TWIZEYIMANA, URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO RWIHARIYE RURI I KIGALI, IKIZA RY'URUBANZA MU RUHAME RYO KUWA 20/06/2000

TWIZEYIMANA Yazidi
Tribunal de Première Instance de Kigali, Chambre spécialisée
20 juin 2000

RMP 8020/S12RE/ME RP 060/CS/KIG

URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO RWARWO RWIHARIYE RUHABURANISHIRIZA IMANZA Z'ABAKOZE IBYAHA BY'ITSEMBABWOKO N'ITSEMBATSEMBA N'IBINDI BYAHA BYIBASIYE INYOKO-MUNTU RWAKIJIJE URU RUBANZA MU BURYO BUKURIKIRA:

IKIZA RY'URUBANZA MU RUHAME RYO KUWA 20/6/2000

HABURANA UBUSHINJA-CYAHA na:

TWIZEYIMANA Yazidi ufite imyaka 38, mwene MUSANGWA Idrissa na NYIRARUHANGA Zena, ukomoka mu NYAKABANDA, Komini NYARUGENGE, P.V.K. utuye mu Nyakabanda, cellure Rwezamenyo, Komini Nyarugenge, P.V.K., yarapfakaye asigaranye abana 4 , umushoferi ntacyo atunze, nta bindi byaha tumuziho, araregwa ubu, afungiye i Gikondo ;

IBYAHA AREGWA:

1 Kuba TWIZEYIMANA Yazidi, ari mu Biryogo, Segiteri Nyamirambo, Komini Nyarugenge, PVK, muri Repuburika y'u Rwanda abizi kandi abishaka, ari gatozi cyangwa ari icyitso cy'abandi, nkuko biteganywa kandi bigahanwa n'amategeko y'u Rwanda ingingo ya 89, 90 igitabo cya l cy'amategeko ahana y'u Rwanda, yarakoze icyaha cy'itsemba-bwoko n'itsemba-tsemba nkuko biteganywa mu masezerano mpuzamahanga yo kuwa 12/8/1948 yerekeranye no guhana icyaha cy'itsemba-bwoko n'itsemba-tsemba amasezerano mpuzamahanga yo kuwa 12/8/1949 yerekeranye no kurengera abantu batari abasirikare mu gihe cy'intambara n'amasezerano mpuzamahanga yo kuwa 26/11/1968, yerekeranye no kudasaza kw'ibyaha by'intambara n'ibyaha byibasiye inyoko-muntu , yose uko ari atatu akaba yaremewe n'u Rwanda, itegeko-ngenga n° 08/96 ryo kuwa 30/8/1996, ingingo ya 1 urwego rwa 2, n'ingingo ya 14 b;

2 Kuba ari hariya nyine muri kiriya gihe twavuze, afatanyije n'abandi ari gatozi, abizi kandi abishaka, yararemye umutwe w'abagizi ba nabi, icyaha giteganywa kandi kigahanwa n'amategeko y'u Rwanda ingingo ya 282,283 CP LII ;

3 Kuba ari hariya nyine muri kiriya gihe twavuze, afatanyije n'abandi, ari gatozi cyangwa ari icyitso cy'abandi , nkuko biteganywa kandi bigahanwa n'amategeko y'u Rwanda, ingingo ya 89,90,CP.LI ; abizi kandi abishaka yarakoze icyaha cy'ubuhotozi, icyaha giteganywa kandi kigahanwa n'amategeko y'u Rwanda ingingo 312 CP.LII;

4 Kuba ari ku Gisenyi, bahunga bajya muri Zaïre (Actuel Congo) ari gatozi cyangwa icyitso cy'undi nkuko biteganywa kandi bigahanwa abizi kandi abishaka , yarakoze icyaha cy'ubufatanya-cyaha mu buhotozi, icyaha giteganywa kandi kigahanwa n'amategeko y'u Rwanda, ingingo ya 312 CP.Ln n'ingingo ya 89,90,91, CP.LI.

