobozi wa Jandarumori muri Perefegitura ya Butare na Burugumesitiri Charles Kabeza) ; MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11, 12 (mu bafashe ijambo harimo Burugumesitiri Charles Kabeza, Perefe Sylvain Nsabimana, Alphonse Nteziryayo, Muvunyi na Ruzindaza).

[98] FBX, inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 19, 21 (konseye, burugumesitiri, Nteziryayo, Muvunyi) ; AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 41, 54 (Nteziryayo, Muvunyi) ; Iryivuze, Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 17,18 (Burugumesitiri, Nsabimana, Nteziryayo, Muvunyi, Ruzindaza) ; MO78, inyandikomvugo y'iburanisha, 25 Kanama 2009, imp. 17, 18 (Burugumesitiri, Nsabimana, Nteziryayo, Muvunyi na Ruzindaza na bo bafashe ijambo. Cyakora, MO78 ntiyibuka uko bakurikiranye) ; MO99, Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11, 12 (Burugumesitiri, Nsabimana, Nteziryayo, Muvunyi na Ruzindaza bafashe ijambo ariko ntavuga uko bakurikiranye).

[99] Inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 19, n'iryo ku ya 18 Kamena 2009, urup. 6 (FBX).

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imbaga y'abantu yari aho ko ari Perefe wa Perefegitura ya Butare[100], naho CCS akavuga ko Nteziryayo yeretswe abantu bari muri iyo nama nka perefe [101].

51. Cyakora, abatangabuhamya Iryivuze, MO78 na MO99 bashinjura bavuga ko Nsabimana ari we wari perefe icyo gihe kandi ko yafashe ijambo nka perefe[102]. Ubwunganizi bwatanze ikimenyetso gihamya cyahawe nomero D1-R. Icyo kimenyetso ni fagisi yohererejwe Nteziryayo na Nsabimana ivuga ko ku itariki ya 17 Kamena 1994, Inama ya Guverinoma yafashe icyemezo cyo gushyira Nteziryayo ku mwanya wa perefe wa Butare agasimbura Nsabimana. Urugereko rwemera ko iyo nyandiko atari impimbano, bityo rukemera ko Nteziryayo yabaye perefe ku itariki ya 17 Kamena 1994.

52. Nta mutangabuhamya n'umwe ushinja wibuka ko Nsabimana yaje muri iyo nama[103], mu gihe abagabo bashinjura bo bavuga ko yari ayirimo[104].

53. Mu ibaza rinyomoza, Ubwunganizi bwababajije abatangabuhamya bashinja ku byerekeranye no kumenya perefe waje muri iyo nama. Abajijwe niba Nteziryayo yarabaye perefe ku itariki ya 17 Kamena 1994, FBX yabaye nk'ushaka kwihagararaho maze asaba ko bamwereka ikimenyetso kibyemeza[105]. Bamweretse ikimenyetso gihamya cyahawe nomero D1-R, uwo mutangabuhamya yavuze ko atari inyandiko yemewe, bityo ngo ikaba

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[100] Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 41, 54 (AMJ).
[101] Inyandikomvugo y'iburanisha, 22 Kamena 2009 (iburanisha mu muhezo), urup. 41 (CCS).
[102] Inyandikomvugo y'iburanisha ryo ku itariki ya 24 Kanama 2009, imp. 14, 15 na 18 (Iryivuze), iryo ku ya 25 Kanama 2009, urup. 14 (MO78) n'iryo ku ya 17 Nzeri 2009, imp. 11, 12 (MO99).
[103] FBX, inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 6, n'iryo ku ya 18 Kamena 2009, urup. 4 (mu bategetsi harimo Konseye Narcisse Gakwaya, Charles Kalimanzira wakoraga muri Minisiteri y'Ubutegetsi bw'igihugu, Liyetona (sic) Alphonse Nteziryayo wari Perefe, Ruzindaza wari Perezida w'Urukiko rwa mbere rw'iremezo, Superefe Dominique Ntawukulilyayo na Charles Kabeza wari Burugumesitiri wa Komine ya Nyaruhengeri) ; AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 22 (mu bategetsi bo muri ako karere harimo konseye, abagize komite ya selire, burugumesitiri n'umwungirije, Muvunyi, Nteziryayo na Superefe) ; CCP, inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 6-, 63 (avuga ko Muvunyi na Nteziryayo bari bahari) ; CCP, inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 10 (mu bategetsi harimo Muvunyi, Alphonse Nteziryayo wari Perefe, Perezida w'Urukiko rwa mbere rw'iremezo, umuyobozi wa gereza ukomoka muri ako karere, burugumesitiri, na Konseye)..
[104] Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009 imp. 14, 15, 17 (abanyacyubahiro barimo Nteziryayo, Sylvain Nsabimana wari Perefe, Ruzindaza wari umucamanza, Muvunyi, Cyprien Musabirema, Bushishi wari Porokireri na Kabeza wari Burugumesitiri) MO78, inyandiikomvugo y'iburanisha, 25 Kanama 2009, urup. 14 (mu bafashe ijambo harimo Sylvain Nsabimana wari Perefe, Muvunyi, Alphonse Nteziryayo, Cyprien Musabirema wari uhagarariye ORINFOR, Ruzindaza, Dominique Ntawukulilyayo wari Superefe, umuyobozi wa jandarumori muri Perefegitura ya Butare, na Charles Kabeza wari Burugumesitiri) MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 11, 12 (mu bafashe ijambo harimo Charles Kabeza wari Burugumesitiri, Sylvain Nsabimana wari Perefe, Alphonse Nteziryayo, Muvunyi na Ruzindaza)
[105] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 6 (FBX).

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idafite agaciro kuko idafite ikirangantego cya Repubulika y'u Rwanda. Yanavuze ko iyo nyandiko itashyizweho umukono kandi ko itagaragaza umuntu waba warashyize Nteziryaho ku mwanya wa perefe[106].

54. Abatangabuhamya biswe CCP na CCS na bo ni ko babyitwayemo, babaye nk'abihagararaho mu ibazwa rinyomoza, ubwo babazwaga ku byerekeranye no kumenya perefe waje mu nama. CCP yavuze ko ashidikanya ku kimenyetso gihamya cyahawe nomero C1-R[107], CCS avuga ko icyo kimenyetso atari inyandiko yemewe bityo ikaba nta gaciro ifite kuko itaragaragaza umuntu washyize Nteziryayo ku mwanya wa perefe, ndetse ikaba itariho n'umukono w'uwayanditse[108]. AMJ na we yanze kwemera ibivugwa ko Nteziryayo yaba yaragizwe perefe ku itariki ya 17 Kamena 1994, kuko, nk'uko abivuga, kuri iyo tariki abategetsi n'abasirikare bari barahunze bava muri ako karere[109].

55. Urugereko ruributsa ko FBX, CCP na CCS bava inda imwe, maze rukemera ko bashobora kuba baravuganye ukuntu bazasubiza ku byerekeranye n'ikimenyetso gihamya cyahawe nomero D1-R, kubera ko ibisubizo batanze bisa ubwo babazwaga ibibazo binyomoza, ku birebana n'icyo kimenyetso.

56. Cyakora, Urugereko rusanga hashize imyaka 15 kuva igihe inama y'i Gikore yabereye mu gice cya kabiri cya Gicurasi 1994. Ruributsa rero ko ukunyuranya guterwa n'igihe gishize kutagira, byanze bikunze, ingaruka ku kwizerwa cyangwa ukwemerwa kw'abatangabuhamya[110]. Urugereko rusanga bishoboka ko nyuma y'imyaka 15, abatangabuhamya bashinja bashobora kwibeshya mu kwibuka ibyabaye maze bakavuga ko Nteziryayo yaje muri iyo nama ari Perefe wa Butare, kubera ko hari hashize ibyumweru bike ashyizwe kuri uwo mwanya.

57. Byongeye kandi, rushingiye ku myitwarire ya FBX, CCP na CCS mu Rukiko, Urugereko ntirushidikanya ko abo batangabuhamya basanga koko Nteziryayo yari Perefe wa Butare igihe inama y'i Gikore yabaga, bityo bakaba barababajwe no kubwirwa ko batavugisha

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[106] Inyandikomvugo y'iburanisha, 18 Nzeri 2009, imp. 6-9 (FBX) ; ikimenyetso gihamya N° D1-R cyatanzwe n'Ubwunganizi.
[107] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 9 (CCP) ; ikimenyetso gihamya N° D1-R, cyatanzwe n'Ubwunganizi.
[108] Inyandikomvugo y'iburanisha, 22 Kamena 2009 (iburanisha mu muhezo), urup. 39 (CCS).
[109] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 55 (AMJ).
[110] Inyandiko y'urubanza rwa Bikindi mu rw'iremezo, igika 32.

ukuri. Rusanga kuba baragerageje kwihagararaho mu ibazwa rinyomoza byaratewe no kutibuka neza ibyabaye, aho guterwa no gushaka kubeshya.

58. Urugereko ruzirikana ko umutangabuhamya ashobora kwibeshya ariko anavugisha ukuri. Ruributsa kandi ko Urugereko rw'Iremezo rutaba rudashyize mu gaciro ruramutse rwemeye ibice bimwe by'ubuhamya, rukanga ibindi[111]. Urugereko rwemera ubuhamya bwa FBX, CCP na CCS ku byo bavuga ko bagiye mu nama yebereye i Gikore mu gice cya kabiri cya Gicurasi 1994. Rusanga kuba bose baribeshye kuri iyi ngingo cyangwa ari abavandimwe bitaba impamvu yo kwanzura ruvuga ko aba batangabuhamya batakwizerwa, cyangwa ko bagambanye ngo bashinje Muvunyi ibinyoma.

4.1.1 Ikibazo cyo kumenya niba mu buhamya bwabo mu Rukiko, abagabo bavuga ku nama imwe

59. Kubera ko ubuhamya bw'abagabo bashinja n'abashinjura buhuza cyane ku byerekeranye n'iyo nama, Urugereko rusanga ibimenyetso byatanzwe n'ababuranyi biganisha ku nama imwe yabereye i Gikore mu gice cya kabiri cya Gicurasi 1994. Rusanga kandi Muvunyi yarafashe ijambo muri iyo nama. Ibi bivuguruza ibyo Ubwunganizi buvuga ko inama abatangabuhamya bashinja bagiyemo itandukanye n'iyo abashinjura bagiyemo.

4.1.2 Ikibazo cyo kumenya niba muri Gicurasi 1994 i Gikore harabereye inama rusange irenze imwe

60. Urugereko rusanga Porokireri yaratanze gusa ibimenyetso bigaragaza ko i Gikore habereye inama imwe muri Gicurasi 1994. Byongeye kandi, kubera ko, uretse uwiswe YAI, abandi batangabuhamya bashinja bose babaga i Gikore muri Gicurasi 1994, umuntu yaba ashyize mu gaciro avuze ko bagiye mu nama rusange z'umutekano zose zabereye i Gikore muri icyo gihe cy'amahina mu gihugu, kandi ko bavuga ku nama imwe gusa. Uretse ibyo kandi, mu ibaza rinyomoza, Ubwunganizi ntibwigeze bushaka kumvikanisha ko i Gikore hashobora kuba harabereye inama irenze imwe muri Gicurasi 1994.

61. Ikindi kandi, Urugereko ruributsa ko umutangabuhamya ushinjura wiswe MO99 avuga ko, kuva imvururu zatangira muri ako gace, atigeze yumva indi nama yaba yarabaye uretse iyo

[111] Inyandiko y'urubanza rwa Karera mu bujurire, igika 120.

ngiyo ivugwa n'abatangabuhamya[112]. Urugereko rusanga ibi ari ikimenyetso gikomeye kigaragaza ko i Gikore habaye inama imwe rusange muri Gicurasi 1994. Byongeye kandi, Urugereko rusanga nta mpamvu yumvikana yari gutuma muri Gicurasi 1994, abategetsi b'i Butare bakoresha inama rusange irenze imwe, isuzuma ibibazo bimwe, mu karere ka kure nka Gikore.

62. Kubera iyo mpamvu, Urugereko ntirushidikanya ko i Gikore habereye inama imwe y'abaturage mu gice cya kabiri cya Gicurasi 1994. Rwanzuye rero ruvuga ko Uregwa yamenyeshejwe neza inama ashinjwa, n'ubwo itariki ivugwa mu Nyandiko y'ibirego itandukanye n'ivugwa mu bimenyetso bishinja.

4.2 Amagambo yavugiwe muri iyo nama

4.2.1 Ibimenyetso

Umutangabuhamya ushinja wiswe FBX

63. Umutangabuhamya wiswe FBX ni Umuhutu wari umaze igihe kirekire atuye i Gikore igihe iyo nama yabaga[113]. Avuga ko Muvunyi yafashe ijambo mu kinyarwanda imbere y'imbaga y'abantu, akoresheje indangururamajwi zari zifunze ku modoka[114]. Uyu mutangabuhamya yibuka ko Muvunyi yavuze ko ari umwofisiye mu gisirikare cy'u Rwanda, wakoreraga i Butare. Yanavuze ko atishimiye imyifatire y'abaturage kuko bishe abantu, ariko bagasiga imirambo yabo ku misozi none ikaba yarimo gufotorwa n'ibyogajuru. Muvunyi yanavuze ko abaturage bakoze ikosa kuko barongoye abakobwa b'Abatutsikazi bakanabahisha. Umutangabuhamya avuga ko Muvunyi yababwiye ko bagomba gutanga abantu bihishe kubera ko "iyo inzoka yizingiye ku gisabo, umuntu ayica akamena icyo gisabo"[115].

64. Mu buhamya bwe, FBX anavuga ko Muvunyi yabwiye abantu kutagira ubwoba, bibwira ko bazafungwa nibica abandi, kuko umuyobozi wa gereza n'umucamanza bari muri iyo nama. Yerekanye perefe na Charles Kalimanzira wakoraga muri Minisiteri y'Ubutegetsi

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[112] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 19 (MO99).
[113] Ikimenyetso gihamya, N° P5-R, cyatanzwe na Porokireri.
[114] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 9 (FBX).
[115] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 5 (FBX).

bw'Igihugu, maze abwira imbaga y'abantu bari aho ko nta bibazo na bike bazagira kuko abategetsi bari muri iyo nama. Umutangabuhamya yemeza ko Muvunyi yasabye abari aho ko umunsi ukurikiyeho bagombaga gutangira kwica kandi ko batagombaga kugira ubwoba[116]. Muvunyi yanavuze ku byerekeranye n'uko Inkotanyi zarimo kugenda zisatira[117] maze asaba imbaga y'abantu bari aho gusenya amazu y'Abatutsi, bamaze kwicwa[118].

65. Umutangabuhamya avuga ko bukeye saa moya za mu gitondo, yifatanyije n'imbaga y'Abahutu, maze batangira kwica Abatutsi i Gikore [119]. Yemera kandi ko yari yaritabiriye ubwicanyi bwakorewe Abatutsi mbere y'uko inama y'i Gikore iba [120].

Umutangabuhamya ushinja wiswe AMJ

66. Umutangabuhamya wiswe AMJ ni Umuhutu wari umaze igihe kirekire atuye i Gikore igihe iyo nama yabaga[121]. Avuga ko hagati ye na Muvunyi hari intera igeze muri metero eshatu igihe Muvunyi yafataga ijambo mu kinyarwanda imbere y'imbaga y'abantu. Avuga ko nta ndangururamajwi yabonye[122]. Yongeraho ko Muvunyi yabwiye imbaga y'abantu bari aho ko Abatutsi bari abanzi kuko bashoje intambara, bityo bakaba baragombaga kurwanywa aho bari hose. Umutangabuhamya avuga ko Muyunyi yongeyeho ko abakobwa b'Abatutsikazi barongowe n'abasore b'Abahutu bagomba kwirukanywa cyangwa kwicwa, ariko ko ibyo bitarebaga abakobwa barongowe mbere y'itariki ya 6 Mata. Muvunyi yanavuze ko umugore ari uw'umuryango yashatsemo, ariko ko n'impinja zavutse uwo munsi zagombaga kwicwa mu buryo bumwe n'uko inzoka zicwa[123]. Umutangabuhamya avuga ko Muvunyi yabwiye iyo mbaga y'abantu ko abasore bagombaga kujya ku rugamba, ko abagabo bagombaga kujya ku muhanda werekeza i Butare naho ibigwari bikajya i

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[116] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 9 (FBX).
[117] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 27(FBX).
[118] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 23 (FBX).
[119] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 10 (FBX).
[120] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 23 (FBX).
[121] Ikimenyetso gihamya, N° P10-R, cyatanzwe na Porokireri.
[122] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 23 (AMJ).
[123] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 23 (AMJ).

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Burundi. Muvunyi yongeyeho ko umuntu wese wumva afite ubwoba bwo kumenera igihugu amaraso ye, yari gupfa nk'ikigwari[124].

67. Umutangabuhamya avuga ko guhera saa kumi n'ebyiri n'igice z'umunsi ukurikira uwo iyo nama yabereyeho, yafatanije n'imbaga y'abantu kwica Abatutsi i Gikore[125]. Yemera kandi ko, mbere y'uko inama y'i Gikore iba, we n'abandi bantu bishe Abatutsi bakajugunya imirambo yabo mu kiyaga cya Cyamwakizi muri Mata 1994[126].

Umutangabuhamya ushinja wiswe CCP

68. Umutangabuhamya wiswe CCP ni Umuhutu wari umaze igihe kinini atuye i Gikore igihe iyo nama yabaga [127]. Avuga ko hagati ye na Muvunyi hari metero zigeze kuri eshanu ubwo yumvaga Muvunyi avuga ijambo mu rurimi rw'ikinyarwanda [128]. Muvunyi yavuze ko Abatutsi bagombaga kwicwa kuko umuntu yabagereranya n'inzoka. Umutangabuhamya avuga ko Muvunyi yongeyeho ko abasore barongoye abakobwa bw'Abatutsikazi bagombaga kwica abo bakobwa cyangwa bakabirukana kugira ngo bicwe. Umutangabuhamya avuga ko Muvunyi yaciye umugani w'ikinyarwanda ashaka kuvuga ko abo bakobwa bagombaga kugwa ishyanga inyuma y'ishyamba, maze abwira abaturage ko ahu guhunga, bagombaga kurwanya FPR[129].

69. Mu buhamya bwe, CCP avuga ko hafi y'ahantu iyo nama yabereye hari itongo ry'Umututsi kandi ko Muvunyi yasabye ko iyo nzu yasenywa burundu aho iri hagaterwa ibimera. Umutangabuhamya yumvise ayo magambo asobanura ko Muvunyi yashakaga kuzimangatanya ibimenyetso byose byagaragaza ko hari inzu kugira ngo abasirikare ba FPR bari hafi aho batamenya ko amazu y'Abatutsi yasenywe[130].

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124 Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 23 (AMJ).
125 Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 24 (AMJ).
126 Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 43, 44 (AMJ.
127 Ikimenyetso gihamya, N° P13-R, cyatanzwe na Porokireri.
128 Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 60, 63 (CCP).
129 Inyandikomvugo y'iburanisha, imp. 60-62 (CCP).
130 Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 62 (CCP)

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70. Umutangabuhamya yavuze ko nta bitero azi byagabwe nyuma y'inama yabereye i Gikore. Cyakora, yemera ko byagaragaye ko abatangabuhamya biswe FBX na CCS bitabiriye ubwicanyi [131].

Umutangabuhamya ushinja wiswe YAI

71. Umutangabuhamya wiswe YAI ni Umuhutu wari umaze igihe kirekire atuye i Gikore igihe inama yabaga. Cyakora, yakoraga ahantu hari intera iri hagati y'ibirometero 12 na 13 uvuye i Gikore [132]. Mu buhamya bwe, avuga ko Muvunyi yabwiye abari muri iyo nama kwicungira umutekano kuko Inkotanyi, zari zarateye igihugu, zendaga kugera mu karere ka Gikore. Muvunyi yasabye abaturage kuba maso ngo kuko Inkotanyi zakundaga kubanza gucengera mu karere mbere yo kuhagaba igitero[133]. Umutangabuhamya avuga ko Muvunyi yasabye urubyiruko kujya mu ngabo, rukarwanya Inkotanyi kandi ko ibigwari byashoboraga kwigira i Burundi [134].

72. Muvunyi kandi yavuze ko abakobwa b'Abatutsikazi bashatswe n'abasore b'Abahutu bagomba kwirukanwa. YAI yumvise ayo magambo asobanura ko bagombaga kwicwa. Umutangabuhamya avuga ko Muvunyi yeretse abaturage itongo ry'inzu y'Umututsi yari hafi y'aho inama yaberega, maze avuga ko iyo nzu yagombaga gusenywa burundu aho yubatswe hagaterwa insina, ngo kuko inkuta zikomeje kuguma aho hantu byaba ari ikimenyetso cy'uko hari inzu y'Umututsi yasenywe[135].

73. Mu manza za Gacaca, umutangabuhamya yumvise abantu bavuga ko bamwe mu bakobwa b'Abatutsikazi bari baragizwe abagore bishwe nyuma y'iyo nama[136].

Umutangabuhamya ushinja wiswe CCS

74. Umutangabuhamya wiswe CCS ni Umuhutu wari umaze igihe kirekire aba i Gikore igihe iyo nama yabaga [137]. Hagati ye na Muvunyi hari intambwe zitageze ku icumi ubwo

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[131] Inyandikomvugo y'iburanisha,18 Kamena 2009 (iburanisha mu muhezo), imp. 66, 67 (CCP).
[132] Inyandikomvugo y'iburanisha, 19 Kamena 2009, imp. 22, 23 ; Ikimenyetso gihamya, N° P13-R, cyatanzwe na Porokireri.
[133] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 25 (YAI).
[134] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 26 (YAI).
[135] Inyandikomvugo y'iburanisha, 19 Kamena 2009, imp. 25, 26 (YAI).
[136] Inyandikomvugo y'iburanisha, 19 Kamena 2009, imp. 26,27 (YAI).
[137] Ikimenyetso gihamya, N° P18-R, cyatanzwe na Porokireri.

