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Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I



Umuryango w'Abibumbye

**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

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Itariki: 13 Ukuboza 2006

POROKIRERI
aburana na
Athanase SEROMBA

Urubanza N° ICTR-2001-66-I

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INYANDIKO Y'URUBANZA

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AMASHAKIRO

UMUTWE WA 1: INTANGIRIRO	1
UMUTWE WA 2: IMYANZURO ISHINGIYE KU BYABAYE.....	6
1. IBIBAZO BYO MU IKUBITIRO	6
1.1 Inenge ziri mu Nyandiko y'ibirego.....	6
1.1.1 Amategako akurikizwa ku bujirire burebana n'inenge ziri mu nyandiko y'ibirego.....	6
1.1.2 Isuzuma ry'ingingo z'Ubwunganizi	7
1.1.3 Imyanzuro y'Urugereko	8
1.2 Ibyerekeye ibimenyetso by'imico myiza y'Uregwa	9
1.3 Ibivugwa rusange mu Nyandiko y'ibirego	10
2. IBYEREKEYE KOMINI YA KIVUMU, PARUWASI YA NYANGE N'IMIRIMO UREGWA YAKORAGA	11
3. IBYABEREYE MURI KOMINI YA KIVUMU KUVA KU ITARIKI YA 6 KUGERA KU YA 10 MATA 1994	12
3.1 Inyandiko y'ibirego	12
3.2 Ibitero byibasiye Abatutsi muri Komini ya Kivumu bigahitana bamwe muri bo nka Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi.....	13
3.2.1 Ibimenyetso	13
3.2.2 Imyanzuro y'Urugereko	14
3.3 Kuba Abatutsi barahungiyeye mu mazu ya Leta no muri za kiriziya zirimo iya Nyange.....	15
3.3.1 Ibimenyetso	15
3.3.2 Imyanzuro y'Urugereko	17
3.4 Kuba Athanase Seromba yarashyikirije Burugumesitiri wa Komini lisiti y'Abatutsi bagombaga gushakishwa bakajyanwa kuri kiriziya y'i Nyange	17
3.4.1 Ibimenyetso	17
3.4.2 Imyanzuro y'Urugereko	19
4. IBYABAYE KUVA KU ITARIKI YA 10 KUGERA KU YA 11 MATA 1994.....	20
4.1 Inyandiko y'ibirego	20
4.2 Inama yo ku itariki ya 10 Mata 1994.....	20
4.2.1 Ibimenyetso	20
4.2.2 Imyanzuro y'Urugereko	21

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

4.3 Inama yo ku itariki ya 11 Mata 1994 yabereye ku biro bya Komini	23
4.3.1 Ibimenyetso	23
4.3.2 Imyanzuro y'Urugereko	25
4.4 Ukuza kw'abajandarume ku kiriziya y'i Nyange baturutse kuri Perefegitura.....	27
4.4.1 Ibimenyetso	27
4.4.2 Imyanzuro y'Urugereko	28
5. IBYABEREYE KURI PARUWASI YA NYANGE KUVA KU ITARIKI YA 12 KUGERA KUYA 14 MATA 1994.....	29
5.1 Inyandiko y'ibirego	29
5.2 Kuba impunzi zaragowe n'imitwe yitwaraga gisirikare n'Interahamwe bitwaje intwara gakondo n'izitari za gakondo	30
5.2.1 Ibimenyetso	30
5.2.2 Imyanzuro y'Urugereko	31
5.3 Kuba Athanase Seromba yarabujije impunzi gushaka ibyo zirya mu rutoki rwa paruwasi no kuba yaba yarategutse abajandarume kurasa « Inyenzi » yose izagerageza kuhashaka ibitoki.....	32
5.3.1 Ibimenyetso	32
5.3.2 Imyanzuro y'Urugereko	33
5.4 Ku birebana n'uko Athanase Seromba yanze gusomera « Inyenzi » misa.....	36
5.4.1 Ibimenyetso	36
5.4.2 Imyanzuro y'Urugereko	38
5.5 Ku birebana n'iyirukanwa kuri paruwasi ry'abakozi bane b'Abatutsi (Alex, Félicien, Gasore na Patrice) n'urupfu rwa Patrice, Seromba yaba yarangiye kwinjira mu nzu z'abapadiri	39
5.5.1 Ibimenyetso	39
5.5.2 Imyanzuro y'Urugereko	40
5.6 Inama yabereye ku biro bya paruwasi ku itariki ya 12 Mata 1994.....	41
5.6.1 Ibimenyetso	41
5.6.2 Imyanzuro y'Urugereko	42
6. IBYABAYE KU ITARIKI YA 14 N'IYA 15 MATA 1994 KURI PARUWASI YA NYANGE	42
6.1 Inyandiko y'ibirego	42
6.2 Igitero cyagabwe kuri kiriziya y'i Nyange gikurikirwa no kwirwanaho kw'impunzi kwaburijwemwo na za gerenade zatewe n'abagabye igitero	45

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

6.2.1 Ibimenyetso	45
6.2.2 Imyanzuro y'Urugereko	46
6.3 Itegeko ryatanzwe na Athanase Seromba ryo gukinga imiryango ya Kiriziya hanze hagasigara impunzi zigera kuri 30 zishobora kuba zarishwe	46
6.3.1 Ibimenyetso	46
6.3.2 Imyanzuro y'Urugereko	47
6.4 Inama zahuje Athanase Seromba, abayobozi ba Komini n'abandi bantu Porokireri atazi....	48
6.4.1 Ibimenyetso	48
6.4.2 Imyanzuro y'Urugereko	51
6.5 Kuba Athanase Seromba yarategetse Interahamwe n'imitwe yitwaraga gisirikare gutera impunzi	53
6.5.1 Ibimenyetso	53
6.5.2 Imyanzuro y'Urugereko	56
6.6 Ibitero Interahamwe n'imitwe yitwaraga gisirikare bagabye ku mpunzi bafashijwe n'abajandarume n'abaporisi ba Komini no kugerageza gutwika kiriziya y'i Nyange.....	57
6.6.1 Ibimenyetso	57
6.6.2 Imyanzuro y'Urugereko	58
6.7 Kuba Athanase Seromba yarahagarikiye ibitero	59
6.7.1 Ibimenyetso	59
6.7.2 Imyanzuro y'Urugereko	63
6.8 Iyicwa ry'abantu benshi barimo umwarimu witwaga Gatare n'Abatutsikazi b'impunzi ari bo Alexia na Meriam.....	67
6.8.1 Ibimenyetso	67
6.8.2 Imyanzuro y'Urugereko	69
7. IBYABEREYE KURI PARUWASI YA NYANGE KU ITARIKI YA 16 MATA 1994.....	70
7.1 Inyandiko y'ibirego	70
7.2 Kuba ku kiriziya hari tingatinga	72
7.2.1 Ibimenyetso	72
7.2.2 Imyanzuro y'Urugereko	73
7.3 Iyicwa ry'umushoferi witwaga Evariste Rwamasirabo	73
7.3.1 Ibimenyetso	73

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

7.3.2 Imyanzuro y'Urugereko	74
7.4 Itegeko ryatanzwe na Athanase Seromba ryo gusenya kiriziya	74
7.4.1 Ibimenyetso	74
7.4.2 Imyanzuro y'Urugereko	83
7.5 Isenywa rya kiriziya y'i Nyange hakoreshejwe tingatinga rigahitana nibura abantu 1500 ...	97
7.5.1 Ibimenyetso	97
7.5.2 Imyanzuro y'Urugereko	99
7.6 Itegeko ryo guhamba imirambo ryatanzwe na Athanase Seromba.....	100
7.6.1 Ibimenyetso	100
7.6.2 Imyanzuro y'Urugereko	101
7.7 Athanase Seromba yongera guhura n'abategetsi nyuma y'isenywa rya kiriziya	102
7.7.1 Ibimenyetso	102
7.7.2 Imyanzuro y'Urugereko	103
UMUTWE WA 3: IMYANZURO Y'URUGEREKO MU RWEGO RW'AMATEGEKO	104
1. Imiterere y'uruhare rw'uregwa mu ikorwa ry'ibyaha	104
1.1 Inyandiko y'ibirego	104
1.2 Amategeko akurikizwa	104
1.3 Imyanzuro y'Urugereko ku birebana n'uburyo uregwa yakozemo ibyaha ashinjwa	108
2. Ikirego cya 1- Jenocide	109
2.1 Inyandiko y'ibirego	109
2.2 Amategeko akurikizwa	109
2.3 Imyanzuro y'Urugereko	112
2.3.1 Guteza Abatutsi ububabare bukomaye buzahaza umubiri cyangwa mu mutwe	112
2.3.2 Ubwicanyi bwakorewe ubwoko bw'Abatutsi	115
2.3.3 Ingingo zigize jenocide.....	117
3. Ikirego cya 2- Kuba icyitso cy'abakoze jenocide	118
4. Ikirego cya 3- Ubwumvikane bugamije gukora jenocide	118
4.1 Inyandiko y'ibirego	118
4.2 Amategeko akurikizwa	118
4.3 Imyanzuro y'urugereko	119

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

5. Ikirego cya 4- icyaha cyibasiye inyokomuntu (itsembatsemba)	121
5.1 Inyandiko y'ibirego	121
5.2 Amategako akurikizwa	121
5.3 Imyanzuro y'Urugereko	124
UMUTWE WA 4: IMIKIRIZE Y'URUBANZA	127
UMUTWE WA 5: IGENABIHANO	128
1. INTANGIRIRO	128
2. AMATEGEKO AKURIKIZWA	128
3. IMYANZURO Y'URUGEREKO	129
3.1 Uburemere bw'ibyaha	129
3.2 Ibintu byihariye biranga Uregwa	130
3.3 Impamvu zongera ububi bw'icyaha.....	131
3.4 Impamvu zigabanya ububi bw'icyaha	133
3.5 Igena ry'ibihano.....	136
UMUTWE WA 6: ICYEMEZO CY'URUKIKO.....	139
UMUGEREKA I: AMAVU N'AMAVUKO Y'IMIBURANISHIRIZE	140
1. Igihe mbanzirizarubanza.....	140
2. Iburanisha ry'urubanza	143
UMUGEREKA II: LISITI Y'INYANDIKO ZIFASHISHIJWE N'IMPINAMAGAMBO.....	153
UMUGEREKA III: INYANDIKO Y'IBIREGO	159

UMUTWE WA 1: INTANGIRIRO

1. Uru rubanza *Porokireri aburana na Athanase Seromba* ruciwe n'Urugereko rwa Mbere rw'Iremezo, III (« Urugereko ») rw'Urukiko Mpanabyaha Mpuzamahanga Rwashyirihweho u Rwanda (« Urukiko ») rugizwe n'abacamanza Andrésia Vaz, Perezida, Karin Hökberg na Gberdao Kam.
2. Urukiko rugengwa na Sitati yometswe ku mwanzuro wa 955 w'Inama Ishinzwe Amahoro ku Isi y'Umuryango w'Abibumbye (« Sitati »)¹ n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso (« Amategeko »)².
3. Urukiko rufite ububasha bwo gucira imanza abantu baregwa kuba barakoreye mu Rwanda ibikorwa binyuranyije ku buryo bukomeye n'amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda. Urukiko rufite ububasha bwo kuburanisha gusa ibikorwa bya jenocide, ibyaha byibasiye inyokomuntu n'ibikorwa binyuranyije ku buryo bukomeye n'Ingingo ya 3 ihuriweho n'Amasezerano y'i Jeneve n'Inyongera yayo ya II³, byakozwe hagati y'itariki ya 1 Mutarama n'ya 31 Ukuboza 1994⁴.
4. Urugereko ruributsa ko, muri uru rubanza, rwemeje ibintu bitagibwaho impaka kuko, hashyizwe mu gaciro, nta wushobora guhakana ko, mu mwaka wa 1994⁵ mu Rwanda, hakoze ubwicanyi bwibasiye abantu benshi. Urugereko ruributsa kandi ko rwemeje ibintu bitagibwaho impaka ko, mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, Abatutsi, Abahutu n'Abatwa bafatwaga nk'abantu bagize amoko⁶.

¹ Inyandiko ya Loni S/RES/955(1994), 8 Ugushyingo 1994.

² Amategeko yemejwe ku itariki ya 5 Nyakanga 1995 n'abacamanza b'Urukiko, ahindurwa bwa nyuma ku itariki ya 7 Kamena 2005. Sitati n'Amategeko biboneka ku muyoboro wa interineti w'Urukiko: www.icttr.org.

³ Ingingo ya 2, iya 3 n'ya 4 za Sitati.

⁴ Ingingo ya 1ya Sitati.

⁵ icyemezo ku cyifuzo cya Porokireri ku bitagomba kugibwaho impaka n'ababuranyi, 14 Nyakanga 2005, urup. 7.

⁶ Ni kimwe no haruguru.

5. Urugereko rusanga kandi mu rubanza rwa *Karemera*, Urugereko rw'Ubujurire ruherutse kwibutsa ko jenocide yabaye mu Rwanda ari ikintu kizwi na bose⁷. Ariko Urugereko rushimangira ko kwemeza ibintu bizwi na bose bitagibwaho impaka, bidakuraho inshingano Porokireri afite zo kugaragaraza uburyozwacyaha bw'uregwa ku bikorwa byihariye ashinjwa mu Nyandiko y'ibirego⁸.
6. Uregwa Athanase Seromba yavukiye muri Komini ya Rutsiro, muri Perefegitura ya Kibuye mu Rwanda mu 1963. Arangije kwiga mu Iseminari nkuru ya Nyakibanda⁹, yahawe ubupadiri muri Nyakanga 1993¹⁰. Muri Mata 1994, yari Padiri muri Paruwasi ya Nyange, muri Komini ya Kivumu.
7. Mu Nyandiko y'ibirego yakozwe ku itariki ya 8 Kamena 2001 (« Inyandiko y'ibirego »), ikandikwa mu bitabo by'Ubwanditsi bw'Urukiko ku itariki ya 5 Nyakanga 2001¹¹, Porokireri ashinja Athanase Seromba ibyaha bine:
8. **Ikirego cya 1: Jenocide**¹²: Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba icyaha cya jenocide giteganywa n'Ingingo ya 2 3) a) ya Sitati y'Urukiko kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Komini ya Kivumu, Perefegitura ya Kibuye mu Rwanda, Athanase Seromba yishe abaturage b'Abatutsi cyangwa yabateje ububabare buzahaza umubiri cyangwa mu mutwe agamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko; na none hashingiwe ku Ngingo ya 6 1) ya Sitati: kubera ibikorwa Uregwa yakoze byo gucura umugambi w'icyaha ashinjwa, guhamagarira abantu kugikora, kubatega kugikora, kugikora ubwe cyangwa mu bundi

⁷ *Urubanza Porokireri aburana na Edouard Karemera na bagenzi be*, N°. ICTR-98-44-T, icyemezo ku bujurire Porokireri yatanze, hagati mu rubanza, ku cyemezo kirebana n'ibitagomba kugibwaho impaka n'ababuranyi (Urugereko rw'Ubujurire), 16 Kamena 2006, igika 36.

⁸ Ni kimwe no haruguru, igika 37.

⁹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 6 (mu muhezo).

¹⁰ Ibaruwa Uregwa yandikiye Arikiyepisikopi wa Florence (P-8).

¹¹ Inyandiko y'ibirego iri mu rurimi rw'igifaransa yanditswe mu bitabo by'Ubwanditsi bw'Urukiko ku itariki ya 9 Nyakanga 2001.

¹² Inyandiko y'ibirego, urup. 2.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

buryo ubwo ari bwo bwose, kubafasha no kubashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba.

9. **Ikirego cya 2: Kuba icyitso cy'abakoze jenocide**¹³: Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba icyaha cyo kuba icyitso cy'abakoze jenocide, giteganywa n'Ingingo ya 2 3) e) ya Sitati kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Komini ya Kivumu, Perefegitura ya Kibuye mu Rwanda, Athanase Seromba yabaye icyitso mu kwica abaturage b'Abatutsi cyangwa mu kubateza ububabare buzahaza umubiri cyangwa mu mutwe agamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko; na none hashingiwe ku ngingo ya 6 1) ya Sitati: kubera ibikorwa Uregwa yakoze byo gucura umugambi w'icyaha ashinjwa, guhamagarira abantu kugikora, kubategeka kugikora, kugikora ubwe, kubafasha no kubashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba.
10. **Ikirego cya 3: Ubwumvikane bugamije gukora jenocide**¹⁴: Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba icyaha cy'ubwumvikane bugamije gukora jenocide, giteganywa n'ingingo ya 2 3) b) ya Sitati kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Perefegitura ya Kivumu mu Rwanda, Athanase Seromba, wari ushinzwe Paruwasi ya Nyange, yumvikanye koko na Grégoire Ndahimana wari Burugumesitiri wa Komini ya Kivumu, Fulgence Kayishema wari umugenzacyaha muri Komini ya Kivumu, Télesphore Ndungutse, Gaspard Kanyarukiga n'abandi bantu Porokireri atazi, ngo bice abaturage b'Abatutsi cyangwa babateze ububare bukomeye bubazahaza umubiri cyangwa mu mutwe bagamije kurimbura abantu bose, cyangwa igice cyabo, bahuriye ku bwoko; na none hashingiwe ku ngingo ya 6 1) ya Sitati: kubera ibikorwa Uregwa yakoze byo gucura umugambi w'icyaha ashinjwa, guhamagarira abantu kugikora, kubategeka

¹³ Inyandiko y'ibirego, urup. 3.

¹⁴ Inyandiko y'ibirego, urup. 11.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kugikora, kugikora ubwe cyangwa mu bundi buryo ubwo ari bwo bwose kubafasha no kubashishikariza kugitegurira umugambi, kugitegura cyangwa kugitsotsoba.

11. **Ikirego cya 4: Itsembatsemba nk'icyaha cyibasiye inyokomuntu**¹⁵: Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba itsembatsemba nk'icyaha cyibasiye inyokomuntu giteganywa n'Ingingo ya 3 b) ya Sitati kubera ko, hagati y'itariki ya 7 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Perefegitura ya Kibuye (Rwanda), Athanase Seromba yishe cyangwa yicisha abantu mu bwicanyi bwakozwe mu rwego rw'igitero rusange cyangwa kiri kuri gahunda cyibasiye abaturage b'abasiviri kubera imitwe ya politiki barimo cyangwa ubwoko bwabo; na none hashingiwe ku Ngingo ya 6 1) ya Sitati: kubera ibikorwa Uregwa yakoze byo gucura umugambi w'icyaha ashinjwa, agahamagarira abantu kugikora, akabatega kugikora, akagikora ubwe cyangwa mu bundi buryo ubwo ari bwo bwose akabafasha kandi akabashishikariza kugicurira umugambi, kugitegura cyangwa kugi-tsotsoba.
12. Inyandiko y'ibirego yose uko yakabaye yometswe kuri uru rubanza¹⁶.
13. Athanase Seromba, wari warahungiyeye i Florence mu Butaliyani, yishyize mu maboko y'Urukiko ku itariki ya 6 Gashyantare 2002 abategutsi b'u Butaliyani badashyize mu bikorwa inyandiko yo kumufata¹⁷ bari barashyikirijwe n'Urukiko ku itariki ya 10 Nyakanga 2001¹⁸. Uregwa yitabye bwa mbere Urukiko imbere y'umucamanza Navanethem Pillay ku itariki ya 8 Gashyantare 2002 maze ahakana ibyaha aregwa¹⁹.

¹⁵ Inyandiko y'ibirego, urup.15.

¹⁶ Reba Umugereka wa III: Inyandiko y'ibirego.

¹⁷ *Urubanza rwa Seromba*, icyemezo ku Cyifuzo Porokireri yatanze gisaba isaka, ifatira, ifatwa n'iyimurwa, 4 Nyakanga 2001.

¹⁸ Reba ibaruwa yo ku itariki ya 11 Nyakanga 2001 Minisitiri y'Ubutabera y'u Butaliyani yandikiye Gerefiye w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda.

¹⁹ Inyandikomvugo y'iburanisha, 8 Gashyantare 2002, urup.16 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Urubanza rwe rwatangiye ku itariki ya 20 Nzeri 2004, rurangira ku itariki ya 27 Kamena 2006²⁰.

²⁰ Reba umugereka wa I: Amavu n'amavuko y'imiburanishirize.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

UMUTWE WA 2: IMYANZURO ISHINGIYE KU BYABAYE

1. IBIBAZO BYO MU IKUBITIRO

1.1 Inenge ziri mu Nyandiko y'ibirego

1.1.1 Amategeko akurikizwa ku bujurire burebana n'inenge ziri mu nyandiko y'ibirego

14. Hakurikijwe ingingo ya 72 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibime-nyetso, Urugereko rusanga inenge ziri mu nyandiko y'ibirego zigomba ubusanzwe kuvugwa mu cyiciro kibanziriza urubanza²¹ kereka Urugereko rwemereye umuburanyi uwo ari we wese kubikora mu kindi gihe icyo ari cyo cyose cy'iburanisha.
15. Muri uru rubanza, Urugereko rusanga icyifuzo cy'Ubwunganizi gisaba Urugereko kwemeza ko Inyandiko y'ibirego irimo inenge, kitubahiriza, mu miterere yacyo, ibisabwa n'Ingingo ya 72 bimaze kuvugwa haruguru kubera ko butabivuze mu cyiciro kibanziriza urubanza ahubwo bukabivuga mu myanzuro nsozarubanza, ni ukuvuga nyuma y'isoza ry'impaka. Urugereko rusanga kandi kugeza impaka zirangiye, Ubwunganizi butarigeze busaba kandi butarigeze bwemererwa gutanga icyifuzo kirusaba kwemeza ko Inyandiko y'ibirego irimo inenge.
16. Urugereko ruributsa ko, rusabwe gufata icyemezo ku kibazo cyo kumenya niba nyuma y'isozwa ry'impaka, Urugereko rwa Mbere rw'Iremezo rwarashoboraga kwemeza ko Inyandiko y'ibirego irimo inenge, Urugereko rw'Ubujurire, mu rubanza rwa Ntagerura, rwavuze ko Urugereko rwa Mbere rw'Iremezo rutashoboraga kubikora rutabanje guha ababuranyi umwanya wo kwisobanura, ibyo bikaba byarasabaga ko hongera kubaho impaka²².