5. KUBA TWIZEYIMANA Yazidi, muri mata 1994, ari i Nyamirambo abizi kandi abishaka , afatanyije n'abandi, ari gatozi cyangwa ari icyitso cy'abandi, nkuko biteganywa kandi bigahanwa n'igitabo cy'amategeko ahana y'u Rwanda ingingo ya 89,90, yarashenye, akanasahura aho hase bamaze kwica , icyaha giteganywa kandi kigahanwa n' amategeko y'u Rwanda, ingingo ya 168 igitabo cya II

6. Kuba hagati ya Mata na Nyakanga 1994, ari mu Biryogo i Nyamirambo n'ahandi yagendaga hase mu gihugu, muri Repuburika y'u Rwanda, abizi kandi abishaka , yaritwaje intwaro mu buryo butemewe n'amategeko , icyaha giteganywa kandi kigahanwa n'itegeko-teka n° 12/79;

URUKIKO,

RUMAZE kubona ibaruwa N° A/62/RMP 8020/S 12/RE/ME yo kuwa 11/11/97 umushinja-cyaha wa Mbere mu Rugereko Rwihariye rwa Kigali yandikiye Perezida w'urwo Rugereko amwoherereza RMP 8020/S121 buregamo uwitwa TWIZEYIMANA Yazidi amusaba ko yaburanishwa;

RUMAZE kubona ko iyo dosiye yanditswe mu gitabo cy'urwo Rugereko Rwihariye rwo mu Rukiko rwa Mbere rw'Iremezo rwa Kigali, kuri n° RP 06 O/CS/KIG, nyuma Perezida warwo afata icyemezo cyuko izaburanishwa kuwa 513/98 ;

RUMAZE kubona ko uru rubanza rwahamagajwbve kuwa 5/398 rusanga uregwa atitabye yunganirwa na Maître Sangare Omari asemurirwa na KABARIRA Stanislas,

RUMAZE kumva Maître Omari SANGARE abazwa icyo yifuza kuko uwo aburanira adahari, asubiza ko rwasubikwa ubushinja-cyaha n'uregwa base bakazaza bazanye abagabo, urubanza rwimurirwa kuwa 10/4/1998;

RUMAZE kubona uwo munsi ugeze urubanza ruhamagajwe rusanga TWIZEYIMANA Yazidi atitabye kandi yaramenyeshejwe itariki ariko umwunganira ahari Maître SANGARE Omari na Maître NKONGOLI Laurent uhagarariye abaregera indishyi ;

RUMAZE kumva Maître NKONGORI Laurent avuga ko atumva impamvu urubanza rutaburanishwa kuko ubwa mbere yumvise ko uregwa atitabye kandi yaramenyeshejwe itariki, ubwa kabiri ngo kuko OMP yibagiwe dosiye izo mpamvu fera zikaba zitumvikana ;

RUMAZE kumva uhagarariye uregwa avuga ko igihe yaboneye dosiye nta muntu n'umwe uregera indishyi yabonye ko aribwo bwa mbere yabona Maître NKONGOLI akaba yifuza ikimenyetso cy'uko yaziregeye;

RUMAZE kumva Urukika rwibutsa ka umuntu uregera indishyi aziregera igihe ashakiye mu gihe urubanza rutararangira;

RUMAZE kumva Ubushinja-cyaha buhagarariwe na OMP BWASISI avuga ka iyi dosiye atariwe wayitangiye yari ifitwe n'undi akaba yibeshye akazana indi dosiye aha kuzana iya TWIZEYIMANA Yazidi ;

RUMAZE kumva Maître NKONGOLI avuga ka ntacyo yabivugaho Maître SANGARE we avuga ka yifuza ka rwakwimurirwa mu minsi 15 kugirango azagende amaze kuruburana, urubanza rwimurirwa kuya 23/4/98 ;

RUMAZE kubona ka uwo munsi ugeze, urubanza ruhamagajwe, ntirwaburanishwa kuko ushinjwa atitabye ndetse n'Ubushinja-cyaha budahari ariko uregera indishyi ahari rwimurirwa kuwa 27/5/1998 ;

RUMAZE kubona uwà munsi ugeze, urubanza ruhamagajwe rusanga TWIZEYIMANA YAZIDI yitabye ahagarariwe na Maître Kaffi Kadja asemurirwa na NTIVUGURUZWA Elysée abaregera indishyi bahagarariwe na Maître NKONGOLI Laurent urubanza ruburanishirizwa mu ruhame ;

RUMAZE kumva TWIZEYIMANA YAZIDI amaze gusomerwa umwirondoro we n'ibyaha aregwa avuga ko umwirondoro we ari uwo ariko ko ibyaha atabyemera ;

RUMAZE kumva basaba ubushinja-cyaha ko bushinja TWIZEYIMANA icyaha cy'ubuhotozi, ubushinja-cyaha buvuga ka TWIZEYIMANA yari kuri barrière ya kuri 40 aha yarashinzwe kureba ibyangombwa byanditswemo HUTU cyangwa TUTSI ufite ibyanditswemo TUTSI akicwa ni muri ubwo buryo hishwe umuryango wa RUKERIKIBAYE uwa Phocas, akica Jean Paul ku Gisenyi amwita Inyenzi ;