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Muvunyi yafataga ijambo. Umutangabuhamya avuga ko Muvunyi yabwiye abantu bari aho ko yaje muri iyo nama gusobanura ko igihugu cyari mu bihe bikomeye, ko abari muri iyo nama bamerewe nabi kubera intambara, no kubabwira ibyo bagombaga gukora kugira ngo bakumire umwanzi[138]. Muvunyi yavuze ko Inyenzi zateye igihugu, ko zifite ibyitso muri ako gace kandi ko Abatutsi bari abanzi kubera ko ari ibyitso by'Inyenzi. CCS asobanura ko abo Muvunyi yitaga ibyitso by'Inyenzi ari abaturage basanzwe, atari abasirikare. Avuga ko Muvunyi yongeyeho ko byari ngombwa kwica ibyitso by'Inyenzi, kuko byashoboraga guhisha Inyenzi zishobora gutsembatsemba abantu bari muri iyo nama.

75. Mu buhamya bwe, CCS yavuze ko Muvunyi yabwiye imbaga y'abantu bari aho ko bagomba gukora ibishoboka byose bagatsembatsemba ibyitso by'Inyenzi, kandi abizeza ko nta n'umwe wari kuzabihanirwa [139]. Yabasabye kandi kutajenjeka kuri za bariyeri no kugenzura abantu bose bazinyuraho kugira ngo barebe niba ari Abatutsi, basanga ari bo bakabica [140]. Yavuze ko abantu barongoye Abatutsikazi bagombaga kubatanga, kandi ko abaturage bagombaga gusenya amazu y'abantu bishwe[141].

76. Uyu mutangabuhamya yavuze ko nyuma y'iyo nama, yitabiriye ubwicanyi bwakorewe Abatutsi i Gikore [142]. Yanavuze ko muri Mata 1994, mbere y'inama yabereye i Gikore, we n'abandi bantu bishe Abatutsi, barangiza bakajugunya imirambo yabo mu kiyaga cya Cyamwakizi[143].

77. Nyamara ariko, abagabo bose bashinjura batanze ubuhamya ku byabaye bo babwiye Urugereko ko iyo nama yari igamije kugarura umutekano mu baturage. Banavuze ko Muvunyi yibanze ku bibazo bya gisirikare n'iby'umutekano, kandi ko nta muntu muri iyo nama wahamagariye imbaga y'abantu bari aho kwica Abatutsi.

Umutangabuhamya ushinjura witwa Sixbert Iryivuze

[138] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 10 (CCS).
[139] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 11 (CCS).
[140] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 11 (CCS).
[141] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 15 (CCS).
[142] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 11 (CCS).
[143] Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup. 15 (CCS).

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78. Umutangabuhamya witwa Iryivuze ni Umuhutu [144] utari utuye i Gikore igihe iyo nama yabaga. Yigaga mu Ishami ry'ubuvuzi muri Kaminuza y'u Rwanda, mu mujyi wa Butare. Yagiye muri iyo nama yabereye i Gikore kubera ko yabonye umwanya mu modoka ya Nteziryayo yari kumwe n'izindi modoka zikurikiranye. Icyo gihe, uyu mutangabuhamya yari agiye gusura umuryango we wabaga muri Serire ya Kanage, Segiteri ya Mukindo, Komine ya Kibayi[145]. Mu buhamya bwe, Iryivuze avuga ko muri iyo nama Muvunyi yavuze ku ngamba za gisirikare, akabwira abaturage bo muri ako gace ko abaturage bashobora kugwa mu mutego wa FPR. Muvunyi yasobonuye ko FPR yashoboraga kugaba ibitero kandi idafite abasirikare bahagije, igatuma abaturage bahungira mu duce igenzura. Muvunyi yasabye abaturage bo muri ako gace gutegereza amakuru yuzuye, kugira ngo badahungira mu gace karimo umwanzi. Muvunyi yongeyeho ko umwanzi yari afite amayeri menshi, yatumaga abasha guhungabanya umutekano[146].

79. Umutangabuhamya avuga ko inama yarangiye hagati ya saa kumi n'igice na saa kumi n'imwe z'igicamunsi, kandi ko yasubiye i Butare ari muri imwe muri izo modoka zari zishoreranye maze bakagerayo mu masaa kumi n'imwe n'igice z'umugoroba[147].

Umutangabuhamya ushinjura wiswe MO78

80. Umutangabuhamya wiswe MO78 ni Umuhutu[148], utarabaga i Gikore igihe iyo nama yabaga. Uyu mutangabuhama yagenze ibirometero bigeze kuri 12 ari mu modoka ya komine agiye muri iyo nama[149]. Yavuze ko Muvunyi yabwiye imbaga y'abantu bari aho ko iyo nama yari igamije kugarura umutekano mu karere. Muvunyi yavuze ko intambara yarimo kuyogoza u Rwanda atari ikibazo kireba ingabo gusa kandi ko abagizi ba nabi bose bagombaga kujyanwa ku biro bya komine kugira ngo baryozwe ibyo bakoze. Umutangabuhamya avuga ko Muvunyi yanavuze ku basirikare batorotse igisirikare barimo gusubira mu makomine bakomokamo kugira ngo batere ubwoba abaturage baho. Muvunyi yavuze ku ntambara yari ishyamiranyije ingabo z'u Rwanda n'iza FPR, maze asaba

[144] Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 27 (Iryivuze).
[145] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 12-113 (Iryivuze).
[146] Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 19-31(Iryivuze).
[147] Inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 20 (Iryivuze).
[148] Ikimenyetso gihamya, N° D8-R, cyatanzwe n'Ubwunganizi.
[149] Inyandikomvugo y'iburanisha, 25 Kanama 2009, imp. 22, 23 (Iryivuze).

abaturage kutagira ubwoba no gukomeza kubana mu mahoro. MO78 yavuze ko Muvunyi atigeze avuga ko Abatutsi bagomba guterwa no kwicwa[150].

81. Uyu mutagabuhamya asobanura ko nyuma y'iyo nama, umutekano wongeye kugaruka i Gikore ku buryo abantu bari barafunze amaduka yabo bongeye gucuruza, abandi bagakomeza imirimo yabo y'ubuhinzi. Umutangabuhamya akomeza avuga ko ubwicanyi bwari bwaratangiye mu mpera za Mata bwahagaze nyuma y'iyo nama, kandi ko yiboneye ko umutekano wagarutse koko[151].

Umutangabuhamya ushinjura wiswe MO99

82. Umutangabuhamya wiswe MO99 ni Umuhutu, wavuye i Kigali mu gihe cya jenoside maze ahungira mu rugo rw'ababyeyi be[152]. Yavuye muri urwo rugo agenda ibirometero umunani ku maguru agiye mu nama yabereye i Gikore [153]. Avuga ko muri iyo nama Muvunyi yasobanuriye abaturage aho intambara igeze mu gihugu, avuga nko ku bitero byagabwe mu Ruhengeri, Byumba n'i Kigali. Muvunyi yanavuze ko FPR ishobora no gutera iturutse i Burundi, kandi yemeza ko icyo gitero gishobora kubaho. Muvunyi yasabye abaturage gutanga umusanzu w'intambara no kutagira ubwoba kandi ahamagarira urubyiruko kujya mu gisirikare. Yasabye imbaga y'abantu bari aho kumenyesha abategetsi aho babonye abasirikare cyangwa bumvise urusaku urwo ari rwo rwose rudasanzwe[154].

4.2.2 Isesengura ry'Urugereko

83. Urugereko rusanga FBX, AMJ na CSS bari ibyitso mu byaha Uregwa ashinjwa, naho abiswe YAI na CCP bakaba bafunzwe kubera ibyaha bisa n'ibyo. Urugereko rwasuzumanye rero ubushishozi bukwiye ubuhamya bwabo kubera ko: 1) nta kigaragaza ko mu manza za Gacaca abo batangabuhamya bavuze ko kuba mu nama yabereye i Gikore abategetsi barabahamagariye abantu gukora ibyaha, ari impamvu igabanya uburyozwa-cyaha bwabo; 2) FBX yafunguwe arangije igihano yakatiwe; naho 3) CCS arekurwa kugira ngo akore imirimo nsimburagifungo.

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[150] Inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 16 (MO78).
[151] Inyandikomvugo y'iburanisha, 25 Kanama 2009, imp. 17, 21 na 22 (MO78).
[152] Inyandikomvugo y'iburanisha, 17 Nzeri 2009 (iburanisha mu muhezo), urup. 6 (MO99).
[153] Inyandikomvugo y'iburanisha, 17 Nzeri 2009 (iburanisha mu muhezo, urup. 7 (MO99).
[154] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 13, 25 (MO99).

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84. N'ubwo rusuzumana ubushishozi ubuhamya bw'abo bagabo, Urugereko ntirwemera ibivugwa n'Ubwunganizi ko abagabo bashinja batanze ubuhamya bw'ikinyoma kugira ngo bagabanyirizwe ibihano[155]. Ibimenyetso ntibyagaragaje ko hari ibintu abo batangabuhamya bizeraga kubona ku buryo baba barahimbye ubuhamya bushinja. Kubera iyo mpamvu, Urugereko rusanga abo bagabo bashinja badafite impamvu yo guhimba ubuhamya kubera ko barangije gukatirwa ibihano. Ibyo bireba by'umwihariko FBX na CCS batagifunze, na YAI na CCP bahamijwe icyaha cya jenoside, hadashingiwe ku bwicanyi bwakozwe nyuma y'inama yabereye i Gikore.

85. Cyakora, mu gusuzuma ukwizerwa kw'abo bagabo bashinja, Urugereko ruzirikana ibibazo biri mu buhamya batanze mu Rukiko. Nk'urugero, Urugereko rusanga mu bwemeracyaha bwe muri Gacaca, FBX atavuga inama yabereye i Gikore, cyangwa ngo avugemo Muvunyi ndetse n'abandi bategetsi bavugwa ko bari bahari. Nyamara ariko kuri iyi ngingo, Urugereko ruributsa ko uyu mutangabuhamya yasobanuye uku kunyuranya avuga ko mu gihe cy'ikusanyamakuru mu rwego rwa Gacaca ari bwo yavuze inama yabereye i Gikore n'abategetsi bari bayirimo. Urugereko rusanga kandi Ubwunganizi butari bufite dosiye yose ishobora kuba irimo ibyo umutangabuhamya avuga[156]. Urugereko rwemera iki gisobanuro, kubera ko ubusanzwe abo bategetsi batavugwa mu bwemeracyaha bw'umutangabuhamya muri Gacaca kubera ko bataregwa mu nkiko Gacaca.

86. Urugereko rusanga mu buhamya yahaye abapererezi b'Urukiko mu mwaka wa 2002, FBX avuga ko Muvunyi yabwiye imbaga y'abantu gutangira kwica Abatutsi. Muri ubwo buhamya, ntavuga ko mu ijambo rye Muvunyi yakoresheje imigani y'ikinyarwanda cyangwa ko nyuma y'inama habaye ibitero. Bamweretse ubwo buhamya bwanditse yatanze mbere, umugabo yavuze ko ubwo buhamya bwanditswe nabi kandi ko bitashobokaga ko avuga ibintu byose byavugiwe muri iyo nama. Umutangabuhamya yashimangiye ko Muvunyi yasabye imbaga y'abantu bari aho kwica abarokotse ubwicanyi bwa mbere[157].

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155 Imyanzuro nsozarubanza y'Ubwunganizi, igika 52.
156 Inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 27-28, 32-38 (FBX).
157 Inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 21-25 (FBX).

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87. Urugereko ruributsa ko ubuhamya abagabo bahaye abapererezi b'Urukiko mu rundi rubanza buba bufite agaciro gato ubugereranyije n'ubwo batangiye mu Rukiko hejuru y'indahiro[158]. Rusanga kandi hataratanzwe ikimenyetso kitaziguye cyerekeranye n'uburyo ubuhamya bwafashwe. Kubera iyo mpamvu, Urugereko rwemeye igisobanuro cy'umutangabuhamya kivuga ko ubuhamya bwe bwanditswe nabi, cyane cyane ko nta we uhakana ko mbere y'inama y'i Gikore hari harabaye ubwicanyi bwibasiye Abatutsi. Urugereko rusanga rero bisa n'ibidashoboka ko FBX yaba yaravuze ko Muvunyi yasabye imbaga y'abantu bari muri iyo nama *gutangira* kwica Abatutsi.

88. Urugereko rusanga kandi mu buhamya bwanditse yatanze muri Mata 1999, CCS atavuga ko Muvunyi yari mu nama yabereye i Gikore cyangwa ko yavugiye ijambo muri iyo nama. Abajijwe kuri iki kibazo, umutangabuhamya yashimangiye ko ubuhamya bwe butari bwuzuye ndetse ko hari izindi nyandiko zigaragaza ko Muvunyi yafashe ijambo muri iyo nama[159]. Urugereko rwemera iki gisobanuro, rukavuga ko CCS yaba atarashoboye gukosora ikosa iryo ari ryo ryose ryaba riri mu buhamya bwe bwanditse kubera ko atazi gusoma no kwandika.

89. Urugereko ruzirikana kandi ko mu buhamya bwe mu Rukiko, CCS avuga ko atabonye abavandimwe be mu nama yabereye i Gikore, n'ubwo FBX na CCP bavuga ko bari bahari[160]. Kubera ko rusanga iyo nama yaritabiriwe n'abantu benshi cyane, Urugereko rwemera ibivugwa na CCP ko muri icyo gihe atigeze ahura n'abavandimwe be kuko bitari byoroshye gusurana[161]. Urugereko rwemera rero ubuhamya CCS yatanze mu Rukiko avuga ko atigeze abona abavandimwe be muri iyo nama, kandi ko, haba mbere cyangwa nyuma yayo, atigeze amenya ko bari bayirimo.

90. Urugereko rusanga kandi ibivugwa na YAI bisa n'ibivuguruza ubuhamya bwa benshi mu bagabo bashinja kuko mu buhamya bwe mu Rukiko, uyu mugabo avuga ko Muvunyi atigeze avuga ko Abatutsi bagombaga kwicwa cyangwa ngo abite "inzoka"[162]. Cyakora, Urugereko ruributsa ko YAI avuga ko, kuri we, itegeko Muvunyi yatanze ryo kwirukana

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[158] Reba igika 11, haruguru.
[159] Inyandikomvugo y'iburanisha, 22 Kamena 2009 (iburanisha mu muhezo), imp. 24-29 (CCS) ; Ikimenyetso gihamya, N° D5.R cyatanzwe n'Ubwunganizi.
[160] Inyandikomvugo y'iburanisha, 22 Kamena 2009 (iburanisha mu muhezo), urup. 36 (CCS).
[161] Inyandikomvugo y'iburanisha, 18 Kamena 2009 (iburanisha mu muhezo), urup. 68 (CCP).
[162] Inyandikomvugo y'iburanisha, 19 Kamena 2009 (iburanisha mu muhezo), urup. 30 (YAI).

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abagore b'Abatutsikazi bakiri bato ngo basubire iwabo, risobanura ko abo bagore bagombaga kwicwa[163]. Kubera iyo mpamvu, Urugereko rusanga ubuhamya YAI yatanze mu Rukiko butavuguruza ubw'abandi bagabo bashinja ku byerekeranye n'ibyo Muvunyi yavuze mu ijambo rye.

91. Umutangabuhamya wiswe FBX avuga ko Gérard Senyange yishwe mbere y'iyo nama, naho uwiswe AMJ akavuga ko yari akiri muzima igihe igitero cyagabwaga[164]. Cyakora, Urugereko rusanga uko kudahuza imvugo nta gaciro kanini byahabwa, bikaba rero bitabuza abatangabuhamya kwizerwa. Rusanga kandi bashobora kuba banyuranya kubera igihe kinini gishize ibyo bavuga bibaye.

92. N'ubwo CCS avuga ko nta bitero bihambaye byabaye mbere y'inama yabereye i Gikore, Urugereko rusanga yaritabiriye ubwicanyi bwabaye kuva muri Mata kugera muri Gicurasi. Rusanga kandi anavuga ko ibitero byagabwe ku Batutsi byatangiye mu mpera za Mata bigakomeza no muri Gicurasi[165]. Kubera iyo mpamvu, Urugereko rusanga ubuhamya bwe yatanze mu Rukiko budatandukanye cyane n'ubw'abandi bagabo.

93. Hatitawe kuri ibyo bibazo bimaze kuvugwa, Urugereko rusanze, muri rusange, abagabo bashinja baratanze ubuhamya bw'imvaho, bwakwemerwa kandi bukizerwa ku byerekeranye n'ibikubiye mu ijambo Muvunyi yavugiye mu nama yabereye i Gikore. Nk'uko bigiye gusobanurwa hasi, kuba muri rusange ubuhamya bw'abagabo bashinja buhuza kandi bugashimangirana, bigaragaza ko bwakwizerwa.

94. Ni ngombwa kuvuga ko, mu buhamya bwe mu Rukiko, buri mugabo ushinja avuga ko Muvunyi yavuze ku bakobwa b'Abatutsikazi bari bakiriho kubera ko bari "bararongowe" n'Abahutu. AMJ avuga ko Muvunyi yavuze ko abo bakobwa bagomba kwirukanwa cyangwa kwicwa. CCP we avuga ko Muvunyi yategetse imbaga y'abantu bari aho kwica abo bakobwa. YAI avuga ko Muvunyi yavuze ko abo bakobwa bagomba gusubizwa iwabo, kandi kuri we [YAI] ibyo byavugaga ko bagomba kwicwa[166]. FBX avuga ko

[163] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 28 (umutangabuhamya YAI)
[164] Inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 11 (FBX), n'iryo ku ya 18 Gicurasi 2009, urup. 26 (AMJ).
[165] Inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 8, 14, 15 (CCS).
[166] Inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 7 (FBX), n'iryo ku ya 18 Kamena 2009, urup. 26 (umutangabuhamya AMJ).

Muvunyi yabwiye imbaga y'abantu bari aho ko batagombaga kuba bararetse ngo abo bakobwa babeho, ko bagombaga kubatanga, kuko "iyo inzoka yizingiye ku gisabo, ugomba kuyica byaba ngombwa ukamena icyo gisabo"[167]. FBX avuga ko Muvunyi amaze guca uwo mugani, yahise avuga ko abaturage batagomba kugira ubwoba bwo kwica abantu kuko umuyobozi wa gereza n'umucamanza bari muri iyo nama[168].

95. FBX avuga ko Muvunyi yabwiye iyo mbaga y'abantu ko bukeye bagombaga gutangira kwica badatinya ko hari ingaruka zabababaho[169]. CCS avuga ko amaze kuvuga ko hagomba gukorwa ibishoboka byose ngo Abatutsi bicwe kubera ko ari ibyitso by'Inyenzi n'Inkotanyi, Muvunyi yategetse imbanga y'abo bantu "gutanga" abakobwa b'Abatutsikazi[170].

96. Byongeye kandi, mu buhamya bwabo mu Rukiko, FBX na CCS bavuga ko Muvunyi yabwiye abantu gusenya amazu y'Abatutsi bari bishwe. CCP na YAI bo bavuga ko Muvunyi yaberetse itongo ry'inzu y'Umututsi, hafi y'ahantu iyo nama yaberaga, maze ababwira gutera ibimera cyangwa ibiti kugira ngo bazimangatanye ikintu cyose cyagaragaza ko aho hantu higeze inzu[171]. Ikindi kandi, FBX, YAI, CCS na CCP bavuga ko Muvunyi yaburiye abantu cyangwa akababwira ko Inkotanyi zarimo kugenda zisatira[172] naho FBX, AMJ na CCP bavuga ko Muvunyi yise Abatutsi "inzoka"[173].

97. Amwe mu yandi magambo yo mu ijambo rya Muvunyi, avugwa n'abatangabuhamya bashinja barenze umwe, ni ayo guhumuriza abari mu nama ko batari guhanirwa ubwicanyi

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[167] Inyandikomvugo y'iburanisha,17 Gicurasi 2009, urup. 7 (FBX).
[168] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 9 (FBX).
[169] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 9 (FBX).
[170] Inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 11, 15 (CCS).
[171] Inyandikomvugo y'iburanisha y'iburanisha ryo ku itariki ya17 Kamena 2009, urup. 23 (FBX), iryo ku ya 22 Kamena 2009, urup. 15 (CCS), iryo ku ya 18 Kamena 2009, urup. 62 (CCP), n'iryo ku ya 19 Kamena 2009, imp. 25-26 (YAI).
[172] Inyandikomvugo y'iburanisha ryo ku itariki ya 17 Gicurasi 2009, urup. 27 (FBX), iryo ku ya 19 Kamena 2009, urup. 25 (YAI), iryo ku ya 22 Kamena 2009, urup. 15 (CCS) n'iryo ku ya 18 Kamana 2009, urup. 662 (CCP).
[173] Inyandikomvugo y'iburanisha ryo ku itariki ya 17 Kamena 2009, urup. 7 (FBX), n'iryo ku ya 18 Kamena 2009, urup. 23 (AMJ) n'urup. 60 (CCP).

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bari gukora[174] no kuba abasore baragombaga kujya mu gisirikare cyangwa ku rugamba naho ibigwari bikajya i Burundi[175].