²¹ *Urubanza rwa Simba*, Inyandiko y'urubanza rw'iremezo, 13 Ukuboza 2005, igika 15.

²² *Urubanza rwa Ntagerura*, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006, igika 55: « Muri uru rubanza, Urugereko rw'Ubujurire rusanga, kubera ko mu mpaka zarwo Urugereko rwa Mbere rw'Iremezo rwari rwiyeje kongera gusubira ku byemezo rwafashe mbere ku kibazo cyo kumenya niba Inyandiko y'ibirego yari isobanuye ku

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

17. Rushingiye ku bimaze kuvugwa, Urugereko rwemera ko guhindura, uko ari ko kose, inyandiko y'ibirego kubera inenge ziyirimo, bishobora no gukorwa mu gihe abacamanza baba bajya impaka zo guca urubanza ariko bigakorwa ari uko Urugereko rubanje gutegeka ko ababuranyi bongera kurugezaho ingingo zabo. Bityo rero, Urugereko rusanga ikibazo kiri muri uru rubanza ari ukumenya niba ingingo Ubwunganizi bwatanze mu gushyigikira icyifuzo kirusaba kwemeza ko Inyandiko y'ibirego irimo inenge, zatumaze biba ngombwa kuyihindura kugira ngo habeho urubanza rutabogamye. Biramutse ari uko bimeze, byaba ngombwa ko Urugereko rwongera kumva ababuranyi.
18. Kugira ngo rusubize iki kibazo, Urugereko rugiyeye gusuzuma ingingo Ubwunganizi butanga mu myanzuro nsozarubanza uko zikurikirana²³, n'ubwo ibyo bishobora kugaragara nk'aho atari ngombwa.

1.1.2 Isuzuma ry'ingingo z'Ubwunganizi

Ibyo Ubwunganizi buvuga ku gika cya 5 cy'Inyandiko y'ibirego

19. Urugereko rusanga Ubwunganizi buvuga ko Porokireri yemeza gusa ko Athanase Seromba wari « ushinze Paruwasi ya Nyange n'abandi bantu Porokireri atazi » bateguye kandi bagashyira mu bikorwa umugambi wo gutsemba abatwaga bo mu bwoko bw'Abatutsi nyamara ntavuye imiterere y'uwo mugambi, amatariki n'ahantu wacuriwe, abantu baba barawucuze, uburyo bwakoreshejwe mu kuwushyira mu bikorwa cyangwa uruhare nyakuri Uregwa yaba yaragize mu icurwa, mu itegurwa no mu ishyingirwa mu bikorwa ry'uwo mugambi.

buryo buhagije, rwaragombaga guhagarika isesengura ryarwo maze rukongera rukumva ababuranyi. Uzirikanye aho urubanza rwari rugeze, ibimenyetso byose byaratanze, n'ababuranyi baratanze imyanzuro nsozarubanza yabo, Porokireri ntiyashoboraga gusaba guhindura Inyandiko z'ibirego. Ahubwo kongera kumva ababuranyi byari gutuma agerageza kumvisha Urugereko rwa Mbere rw'Iremezo ukuri kw'ibyemezo rwafashe mbere ku myandikire y'Inyandiko y'ibirego cyangwa se, biramutse bibaye ngombwa, akaba yarwumvisha ko inenge zivugwa zakosowe. Urugereko rw'Ubujurire rusanga Urugereko rwa Mbere rw'Iremezo rwarakoze ikosa ryo kuba rwararinze guca urubanza nta cyo ruvuye ku cyemezo cyarwo kivuga ko Inyandiko y'ibirego ifite inenge mu bice byavuzwe »

²³ Imyanzuro nsozarubanza y'Ubwunganizi, imp. 40-42.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

20. Urugereko rusanga kandi Ubwunganizi buvuga ko, mu kuvuga gusa ko nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, muri Komini ya Kivumu habaye ibitero byibasiye Abatutsi bigahitana benshi muri bo, Porokireri adatumye umuntu amenya umwirondoro w'abagabye ibyo bitero, uw'ababicuriye umugambi, ahantu byagabwe, uburyo byagabwemo cyangwa ngo amenye niba Athanase Seromba yarabigiyemo.
21. Urugereko rusanga ibimaze kuvugwa n'Ubwunganizi bidafite ishingiro kuko Inyandiko y'ibirego isobanura bihagije ingingo Ubwunganizi burwanya. Urugereko rusanga rero ibivugwa n'Ubwunganizi bitagaragaza ko Inyandiko y'ibirego irimo inenge.

Ibindi bivugwa n'Ubwunganizi

22. Ubwunganizi buvuga kandi ko ibika bya 7, 8, 11, 14, 15, 16 na 17 by'Inyandiko y'ibirego, uko bikurikirana, bidasobanura neza ibyerekeranye n'uko Uregwa yakoze lisiti y'impunzi, n'inama zabaye Uregwa yaba yaragiyemo, n'uko Uregwa yirukanye abakozi b'Abatutsi kuri paruwasi, n'ifungwa ry'imiryango ya kiriziya kimwe n'inama yabaye ku itariki ya 14 Mata 1994. Kuri izo ngingo zitandukanye, Urugereko rusanga ibivugwa n'Ubwunganizi bidafite ishingiro kubera ko na none hatangwa ibisobanuro by'ingenzi mu Nyandiko y'ibirego no mu myanzuro mbanzizarubanza ya Porokireri yamenyeshejwe Ubwunganizi mu gihe gikwiye ushyize mu gaciro kugira ngo bushobore gutegura urubanza.

1.1.3 Imyanzuro y'Urugereko

23. Rushingiye kubimaze kuvugwa, Urugereko rusanga ingingo z'Ubwunganizi zitagaragaza ko Inyandiko y'ibirego irimo inenge zari gutuma biba ngombwa ko ihindurwa. Kubera iyo mpamvu, Urugereko ntirwemeye ibyo Ubwunganizi buvuga byose burusaba kwemeza ko Inyandiko y'ibirego irimo inenge; bityo rusanze nta mpaka z'ababuranyi zakongera kuba.

1.2 Ibyerekeye ibimenyetso by'imico myiza y'Uregwa

24. Mu myanzuro nsozarubanza yabwo, Ubwunganizi buvuga ko kuba Uregwa yari afite imico myiza ari ikimenyetso cy'ingenzi mu gusuzuma niba yarashoboraga gukora ibyaha ashinjwa²⁴. Porokireri nta cyo yavuze kuri iyi ngingo.
25. Nk'uko biteganywa n'Ingingo kuva ku ya 89 kugeza ku ya 98 bis z'Amategako, Urugereko rusanga ibimenyetso rugomba gusuzuma, mu isesengura ry'abacamanza, ngo rurebe niba bifite agaciro, ubusanzwe ari ibyo ababuranyi baba batanze mu iburansha.
26. Urugereko rusanga imico myiza yarangaga uregwa mbere y'ikorwa ry'ibyaha ashinjwa ubusanzwe idahabwa agaciro kanini mu mategeko mpanabyaha mpuzamahanga²⁵. Rusanga ahubwo imico myiza yatanzweho ikimenyetso izirikanwa mu kugena igihano²⁶. Ariko kandi, Urugereko ruvuga ko imico myiza y'uregwa yatanzweho nk'ikimenyetso ishobora kugira akamaro igihe cyose hagaragajwe ko, by'umwihariko, iyo mico myiza ifite agaciro kihariye, uzirikanye ibyaha uregwa ashinjwa²⁷.
27. Muri uru rubanza, Urugereko rusanga Ubwunganizi bwatanze imico myiza nk'ikimenyetso nyuma y'isozwa ry'impaka, bikaba rero byaratumye Porokireri adashobora kugira icyo avuga kuri iyo ngingo. Byongeye kandi, Urugereko rusanga kuvuga gusa ko Uregwa « atigeze na rimwe yitwara nabi mu bakirisitu be muri Paruwasi ya Nyange mbere y'ibyabaye ku itariki ya 6 Mata 1994...»²⁸ Ubwunganizi butagaragaza akamaro kihariye k'iyo mico myiza y'Uregwa uyigereranyije n'ibyaha ashinjwa.
28. Rushingiye ku bimaze kuvugwa, Urugereko ntiruzafata imico myiza y'Uregwa nk'ikimenyetso muri iyi dosiye ahubwo rushobora kuyizirikana mu isesengura ryarwo ryerekeye igena ry'igihano.

²⁴ Imyanzuro nsozarubanza y'Ubwunganizi, urup. 6.

²⁵ Urubanza rwa *Kupreškic* mu rw'iremezo, icyemezo ku kimenyetso cyerekeye imico myiza y'Uregwa no ku myiregurire ya «*tu quoque*» (ishingiye ku kuvuga ko urundi ruhande na rwo rwakoze bimwe n'ibyo bakurega), 17 Gashyantare 1999, igika i).

²⁶ Urubanza rwa *Kambanda* mu rw'iremezo, 4 Nzeri 1998, igika 34.

²⁷ Urubanza rwa *Bagilishema* mu rw'iremezo, 7 Kamena 2001, igika 116.

²⁸ Imyanzuro nsozarubanza y'Ubwunganizi, urup. 7.

1.3 Ibivugwa rusange mu Nyandiko y'ibirego

29. Urugereko rusanga rwaremeje ibintu bitagibwaho impaka bivugwa mu gika cya 1 cy'Inyandiko y'ibirego ko u Rwanda rwari rugizwe n'amoko atatu: Abatutsi, Abahutu n'Abatwa²⁹. Rusanga rero ibyo ari ibintu rusange.
30. Urugereko rusanga igika cya 24 cy'Inyandiko y'ibirego kivuga gusa, muri rusange, iby'igitero cyagabwe ku mpunzi n'imigambi y'abantu bakigabye. Muri icyo gika, Athanase Seromba ntashinjwa igikorwa runaka cyihariye. Kubera iyo mpamvu, Urugereko rusanga icyo gika kivuga ibintu muri rusange.
31. Urugereko rusanga ibivugwa kuri bisi mu gika cya 18 cy'Inyandiko y'ibirego nta kamaro bifite ubigereranyije n'ibyo Athanase Seromba aregwa. Kubera iyo mpamvu, rusanga icyo gika kivuga ibintu muri rusange.
32. Urugereko rusanga ibivugwa mu bika 5, 33, 34, 35 na 45 by'Inyandiko y'ibirego bikomoza mu magambo make ku mugambi w'itsembatsemba Uregwa ashinjwa kuba yari ahuriyeho n'abandi, ariko nta gikorwa cyihariye aregwa. Urugereko rusanga rero ibyo bika bivuga ibintu muri rusange.
33. Urugereko rusanga ibivugwa mu Nyandiko y'ibirego mu gika cya 32 ko Uregwa yanyereje umutungo wa paruwasi bitatangiwe ikimenyetso na kimwe. Urugereko rusanga rero icyo gika kivuga ibintu muri rusange.
34. Urugereko rusanga ibivugwa mu gika cya 50 cy'Inyandiko y'ibirego biri mu rwego rusange rw'ibyabereye i Nyange muri Mata 1994. Urugereko rusanga rero icyo gika kivuga ibintu muri rusange.
35. Rushingiye ku bimaze kuvugwa, Urugereko rusanga, mu myanzuro yarwo ishingiyeye ku byabaye, rutagomba gusuzuma ibyo bintu bivugwa muri rusange.

²⁹ icyemezo ku cyifuzo cya Porokireri ku birebana n'ibitagomba kugibwaho impaka, 14 Nyakanga 2005, urup. 7.

2. IBYEREKEYE KOMINI YA KIVUMU, PARUWASI YA NYANGE N'IMIRIMO UREGWA YAKORAGA

36. Komini ya Kivumu iri muri Perefegitura ya Kibuye, muri Repubulika y'u Rwanda³⁰. Mu 1994, iyo Komini yari ituwe nibura n'abaturage 53000 barimo Abatutsi bageze ku 6000³¹.
37. Paruwasi ya Nyange yari muri Segiteri ya Nyange ya Komini ya Kivumu. Kiriziya y'i Nyange yari ifite metero 55 z'uburebure kuri 39 z'ubugari³². Iyo kiriziya yashoboraga kwakira abantu nibura 1500³³.
38. Urugereko rusanga, mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego, Athanase Seromba yari padiri muri Paruwasi ya Nyange yungirije Padiri mukuru³⁴. Abatangabuhamya benshi bavuga ko, mu gihe cy'ibyahabereye muri Mata 1994, Straton, wari Padiri mukuru wa Paruwasi ya Nyange, yari yaravuye muri iyo paruwasi³⁵. Abo

³⁰ Inyandikomvugo y'iburanisha, 27 Nzeri 2004, urup. 7 (mu ruhamwe) *Rapport Préliminaire d'identification des sites du génocide et des massacres d'avril-juillet 1994 au Rwanda* (P-4), imp. 138 na 165, *Carte de Kibuye (P-1)* na *Carte de Kibuye annotée* (P-1B) [Raporo y'ibanze irebana no kumenya aho ibikorwa bya jenocide n'iby'ubwicanyi byo muri Mata-Nyakanga 1994 byakorewe mu Rwanda (P-4), imp.138 na 165, ikarita ya Kibuye (P-1) n'ikarita ya Kibuye iriho ibisobanuro (P-1B)].

³¹ Umutangabuhamya wiswe FE56 avuga ko abaturage ba Komini ya Kivumu babarirwaga mu 53000 (Inyandikomvugo y'iburanisha, 4 Mata 2006, urup. 28 (mu muhezo)). Umutangabuhamya wiswe FE27 avuga ko ibarura ry'abaturage ryo mu 1993 ryagaragaje ko Komini ya Kivumu yari ituwe n'abantu 55000 barimo Abatutsi bageze ku 6000 (Umutangabuhamya wiswe FE27 yahaye abakozi b'Urukiko bashinzwe iperereza ku itariki ya 14 Nzeri 2000 (P-41), urup. 3).

³² *Rapport Préliminaire d'identification des sites du génocide et des massacres d'avril-juillet 1994 au Rwanda* (P-4), p. 166 [Raporo y'ibanze irebana no kumenya aho ibikorwa bya jenocide n'iby'ubwicanyi byo muri Mata-Nyakanga 1994 byakorewe mu Rwanda (P-4), urup.166.

³³ Dore ibigereranyo byatanzwe n'abatangabuhamya biswe: CBK: 3000 (inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 10 (mu muhezo); CNJ: 1400 (inyandikomvugo y'iburanisha, 25 Mutarama 2005, urup. 31 (mu ruhamwe); CBT: 2000 (Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 3 (mu muhezo); CF23: hagati ya 1200 na 2000 (Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 2 (mu ruhamwe); FE32: hagati y'abantu 1500 na 2000 (Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 16 (mu ruhamwe); FE27: 1500 (inyandikomvugo y'iburanisha, 23 Werurwe 2006, urup. 64 (mu muhezo).

³⁴ Reba ibaruwa yo ku itariki ya 17 Werurwe 1994 Umushumba wa Diyosezi ya Nyundo yandikiye Padiri Athanase Seromba (ikimenyetso gihamya D-5).

³⁵ Reba ubuhamya bw'abagabo biswe YAT, inyandikomvugo y'iburanisha, 30 Nzeri 2004, imp. 19 na 21 (mu ruhamwe); CBI: inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 23 (mu ruhamwe); BZ4: inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 56 (mu ruhamwe); CF23 inyandikomvugo y'iburanisha 3 Mata 2006, urup. 5 (mu ruhamwe); PA1: Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 7 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

batangabuhamya bavuga kandi ko Seromba yashinzwe kuyobora paruwasi mu gihe yari ategereje kujya muri Paruwasi ya Crête-Zaïre Nil aho yari yarimuriwe kuva ku itariki ya 17 Werurwe 1994³⁶. Hashingiwe kuri ubwo buhamya no ku myanzuro ishingiye ku byabaye byavuzwe haruguru, Urugereko rusanga Seromba yarakoze ibikorwa byinshi bigaragaza ko yayoboraga Paruwasi ya Nyange mu gihe cy'ibyabaye muri Mata 1994³⁷. Urugereko rusanga rero Seromba, Uregwa, yarakoze nk'ushinzwe Paruwasi ya Nyange mu gihe cy'ibyahabereye muri Mata 1994.

3. IBYABEREYE MURI KOMINI YA KIVUMU KUVA KU ITARIKI YA 6 KUGERA KU YA 10 MATA 1994

3.1 Inyandiko y'ibirego

39. Inyandiko y'ibirego igira iti:

6. Nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, hatangiye kugabwa ibitero ku Batutsi muri Komini ya Kivumu byahitanye abasiviri b'Abatutsi barimo Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi.
7. Kubera ibitero byabagabwagaho, Abatutsi bo mu masegiteri anyuranye ya Komini ya Kivumu bavuye mu ngo zabo bahungira mu mazu y'ubutegetsu no muri za kiriziya zirimo n'iya Nyange. Burugumesitiri n'abaporisi ba Komine bakusanyije impunzi zivuye mu masegiteri anyuranye ya Komini ya Kivumu hanyuma babajyana kuri Paruwasi ya Nyange.
8. **Athanase Seromba** yabajije impunzi zari zagejejwe kuri Paruwasi amakuru yerekeranye n'impunzi zitari zahagera, maze yandika amazina y'impunzi zaburaga, lisiti yazo ayishyikiriza Burugumesitiri Grégoire Ndahimana kugira ngo zishakishwe zizanwe kuri Paruwasi.

³⁶ Reba ikimenyetso gihamya D-5.

³⁷ Reba ubuhamya bw'abagabo biswe:CDL: inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 8, 14 na 19 (mu ruhamye); CBK: inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 71 (mu muhezo); CF23: inyandikomvugo y'iburanisha, 31 Werurwe 2006, imp.36-37 (mu muhezo), inyandikomvugo y'iburanisha 3 Mata 2006, imp. 5-6 (mu ruhamye); BZ4: inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 57 (mu ruhamye). Reba imyanzuro y'Urugereko mu cyiciro 4.3.2.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

9. Hashingiwe kuri iyo lisiti, Umututsi witwa Alexis Karake, umugore we n'abana be (barenga batandatu) bavanywe muri Selire ya Gakoma bazanwa ku Kiriziya y'i Nyange.

[...]

39. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, Burugumesitiri Grégoire Ndahimana yategetse abaporisi ba komini gushakisha abasiviri b'Abatutsi maze bakabazana ku kiriziya.

3.2 Ibitero byibasiye Abatutsi muri Komini ya Kivumu bigahitana bamwe muri bo nka Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi

3.2.1 Ibimenyetso

Abatangabuhamya bashinja

40. Umutangabuhamya wiswe CDL, w'umuhutu³⁸, yavuze ko, ku mugoroba wo ku itariki ya 7 ushyira iya 8 Mata 1994, igitero kiyobowe na Ndungutse cyagabwe ku muryango wa Ndakubana w'Abatutsi³⁹. CDL yavuze kandi ko, mu ijoro ryo ku itariki ya 9 rishyira iya 10 Mata 1994, umucuruzi n'umugoronome witwaga Martin biciwe kuri santeri ya Nyange⁴⁰. Umutangabuhamya yavuze ko abategetsi, ari bo Burugumesitiri, Umugenza-cyaha n'abandi bategetsi ba Komini, barengaga ku mategeko kandi ari bo bari bashinzwe kuyubahiriza⁴¹.
41. Umutangabuhamya wiswe CBJ, w'Umututsi⁴², yavuze ko ubwicanyi bwabereye muri Serire ya Murambi yari atuyemo bwatangiye ku itariki ya 7 Mata 1994. Yavuze kandi ko, mu ijoro ryo ku itariki ya 7 Mata 1994, abantu bo mu muryango wa Ndakubana bishwe n'umwarimu witwa Télesphore Ndungutse. Yongeyeho kandi ko, hagati y'itariki ya 7 Mata 1994 n'ya 9 Mata 1994, Martin, Umututsi wacomokaga muri Segiteri ya

³⁸ Ifishi y'umwirondoro w'umutangabuhamya (P-19).

³⁹ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 7-8 na 45 (mu ruhame).

⁴⁰ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 7 (mu ruhame).

⁴¹ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 45-47 (mu ruhame).

⁴² Ifishi y'umwirondoro w'umutangabuhamya (P-15).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Ngobagoba ku murenge wa Gasake, yishwe mu gitero cyagabwe n'umucuruzi witwa Gaspard Kanyarukiga⁴³.

42. Umutangabuhamya wiswe CBN, w'Umututsi⁴⁴, yemeje ko umuntu witwaga Thomas yishwe mu gitero cyagabwe ku Batutsi hashize igihe gito Perezida apfuye⁴⁵.

Abatangabuhamya bashinjura

43. Abatangabuhamya biswe FE31, FE13, FE56 na CF14 bavuze ko Abahutu bari mu bitero bateye ku muryango wa Ndakubana w'Abatutsi⁴⁶. Mu byo bavuze, FE13 na CF14 basobanuye ko, nyuma y'icyo gitero, mu ijoro ryo ku itariki ya 7 rishyira iya 8 Mata 1994, umutekano warushijeho kuba muke muri Komini⁴⁷. Bavuze kandi ko muri iryo joro, umuryango wa Thomas Mwendezi, w'Abatutsi, wishwe mu gitero cyagabwe muri Segiteri ya Kigali⁴⁸.