RUMAZE kumva TWIZEYIMANA asabwa kwiregura avuga ka ugufungwa kwe kwavuye ku nzu ya nyirakuru ibyo bikaba byaraturutse ku bantu bo mu muryango wabo bifuzaga iyo nzu, iby'urupfu rwa RUKERIKIBAYE yarumenye ahungutse bavuga ka yapfiriye mu rugo rwe kandi ko yari atuye i Nyakabanda, TWIZEYIMANA atuye mu Biryogo ;

RUMAZE kumva babaza Ubushinja-cyaha gusobanura neza ao RUKERIKIBAYE yapfiriye asubiza ko ibyo ari byo byose urwo rupfu TWIZEYIMANA yarugizemo uruhare kuko ibyo ari byo byose yiciye umuntu kuri barrière ya kuri 40 ;

RUMAZE kumva TWIZEYIMANA abazwa niba yaragiye kuri barrière asubiza ka yayigiyeho ya kuri 40 kuko umuryango we wahigwaga hari bene wabo bari baragiye muri FPR kandi mu gihe yari ayirimo nta muntu wayipfiriyeho, uretse ko kuri barrière yari ikurikiye iyabo hapfuyeho umuntu witwaga Hamimu ;

RUMAZE kumva Ubushinja-cyaha bubazwa icyo bubivugaho asubiza ko TWIZEYIMANA yishe Amina na Hamimu nk'uko abyivugira ku rupapuro rwa 3 ko Hamimu yishwe na NDAGIJE;

RUMAZE kumva TWIZEYIMANA abazwa impamvu yivuguruza ku rupfu rwa Amina asubiza ko ari Hamimu Interahamwe zavanye iwe ziza kumwicira kuri barrière kandi umugore we yafungishije abamwiciye umugabo, kuba yaragiye kuri barrière yagiyeho ku gahato ;

RUMAZE kumva TWIZEYIMANA abazwa igihe yamaze kuri barrière asubiza ko yayimazeho ukwezi kumwe amaze kubona ububi bwayo ayivaho ajya kuba iwe ahava ahunga mu kwa gatandatu ;

RUMAZE kumva TWIZEYIMANA asabwa kugira icyo avuga ku byo Umushinja-cyaha yavuze ko yishe RUKERIKIBAYE avuga ko nta bimenyetso rwashyirikirije Urukiko, abazwa ku by'urupfu rwa Phocas n'umuryango we bapfiriye kuri barrière asubiza ko yamenye ko bapfuye ahungutse ko babiciye mu rugo rwabo ;

RUMAZE kumva Ubushinja-cyaha busabwa gushinja TWIZEYIMANA ku rupfu rwa Phocas avuga ko nk'uko uregwa amaze kubyivugira Phocas ntiyapfiriye kuri barrière yapfiriye iwe kandi ko TWIZEYIMANA yafatanyije n'abandi kubica ;

RUMAZE kumva Maître NKONGOLI abazwa icyo avuga ku magambo y'ubushinja-cyaha asubiza ko yumva Ubushinja-cyaha nta bimenyetso bigaragara bufite bityo bukaba bugomba gusaba Urukiko undi munsi kugira ngo buzakore anketi bushakishe ibimenyetso byuzuza dosiye, ndetse n'abaregera indishyi bakabimenyeshwa ;

RUMAZE kumva TWIZEYIMANA abazwa ku magambo ya Maître NKONGOLI asubiza ko bimushimishije akifuza ko dosiye yakwigwa neza kandi n'abazi ibyo bintu bakabazwa;

RUMAZE kumva Maître Koffi abazwa icyo abivugaho asubiza ko ashimishijwe n'imvugo ya Maître NKONGOLI yari yatinye kuvuga ngo bahabwe indi tariki ;

RUMAZE kumva icyemezo cy'Urukiko cy'uko urubanza rwasubikwa hakaboneka ibindi bimenyetso nk'uko ushinjwa n'abaregera indishyi babyifuza, rwimurirwa kuwa 8/7/1998 n'abagabo bo mu mpande zombi bagahamagarwa;

RUMAZE kubona iyo tariki igeze, urubanza ruhamagajwe rusanga TWIZEYIMANA YAZIDI yitabye yunganirwa na Maître Boubacar naho abaregera indishyi bahagarariwe na Maître NKONGOLI Laurent;

RUMAZE kumva TWIZEYIMANA abazwa icyo avuga ku magambo y'Ubushinja-cyaha y'uko atarabona ibimenyetso yasabwe ubushize asubiza ko we icyo yifuza ari uko yaba afunguwe ;