98. Urugereko rusanga kandi abatangabuhamya hafi ya bose barumvise kimwe ijambo rya Muvunyi. Mu by'ukuri, FBX avuga ko yumvise ko Muvunyi abasaba kwica Abatutsi bari bahishwe n'abaturage. Asobanura ko, n'ubwo Abatutsi bari baratangiye kwibasirwa n'abicanyi, byari ngombwa ko Muvunyi abwira imbaga y'abantu bari aho gushakisha Abatutsi kuko hari abana n'abagore bari bihishe mu mazu hirya no hino, bakaba rero bari bakiriho[176]. AMJ avuga ko imbaga y'abantu bari aho yumvise ko bukeye bwaho bagombaga guhiga Abatutsi aho bari bihishe hose[177].

99. Umutangabuhamya wiswe CCP avuga ko ijambo rya Muvunyi ryateye ubwoba abantu bamwumvaga, kuko hari abantu basheshe akanguhe n'abakobwa batari bakicwa kandi babanaga neza n'abaturage. Iyo mbaga y'abantu ntiyashakaga kubica ariko Muvunyi avuga ko bagombaga kwicwa bose ntihagire n'umwe usigara[178].

100. Umutangabuhamya wiswe YAI avuga ko yaguye mu kantu yumvise Muvunyi avuga ko abakobwa b'Abatutsikazi bagomba kwirukanwa bagasubira iwabo. Asobanura ko kugeza icyo gihe abo bagore bari bararokotse ubwicanyi bwibasiye imbaga ariko ko amazu y'ababyeyi babo yari yarasenywe. Uyu mutangabuhamya avuga ko yumvaga itegeko Muvunyi yatanze ryo kubirukana ngo basubire iwabo, rishaka kuvuga ko bagomba kwicwa[179].

101. Uburyo abatangabuhamya bashinja basobanukiwe n'ubutumwa Muvunyi yatanze muri iyo nama bujyanye n'ibyo bavuga ku byabaye nyuma y'iyo nama. By'umwihariko, bose bemeza ko nyuma y'iyo nama Abatutsi bakorewe ibikorwa by'urugomo.

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[174]Inyandikomvugo y'iburanisha ryo ku ya 17 Gicurasi 2009, urup. 10 (FBX), n'iryo ku ya 22 Kamena, urup. 12 (CCS).
[175] Inyandikomvugo y'iburanisha ryo ku itariki ya 18 Kamena 2009, urup. 23 (AMJ), n'iryo ku ya 19 Kamena, urup. 26 (YAI).
[176] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 9 (FBX).
[177] Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 23-24 (AMJ).
[178] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 62 (CCP).
[179] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 26 (YAI).

102. FBX avuga ko saa moya za mu gitondo ku munsi wakurikiye uwo inama yabayeho, Abahutu bakoranye kugira ngo bagabe ibitero mu ngo zari zihishemo abagore n'abana b'Abatutsi. Bitwaje impiri, amacumu n'ibyuma, abagabye ibitero bigabanyijemo amatsinda abiri agizwe n'abantu 90 cyangwa 70. Bateye kwa Gérard Senyange bahica abantu batandatu, batera kwa Espérance Mukandanga, Umuhutukazi wari warashatswe n'Umututsi, maze bica abana be batanu ariko we baramureka. Bateye no kwa Sotere bica umwuzukuru we. Hishwe n'abandi bantu FBX atabashije kwibuka[180].

103. Umutangabuhamya wiswe AMJ avuga ko na we yagiye mu bitero byagabwe ku Batutsi hafi saa kumi n'ebyiri n'igice za mu gitondo ku munsi ukurikira uwo inama yabayeho. Avuga ko agaco yarimo kari kagizwe n'abantu bageze kuri batanu, kandi ko akandi gaco kagizwe n'abantu bagera ku 10, kahize abantu mu nsi y'umuhanda w'aho agaco yarimo kari kari. Avuga ko abagabye igitero bari bitwaje intwaro za gakondo zirimo impiri n'amacumu, bagiye: 1) kwa Ananias bahakura abana batatu n'undi wa kane bakuye mu nzu yari hafi aho; 2) kwa Gérard Senyange bahicira abana bari bakuwe kwa Ananias n'abandi bana batatu bari muri urwo rugo; 3) kwa Elias Nzabamwita bahakura umugore we n'umwana we, n'undi mwana basanze munsi y'urwo rugo; 4) kwa Bucumi bahica umuhungu umwe n'undi bataye mu musarane; no 5) kwa Taciana Ntibishoboka aho bakuye umugabo umwe. AMJ avuga ko FBX na CCS bari mu bagabye ibitero kandi ko abantu bose bafashwe bavugwa haruguru bishwe[181].

104. Umutangabuhamya wiswe CCS na we avuga ko yishe Abatutsi nyuma y'inama, ariko ntiyasabwe gusobanura uko byagenze[182]. Mu buhamya bwe mu Rukiko, CCP avuga ko ubwicanyi bwatangiye kare mu gitondo nyuma y'inama kandi ko hishwe abantu benshi: abasaza n'abakecuru, abakobwa n'abana. Avuga kandi ko hari umwana w'Umututsi wishwe inama ikirangira[183]. YAI avuga ko hari abagore bakiri bato bishwe nyuma

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[180] Inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 11-11 (FBX).
[181] Inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 24-28 (AMJ) ; Ikimenyetso gihamya, N° P6-R, cyatanzwe na Porokireri (cyagizwe ibanga) n'ikimenyetso gihamya, N° P11-R, cyatanzwe na Porokireri (cyagizwe ibanga).
[182] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 11 (CCS).
[183] Inyandikomvugo y'iburanisha ryo ku itariki ya 18 Kamena 2009, imp. 62, 63 ; n'iryo ku ya 19 Kamena 2009, imp. 13-15 (CCP).

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y'inama. Cyakora, kubera ko asobanura ko yabimenyeye mu manza za Gacaca, ibyo bigabanya agaciro kahabwa ubuhamya bwe kuri iyo ngingo[184].

105. Mu gusuzuma ukwizerwa kw'abatangabuhamya bashinja, Urugereko rwazirikanye ingingo nyinshi zatanzwe n'Ubwunganizi. Nk'urugero, Ubwunganizi buvuga ko nta wakwemeza ko ubuhamya bwa FBX, AMJ na CCS bushimangirana kubera ko babaye ibyitso mu ikorwa ry'ibyaha. Buvuga ko Urugereko rwagombye kureba niba ubuhamya bw'abo bagabo, ku bivugwa ko Muvunyi yagize uruhare mu ikorwa ry'icyaha, bushimangirwa n'ubw'abandi batangabuhamya batabaye ibyitso mu ikorwa ry'ibyaha[185]. Urugereko ruributsa ko ibivugwa n'Ubwunganizi bitandukanye n'ibivugwa mu bukemuramanza bw'Urukiko buteganya ko gushingira ku buhamya bw'abagabo bababye ibyitso ubwabyo atari ikosa mu mategeko[186]. Kubera ko rwemeje ko ubuhamya bwa FBX, AMJ na CCS bwakwizerwa bityo bukagenderwaho, Urugereko rusanga ubuhamya bwabo mu Rukiko bushobora gushimangirana, icy'ingenzi ni uko rubusuzumana ubushishozi, runazirikana uburyo bwose bwatanzwemo[187].

106. Ubwunganizi buvuga kandi ko abatangabuhamya bashinja bari baritswemo n'igitekerezo cyo kwica, bityo bakaba batari bakeneye amabwiriza ya Muvunyi cyangwa ay'undi muntu uwo ari we wese, kubera ko biyemerera ko bari baritabiriye jenoside na mbere y'uko inama y'i Gikore iba[188]. Urugereko ntirwemera ibivugwa n'Ubwunganizi kuko rusanga abatangabuhamya baragize uruhare muri jenoside mbere y'inama yabereye i Gikore bishimangira ukwizerwa kwabo ku byerekeranye n'ibikubiye mu ijambo Muvunyi yavugiye muri iyo nama. Urugereko rusanga abatangabuhamya bashinja bari bafite inyungu igaragara yo kujya mu nama no gukurikira ijambo rya Muvunyi kuko bari bashishikajwe no guhiga Abatutsi ngo babice, ibi bikaba atari ko bimeze ku bagabo bashinjura batanze ubuhamya ku byabaye kubera ko bo batagize uruhare muri jenoside kandi bakaba batari batuye i Gikore.

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[184] Inyandikomvugo y'iburanisha, 19 Kamena 2009, imp. 26-27 (YAI).
[185] Inyandikomvugo y'iburanisha, 2 Ukwakira 2009, urup. 7 (imyanzuro nsozarubanza y'Ubwunganizi mu magambo)
[186] Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 128.
[187] Ni kimwe no haruguru ; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 98.
[188] Imyanzuro nsozarubanza y'Ubwunganizi, igika 52.

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107. Urugereko rusanga hari ibibazo byinshi bikomeye byerekeranye n'ukwizerwa kw'abagabo bashinjura batanze ubuhamya ku byabaye**.** Icya mbere gikomeye, nta n'umwe muri abo batangabuhamya wari utuye i Gikore muri icyo gihe habaga inama. Umutangabuhamya witwa Iryivuze yaje mu modoka zari kumwe n'iya Muvunyi kandi yari agiye gusura umuryango we muri Komine ya Kibayi. Yagiye mu nama yabereye i Gikore kubera ko ageze i Kibayi yiyemeje gusubirana n'izo modoka i Butare anyuze i Gikore kugira ngo agurire ise umuti[189]. MO78 yagombye kugenda ibirometero bigeze kuri 12 mu modoka ya komine kugira ngo ajye mu nama[190] naho MO99, wabaga i Kigali akaza guhungira ku babyeyi be hafi ya Gikore, yagenze ibirometero umunani ku maguru kugira ngo ajye muri iyo nama[191].

108. Urugereko rusanga Ubwunganizi buvuga ko Iryivuze ari we ushobora gusobanura neza amagambo yavuzwe na Muvunyi, kubera ko yakoranye urugendo umunsi wose n'abandi bantu bari bagiye kuremesha iyo nama kandi akumva Muvunyi avuga inshuro ebyiri. Ubwunganizi buvuga ko Iryivuze yashoboraga kumenya neza ibyari bikubiye mu ijambo rya Muvunyi ndetse n'icyo yari agamije[192].

109. N'ubwo rwemera ko Iryivuye afite amakuru menshi kurusha abandi kubera ko yakoranye urugendo n'abantu bari kumwe na Muvunyi, Urugereko ruributsa ko uyu mutangabuhamya atakoze urwo rugendo kugira ngo yumve amagambo yari kuvugwa, ko ahubwo yakoranye n'abo bantu urwo rugendo kubera ko bamutwaye mu modoka ku buntu agiye gusura umuryango we. Urugereko rwibutsa by'umwihariko ko Iryivuze yagiye mu nama yabereye i Gikore kubera gusa ko ari Kibaye yafashe icyemezo cyo kunyura i Gikore ngo ajyane n'izo modoka i Butare kugira ngo agurire ise umuti wa malariya[193]. Kubera izo mpamvu, kubera ko Iryivuze atabaga i Gikore ndetse akaba ashobora kuba muri iyo nama yari ahangayikishijiwe n'uburwayi bwa se, Urugereko rusanga kuba yarajyanye n'abantu bari kumwe na Muvunyi atari impamvu yatuma yizerwa kurushaho. Urugereko rusanga

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189 Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 12, 20 na 21 (Ageze i Kibayi, Iryivuze yamenye ko ise arwaye malariya maze yiyemeza gukomeza urugendo ajya i Butare kumugurira umuti).
190 Inyandikomvugo y'iburanisha, 25 Kanama 2009, imp. 22, 23 (MO78).
191 Inyandikomvugo y'iburanisha, 19 Kanama 2009 (iburanisha mu muhezo), urup. 9 (MO99).
192 Imyanzuro nsozarubanza y'Ubwunganizi, igika 53 ; inyandikomvugo y'iburanisha ryo ku itariki ya 2 Ukwakira 2009, imp. 9 (imyanzuro y'Ubwunganizi mu magambo), n'iryo ku ya 24 Kanama 2009, imp. 13-17 (Iryivuze).
193 Inyandikomvugo y'iburanisha, 24 Kanama 2009, imp. 12, 20 na 21 (Ageze i Kibayi, Iryivuze yamenye ko ise arwaye malariya maze yiyemeza gukomeza urugendo ngo ajye i Butare kumugurira umuti).

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ahubwo, ugereranyije na FBX, AMJ, CCP na CCS bari batuye i Gikore kandi bakagira uruhare muri jenoside, Iryivuze atari afite impamvu ikomeye yatuma ashishikarira gukurikira amagambo yavugiwe muri iyo nama.

110. Byongeye kandi, Urugereko rusanga MO78 na MO79 batari bafite impamvu igaragara yatuma bakurikiranira hafi ijambo rya Muvunyi kubera ko na bo batari batuye i Gikore.

111. Mu buhamya bwabo mu Rukiko, MO78 na MO99 bavuga ko nyuma y'inama nta bikorwa by'urugomo byabayeho[194]. MO78 avuga ko yiboneye ko hari ituze nyuma y'inama[195]. Cyakora, uyu mutangabuhamya yakoze urugendo rw'ibirometero bigera kuri 12 ari mu modoka ya komine agiye muri iyo nama[196] kandi, nk'uko Urugereko rubibona, umwanzuro rukumbi ushyize mu gaciro wafatwa ni uvuga ko inama irangiye, MO78 yasubiye muri segiteri avukamo ari mu modoka ya komine. Mu by'ukuri, mu ibaza rinyomoza, MO78 yemeye ko atazi ibyabaye i Gikore nyuma y'inama. Urugereko rusanga icyo gisubizo gituma ubuhamya bwe butakwizerwa cyane[197]. Mu buhamya bwe mu Rukiko, MO99 na we avuga ko inama yabereye mu birometero birindwi cyangwa umunani uvuye muri segiteri yabagamo icyo gihe. Yagiye i Gikore n'amaguru buri bucye ngo inama ibe kandi inama irangiye yarayeyo ijoro rimwe[198].

112. Rumaze gusuzumana ubushishozi ibimenyetso byatanzwe, Urugereko ntirwemera ubuhamya bushinjura buvuga ko nta bikorwa b'urugomo byabaye nyuma y'inama yabereye i Gikore. Rusanga MO78 atavugisha ukuri ku byerekeranye n'ibyabaye nyuma y'iyo nama, cyangwa akaba yaratanze ubuhamya ku kintu cyabaye atiboneye.

113. Byongeye kandi, Urugereko rusanga ubuhamya bwa MO99 buvuga ko nta bikorwa by'urugomo byabaye nyuma y'inama buteye ibibazo. Mu ibaza ry'ibanze no mu rinyomoza, uyu mutangabuhamya yivugiye ko azi neza ko nta bikorwa by'urugomo byabaye nyuma y'inama[199]. N'iyo Urugereko rutazirikana imyitwarire y'uyu mutangabuhamya mu Rukiko, n'iyo rutazirikana ukuntu yagiye ahunga ibibazo n'ukuntu

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194 Inyandikomvugo y'iburanisha ryo ku itariki ya 25 Kanama 2009, urup. 17 (MO78), n'iryo ku ya 17 Nzeri 2009, imp. 14, 28 (MO99).
195 Inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 17 (MO78).
196 Inyandikomvugo y'iburanisha, 25 Kanama 2009, imp. 22, 23 (MO78).
197 Inyandikomvugo y'iburanisha, 25 Kanama 2009, urup. 23 (MO78).
198 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 6, 7 (iburanisha mu muhezo), na15, 29 (MO99).
199 Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 14, 28 (MO99).

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yagiye yivuguruza, ni hahandi rwasanga atakwizerwa cyane umugereranyije n'abatanga-buhamya bashinja biswe FBX na AMJ. Aba batangabuhamya bavuga, nta cyo bahisha, ko bagize uruhare mu bwicanyi bw'Abatutsi nyuma y'inama. Banatanga ibisobanuro byinshi ku bwicanyi, nk'isaha bwatangiriyeho, uko bwakozwe n'amazina y'ababuguyemo[200]. Kubera izo mpamvu, Urugereko rusanga MO99 atakwizerwa kuri iyi ngingo.

114. Urugereko rero rusanze inama y'i Gikore yaraye ibaye, Abatutsi baragabweho igitero bakanicwa. N'ubwo CCP ari we mutangabuhamya wenyine uvuga ko hari umwana wishwe inama ikirangira, Urugereko rusanga ubuhamya bwe kuri iyo ngingo bwakwizerwa. By'umwihariko, kubera ko uyu mutangabuhamya avuga ko uwo mwana yiciwe inyuma y'amazu yari hafi y'ahantu inama yabereye, birumvikana ko abantu bari muri iyo nama batabonye bose iyicwa rye[201].

115. Urugereko rwemera ko abatangabuhamya bashinjura bagiye muri iyo nama y'i Gikore batahamwe n'icyaha cyangwa ngo bakekweho kuba barakoze icyaha icyo ari cyo cyose gifitanye isano na jenoside. Cyakora, rusanga ibyo bavuga ku ijambo rya Muvunyi bitakwizerwa kubera impamvu nyinshi.

116. N'ubwo abagabo bose bashinjura batanze ubuhamya ku byabaye bavuga ko Muvunyi yavuze ku isubiranamo ry'abaturage kandi ko atahamagariye abantu kwica Abatutsi, Urugereko rusanga iyo ngingo ari yo yonyine ubuhamya bwabo buhurizaho ku birebana n'ibikubiye mu ijambo Uregwa yavuze. Mu by'ukuri, ugereranyije n'ubuhamya bwatanzwe n'abagabo bashinja, ubuhamya bw'abagabo bashinjura ku byabaye hari byinshi budahurizaho.Urugereko rusanga ubwo buhamya bunyuranya ku ngingo nyinshi z'ingenzi.

117. Mu buhamya bwe, Iryivuze avuga ko Muvunyi yavuze ku ngamba za gisirikare no kuri FPR, mu gihe MO78 we avuga ko Muvunyi yavuze ku bagizi ba nabi, abasirikare batorokaga ingabo, no kuri FPR. MO99 avuga ko Muvunyi yavuze ku bitero byihariye no ku gitero cyashoboraga guturuka i Burundi. N'ubwo bidatangaje ko abatangabuhamya basobanura mu buryo butandukanye ibyabaye mu nama kubera igihe gishize ibivugwa bibaye, Urugereko rusanga kuba abagabo bashinjura ku byabaye badahuza kuri iyo ngingo

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[200] Reba haruguru igika 102 na 103.
[201] Inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 14 (CCP).

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mu buhamya bwabo, ugereranyije n'abagabo bashinja, ibyo bituma ubuhamya bwabo bukemangwa.

118. Urugereko rusanga kandi hari ikibazo cyihariye gituma rutakwizera ubuhamya bw'umugabo ushinjura wiswe MO99 ku byerekeye ibyo Muvunyi yavuze mu ijambo rye. Uyu mutangabuhamya avuga ko yavuye i Kigali agiye i Butare ku itariki ya 16 Mata 1994, ari hamwe na fiyanse we mu modoka[202]. Cyakora, ubwo yabazwaga mu ibaza rinyomoza, niba uwo fiyanse we w'Umututsikazi yari akeneye kurindirwa umutekano muri urwo rugendo kubera jenoside yakorwaga, MO99 yashubije ko atari we wagombaga kumurindira umutekano kuko na we yari mu kaga nk'ak'uwo mufiyanse we[203]. Urugereko rusanga icyo gisubizo kigaragaza ko uyu mutangabuhamya atari gushishikarira gukurikirana ikintu cyose cyekeranye n'Abatutsi Muvunyi yavugiye mu nama y'i Gikore, kuko atari yitaye ku mutekano muke cyane Abatutsi bari bafite muri icyo gihe.

119. Byongeye kandi, kuba hafi y'abatangabuhamya bose bashinja n'abashinjura bavuga ko ubwicanyi bwatangiye mu karere ka Gikore ku itariki ya 22 Mata cyangwa hafi y'iyo tariki, kandi ko bwari bwaracogoye cyane igihe inama yabaga[204], Urugereko rusanga bidashoboka ko abategetsi baba baratumije iyo nama bagamije gusa kugarura umutekano, nyuma y'igihe kinini ubwicanyi bwari bumaze bukorwa, nk'uko Ubwunganizi bubivuga. Mu by'ukuri, MO99 yavuze ko asanga abategetsi baragombaga kuba barabwiye abaturage ariya magambo muri Mata kugira ngo baburizemo ubwicanyi[205]. Urugereko rusanga icyo kibazo na cyo cyatuma ubuhamya bw'abagabo bashinjura ku byabaye butakwizerwa.

4.3 Gukoresha imigani

[202] Inyandikomvugo y'iburanisha, 17 Nzeri 2009 (iburanisha mu muhezo), urup. 6 (MO99).
[203] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 18 (MO99).
[204] FBX, inyandikomvugo y'iburanisha, 17 Kamena 2009, imp. 22, 23 (ubwicanyi bwatangiye ku itariki ya 22 Mata) ; AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 32 (Abantu batangiye kwica Abatutsi bahereye ruhande ku itariki ya 19 Mata); CCP, inyandikomvugo y'iburanisha ryo ku itariki ya 17 Gicurasi 2009, urup. 67 (iburanisha mu muhezo), n'iryo ku ya 19 Kamena 2009, urup. 7 (ubwicanyi bwatangiye ku itariki ya 22 Mata. Iyo nama iba, ubwicanyi bwari bwarahagaze i Gikore) ; YAI, inyandikomvugo y'iburanisha, 19 Kamena 2009, urup. 23 (umutekano warushijeho kuba mubi ku itariki ya 20 Mata) ; Iryivuze, inyandikomvugo y'iburanisha, 24 Kanama 2009, urup. 28 (iyo nama y'i Gikore iba, ubwicanyi bwari bwarahagaze); MO78, inyandikomvugo y'iburanisha, 26 Kanama 2009, imp. 11 (iburanisha mu muhezo), 23 (ibintu byarahindutse hashize ibyumweru bibiri, nyuma y'itariki ya 12 Mata ; ibitero byatangiye mu mpera za Mata) ; MO99, inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 14 na 25 (ibintu byarushijeho kumera nabi mu byumweru bibiri bya nyuma bya Mata).
[205] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, urup. 14 (MO99).