3.2.2 Imyanzuro y'Urugereko

44. Urugereko rusanga ibivugwa n'abatangabuhamya biswe CDL, CBJ na CBN ku iyicwa rya Ndakubana byakwizerwa. Koko rero, ubuhamya bwabo ntibuvuguruzanya kandi bushyigikirwa bwose n'ubw'abagabo bashinjura. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko ibitero byagabwe ku Batutsi muri Komini ya Kivumu bigahitana bamwe muri bo barimo Grégoire Ndakubana, Martin Karekezi na Thomas Mwendezi.

⁴³ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 8 (mu ruhame).

⁴⁴ Ifishi y'umwirondoro w'umutangabuhamya (P-16).

⁴⁵ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 51 (mu ruhame).

⁴⁶ Abatangabuhamya biswe: FE31: inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 11 (mu muhezo); FE13: inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 17 (mu muhezo); FE56: inyandikomvugo y'iburanisha, 4 Mata 2006, urup. 43 (mu ruhame), CF14: inyandikomvugo y'iburanisha, 16 Ugushyingo 2005, urup. 27 (mu muhezo).

⁴⁷ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 17 (mu muhezo); inyandikomvugo y'iburanisha, 16 Ugushyingo 2005, urup. 27 (mu muhezo).

⁴⁸ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 17 (mu muhezo); inyandikomvugo y'iburanisha, 16 Ugushyingo 2005, urup. 27 (mu muhezo).

3.3 Kuba Abatutsi barahungiyeye mu mazu ya Leta no muri za kiriziya zirimo iya Nyange

3.3.1 Ibimenyetso

Abatangabuhamya bashinja

45. Umutangabuhamya wiswe YAU, w'Umututsikazi⁴⁹ n'uwiswe CBS, w'Umututsi⁵⁰, bavuze ko bageze ku kiriziya ku itariki ya 12 Mata 1994 bahasanze izindi mpunzi kandi inyinshi muri zo bari Abatutsi⁵¹.
46. Umutangabuhamya wiswe CBI, w'Umututsi⁵², yemeje ko abantu benshi baje kuri paruwasi mu modoka zirimo Toyota y'umweru itwawe na Yohana cyangwa Jean bahimbaga Jigoma⁵³. Umutangabuhamya yanavuze ko abategetsi bagize uruhare mu gutwara impunzi kuri paruwasi. Muri abo bategetsi yavuzemo Grégoire Ndahimana, Clément Kayishema, Gaspard Kanyarukiga na Télesphore Ndungutse⁵⁴.
47. Umutangabuhamya wiswe CBN, w'Umututsi⁵⁵, yavuze ko yahungiyeye ku kiriziya y'i Nyange kuva itariki ya 12 Mata 1994⁵⁶. Yavuze kandi ko abantu benshi bazaga kuri paruwasi mu modoka y'umuntu witwa Rwamasirabo⁵⁷.
48. Umutangabuhamya wiswe CBJ⁵⁸ yavuze ko ageze kuri Paruwasi ya Nyange ku itariki ya 10 Mata 1994, yahasanze impunzi z'Abatutsi. Yavuze kandi ko, ku mugoroba wo ku itariki ya 10 Mata 1994, Athanase Seromba yasabye umuzamu wa ninjoro witwa

⁴⁹ Ifishi y'umwirondoro w'umutangabuhamya, (P-9).

⁵⁰ Ifishi y'umwirondoro w'umutangabuhamya, (P-12).

⁵¹ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 14 (mu ruhame); inyandikomvugo y'iburanisha, 5 Ukwakira 2004, imp. 8-9 (mu ruhame).

⁵² Ifishi y'umwirondoro w'umutangabuhamya (P-11).

⁵³ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 28 (mu ruhame).

⁵⁴ Inyandikomvugo y'iburanisha, 1 Ukwakira 2004, imp. 41-42 (mu ruhame).

⁵⁵ Ifishi y'umwirondoro w'umutangabuhamya (P-16).

⁵⁶ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 40 (mu ruhame).

⁵⁷ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 58 (mu ruhame).

⁵⁸ Reba icyiciro 3.2.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Canisius Habiyaambere n'umufaratiri witwa Apollinaire Hakizimana kubara impunzi zari kurara aho. CBJ yongeyeho ko bamaze kubara, basanze hari impunzi 48⁵⁹.

49. Umutangabuhamya wiswe CBK, w'Umuhutu⁶⁰ yavuze ko ubwo baterwaga n'Abahutu, Abatutsi bahisemo guhungira kuri Paruwasi ya Nyange kuko bumvaga « hari umutekano ». Yavuze kandi ko impunzi za mbere zageze kuri paruwasi hafi y'itariki ya 8 Mata 1994⁶¹.
50. Umutangabuhamya wiswe CDL, w'Umuhutu,⁶² yavuze ko Abatutsi bahungiyeye kuri Paruwasi ya Nyange cyangwa ku biro bya Komini ku bushake bwabo⁶³.

Abatangabuhamya bashinjura

51. Umutangabuhamya wiswe BZ3, w'Umuhutukazi,⁶⁴ yavuze ko, ubwo yari mu misa mu gitondo cyo ku itariki ya 11 Mata 1994, yabonye impunzi ku kiriziya y'i Nyange⁶⁵. Yanavuze ko izo mpunzi na zo zumvise iyo misa⁶⁶. Yavuze kandi ko izo mpunzi zitari nyinshi⁶⁷. Umutangabuhamya yavuze ko Abatutsi bahungiraga ku kiriziya kuko Abahutu batwikaga amazu yabo⁶⁸. BZ3 yanavuze ko, ubwo yari atashye avuye mu misa, yabonye impunzi zerekeza ku biro bya Komini⁶⁹. Yongeyeho ko iyo izo mpunzi zageraga ku biro bya Komini, bazijyanaga ku kiriziya⁷⁰. Umutangabuhamya yavuze ko yabonye abantu benshi bajyanwa ku biro bya Komini mu modoka ya Aloys Rwamasirabo itwawe na Jigoma⁷¹.

⁵⁹ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 10 (mu ruhame).

⁶⁰ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 6 (mu muhezo); Ifishi y'umwirondoro w'umutangabuhamya (P-17).

⁶¹ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 73 (mu ruhame).

⁶² Reba icyiciro 3.2.1.

⁶³ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.47 (mu ruhame).

⁶⁴ Inyandikomvugo y'iburanisha, 8 Ugushyingo 2005, urup. 29 (mu ruhame).

⁶⁵ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 44 (mu ruhame).

⁶⁶ Inyandikomvugo y'iburanisha, 8 Ugushyingo 2005, urup. 27 (mu ruhame).

⁶⁷ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 45 (mu ruhame).

⁶⁸ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 45 (mu ruhame).

⁶⁹ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 45 (mu ruhame).

⁷⁰ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 45 (mu ruhame).

⁷¹ Inyandikomvugo y'iburanisha, 8 Ugushyingo 2005, urup. 22 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

52. Umutangabuhamyia wiswe CF14, w'Umuhutu⁷², yemeje ko, ku itariki ya 12 Mata 1994, atigeze abona impunzi ku biro bya Komini. Ariko yavuze ko yumvise ko mu gitondo cya kare, Burugumesitiri « yashyize » abantu mu modoka akabajyana kuri paruwasi⁷³.
53. Umutangabuhamyia wiswe FE32, w'Umuhutu⁷⁴, yasobanuye ko Abatutsi bahungiye ku kiriziya bamaze kubona ko bari mu makuba kubera itotezwa ryariho⁷⁵. Yanavuze ko Abatutsi bahungiye ku kiriziya y'i Nyange bibwira ko nta wuzahabaterayo nk'uko mbere byari byaragenze. Umutangabuhamyia yongeyeho ko Abatutsi bagiye ku kiriziya ku bushake bwabo⁷⁶.

3.3.2 Imyanzuro y'Urugereko

54. Urugereko rusanga ubuhamyia bwose bw'abagabo bashinja n'abashinjura bwemeza ko Abatutsi bo muri Komini ya Kivumu bahungiye, ku bushake bwabo, mu mazu ya Leta nko ku biro bya Komini cyangwa bagahungira muri za kiriziya zirimo n'ya Nyange. Urugereko rusanga icyo kintu cyaragaragajwe ku buryo budashidikanywaho.

3.4 Kuba Athanase Seromba yarashyikirije Burugumesitiri wa Komini lisiti y'Abatutsi bagombaga gushakishwa bakajyanwa kuri kiriziya y'i Nyange

3.4.1 Ibimenyetso

Umutangabuhamyia ushinja

55. Umutangabuhamyia wiswe CBI⁷⁷ yavuze ko Athanase Seromba yamusabye amazina y'abantu benshi b'Abatutsi bari batuye i Nyange batari kuri paruwasi maze arabikora. Yongeyeho ko nyuma, iyo lisiti yashyikirijwe Grégoire Ndahimana wari Burugumesitiri

⁷² Reba icyiciro 3.2.1.

⁷³ Inyandikomvugo y'iburanisha, 16 Ugushyingo 2005, imp. 40 na 42 (mu muhezo).

⁷⁴ Reba icyiciro 3.2.1.

⁷⁵ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 8 (mu ruhame); Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup.16 (mu muhezo).

⁷⁶ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 17 (mu muhezo).

⁷⁷ Reba icyiciro 3.3.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

wa Komini⁷⁸. Muri ayo mazina CBI avuga ko yahaye Seromba harimo Antoine Karake, Aloys Rwemera n'ay'abantu bo mu muryango we, Epimaque Ruratsire na Vénuste Ryanyundo⁷⁹. Umutangabuhamya yemeje kandi ko, ku itariki ya 13 Mata 1994, Antoine Karake yageze ku kiriziya y'i Nyange atwawe mu modoka yambuwe umuntu⁸⁰.

56. Mu ibaza rinyomoza, umutangabuhamya wiswe CBI yavuze ko yageze ku kiriziya y'i Nyange ku wa kabiri nimugoroba ku itariki ya 12 Mata 1994⁸¹. Yongeyeho ko yahasanze impunzi zigeze ku gihumbi. Yavuze kandi ko, yaraye ahageze, yahuye na Athanase Seromba wamubajije niba hari abantu basigaye mu masegiteri amwe ya Komini. Umutangabuhamya yavuze ko yamushubije ko bahari, amubwira n'amazina ya bamwe muri bo⁸². Uwunganira Uregwa amubajije ukuntu yashoboye kumenya ko abo bantu batari bahari kandi hari imbaga y'abantu yivugira ko bari bageze ku 1000, umutanga-buhamya yashubije ko hari itandukaniro hagati yo « kubara abantu no kubamenya ». Nyuma yaje kongeraho ko yamenye ko abo bantu badahari kuko yari abazi⁸³.

Abatangabuhamya bashinjura

57. Umutangabuhamya wiswe PA1, w'Umuhutu⁸⁴, yemeje ko yageze kuri Paruwasi ya Nyange ku cyumweru ku itariki ya 10 Mata 1994⁸⁵. Yavuze ko atigeze na rimwe yumva ibya lisiti y'Abatutsi⁸⁶.
58. Umutangabuhamya wiswe FE32 ni Umuhutu witwa Anastase Nkinamubanzi watanze ubuhamya ku mugaragaro. Yavuze ko, mu gihe cy'ibyabaye muri Mata 1994, yakoreraga isosiyete yitwa Astaldi yari ishinze kubaka umuhanda uhuza Rubengera na Gisenyi⁸⁷.

⁷⁸ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 7 (mu ruhame).

⁷⁹ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 7 (mu ruhame).

⁸⁰ Inyandikomvugo y'iburanisha, 1 Ukwakira 2004, urup. 46 (mu ruhame).

⁸¹ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 27 (mu ruhame).

⁸² Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 30 (mu ruhame).

⁸³ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, imp. 30 na 31 (mu ruhame).

⁸⁴ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 38 (mu muhezo).

⁸⁵ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 7 (mu muhezo).

⁸⁶ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 26 (mu muhezo).

⁸⁷ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 25 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Yemeje kandi ko ari we watwaraga tingatinga yasenye kiriziya y'i Nyange⁸⁸ maze yongeraho ko yakatiwe igifungo cya burundu n'urukiko rwo mu Rwanda kubera icyo gikorwa⁸⁹. Umutangabuhamya yavuze ko nta lisiti y'Abatutsi yigeze ikorwa⁹⁰.

59. Umutangabuhamya wiswe FE27, w'Umuhutu⁹¹, yavuze ko atigeze amenya iby'ilisiti y'Abatutsi yakozwe na Athanase Seromba. Yongeyeho ko iyo iza kubaho, aba yarabimenyeshejwe⁹².

3.4.2 Imyanzuro y'Urugereko

60. Urugereko rusanga umutangabuhamya wiswe CBI ari we mugabo wenyine ushinja uvuga ko Athanase Seromba yakoze lisiti y'Abatutsi nyuma akayishyikiriza Burugumesitiri kugira ngo abo bantu bashakishwe maze bajyanwe kuri Paruwasi ya Nyange. Urugereko ntirwemera ibivugwa ko, ageze kuri Paruwasi ya Nyange ku itariki ya 12 Mata 1994, CBI yashoboye guhita abona ko abantu bageze ku icumi batari muri iyo mbaga y'abantu 1000. Koko rero, umutangabuhamya yavuze gusa ko yabonye ko abo bantu badahari kubera gusa ko yari abazi ariko ntavugaga uko yabibonye cyangwa uburyo yaba yarakoresheje kugira ngo abone ko badahari. Kubera iyo mpamvu, Urugereko rusanga CBI atakwizerwa. Kubera iyo mpamvu, mu kwanzura, Urugereko rwemeje ko Porokireri atagagaje, ku buryo budashidikanywaho, ko Athanase Seromba yakoze lisiti y'abantu yaba yarahaye Burugumesitiri ngo abashakishwe kandi abajyane kuri Paruwasi ya Nyange.

⁸⁸ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 35 (mu ruhamwe).

⁸⁹ Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 30 (mu ruhamwe).

⁹⁰ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 55 (mu ruhamwe).

⁹¹ Inyandikomvugo y'iburanisha, 23 Werurwe 2006, imp. 38 na 54 (mu muhezo).

⁹² Inyandikomvugo y'iburanisha, 23 Werurwe 2006, urup. 27 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

4. IBYABAYE KUVA KU ITARIKI YA 10 KUGERA KU YA 11 MATA 1994

4.1 Inyandiko y'ibirego

61. Inyandiko y'ibirego igira iti:

10. Ku itariki ya 10 Mata 1994 cyangwa hafi yayo, habaye inama zikomeye kuri Paruwasi ya Nyange no ku biro bya komini. **Athanase Seromba**, Fulgence Kayishema, Gaspard Kanyarukiga n'abandi bantu Porokireri atamenye bagiye muri izo nama.

11. Muri izo nama, hafashwe icyemezo cyo gusaba Perefegitura ya Kibuye abajandarume, no gukusanyiriza kuri Kiriziya y'i Nyange abasiviri b'Abatutsi bose bo muri Komini ya Kivumu kugira ngo batsembatsembwe.

[...]

36. Ku itariki ya 10 Mata cyangwa hafi yayo, hari inama zikomeye zakorewe kuri Paruwasi ya Nyange no ku biro bya komini. **Athanase Seromba**, Fulgence Kayishema, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina bagiye muri izo nama.

37. Muri izo nama, bafashe icyemezo cyo gusaba Perefegitura ya Kibuye kuboherereza abajandarume, n'icyo gukusanyiriza muri kiriziya y'i Nyange abasiviri b'Abatutsi bo muri Komini ya Kivumu kugira ngo babatsembe.»

4.2 Inama yo ku itariki ya 10 Mata 1994

4.2.1 Ibimenyetso

Umutangabuhamya ushinja

62. Umutangabuhamya wiswe YAT, w'Umututsi⁹³, yavuze ko yagiye mu manama y'Inama ya Paruwasi yabereye mu mazu y'abapadiri hafi y'itariki ya 10 Mata 1994⁹⁴. Yavuze ko abandi bantu bari muri iyo nama ari Athanase Seromba, Kabwana, Burugumesitiri

⁹³ Ifishi y'umwirondoro w'umutangabuhamya (P-10).

⁹⁴ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 49 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Ndahimana, Fulgence Kayishema wari umugenzacyaha, Aloys Uwoyiremye wari umugenzi w'amashuri, n'abandi bantu bari bagize Inama ya Paruwasi⁹⁵. Yasobanuye ko yari inama idasanzwe yari igamije gusuzuma uko umutekano wari wifashe muri Komini kubera urupfu rwa Perezida Habyarimana n'ibitero byagabwaga ku Batutsi⁹⁶. YAT yanavuze ko, muri iyo nama, Seromba yaba yaremeje ko Perezida Habyarimana yishwe n'Inkotanyi maze avuga ko ikibazo cy'abantu bishwe ari ikibazo cya politiki kitinjiraga mu bubasha bw'Inama ya Paruwasi⁹⁷. Umutangabuhamya yavuze ko iyo nama y'Inama ya Paruwasi ari yo ya nyuma yagiyemo⁹⁸.

63. Umutangabuhamya wiswe YAT yanavuze ko, ku itariki ya 11 Mata 1994, Fulgence Kayishema yaba yaramubwiye ko, ku itariki ya 10 Mata 1994, kuri Paruwasi ya Nyange haba harabereye inama yafatiwemo icyemezo cyo kwica Abatutsi. Yongeyeho ko Kanyarukiga, Athanase Seromba, Burugumesitiri Ndahimana na Kayishema bari muri iyo nama⁹⁹.

Umutangabuhamya ushinjura

64. Umutangabuhamya wiswe FE27 yemeje ko, mu nama yo ku itariki ya 11 Mata 1994, Burugumesitiri Grégoire Ndahimana yavuze ko yari yaraye abonanye na Athanase Seromba kandi ko Seromba yaba yaramubwiye iby'impunzi zari zahungiyeye ku kiriziya y'i Nyange¹⁰⁰.

4.2.2 Imyanzuro y'Urugereko

65. Urugereko rusanga nta kimenyetso na kimwe Ubwunganizi butanga kinyomoza ubuhamya bw'umugabo wiswe YAT ku iterana ry'iyi nama y'Inama ya Paruwasi kuri

⁹⁵ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 49 (mu ruhamwe).

⁹⁶ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 49 (mu ruhamwe).

⁹⁷ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, imp. 48-49 (mu ruhamwe); Inyandikomvugo y'iburanisha, 30 Nzeri 2004, urup. 22 (mu ruhamwe).

⁹⁸ Inyandikomvugo y'iburanisha, 30 Nzeri 2004, urup. 22 (mu ruhamwe).

⁹⁹ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 49 (mu ruhamwe).

¹⁰⁰ Inyandikomvugo y'iburanisha, 23 Werurwe 2006, urup.22 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kiriziya y'i Nyange ku itariki ya 10 Mata 1994. Koko rero, umutangabuhamya ushinjura wiswe FE27 ntanyomoza na gato umugabo wiswe YAT iyo avuga ko yumvise Burugumesitiri abwira abari mu nama yo ku itariki ya 11 Mata 1994 ko yari yaraye abonanye na Athanase Seromba, ni ukuvuga ku itariki ya 10 Mata 1994. Urugereko rusanga bashobora kuba barabonanye mu rwego rw'inama yakozwe n'Inama ya Paruwasi yo ku itariki ya 10 Mata 1994, ivugwa na YAT wemeza ko yari muri iyo nama kandi Ubwunganizi ntirwabihakanye. Urugereko rusanga kandi YAT adahuzagurika mu bisobanuro birambuye atanga ku iterana ry'iyi nama. Urugereko rusanga rero YAT yakwizerwa ku byo avuga ko, ku itariki ya 10 Mata 1994, habaye inama y'Inama ya Paruwasi. Ariko Urugereko rusanga YAT adashobora kwizerwa ku byo avuga ku nama ya kabiri yabereye kuri Paruwasi ya Nyange ku itariki ya 10 Mata 1994 kubera ko nta bundi buhamya bushyigikira ayo makuru yabwiwe. Ku byerekeye umutangabuhamya wiswe FE27, utaravuze ku buryo bwihariye kuri iyo nama y'Inama ya Paruwasi yabaye ku itariki ya 10 Mata 1994, Urugereko rusanga yakwizerwa ku birebana n'inama yabereye kuri Paruwasi ku itariki ya 10 Mata 1994 kubera ko ubuhamya bwe bushyigikirwa n'ubw'umugabo wiswe YAT.

66. Rushingiye ku bimaze kuvugwa, Urugereko rwanzuye ruvuga ko Porokireri yagaragaje, ku buryo budashidikanywaho, ko, ku itariki ya 10 Mata 1994, kuri Paruwasi ya Nyange habereye inama yakozwe n'Inama ya Paruwasi yitabiriwe n'umugabo wiswe YAT, Athanase Seromba n'abandi bantu.

4.3 Inama yo ku itariki ya 11 Mata 1994 yabereye ku biro bya Komini

4.3.1 Ibimenyetso

Abatangabuhamya bashinja

67. Umutangabuhamya wiswe CNJ, w'Umuhutu¹⁰¹, yavuze ko se wabo/nyirarume yamubwiye ko, ku itariki ya 11 Mata 1994, ku biro bya komini habereye inama kandi ko mu byemezo byayifatiwemo harimo icyo gukoranyiriza Abatutsi ku kiriziya y'i Nyanze¹⁰². Yanavuze ko, kubera ko atagiye muri iyo nama, adashobora kuvuga neza igihe icyemezo cyo gusenya kiriziya cyafatiwe¹⁰³.
68. Umutangabuhamya wiswe CDL, w'Umuhutu¹⁰⁴, yavuze ko inama za komite y'umutekano zaberaga ku biro bya komini cyangwa kuri paruwasi. Yongeyeho ko izo nama zakundaga kuba kandi ko zabaga zatumijwe na Burugumesitiri¹⁰⁵. Yanasobanuye ko abakuru b'imirimu n'abayobozi b'amadini batumirwaga muri izo nama¹⁰⁶. Umutangabuhamya yavuze ko Athanase Seromba yari mu nama ya komite y'umutekano yabaye ku itariki ya 11 Mata 1994¹⁰⁷.