RUMAZE kumva Maître Boubacar abazwa icyo abivugaho asubiza ko ashyigikiye ko uwo ahagarariye ahabwa liberté provisoire kuko muri dosiye ye harimo ibimenyetso niba rero hari ibindi bategereje ni uko undi yaba afunguwe by'agateganyo ;

RUMAZE kumva Maître NKONGOLI avuga ko we uwo ahagarariye afite ibimenyetso ariko ubushinja-cyaha bugomba gushakisha ibimenyetso ku byabereye i Kigali kandi akumva ko ushinjwa aramutse afunguwe yakwica iperereza ndetse n'abaregera indishyi ntibagira umutekano;

RUMAZE kumva Maître Boubacar avuga ko ushinjwa bamushyira muri Liberté Provisoire surveillée hagakurikizwa amategeko yo kujya yitaba ubutegetsi, aramutse asibanganyije ibimenyetso bakongera bakamufata ;

RUMAZE kumva Umushinja-cyaha avuga ko hari impamvu zatumye anketi zitarangira ariko ko ubu zigiye kurangira ubushinja-cyaha bukaba busanga TWIZEYIMANA yakomeza kuba afunzwe kuko abaye hanze yakwica anketi ;

RUSANZE icyifuzo cy'ushinjwa ariwe TWIZEYIMANA Yazidi n'umwunganira cyuko yafungurwa by'agateganyo akaburana ari hanze kitagomba kubahirizwa kuko ubushinja-cyaha bugishakisha ibimenyetso kandi hakaba rero hari impungenge zuko TWIZEYIMANA aramutse afunguwe by'agateganyo ashobora kuzimangatanya ibyo bimenyetso bindi bikenewe, ibyo bikaba biteganywa n'ingingo ya 37ya CPP

RUMAZE kubona ko le 21/9/98 uwo munsi ugeze urubanza ntirwaburanishwa kuko umwe mu bacamanza barutangiye ari muri Congé, YAZIDI akazongera guhabwa dosiye ye akayisoma kubera ibimenyetso bishya byiyongeyemo rwimurirwa kuwa 6/11/98 agenda ayisinyiye, uwo munsi nabwo ntirwaburanishwa kubera abacamanza babuze imodoka ibatwara aho baburanishiriza, rwimurirwa ku munsi utazwi, rwimurirwa kuwa 21/5/99 nabwo ntirwaburanishwa;

RUMAZE kubona uwo munsi ugeze urubanza ruhamagajwe rusanga ushinjwa ahari ahagarariwe na Maître BOUBOU Diabila asemurirwa na BISANGWA Bonaventure naho abaregera indishyi baza ari basaza ba MUKANKUSI Bonifirida kuko we yapfuye kandi ko biburanira kuko Maître NKONGORI atakiba mu Rwanda;

RUMAZE kumva Perezida w'iburanisha avuga ko hari umucamamanza mushya MUNYANSANGA Gisèle usimbuye UWIMANA Delina wasezerewe mu kazi bityo bikaba ari ngombwa ko urubanza rutangira mu ngingo zarwo zose ;

RUMAZE kumva Ubushinja-cyaha busabwa kwibutsa muri make ibyo bushinja TWIZEYIMANA Yazidi buvuga ka TWIZEYIMANA Yazidi yemera ko yagiye kuri barrière yapfiriyeho HAMIMU, Amina, RUKERIKIBAYE, n'umugore n'abana 2, umuryango wa Phocas, ZINGIRO, n'abandi;

RUMAZE kumva TWIZEYIMANA asabwa kwisobanura avuga ko inyandiko y'ubushinja-cyaha ari iye ariko ka barrière HAMIMU yapfiriyeho atariyà we yarariho ko zari zegeranye, kandi ko ubushinja-cyaha bwibeshye bukandika Amina ahà kwandika HAMIMU ibyerekeye urupfu rwa Fakasi aravuga ko busobanutse mu mvugo y'umukobwa we Nadine n'urupfu rwa RUKERIKIBAYE ruravugwa n'umuhungu we nta ruhare yabigizemo, iby'urupfu rwa ZINGIRO na KAYUMBA impamvu nga ni uka ahungutse ni uka yumvise bavuga ka yishwe na NDAGIJE.