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120. Ubwunganizi buvuga ko n'ubwo mu Nyandiko y'ibirego Muvunyi ashinjwa guhamagarira abantu gukora jenoside akoresheje imigani y'ikinyarwanda, abatangabuhamya bashinja bake ari bo bavuga ibyo bintu[206]. Cyakora, Urugereko ruributsa ko: 1) FBX avuga ko Muvunyi yababwiye ko n'ubwo abantu bangaga gutanga Abatutsi bihishe, bagombaga kubatanga kuko iyo inzoka yizingiye ku gisabo, ugomba kwica inzoka, byaba ngombwa ukamena n'icyo gisabo[207]; 2) AMJ avuga ko Muvunyi yavuze ko impinja zavutse nyuma y'itariki ya 6 Mata, zibyawe n'abakobwa b'Abatutsikazi bashatswe n'Abahutu zigomba kwicwa nk'uko inzoka zicwa[208]; 3) CCP avuga ko Muvunyi yagereranyije Abatutsi n'inzoka maze avuga ko bagomba kwicwa[209]; kandi 4) uyu mutangabuhamya avuga ko Muvunyi yakoresheje umugani w'ikinyarwanda ashaka kuvuga ko abakobwa b'Abatutsikazi "barongowe" n'Abahutu bagombaga kugwa ishyanga inyuma y'ishyamba[210].

121. Kubera izo mpamvu, Urugereko rusanga abo bagabo bose uko ari bane bavuga ko Muvunyi yakoresheje imigani y'ikinyarwanda ashaka guhamagarira abamwumvaga kwica Abatutsi. Ikindi kandi, batatu mu batangabuhamya bashinja bavuga ko Muvunyi yakoresheje imigani agereranya Abatutsi n'inzoka, ashaka gukangurira imbaga y'abantu bari aho kwica Abatutsi.

122. Urugereko ruzirikana kandi ubuhamya bwatanzwe na Evariste Ntakirutimana, umuhanga mu by'imikoreshereze y'ururimi mu mibereho n'imico y'abantu, wemewe nk'umutanga-buhamya w'impuguke wahamagajwe na Porokireri[211]. Hashingiwe ku ngingo ya 92 *bis* y'Amategeko, Porokireri yashyikirije Urugereko inyandiko ikubiyemo ubuhamya iyo mpuguke yatanze mu rubanza rwa Nyiramasuhuko na bagenzi be, na raporo ye yitwa "*Analyse sociolinguistique de certains énoncés polysémiques produits lors de la période de*

[206] Imyanzuro nsozarubana y'Ubwunganizi , igika 51 ; Inyandikomvugo y'iburanisha, 2 Ukwakira 2009, urup. 13 (imyanzuro nsozarubanza y'Ubwunganizi mu magambo).
[207] Inyandikomvugo y'iburanisha, 17 Kamena 2009, urup. 8 (FBX).
[208] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 23 (AMJ).
[209] Inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 60 (CCP).
[210] Inyandikomvugo y'iburanisha, 17 Nzeri 2009, imp. 60, 61.
[211] Urubanza rwa Muvunyi mu rw'iremezo, Icyemezo cyo kwakira ubuhamya bw'umugabo w'impuguke witwa Evariste Ntakirutimana, 29 Mutarama 2009.

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guerre (1990-1994) au Rwanda" [Isesenguramvugo ry'amwe mu magambo ngwizanyito yakoreshejwe mu gihe cy'intambara (1990-1994) mu Rwanda]. [212].

123. Mu buhamya bwe, Ntakirutimana avuga ko umugani ari interuro ishobora guhina imvugiro yose. Umuntu akoresha umugani ashaka gusobanura ibintu byinshi bishoboka ariko akoresheje amagambo make. Imigani isobanura ukuri kwemewe hose kandi igakoreshwa hagamijwe guhina ubutumwa, ivuga ibintu byemewe hose kandi buri muntu yagombye kuba azi cyangwa kwemera[213].

124. Ntakirutimana asobanura ko gukoresha imigani bituma abantu bategа amatwi uvuga ijambo, imigani ikaba ikoreshwa cyane mu kinyarwanda abantu bashaka kumvikanisha igitekerezo cyabo, cyane cyane mu biganiro bigamije gushishikaza abantu, kubumvisha igitekerezo cyangwa kubaburira[214]. Yongeyeho ko mu Rwanda imigani yakoreshwaga cyane kubera ko kenshi ikoreshwa n'abantu bamenyereye umuco wo gushyikirana mu magambo, aho kwandika. Gukoresha umugani bituma rero abantu basobanukirwa ubutumwa burimo gutangwa. Bituma uvuga ashyikirana byoroshye n'abo abwira[215]. Ntakirutimana avuga kandi ko mu gihe cy'intambara yo mu Rwanda, abafataga ijambo birindaga kwerura ngo bavuge amazina y'uwo bahanganye, ni ukuvuga Abatutsi, kugira ngo hatagira ababyivangamo cyangwa amahanga agahurura[216] .

125. Nk'urugero, ijambo "inzoka" ryakoreshwaga mu kwerekana ko Abatutsi batagombaga kugirirwa impuhwe[217]. Ntakirutimana avuga ko igisabo ari igikoresho babikagamo amata gifite agaciro kanini mu muco. Bityo rero, umugani uvuga ngo "iyo inzoka yizingiye ku gisabo, icyo gisabo kigomba kumenwa kugira ngo bice […] iyo nzoka" bisobanura ko iyo

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[212] Ibimenyetso gihamya, N° P1-R na P3-R, byatanzwe na Porokireri (Inyandikomvugo y'iburanisha, 13 Nzeri 2004, urup. 42).
[213] Ikimenyetso gihamya, N° P3-R, cyatanzwe na Porokireri (Inyandikomvugo y'iburanisha, 13 Nzeri 2004, urup. 64).
[214] Ikimenyetso gihamya, N° P1-R, cyatanzwe na Porokireri, urup. 18.
[215] Ikimenyetso gihamya, N° P3-R, cyatanzwe na Porokireri (Inyandikomvugo y'iburanisha, 13 Nzeri 2004, urup. 64).
[216] Ikimenyetso gihamya, N° P1-R, cyatanzwe na Porokireri, urup. 36.
[217] Ikimenyetso gihamya, N° P1-R, cyatanzwe na Porokireri, urup. 24.

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umuntu afite ikintu cy'agaciro ariko gishobora kumugirira nabi, hari gihe biba ngombwa ko akura amaboko kuri icyo kintu kugira ngo arengere ubuzima bwe[218].

126. Abatangabuhamya biswe FBX, AMJ na CCP bumvise ko ijambo rya Muvunyi ribahamagarira guhiga Abatutsi aho bihishe ngo babice. YAI avuga ko muri iryo jambo yumvise Muvunyi acira urwo gupfa abakobwa b'Abatutsikazi bari batari bicwa. Urugereko rwemera ubuhamya bw'aba bagabo ndetse n'ubwa Ntakirutimana, maze rukanzura ruvuga ko mu muco nyarwanda, igihano gihabwa inzoka ari ukwicwa. Bityo rero, Urugereko rusanga kwita Umututsi inzoka bisa nk'aho ari ukumucira urwo gupfa[219].

127. Kubera izo mpamvu, nyuma yo gusuzumana ubushishozi ibyo bimenyetso, Urugereko rusanze ibimenyetso bigaragaza neza ko umwanzuro rukumbi ushyize mu gaciro wafatwa ari uvuga ko imbaga y'abantu bari kuri santeri y'ubucuruzi ya Gikore yumvise ko Muvunyi yayisabaga guhiga Abatutsi bari bihishe ngo babice. Uyu mwanzuro ushingiye ku buhamya Urugereko rwemera buvuga ko Abatutsi bari bihishe, cyane cyane abagore n'abana, baje guhigwa no kwicwa bukeye mu gitondo inama yaraye ibaye.

128. Urugereko rusanze, nta gushidikanya, Muvunyi yaravuze ririya jambo agamije guhamagarira abamwumvaga gukora ibikorwa bya jenoside. Urugereko rusanze kandi Porokireri yaragaragaje ku buryo budashidikanywaho ko Muvunyi yari yaritswemo n'igitekerezo cya ngombwa cyo kurimbura Abatutsi abaziza icyo bari cyo.

129. Urugereko rusanga na none ubuhamya bwatanzwe mu Rukiko n'abagabo bashinjura, ari bo Bimenyimana, MO69, MO31 na MO103, ku myifatire y'Uregwa bwakwizerwa muri rusange, maze rukaba rubwemeye[220]. Urugereko rusanga Ubwunganizi bushaka ko ubwo buhamya bwifashishwa mu gusuzuma igitekerezo cyo gukora icyaha Muvunyi yari afite[221].

130. Urugereko ruributsa ko abo batangabuhamya bavuga, muri rusange, ko Muvunyi yafashije Abatutsi muri jenoside kandi ko, muri kamere ye, atari umuntu ushobora guhamagarira

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[218] Ikimenyetso gihamya, N° P3-R, cyatanzwe na Porokireri (Inyandikomvugo y'iburanisha, 13 Nzeri 2004, imp. 60, 61).
[219] Ikimenyetso gihamya, N° P1-R, cyatanzwe na Porokireri, urup. 31.
[220] Reba haruguru igika 39.
[221] Inyandikomvugo y'iburanisha, 2 Ukwakira 2009, urup. 12 (Imyanzuro nsozarubanza y'Ubwunganizi mu magambo).

abandi bantu gukora jenoside yibasiye Abatutsi. Cyakora, Urugereko rusanga ibimenyetso rwashyikirijwe bigaragaza ko inkunga Muvunyi yateye Abatutsi yari nto ndetse ko yafashije abo yihitiyemo, cyangwa agafasha gusa Abatutsi bari inshuti z'inshuti ze cyangwa inshuti z'umuryango we. Urugereko ruributsa kandi ko mu buhamya bwe, MO31 avuga ko Muvunyi yakekwagaho kuba icyitso [cy'Inkotanyi] maze rukemera ko Muvunyi yafashe ijambo kuri santeri y'ubucuruzi ya Gikore kugira ngo agaragaze ko ashyigikiye igitekerezo cy'abandi bategetsi.

131. Cyakora, kubera ibyo Muvunyi yavuze muri iryo jambo, kubera ko yibasiye by'umwihariko Abatutsi; kubera uko ibintu byari byifashe muri icyo gihe, aho muri ako karere hari harabaye ubwicanyi bwahitanye imbaga y'Abatutsi kandi Muvunyi ibyo akaba yaragombaga kuba abizi; no kubera ko yavugiye iryo jambo imbere y'imbaga y'abantu benshi, Urugereko rusanze, nta gushidikanya, Muvunyi yari yaritswemo n'igitekerezo cyo gukora jenoside.

132. Kubera izo mpamvu, Urugereko rusanze, ku buryo budashidikanywaho, Muvunyi ahamwa n'icyaha cyo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame, gukora jenoside. Icyo cyaha yagikoreye kuri santeri y'ubucuruzi ya Gikore mu gice cya kabiri cy'ukwezi kwa Gicurasi 1994.

UMUTWE WA 4: IMIKIRIZE Y'URUBANZA

133. Kubera impamvu zavuzwe muri uru rubanza, rumaze gusuzuma ibimenyetso byose rwashyikirijwe hamwe n'ibivugwa n'ababuranyi, Urugereko rwa Mbere rw'Iremezo rwemeje, ku bwumvikane bw'abacamanza bose bagize inteko, ko Tharcisse Muvunyi

AHAMWE n'icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

UMUTWE WA 5: IGIHANO

1. INTANGIRIRO

134. Kubera ko rwamaze guhamya Muvunyi icyaha cyo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame gukora jenoside, Urugereko rugiye kumugenera igihano.

135. Ingingo zikurikizwa mu igenagihano ni iya 22 n'iya 23 za Sitati n'ingingo ya 99 kugeza ku ya 106 z'Amategeko. Umuntu wese Urukiko ruhamije icyaha ahanishwa igihano cyo gufungwa imyaka runaka cyangwa burundu[222]. Igihano gitanzwe kigomba kujyana n'intego zo guhana ari zo: gutuma uwakoze icyaha atanga impongano yacyo, guca intege uwo ari we wese washaka gukora icyaha, gutuma uwagikoze yikosora, no kurinda umuryango muntu. Rushingiye ku ngingo ya 23 ya Sitati n'iya 101 y'Amategeko, Urugereko ruzirikana urutonde rusange rw'ibihano bitangwa n'inkiko zo mu Rwanda, uburemere bw'ibyaha cyangwa imyitwarire yose y'Uregwa, ibintu birebana n'uregwa ku buryo bwihariye, birimo impamvu zigabanya uburyozwacyaha n'izibwongera. Urugereko rwa Mbere rw'Iremezo ruzirikana kandi niba uregwa yararangije cyangwa atararangiza igihano icyo ari cyo cyose yaba yarakatiwe n'urukiko rw'igihugu ku cyaha gisa n'icyo akurikiranyweho[223]. Urugereko ruzirakana kandi n'ibindi bintu byinshi bitarondowe ahangaha. Ingereko za Mbere z'Iremezo zifite ububasha busesuye bwo kugenera uregwa igihano gikwiye, kubera ko zifite inshingano yo guhana umuntu zitaye ku bimureba ku giti cye, kugira ngo igihano gitanzwe kijyane n'imibereho y'umuntu uhamwe n'icyaha ndetse n'uburemere bw'icyaha kimuhama[224]. Urugereko rugomba gutegeka ko igihe uhamwe n'icyaha yamaze afunze ategereje kwimurirwa mu Rukiko n'igihe yamaze afunzwe aburana, gikurwa mu gihano cyose akatiwe[225].

136. Mu kugena igihano gikwiye, Urugereko rw'Ubujurire rwavuze ko «abantu bameze kimwe kandi baregwa ibintu bisa, bagomba guhabwa ibihano bisa ». Cyakora, rwanasanze iryo hame rifite aho rigarukira kubera ko « buri rubanza rugira ibintu byinshi rwihariye, birimo

[222] Ingingo ya 101 A) y'Amategeko.
[223] Ingingo ya 23 (1)-(3) ya Sitati, n'ingingo ya 101 (B)(i)-(iv) y'Amategeko.
[224] Inyandiko y'urubanza rwa Nahimana na bagenze be mu bujurire, ibika 1037, 1046.
[225] Inyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 290. Reba ingingo ya 101 C) y'Amategeko.

umubare w'ibyaha byakozwe n'ubwoko bwabyo, n'ibintu birebana n'uregwa ku buryo bwihariye»[226].

137. Byongeye kandi, Urugereko ruributsa amabwiriza y'Urugereko rw'Ubujurire avuga ko nyuma yo kuburanisha urubanza bundi bushya, igihano cyahabwa Muvunyi kitagomba kurenga imyaka 25 y'igifungo yari yarakatiwe mbere mu rw'iremezo[227].

2. IGENABIHANO

138. Porokireri avuga ko Muvunyi akwiye gukatirwa igihano cy'igifungo cy'imyaka 25 kubera ibyaha yakoze, uburemere bwabyo, imibereho ye bwite, impamvu zongera uburyozwacyaha, kuba nta mpamvu zigabanya uburyozwacyaha ziriho no kuba yaratatiye icyizere abantu bari bamufitiye ndetse agakoresha nabi umwanya w'ubutegetsi yari afite[228]. Ubwunganizi buvuga ko Muvunyi aramutse ahamwe n'icyaha, Urugereko rwagombye kumukatira igihano gihwanye n'igihe amaze afunze, maze rugategeka ko ahita afungurwa[229].

2.1 Uburemere bw'icyaha

139. Urugereko rwemeje, ku buryo budashidikanywaho, ko Muvunyi ahamwa n'icyaha cyo guhamagarira abantu, ku buryo butaziguye kandi muri ruhame, gukora jenoside. Icyo cyaha yagikoreye kuri santeri y'ubucuruzi ya Gikore, mu gice cya kabiri cy'ukwezi kwa Gicurasi 1994[230]. Iki cyemezo gishingiye, kuri bimwe, ku mwanzuro Urugereko rwafashe, ku buryo budashidikanywaho, uvuga ko Muvunyi yari yaritswemo n'igitekerezo cya ngombwa cyo kurimbura Abatutsi abaziza icyo bari cyo[231].

140. Ibyaha byose biteganywa na Sitati y'Urukiko ni ibikorwa binyuranyije bikomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara[232]. Nk'uko gisobanurwa, icyaha cya jenoside ni cyo cyaha gikomeye kurusha ibindi, gihungabanya

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226 Inyandiko y'urubanza rwa Kvočka mu bujurire, igika 681.
227 Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 170.
228 Imyanzuro nsozarubanza ya Porokireri, igika 168.
229 Imyanzuro nsozarubanza y'Ubwunganizi, igika 57.
230 Reba haruguru, igika 132.
231 Reba haruguru, igika 128.
232 Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 367 (havugwa ibiteganywa n'ingingo ya 1 ya Sitati).

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

ishingiro ry'umuryango muntu. Urugereko rwumva ko icyaha cyo guhamagarira abantu, mu buryo butaziguye kandi mu ruhame gukora jenoside, na cyo gifite uburemere nk'ubw'icyaha cya jenoside.

141. Urugereko ruzirikana ko Urugereko rw'Ubujurire rwategetse ko igihano cyahabwa Muvunyi nyuma yo kongera kuburanisha urubanza kitagomba kurenga igifungo cy'imyaka 25 yakatiwe mu rw'iremezo[233].

142. Urugereko kandi rwazirikanye ibihano bitangwa muri rusange muri uru Rukiko, by'umwihariko ibyatanzwe mu rubanza rwa Bikindi, urwa Kajelijeli n'urwa Ruggiu. Simon Bikindi, Juvénal Kajelijeli na Georges Ruggiu bahamijwe icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside. Bikindi na Kajelijeli bakatiwe igihano cy'igifungo cy'imyaka 15 naho Ruggiu akatirwa igihano y'igifungo cy'imyaka 12[234].

2.2 Ibintu byihariye birebana n'Uregwa

143. Urugereko rufite ububasha busesuye bwo kugena ibintu bigize impamvu zigabanya uburyozwacyaha n'izibwongera, n'agaciro kahabwa izo mpamvu. Impamvu zongera uburyozwacyaha zigomba kugaragazwa ku buryo budashidikanywaho, naho impamvu zigabanya uburyozwacyaha zo zigomba kugaragazwa gusa herekanwa ko ibizivugwamo bishobora kuba ari ukuri kuruta uko byaba atari ukuri"[235]". Kugaragaza impamvu zigabanya uburyozwacyaha ntibivuga ko bigomba, byanze bikunze, gutuma uregwa agabanyirizwa igihano. Nyamara ariko, Urugereko rugomba kuzirikana izo mpamvu igihe rufata icyemezo cya nyuma[236].

2.2.1 Impamvu zongera uburyozwacyaha

144. Porokireri avuga ko umwanya Muvunyi yari afite nk'umuntu wari umaze igihe kinini ari umusirikare mukuru, no kuba yari umutegetsi mukuru wa gisirikare muri Perefegitura ya Butare ubwo yari umuyobozi wa ESO i Butare, ari impamvu zongera uburyozwacyaha

[233] Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 170.
[234] Inyandiko y'urubanza rwa Bikindi mu rw'iremezo, igika 460, Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo, igika 968, n'Inyandiko y'urubanza rwa Ruggiu mu rw'iremezo, igika 19.
[235] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 1038.
[236] Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 267.

zikomeye[237]. Avuga ko aho gutegeka abasirikare n'abandi bantu bari bashinzwe umutekano kurinda Abatutsi, Muvunyi yahisemo gukoresha umwanya yari afite ngo ahamagarire abaturage b'abasiviri kwica abo Batutsi[238].

145. Porokireri avuga ko umurava no gushishikara byaranze Muvunyi mu gukora icyo cyaha, no kuba yaragikoze ku buryo giteza ububabare butagira igaruriro abagikorewe n'imiryango yabo bishobora gufatwa nk'impamvu yongera uburyozwacyaha[239].

146. Urugereko ruzirikana ko Muvunyi yari Liyetona Koloneli mu gisirikare cy'u Rwanda icyo gihe, akorera mu Ishuri ry'abasuzofisiye muri Perefegitura ya Butare, nk'uko byasesenguwe mu Mutwe wa III, icyiciro cya 3 cy'iyi nyandiko y'urubanza. Urugereko rusanga ijambo Uregwa yari afite kubera uwo mwanya, ryaratumaga abandi bantu bashobora kwitabira ibyo abahamagariye gukora. Rusanga kandi Muvunyi yarakoresheje nabi igihagararo yari afite muri rubanda ubwo yahamagariraga abantu gukora jenoside, bityo rugasanga ibyo ari impamvu yongera uburyozwacyaha.

2.2.2 Impamvu zigabanya uburyozwacyaha

147. Ubwunganizi bwahamagaje abagabo bane batanze ubuhamya ku myifatire y'Uregwa kandi Urugereko rwemeye ubuhamya bwabo[240]. Abo batangabuhamya bavuga ko Muvunyi: 1) yohereje abasirikare bo kurindira umutekano w'umusenyeri na zimwe mu mpunzi z'Abatutsi zari muri Perefegitura ya Butare; 2) yashyize impfubyi z'Abatutsi mu bigo birera impfubyi; 3) yashinjwaga kuba icyitso cya FPR; 4) yabanaga neza n'Abatutsi kandi yari afitanye amasano na bo.