Abatangabuhamya bashinjura

69. Umutangabuhamya wiswe FE13 yavuze ko inama yo ku itariki ya 11 Mata 1994 yari iyobowe na Burugumesitiri Grégoire Ndahimana¹⁰⁸ waba warabwiye abari bayirimo ko iyo nama yari gusuzuma ibibazo by'umutekano n'amaherezo y'impunzi z'Abatutsi¹⁰⁹. Yongeyeho ko iyo nama yabaye kubera ibintu bidasanzwe byariho¹¹⁰. Umutangabuhamya

¹⁰¹ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.31 (mu ruhame); Ifishi y'umwirondoro w'umutangabuhamya (P-24).

¹⁰² Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.33 (mu muhezo).

¹⁰³ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.18 (mu ruhame).

¹⁰⁴ Reba icyiciro 3.2.1.

¹⁰⁵ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.19 (mu muhezo).

¹⁰⁶ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 8 na 9 (mu muhezo).

¹⁰⁷ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.51 (mu ruhame).

¹⁰⁸ Inyandikomvugo y'iburanisha, 12 Mata 2006, ibaza rinyomoza, urup.19 (mu ruhame).

¹⁰⁹ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup.21 (mu ruhame).

¹¹⁰ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup.18 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- yavuze kandi ko, muri rusange, inama iyo ari yose yigaga ibibazo by'umutekano yabaga yitabiriwe n'abakonseye b'amasegiteri kugira ngo bageze ku bategetsi ibyifuzo byabo¹¹¹; yabaga yitabiriwe kandi n'umugenzacyaha wari ushinzwe ibibazo by'umutekano muri komini na Perezida w'Urukiko rwa Kanto¹¹². Yavuze kandi ko iyo nama yitabirwaga n'Abatutsi benshi barimo Charles Mugenzi wari ushinzwe ikigo nderabuzima cya Nyange, Boniface Gatare wari ushinzwe urubyiruko muri komini na Lambert Gatare wari umuyobozi w'ishyamba rya politiki¹¹³. Umutangabuhamya wiswe FE13 yavuze ko, mu byemezo byafatiwe muri iyo nama, harimo icyo gukoranyiriza Abatutsi kuri Paruwasi ya Nyange¹¹⁴ n'icyo gusaba abasirikare ubuyobozi bwa Perefegitura ya Kibuye¹¹⁵.
70. Umutangabuhamya wiswe FE27, w'Umuhozi¹¹⁶, yavuze ko yari mu nama yabereye ku biro bya komini ku itariki ya 11 Mata 1994. Yavuze ko ubusanzwe iyo nama yigaga ibibazo by'amajyambere ya komini ariko ko, icyo gihe, yahindutse inama ya komite y'umutekano bisabwe na Burugumesitiri¹¹⁷. Umutangabuhamya yongeyeho ko Athanase Seromba atari muri iyo nama¹¹⁸. Yavuze kandi ko muri iyo nama, Burugumesitiri Ndahimana yasomye ibaruwa Seromba yari yamwandikiye amumenyesha icyemezo yafashe cyo kutaza muri iyo nama, ko ariko yari gushyigikira ibyemezo byari kuyifatirwamo.
71. Umutangabuhamya wiswe CF23, w'Umuhozi¹¹⁹, yavuze ko inama yo ku itariki ya 11 Mata 1994 yatumiye na Ndahimana wari Burugumesitiri wa Komine. Yongeyeho ko iyo nama yari igamije kwigira uko ibintu byari byifashe, gufata ingamba za ngombwa ngo ubwicanyi buhagarare, no gusuzuma uko impunzi zakwagirwa kuri Paruwasi ya

¹¹¹ Ni kimwe no haruguru.

¹¹² Ni kimwe no haruguru.

¹¹³ Inyandikomvugo y'iburanisha, 7 Mata 2006, imp. 19-20 (mu muhezo).

¹¹⁴ Ni kimwe no haruguru.

¹¹⁵ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 21 (mu ruhamwe).

¹¹⁶ Reba icyiciro 3.2.1.

¹¹⁷ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 19 (mu muhezo).

¹¹⁸ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 22 (mu ruhamwe).

¹¹⁹ Inyandikomvugo y'iburanisha, 30 Werurwe 2006, imp. 9-10 (mu muhezo); Ifishi y'umwirondoro w'umutanga-buhamya (D-74).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Nyange¹²⁰. Yavuze ko Abatutsi barimo Charles Mugenzi na Boniface Gatari bitabiriye iyo nama bashishikaye¹²¹. Umutangabuhamya yavuze kandi ko abari muri iyo nama batari bashyigikiye ubwicanyi. Yongeyeho ko Athanase Seromba atari muri iyo nama, ariko ko yari yandikiye Burugumesitiri ibaruwa yayisomewemo¹²². Umutangabuhamya yakomeje avuga ko, muri iyo baruwa, Seromba yasabaga ubutegetsu bwa komini kwita ku mutekano w'impunzi no kuzigemurira ibiribwa, ndetse abaha n'igitekerezo cyo gusaba Caritas imfashanyo. CF23 yavuze ko iyo nama irangiye, Burugumesitiri yasabye ubuyobozi bwa Perefegitura ya Kibuye kumuha abajandarume nk'uko abari muri iyo nama bari babyifuje¹²³.

4.3.2 Imyanzuro y'Urugereko

72. Urugereko rusanga ubuhamya bw'abagabo biswe CNJ na CDL butakwizerwa. Koko rero, Urugereko rusanga CNJ yaravuze ibyo yumvanye abandi naho mu buhamya bwe, CDL akaba nta kintu avuga kigaragaza ko yaba yaritabiriye iyo nama yo ku itariki ya 11 Mata 1994. Koko rero, Uwunganira Uregwa amubajije ikibazo ku nama yo ku itariki ya 13 Mata 1994, CDL yagize ati: « Ndumva mu buhamya bwanjye, navuze neza ko hari ibintu niboneye ubwanjye [...] n'ibindi numvanye abandi - nk'izo nama »¹²⁴. Byongeye kandi, uyu mutangabuhamya ntiyashoboye gusobanura, ku buryo bunyuzwe, impamvu mu buhamya bwanditse yatanze mbere atavuze ko muri iyo nama hari n'abihaye Imana ahubwo akabivuga gusa mu buhamya yatanze mu rukiko. Uwunganira Uregwa amubajije impamvu mu nkiko z'u Rwanda atavuze abihaye Imana mu gihe yavugaga amazina y'abagiye mu nama za komite y'umutekano, umutangabuhamya yashubije ko atangira

¹²⁰ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, (mu muhezo), urup. 3.

¹²¹ Ni kimwe no haruguru.

¹²² Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup.5 (mu muhezo).

¹²³ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup.10 (mu ruhamwe).

¹²⁴ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup 54 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

gutanga ubuhamya mu 1999 atashoboraga « kuvugira ibintu byose icyarimwe kubera ko icyo gihe umuntu atumvaga impamvu zo kuvugisha ukuri kose »¹²⁵.

73. Abatangabuhamya biswe FE27 na CF23 ntibashobora kwizerwa kubera ukwivuguruza kuri hagati y'ubuhamya bwanditse batanze mbere n'ubwo batangiye mu rukiko. Ku byerekeye umugabo wiswe FE27, Urugereko rusanga mu buhamya bwanditse yatanze ku itariki ya 25 Mutarama 2002, uwo mutangabuhamya yaravuze ati: « Padiri Seromba na we yari muri iyo nama kuko basuzumaga ikibazo cyo gukoranyiriza impunzi ku kiriziya ngo bazirindire umutekano »¹²⁶. Umutangabuhamya yemeje ko yashyize umukono kuri ubwo buhamya kandi ko yavuze ayo magambo¹²⁷. Ariko yavuze ko yabeshye abari bagize iyo Komite yitwa « Ukuri » « kuko bamubwiraga ko ari bufungurwe navuga ko Seromba yari muri iyo nama »¹²⁸. Ku byerekeye umutangabuhamya wiswe CF23, Urugereko rusanga mu buhamya bwanditse yatanze ku itariki ya 14 Kanama 2002, uwo mugabo yaravuze ibikurikira: « [...] iyo nama yitabiriwe n'abantu benshi. Ndibuka ko namenyemo [...] Padiri Seromba [...] »¹²⁹. Umutangabuhamya yavuze ko yasinye gusa ku rupapuro rwa nyuma rw'ubuhamya bwanditse yatanze ku itariki ya 14 Kanama 2002 n'ubwo buri rupapuro rw'ubwo buhamya ruriho umukono we¹³⁰. Uwo mutangabuhamya yanamaganye agaciro k'ubwo buhamya bwanditse maze avuga ko ibice byabwo bamusomeye bidahuye n'ibyo yavuze. Yongeyeho ko aha agaciro gusa inyandiko yiyandikiye ubwe, zirimo izikubiyemo ubwirege bwe¹³¹. Mu gusoza kuri iyi ngingo, umutangabuhamya yabwiye Urugereko ko, mu buhamya yahaye abakozi b'Urukiko

¹²⁵ Inyandikomvugo y'iburanisha, 19 Mutarama 2006, imp. 53-54 (mu ruhamwe).

¹²⁶ Ubuhamya bwanditse umugabo wiswe FE27 yahaye Komite ishinze « Ukuri » ku itariki ya 25 Mutarama 2002 (P-42), urup. 2.

¹²⁷ Inyandikomvugo y'iburanisha, 24 Werurwe 2006, urup. 17 (mu muhezo).

¹²⁸ Inyandikomvugo y'iburanisha, 24 Werurwe 2006, urup. 18 (mu muhezo).

¹²⁹ Ubuhamya bwanditse umugabo wiswe CF23 yahaye abakozi b'Urukiko bashinzwe iperereza ku itariki ya 14 Kanama 2002 (P-49), urup. 3.

¹³⁰ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 27 (mu muhezo).

¹³¹ Inyandikomvugo y'iburanisha, 3 Mata 2006, imp.30-31 (mu muhezo).

bashinzwe iperereza, yavuzemo ibaruwa ya Seromba. Nyamara Urugereko rusanga ibyo bitari muri ubwo buhamya bwanditse¹³².

74. Urugereko rusanga umutangabuhamya wiswe FE13 yakwizerwa kubera imirimo yakoraga muri komini¹³³, kubera ko yari mu nama no kubera ibyo yavuze kuri iyo nama. Byongeye kandi, amakuru umutangabuhamya wiswe FE13 atanga ku isomwa ry'ibaruwa ya Athanase Seromba muri iyo nama, yemejwe n'abatangabuhamya biswe FE27 na CF23.
75. Rushingiye ku bimaze kuvugwa, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko inama yiswe « inama y'umutekano » yabereye ku biro bya komini ku itariki ya 11 Mata 1994. Ariko Urugereko rusanga hatagaragarajwe, ku buryo budashidikanywaho, ko Athanase Seromba yari muri iyo nama.

4.4 Ukuza kw'abajandarume ku kiriziya y'i Nyange baturutse kuri Perefegitura

4.4.1 Ibimenyetso

Umutangabuhamya ushinja

76. Umutangabuhamya wiswe CDL, w'Umuhutu¹³⁴, yavuze ko yabonye abajandarume ku itariki ya 10 cyangwa iya 11 Mata 1994. Yavuze ko atazi ukuntu abo bajandarume, bari kumwe na Burugumesitiri, bahageze. Umutangabuhamya yanavuze ko atazi niba abajandarume baraje bisabwe na Seromba. Ariko yavuze ko, mu byabaye muri Mata 1994, hari umujandarume wabaga buri gihe ahagaze iruhande rwa Seromba¹³⁵.

¹³² Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 12 (mu muhezo).

¹³³ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 11 (mu muhezo), urup. 23 (mu ruhamwe), urup. 35 (mu muhezo); Ifishi y'umwirondoro w'umutangabuhamya (D-86).

¹³⁴ Reba icyiciro 3.2.1.

¹³⁵ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 71 (mu ruhamwe).

Abatangabuhamya bashinjura

77. Umutangabuhamya wiswe FE55, w'Umuhutu¹³⁶, yemeje ko, mu nama yo ku itariki ya 11 Mata 1994, hafashwe icyemezo cyo gusaba inkunga y'abajandarume ba Perefegitura ya Kibuye ngo baze kurinda umutekano w'impunzi zari kuri Paruwasi ya Nyange¹³⁷.
78. Umutangabuhamya wiswe BZ1, w'Umuhutu¹³⁸, yavuze ko, kuri paruwasi, hari abajandarume bageze kuri bane bafite intwari. Umutangabuhamya avuga ko abo bajandarume baba barahageze hafi y'itariki ya 13 Mata 1994, mbere gato y'uko ibintu birushaho kumera nabi¹³⁹.
79. Umutangabuhamya wiswe PA1¹⁴⁰ yemeje ko abajandarume bane bageze kuri Paruwasi ya Nyange ku wa kabiri ku itariki ya 12 Mata 1994¹⁴¹.

4.4.2 Imyanzuro y'Urugereko

80. Urugereko rusanga ubuhamya bw'umugabo ushinja wiswe CDL n'ubw'abagabo bashinjura biswe FE55, BZ1 na PA1 buvuga bimwe ku byerekeye ko kuri Paruwasi ya Nyange hari abajandarume mu gihe cy'ibyabaye muri Mata 1994, n'ubwo banyuranya gato ku itariki bahagereyeho. Urugereko rusanga kandi FE55 yaravuze ko abajandarume baje kubera icyemezo cyari cyafashwe mu nama yiswe « iy'umutekano » yo ku itariki ya 11 Mata 1994. Urugereko rusanga na none ibyo avuga bishyigikirwa n'ubuhamya bw'abagabo biswe FE13 na CF23¹⁴².

¹³⁶ Ubuhamya bwanditse bw'umutangabuhamya FE55 yahaye abashinzwe iperereza b'Urukiko ku itariki ya 13 Werurwe 2003 (P-61), urup.1.

¹³⁷ Inyandikomvugo y'iburanisha, 12 Mata 2006, urup. 42 (mu ruhamwe).

¹³⁸ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhamwe).

¹³⁹ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, imp. 66-67 (mu ruhamwe).

¹⁴⁰ Reba icyiciro 3.4.1.

¹⁴¹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 16 (mu muhezo).

¹⁴² Reba icyiciro 4.3.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

81. Rushingiye ku bimaze kuvugwa, Urugereko rusanga abatangabuhamya biswe CDL, FE55 na BZ1 bakwizerwa. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko, ku itariki ya 11 Mata 1994, abajandarume baje ku kiriziya y'i Nyange baturutse ku biro bya Perefegitura ya Kibuye.

5. IBYABEREYE KURI PARUWASI YA NYANGE KUVA KU ITARIKI YA 12 KUGERA KU YA 14 MATA 1994

5.1 Inyandiko y'ibirego

82. Inyandiko y'ibirego igira iti:

12. Guhera hafi y'itariki ya 12 Mata 1994, impunzi zafunzwe n'abajandarume zigotwa n'abantu bitwaraga gisirikare n'Interahamwe zitwaje intwaro gakondo, n'iza gisirikare zitari iza kimbuzi. **Padiri Athanase Seromba** yabujije impunzi gushaka ibiryo kandi ateguka abajandarume kurasa Inyenzi yose (bishatse kuvuga Umututsi) yagerageza gushaka ibiryo mu gipadiri cyangwa mu rutoke rwa Paruwasi. Yanze kubasomera misa avuga ko adashobora gusomera misa Inyenzi.
 13. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yirukanye kuri Paruwasi abakozi bane b'Abatutsi (Alex, Féléicien, Gasore na Patrice). Yabahatiye kuva kuri Paruwasi ubwo Interahamwe n'abantu bitwaraga gisirikare bari batangiye kugaba igitero ku bantu bari bahungiyeye kuri Paruwasi.
 14. **Padiri Athanase Seromba** yari azi ko kwirukana abo bakozi byashoboraga kubaviramo kwicwa. Koko kandi, umwe gusa muri bo (Patrice) ni we washoboye kugaruka kuri Paruwasi yakomeretse bikomeye, ariko ibyo ntibyabujije **Athanase Seromba** kumubuza kwinjira mu Kiriziya. Yishwe n'Interahamwe n'abantu bitwaraga gisirikare
- [...]
38. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Seromba** yayoboye inama yabereye kuri Paruwasi, bamwe mu bari bayirimo bakaba ari Grégoire Ndahimana na Fulgence Kayishema. Iyo nama ikimara kurangira, Fulgence

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Kayishema yavuze ko Kayiranga (umucuruzi w'Umututsi wari ukize) agomba gushakishwa akazanwa ku kiriziya.

40. icyiciro cya kabiri cy'uwo mugambi cyarebanaga no gufungira impunzi mu kiriziya, zikagotwa n'Interahamwe n'imitwe yitwaraga gisirikare kandi zigashyirwa mu mibereho ituma zinegekara. Uwo mugambi wari ukubiyemo kandi kugaba ibitero bya buri gihe ku mpunzi bikoze n'Interahamwe n'abantu bitwaraga gisirikare, kugira ngo bazicogaze.
41. Ni cyo cyatumye kuva hafi y'itariki ya 12 Mata 1994, abajandarume bafungiyemo impunzi mu Kiriziya y'i Nyange yari yagowe n'Interahamwe n'imitwe yitwaraga gisirikare.
42. **Athanase Seromba** yabujije impunzi gukoresha imisarane yo kuri paruwasi no gushaka ibiryo, ategereye abajandarume kurasa Inyenzi yose yagerageza gushakisha ibiryo mu gipadiri cyangwa mu rutoke rw'abapadiri.
43. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yayoboye inama nyuma ya saa sita, ari hamwe na Grégoire Ndahimana na Fulgence Kayishema. Nyuma yaho gato, Burugumesitiri Ndahimana yagize ati: «Twafashe icyemezo ko abakize kurusha abandi bagomba kwicwa, abandi bashobora kwisubirira iwabo ».

5.2 Kuba impunzi zaragowe n'imitwe yitwaraga gisirikare n'Interahamwe bitwaje intwari gakondo n'izitari za gakondo

5.2.1 Ibimenyetso

Abatangabuhamya bashinja

83. Umutangabuhamya wiswe CBS¹⁴³ yavuze ko kiriziya yari igowe n'abajandarume¹⁴⁴ naho umutangabuhamya wiswe CBK¹⁴⁵ avuye ko yari igowe n'abagabye ibitero¹⁴⁶.

¹⁴³ Reba icyiciro 3.3.1.

¹⁴⁴ Inyandikomvugo y'iburanisha, 5 Ukwakira 2004, urup. 9 (mu ruhamwe).

¹⁴⁵ Reba icyiciro 3.3.1.

¹⁴⁶ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp.19-20 (mu muhezo).

Abatangabuhamya bashinjura

84. Umutangabuhamya wiswe PA1¹⁴⁷ yavuze ko, ku mugoroba wo ku itariki ya 11 Mata 1994, « abantu benshi » bagose kiriziya yarimo impunzi¹⁴⁸. Naho umutangabuhamya wiswe FE56, w'Umuhutu¹⁴⁹, yavuze ko Kayishema yabwiye « abantu »¹⁵⁰ kugota kiriziya. Yongeyeho ko, hafi y'imiryango y'amazu y'abapadiri, hari abasirikare kugira ngo babuze abantu kwinjiramo¹⁵¹.

5.2.2 Imyanzuro y'Urugereko

85. Urugereko rusanga, uretse umutangabuhamya wiswe CBS uvuga ko kiriziya yagowe n'abajandarume gusa, kuba kuva ku itariki ya 12 Mata 1994 imitwe yitwaraga gisirikare n'izindi Nterahamwe baragose kiriziya y'i Nyange yarimo impunzi, byemezwa na none n'umutangabuhamya ushinja wiswe CBK ndetse n'abatangabuhamya bashinjura biswe PA1 na FE56. Kubera iyo mpamvu, Urugereko rusanga ibyo bintu byaragaragajwe ku buryo budashidikanywaho.

¹⁴⁷ Reba icyiciro 3.4.1.

¹⁴⁸ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup.14 (mu muhezo).

¹⁴⁹ Reba icyiciro 3.2.1.

¹⁵⁰ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup.54 (mu muhezo).

¹⁵¹ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup.54 (mu muhezo).

5.3 Kuba Athanase Seromba yarabujije impunzi gushaka ibyo zirya mu rutoki rwa paruwasi no kuba yaba yarategetse abajandarume kurasa « Inyenzi » yose izagerageza kuhashaka ibitoki

5.3.1 Ibimenyetso

Abatangabuhamya bashinja

86. Umutangabuhamya wiswe CBS¹⁵² yavuze, inshuro eshatu, ko Athanase Seromba yaba yarabujije impunzi gushaka ibyo zirya mu rutoki rwa paruwasi¹⁵³. Yavuze ko, ku wa gatatu ku itariki ya 13 Mata 1994, abarimu bari mu mpunzi z'Abatutsi basabye ibiryo Seromba waba yarabibimye. Amaze kubibima, bamwe mu mpunzi baba bariyemeje kujya mu rutoki rwa paruwasi gutema ibitoki maze bakabyokereza mu mbuga ya paruwasi¹⁵⁴. Amaze kubona ibyo izo mpunzi zakoze, Seromba yaba yarazibujije gusubira mu rutoki kandi yaba yarategetse abajandarume kurasa impunzi yose izasubiraye, azita « Inyenzi ». Umutangabuhamya yavuze ko yari hafi ya Seromba ubwo [Seromba] yavugaga ayo magambo¹⁵⁵.
87. Umutangabuhamya wiswe CBJ¹⁵⁶ yavuze na we ko impunzi zasabye ibyo kurya Athanase Seromba maze arabizima. Yavuze kandi ko we n'izindi mpunzi baba baragiye gutema ibitoki mu rutoki rwa paruwasi. Abonye ibyo bitoki, Seromba yaba yararakaye maze akavuga ko kuba baragiye mu rutoki ari ukumusuzugura. Seromba yaba rero yarabwiye abajandarume aya magambo: « Mwagombye kurasa umuntu wese uzasubira mu rutoki guca ibitoki »¹⁵⁷.