RUMAZE gusaba Ubushinja-cyaha kugira icya buvuga ku rupfu rwa J. Paul ku Gisenyi buvuga ka YAZIDI ariwe watanze J.Paul ngo n'inyenzi ubwo bari bahuriye mu buhungiro ku Gisenyi;

RUMAZE kumva Yazidi asobanura ko niba yari interahamwe ntiyagombaga kumutanga yari kumwiyicira, ikindi ngo ni uko bamushinja ko bari kumwe bakumva amasasu akajya kureba ibyo ngo bikaba bigaragaza ka J. Paul yarashwe adahari arahakana ka FURAHA atigeze abonana nawe ku Gisenyi yabonanye na HAMUDUNI kandi ko ari akarengane kuko FURAHA bafite icyo bapfa kuko yafungishije musaza we amushinja ibyoo yakoze, bikaba rero FURAHA ashaka kwihimura;

RUMAZE kumva Ubushinja-cyaha bubazwa ukuntu J. Paul yapfuye FURAHA areba, ubundi akaraswa na YAZIDI ari kumwe na HAMADUNI, burasabwa kandi kugaragaza uruhare rwa Yazidi mu rupfu rwa J. Paul, ubushinja-cyaha buvuga ka ibyo HAMUDUNI byabaye mbere, ibya FURAHA biba nyuma, abagabo bombi baruzuzanya ikindi ni uko Yazidi bamurega ubufatanya-cyaha mu rupfu rwa J. Paul kubera amagambo yari avuze ko ari inyenzi;

RUMAZE kumva MUREKATETE FURAHA arahira ko avugisha ukuri ko TWIZEYIMANA bari basanzwe baziranye ko mu ntambara bahuriye ku Gisenyi hafi ya Sitade mu gihe baganiraga haza umusore ufite imbunda afashe J.Paul abaza YAZIDI niba amuzi asubiza ko amuzi ari inyenzi ubwa uwo musore yahise amurasa yitura hasi imbere y'umuryango wa Sitade abandi bariruka nyuma nibwo yabonye J. Paul yigaragura mu maraso ntazi uko yapfuye, avuga ko atabonanye na HUMUDUNI ku Gisenyi;

RUMAZE kumva MUREKATETE abazwa impamvu yabeshye kuri Brigade ko HAMUDUNI bari kumwe asubiza ko ibyo avuga mu Rukiko aribyo byo;

RUMAZE kumva MUREKATETE abazwa niba afite musaza we ufunzwe asubiza ko amufite wafungishijwe na bashiki ndetse na babyara ba YAZIDI;

RUMAZE kumva HAMUDUNI TWIKO amaze kurahira ko avugisha ukuri avuga ko MUREKATETE FURAHA amuzi ariko ko batahuriye ku Gisenyi mu ntambara ko uwo bahuye ari YAZIDI barazamukana kuri Stade ku Gisenyi mu kugaruka bamanuka bunva amasasu aravuze nibwa YAZIDI yavuze ngo agiye kureba aho ayo masasu avugiye yaragiye nta ntwaro yari afite agarutse aza avuga ko ari J. Paul bari bari kwica ko niyo batamwica we yari kumwica ;

RUMAZE kumva TWIZEYIMANA abazwa ku magambo y'abagabo avuga ko koko HAMUDUNI bari kumwe ko yemera ibyo avuga ariko ko FURAHA abeshya ;

RUMAZE kubona ko amasaha akuze urubanza rurasubikwa rukazasubukurwa 5/5/00 uwo munsi rukazarangira abaregera indishyi ndetse n'ubushinja-cyaha bakazazana imyanzuro abagabo bashinjura bakazahamagazwa ;

RUMAZE kubona ko uwo munsi ugeze urubanza ruhamagajwe rusanga ushinjwa TWIZEYIMANA Yazidi yitabye yunganirwa na Maître SARAH asemurirwa na NTIVUGURUZWA Elysée n'abaregera indishyi bitabye ariko abagabo bashinjura bataje ;

RUMAZE kumva TWIZEYIMANA abazwa icyo avuga kuko abagabo be batitabye, asubiza ko ubwo batitabye yasaba Urukika kugera aho icyaha cyakorewe ;

RUMAZE kubona ko umugabo HAMADA Alexis aje amaze kurahira ko avugisha ukuri avuga ko TWIZEYIMANA babanaga mu rupangu rumwe ko yitwaye neza mu ntambara nta ntwaro yari afite kandi iyo aba umugizi wa nabi aba yarishe abo babanaga mu rupangu rumwe gusa ko hazaga abantu kumutwara ku ngufu ngo ajye kuri bariyeri ntiyayicaragaha kuko yababeshyaga ko agiye kuyo hepfo kandi ntayabagaho;

RUMAZE kumva ubushinja-cyaha buhabwa ijambo bugasabira TWIZEYIMANA Yazidi ibihano bikurikira :
Gushyirwa mu rwego rwa kabiri
Gufungwa burundu
Kwambunva uburenganzira
Gutanga indishyi z'ibyangijwe