148. Ubwunganizi busaba Urugereko kuzirikana ko Muvunyi aregwa icyaha kimwe gusa cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside. Buvuga ko icyo cyaha cyakozwe umunsi umwe, mu gihe gito nyuma ya saa sita, kandi cyerekeranye n'ijambo yavugiye ahantu kure mu Rwanda ndetse ryamaze iminota mike[241].

[237] Imyanzuro nsozarubanza ya Porokireri, ibika 179, 180.
[238] Imyanzuro nsozarubanza ya Porokireri, ibika 179, 180.
[239] Imyanzuro nsozarubanza ya Porokireri, igika 181.
[240] Reba haruguru, ibika 39,124.
[241] Imyanzuro nsozarubanza y'Ubwunganizi, igika 57.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

149. Porokireri avuga ko muri uru rubanza, nta mpamvu n'imwe iriho igabanya uburyozwacyaha. Yongeraho ko Muvunyi atigeze afatanya na Porokireri cyangwa ngo agaragaze ko ababajwe n'ibyo yakoze cyangwa ko abyicuza[242].

150. Rukoresheje ububasha busesuye rufite bwo gusuzuma ibintu, Urugereko rusanga inkunga Muvunyi yateye Abatutsi bake muri jenoside itafatwa nk'impamvu igabanya uburyozwacyaha, kubera ko yafashije abantu bake kandi yihitiyemo. Byongeye kandi, Urugereko rusanga kuba Muvunyi yaritwaga icyitso cya FPR cyangwa kuba yarabanaga neza n'Abatutsi akagira n'Abatutsi bafitanye isano, bitahabwa agaciro mu igenabihano muri uru rubanza.

151. Kubera iyo mpamvu, Urugereko rusanze nta mpamvu igabanya uburyozwacyaha iriho igomba kuzirikanwa mu kumugenera igihano.

2.3 Gukura mu gihano igihe Uregwa amaze afunzwe

152. Muvunyi yafatiwe mu Bwongereza ku itariki ya 2 Gashyantare 2000, maze ku itariki ya 30 Ukwakira 2000 agezwa muri Gereza y'Umuryango w'Abibumbye iri Arusha, ari naho afungiye kuva icyo gihe. Hashingiwe ku ngingo ya 101 C) y'Amategeko, Muvunyi afite uburenganzira bwo gukurirwa mu gihano akatiwe, igihe cyose amaze afunze guhera ku itariki ya 5 Gashyantare 2000.

3. UMWANZURO

153. Kubera izo mpamvu zose zimaze kuvugwa haruguru, Urugereko **RUKATIYE** Tharcisse Muvunyi

IGIHANO CY'IGIFUNGO CY'IMYAKA 15 .

154. Icyo gihano kirahita gitangira kurangizwa, kandi, hashingiye ku ngingo ya 101 C) y'Amategeko, igihe Muvunyi yamaze afunze guhera ku itariki ya 5 Gashyantare 2000 kirakurwa muri icyo gihano.

[242] Imyanzuro nsozarubanza ya Porokireri, igika 184.

155. Igihugu Muvunyi azafungirwamo, mu rwego rwo kurangiza igihano, kizagenwa na Perezida w'Urukiko abigiyeho inama n'Urugereko rwa Mbere rw'Iremezo, Gerefiye akazabimenyesha Guverinoma y'u Rwanda n'icyo gihugu cyagenwe.

156. Mu gihe agitegereje kwimurirwa mu gihugu kizagenwa cyo kurangirizamo igihano, Muvunyi azakomeza gufungwa mu buryo bumwe n'ubwo ubu afunzwemo.

157. Nk'uko biteganywa n'ingingo ya 102 B) y'Amategeko, Muvunyi najurira igihano kizasubikwa kugeza igihe urubanza mu bujurire ruzasomerwa, cyakora azakomeza gufungwa.

Bikorewe Arusha, ku itariki ya 11 Gashyantare 2010, mu rurimi rw'icyongereza.

[umukono]	[umukono]	[umukono]
Dennis C.M. Byron	Gberdao Gustave Kam	Vagn Joensen
Perezida w'Urugereko	Umucamanza	Umucamanza

[Ikirangantego cy'Urukiko]

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

UMUGEREKA WA I: AMAVU N'AMAVUKO Y'URU RUBANZA

158. Tharcisse Muvunyi yafatiwe mu Bwongereza ku itariki ya 5 Gashyantare 2000, maze yimurirwa muri Gereza y'Umuryango w'Abibumbye Arusha (Tanzaniya) ku itariki ya 30 Ukwakira 2000. Ubwo yitabaga Urukiko bwa mbere, imbere y'Umucamanza William Sekule ku itariki ya 8 Ugushyingo 2000, Muvunyi yahakanye ibyaha byose yaregwaga.

159. Ku itariki ya 12 Nzeri 2006, Urugereko rwa Mbere rw'Iremezo II rw'uru Rukiko rwahamije Muvunyi ibikorwa binyuranye bigize icyaha cya jenoside, guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside, n'ibindi bikorwa birenze kameremuntu, maze rumukatira igihano cy'igifungo cy'imyaka 25[243]. Ku itariki ya 29 Kanama 2008, Urugereko rw'Ubujurire rwavanyeho ibyemezo byose bimuhamya ibyaha hamwe n'igihano, ariko rutegeka ko urubanza ruburanishwa bundi bushya ku cyaha kimwe rukumbi cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside. Icyo cyaha kivugwa mu kirego cya 3 cyo mu Nyandiko y'ibirego[244].

1. URUBANZA RUSHYA

160. Mu kirego cya 3 cyo mu Nyandiko y'ibirego, Porokireri ashinja Muvunyi icyaha cyo guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside. Icyo cyaha giteganywa n'ingingo ya 2 (3)c) ya Sitati. Muvunyi aryozwa icyo cyaha nka gatozi hashingiwe ku ngingo ya 6 (1) ya Sitati[245]. Icyo kirego rukumbi ashinjwa muri uru rubanza rushya kivugwa mu gika cya 3.24 n'icya 3.25 by'Inyandiko y'ibirego.

161. Ku itariki ya 17 Nzeri 2008, Urugereko rw'Ubujurire rwagennye abacamanza bo gusuzuma icyifuzo cy'Ubwunganizi cyasabaga ko Uregwa afungurwa by'agateganyo[246]. Ku itariki ya 25 Nzeri 2009, Urugereko rw'Ubujurire rwanze kwakira icyo cyifuzo, ruvuga ko cyagombaga gushyikirizwa Urugereko rwa Mbere rw'Iremezo rwagenwe ngo ruburanishe urubanza bundi bushya[247].

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243 Inyandiko y'urubanza rwa Muvunyi mu rw'iremezo, igika 531.
244 Inyandiko y'urubanza rwa Muvunyi mu bujurire, igika 171.
245 Inyandiko y'ibirego, ibika 3.23 - 3.25 ; imp. 14 na 15.
246 Icyemezo kigena abacamanza bo gusuzuma icyifuzo mu bujurire, 17 Nzeri 2008.
247 Icyemezo ku cyifuzo cya Muvunyi gisaba kurekurwa by'agateganyo, 25 Nzeri 2008.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

162. Ku itariki ya 28 Ugushyingo 2008, Urugereko rwakoze inama itegura urubanza maze rushyiraho amatariki yo gutanga imyanzuro mbanzirizarubanza[248].

163. Ku itariki ya 3 Ukuboza 2008, Urugereko rwafashe icyemezo gishyiraho ingengabihe yo kuburanisha urubanza rushya. Muri icyo cyemezo, Urugereko rwategetse ababuranyi kwitegura gutangira urubanza ku itariki ya 12 Mutarama 2009, rukazarangira nyuma y'ibyumweru bibiri[249].

164. Ku itariki ya 17 Ukuboza 2008, Urugereko rwafashe ikindi cyemezo cyerekeranye n'ingengabihe yo kuburanisha urubanza rushya. Muri icyo cyemezo, rwategetse ababuranyi gutanga imyanzuro y'inyongera ariko rurekeraho itariki ya 12 Mutarama 2009 urubanza rwagombaga gutangiriraho[250].

165. Ku itariki ya 23 Ukuboza 2008, Ubwunganizi bwatanze icyifuzo gisaba ko Uregwa agirwa umwere[251]. Bwanatanze ikindi cyifuzo gisaba Urugereko gukura umugabo w'impuguke ku rutonde rw'abagabo ba Porokireri[252].

166. Ku itariki ya 24 Ukuboza 2008, Urugereko rwafashe icyemezo cy'agateganyo gisaba Gerefiye kugira icyo avuga ku birebana n'uko Avoka mukuru wunganira Uregwa yahabwa umwungiriza[253].

167. Ku itariki ya 30 Ukuboza 2008, Urugereko rwanze icyifuzo cya Porokireri gisaba ko umugabo wiswe NN yatanga ubuhamya hakoreshejwe uburyo bw'amajwi n'amashusho [*Video-Link*], maze rukura uwo mutangabuhamya ku rutonde rw'abagabo bashinja[254]. Kuri uwo munsi, Urugereko rwemeye icyifuzo cya Porokireri gisaba gukura mu Rwanda abatangabuhamya biswe AMJ na CCP[255], runemera n'ikindi cyifuzo cye gisaba

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[248] Inyandikomvugo y'iburanisha, 28 Ugushyingo 2008.
[249] Icyemezo gishyiraho ingengabihe y'iburanisha ry'urubanza rushya, 3 Ukuboza 2008.
[250] Icyemezo cya kabiri gishyiraho ingengabihe y'iburanisha ry'urubanza rushya, 17 Ukuboza 2008.
[251] Icyifuzo cya Muvunyi gisaba guhanagurwaho icyaha, cyo ku itariki ya 19 Ukuboza 2008 cyatanzwe ku ya 23 Ukuboza 2008.
[252] Icyifuzo cya Tharcisse Muvunyi gisaba gukura umugabo w'impuguke ku rutonde rw'abagabo ba Porokireri, cyo ku itariki ya 19 Ukuboza 2008 cyatanzwe ku ya 23 Ukuboza 2008.
[253] Icyemezo cy'agateganyo, 24 Ukuboza 2008.
[254] Icyemezo ku cyifuzo cya Porokireri gisaba ko umugabo wiswe NN yatanga ubuhamya hakoreshejwe uburyo bw'amajwi n'amashusho (*Video-Link*), 30 Ukuboza 2008.
[255] Icyemezo ku cyifuzo cya Porokireri gisaba gukura abatangabuhamya bashinja mu Rwanda, 30 Ukuboza 2008.

kongererwa igihe cyo gusubiza icyifuzo cya Muvunyi gisaba kugirwa umwere n'igisaba ko umugabo w'impuguke yakurwa ku rutonde rw'abatangabuhamya ba Porokireri[256].

168. Ku itariki ya 31 Ukuboza 2008, Urugereko rwategetse ko Avoka wungirije witwa Abbe Jolles asubizwa ku mirimo ye bitarenze tariki ya 2 Mutarama 2009. Rwanze icyifuzo cy'Ubwunganizi gisaba kwimurira itangira ryo kuburanisha urubanza ku itariki ya 11 Werurwe 2009[257]

169. Ku itariki ya 14 Mutarama 2009, Urugereko rwakoze inama itegura urubanza. Muri iyo nama, rwafashe ibyemezo bikurikira mu magambo: rwategetse Gerefiye guhana uko bikwiye Avoka wunganira Uregwa kubera ko atitabye Urukiko; rwavuze ko mu rubanza rushya, ibimenyetso bishinja ari ibyatanzwe mu rubanza rwa mbere; rwavuze ko icyifuzo cy'Ubwunganizi gisaba ko Uregwa agirwa umwere gitanzwe igihe kitari cyagera; rwategetse Porokireri kumenyekanisha ubuhamya umugabo wiswe FAH yatanze mu Rukiko mu rubanza rwiswe urwa Butare, runategeka Ishami rishinzwe gufasha abatangabuhamya n'abakorewe ibyaha kugumisha uwo mutangabuhamya Arusha mu gihe cy'ibyumweru bibiri kugira ngo abazwe n'Ubwunganizi; rwanze icyifuzo cy'Ubwunganizi gisaba ko umugabo w'impuguke yakurwa ku rutonde rw'abagabo ba Porokireri; rwanze icyifuzo cya Porokireri gisaba kwemera ubuhamya bw'umutangabuhamya w'impuguke watanzwe na Porokireri ruvuga ko umugereka w'icyo cyifuzo udasobanutse, maze ruha Porokireri uruhushya rwo gutanga mu masaha 24 inyandiko irimo ibisobanuro bijyanye n'icyo cyifuzo; rwanze icyifuzo cy'Ubwunganizi gisaba iburanisha ku cyifuzo cyabwo gisaba ko Uregwa yafungurwa by'agateganyo[258].

170. Ku itariki ya 29 Mutarama 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi gisaba ko Uregwa afungurwa by'agateganyo[259]. Kuri iyo tariki, rwemeye icyifuzo cya Porokireri gisaba kujuririra icyemezo kigena imiterere y'urubanza rushya, bityo rusubika iburanisha kugeza igihe Urugereko rw'Ubujurire rwari gufatira icyemezo kuri ubwo bujurire

[256] Icyemezo ku cyifuzo cya Porokireri gisaba kongererwa igihe, 30 Ukuboza 2008.
[257] Icyemezo ku cyifuzo cya Tharcisse Muvunyi gisaba gusubiza avoka Abbe Jolles ku mirimo ye no kwimurira itangira ry'urubanza ku itariki ya 11 Werurwe 2009, cyafashwe ku itariki ya 31 Ukuboza 2008.
[258] Inyandikomvugo y'iburanisha, 14 Mutarama 2009.
[259] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yafungurwa by'agateganyo, 29 Mutarama 2009.

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bwatanzwe ku cyemezo cy'Urugereko[260]. Kuri iyo tariki kandi, Urugereko rwemeye ko Evariste Ntakirutimana, umuhanga mu by'imikoreshereze y'ururimi mu mibereho n'imico y'abantu aba umutangabuhamya w'impuguke ku ruhande rwa Porokireri, kandi rwemera na raporo ze ndetse n'inyandikomvugo z'ubuhamya yatanze mu Rukiko mu rubanza rwa Nyiramasuhuko na bagenzi be, no mu rubanza rwa mbere rwa Muvunyi[261].

171. Ku itariki ya 9 Gashyantare 2009, Urugereko rw'Ubujurire rwafashe icyemezo kigena abacamanza bo gusuzuma ubujurire Porokireri yatanze ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo, bwerekeranye n'imiterere y'ubuhamya bushobora gutangwa mu rubanza[262].

172. Ku itariki ya 13 Gashyantare 2009, Urugereko rwakoze inama mbanzirizarubanza[263].

173. Ku itariki ya 24 Werurwe 2009, Urugereko rw'Ubujurire rwavuze ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa kuko rwavuze ko icyemezo cy'Urugereko rw'Ubujurire gitegeka umubare ntarengwa w'abatangabuhamya bagombaga gutanga ubuhamya mu rubanza rushya. Kubera iyo mpamvu, Urugereko rw'Ubujurire rwemereye Porokireri guhamagaza abatangabuhamya batandatu yari yateganyije[264].

174. Ku itariki ya 3 Mata 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi kirusaba gusubira ku cyemezo rwafashe rwanga ko Uregwa Muvunyi afungurwa by'agateganyo[265].

175. Ku itariki ya 14 Mata 2009, Ubwunganizi bwajuririye icyemezo Urugereko rwafashe cyo kwanga icyifuzo cyabwo gisaba ko Muvunyi afungurwa by'abagateganyo[266]. Ku itariki ya 22 Mata 2009, Urugereko rw'Ubujurire rwafashe icyemezo kigena abacamanza bo gusuzuma ubwo bujurire[267].

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[260] Icyemezo ku cyifuzo cya Porokireri gisaba kujuririra icyemezo kigena imiterere y'urubanza rushya, 29 Mutarama 2009.
[261] Icyemezo cyo kwakira ubuhamya bw'umugabo w'impuguke witwa Evariste Ntakirutimana, 29 Mutarama 2009.
[262] Icyemezo kigena abacamanza bo gusuzuma ubujurire, 9 Gashyantare 2009.
[263] Inyandikomvugo y'iburanisha, 13 Gashyantare 2009.
[264] Icyemezo ku bujurire bwa Porokireri bwerekeranye n'imiterere y'ibimenyetso bigomba gutangwa mu rubanza rushya, 24 Werurwe 2009.
[265] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Urugereko gusubira ku cyemezo cyarwo cyanga ko Uregwa afungurwa by'agateganyo, 3 Mata 2009.
[266] Ubujurire bwa Tharcisse Muvunyi ku cyemezo cy'Urugereko rwa Mbere rw'Iremezo cyanga ko afungurwa by'agateganyo bwatanzwe ku itariki ya 14 Mata 2009.
[267] Icyemezo kigena abacamanza bo gusuzuma ubujurire, 22 Mata 2009.

176. Ku itariki ya 24 Mata 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi gisaba Urugereko kwanga Inyandiko y'ibirego kubera ko Porokireri yateshutse ku nshingano afite yo kumenyekanisha ibimenyetso, hashingiwe ku ngingo ya 68 y'Amategeko[268].

177. Ku itariki ya 27 Mata 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi kirusaba gusubira ku cyemezo rwafashe cyemera kwakira ubuhamya bw'umugabo w'impuguke witwa Evariste Ntakirutimana[269], kandi rukoresha inama ntegurarubanza. Iyo nama yaje gusubikwa kubera ibibazo bya tekiniki maze yimurirwa ku itariki ya 29 Mata 2009[270]. Muri iyo nama ntegurarubanza yabaye ku itariki ya 29 Mata 2009, Urugereko rwemeje ko urubanza rwari gutangira ku itariki ya 18 Kamena 2009[271].

178. Ku itariki ya 8 Gicurasi 2009, Urugereko rwafashe icyemezo kigena gahunda y'iburanisha[272].

179. Ku itariki ya 22 Gicurasi 2009, Urugereko rwangiye Ubwunganizi kujuririra icyemezo rwafashe ku cyifuzo cyabwo cyasabaga ko Uregwa yafungurwa by'agateganyo[273].

180. Ku itairki ya 22 Gicurasi 2009, Urugereko rwafashe icyemezo cyo kwimura by'igihe gito abatangabuhamya biswe YAI, CCP na AMJ[274].

181. Ku itariki ya 26 Gicurasi 2009, Urugereko rwafashe icyemezo gitegeka Porokireri kubahiriza icyemezo kigena ingengabihe y'iburanisha, rwafashe ku itariki ya 8 Gicurasi 2009[275]. Ku itariki ya 27 Gicurasi 2009, Urugereko rwatanze inyandiko ikubiyemo ibyakosowe kuri icyo icyemezo[276].

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268 Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Urugereko kwanga Inyandiko y'ibirego kubera ko Porokireri atubahirije inshingano yo kumenyekanisha ibimenyetso, ahabwa n'ingingo ya 68 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'ibimenyetso, 24 Mata 2009.
269 Icyemezo ku cyifuzo cy'Ubwunganizi gisaba Urugereko gusubira ku cyemezo rwafashe cyo kwakira ubuhamya bw'umugabo w'impuguke witwa Evariste Ntakirutimana, 27 Mata 2009.
270 Inyandikomvugo y'iburanisha, 27 Mata 2009.
271 Inyandikomvugo y'iburanisha, 29 Mata 2009.
272 Icyemezo kigena ingengabihe y'iburanisha, 8 Gicurasi 2009.
273 Icyemezo ku bujurire bwerekeranye no gufungurwa by'agateganyo, 20 Gicurasi 2009.
274 Icyemezo cyo kwimura by'igihe gito abatangabuhamya bashinja, 22 Gicurasi 2009.
275 Icyemezo gitegeka Porokireri kubahiriza icyemezo kigena ingengabihe y'iburanisha, 26 Gicurasi 2009.
276 Ibyakosowe ku cyemezo gitegeka Porokireri kubahiriza icyemezo kigena ingengabihe y'iburanisha, 27 Gicurasi 2009.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

182. Ku itariki ya 29 Gicurasi 2009, rubyibwirije, Urugereko rwafashe icyemezo gitegeka ko ingamba zafashwe, ku itariki ya 25 Mata 2001, zo kurinda umutekano w'abatangabuhamya bashinja biswe YAI, CCP, AMJ, FBX na CCS zigomba gukomeza kubahirizwa. Cyakora, Urugereko rwemeje ko izo ngamba zitareba umutangabuhamya wiswe BZB kuko atari yaratanze ubuhamya mu rubanza rwa mbere[277].

2. GUTANGA IBIMENYETSO BISHINJA

183. Urubanza rwatangiye ku ya 17 Kamena 2009, Porokireri atanga ibimenyetso bishinja mu gihe cy'iminsi ine y'iburanisha. Muri iyo minsi, Porokireri yahamagaje abatangabuhamya batandatu, atanga n'ibimenyetso gihamya 21.

184. Ku itariki ya 17 Kamena 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi gisaba gushyira mu idosiye y'urubanza inyandiko zerekeranye n'urubanza rw'umutangabuhamya wiswe FBX mu rukiko Gacaca[278].

185. Ku itariki ya 18 Kamena 2009, Urugereko rwategetse ko izina CPP yavuze mu buhamya bwe mu Rukiko, ryakurwa muri dosiye rikagirwa ibanga[279]. Ku itariki ya 22 Kamena, Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba gutanga, bitarenze tariki ya 28 Kamena 2009, imyanzuro ibanziriza itangwa ry'ibimenyetso bishinjura, kandi rwemera kwakira icyifuzo gisaba ko Uregwa yafungurwa by'agateganyo[280].

186. Ku itariki ya 29 Kamena 2009, Urugereko rwimuriye ku ya 24 Kanama 2009, itariki yo gutangira gutanga ibimenyetso bishinjura[281].