¹⁵² Reba icyiciro 3.3.1.

¹⁵³ Inyandikomvugo y'iburanisha, 5 Ukwakira 2004, imp.10 na 18-19 (mu ruhame); Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, imp. 29-30 (mu ruhame).

¹⁵⁴ Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, urup.30 (mu ruhame).

¹⁵⁵ Inyandikomvugo y'iburanisha, 5 Ukwakira 2004, urup.19 (mu ruhame);

¹⁵⁶ Reba icyiciro 3.3.1.

¹⁵⁷ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 54 (mu ruhame).

88. Umutangabuhamya wiswe CBN, w'Umututsi¹⁵⁸, yavuze, inshuro ebyiri, ko, ku itariki ya 14 Mata 1994, Athanase Seromba yabujije impunzi gushaka ibyo zirya mu rutoki. Yongeyeho ko nyuma yaho, Seromba yategetse abajandarume kurasa impunzi yose yasubiraye¹⁵⁹.

Umutangabuhamya ushinjura

89. Umutangabuhamya wiswe CF23¹⁶⁰ yavuze, inshuro ebyiri, ko Athanase Seromba atigeze abuze impunzi kujya mu rutoki kandi ko ubwe yabonye impunzi mu rutoki ubwo yajyagaye ku itariki ya 13 Mata 1994¹⁶¹. Yavuze kandi ko, kuri iyo tariki, yabonye impunzi zigendagenda nta nkomyi mu mbuga ya kiriziya ndetse zikajya no gutema ibitoki¹⁶². Mu kurangiza kuri iyi ngingo, umutangabuhamya yavuze ko, ku itariki ya 14 Mata 1994, atari aho hantu¹⁶³.

5.3.2 Imyanzuro y'Urugereko

90. Urugereko rusanga umutangabuhamya wiswe CBS yakwizerwa ku miterere avuga y'aho hantu n'ahandi hari urutoki¹⁶⁴. Byongeye kandi, ibyo yavuze mu ibaza rinyomoza bihuye n'ibyo yavuze mu ibaza ry'ingenzi. Na none kandi, nta kwivuguruza guhambaye kugaragara hagati y'ubuhamya bwanditse yatanze mbere n'ubwo yatangiye mu rukiko¹⁶⁵.

¹⁵⁸ Reba icyiciro 3.3.1.

¹⁵⁹ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 43 (mu ruhamwe); Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, urup.3 (mu ruhamwe);

¹⁶⁰ Reba icyiciro 4.3.1.

¹⁶¹ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup. 24 (mu ruhamwe).

¹⁶² Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 15 (mu muhezo);

¹⁶³ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 15 (mu muhezo);

¹⁶⁴ Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, urup. 31 (mu ruhamwe).

¹⁶⁵ Hari ukwivuguruza kudakabije hagati y'ubuhamya bw'umugabo mu rukiko n'ubuhamya bwanditse yatanze ku itariki ya 17 Kanama 2000 (Ubuhamya umugabo wiswe CBS yahaye abakozi b'Urukiko bashinzwe iperereza ku itariki ya 17 Kanama 2000 (ubwo buhamya ntibwatanzweho ikimenyetso gihamya), urup. 3; bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, urup. 28 (mu ruhamwe). Muri ubwo buhamya bwanditse, umugabo yemeza ko impunzi zohereje itsinda ry'abarimu ngo rijye kubasabira Athanase Seromba ibiryo nyamara mu buhamya yatangiye mu rukiko, uwo umugabo avuga ko abo barimu ari ibyo bibwirije. Mu ibaza rinyomoza, Uwunganira Uregwa yasabye umutangabuhamya kugira icyo avuga kuri uko kwivuguruza yavuze, yibeshya, ko kurebana n'ubuhamya bwanditse bwo ku itariki ya 15 Ugushyingo 1995. Umutangabuhamya yasobanuye ko hari ikosa mu kwandika ibyo yavuze icyo gihe maze yongeraho ko impunzi zitigeze na rimwe

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Kuri iyo ngingo, Urugereko rusanga kuba ibintu bigibwaho impaka bitavugwa mu buhamya bwanditse bwo ku itariki ya 14 Gashyantare 1999¹⁶⁶, bitafatwa nk'aho ari ukwivuguruzwa kubera ko, ubwo yatangaga ubwo buhamya, nta kibazo na kimwe yabajijwe kuri ibyo bintu. Byongeye kandi, Urugereko rusanga umutangabuhamya yari aho ibyo bintu byabereye. Rushingiye ku bimaze kuvugwa, Urugereko rusanga umutangabuhamya wiswe CBS yakwizerwa haba ku byo yavuze ko Seromba yabujije abantu guca ibitoki cyangwa ku itegeko Seromba yaba yarahaye abajandarume.

91. Urugereko rusanga n'umutangabuhamya wiswe CBJ yakwizerwa kuri izo ngingo zombi. Koko rero, Urugereko rusanga nta kwivuguruzwa kuri hagati y'ubuhamya bwanditse yatanze mbere n'ubwo yatangiye mu rukiko. Kuri iyo ngingo, Urugereko rusanga kuba ibintu bigibwaho impaka bitari mu buhamya bwanditse umugabo yatanze ku itariki ya 23 Werurwe 1997¹⁶⁷ no ku itariki ya 24 Kamena 1997¹⁶⁸, biterwa n'uko mu gihe yatangaga ubwo buhamya bwombi, nta kibazo na kimwe bamubajije kuri ibyo bintu. Urugereko ruvugaga ko hagaragajwe gusa ukwivuguruzwa kudahambaye ku mubare w'Abahutu bagabye ibitero¹⁶⁹, umubare w'impunzi z'Abatutsi bari ku kiriziya¹⁷⁰ n'umubare w'Abatutsi bari batuye Komini ya Kivumu¹⁷¹ kandi ko ibyo bitabuzwa umutangabuhamya wiswe CBJ kwizerwa.
92. Urugereko rusanga kandi ubuhamya bwivuguruzwa bw'umugabo wiswe FE36¹⁷² butatuma umutangabuhamya wiswe CBJ atizerwa. Nta kibazo na kimwe umutangabuhamya wiswe CBJ yigeze abazwa ku byavuzwe n'umugabo wiswe FE36. Urugereko rusanga kandi

zohereza abantu, ko ahubwo abarimu ari bo bibwirije kujya kubibwira Padiri (inyandikomvugo y'iburanisha, 6 Ukwakira 2004, imp. 27-29 (mu ruhame).

¹⁶⁶ Ubuhamya bwanditse umugabo wiswe CBS yahaye abategetsi bo mu nkiko z'u Rwanda, 14 Ukwakira 1999 (D-19).

¹⁶⁷ Ubuhamya bwanditse umugabo wiswe CBJ yahaye abakozi b'Urukiko bashinjwe iperereza, 23 Werurwe 1997 (D-26).

¹⁶⁸ Ubuhamya bwanditse umugabo wiswe CBJ yahaye abakozi b'Urukiko bashinjwe iperereza, 24 Kamena 1997 (D-25).

¹⁶⁹ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, imp. 31-32 (mu ruhame).

¹⁷⁰ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, imp. 10, 12 na 15 (mu ruhame).

¹⁷¹ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, imp. 14-15 (mu ruhame).

¹⁷² Inyandikomvugo y'iburanisha, 21 Ugushyingo 2005, imp. 17-19 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

umutangabuhamya wiswe FE36 atakwizerwa kuko yemeye ko yabeshye mu rukiko¹⁷³. Kuri iyo ngingo, Urugereko rusanga, by'umwihariko, umutangabuhamya wiswe FE36 yaremeje ko umugabo wiswe CBJ yavuze ko umuryango we wose wishwe kandi, mu by'ukuri, umugabo wiswe CBJ yaravuze gusa ko bamwe mu muryango we ari bo bapfuye¹⁷⁴.

93. Urugereko rusanga ubuhamya bw'umugabo wiswe CBN butakwizerwa kuri iyo ngingo. Hari ukwivugurura hagati y'amagambo umugabo yavuze mu rukiko n'ayo yavuze mu buhamya bwanditse yatanze ku itariki ya 17 Kanama 2000¹⁷⁵. Muri ubwo buhamya bwanditse, umugabo yemeje ko umujandarume ari we wabujije abantu kujya mu rutoki ariko ngo akabivuga Athanase Seromba ahari. Byongeye kandi, avuga ko icyo kiganiro Seromba yagiranye n'abajandarume cyaba cyarabereye mu rutoki aho kubera imbere ya kiriziya. Umutangabuhamya yavuze ko ubuhamya yatanze mu rukiko ari bwo bw'ukuri kandi ko bamwumvise nabi mu buhamya yatanze mbere. Yavuze ko umujandarume yasubiyemo itegeko Seromba yari yatanze mbere¹⁷⁶.
94. Ku byerekeye umutangabuhamya ushinjura wiswe CF23, Urugereko rusanga yariyemereye ko atari aho ibintu byabereye ku itariki ya 14 Mata 1994. Urugereko rusanga kandi nta kuri kwaba kuri mu byo uwo mugabo avuga ko impunzi zashoboraga gutembera nta nkomyi hagati ya kiriziya n'urutoki kandi avuga ko, ku itariki ya 13 Mata 1994, itariki avuga ko yaboneyeho ibyo bintu, kiriziya yari igoswe n'imitwe myinshi yitwaraga gisirikare n'izindi Nterahamwe bari bagabye ibitero maze bagatuma impunzi

¹⁷³ Inyandikomvugo y'iburanisha, 28 Ugushyingo 2005, imp. 4 na 6 (mu muhezo). *Seromba, Décision relative à la requête de la Défense aux fins de voir ordonner l'ouverture d'une enquête des circonstances réelles de rétraction du témoin portant le pseudonyme FE36*, 20 avril 2006 [Icyemezo ku cyifuzo cy'Ubwunganizi gisaba gukora iperereza ku mpamvu nyakuri zatumye umutangabuhamya wiswe FE36 yisubiraho, 20 Mata 2006].

¹⁷⁴ Umutangabuhamya wiswe FE36: Inyandikomvugo y'iburanisha, 28 Ugushyingo 2005, urup. 72 (mu muhezo); umutangabuhamya wiswe CBJ: Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 48 (mu ruhamwe).

¹⁷⁵ Ubuhamya umugabo wiswe CBN yahaye abakozi b'Urukiko bashinzwe iperereza ku itariki ya 17 Kanama 2000 (ubwo buhamya ntibwashyizwe muri dosiye nk'ikimenyetso gihamya) urup. 3; babusomeye umutangabuhamya: Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, urup. 3 (mu ruhamwe).

¹⁷⁶ Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, imp.3-4 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

zihungira ku kiriziya. Rushingiye ku bimaze kuvugwa, Urugereko rusanga umutanga-buhamya wiswe CF23 atakwizerwa.

95. Rushingiye ku bimaze kuvugwa, Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko hagati y'itariki ya 13 n'ya 14 Mata 1994, Athanase Seromba yabujije impunzi gushaka ibyo kurya mu rutoki rwa paruwasi kandi ko yategetse abajandarume kurasa ku mpunzi zizaramuka zigiyeyo.
96. Ariko Urugereko rusanga Porokireri ataratanze ibimenyetso bishyigikira ibyo avuga ko Seromba yabujije impunzi z'Abatutsi gushaka ibyo kurya mu kigo cy'abapadiri. Urugereko rusanga rero ibyo bintu bitaragaragajwe ku buryo budashidikanywaho.

5.4 Ku birebana n'uko Athanase Seromba yanze gusomera « Inyenzi » misa

5.4.1 Ibimenyetso

Abatangabuhamya bashinja

97. Umutangabuhamya wiswe CBN¹⁷⁷ yavuze ko, ku itariki ya 14 Mata 1994, impunzi z'Abatutsi zirimo abarimu Bonera, Rutegesha na Rwakayiro zaba zarasabye Athanase Seromba kuzisomera misa¹⁷⁸. Yongeyeho ko Athanase Seromba yaba yaranze gusoma iyo misa avuga] ko « nta mwanya afite wo guta »¹⁷⁹. Umutangabuhamya avuga ko ibyo byari binyuranyije n'ubushake bw'impunzi zifuzaga iyo misa¹⁸⁰. Yanasobanuye ko impunzi y'Umututsi yaba yarabwiye izindi mpunzi ko bagomba gusengera hamwe kubera ko Seromba yari yanze kugasomera misa¹⁸¹. Umutangabuhamya yavuze ko, ubwo yabahakaniraga, Seromba yari imbere ya kiriziya¹⁸².

¹⁷⁷ Reba icyiciro 3.3.1.

¹⁷⁸ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, imp. 60-61 (mu ruhamwe).

¹⁷⁹ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 41 (mu ruhamwe).

¹⁸⁰ Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, urup. 1 (mu ruhamwe).

¹⁸¹ Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, urup. 49 (mu muhezo).

¹⁸² Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 60 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

98. Umutangabuhamya wiswe CBI¹⁸³ yavuze ko, hafi y'itariki ya 13 Mata 1994, Athanase Seromba yinjiye mu kiriziya atwara za kalisa azijyana « mu gice cyo hejuru cy'inzu yabagamo»¹⁸⁴.
99. Umutangabuhamya wiswe CBI¹⁸⁵ yavuze ko, ku cyumeru ku itariki ya 10 Mata 1994, nta misa yabaye kuri Paruwasi ya Nyange. Yavuze ko bitashobokaga gusoma misa kubera ko « ibihe byari bimeze nabi »¹⁸⁶. Umutangabuhamya yongeyeho ko, ku itariki ya 14 Mata 1994, Athanase Seromba yakuye muri kiriziya amakanzu abapadiri bambara basoma misa hamwe na kalisa zarimo hositiya. Yashimangiye ko yaje kumenya nyuma yaho ko Seromba yajyanye ibyo bintu mu mazu z'abapadiri¹⁸⁷.
100. Umutangabuhamya wiswe CBK¹⁸⁸ yavuze ko misa zasomerwaga mu cyumba cya kera cy'inama mu gihe cy'ibyabereye kuri Paruwasi ya Nyange muri Mata 1994¹⁸⁹.

Umutangabuhamya ushinjura

101. Umutangabuhamya wiswe PA1¹⁹⁰ yavuze ko, kuva ku itariki ya 11 Mata 1994, hafashwe icyemezo cyo kutongera gusomera misa muri kiriziya y'i Nyange kubera ko hari impunzi nyinshi kandi ngo hakaba hari n'amatungo. Yongeyeho ko misa zasomerwaga mu cyumba cy'amasengesho cyari mu mazu y'abapadiri¹⁹¹.
102. Uwunganira Uregwa amubajije niba impunzi zarabujije Athanase Seromba gutwara izo hositiya n'ayo makanzu, PA1 yasubije ko « nta kibazo kigeze kibaho...twebwe twatekereje ko ... isakaramentu ritagatifu ari ikintu abanyagatorika bubaha cyane. Kandi n'iyo myambaro mitagatifu ntiyashoboraga kugumishwa aho hantu kubera icyubahiro

¹⁸³ Reba icyiciro 3.3.1.

¹⁸⁴ Inyandikomvugo y'iburanisha, 1 Ukwakira 2004, urup. 42 (mu ruhame).

¹⁸⁵ Reba icyiciro 3.2.1.

¹⁸⁶ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 15 (mu ruhame).

¹⁸⁷ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 3 (mu ruhame).

¹⁸⁸ Reba icyiciro 3.3.1.

¹⁸⁹ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 45 (mu muhezo).

¹⁹⁰ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup.38 (mu muhezo).

¹⁹¹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup.11 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

igirirwa. Impunzi ntizigeze rero zibirwanya...yari inshingano yacu yo guhesha icyubahiro isakaramentu ritagatifu no kurishyira ahantu hakwiriye »¹⁹².

5.4.2 Imyanzuro y'Urugereko

103. Urugereko rusanga umutangabuhamya wiswe CBN yakwizerwa. Hari ukunyuranya kudakabije hagati y'ubuhamya yatangiye mu rukiko n'ubuhamya bwanditse yatanze mbere ku birebana n'aho Athanase Seromba yari ubwo yangaga gusoma misa¹⁹³ n'amagambo yavuze icyo gihe¹⁹⁴. Urugereko rusanga uko kunyuranya nta ngaruka kwagira uzirikanye igihe gihise ibyo bintu bibaye n'uko umutangabuhamya avuga ubutitsa ku birebana n'uko Seromba yanze gusomera misa impunzi z'Abatutsi¹⁹⁵.
104. Byongeye kandi, Urugereko rusanga abatangabuhamya biswe CBI, CBJ na CBK baravuze ko Athanase Seromba yatwaye ibya ngombwa byo gusoma misa hagati y'itariki ya 10 n' iya 13 Mata 1994.
105. Urugereko rusanga ubuhamya bw'umugabo wiswe PA1, umuntu wihaye Imana, butuma umuntu yemeza nta gushidikanya ko, kuva ku itariki ya 11 Mata 1994, nta misa yongeye gusomerwa muri kiriziya y'i Nyange. Kuri iyo ngingo, PA1 ashyigikirwa n'umutangabuhamya wiswe CBI kubera ko Urugereko rusanga ko, kuba ashyira icyemezo cyo kutongera gusoma misa ku itariki ya 10 Mata 1994 kandi PA1 we abishyira ku itariki ya 11 Mata 1994, bidafite ingaruka ihambaye. Rusanga rero abo batangabuhamya bombi bakwizerwa ku birebana n'iyi ngingo. Urugereko rusanga kandi PA1 yakwizerwa ku birebana n'ikurwa mu kiriziya ry'ibikoresho bitagatifu (hositiya zahinduwe umubiri wa Kirisitu n'amakanzu y'abasaseridoti).
106. Urugereko rusanga kuba impunzi zitaranze, nk'uko umutangabuhamya wiswe PA1 abivuga, ko Seromba atwara ibyo bikoresho bitagatifu, bitavuga ko zishobora kuba

¹⁹² Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 11 (mu muhezo).

¹⁹³ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 60 (mu ruhamwe).

¹⁹⁴ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, imp. 61-62 (mu ruhamwe).

¹⁹⁵ Inyandikomvugo y'iburanisha, 18 Ukwakira 2004, urup. 3 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

zitaramusabye kuzisomera misa. Kuri iyo ngingo, Urugereko ruzirikana ko impunzi z'Abatutsi zari muri kiriziya y'i Nyange zari zugarijwe n'urupfu muri Mata 1994, kubera ko ubwoko bwabo bwatotezwaga mu Rwanda hose. Kubera izo mpamvu, Urugereko rusanga bishoboka ko impunzi zifite ukwemera gukomeye zasabye Seromba kuzisomera misa. Kubera iyo mpamvu na none, rusanga kuba Seromba yaratwaye ibyo bikoresho bitagatifu bishobora gufatwa nko guhakanira impunzi cyane cyane ko yakomeje gusomera misa mu cyumba cy'amasengesho kuva ku itariki ya 11 Mata 1994. Rusanga rero umutangabuhamya wiswe CBN yakwizerwa iyo avuga ko impunzi zasabye Seromba kuzisomera misa, akazihakanira.

107. Rushingiyiye ku bimaze kuvugwa, Urugereko rusanga byaragaragajwe nta gushidikanya ko Athanase Seromba yanze gusomera misa impunzi z'Abatutsi muri kiriziya y'i Nyange.

5.5 Ku birebana n'iyirukanwa kuri paruwasi ry'abakozi bane b'Abatutsi (Alex, Félicien, Gasore na Patrice) n'urupfu rwa Patrice, Seromba yaba yarangiye kwinjira mu nzu z'abapadiri

5.5.1 Ibimenyetso

Umutangabuhamya ushinjura

108. Umutangabuhamya wiswe CBK¹⁹⁶ yavuze yuko nyuma y'urupfu rwa Perezida w'u Rwanda, Abatutsi Alex, Félicien, Gasore na Patrice, bari abakozi ba Paruwasi ya Nyange, bamubwiye ko Athanase Seromba yabahagaritse ku kazi. Umutangabuhamya yavuze ko bahise bava kuri paruwasi¹⁹⁷.
109. CBK yanasobanuye ko abo bakozi baba baragarutse kuri paruwasi ku itariki ya 13 Mata 1994, ariko ngo Athanase Seromba akabirukana, ababwira ko nta buhungiro bashoboraga kuhabona¹⁹⁸. Umutangabuhamya yavuze ko ibintu byari byahindutse bibi cyane ku buryo

¹⁹⁶ Reba icyiciro 3.3.1.

¹⁹⁷ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 7, 14 na 15 (mu muhezo).

¹⁹⁸ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 15 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

buri Mututsi wese watinyukaga gusohoka yashoboraga kwicwa¹⁹⁹. Yavuze ko yongeye kubona, mu gikari cy'amazu y'abapadiri, Patrice afite ibikomere ku maboko no ku maguru. Umutangabuhamya yaba yarasabye Seromba gufasha Patrice. Seromba yaba yaramuhakaniye ahubwo agasaba Patrice kumuviraho. Abonye atinze kugenda, Seromba yaba yarasabye abajandarume kuhamukura ku ngufu. Umutangabuhamya yongeyeho ko, nyuma y'ibyo, yabonye umurambo wa Patrice mu gikari cy'amazu y'abapadiri²⁰⁰.