RUMAZE kuvuga ko rwifuza gusomera TWIZEYIMANA Imyanzuro y'abaregera indishyi yatanzwe na Maître NKONGOLI kandi P.C. ikaba yarayigize iyayo;

RUMAZE kumva Maître Sarah wunganira TWIZEYIMANA asaba ka mbere yo gusoma iyo myanzuro yifuza kumenya niba abaregera indishyi bujuje ibyangombwa biteganywa n'amategeko kuko babaye ntabyo bafite nta burenganzira bafite bwo gutanga imyanzuro ikindi bifuza ni ukubona ibya ngombwa ngo bamenye ko ari abaregera indishyi ;

RUMAZE kubona ibya ngombwa byatanzwe kuva kera uhagarariye uregwa yagombye kuba yaraje gushaka copies z'ibyo bya ngombwa kandi ko Urukiko arirwo rureba niba ibyo byangombwa byuzuye

RUMAZE kubona ko nta yindi nzitizi yo kudasomera TWIZEYIMANA imyanzuro y'abaregera indishyi aribo MUSABYIMANA Jeanne, RURANGIRWA J Pierre, HAKIZIMANA Emmanuel, bifuza indishyi z'akababaro z'amafaranga 2.000.000 buri wese, yose hamwe akaba 6.000.000 frs kubera mukuru wabo KAYIHURA J. Paul wapfiriye ku Gisenyi yicishijwe na TWIZEYIMANA Yazidi ;

RUMAZE kumva TWIZEYIMANA ahabwa ijambo ngo agire icyo avuga ku gihano Ubushinja-cyaha bwamusabiye no ku ndishyi asabwa avuga ko ibyaha ubushinja-cyaha bumurega atabyemera, ari ibihimbano nkuko yabigaragarije Urukiko agasaba ko Urukiko rwabisuzumana ubushishozi, ibyerekeye indishyi avuga ko abaregera indishyi babibwiwe na FURAHA kandi nawe abeshya bityo izo ndishyi ngo akaba ataziryozwa kuko nta bimenyetso bigaragaza ko yagize uruhare mu rupfu rwa KAYIHURA J. Paul, urubanza rwimurirwa ku 8/5/00 ngo uwunganira TWIZEYIMANA azatange imyanzuro ye ;

RUMAZE Kubona uwo munsi ugeze urubanza ruhamagajwe rusanga uregwa yitabye yunganirwa na Maître SARAH ;

RUMAZE kumva Maître SARAH ahabwa ijambo ngo avuge imyanzuro yuwo yunganira avuga ko ibyabaye mu Rwanda byatumye hafungwa abantu benshi ariyo mpamvu ubutabera bugomba kubahirizwa hagahanwa abakoze ibyaha, abere bakarekurwa; ati mu byaha byose TWIZEYIMANA aregwa nta na kimwe ari ubushinja-cyaha, ari abaregera indishyi ndetse n'abashinja nta numwe wigeze yerekana ibimenyetso bimuhamya icyaha ku byerekeye barrière ntawutazi agahato abategetsi bashyiragaho abasore ngo bajye kuri barrière ariko iyo barrière nta kimenyetso cyuko yaguyeho abantu, arangiza asaba ko TWIZEYIMANA Yazidi yagirwa umwere akarekurwa ndetse abaregera indishyi ntibazihabwe kuko abashinja urupfu rwa J. Paul bivuguruje;

RUMAZE kumva Maître SARAH avuga ko nta kindi yongera ku magambo ye asaba Urukiko kuzasuzuma umwanzuro ;

RUMAZE kubona ko nta yindi ngingo isigaye gusuzumwa muri uru rubanza uretse kuruca ;

RUSANZE Ubushinja-cyaha bukurikiranyeho TWIZEYIMANA Yazidi ibyaha bikurikira:

1 Icyaha cy'itsemba-bwoko n'itsemba-tsemba
2 Icyaha cyo gusenya no gusahura
3 Icyaha cyo kwitwaza intwaro amategeko atabimwemerera

RUSANZE kandi akurikiranyweho indishyi na MUKANKUSI Bonifirida
HAKUZIMANA Emmanuel
MUSABYIMANA Jeanne RURANGIRWA J. Pierre