187. Ku itariki ya 3 Kanama 2009, Urugereko rwafashe icyemezo gitegeka Ubwunganizi gutanga imyanzuro nsozarubanza ku itariki ya 23 Nzeri 2009. Rwategetse ko Porokireri n'Ubwunganizi batanga imyanzuro mu magambo ku itariki ya 2 Ukwakira 2009[282]. Rwafashe kandi icyemezo cy'agateganyo gitegeka Ubwunganizi gutanga, bitarenze ku ya

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[277] Icyemezo cyerekeranye no kurindira abatangabuhamya umutekano, 29 Gicurasi 2009.
[278] Inyandikomvugo y'iburanisha, 17 Kamena 2009.
[279] Inyandikomvugo y'iburanisha, 18 Kamena 2009.
[280] Inyandikomvugo y'iburanisha, 22 Kamena 2009.
[281] Ibyahinduwe mu icyemezo kigena ingengabihe y'iburanisha, 29 Kamena 2009.
[282] Icyemezo ku cyifuzo cya Tharcisse Muvunyi gisaba guhindura imyanzuro ibanziriza itangwa ry'ibimenyetso bishinjura, no kwemerera umutangabuhamya MO99 gutanga ubuhamya ku ya 14 Nzeri 2009, cyafashwe ku ya 3 Kanama 2009.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

5 Kanama 2009, ibindi bisobanuro binoze kurushaho ku ngamba zo kurinda umutekano w'umutangabuhamya wiswe MO103[283].

188. Ku tariki ya 18 Kanama 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi gisaba ko Uregwa yahanagurwaho ibyaha[284]. Cyakora rwemeye, kuri bimwe, icyifuzo cy'Ubwunganizi gisaba ko hashyirwaho ingamba zo kurinda umutekano w'umutangabuhamya[285].

3. GUTANGA IBIMENYETSO BISHINJURA

189. Gutanga ibimenyetso bishinjura byatangiye ku itariki ya 24 Kanama 2009. Mu minsi itanu y'iburanisha, Ubwunganizi bwahamagaje abatangabuhamya 7 bunatanga ibimenyetso gihamya 11.

190. Kuri iyo tariki ya 24 Kanama 2009, Urugereko rwategetse Gerefiye gusaba Leta y'u Rwanda amakuru ku ifungwa ry'umwe mu bapererezi b'Ubwunganizi. Rwanategetse kandi ko ingamba zo kurinda umutekano w'abatangabuhamya bashinjura biswe MO79 na MO37 zivanwaho[286].

191. Ku itariki ya 27 Kanama 2009, Urugereko rwategetse ko izina rya MO103 n'igihugu abamo bikomeza kugirwa ibanga[287].

192. Ku itariki ya 2 Nzeri 2009, Urugereko rwemeye icyifuzo cy'Ubwunganizi gisaba kujuririra icyemezo cy'Urugereko cyanga icyifuzo cyabwo cyasabaga ko Uregwa yagirwa umwere[288]. Ku itariki ya 17 Nzeri, Urugereko rw'Ubujurire rwafashe icyemezo gishyiraho abacamanza bo gusuzuma ubujurire bwatanzwe ku cyemezo Urugereko rwa Mbere rw'Iremezo rwafashe[289].

193. Ku itariki ya 11 Ugushyingo 2009, Urugereko rw'Ubujurire rwemeye, kuri bimwe, ubujurire bw'Ubwunganizi ku cyemezo cy'Urugereko cyanga ko Uregwa yagirwa

[283] Icyemezo cy'agateganyo ku cyifuzo gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya, 3 Kanama 2009.
[284] Icyemezo ku cyifuzo cy'Ubwunganizi gisaba ko Uregwa yagirwa umwere, 18 Kanama 2009.
[285] Icyemezo ku cyifuzo cya Muvunyi gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya, 18 Kanama 2009.
[286] Inyandikomvugo y'iburanisha, 24 Kanama 2009.
[287] Inyandikomvugo y'iburanisha, 27 Kanama 2009.
[288] Icyemezo ku cyifuzo gisaba kujuririra icyemezo cyanga icyifuzo gisaba ko Uregwa yagirwa umwere, 2 Nzeri 2009.
[289] Icyemezo kigena abacamanza bo kumva ubujurire, 17 Nzeri 2009.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

umwere, maze ruvuga ko nta nenge iri mu Nyandiko y'ibirego. Urugereko rw'Ubujurire rwashubije icyo kibazo mu rw'iremezo ngo cyongere gusuzumwa[290]. Ku itariki ya 12 Ugushyingo 2009, Urugereko rw'Ubujurire rwatanze inyandiko irimo ibyakosowe ku cyemezo rwafashe ku itariki ya 11 Ugushyingo 2009[291]. Ku itariki ya 13 Ugushyingo, Urugereko rwategetse ababuranyi gutanga imyanzuro y'inyongera ku birebana n'uko igihe ibivugwa byabereye kigaragara mu Nyandiko y'ibirego kidahura n'icyo abatangabuhamya bashinja bavuga mu buhamya bwabo[292].

194. Ku itariki ya 25 Ugushyingo 2009, Urugereko rwanze icyifuzo cy'Ubwunganizi gisaba ko Uregwa yagirwa umwere. Rwafashe icyo cyemezo kubera ko rwasanze rudashobora gufata icyemezo ndakuka kirebana no kumenya uburemere bwahabwa kuba amatariki y'ibyabaye avugwa mu Nyandiko y'ibirego adahura n'avugwa mu buhamya bushinja, mu gihe abagabo bashinjura bataramara gutanga ubuhamya. Urugereko rwabaye ruretse gufata icyemezo kuri iyo ngingo rutegereza igihe cyo guca urubanza[293].

195. Ku itariki ya 29 Mutarama 2010, Urugereko rwemeje ko urubanza ruzasomwa mu ruhame ku itariki ya 11 Gashyantare 2010[294].

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290 Icyemezo ku bujurire ku cyemezo cyanga icyifuzo gisaba ko Uregwa yahanagurwaho icyaha, 11 Ugushyingo 2009.
291 Ibyakosowe ku cyemezo ku bujurire ku cyemezo cyanga kwemera ko Uregwa yagirwa umwere, 12 Ugushyingo 2009.
292 Icyemezo cyerekeranye no gutanga imyanzuro y'inyongera, 13 Ugushyingo 2009.
293 Icyemezo gishingiye ku cyemezo cy'Urugereko rw'Ubujurire gisaba Urugereko rwa Mbere rw'Iremezo kongera gusuzuma icyifuzo gisaba ko Uregwa yagirwa umwere, 25 Ugushyingo 2009.
294 Icyemezo gishyiraho ingengabihe y'iburanisha, 29 Mutarama 2010.

UMUGEREKA WA II: INYANDIKO ZIFASHISHIJWE N'IBISOBANURO BY'AMAGAMO

1. UBUKEMURAMANZA

1.1 Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Akayesu

Urubanza Porokireri aburana n'Akayesu, N° ICTR-96-4-A, Inyandiko y'urubanza (mu bujurire), 1 Kamena 2001, (« Inyandiko y'urubanza rw'Akayesu mu bujurire»)

Bikindi

Urubanza Porokireri aburana na Bikindi, N° ICTR-01-72-T, Inyandiko y'urubanza (mu rw'iremezo), 2 Ukuboza 2008, (« Inyandiko y'urubanza rwa Bikindi mu rw'iremezo»)

Cyangugu

Urubanza Porokireri aburana na Ntagerura, Bagambiki na Imanishimwe, N° ICTR-99-46-A, Inyandiko y'urubanza (mu bujurire), 7 Nyakanga 2006. (« Inyandiko y'urubanza rwiswe urwa Cyangugu, mu bujurire»)

Gacumbitsi

Urubanza Gacumbitsi aburana na Porokireri, N° ICTR-2001-64-A, Inyandiko y'urubanza (mu bujurire), 7 Nyakanga 2006 (« Inyandiko y'urubanza rwa Gacumbitsi mu bujurire »)

Kajelijeli

Urubanza Porokireri aburana na Kajelijeli, N° ICTR-98-44-T, Inyandiko y'urubanza (mu rw'iremezo), 1 Ukuboza 2003 (« Inyandiko y'urubanza rwa Kajelijeli mu rw'iremezo »)

Urubanza Porokireri aburana na Kajelijeli, N° ICTR-98-44A-A, Inyandiko y'urubanza (mu bujurire), 23 Gicurasi 2005 (« Inyandiko y'urubanza rwa Kajelijeli mu bujurire »)

Kalimanzira

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Urubanza Porokireri aburana na Kalimanzira, N° ICTR-05-88-T, Inyandiko y'urubanza (mu rw'iremezo), 22 Kamena 2009, («Inyandiko y'urubanza rwa Kalimanzira mu rw'iremezo»)

Karera

Urubanza Porokireri aburana na Karera, N° ICTR-01-74-A, Inyandiko y'urubanza (mu bujurire), 22 Kamena 2009 (« Inyandiko y'urubanza rwa Karera mu bujurire »)

Kayishema na Ruzindana

Urubanza Porokireri aburana na Kayishema na Ruzindana, N° ICTR-95-1-A, Inyandiko y'urubanza (mu bujurire), 1 Kamena 2001 («Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire»)

Muvunyi

Urubanza Porokireri aburana na Muvunyi, N° ICTR-00-55A-T, Inyandiko y'urubanza (mu rw'iremezo), 12 Nzeri 2006, 29 Kanama 2008 (« Inyandiko y'urubanza rwa Muvunyi mu rw'iremezo »)

Urubanza Tharcisse Muvunyi aburana na Porokireri, N° ICTR-00-55A-A, Inyandiko y'urubanza (mu bujurire), 29 Kanama 2008 (« Inyandiko y'urubanza rwa Muvunyi mu bujurire »)

Urubanza Porokireri aburana na Muvunyi, N°. ICTR-00-55A-AR73, Icyemezo ku bujurire bwa Porokireri bwerekeranye n'imiterere y'ibimenyetso bigomba gutangwa mu rubanza rushya (mu rw'iremezo), 24 Werurwe 2009

Urubanza Porokireri aburana na Muvunyi, N° ICTR-00-55A-T, Icyemezo cy'Urugereko rwa Mbere rw'Iremezo gishingiye ku cyemezo cy'Urugereko rw'Ubujurire kirusaba kongera gusuzuma icyifuzo gisaba kugira Uregwa umwere, (mu rw'iremezo), 25 Ugushyingo 2009

Urubanza Porokireri aburana na Muvunyi, N° ICTR-00-55A-T, Icyemezo cyemera kwakira ubuhamya bw'umugabo w'impuguke witwa Evariste Ntakirutimana (mu rw'iremezo), 29 Mutarama 2009

Nahimana na bagenzi be

Urubanza Nahimana na bagenzi be baburana na Porokireri, N^{o} ICTR-99-52-A, Inyandiko y'urubanza (mu bujurire), 28 Ugushyingo 2007, (« Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire »)

Nchamihigo

Urubanza Porokireri aburana na Nchamihigo, N^{o} ICTR-01-63-I, Inyandiko y'urubanza (mu rw'iremezo), 12 Ugushyingo 2008

Niyitegeka

Urubanza Porokireri aburana na Niyitegeka, N^{o} ICTR-96-14-T, Inyandiko y'urubanza (mu rw'iremezo), 16 Gicurasi 2003

Urubanza Eliézer Niyitegeka aburana na Porokireri, N^{o} ICTR-96-14-A, Inyandiko y'urubanza (mu bujurire), 9 Nyakanga 2004 (« Inyandiko y'urubanza rwa Niyitegeka mu bujurire »)

Ntakirutimana

Urubanza Porokireri aburana na Ntakirutimana na Ntakirutimana, N^{o} ICTR-96-10-A na *ICTR-96-17-A,* Inyandiko y'urubanza (mu bujurire), 13 Ukuboza 2004 (« Inyandiko y'urubanza rwa Ntakirutimana mu bujurire »)

Renzaho

Urubanza Porokireri aburana na Renzaho, N^{o} ICTR-97-31-T, Inyandiko y'urubanza (mu rw'iremezo), 14 Nyakanga 2009 (« Inyandiko y'urubanza rwa Renzaho mu rw'iremezo »)

Ruggiu

Urubanza Porokireri aburana na Ruggiu, N^{o} ICTR-97-32-I, Inyandiko y'urubanza (mu rw'iremezo), 1 Kamena 2000 (« Inyandiko y'urubanza rwa Ruggiu mu rw'iremezo»)

Rukundo

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Urubanza Porokireri aburana na Rukundo, N° ICTR-01-70-T, Inyandiko y'urubanza (mu rw'iremezo), 27 Gashyantare 2009 (« Inyandiko y'urubanza rwa Rukundo mu rw'iremezo »)

Rutaganda

Urubanza Porokireri aburana na Rutaganda, N° ICTR-96-13-A, Inyandiko y'urubanza (mu bujurire), 26 Gicurasi 2003 (« Inyandiko y'urubanza rwa Rutaganda mu bujurire»)

Simba

Urubanza Porokireri aburana na Simba, N° ICTR-01-76-T, Inyandiko y'urubanza (mu rw'iremezo), 13 Ukuboza 2005 (« Inyandiko y'urubanza rwa Simba mu rw'iremezo »)

1.2 Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze Ari Yugosilaviya

Čelebići

Urubanza Porokireri aburana na Mucić, Delić na Landžo N° IT-96-21-A, Inyandiko y'urubanza (mu bujurire), 8 Mata 2003 ("Inyandiko y'urubanza rwa Čelebići mu bujurire")

Krajišnik

Urubanza Porokireri aburana na Momčilo Krajišnik, N° IT-00-39-A, Inyandiko y'urubanza (mu bujurire), 17 Werurwe 2009

Kvoćka na bagenzi be

Urubanza Porokireri aburana na Miroslav Kvoćka, Mlado Radić, Zoran Žigić na Dragoljub Prcać, N° IT-98-30/1-A, Inyandiko y'urubanza (mu bujurire), 28 Gashyantare 2005

IBISOBANURO BY'AMAGAMBO N'IMPINAMAGAMBO

Imyanzuro nsozarubanza mu magambo

Inyandikomvugo y'iburanisha, 2 Ukwakira 2009

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Imyanzuro nsozarubanza y'Ubwunganizi

Imyanzuro nsozarubanza ya Tharcisse Muvunyi, yatanzwe ku itariki ya 23 Nzeri 2009

Imyanzuro mbanzirizarubanza y'Ubwunganizi

Imyanzuro ibanziriza itangwa ry'ibimenyetso bishinjura ya Tharcisse Muvunyi, yatanzwe ku itariki ya 6 Nyakanga 2009

ESO

Ishuri ry'abasuzofiye, ishuri ryigamo abasuzofisiye riri muri Perefegitura ya Butare

TPIR cyangwa Urukiko

Urukiko Mpanabyaha Mpuzamahanga rushinzwe gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibyaha bya jenoside cyangwa ibindi byaha bikomeye binyuranyije bikomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994.

Inyandiko y'ibirego

Urubanza Porokireri aburana na Muvunyi, Urubanza N° ICTR-00-55A-T, Inyandiko y'ibirego, yatanzwe ku itariki ya 23 Ukuboza 2003

Urup. (imp.)

Urupapuro (impapuro)

Imyanzuro nsozarubanza ya Porokireri

Imyanzuro nsozarubanza ya Porokireri, yatanzwe ku itariki ya 23 Nzeri 2009

Imyanzuro mbanzirizarubanza ya Porokireri

Imyanzuro mbanzirizarubanza ya Porokireri, yatanzwe ku itariki ya 4 Gicurasi 2009

Amategeko

Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Sitati

Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, rwashyizweho n'Inama Ishinzwe Amahoro ku Isi, mu Cyemezo 955

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

UMUGEREKA WA III: INYANDIKO Y'IBIREGO

Urubanza n° ICTR-00-55A-T

Umwimerere: Icyongereza

POROKIRERI

ABURANA NA

THARCISSE MUVUNYI

INYANDIKO Y'IBIREGO

1 Ashingiye ku bubasha ahabwa n'ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda, Porokireri w'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda, ararega:

Tharcisse Muvunyi

Icyaha cya **JENOSIDE cyangwa, kiramutse kitamuhamye, akaryozwa icyo KUBA ICYITSO CY'ABAKOZE JENOSIDE.** Amurega kandi **GUHAMAGARIRA ABANDI, KU BURYO BUTAZIGUYE KANDI MU RUHAME, GUKORA JENOSIDE, NO GUKORA IBYAHA BYIBASIYE INYOKOMUNTU.** Ibi byaha byose biteganywa n'ingingo ya 2 n'iya 3 za Sitati y'Urukiko.

2. UREGWA

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

2.1 **Tharcisse Muvunyi** yavukiye muri Komine ya Mukarange, Perefegitura ya Byumba, ku itariki ya 19 Kanama 1953.

2.2 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, kugeza ubwo yavaga mu Rwanda, **Tharcisse Muvunyi** yari umuyobozi wa ESO. Yagizwe umuyobozi w'iryo shuri ku itariki ya 7 Mata 1994, nyuma y'uko Koloneli Marcel Gatsinzi, wari umukuriye, agiriwe umugaba mukuru w'agateganyo w'ingabo z'u Rwanda.

2.3 Nk'umuyobozi wa ESO, Uregwa yayoboraga abofisiye n'abandi basirikare bo muri iryo shuri. Yari akuriye kandi agenzura jandarumeri, ikigo cy'i Ngoma n'ibikorwa byose bya gisirikare muri Perefegitura ya Butare.

3. INCAMAKE Y'IBYABAYE

3.1 Ibyaha bivugwa muri iyi Nyandiko y'ibirego byakorewe mu Rwanda mu gihe kiri hagati y'itariki ya 1 Mutarama n'i ya 31 Ukuboza 1994.

3.2 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, u Rwanda rwari rugabanyijemo amaperefegitura 11 ari yo: Butare, Byumba, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali y'Umujyi, Kigali-Ngari na Ruhengeri. Buri perefegitura yari igabanyijemo amakomine n'amasegiteri.

3.3 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, Perefegitura ya Butare yari igizwe n'amakomine 20 ari yo: Nyakizu, Kigembe, Gishamvu, Ngoma, Runyinya, Maraba, Ruhashya, Mbazi, Shyanda, Muyaga, Mugusa, Nyaruhengeri, Ndora, Muganza, Kibayi, Rusatira, Nyabisindu, Ntyazo, Muyira na Huye.

3.4 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, Abatutsi, Abahutu n'Abatwa bari bazwi nk'amoko atandukanye.

3.5 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, mu Rwanda hose habaye ibitero rusange cyangwa biri kuri gahunda, byibasiye abaturage b'abasiviri bazira amashyaka barimo cyangwa ubwoko bwabo.

3.6 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, mu Rwanda hari intambara itari mu rwego mpuzamahanga ishyamiranyije Leta y'u Rwanda na FPR. Abakorewe

ibyaha bavugwa muri iyi Nyandiko y'ibirego bari muri Perefegitura ya Butare, barimo abasiviri b'Abatutsi n'abasiviri b'Abahutu batari intagondwa. Abo bantu barengerwaga n'amategeko nk'uko biteganywa n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Umugereka wayo wa kabiri (II). Byongeye kandi, abo bantu ntaho bari bahuriye n'imirwano mu buryo butaziguye.

Guverinoma

3.7 Nk'uko biteganywa n'Itegekonshinga ryo ku itariki ya 10 Kamena 1991, ubutegetsi nyubahirizategeko bushinzwe Perezida wa Repuburika, afashijwe na Guverinoma igizwe na Minisitiri w'Intebe n'Abaminisitiri. Abagize Guverinoma bashyirwaho na Perezida wa Repuburika abisabwe na Minisitiri w'Intebe. Minisitiri w'Intebe ayobora imikorere ya Guverinoma kandi Guverinoma ishyiraho ndetse ikayobora politiki y'igihugu. Kubera iyo mpamvu, Guverinoma igenzura imikorere y'abakozi ba Leta n'iy'ingabo. Minisitiri w'Intebe agenera imirimo ba minisitiri hamwe n'abandi bayobozi ayobora. Iyo Minisitiri w'Intebe yeguye cyangwa avuyeho ku mpamvu iyo ari yo yose, Guverinoma nayo iregura.

3.7.i) Abaminisitiri bashyira mu bikorwa politiki ya Guverinoma, nk'uko iba yagenwe na Minisitiri w'Intebe. Umukuru wa Guverinoma ni we ubabaza ibirebana n'imirimo yabo. Mu kurangiza inshingabo zabo, abaminisitiri bifashisha inzego z'ubutegetsi bwite bwa Leta n'iz'uturere zikora imirimo igengwa na minisiteri bashinzwe.

Imiterere y'ubutegetsi bw'igihugu

3.8 Perefe ahagarariye ubutegetsi nyubahirizategeko muri perefegitura. Ashyirwaho na Perezida wa Repubulika abisabwe na Minisitiri w'Ubutegetsi bw'Igihugu ari na we umukuriye mu mirimo ye. Perefe agenzura imirimo ya Leta n'inzego zayo muri perefegitura yose.

3.8.i) Nk'umuyobozi wa perefegitura, perefe ashinzwe kubahiriza ituze, umudendezo wa rubanda n'umutekano w'abantu n'ibintu. Mu mirimo ye yo kubungabunga ituze n'umudendezo wa rubanda, perefe ashobora kwitabaza abasirikare na jandarumori y'Igihugu. Perefe akuriye abakozi bose ba Leta n'abandi bose bakora imirimo ifite aho

ihurira n'inzego za Leta muri perefegitura, barimo ababurugumesitiri n'abakonseye b'amasegiteri.