Umutangabuhamya ushinjura

110. Umutangabuhamya wiswe NA1, ukomoka ku babyeyi umwe w'Umuhutu, undi w'Umututsi²⁰¹, yavuze ko yageze kuri kiriziya y'i Nyange ku itariki ya 15 Mata 1994²⁰². Yongeyeho ko yari yarigeze gukora kuri Paruwasi ya Nyange hagati ya 1992 na 1993²⁰³. Yavuze ko, ubwo yagarukaga kuri iyo paruwasi muri Mata 1994, yasanze nta mukozi n'umwe w'iyo paruwasi wari warirukanywe. Yanavuze ko yahasanze Alex waba waramushuhuje²⁰⁴.
111. Mu ibaza rinyomoza, mu byo yashubije, umutangabuhamya wiswe NA1 yasobanuye ko atamenye abakozi bari bari mu mpunzi. Yanavuze ko atari yaje kubarura abakozi ba paruwasi²⁰⁵ kandi ko atashoboraga kumenya umukozi wa paruwasi n'utari we²⁰⁶.

5.5.2 Imyanzuro y'Urugereko

112. Urugereko rusanga umutangabuhamya wiswe CBK yakwizerwa. Nta kuvuguruzanya kugaragara hagati y'ubuhamya yatangiye mu rukiko n'ubuhamya bwe bwa mbere bwanditse. Rusanga ubuhamya bwa CBK ku birebana n'iyirukanwa ry'abakozi

¹⁹⁹ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 15 (mu muhezo).

²⁰⁰ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 15-16 (mu muhezo).

²⁰¹ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 75 (mu muhezo).

²⁰² Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp.15-16 (mu muhezo).

²⁰³ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp.10-12 (mu muhezo).

²⁰⁴ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 9 (mu muhezo).

²⁰⁵ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 19 (mu muhezo).

²⁰⁶ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 10 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

b'Abatutsi budahuzagurika kandi ari ibintu bishoboka, uzirikanye cyane cyane uko ibintu byari byifashe kuri Paruwasi ya Nyange muri Mata 1994.

113. Urugereko rusanga kandi ubuhamya bw'umugabo wiswe NA1 butakwemerwa ku birebana n'iyo ngingo. Koko rero, rusanga NA1 yarageze kuri Paruwasi ya Nyange ku itariki ya 15 Mata 1994, bityo akaba adashobora gutanga ubuhamya ku bintu atahagazeho. Byongeye kandi, rusanga uyu mutangabuhamya avuga ibintu muri rusange, ubuhamya bwe bukaba burebana gusa n'ikibazo cy'ihindagurika ry'abakozi ryabaye kuva avuye i Nyange mu 1993 kugeza ahagarutse muri Mata 1994. Na none nk'uko na we yabyiyemereye, ntiyashoboraga kumenya abakozi bari bahari ubwo yageraga ku kiriziya kubera ubwinshi bw'impunzi n'ubw'abari bagabye ibitero, bari bahari²⁰⁷.
114. Rushingiye ku bimaze kuvugwa, Urugereko rusanga byaragarajwe ku buryo budashidikanywaho ko, ku itariki ya 13 Mata 1994, mu gihe umutekano muri Komini ya Kivumu wari umeze nabi, Athanase Seromba yirukanye Abatutsi bane bari abakozi ba paruwasi. Umwe muri bo witwaga Patrice, wari wahagarutse, akaba yarishwe n'abari mu gitero nyuma y'aho yirukaniwe na Seromba mu mazu y'abapadiri.

5.6 Inama yabereye ku biro bya paruwasi ku itariki ya 12 Mata 1994

5.6.1 Ibimenyetso

Umutangabuhamya ushinja

115. Umutangabuhamya wiswe CBJ²⁰⁸ yavuze ko, ku itariki ya 12 Mata 1994, yabonye Athanase Seromba avugana na Grégoire Ndahimana, Gaspard Kanyarukiga, Fulgence Kayishema na Télesphore Ndungutse²⁰⁹ bari ku ibaraza ry'« igorofa ya kabiri » y'inzu

²⁰⁷ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 21 (mu muhezo); Inyandikomvugo y'iburanisha, 8 Ukuboza 2005, urup.13 (mu muhezo).

²⁰⁸ Reba icyiciro 3.2.1.

²⁰⁹ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 51 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

y'abapadiri. Yongeyeho ko icyo kiganiro cyamaze iminota iri hagati ya 15 na 20²¹⁰ kandi ko abo bantu batinjiye mu cyumba kuganiriramo²¹¹.

5.6.2 Imyanzuro y'Urugereko

116. Urugereko rusanga ubuhamya bw'umugabo wiswe CBJ budahagije kugira ngo umuntu yemeze ko inama yayobowe na Seromba yabereye ku biro bya paruwasi ku itariki ya 12 Mata 1994. Bityo rero, rurasanga Porokireri atarabigaragaje ku buryo budashidikanywaho.

6. IBYABAYE KU ITARIKI YA 14 N'IYA 15 MATA 1994 KURI PARUWASI YA NYANGE

6.1 Inyandiko y'ibirego

117. Inyandiko y'ibirego ivuga ibikurikira:

15. « Ku itariki ya 13 Mata 1994 cyangwa hafi yayo, Interahamwe n'abantu bitwaraga gisirikare bagose Paruwasi maze bagaba igitero ku mpunzi zari imbere mu kiriziya. Izo mpunzi zirwanyeho zisohora mu kiriziya abagabye igitero, maze zirabatsimbura zibageza ahantu hitwa « Ku Ishusho ya Bikira Mariya ». Abagabye igitero bateye gerenade kuri za mpunzi hapfamo nyinshi cyane. Abarokotse bahise bagerageza gusubira ku Kiriziya, ariko **Padiri Athanase Seromba** yategetse ko imiryango yose ifungwa, bityo impunzi nyinshi (zibarirwa muri 30) zihezwa hanze kugira ngo zicwe.
16. Ku itariki ya 14 Mata 1994 cyangwa hafi yayo, nyuma ya saa sita, **Padiri Seromba** yakoranye inama na Fulgence Kayishema na Gaspard Kanyarukiga mu biro bye byo kuri Paruwasi. Nyuma yaho gato, Fulgence Kayishema yagiye gushaka lisansi ari mu modoka ya Komini ya Kivumu.

²¹⁰ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 53 (mu ruhamwe).

²¹¹ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 52 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Iyo lisansi yakoreshejwe n'Interahamwe n'abantu bitwaraga gisirikare mu gutwika kiriziya, mu gihe abajandarume n'abaporisi ba Komini barimo batera amagerenade.

17. Kuri uwo munsu na none, **Athanase Seromba** yayoboye inama yabereye mu biro bye byo kuri Paruwasi, yari irimo Fulgence Kayishema, Grégoire Ndahimana, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina. Iyo nama ikirangira, impunzi zasabye ko zarindirwa umutekano ariko Burugumesitiri Grégoire Ndahimana azisubiza ko Inyenzi ari zo nyirabayazana y'iyo ntambara kubera ko zishe Perezida.
18. Ku itariki ya 15 Mata cyangwa hafi yayo, otobisi yari itwaye umupadiri witwa Kayirangwa hamwe n'Interahamwe zitwaje intwaro yageze kuri Paruwasi ya Nyange ivuye kuri Perefegitura ya Kibuye. Nyuma yaho gato, **Padiri Seromba** yakoranye inama na Padiri Kayirangwa, Fulgence Kayishema, Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina.
19. Nyuma y'iyo nama, **Padiri Athanase Seromba** yategetse Interahamwe n'abantu bitwaraga gisirikare kugaba ibitero ku Batutsi kugira ngo babice, bahereye ku bize. Kubera ayo mategeko ye, Interahamwe, abantu bitwaraga gisirikare, abajandarume n'abaporisi ba Komini, bitwaje intwaro gakondo n'imbunda, bagabye igitero cyahitanye impunzi nyinshi.
20. Ku itariki ya 15 Mata cyangwa hafi yayo, nyuma ya saa sita, ibitero byagabwaga ku bantu bari bahungiye ku kiriziya byarushijeho gukara. Interahamwe n'abantu bitwaraga gisirikare bagabye igitero bitwaje intwaro gakondo maze bamisha lisansi ku gisenge cya Kiriziya, mu gihe abajandarume n'abaporisi ba Komine bariho batera amagerenade kandi bica impunzi.
21. Muri ibyo bitero, **Padiri Seromba** yashyikirije abajandarume umwarimu w'Umututsi witwaga Gatare wari wahungiye ku kiriziya maze yicirwa aho ako kanya. icyo gikorwa cyashishikajwe abagabaga ibitero kandi kibatera akanyabugabo.
22. Mu gihe cy'ibyo bitero na none, impunzi zavuye mu kiriziya zijya mu gipadiri. **Padiri Seromba** yahasanze izo mpunzi maze amenyesha abajandarume aho zari zihishe. Ako kanya nyuma yaho, izo mpunzi zagabweho

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

igitero ziricwa. Mu bishwe harimo abagore babiri b'Abatutsikazi (Alexia na Meriam).

[...]

25. Ubwicanyi bwakozwe mu bitero bivugwa haruguru bwari buhagarikiwe na **Athanase Seromba**, Grégoire Ndahimana, Fulgence Kayishema, Télesphore Ndungutse, umucamanza Joseph Habiyaambere, Védaste Mupenda wari wungirije Burugumesitiri, n'abandi bantu Porokireri atashoboye kumenya amazina.

[...]

44. Ku itariki ya 13 Mata 1994 cyangwa hafi yayo, Interahamwe n'imitwe yitwaraga gisirikare bari bagose paruwasi bagabye igitero ku mpunzi zari mu kiriziya maze bicamo nka mirongo itatu.

[...]

46. Igitero rurangiza cyagabwe ku mpunzi z'Abatutsi cyabaye ku itariki ya 15 Mata 1994 cyangwa hafi yayo gihagarikiwe na **Padiri Seromba**, Fulgence Kayishema, Grégoire Ndahimana, Télesphore Ndungutse, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina.

[...]

48. Ku itariki ya 13 Mata cyangwa hafi yayo, Interahamwe n'abantu bitwaraga gisirikare bari bagose paruwasi bagabye igitero ku mpunzi zari mu kiriziya. Izo mpunzi zirwanyeho zisohora mu kiriziya abagabye igitero, maze zirabatsimbura zibageza ahantu hitwa « Ku Ishusho ya Bikira Mariya ». Abagabye igitero bateye gerenade kuri za mpunzi hapfamo nyinshi cyane. Abarokotse bahise bagerageza gusubira ku Kiriziya, ariko **Padiri Athanase Seromba** yategetse ko imiryango yose ifungwa, bityo impunzi nyinshi (zibarirwa muri 30) zihezwa hanze kugira ngo zicwe. »

6.2 Igitero cyagabwe kuri kiriziya y'i Nyange gikurikirwa no kwirwanaho kw'impunzi kwaburijwemwo na za gerenade zatewe n'abagabye igitero

6.2.1 Ibimenyetso

Abatangabuhamya bashinjura.

118. Abatangabuhamya biswe CNJ²¹², CBR²¹³, CBJ²¹⁴, CDK²¹⁵, CBS²¹⁶ na CDL²¹⁷ bavuze ko abari mu gitero bahanganye n'impunzi z'Abatutsi mu gitondo cyo ku itariki ya 15 Mata 1994 hafi ya resitora y'umuryango wa Caritas. Mu byo bavuze, harimo ko abagabye igitero bateye impunzi bakoresheje amabuye n'intwari za gakondo. Impunzi zaba zarashoboye kubasubiza inyuma kugera kuri Codecoki. Impunzi zaba zaraneshejwe ubwo umurezerivisiti witwa Théophile Rukara yuriraga hejuru y'inzu agatera gerenade, zigakomeretsa kandi zikica impunzi nyinshi z'Abatutsi. Izo mpunzi zaba zarihindiywe ku kiriziya y'i Nyange kugira ngo zishobore gucika abaziteraga²¹⁸. By'umwihariko, CBR yavuze kandi ko abategesi ba komini barimo Ndahimana, Fulgence Kayishema, Habiyaambere, Védaste Murangwabugabo na Gaspard Kanyarukiga²¹⁹ bari aho imirwano yabera kandi ko bashishikariye abari mu gitero gutera impunzi²²⁰.

²¹² Reba icyiciro 3.2.1.

²¹³ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 45 (mu ruhamwe); Ifishi y'umwirondoro w'umutangabuhamya (P-23).

²¹⁴ Reba icyiciro 3.2.1.

²¹⁵ Ifishi y'umwirondoro w'umutangabuhamya (P-14); Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, imp. 77-78 (mu muhezo).

²¹⁶ Reba icyiciro 3.3.1.

²¹⁷ Reba icyiciro 3.2.1.

²¹⁸ CNJ: Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.16 (mu ruhamwe); CBR: Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 37(mu ruhamwe); CBJ: Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 5-6 (mu ruhamwe); CDK: Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, imp.60-61(mu ruhamwe) n'inyandikomvugo z'iburanisha, 11 Ukwakira 2004, urup. 15 (mu ruhamwe); CBS: Inyandikomvugo y'iburanisha 5 Ukwakira 2004, urup. 20 (mu ruhamwe); CDL: Inyandikomvugo y'iburanisha 19 Mutarama 2005, urup. 48 (mu ruhamwe).

²¹⁹ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 37 (mu ruhamwe).

²²⁰ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 37 (mu ruhamwe).

Abatangabuhamy bashinjura

119. Abatangabuhamy biswe FE31²²¹, BZ14²²², BZ1²²³ na BZ4²²⁴ bavuze ko za gerenade zatewe mu mpunzi z'Abatutsi mu gitero cyagabwe mu gitondo cyo ku itariki ya 15 Mata 1994. Bavuze kandi ko kubera ko izo gerenadi zari zishe bamwe muri zo, impunzi zihindiye mu kiriziya, zikinga imiryango kugira ngo zirinde neza²²⁵.

6.2.2 Imyanzuro y'Urugereko

120. Urugereko rusanga abatangabuhamy bashinja n'abashinjura bemeza ko, mu gitondo cyo ku itariki ya 15 Mata 1994, igitero cyagabwe ku mpunzi z'Abatutsi na zo zikirwanaho; ko nyuma yaho abagabye igitero bakoresheje gerenade zahitanye impunzi nyinshi. Urugereko rusanga rero ibyo byaragaragajwe ku buryo budashidikanywaho.

6.3 Itegeko ryatanzwe na Athanase Seromba ryo gukinga imiryango ya Kiriziya hanze hagasigara impunzi zigera kuri 30 zishobora kuba zarishwe**6.3.1 Ibimenyetso***Abatangabuhamy bashinja*

121. Umutangabuhamy wiswe CBJ²²⁶ yavuze ko, ku itariki ya 14 Mata 1994 nimugoroba, Athanase Seromba, ari kumwe n'abajandarume, yasabye impunzi z'Abatutsi kwinjira mu kiriziya ngo maze arazikingirana²²⁷. Yongeyeho kandi ko umunsi wakurikiyeho mu

²²¹ Reba icyiciro 3.2.1.

²²² Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 42 (mu ruhame).

²²³ Reba icyiciro 4.4.1.

²²⁴ Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, imp. 52-54 (mu ruhame)

²²⁵ Abatangabuhamy biswe: FE31: Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp.18-19 na 23 (mu muhezo); Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 48 (mu ruhame); BZ1: Inyandikomvugo z'ibura-nisha, 2 Ugushyingo 2005, imp. 57-58 (mu ruhame); BZ14: Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 22 (mu ruhame) n'Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, urup. 28 (mu ruhame); BZ4: Inyandikomvugo z'iburanisha, 1 Ugushyingo 2005, imp 58-60 (mu ruhame).

²²⁶ Reba icyiciro 3.2.1.

²²⁷ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp.2-4, (mu ruhame); inyandikomvugo y'iburanisha, 13 Ukwakira, 2004, imp. 36-37 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

gitondo, Seromba, ari kumwe n'abajandarume, yagarutse gukingura imiryango ya kiriziya²²⁸. CBJ yavuze kandi ko, mu bitero byagabwe ku itariki ya 15 Mata 1994, impunzi z'Abatutsi zahisemo kwikingirana, zigasiga inyuma ya kiriziya « zimwe muri zo zagize amahirwe make », zaba zarishwe²²⁹.

122. Abatangabuhamya biswe CBK²³⁰, CDL²³¹, na CNJ bemeje ko, mu gitero cyo ku itariki ya 15 Mata 1994, impunzi zikingiranye mu kiriziya kugira ngo zirinde²³².

Abatangabuhamya bashinjura

123. Abatangabuhamya biswe BZ4²³³, FE56²³⁴, BZ14²³⁵, na FE34²³⁶ bemeje ko, nyuma y'ibitero byo ku itariki ya 15 Mata 1994, impunzi zahungiyeye muri kiriziya, zikingirana namo²³⁷.

6.3.2 Imyanzuro y'Urugereko

124. Urugereko rusanga, mu Nyandiko y'ibirego no mu myanzuro mbanzirizarubanza, Porokireri avuga ko Athanase Seromba yaba yarategutse ko imiryango ya kiriziya ifungwa, bityo agaheza hanze impunzi zigera kuri 30 zaba zaraje kwicwa. Ariko rusanga izo nyandiko zombi zinyuranya ku itariki ibyo bintu byabereyeho. Mu gihe Inyandiko y'ibirego ivuga ko ibyo bintu byabaye hafi y'itariki ya 13 Mata 1994 cyangwa kuri iyo tariki, imyanzuro mbanzirizarubanza yo ivuga ko ibyo bintu byabaye ku itariki ya 14 Mata 1994.

²²⁸ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup.10 (mu ruhame); Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 41(mu ruhame).

²²⁹ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 42 (mu ruhame).

²³⁰ Reba icyiciro 3.3.1.

²³¹ Reba icyiciro 3.2.1.

²³² Umutangabuhamya wiswe CBK: Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 24 (mu muhezo).

²³³ Reba icyiciro 6.2.1.

²³⁴ Reba icyiro 3.2.1.

²³⁵ Reba icyiciro 6.2.1.

²³⁶ Inyandikomvugo y'iburanisha, 30 Werurwe 2006, urup. 7 (mu muhezo).

²³⁷ Abatangabuhamya biswe: BZ4: Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, imp. 58-60 (mu ruhame); FE56: Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 56 (mu muhezo); BZ14: Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, imp. 22, 26 na 28 (mu ruhame); FE34: Inyandikomvugo y'iburanisha, 30 Werurwe 2006, urup.51 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

125. Urugereko rusanga kandi, n'ubwo umutangabuhamya wiswe CBJ avuga ko Athanase Seromba yafunze imiryango ya kiriziya ku mugoroba wo ku itariki ya 14 Mata 1994, akongera kuyifungura mu gitondo cyo ku itariki ya 15 Mata 1994, ntavuga ko Seromba yaryozwa urupfu rw'impunzi z'Abatutsi zishwe kubera ko zitashoboraga kwinjira mu kiriziya yari ifunze. Urugereko rusanga kandi uwo mutangabuhamya yaravuze ko, ku itariki ya 15 Mata 1994, impunzi zari mu kiriziya ziyemeje kwikingirana, bigatuma zimwe muri zo zihera hanze mu menyo y'abagabye igitero. Urugereko rusanga kandi abatangabuhamya bashinja n'abashinjura bemeza ko ari impunzi ubwazo zafashe icyemezo cyo gufunga imiryango ya kiriziya ku itariki ya 15 Mata 1994.
126. Rushingiye ku bimaze kuvugwa, Urugereko rusanga amakuru rufite ahura ku byerekeye amatariki ibintu byabereyeho ndetse akanavuga mu buryo bumwe ukuntu ibyo bintu byagenze. Mu kwanzura, Urugereko rwemeza ko Porokireri atagaragaje, ku buryo budashidikanywaho, ko Athanase Seromba yafunze imiryango ya kiriziya agaheza hanze impunzi zigera kuri 30 zaba zaraje kwicwa.

6.4 Inama zahuje Athanase Seromba, abayobozi ba Komini n'abandi bantu Porokireri atazi

6.4.1 Ibimenyetso

Abatangabuhamya bashinja

127. Umutangabuhamya wiswe CBI²³⁸ yavuze ko abategetsi benshi, barimo Fulgence Kayishema, bakundaga kuza ku kiriziya ubwo yari agihari. Yongeyeho ko abo bategetsi bajyaga kwa Athanase Seromba²³⁹ kubaza uko ibintu byari byifashe mu gikari cy'amazu y'abapadiri²⁴⁰. Mu ibaza rinyomoza, CBI yavuze ko kwa Seromba²⁴¹ haberaga kandi inama zateguraga «iyicwa» ry'Abatutsi. Uwunganira Uregwa amubajije icyo « inama »

²³⁸ Reba icyiciro 3.3.1

²³⁹ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 14.

²⁴⁰ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 16.

²⁴¹ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 65.

bishaka kuvuga, umutangabuhamya yashubije muri aya magambo: « iyo abantu bari kumwe, umuntu ashobora kuvuga ko bari mu nama »²⁴².