RUSANZE urupfu rwa Phocas akurikiranyweho n'ubushinja-cyaha umukobwa we Nadine atarigeze ashinja TWIZEYIMANA kuba yari mu bishe se kandi akaba yiyemerera ko abamwishe abazi kuko yagerageje kubaza abaturanyi be ndetse n'umukozi wabakoreraga, mubishe se rero akaba atarigeze abwirwamo iryo zina byongeye n'abacitse kw'icumu n'umuhungu wa RUKERIKIBAYE akaba atarigeze yemeza uruhare rwa TWIZEYIMANA Yazidi mu rupfu rwa Phocas nubwo yemeza ko we atahabaga akaba ibyo avuga byose yarabibwiwe nyamara ntiyigeré avuga ko mubishe yabwiwe harimo TWIZEYIMANA Yazidi bityo icyo cyaha kikaba kitamuhama bitewe nuko nta bimenyetso ubushinja-cyaha bwigeze bugaragariza Urukiko bumuhamya icyo cyaha ;

RUSANZE urupfu rwa RUKERIKIBAYE n'umuryango we narwo rudahama TWIZEYIMANA Yazidi cyane cyane ko nta mvugo n'imwe igaragara muri dosiye imuhamya icyo cyaha ndetse n'umuhungu we RUKERIKIBAYE Raphaél ari abacitse kw'icumu bo muri ako gace harimo umukobwa wa Phocas bakaba batarigeze bashinja TWIZEYIMANA urwo rupfu;

RUSANZE urupfu rwa KAYlHURA J. Paul rwaravuzwe n'abagabo babiri batandukanye aribo TWIKO Hamuduni na MUREKATETE Furaha bombi bakemeza ko urwo rupfu baruzi neza nyamara bakaruvuga mu buryo butandukanye, MUREKATETE akemeza ko J .Paul yatanzwe na TWIZEYIMANA avuze ko amuzi neza ko ari inyenzi, nyamara HAMUDUNI nawe wari kumwe na TWIZEYIMANA akemeza ko Yazidi koko yagiye aho J. Paul yiciwe ko ariko yagezeyo nyuma yuko bumva isasu ryamwishe bityo rero yemeza urukiko ko J.Paul yapfuye mbere yuko TWIZEYIMANA Yazidi agera aho yiciwe, byongeye TWIZEYIMANA akaba avuga ko FURAHA amubeshyera bitewe nuko yafungishije basaza be bari interahamwe ibyo bikaba byaremejwe na HAMUDUNI kuba rero abagabo bemeza ko bazi urupfu rwa J. Paul bavuguruzanya bituma haba ugushidikanya kugirira inyungu ushinjwa nkuko amategeko abiteganya bityo icyo cyaha akaba agihanaguweho ;

RUSANZE urupfu rwa KARIFU Hamimu n'umugore we witwa MUSHIMIYIMANA Asiya ariwe uzi neza iby'urupfu rw'umugabo we kuko uretse nuko we ubwe yabyihagarariyeho nk'umuntu ubifitemo inyungu, niyo aza kuba adahari yari kwikorera iperereza akamenya abamwiciye, nk'umuntu rero wari uhibereye akaba mu bishi b'umugabo we atarigeze ashyiramo TWIZEYIMANA Yazidi nkuko bisangwa muri dossier RP 116 Cote 56, 57 byongeye umugabo HAMADA wabajijwe akaba yarahakanye ko urwo rupfu Yazidi atigeze arugiramo uruhare bityo icyo cyaha akaba agihanaguweho byongeye kandi uretse amagambo yivugiwe n'ushinjwa ubwe nta kindi ubushinja-cyaha bwongeyeho bumuhamya urwo rupfu ;

RUSANZE urupfu rwa ZINGIRO KAYUMBA ubushinja-cyaha nta kimenyetso na kimwe bwashyikirije urukiko rugaragaza ko TWIZEYIMANA yagize uruhare, bityo nacyo kikaba kitamuhama;

RUSANZE icyaha cyo gusenya no gusahura amazu ubushinja-cyaha butarigeze bugaragaza ibimenyetso bihamya TWIZEYIMANA Yazidi ndetse ngo bunavuge amazu yasenywe ayo ariyo byongeye n'abareze muri uru rubanza cyangwa abagabo babajijwe hakaba nta numwe wigeze avuga iby'isenywa ndetse ngo anavuge uruhare rwa Yazidi muri icyo gikorwa ;

RUSANZE icyaha cyo gutwara intwaro itegeko ritabimwemerera Ubushinja-cyaha butarashyikirije ibimenyetso bifatika bumuhamya icyo cyaha ngo buvuge intwaro yatwaraga iyo ariyo aho yayigiye cyangwa ko avuga ko we atazi no kuyikoresha byongeye abagabo babajijwe ndetse bagira ibikorwa bimwe bamushinja bakaba barahakanye icyo cyaha bemeza ko YAZIDI nta ntwaro yigeze agendana bityo icyo cyaha akaba agihanaguweho ;