3.8.ii) Kimwe na perefe, burugumesitiri ahagarariye ubutegetsi nyubahirizategeko muri komine. Ashyirwaho na Perezida wa Repubulika abisabwe na Minisitiri w'Ubutegetsi bw'Igihugu, kandi akuriwe na perefe. Akuriye abakozi bakorera muri komine ye. Ashinzwe kandi umutekano mu rwego rwo kubungabunga amahoro no kubahirisha amategeko.

Ingabo z'Igihugu

3.9 Ingabo z'Igihugu (FAR) zari zigizwe n'igisirikare na jandarumori y'igihugu. Ingabo z'igihugu ntizari zifite ubuyobozi bukuru zihuriyeho, bityo zikaba zarayoborwaga, ku buryo butaziguye, na Minisiteri y'Ingabo. Perezida wa Repuburika ni we wari Umugaba w'ikirenga w'Ingabo z'Igihugu.

3.9.i) Ubuyobozi bukuru bw'igisirikare cy'u Rwanda bwayoborwaga n'umugaba mukuru w'igisirikare afashijwe n'abasirikare bakuru bane bayoboraga ibiro bine ari byo: G-1 (Ibiro bishinzwe abakozi n'ubuyobozi), G-2 (Ibiro bishinzwe iperereza no kuneka), G-3 (Ibiro bishinzwe ibikorwa bya gisirikare) na G-4 (Ibiro bishinzwe ibikoresho).

3.9.ii) U Rwanda rwari rugabanijemo uturere tw'ibikorwa bya gisirikare dutandukanye kandi buri karere kari gafite umuyobozi wako. Na none, mu gisirikare hari inite z'ingenzi ari zo: umutwe w'abari bashinzwe kurinda Perezida, batayo y'aba "para-commandos", na batayo y'imbanzirizagutabara. Mu turere tw'ibikorwa bya gisirikare no muri za inite z'ingenzi, abasirikare bari bagabanyijemo amakompanyi.

3.9.iii) Hashingiwe ku mapete yabo n'imirimo bakoraga, ba ofisiye mu ngabo z'u Rwanda bari bafite inshingano zo gukora ku buryo abasirikare bakuriye bubahiriza amategeko rusange ya disipuline, kabone n'iyo abo basirikare babaga batari muri za inite bayobora.

3.9.iv) Jandarumeri y'igihugu yari ishinzwe kubungabunga umudendezo wa rubanda n'amahoro no kugenzura ko amategeko akurikizwa mu gihugu yubahirizwa.

3.9.v) Jandarumeri y'igihugu yari ikuriwe na Minisiteri y'Ingabo, ariko yashoboraga gukora imirimo yayo yo kubungabunga umudendezo wa rubanda n'amahoro, bisabwe n'umuyobozi wo mu karere ubifitiye ububasha, ari we perefe. Mu gihe byihutirwaga cyane, perefe yashoboraga kubisaba mu magambo, akoresheje nka telefone. Iyo yabisabaga byagombaga guhita bikorwa. Byongeye kandi, jandarumeri y'igihugu yagombaga kumenyesha perefe amakuru yose arebana n'umudendezo wa rubanda. Jandarumori yari inafite inshingano zo gutabara umuntu wese uri mu kaga.

Amashyaka ya politiki n'imitwe yitwara gisirikare

3.10 Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, amashyaka akomeye yari mu Rwanda ni MRND (Muvoma iharanira Repubulika, demokarasi n'amajyambere), CDR (Impuzamugambi ziharanira demokarasi na Repubulika), MDR (Muvoma iharanira demokarasi na Repubulika), PSD (Ishyaka rihanira imibereho myiza y'abaturage na demokarasi) na PL (Ishyaka riharanira ukwishyira ukizana). RPF wari umutwe wa politiki na gisirikare utaravugaga rumwe n'ubutegetsi bwariho.

3.10.i) Amenshi mu mashyaka ya politiki yari yarashyizeho ishami ry'urubyiruko. Ishami ry'urubyiruko rwa MRND ryitwaga Interahamwe*,* naho iry'urwa CDR rikitwa Impuzamugambi. Benshi mu bari bagize ishami ry'urubyiruko rwa MRND bahawe imyitozo ya gisirikare, bituma iryo shami rihinduka umutwe witwara gisirikare.

3.10.ii) Guhera mu mpera z'umwaka wa 1990 kugera muri Nyakanga 1994, abasirikare, abagize Guverinoma, abayobozi mu bya politiki, abakozi ba Leta n'abandi bantu bakomeye bumvikanye hagati yabo ndetse bumvikana n'abandi bantu ngo bacure umugambi bagamije gutsemba abasiviri b'Abatutsi no kwica abantu batavugaga rumwe n'ubutegetsi, kugira ngo bagume kuri ubwo butegetsi. Mu byari bigize uwo mugambi harimo guhembera urwango n'imvururu bishingiye ku moko, gutoza insoresore zitwara gisirikare, kuziha intwaro no gukora amalisiti y'abantu bagombaga kwicwa. Mu rwego rwo gushyira mu bikorwa uwo mugambi, abo bantu bateguye kandi bategeka ubwicanyi bw'Abatutsi n'Abahutu batari intagondwa, kandi na bo ubwabo barabwitabira. **Tharcisse Muvunyi** yateguye uwo mugambi, arawushyigikira kandi awushyira mu bikorwa.

3.10.iii) Kubera igitero FPR yagabye mu Ukwakira 1990, udutsiko tw'abantu bamwe bo muri Guverinoma y'u Rwanda n'abo mu nzego z'igisirikare cy'u Rwanda z'icyo gihe twatangiye kuvuga ko Abatutsi bari abanzi kandi ko bagombaga kwicwa.

3.10.iv) Abo bantu bavugaga ko umwanzi yari Umututsi wari imbere mu gihugu cyangwa hanze yacyo ufite inyota y'ubutegetsi, utemera ibyagezweho na Revolisiyo yo muri 1959, akaba ashaka gufata ubutegetsi akoresheje intwaro. Bavugaga ko umwanzi wo mu rwego rwa kabiri bari abantu bateraga inkunga, iyo ari yo yose, umwanzi w'ibanze cyangwa abari bamushyigikiye.

3.10.v) Guhera muri Mata kugera muri Nyakanga 1994, abantu bakomeye barimo abagize Guverinoma n'abategetsi bo mu turere, bahamagariye abandi bantu kubiba urwango no gutera imvururu. Muri abo bantu harimo Théodore Sindikubwabo wari Umukuru w'Igihugu icyo gihe, Jean Kambanda wari Minisitiri w'Intebe, Perefe wa Butare n'ababurugumesitiri batandukanye bo muri perefegitura ye. Abasirikare bakomeye nka **Tharcisse Muvunyi**, hamwe n'abandi bantu bitabiriye ubwicanyi bwibasiye Abatutsi n'"ibyitso byabo".

Imyitozo y'imitwe yitwara gisirikare

3.11. Mu gushyiraho imitwe y'urubyiruko rwayo, amashyaka ya politiki yari agamije ibintu bibiri: guhamagarira urubyiruko kwitabira amatwara ya politiki no kuyarucengezamo. MRND na CDR byakurikiye urugero rw'amashyaka MDR na FPR yari yarashinze imitwe y'urubyiruko. Guhangana kwariho muri icyo gihe cy'uruhando rw'amashyaka menshi kwatumye ubushyamirane bukaza umurego. Interahamwe n'Impuzamugambi zatangiye guta umurongo ubwo zakoreshwaga mu bikorwa by'urugomo byo kubangamira imyigaragambyo y'amashyaka ataravugaga rumwe n'ubutegetsi.

3.11.i) Kugira ngo hizerwe ko igihe nikigera cyo gutsembatsemba Abatutsi n'ibyitso byabo bizakorwa uko byateguwe kandi mu buryo bwihuse, byabaye ngombwa gushyiraho umutwe witwara gisirikare ufite inzego zizwi, unafite intwaro kandi wuzuzanya n'abasirikare. Kugira ngo uwo mutwe witwara gisirikare ugire inzego ziwuhagarariye mu gihugu hose, hashyizweho za komite z'Interahamwe ku rwego rwa perefegitura. Icyo

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

cyemezo, cyafashwe na komite ya MRND mu rwego rw'igihugu muri Kamena 1993, cyashyizwe mu bikorwa n'abanyapolitiki mu duce bayobora.

3.11.ii) Guhera mu mwaka wa 1993 ndetse na mbere yaho, mu rwego rwo gucengeza mu Nterahamwe ibitekerezo by'ubutagondwa, abayobozi ba MRND bafatanyije n'abofisiye bo mu ngabo z'igihugu, bafashe icyemezo cyo guha imyitozo ya gisirikare n'intwaro abari bashyigikiye, kurusha abandi, ibitekerezo byabo by'ubutagondwa n'abandi basore n'inkumi bari abashomeri.

3.12 Ku itariki ya 6 Mata 1994, mu masaa mbiri n'igice z'ijoro, indege yari itwaye abantu barimo Juvénal Habyarimana wari Perezida wa Repubulika, yarashwe iri hafi kugwa ku kibuga cy'indege cy'i Kigali (Rwanda). Mu bantu bayiguyemo harimo Perezida na Koloneli Déogratias Nsabimana wari Umugaba mukuru w'igisirikare cy'u Rwanda.

3.12.i) Ibyo bintu bikimara kuba, abayobozi ba MRND n'abasirikare bakuru bashyizeho Guverinoma y'agateganyo igizwe n'abantu batoranyijwe mu nama yabaye ku itariki ya 8 Mata. Iyo Guverinoma yari yiganjemo abantu bo mu ishyaka rya MRND n'abo mu gice bita "POWER" bakomoka mu yandi mashyaka ya politiki. Nta Mututsi n'umwe wigeze atumirwa cyangwa ngo ashyirwe muri Guverinoma.

3.13 Kuva Guverinoma y'Agateganyo yajyaho, benshi mu baminisitiri bahise bashyigikira umugambi w'itsembatsemba wariho, kandi bakora ibishoboka byose ngo uwo mugambi ushyirwe mu bikorwa. Bahamagariye abaturage kwikiza "umwanzi n'ibyitso bye", ndetse banabaha intwaro. Bakuye ku mirimo yabo abayobozi batarwanyaga ubwicanyi maze babasimbuza ababushyigikiye. Banashyizeho amabwiriza agamije korohereza abantu kwica Abatutsi n'abahutu batari intagondwa.

3.14 Guhera ku itariki ya 8 Mata, Guverinoma nshya yatumiye abaperefe bose mu nama i Kigali kugira ngo basuzume uko ibintu byari byifashe mu gihugu muri icyo gihe. Iyo nama y'amahina, yabaye ku itariki ya 11 Mata 1994, yitabiriwe n'abaminisitiri bose n'abaperefe bose uretse uwa Butare, Ruhengeri na Cyangugu. Muri iyo nama, basuzumye uko ubwicanyi bwagendaga muri buri perefegitura.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

3.15. Ubwicanyi bwibasiye Abatutsi n'Abahutu batari intagondwa bwabaye mu Rwanda hose. Muri buri perefegitura, abategetsi ba gisiviri n'aba gisirikare, n'insoresore zitwara gisirikare bitabiriye umugambi wo gutsembatsemba maze bubahiriza amabwiriza n'amategeko yatanzwe ngo uwo mugambi ushyirwe mu bikorwa. Bahamagariye abaturage b'abasiviri kwica umwanzi n''ibyitso' bye. Abategetsi bahaye imbunda abasiviri n'insoresore zitwara gisirikare. Bategetse ko ubwicanyi bukorwa batera abantu inkunga kandi babashishikariza kubukora ndetse na bo ubwabo barabukora.

3.16. Abategetsi ba gisiviri n'aba gisirikare b'igihugu bamenye ko muri Butare harimo kubera ibintu bidasanzwe, ariko aho gufata ingamba zihutirwa kugira ngo bahagarike ubwicanyi, ku itariki ya 17 Mata, Guverinoma y'agateganyo yakuye ku mirimo yabo abayobozi benshi bari banze kugira uruhare mu bwicanyi, barimo Jean-Baptiste Habyalimana wari Perefe wa Butare. Mu gukuraho Perefe Habyalimana, Guverinoma y'agateganyo yashakaga guhamagarira abaturage kwitabira ubwicanyi. Byongeye kandi, abasirikare n'abantu bo mu mutwe w'Interahamwe witwara gisirikare boherejwe i Butare ngo bafashe abandi gutangira ubwicanyi.

3.17. Kuva ku itariki ya 7 Mata 1994, mu Rwanda hose hakozwe ubwicanyi bwibasiye Abatutsi n'abanyapolitiki benshi batavugaga rumwe n'ubutegetsi bwariho. Ibi byaha byari bimaze igihe kinini bicurirwa umugambi kandi bitegurwa n'abategetsi bakuru ba gisiviri n'aba gisirikare bari bahuriye ku ngengabitekerezo y'Abahutu b'intagondwa, kandi byakozwe n'abantu bitwara gisirikare, abasirikare n'abajandarume, bakurikiza amategeko n'amabwiriza ya bamwe muri abo bayobozi. Rimwe na rimwe, abo bantu bakoraga ibyo byaha bagendeye ku malisiti yari yakozwe mbere. Muri Perefegitura ya Butare, ubwicanyi bwatangiye ku itariki ya 19 Mata 1994, uretse ahantu hamwe na hamwe bwatangiye mbere, nko muri Komine ya Nyakizu.

3.18. Hari impamvu eshatu z'ingenzi zatumye ubwicanyi budatangira kare muri Perefegitura ya Butare. Ukurikije amateka, iyo perefegitura yari ituwe n'Abatutsi benshi babanaga mu mahoro n'Abahutu nyamwinshi. Mu ntangiriro y'uruhando rw'amashyaka menshi, ishyaka rya PSD ni ryo ryari ku isonga mu bya politiki muri Perefegitura ya Butare, ku buryo nta mwanya munini MRND yari ihafite nk'uko byari bimeze ahandi mu gihugu. Ni yo mpamvu umutwe w'Interahamwe utahasakaye cyane, n'abayoboke bayo bakaba bake.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Byongeye kandi, Jean-Baptiste Habyalimana (PSD), wari Perefe wa Perefegitura ya Butare, akaba n'umuperefe umwe rukumbi w'Umututsi mu gihugu cyose, yanze ku mugaragaro gushyigikira ubwicanyi muri Perefegitura ye kandi yari yashoboye kuhabungabunga ituze, uretse mu turere tumwe na tumwe, nko muri Komine ya Nyakizu. Kubera izo mpamvu, ibihumbi by'abaturage bo mu yandi ma perefegitura, byiganjemo Abatutsi, byahungiye muri Peregitura ya Butare ubwicanyi bugitangira.

IBIREGO BYIHARIYE

3.19. Ku itariki ya 19 Mata 1994, i Butare habereye umuhango, witabiriwe n'abantu benshi, wo gushyiraho perefe mushya ari we Sylvain Nsabimana. Iyo nama yatangajwe ikanategurwa na Guverinoma y'agateganyo, yabereye i Butare ku biro bikuru bya MRND. Muri uwo muhango, Perezida Théodore Sindikubwabo yavuze ijambo rya gashoza ntambara, ahamagarira abaturage b'i Butare, ku mugaragaro kandi yeruye, gukurikiza urugero rwo mu yandi ma perefegitura, bityo bagatangira kwica. Yamaganye bikomeye abo yise «banyira ntibindeba», ni ukuvuga abumvaga batarebwa n'ibyarimo kuba, n'uko arababwira ati: «Nimuve mu nzira» maze yongeraho ati «nimutureke dukore». Minisitiri w'Intebe, Jean Kambanda wakurikiyeho mu gufata ijambo, ntiyavuguruje Perezida wa Repubulika.

3.20. **Liyetona Koloneli Tharcisse Muvunyi** yitabiriye iyo nama, ari na yo ya mbere yagiyemo nk'umuyobozi w'ibikorwa bya gisirikare muri Perefegitura ya Butare. Kuba yari muri iyo nama kandi ntiyitandukanye n'amagambo yavuzwe na Perezida wa Repubulika, **Liyetona Koloneli Tharcisse Muvunyi** yagaragarije abaturage ko abasirikare bashyigikiye ubwicanyi.

3.21. Muri Perefegitura ya Butare, umuyobozi wa ESO yabaga ari ofisiye wa gisirikare urusha abandi ipete kandi ushinzwe ibikorwa by'umutekano muri Perefegitura ya Butare n'iya Gikongoro. Yashyiraga mu bikorwa amategeko ahawe n'ubuyobozi bukuru bwa gisirikare, nk'uko yabaga yatanzwe n'umugaba mukuru w'igisirikare. Iyo habaga hari umutekano muke, perefe yashoboraga kwiyambaza jandarumori cyangwa igisirikare kugira ngo agarure umutekano.

3.22. Nk'umuyobozi w'ikirenga w'igisirikare muri perefegitura, **Tharcisse Muvunyi** yari mu rwego rwa gisirikare rushinzwe kubungabunga umutekano w'abasiviri muri perefegitura. Dore zimwe mu nshingano yari afite kubera uwo mwanya:

- Gukorana na perefe mu byerekeye umutekano;
- Kuba umwe mu bagize inama ya perefegitura ishinzwe umutekano;
- Gutuma perefe abona uburyo butuma akora neza imirimo ye nk'umuntu wa mbere w'umusiviri uhagarariye Guverinoma;
- Gutabara abaturage igihe bari mu kaga no gukora indi mirimo, iyo ari yo yose, ya gombwa mu mikorere myiza y'ishuri rishinzwe kwigisha abasirikare.

3.23. Nyuma y'urugendo rwa Perezida Sindikubwabo, **Liyetona Koloneli Tharcisse Muvunyi** yatumije inama y'abofisiye n'abasuzofisiye bo muri iryo shuri. Muri iyo nama yabamenyesheje ko ibyifuzo bya Perezida byagombabaga gufatwa nk'amategeko agomba gushyirwa mu bikorwa. Yakoresheje iyo nama mu rwego rw'ububasha yari afite ku bofisiye no ku basirikare bo muri ESO kandi ubwo bubasha yabukomoraga ku mategeko no ku kuntu ibintu byari byifashe.

3.24. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, **Liyetona Koloneli Tharcisse Muvunyi**, ari hamwe na Perezida wa gahunda yo kwirengera kw'abaturage (*défense civile*) muri Butare waje kuba Perefe wa Butare, n'abandi bantu bakomeye bo muri iyo perefegitura, yagiye mu makomine atandukanye ya Perefegitura ya Butare, yitwaje ko arimo gukangurira abaturage bo muri ayo makomine kurengera igihugu. Cyakora mu by'ukuri, yashakaga kubahamagarira gukora ubwicanyi bwibasiye Abatutsi. Ayo manama yo gukangurira abaturage [ubwicanyi] yabereye ahantu henshi muri Perefegitura ya Butare. Muri aho havugwa nka:

- Komine ya Mugusa, ahagana mu mpera za Mata 1994;
- Kuri santeri y'ubucuruzi ya Gikore, ahagana mu ntangiriro za Gicurasi 1994;
- Ku biro bya Komine ya Muyaga, hagati y'itariki ya 3 n'iya 5 Kamena 1994;

- Muri Segiteri ya Nyabitare, iri muri Komine ya Muganza, ahagana mu ntangiriro za Kamena 1994.

3.25. Mu nama zivugwa hejuru mu gika cya 3.24, urebye zitabirwaga n'Abahutu gusa, **Liyetona Koloneli Muvunyi,** afatanyije n'abategetsi bo muri ayo makomine bari kumwe, yavugiye mu ruhame amagambo ya gashozantambra yibasiye Abatutsi. Yakoresheje imigani y'ikinyarwanda abwira abaturage b'aho n'abantu bitwara gisirikare. Abaturage bumvise ko iyo migani ibahamagarira gutsembatsemba Abatutsi, kandi buri gihe izo nama zakurikirwaga n'ubwicanyi bwibasiraga Abatutsi bari batuye muri ayo makomine cyangwa abari bahahungiye.

3.26. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, **Liyetona Koloneli Muvunyi** yagize uruhare rutaziguye mu itangwa ry'intwaro, zirimo n'amagerenade, zahawe abo bantu bitwara gisirikare kugira ngo bagabe ibitero ku Batutsi.

3.27. Ku itariki ya 30 Mata 1994, **Liyetona Koloneli Muvunyi**, akoresheje ububasha yari afite bushingiye ku mategeko no ku kuntu ibintu byari byifashe, yategetse abasirikare bo mu kigo cy'i Ngoma kujya mu kigo cy'Abenebikira gushimuta impunzi zari zihari, zirimo abagore n'abana. Icyo gitero, cyayobowe n'umuliyotona, cyashimuse abantu 25 barimo abana ba Porofeseri Karenzi kandi ntawongeye kubaca iryera.

3.28. Ku itariki ya 4 Gicurasi 1994 cyangwa hafi y'iyo tariki, **Liyetona Koloneli Muvunyi** yategetse ko bamuzanira abapadiri bo mu kigo cy'abihayimana cy'i Gihindamuyaga. Yatandukanyije abapadiri b'Abahutu n'abapadiri babiri b'Abatutsi bo muri icyo kigo cy'abihayimana. Nyuma yaho abo bapadiri b'Abatutsi barishwe.

3.29. Ku itariki ya 15 Mata cyangwa hafi y'iyo tariki, **Liyetona Koloneli Muvunyi**, ari kumwe n'itsinda ry'abasirikare, yagiye mu gitero cyagabwe ku bitaro bya kaminuza y'i Butare cyibasiye impunzi z'Abatutsi zari zakomeretse. Abagabye igitero batandukanyije Abatutsi n'Abahutu maze bica impunzi z'Abatutsi.