128. Umutangabuhamya wiswe CBJ²⁴³ yavuze ko, bamaze kuvugana na Seromba, abajandarume bagiye kuri Codecoki, muri santeri ya Nyange. Yanavuze ko Athanase Seromba agarutse mu gipadiri nyuma y'inama yabereye kuri Codecoki, Interahamwe, zitwaje amacumu, imihoro, inkota n'ibisongo by'imigano, zatangiye kwica impunzi²⁴⁴. Yavuze kandi ko, ku itariki ya 14 Mata 1994, kuri Paruwasi ya Nyange habereye inama yaba yaritabiriwe na Seromba, Grégoire Ndahimana wari Burugumesitiri, Fulgence Kayishema wari umugenzacyaha, Télesphore Ndungutse, umucuruzi witwa Gaspard Kanyarukiga, Christophe Mbakirirehe wari burigadiye n'abandi bantu umutangabuhamya avuga ko atashoboye kumenya²⁴⁵. Umutangabuhamya yavuze ko yabonye iyo nama iba ari kumwe n'abakarismatiki mu munara wa kiriziya²⁴⁶. Mu ibaza rinyomoza, CBJ yongeye kuvuga ko abari muri iyo nama bacuze umugambi wo kwica Abatutsi.
129. Umutangabuhamya wiswe CDK²⁴⁷ yavuze ko yabonye Athanase Seromba hafi ya kiriziya ari kumwe na Fulgence Kayishema, Grégoire Ndahimana, Gaspard Kanyarukiga na Télesphore Ndungutse²⁴⁸. Yasobanuye kandi ko, mu ma saa tanu za mu gitondo, yababonye basohoka mu biro bya Codecoki aho bari bamaze gukorera inama. Umutangabuhamya yavuze ko atari muri iyo nama. Yongeyeho ko abona ibyo bintu, yari imbere ya farumasi ya Gaspard Kanyarukiga²⁴⁹. Yavuze ko, iyo nama irangiye, Athanase Seromba yazamutse yerekeza ku kiriziya ari kumwe na Grégoire Ndahimana, Fulgence

²⁴² Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 65 (mu ruhame).

²⁴³ Reba icyiciro 3.2.1

²⁴⁴ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 5-6 (mu ruhame).

²⁴⁵ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 4 (mu ruhame).

²⁴⁶ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup.32 (mu muhezo).

²⁴⁷ Reba icyiciro 6.2.1.

²⁴⁸ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 11 (mu ruhame).

²⁴⁹ Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, imp. 12-13 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Kayishema na Télesphore Ndungutse naho Gaspard Kanyarukiga akajya hafi y'ishusho aho abaturage bari bateraniye, bamutegereje²⁵⁰.

130. Umutangabuhamywa wiswe CBK²⁵¹ yavuze ko, hagati y'itariki ya 13 n'ya 16 Mata 1994, Athanase Seromba yakoresheje inama nyinshi kuri Paruwasi ya Nyange, zitabiriwe na Gaspard Kanyarukiga, Fulgence Kayishema, Grégoire Ndahimana, Ndungutse na Rushema. Umutangabuhamywa yongeyeho ko kenshi izo nama zaberaga « mu cyumba kiri mu igorofa y'amazu y'abapadiri »²⁵².
131. Umutangabuhamywa wiswe CBN²⁵³ yavuze ko yabonye Athanase Seromba yakira abategetsi benshi barimo Burugumesitiri Ndahimana, Kanyarukiga na Fulgence Kayishema wari umugenzacyaha²⁵⁴. CBN yanavuze ko yamenye ko habaye n'inama zakozwe n'abakonseye ba segiteri zigize komini²⁵⁵.
132. Umutangabuhamywa wiswe CBS²⁵⁶ yavuze ko abategetsi bajyaga kuri Paruwasi ya Nyange kubonana na Athanase Seromba. Muri abo bategetsi, umutangabuhamywa yavuze Burugumesitiri Ndahimana, Kayishema wari umugenzacyaha, Burigadiye Mbakirirehe, umwarimu witwa Télesphore Ndungutse n'umucuruzi witwa Kanyarukiga²⁵⁷.

Abatangabuhamywa bashinjura

133. Umutangabuhamywa wiswe PA1²⁵⁸ yavuze ko Athanase Seromba n'abategetsi ba Komini batigeze bakorera mu gipadiri inama zateguraga ubwicanyi bw'impunzi²⁵⁹. Yavuze ko, ku itariki ya 15 Mata 1994, we n'abandi bihaye Imana basabye Seromba kujya kureba Burugumesitiri ngo amubwire uko ibintu byari byifashe kuri Paruwasi ya Nyange. Avuye

²⁵⁰ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, imp. 60-61 (mu ruhame).

²⁵¹ Reba icyiciro 3.3.1.

²⁵² Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 16-17 (mu muhezo).

²⁵³ Reba icyiciro 3.3.1.

²⁵⁴ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, imp. 44-45 (mu ruhame).

²⁵⁵ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 55 (mu ruhame).

²⁵⁶ Reba icyiciro 3.3.1.

²⁵⁷ Inyandikomvugo y'iburanisha, 5 Ukwakira 2004, urup.19 (mu ruhame).

²⁵⁸ Reba icyiciro 3.4.1.

²⁵⁹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 18 (mu muhezo).

muri ubwo butumwa, Seromba yaba yarababwiye ko atabonye na Burugumesitiri kuko yari yagiye gushyingura²⁶⁰. PA1 yongeyeho ko Grégoire Ndahimana na Fulgence Kayishema baje kuri paruwasi nimugoroba. Umutangabuhamya yasobanuye ko abihaye Imana baba barabajije abo bategetsu icyo bashoboraga gukora ku bijyanye n'imirambo yari mu mbuga ya kiriziya²⁶¹. Burugumesitiri yaba yarabijeje ko bukeye yari bwohereze tingatinga yo guhamba abo bantu²⁶². Umutangabuhamya yemeje ko iyo Seromba aza gukoresha izo nama yari kubimenya kuko iteka babaga bari kumwe²⁶³.

134. Umutangabuhamya wiswe BZ3²⁶⁴ yavuze ko nta « mibano yihariye » Athanase Seromba yari afitanye n'abategetsu²⁶⁵. Yavuze kandi ko, mbere y'itariki ya 16 Mata 1994, atigeze na rimwe yumva ko hari inama zaba zarabaye hagati ya Seromba, Fulgence Kayishema, Grégoire Ndahimana na Téléphore Ndungutse²⁶⁶.
135. Umutangabuhamya wiswe CF23²⁶⁷ yavuze ko inama zose za Komini ya Nyange zaberaga buri gihe ku biro bya Komini²⁶⁸ kandi ko iteka yabimenyeshwaga. Yongeyeho ko nta nama n'imwe y'abategetsu ba Komini yabereye kuri Paruwasi ya Nyange. Yanavuze ko nta nama n'imwe izwi abategetsu bakoze biga uko batsemba Abatutsi²⁶⁹.

6.4.2 Imyanzuro y'Urugereko

136. Urugereko rusanga abatangabuhamya bashinja biswe CBI, CBJ, CBK, CDK na CBS bese bemeza ko Athanase Seromba yakoranye inama cyangwa akagirana imibonano n'abategetsu ba Komini. Kuri iyo ngingo, Urugereko rusanga umugabo ushinjura wiswe PA1 yemeza ubuhamya bw'aba bagabo aho avuga ko Seromba yahawe ubutumwa bwo kujya

²⁶⁰ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 23 (mu muhezo).

²⁶¹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 24 (mu muhezo).

²⁶² Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 24 (mu muhezo).

²⁶³ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 31 (mu muhezo).

²⁶⁴ Inyandikomvugo y'iburanisha, 8 Ugushyingo 2005, urup. 29 (mu ruhamwe).

²⁶⁵ Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 49 (mu ruhamwe).

²⁶⁶ Inyandikomvugo y'iburanisha, 8 Ugushyingo 2005, urup. 23 (mu ruhamwe).

²⁶⁷ Reba icyiciro 4.3.1

²⁶⁸ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup. 20 (mu ruhamwe).

²⁶⁹ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup. 10 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- kureba Burugumesitiri ngo bashakire umuti ikibazo cy'imirambo yari mu mbuga ya kiriziya. Ariko Urugereko rusanga ubuhamya bw'abagabo biswe CBI, CBJ, CBK, CDK na CBS butatuma rufata umwanzuro wemeza ko hari inama cyangwa imibonano iyo ari yo yose Seromba yagiranye n'abategetsi ba Komini byari bigamije gutsemba Abatutsi. Mu by'ukuri, nta n'umwe muri abo batangabuhamya wari muri izo nama cyangwa muri ibyo biganiro. Kubera iyo mpamvu, Urugereko rusanga ibyo bamwe muri abo batanga-buhamya bavuga ko hari umugambi w'itsembatsemba ari ibitekerezo byabo bwite.
137. Urugereko rusanga umutangabuhamya wiswe PA1 yarahaye ubuhamya «*Commission rogatoire*» [Intumwa z'Urukiko] ku itariki ya 8 Ukwakira 2003. Rusanga muri ubwo buhamya, umugabo yaremeje ko atabaga iteka ari kumwe na Athanase Seromba mu gipadiri kandi ko bishoboka rwose ko abantu baba baraje mu gipadiri, ntabimenyeshwe²⁷⁰. Urugereko rusanga ubwo buhamya bwa PA1 buvuguruzaga ibyo yavugiye mu rukiko ko yabaga iteka ari kumwe na Seromba. Kubera iyo mpamvu, Urugereko rwanzura ruvuga ko uwo mutangabuhamya atakwizerwa.
138. Urugereko rusanga kandi ubuhamya bw'abagabo biswe BZ3 na CBN butakwizerwa kubera ko bushingiye ku byo bumvanye abandi bantu.
139. Ku byerekeye umutangabuhamya wiswe CF23, Urugereko rusanga rutahera ku buhamya bwe ngo rufate umwanzuro kuko avuga gusa inama zakozwe n'abategetsi ba Komini ku biro bya Komini ariko ntavuge ko Athanase Seromba yari muri izo nama.
140. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri yaragaragaje, ku buryo budashidikanywaho, ko habaye inama cyangwa ibiganiro hagati ya Athanase Seromba n'abategetsi ba Komini. Ariko Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, ko izo nama cyangwa ibyo biganiro byari bigamije gucura umugambi wo gutsemba Abatutsi.

²⁷⁰ Ubuhamya bwanditse umugabo wiswe PA1 yahaye «*Commission rogatoire*» [Intumwa z'Urukiko], 8 Ukwakira 2003 (D-90), urup. 4.

6.5 Kuba Athanase Seromba yarategutse Interahamwe n'imitwe yitwaraga gisirikare gutera impunzi

6.5.1 Ibimenyetso

Abatangabuhamya bashinja

141. Umutangabuhamya wiswe CDK²⁷¹ yavuze ko, ku itariki ya 15 Mata 1994, yabonye Gaspard Kanyarukiga, Télesphore Ndungutse na Fulgence Kayishema baha amategeko n'amabwiriza abagabye igitero²⁷².
142. Umutangabuhamya wiswe CBR²⁷³ yemeje ko Athanase Seromba atari ayoboye abagabye ibitero byo ku itariki ya 15 Mata 1994. Ariko yongeyeho ko mbere yo kubaha amabwiriza, abategutsi babanzaga kuganira na Seromba. Cyokora, yavuze ko atazi ibyo baganiraga²⁷⁴. Umutangabuhamya yanavuze ko Fulgence Kayishema yavuze ko bagombaga gutera Inyenzi zari ku kiriziya y'i Nyange²⁷⁵.
143. Umutangabuhamya wiswe CNJ²⁷⁶ yavuze ko we n'abantu bari kumwe bageze kuri Paruwasi ya Nyange, bakiriwe na Fulgence Kayishema na Grégoire Ndahimana. Baba barababwiye kwambara amakoma kugira ngo batitiranywa n'Abatutsi. Umutangabuhamya yongeyeho ko Fulgence Kayishema yaberetse ahantu bagombaga kujya ngo bafashe abandi kurwanya Abatutsi²⁷⁷. CNJ yemeye ko impunzi zabashubije inyuma, bakagera kuri farumasi ya Kanyarukiga. Kayishema yaba yarababwiye kongera kuzamuka, bagatera amabuye Abatutsi²⁷⁸.

²⁷¹ Reba icyiciro 6.2.1.

²⁷² Inyandikomvugo y'iburanisha, 11 Ukwakira 2004, urup. 3 (mu ruhamwe).

²⁷³ Reba icyiciro 6.2.1.

²⁷⁴ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 4 (mu ruhamwe).

²⁷⁵ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 36-37 (mu ruhamwe).

²⁷⁶ Reba icyiciro 3.3.1.

²⁷⁷ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.15 (mu ruhamwe).

²⁷⁸ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.16 (mu ruhamwe).

144. Umutangabuhamya wiswe YAU²⁷⁹ yavuze ko Interahamwe zigeze mu mbuga ya kiriziya, Athanase Seromba yazibujije guhita zitera impunzi kubera ko izo Nterahamwe zari nkeya²⁸⁰. Seromba yaba yarazibujije gutera muri aya magambo: « Muhagarike imirwano kuko mukiri bake! »²⁸¹. Umutangabuhamya yanavuze ko Seromba yategetse Interahamwe gutangira kwica zihereye ku banyabwenge²⁸². Byongeye kandi, umutangabuhamya yavuze ko uwo munsu Seromba yabwiye umugore w'Interahamwekazi aya magambo: « Mushakisha abantu bose bari mu byumba, mubasohore maze mubice! »²⁸³.

Abatangabuhamya bashinjura

145. Umutangabuhamya wiswe NA1²⁸⁴ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, Athanase Seromba yabaga iteka ari kumwe na we n'abandi bantu mu gipadiri. Yavuze kandi ko ubwo bari mu cyumba cy'uruganiriro cy'inzu y'abapadiri, Kayiranga yaje kubabwira ko impunzi zari hanze y'amazu zari zimaze kwicwa²⁸⁵.
146. Umutangabuhamya wiswe BZ1²⁸⁶ yavuze ko, ku itariki ya 15 Mata 1994, abagabye igitero bari bayobowe n'abategetsi ba Komini barimo Burugumesitiri, Umugenzacyaha n'uwari ushinze MRND wakoranaga cyane n'abo bategetsi. Yavuze ko, ku itariki ya 15 Mata 1994, atabonye Athanase Seromba cyangwa abandi bihaye Imana²⁸⁷.
147. Umutangabuhamya wiswe FE31²⁸⁸ yavuze ko yageze ku kiriziya y'i Nyange mu gitondo cyo ku itariki ya 15 Mata 1994, hagati ya saa ine na saa ine n'igice²⁸⁹. Yavuze ko yabonye Fulgence Kayishema, umuporisi wa Komini, umucuruzi, Anastase Rushema, Léonard Abayisenga, Théophile Rukara, Boniface Kabalisa, Ephrem Nzabigerageza

²⁷⁹ Reba icyiciro 3.3.1.

²⁸⁰ Inyandikomvugo y'iburanisha, 30 Nzeri 2004, urup. 77 (mu muhezo).

²⁸¹ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 17 (mu ruhame).

²⁸² Inyandikomvugo y'iburanisha, 1 Ukwakira 2004, urup. 2 (mu ruhame).

²⁸³ Inyandikomvugo y'iburanisha, 29 Nzeri 2004, urup. 21 (mu ruhame).

²⁸⁴ Reba icyiciro 5.5.1.

²⁸⁵ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 22 (mu muhezo).

²⁸⁶ Reba icyiciro 4.4.1.

²⁸⁷ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 59 (mu ruhame).

²⁸⁸ Reba icyiciro 3.2.1.

²⁸⁹ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 19 (mu muhezo).

n'abandi bantu bari mu nama ariko ngo ntiyumvise ibyo bavugaga²⁹⁰. Yanavuze ko abo bantu ari bo bayoboye igitero²⁹¹. FE31 yanasobanuye ko Athanase Seromba atari muri iyo nama²⁹² kuko uwo munsu atamubonye aho hantu²⁹³. Mu byo yavuze, umutangabuhamya yagize ati: « Ahubwo twamuteye tubishishikarijwe n'abategetsi ... [Seromba] ntiyashoboraga guterwa ngo anayobore igitero kandi yari yibasiwe n'abagabye igitero »²⁹⁴.

148. Umutangabuhamya wiswe FE36²⁹⁵ yavuze ko Télesphore Ndungutse ari we wateje ubwicanyi bwabereye kuri Paruwasi ya Nyange²⁹⁶.
149. Umutangabuhamya wiswe FE55²⁹⁷ yavuze ko, ku itariki ya 15 Mata 1994, Gaspard Kanyarukiga yasabye ko bazana abantu bo muri Kibirira ngo « barinde kiriziya ». Yaba kandi yaravuze ko bagomba gukora ibishoboka byose ngo bice Abatutsi byaba ngombwa bagasenyira kiriziya²⁹⁸. Mu gusoza kuri iyi ngingo, umutangabuhamya yavuze ko uwo munsu yabonye Fulgence Kayishema atanga amafirimbi kandi ahamagarira Abahutu kwica impunzi z'Abatutsi zari kuri Paruwasi ya Nyange, ngo ibyo yabivugaga ari mu modoka ye²⁹⁹.
150. Umutangabuhamya wiswe FE56³⁰⁰ yavuze ko, ku itariki ya 15 Mata 1994, Fulgence Kayishema yashakaga gusohora impunzi mu kiriziya. Umutangabuhamya yavuze kandi ko Télesphore Ndungutse yamuhaye indobo, bakoresha basukira imboga n'ibyatsi, irimo lisansi maze amutegeka kuyisuka ku madirishya ya kiriziya³⁰¹. Avuga ko bashakaga gutera ubwoba impunzi ngo zisohoke mu kiriziya yari yagowe nk'uko byari byategetswe

²⁹⁰ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 48 (mu ruhamwe).

²⁹¹ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 23 (mu muhezo).

²⁹² Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 22 (mu muhezo).

²⁹³ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp. 25 na 28 (mu ruhamwe).

²⁹⁴ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 28 (mu ruhamwe).

²⁹⁵ Inyandikomvugo y'iburanisha, 21 Ugushyingo 2005, urup. 6 (mu muhezo).

²⁹⁶ Inyandikomvugo y'iburanisha, 21 Ugushyingo 2005, urup. 21 (mu muhezo).

²⁹⁷ Reba icyiciro 4.4.1.

²⁹⁸ Inyandikomvugo y'iburanisha, 12 Mata 2006, imp. 41-43 (mu ruhamwe).

²⁹⁹ Inyandikomvugo y'iburanisha, 12 Mata 2006, urup. 50 (mu ruhamwe).

³⁰⁰ Reba icyiciro 3.2.1.

³⁰¹ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 54 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

na Fulgence Kayishema³⁰². Umutangabuhamya yanavuze ko Téléphore Ndungutse na Fulgence Kayishema bahagarikiye ibitero³⁰³. Yasobanuye ko aba bagabo bagiye gusaba amakamyo ya *Astaldi* ngo azane, kuri Paruwasi ya Nyange, abanyakibirira bagabye ibitero³⁰⁴. Mu gusoza kuri iyi ngingo, FE56 yavuze ko, ku itariki ya 15 Mata 1994, atabonye Athanase Seromba kuri Paruwasi ya Nyange³⁰⁵.

6.5.2 Imyanzuro y'Urugereko

151. Urugereko rusanga umutangabuhamya wiswe YAU ari we mugabo wenyine ushinja uvuga ko Seromba yategetse Interahamwe gutangira kwica zihereye ku Batutsi b'abanyabwenye ku itariki ya 15 Mata 1994. Ariko rusanga ubuhamya bwe butagaragaza neza ukuntu uwo mugabo yumvise Athanase Seromba atanga iryo tegeko. Kubera iyo mpamvu, Urugereko rusanga umutangabuhamya wiswe YAU atakwizerwa.
152. Urugereko rusanga abatangabuhamya biswe CDK, CBR, CNJ, NA1 BZ1, FE31, FE36, FE55 na FE56 bese bavuga ko ahubwo ayo mategeko yo gutera Abatutsi yatangwaga n'abategetsi ba Komini, bari bayoboye abagabye ibitero bagizwe n'Interahamwe n'imitwe yitwaraga gisirikare.
153. Rushingiye ku bimaze kuvugwa, Urugereko rwanzura ruvuga ko Porokireri atagaragaje, ku buryo budashidikanywaho, ko Athanase Seromba yategetse Interahamwe n'imitwe yitwaraga gisirikare gutera impunzi.

³⁰² Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 54 (mu muhezo).

³⁰³ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 55 (mu muhezo); Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 58 (mu muhezo); Inyandikomvugo y'iburanisha, 4 Mata 2006, urup. 6 (mu ruhamwe).

³⁰⁴ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 57 (mu muhezo).

³⁰⁵ Inyandikomvugo y'iburanisha, 3 Mata 2006, urup. 58 (mu muhezo).

6.6 Ibitero Interahamwe n'imitwe yitwaraga gisirikare bagabye ku mpunzi bafashijwe n'abajandarume n'abaporisi ba Komini no kugerageza gutwika kiriziya y'i Nyange

6.6.1 Ibimenyetso

Abatangabuhamya bashinja

154. Umutangabuhamya wiswe CBI³⁰⁶ yavuze ko, ku itariki ya 15 Mata 1994, benshi mu bagabye ibitero bari bafite intwari gakondo naho abayobozi babo bafite imbunda³⁰⁷. Yanavuze kandi ko icyo gitero cyahitanye impunzi nyinshi, imirambo yazo ikaba yari iri mu mbuga ya kiriziya³⁰⁸.
155. Umutangabuhamya wiswe CBR³⁰⁹ yavuze ko, ku itariki ya 15 Mata 1994, nyuma ya saa sita, ibitero byakomeje³¹⁰. Yongeyeho kandi ko abagabye ibitero bagerageje gutwika kiriziya bayisukaho lisansi, banakoresha amashara n'« intambi»³¹¹.
156. Umutangabuhamya wiswe CDK³¹² yavuze ko ikindi gitero cyabaye nyuma ya saa sita ku itariki ya 15 Mata 1994 mu gihe kiriziya yari ikigoswe n'abagabye ibitero. Yanavuze ko abaporisi ba komini n'abajandarume barashe kuri kiriziya, bakanagerageza kuyitwika bakoresheje lisansi n'intambi³¹³. Mu gusoza kuri iyi ngingo, umutangabuhamya yavuze ko icyo gitero cyahitanye abantu barenga 100³¹⁴.
157. Umutangabuhamya wiswe CBK³¹⁵ yavuze ko, nyuma ya saa sita ku itariki ya 15 Mata 1994, impunzi zari ku kiriziya y'i Nyange zagabweho igitero « simusiga ». Yemeje ko abagabye igitero bari barushijeho kuba benshi kandi bitwaje amacumu, imihoro, udufuni

³⁰⁶ Reba icyiciro 3.3.1.