RUSANZE icyaha cyo kurema umutwe w'abagizi ba nabi kimuhama dore ko nawe ubwe yiyemerera ko yajyaga kuri barrière ko kandi barrière hakorerwaga ibikorwa bibi, nubwo yemeza ko amaze kubona ibikorwa byahakorerwaga yahise ayivaho, akaba atarigeze yerekana uko icyo gikorwa yagihaswe, byongeye abagabo babajijwe barimo HAMADA akaba yaravuze ko na nyuma yuko YAZIDI abona ibikorwa bibi bya barrière yajyaga rimwe na rimwe asubirayo bityo rero imvugo yuko yageze aho akareka gusubirayo ikaba nta shingiro ifite ahubwo bikaba bigaragara ko yari ahuje umugambi nuwo mutwe nubwo ubushinja-cyaha butigeze bugaragariza urukiko ibikorwa bibi byakorewe kuri barrière gusa bukavuga ko muri Rusange ibikorwa bya barrière byari ibyo kubangamira abatutsi n'abandi batavugaga rumwe n'umutegetsi bityo rero icyo cyaha kikaba kimuhama cyane ko nawe atagihakana, yemeza ko yagiye kuri barrière;

RUSANZE icyaha cya Génocide kimuhama kuko umutwe w'abagizi ba nabi wari ugamije kurimbura abatutsi n'abahutu batavugaga rumwe n'ubutegetsi bwariho;

RUSANZE indishyi zasabwe nta shingiro zifite kuko icyaha zasabiwe kidahama YAZIDI;

KUBERA IZO MPAMVU ZOSE RUBONYE MU RUHAME, USHINJWA, UBUSHINJA-CYAHA NABAREGERA INDISHYI BAHARI;

RUSHINGIYE ku itegeko shingiro rya Repubu1ika y'u Rwanda nkuko ryavuguruwe kuwa 16/11/1996 :

- Amasezerano y'amahoro y'Arusha ingingo ya 25,26;
- Itegeko-Nshinga rya Repubu1ika y'u Rwanda ingingo ya 14,33,92-95 ;
- Itegeko nshinga rya Republika yu Rwanda ingingo ya 14, 33, 92-95;

Rushingiye ku itegeko-teka n°09/80 ryo kuwa 7/7/80 rigena imitunganyirize nububasha bwinkiko ingingo ya 6,12,16,104,119, 129,200;

Rushingiye ku ngingo ya 1,2,4,19,21,28, n° 8/96 ryo kuwa 30/8/96 rigena imitunganyirize nikurikirana ryibyaha bigize icyaha cyitsembabwoko nitsembatsemba cyangwa ibyaha byibasiye inyoko-muntu byakozwe kuva tariki ya 1/10/1990;

Rushingiye ku ngingo za 16,17,20,58,59,61,63,71,76,83,85,86 zigitabo cyamategeko agenga imiburanishirize yimanza zinshinja-byaha;

Rushingiye ku gitabo cyamategeko ahana ingingo ya 281,282;

Rwemeye kwakira ikirego rwashyikirijwe nubushinja-cyaha kandi ko gifite ishingiro kuri bimwe;

RUKIJIJE KO TWIZEYIMANA YAZIDI ATSINZWE;

Rutegetse ko ashyirwa mu rwego rwa gatatu kuko ibyaha yakoze ntaho bigaragara ko byatwaye ubuzima bwumuntu;

Rumuhanishije igifungo cyimyaka itanu;

Rumutegetse gutanga amagarama ahwanye na 9700 Frw urubanza rukimara gusomwa atayatanga agafungwa iminsi 30 kandi akavanwa mu bye ku ngufu za Leta;

Ruvuze ko iminsi yo kujurira ari 15 uhereye igihe urubanza rusomewe;

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME RWA BENSHI NONE KUWA 20/6/2000 MU RUKIKO RWA MBERE RWIREMEZO RWA KIGALI HARI ABACAMANZA KARANGWA Frédéric (Président), UDAHEMUKA Adolphe, MUNYENSANGA Gisèle (ABAJUJI), KALISA Pierre (UMUSHINJA-CYAHA) MUKAMASABO Rose (UMWANDITSI)

Juji PEREZIDA JUJI UMWANDITSI
UDAHEMUKA A. KARANGWA F. MUNYANSANGA A.G. MUKAMASABO Rose
(sé) (sé) (sé) (sé)

MBYANDIKUYE UKWO BYANDITSWE NONE KUWA 24/01/2001

UMWANDITSI : INGABIRE MARIE DAMOUR (sé)