3.30. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, **Liyetona Koloneli Muvunyi** yari afite inshingano yo kubungabunga umutekano n'umudendezo w'abaturage b'abasiviri muri perefegitura no gukora ku buryo abasirikare yayoboraga bagira

disipuline. Cyakora, yateshutse kuri izo nshingano. Inshuro nyinshi muri Mata 1994, **Liyetona Koloneli Muvunyi** yirengagije cyangwa yanga gutabara abantu bari mu kaga, cyangwa abamwiyambaje. Muri abo bantu havugwa cyane cyane abari mu Rwunge rw'Amashuri [*Groupe scolaire*] no kuri Paruwasi ya Ngoma, hiciwe impunzi z'Abatutsi.

3.31. **Liyetona Koloneli Muvunyi** yahamagariye kenshi Interahamwe n'abasirikare gukora ibikorwa by'ubwicanyi, gushimuta no kwangiza imitungo. Yaranabibashishikarije, arabiborohereza cyangwa yemera ko babikora.

3.32. Mu gihe cy'ibyabaye ibivugwa muri iyi Nyandiko, ibibazo birebana n'umudendezo n'umutekano by'abaturage b'abasiviri muri perefegitura byigirwaga mu nama z'akanama ka Perefegitura gashinzwe umutekano. Ako kanama kari kagizwe n'abashinzwe gahunda yo kurengera igihugu y'abasiviri n'iy'abasirikare barimo Liyetona Koloneli **Muvunyi**, Koloneli **Alphonse Nteziryayo**, Liyetona Koloneli **Aloys Simba** wari mu kiruhuko cy'izabukuru, abahagarariye ubutegetsi bwa gisiviri nka **Callixte Kalimanzira** wari Umuyobozi mu biro bya Minisitiri w'Ubutegetsi bw'Igihugu, **Joseph Kanyabashi** wari Burugumesitiri wa Komine ya Ngoma, **Jean-Baptiste Ruzindaza** wari Perezida w'Urukiko rwa mbere rw'iremezo, n'umuyobozi wungirije wa Kaminuza y'u Rwanda iri i Butare.

3.33. Ku itariki ya 27 Mata 1994, Guverinoma y'agateganyo yategetse ko hashyirwaho za bariyeri, kandi izi ko izo bariyeri zari gukoreshwa mu gushakisha Abatutsi n'"ibyitso" byabo kugira ngo bicwe. Iryo tegeko ryarubahirijwe, bariyeri zishyirwaho muri Butare.

3.34. Izo bariyeri abategetsi bazitaga ko ari izo kureba ko nta ntwaro zihita no kubuza umwanzi gucengera. Bariyeri zari i Rwasave, Rwabuye, imbere ya Hotel Faucon, imbere y'ikigo cya gisirikare cy'i Ngoma, imbere ya Hotel Ibis, ku isangano ry'imihanda hafi y'ibitaro bya kaminuza, iruhande rwo kwa Bihira n'imbere y'ishuri rya ESO. Abarindaga izo bariyeri basakaga abasiviri bahanyuze kugira ngo bagenzure indangamuntu zabo kandi banabuze umwanzi gucengera.

3.34.i) Byongeye kandi, mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, abasirikare bo muri ESO bagiye muri Kaminuza y'u Rwanda i Butare kwica abarimu n'abanyeshuri b'Abatutsi. Babikoze mu rwego rw'umugambi wo gutsembatsemba abanyabwenge

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

b'Abatutsi. Kubera ububasha yari afite ndetse n'uburyo rusange ubwicanyi bwakozwemo, **Liyetona Koloneli Muvunyi** yari azi cyangwa yagomba kumenya ko ibyo bikorwa byarimo gukorwa, nyamara ntiyafata ingamba zo kubiburizamo, kubihagarika cyangwa guhana ababikoze.

3.35. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, abantu bitwara gisirikare, ni ukuvuga Interahamwe, babifashijwemo n'abasirikare, bitabiriye ubwicanyi bwibasiye abasiviri b'Abatutsi muri Perefegitura ya Butare n'ahandi.

3.36. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, abofisiye n'abandi basirikare bari bakuriwe na **Liyetona Koloneli Muvunyi**, bagize uruhare mu bwicanyi bwibasiye abasiviri b'Abatutsi n'Abahutu batari intagondwa bo mu mashyaka ataravugaga rumwe n'ubutegetsi. Bamwe muri abo basiviri b'Abatutsi barafashwe bajyanwa mu kigo cy'i Ngoma, cyangwa muri ESO, maze baricwa.

3.37. Inshuro nyinshi, **Liyetona Koloneli Muvunyi** yategetse, mu buryo butaziguye, abasirikare n'abantu bitwara gisirikare kugaba ibitero. Yanabibateyemo inkunga y'ibikoresho, abaha nk'amamodoka yo kubatwara n'amagerenade.

3.38. Nk'urugero, **Liyetona Koloneli Muvunyi** yatanze amagerenade yakoreshejwe mu gitero cyagiye kwica impunzi ku isoko ryo muri Segiteri ya Kabilizi, muri Komine ya Mugusa.

3.39. Muri icyo gihe na none, abasirikare bo mu kigo cy'i Ngoma, inshuro nyinshi bishe ku mugaragaro abasiviri b'Abatutsi cyangwa abantu bakekwagaho kuba Abatutsi. Babishe bakoresheje imbunda zabo z'akazi. Kubera ububasha yari afite ndetse n'uburyo rusange ibyo bikorwa byakozwemo, **Liyetona Koloneli Muvunyi** yari azi cyangwa yagombaga kumenya ko ibyo bikorwa byakorwaga, nyamara ntiyafata ingamba zo kubiburizamo, kubihagarika cyangwa guhana ababikoze.

3.40. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, ibihumbi by'abasiviri biganjemo Abatutsi, byarishwe muri Perefegitura ya Butare, cyane cyane ahantu hakurikira:

- Kuri Paruwasi ya Ngoma, muri Komine ya Ngoma;
- Ku ivuriro ryo mu Matyazo;

- Kuri Paruwasi ya Kibeho, muri Komine ya Mugusa;
- Mu kigo cy'Abenebikira, i Sovu, muri Komine ya Huye;
- Kuri *Groupe scolaire* [Urwunge rw'amashuri], muri Komine ya Ngoma;
- Kuri "*Economat général",* muri Komine ya Ngoma;
- Kuri Paruwasi ya Nyumba, muri Komine ya Gatare;
- Mu gace gatuwemo n'Abayisilamu muri Komine ya Ngoma.

3.41. Mu gihe cy'ibyabaye bivugwa haruguru mu gika cya 3.40, abagore n'abakobwa benshi basambanyijwe ku gahato, bakorerwa ibikorwa by'urugomo rwibasiye imyanya ndangagitsina aho hantu havuzwe. Bakorewe ibyo bikorwa aho hantu, cyangwa barashimutwa cyangwa bajyanwa ahandi hantu ku ngufu maze basambanywa ku gahato, banakorerwa urundi rugomo rwibasiye imyanya ndangagitsina. Ibyo byose byakozwe n'Interahamwe n'abasirikare bo mu kigo cy'i Ngoma. Kubera ububasha yari afite n'uburyo rusange ibyo bikorwa byakozwemo, **Liyetona Koloneli Muvunyi** yari azi cyangwa yagombaga kumenya ko ibyo bikorwa byakorwaga, nyamara ntiyafata ingamba zo kubiburizamo, kubihagarika cyangwa guhana ababikoze.

3.41(i) Kenshi, ibyo bikorwa byo gusambanya ku gahato byagiye biba bibi kurushaho bitewe n'uko abantu benshi basambanyaga umuntu umwe, umuntu umwe agasambanywa inshuro nyinshi, abakobwa b'amasugi basambanyijwe ku ngufu, abakobwa basambanyijwe ku ngufu imbere ya ba nyina cyangwa abandi bantu bo mu muryango, habaye n'ibikorwa byo gutesha agaciro abasambanyijwe ku gahato. Byongeye kandi, abantu benshi mu bakorewe urwo rugomo rwibasiye imyanya ndangagitsina barishwe.

3.42. Mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego, **Liyetona Koloneli Muvunyi** yagize uruhare mu ikorwa ry'amalisiti y'abantu bagombaga kwicwa, biganjemo abanyabwenge b'Abatutsi n'Abatutsi bakomeye cyangwa agira uruhare mu kwerekana abo bantu. Ayo malisiti yahabwaga abasirikare n'abantu bitwara gisirikare, bagahabwa amategeko yo gufata cyangwa kwica abo bantu babaga banditse kuri ayo malisiti. Abasirikare n'Interahamwe bashyize mu bikorwa ayo mategeko.

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

3.43. Ubwo bwicanyi bwakozwe n'abasirikare bwabaye kimwe mu bimenyetso by'itangira ry'ubwicanyi n'andi marorerwa muri Butare. Cyakora, ubwicanyi bwatangiye gukara nyuma y'ijambo Perezida yavuze ku itariki ya 19 Mata. Kubera umwanya yari afite n'uburyo rusange ubwicanyi bwakozwemo, **Liyetona Koloneli Muvunyi** yari azi cyangwa afite impamvu yo kumenya ko ibyo bikorwa byakorwaga, nyamara ntiyafata ingamba zo kubiburizamo, kubihagarika cyangwa guhana ababikoze.

3.44. Ku itariki ya 21 Mata 1994 cyangwa hafi y'iyo tariki, bamwe mu bantu barokotse mu gitero cyagabwe mu Matyazo bahungiye kuri Paruwasi ya Ngoma. Muri izo mpunzi harimo abana 62 bari bakomeretse bafite hagati y'amezi 16 n'imyaka 5. Abo bana bazanywe kuri iyo paruwasi na konseye wa segiteri kubera ko abasirikare barindaga bariyeri yari imbere ya ESO bamubujije kubajyana ku bitaro bya kaminuza, aho bari kuvurirwa.

3.45. Ku itariki ya 30 Mata 1994 cyangwa hafi y'iyo tariki, Paruwasi ya Ngoma yagabweho igitero. Padiri mukuru w'iyo Paruwasi yahuruje abasirikare bo mu kigo cya Ngoma, n'uko hashize isaha, Suliyotona Niyonteze, wari wungirije umuyobozi w'ikigo, azana n'abasirikare batandatu. Aho gutabara, Suliyotona Niyonteze yabajije Padiri mukuru uwamuhaye uburenganzira bwo gucumbikira Inyenzi zingana zityo hafi y'ikigo cya gisirikare. Ubwo yatangiye kubara impunzi zari zihari maze ava kuri paruwasi nta cyo akoze ngo ahagarike igitero. Kubera umwanya w'ubuyobozi yari afite ndetse n'uburyo rusange ubwicanyi bwakozwemo, **Liyetona Koloneli Muvunyi** yari azi cyangwa yagombaga kumenya ko ibyo bikorwa byakorwaga, nyamara ntiyafata ingamba zo kubiburizamo, kubihagarika cyangwa guhana ababikoze.

3.46. Uwo munsi saa kumi n'imwe z'umugoroba cyangwa hafi y'iyo saha, umuliyetona yaje kuri iyo Paruwasi gufata padiri mukuru, ariko padiri mukuru arahunga. Cyakora, nyuma yaho Interahamwe n'abasirikare bagabye igitero ku mpunzi zari zihari zirimo abagore n'abana. N'ubwo yari afite ijambo ku bantu, **Muvunyi** ntiyigeze abungabunga umutekano cyangwa umudendezo w'impunzi, ahubwo yashishikaje abagabye ibitero.

3.47. Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, abasirikare bo muri ESO n'abo mu kigo cy'abasirikare cy'i Ngoma bakoreye abasiviri b'Abatutsi ibikorwa bya kinyamaswa kuko babakubise inkoni, amashami y'ibiti cyangwa ibibuno by'imbunda.

3.48. Ku itariki ya 24 Mata cyangwa hafi y'iyo tariki, abasirikare bo mu kigo cya gisirikare cy'i Ngoma n'abo muri ESO bagabye igitero ku mpunzi zo kuri *Groupe scolaire* [Urwunge rw'Amashuri], zirimo impfubyi zari zaravanywe mu kigo cy'Umuryango utabara imbabare [*Croix-Rouge*] ku Kacyiru no mu bindi bigo birera imfubyi. Icyo gihe, abasirikare bo mu kigo cy'i Ngoma bari bayobowe n'umuliyotona, naho abo muri ESO, bahaje bitegetswe n'umukapiteni, bari bayobowe na Suliyotona Niyonteze. Umuntu witaga kuri izo mpfubyi yahuruje kuri ESO akoresheje telefone maze avugana na **Liyetona Koloneli Muvunyi** wanze kubatabara igihe ubwicanyi bwakorwaga.

3.49. **Tharcisse Muvunyi** yashakaga ko ibitero bivugwa muri iyi Nyandiko y'ibirego byagabwe ku bantu bahohotewe bavuzwe haruguru, biba mu rwego rw'intambara itari mpuzamahanga, kuko abasiviri b'Abatutsi bafatwaga nk'abanzi ba Guverinoma, cyangwa ibyitso bya FPR.

3.50. **Tharcisse Muvunyi** yiyemeje gutsemba umwanzi ari we Mututsi nk'uko bisobanurwa haruguru mu bika 3.10 ii) - 3.10v). Yabikoze ashyira mu bikorwa politiki ya Guverinoma igamije gutsinda FPR.

3.51. **Liyetona Koloneli Muvunyi** yashakaga ko guhamagarira abandi bantu ibyaha n'ubwicanyi, bivugwa mu Nyandiko y'ibirego, bikorwa mu rwego rw'intambara itari mu rwego mpuzamahanga yo kurwanya FPR. Kubera ibikorwa yakoze mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, Uregwa yashakaga kurandura ikintu cyose cyatera inkunga FPR muri Perefegitura ya Butare. Uregwa yashakaga kandi ko ibikorwa binyuranye by'urugomo rwibasiye imyanya ndangagitsina ruvugwa haruguru mu bika 3.47 na 3.47i) no guhamagarira abantu gukora urwo rugomo, bikorwa mu rwego rw'intambara itari mpuzamahanga yo kurwanya FPR kandi bigafasha Guverinoma y'u Rwanda kugera ku ntego yari ifite yo gutsinda umwanzi n'ibyitso bye.

3.52. **Liyetona Koloneli Muvunyi**, yitwaje umwanya w'ubuyobozi yari afite kandi afatanyije n'abandi bantu, yagize uruhare mu gucura umugambi no gutegura amarorerwa avugwa

haruguru, cyangwa gushyira mu bikorwa umugambi uhuriweho cyangwa ingamba yo kuyakora. Ibyo byaha byakozwe na we nka gatozi, bikorwa n'abantu yateye inkunga mu kubikora, cyangwa abo yari ashinzwe kuyobora. Abo bantu bose babikoze abizi kandi abishyigikiye.

IBIREGO

Ibikorwa binyuranyije n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara bivugwa muri ibi birego byakorewe muri Repubulika y'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994. Byakozwe kandi mu rwego rw'ibikorwa bivugwa haruguru kuva ku gika cya 2.1. kugera ku cya 3.52.

Kubera ibyo bikorwa bisobanurwa mu bika byavuzwe kuri buri kirego, Uregwa yacuze umugambi wo gukora ibyo bikorwa, awukangurira abandi, abategeka kubikora, arabikora ubwe cyangwa, mu bundi buryo ubwo ari bwo bwose, afasha kandi ashishikariza abandi bantu gucura umugambi wo gukora ibyo bikorwa, kubitegura cyangwa kubikora.

Byongeye kandi, Uregwa yari azi cyangwa yagombaga kumenya ko abantu ayobora bari biteguye gukora cyangwa ko bari bakoze kimwe cyangwa byinshi mu bikorwa biteganywa n'ingingo ya 2 n'iya 3 za Sitati y'Urukiko. Nyamara ariko, ntiyafashe ingamba za ngombwa kandi ziri mu gaciro, zo kubiburizamo cyangwa guhana ababikoze.

IKIREGO CYA 1: Kubera ibyo yakoze cyangwa yirengagije gukora bivugwa by'umwihariko mu bika bikurikira,

Hashingiwe ku ngingo ya 6(1) ya Sitati y'Urukiko, no ku bika 2.2, 2.3, 3.1 ii) – 3.15., 3.17., 3.19., 3.20., 3.23.- 3.30., 3.31., 3.32., 3.36- 3.38., 3.40., 3.41. na 3.41 i).; 3.43., 3.46., 3.48., 3.49., 3.50 – 3.51, 3.52 byo mu Nyandiko y'ibirego;

Hashingiwe kandi ku ngingo ya 6(3) ya Sitati y'Urukiko, no ku bika 2.2, 2.3, 3.1 ii) 3.17., 3.19., 3.20., 3.23.- 3.30., 3.31., 3.32., 3.34., 3.34 i), .3.35., 3.43., 3.45., 3.52 by'Inyandiko y'ibirego;

Tharcisse Muvunyi aryozwa kwica no guteza Abatutsi ububabare bukomeye bw'umubiri cyangwa ubwo mu mutwe, agamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko bazira icyo bari cyo. Kubera iyo mpamvu, yakoze icyaha cya **JENOSIDE** giteganywa

n'ingingo ya 2 (3) a) ya Sitati y'Urukiko. Agomba kuryozwa icyo cyaha nka gatozi kandi agahanwa hashingiwe ku ngingo ya 22 n'iya 23 za Sitati y'Urukiko.

IKIREGO CYA 2 YAKURIKIRANWAHO ARAMUTSE ADAHAMWE N'ICYAHA KU KIREGO CYA MBERE:

Kubera ibyo yakoze n'ibyo yirengagije gukora bivugwa by'umwihariko mu bika bikurikira,

Hashingiwe ku ngingo ya 6 1) ya Sitati y'Urukiko, no ku bika 2.2, 2.3,

3.1 ii) –3.10., 3.17., 3.19., 3.20., 3.23. - 3.30., 3.31., 3.32., 3.36.- 3.38., 3.40., 3.41.

na 3.41 i).; 3.43., 3.46., 3.48.-3.52 by'Inyandiko y'ibirego;

Hashingiwe kandi ku ngingo ya 6(3) ya Sitati y'Urukiko, no ku bika 2.2, 2.3, 2.10 ii-3.10, 3.17., 3.19., 3.20., 3.23.,- 3.30., 3.31., 3.32., 3.33.. 3.33 i), 3.34, 3.35, 3.36-3.38, 3.39, 3.40, 3.41 na 3.41 i, 3.42. na 3.43 by'Inyandiko y'ibirego;

Tharcisse Muvunyi aryozwa kwica no guteza Abatutsi ububabare bukomeye bw'umubiri cyangwa ubwo mu mutwe, agamije kurimbura abantu bose, cyangwa igice cyabo bahuriye ku bwoko, bazira icyo bari cyo. Kubera iyo mpamvu, yakoze icyaha cyo **KUBA ICYITSO CY'ABAKOZE JENOSIDE** giteganywa n'ingingo ya 2 (3) e) ya Sitati y'Urukiko. Agomba kukiryozwa nka gatozi kandi agahanwa hakurikijwe ingingo ya 22 n'iya 23 za Sitati y'Urukiko.

IKIREGO CYA 3: Kubera ibyo yakoze n'ibyo yirengagije gukora bivugwa by'umwihariko mu bika bikurikira,

Hashingiwe ku ngingo ya 6(1) ya Sitati y'Urukiko, no ku bika 3.23. - 3.25. by'Inyandiko y'ibirego;

Tharcisse Muvunyi aryozwa kwica no guteza Abatutsi ububabare bukomeye bw'umubiri cyangwa ubwo mu mutwe, agamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko, bazira icyo bari cyo. Kubera iyo mpamvu, yakoze icyaha cyo **GUHAMAGARIRA ABANTU, KU BURYO BUTAZIGUYE KANDI MU RUHAME, GUKORA JENOSIDE**,

giteganywa n'ingingo ya 2 (3) c) ya Sitati y'Urukiko. Agomba kuryozwa icyo cyaha nka gatozi kandi agahanwa hakurikijwe ingingo ya 22 n'iya 23 za Sitati y'Urukiko.

IKIREGO CYA 4: Kubera ibyo yakoze n'ibyo yirengagije gukora bivugwa by'umwihariko mu bika bikurikira:

Hashingiwe ku ngingo ya 6 3) ya Sitati y'Urukiko, no ku gika cya 3.41. n'icya 3.41.;

Tharcisse Muvunyi aryozwa ibikorwa byo gusambanya ku gahato mu rwego rw'igitero rusange kandi kiri kuri gahunda cyibasiye abasiviri bazira amashyaka ya politiki barimo cyangwa ubwoko bwabo. Kubera iyo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** giteganywa n'ingingo ya 3 g) ya Sitati y'Urukiko. Agomba kuryozwa icyo cyaha nka gatozi kandi agahanwa hashingiwe ku ngingo ya 22 n'iya 23 za Sitati y'u Rukiko.

IKIREGO CYA 5: Kubera ibyo yakoze n'ibyo yirengagije gukora bivugwa by'umwihariko mu bika bikurikira:

Hashingiwe ku ngingo ya 6 3) ya Sitati y'Urukiko, no ku gika cya 3.44. n'icya 3.49.;

Tharcisse Muvunyi aryozwa ibikorwa bibi birenze kameremuntu byakorewe abantu mu rwego rw'igitero rusange kandi kiri kuri gahunda cyagabwe ku basiviri bazira amashyaka barimo cyangwa ubwoko bwabo. Kubera iyo mpamvu, yakoze **ICYAHA CYIBASIYE INYOKOMUNTU** giteganywa n'ingingo ya 3 i) ya Sitati y'Urukiko. Agomba kuryozwa icyo cyaha nka gatozi kandi agahanwa hashingiwe ku ngingo ya 22 n'iya 23 z'iyo Sitati y'Urukiko.

Arusha, tariki ya 22 Ukuboza 2003
Porokireri
[Umukono]

[Ikirangantego cy'Urukiko]