³⁰⁷ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 11 (mu ruhame).

³⁰⁸ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 12 (mu ruhame).

³⁰⁹ Reba icyiciro 6.2.1.

³¹⁰ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 38 (mu ruhame).

³¹¹ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 40-41 (mu ruhame).

³¹² Reba icyiciro 6.2.1.

³¹³ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, imp. 62-63 (mu ruhame).

³¹⁴ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 63 (mu ruhame).

³¹⁵ Reba icyiciro 3.3.1.

n'ibisongo. Yongeyeho ko impunzi zirwanyeho zikoresheje amabuye maze biba ngombwa ko zifungirana mu kiriziya kugira ngo ibitero bitazigeraho. Umutangabuhamya yavuze kandi ko Fulgence Kayishema, Télesphore Ndungutse na Grégoire Ndahimana bagerageje gutwika kiriziya, bayisukaho lisansi banatera amagerenade ku miryango yayo³¹⁶.

158. Umutangabuhamya wiswe CBT³¹⁷ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, Faustin yasutse lisansi kuri kiriziya. Yongeyeho ko abagabye igitero buriye bakajya ku gisenge cya kiriziya maze bagatera gerenade ariho bahagaze³¹⁸.
159. Umutangabuhamya wiswe CDL³¹⁹ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, abagabye igitero bari bagamije kwinjira imbere mu kiriziya. Mu buhamya bwe, yavuze ko abagabye igitero babanje kugerageza kumena inzugi za kiriziya bakoresheje intambi maze bibananiye bagerageza kuyitwika bakoresheje lisansi ariko na byo biba iby'ubusa³²⁰.

6.6.2 Imyanzuro y'Urugereko

160. Urugereko rusanga abagabo bose bashinja bavuga ko abagabye ibitero bateye impunzi zari ku kiriziya ku itariki ya 15 Mata 1994 kandi ko uwo muni banagerageje kuyitwika.
161. Urugereko rusanga Ubwunganizi butaratanze ibimenyetso binyomoza ubwo buhamya.
162. Rushingiye ku bimaze kuvugwa, Urugereko rwanzura ruvuga ko Porokireri yagaragaje, ku buryo budashidikanywaho ko, ku itariki ya 15 Mata 1994, Interahamwe n'imitwe yitwaraga gisirikare bafashijwe n'abajandarume n'abaporisi ba Komini bagabye ibitero ku mpunzi z'Abatutsi kandi ko bagerageje no gutwika kiriziya y'i Nyange.

³¹⁶ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 20-24 (mu muhezo).

³¹⁷ Ifishi y'umwirondoro w'umutangabuhamya (P-13).

³¹⁸ Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, imp. 61-62 (mu ruhamwe).

³¹⁹ Reba icyiciro 3.2.1.

³²⁰ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 23-24 (mu ruhamwe).

6.7 Kuba Athanase Seromba yarahagarikiye ibitero

6.7.1 Ibimenyetso

Abatangabuhamya bashinja

163. Umutangabuhamya wiswe CDL³²¹ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, Athanase Seromba yari ahari, ahagaze imbere y'ibiro by'ubunyamabanga bwa paru-wasi³²². Yongeyeho ko, nyuma ku manywa, yongeye kubona Seromba ahagaze imbere y'amacumbi y'abapadiri³²³. Umutangabuhamya yanavuze ko Seromba yagiriye inama abagabye igitero gutera Abatutsi bari imbere mu kiriziya aho gutera abari mu gipadiri³²⁴. Yanavuze ko Burugumesitiri na Ndungutse bamubwiye ko baganiriye na Seromba washakaga ko bahamba imirambo yuzuye mu mbuga ya kiriziya. Mu byo yavuze, CDL yagize ati: « Padiri Seromba yahisemo kubabwira ko babanza guhamba imirambo mbere yo gukomeza ubwicanyi »³²⁵. Umutangabuhamya yavuze ko Seromba nta cyo yigeze akora ngo arengere impunzi³²⁶.
164. Umutangabuhamya wiswe CBR³²⁷ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, ubwo nta mpunzi zari zigisigaye hanze ya kiriziya, abagabye ibitero bashatse gutera impunzi zari zihishe mu gikari cy'abapadiri. Yasobanuye ko ibyo bitero byari biyobowe na Kayishema na Ndungutse. Yavuze ko Athanase Seromba n'abajandarume babujije abagabye ibitero kwinjira mu gikari cy'abapadiri. Yavuze ko Kayishema na Ndungutse baganiriye na Seromba, nyuma bakabwira abagabye ibitero ko Seromba yabasabye kuba bahagaritse ubwicanyi « bakabanza » gukuraho imirambo n'imyanda yari yandagaye hasi. Umutangabuhamya yavuze ko Seromba yaba yaravuze aya magambo: « Nimurebe ! Mubanze mukureho iyi myanda ». Yongeyeho ko Kayishema na Ndungutse bavuze

³²¹ Reba icyiciro 3.2.1.

³²² Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 18-19 (mu muhezo).

³²³ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 19 (mu muhezo).

³²⁴ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 65 (mu ruhame).

³²⁵ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 65 (mu ruhame).

³²⁶ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 19 (mu muhezo).

³²⁷ Reba icyiciro 6.2.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- amagambo akurikira: « Seromba ntashobora no kuduha uruhushya rwo kwinjira mu gikari cyabo, mu gikari cy'abapadiri nitutabanza gukuraho iyi myanda ». Umutangabuhamya yanavuze ko ubwo Kayishema, Ndungutse na Seromba baganiraga, hagati yabo na we hari metero 10. Yongeyeho ko mu gihe kitageze ku isaha bari bamaze gukuraho imirambo myinshi bakoresheje tingatinga ya sosiyete *Astaldi*. Yavuze ko Seromba nta cyo yigeze akora ngo arengere impunzi cyangwa ngo aburizemo icyo gitero³²⁸. Mu ibaza rinyomoza, umugabo wiswe CBR yemeje ko yiyumviye ubwe Seromba avuga ko imirambo ari imyanda³²⁹. Umutangabuhamya yavuze kandi ko bamaze gukuraho imirambo, basubukuye ibitero³³⁰. Mu kurangiza kuri iyi ngingo, umutangabuhamya yavuze ko atigeze abona Seromba ayoboye ibitero ku itariki ya 15 Mata 1994 cyangwa ku itariki ya 16 Mata 1994 ariko yagize ati: « Mbere yo kuduha amabwiriza ayo ari yo yose, abategetsi bagombaga kubanza kuvugana na Padiri »³³¹.
165. Umutangabuhamya wiswe CNJ³³² yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, abagabye igitero bahigaga impunzi zashakaga kwihisha mu gipadiri ariko Athanase Seromba arabangira « abasaba ko bagomba kubanza gukuraho imirambo yari imbere y'ibiro by'ubunyamabanga bwa paruwasi ». Umutangabuhamya yavuze ko yiyumviye ubwe Seromba avuga ayo magambo³³³. Yavuze kandi ko bamaze gukuraho imirambo, ibitero byasubukuwe. CNJ yabivuze muri aya magambo: « Twakuyeho iyo mirambo maze twinjira mu gikari aho Padiri yatubuzaga kugera tutari twakuraho iyo mirambo »³³⁴.
166. Umutangabuhamya wiswe CBJ³³⁵ yavuze ko, nyuma y'ibitero byo ku itariki ya 15 Mata 1994, Athanase Seromba yashimye bamwe mu bagabye igitero maze abanagira amacupa y'inzoga, ari mu « igorofa ya kabiri » y'inzu y'abapadiri. Yanavuze ko, nyuma yaho

³²⁸ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 38-39 na 52-54 (mu ruhamwe).

³²⁹ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.3 (mu ruhamwe).

³³⁰ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup.40 (mu ruhamwe).

³³¹ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.4 (mu ruhamwe).

³³² Reba icyiciro 3.3.1.

³³³ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.17 (mu ruhamwe).

³³⁴ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.18 (mu ruhamwe).

³³⁵ Reba icyiciro 3.2.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

nimugoroba, yongeye kubona Seromba ku biro by'ubunyamabanga bwa paruwasi aganira n'Interahamwe n'abajandarume. Seromba yaba yarabasabye kuzana tingatinga yo gukuraho imirambo yari yuzuye hasi imbere ya kiriziya³³⁶. CBJ yavuze kandi ko ubwicanyi bwo ku itariki ya 15 Mata 1994 bugitangira, yabonye ku « igorofa ya kabiri » y'inzu y'abapadiri, Seromba ari kumwe na Edouard Nturiye, Emmanuel Kayiranga n'umufaratiri witwa Apollinaire Hakizimana, bareba uko ubwicanyi buriho bukorwa³³⁷.

167. Umutangabuhamya wiswe CDK³³⁸ yavuze ko, mu ma saa munani z'amanywa, yabonye Seromba ari kumwe na Kanyarukiga na Kayishema kuri Paruwasi ya Nyange. Umutangabuhamya yavuze ko abo bagabo uko ari batatu bari bahagaze imbere y'ibiro by'ubunyamabanga bwa paruwasi kandi ko icyo gihe hagati ye na bo hari intera nto³³⁹.

Abatangabuhamya bashinjura

168. Umutangabuhamya wiswe BZ1³⁴⁰ yavuze ko atigeze abona Athanase Seromba na rimwe ubwo kiriziya yagabwagaho ibitero kugeza umunara uhanutse³⁴¹. Yavuze ko yabonye Seromba bwa nyuma ku itariki ya 11 Mata 1994 ubwo hasomwaga misa³⁴².
169. Umutangabuhamya wiswe BZ4³⁴³ yavuze ko atigeze abona Athanase Seromba ari kumwe n'abagabye igitero³⁴⁴. Yemeje ko atanamubonye ku itariki ya 15 n'ya 16 Mata 1994³⁴⁵.
170. Umutangabuhamya wiswe FE31³⁴⁶ yavuze ko atabonye Seromba aho hantu umunsi hagabwa igitero ku itariki ya 15 Mata 1994³⁴⁷. Umutangabuhamya yavuze ko abagabye

³³⁶ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup.6 (mu ruhame).

³³⁷ Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup.45 (mu ruhame).

³³⁸ Reba icyiciro 6.2.1.

³³⁹ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 62 (mu ruhame).

³⁴⁰ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup.30 (mu ruhame).

³⁴¹ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 64 (mu ruhame).

³⁴² Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup.64 (mu ruhame).

³⁴³ Reba icyiciro 6.2.1.

³⁴⁴ Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, imp.59 - 60 (mu ruhame).

³⁴⁵ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup.8 (mu ruhame).

³⁴⁶ Reba icyiciro 3.2.1.

³⁴⁷ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp.25, 28 na 55 (mu ruhame).

igitero bateye Seromba, bityo [Seromba] akaba atarashoboraga gutera kandi na we yari yibasiwe n'abagabye ibitero³⁴⁸.

171. Umutangabuhamya wiswe FE35³⁴⁹ yavuze ko, mu gitero cyo ku itariki ya 15 Mata 1994, nta mupadiri yabonye. Yavuze ko yabonye gusa abakozi ba komini n'abaturage³⁵⁰.
172. Umutangabuhamya wiswe PA1³⁵¹ yavuze ko atasohotse mu gipadiri kubera ibitero byagabwe ku itariki ya 15 Mata 1994, bisi imaze kuhagera. Umutangabuhamya yavuze kandi ko Seromba yasohotse ngo agiye kubabwira ko atishimiye ko barimo kwica «abantu». Yanasobanuye ko atibuka igihe Seromba yamaze ari hanze y'inzu y'abapadiri³⁵². Yanavuze ko yabonye kandi akumva ikiganiro Seromba yagiranye na Kariramba, Kayiranga, Nturiye, Burugumesitiri na Kayishema. Muri icyo kiganiro, bavuze ku kibazo cy'imirambo myinshi yari yandagaye kuri paruwasi. Mu buhamya bwe, umugabo avuga ko abapadiri basabye Burugumesitiri «kugira icyo akora» ngo iyo mirambo ihambwe. Burugumesitiri yaba yarabashubije ko yari bubonane n'abubakisha umuhanda ngo bamuhe tingatinga yo guhamba iyo mirambo³⁵³.
173. Umutangabuhamya wiswe YA1, w'Umuhutu³⁵⁴, yavuze ko nta muntu wihaye Imana yabonye ku itariki ya 15 Mata 1994³⁵⁵.
174. Umutangabuhamya wiswe NA1³⁵⁶ yavuze ko, ku itariki ya 15 Mata 1994, mu ma saa kumi n'ebyiri za nimugoroba, abapadiri bakoreye inama mu gipadiri maze basaba Athanase Seromba kujya kubwira Burugumesitiri wa Komini uko ibintu byari byifashe. Umutangabuhamya yavuze ko, agarutse mu gipadiri, Seromba yavuze ko atashoboye

³⁴⁸ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp.28 na 31-32 (mu ruhame).

³⁴⁹ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup. 29 (mu muhezo).

³⁵⁰ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.18 (mu muhezo).

³⁵¹ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 38 (mu muhezo).

³⁵² Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 13 (mu muhezo).

³⁵³ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 15 (mu muhezo).

³⁵⁴ Reba icyiciro 6.2.1.

³⁵⁵ Inyandikomvugo y'iburanisha, 14 Ugushyingo 2005, urup. 37 (mu ruhame).

³⁵⁶ Reba icyiciro 5.5.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kubonana na Burugumesitiri kuko yari yagiye gushyingura³⁵⁷. NA1 yanavuze ko nyuma, nimugoroba, yaje kumenya ko Burugumesitiri yaje kuri paruwasi uwo mugoroba kandi ko yari yabwiye Padiri ko nibucya ari bufate ingamba za ngombwa zo guhamba imirambo. Umutangabuhamya yavuze ko atari aho abo bantu bavuganiye, bityo akaba atarabonye Burugumesitiri kuri paruwasi ku mugoroba wo ku itariki ya 15 Mata 1994³⁵⁸.

6.7.2 Imyanzuro y'Urugereko

175. Urugereko rusanga ubuhamya bw'umugabo wiswe CDL bushingiye ku byo yumvise, bityo rukaba rutakwizera ibyo avuga ko Seromba yaba yarabwiye abagabye ibitero gutera impunzi zari mu kiriziya, akanababwira kubanza gukuraho imirambo mbere yo gukomeza ubwicanyi.
176. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, ko Athanase Seromba yahagarikiye ubwicanyi bwo ku itariki ya 15 Mata 1994 kuri Paruwasi ya Nyange.
177. Byongeye kandi Urugereko rusanga abagabo batatu bashinja ari bo CDL, CBR na CNJ baravuze bose ko, mu gitero cyo ku itariki ya 15 Mata 1994, Athanase Seromba yabujije abagabye igitero kwinjira mu gikari cy'abapadiri aho impunzi zari zihishe. Mu buhamya bwe, umugabo wiswe CDL, yavuze ko Seromba yaba yaraganiriye na Burugumesitiri na Ndungutse, mu gihe umugabo witwa CBR we avuga ko Seromba yaganiriye na Kayishema na Ndungutse. Naho umutangabuhamya wiswe CNJ we yavuze ko Seromba yaba yaravuganye ubwe n'abagabye igitero.
178. Urugereko rusanga ubuhamya bw'umugabo wiswe CDL ku byavuzwe muri icyo kiganiro bushingiye ku byo yabwiye naho abagabo biswe CBR na CNJ bakavuga ko biyumviye ubwabo amagambo yavuzwe na Athanase Seromba. Muri abo batangabuhamya batatu, uwiswe CNJ ni we wenyine utaravuze ko Seromba yise imirambo umwanda. Abatanga-

³⁵⁷ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp. 28-29 (mu muhezo).

³⁵⁸ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp. 28-29 (mu muhezo).

buhamya biswe CBR na CNJ banavuze ko ubwicanyi bwashubukwe nyuma yo gukuraho imirambo.

179. Urugereko rusanga umugabo wiswe CBR yakwizerwa. Koko rero, mu ibaza rinyomoza, CBR yemeje amagambo yavuze mu ibaza ry'ingenzi³⁵⁹. Uwunganira Uregwa yibukije CBR ko yavuze ko yumvise Kayishema na Ndungutse bavuga ko Athanase Seromba yasabye ko bakuraho imirambo, ubundi akavuga ko ubwe yiyumviye Seromba avuga ayo magambo³⁶⁰. CBR yashubije ko nta tandukanyirizo rigaragara muri izo mvugo zombi. Yavuze ko yumvise Padiri avuga ayo magambo kandi ko abategetsi babwiye abagabye ibitero ibyo Padiri yari yababwiye³⁶¹.
180. Umutangabuhamya wiswe CNJ yavuze, adahindagura, ibintu byabaye ku itariki ya 15 Mata 1994 uretse ku byerekeye isaha yagereye aho hantu³⁶². Urugereko rusanga nta kintu na kimwe cyatuma rushidikanya ku buhamya bwe kuri ibyo bintu.
181. Umutangabuhamya wiswe CBJ yavuze na we ko Athanase Seromba yasabye ko bakuraho imirambo n'ubwo avuga ko ibyo byabaye ku mugoroba wo ku itariki ya 15 Mata 1994. Naho ku byo yavuze ko Seromba yaba yarashimye abagabye ibitero, nta bundi buhamya bubivugaho. Kubera iyo mpamvu, Urugereko ntirwakiriye ubuhamya CBJ yatanze kuri iyo ngingo.
182. Urugereko rusanga abagabo biswe CBR, CBJ, CBI na CDK bose bavuga ko Athanase Seromba yari aho hantu mu gihe ibitero byagabwaga ku itariki ya 15 Mata 194.
183. Urugereko rusanga ubuhamya bw'umugabo wiswe BZ1 butakwizerwa kuri iyo ngingo. Koko rero, n'ubwo mbere mu ibaza ry'ingenzi yari yavuze ko atabonye Athanase Seromba ku itariki ya 15 Mata 1994, uyu mugabo yemeje ibikurikira mu ibaza rinyomoza: « Ibyo ari byo byose, ndababwira ko abo bantu babwiraga [Seromba] ariko

³⁵⁹ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 2 (mu ruhamwe).

³⁶⁰ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 2 (mu ruhamwe).

³⁶¹ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 3 (mu ruhamwe).

³⁶² Inyandikomvugo y'iburanisha, 24 Mutarama 2005, imp.55-56 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

sinababwira ko namubonye neza. Ariko bamubwira, numvaga ibyo bavuga. Navuga rero ko namurabutswe »³⁶³.

184. Urugereko rusanga ubuhamya bw'umugabo wiswe BZ4 butakwizerwa kubera ko yavuze ko atatinze kuri Paruwasi ya Nyange kuri uwo muni wo ku itariki ya 15 Mata 1994³⁶⁴.
185. Urugereko rusanga umutangabuhamya wiswe FE31 atakwizerwa kuri iyo ngingo. Koko rero, yabanje kuvuga ko Athanase Seromba atari ahari ubwo igitero cyagabwaga ku itariki ya 15 Mata 1994 ariko nyuma yaje kuvuga ko abagabye igitero bateye Seromba. Nyamara nta wundi mugabo n'umwe uvuga ko, ku itariki ya 15 Mata 1994, Seromba yatewe.
186. Byongeye kandi, Urugereko rusanga umugabo wiswe FE31 yaravuze ko yageze ku kiriziya mu ma saa yine n'igice³⁶⁵, ko yagiye ku ishusho mbere yo guzamuka agasubira ku mbuga ya kiriziya, ko yahamaze iminota 10 gusa kandi ko atagiye mu gikari cy'abapadiri³⁶⁶. Urugereko rusanga, mu buhamya bwanditse yatanze mbere, umugabo yaravuze ko, ku itariki ya 15 Mata 1994, atari kuri Paruwasi ya Nyange. Koko rero, mu ibaza rinyomoza, Porokireri yasomye ikibazo cya 6 kiri mu buhamya bwanditse uwo mugabo yahaye abategetsi bo mu Rwanda ku itariki ya 14 Mutarama 2000. Icyo kibazo kigira kiti: « Uregwa kuba waragiye mu gitero cyishe abantu cyagabwe ku kiriziya. Ibyo byabaye ku manywa kandi abantu benshi barakubonye. Urabivugaho iki? » Urugereko rusanga umutangabuhamya yarashubije ati: « Icyo ni ikinyoma cyambaye ubusa kuko ntagiyeyo »³⁶⁷. Porokireri yanasomye igisubizo gikurikira umugabo yatanze ku kibazo cya 7: « Sinigeze na rimwe njya ku kiriziya. Iyo nza kujyayo abantu baba

³⁶³ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 20 (mu ruhamwe).

³⁶⁴ Inyandikomvugo y'iburanisha, 9 Ugushyingo 2005, imp.48- 49 (mu ruhamwe).

³⁶⁵ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 47 (mu ruhamwe).

³⁶⁶ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp. 52-53 (mu ruhamwe).

³⁶⁷ Ubuhamya bwanditse umugabo wiswe FE31 yahaye abayobozi b'inzego z'ubutabera zo mu Rwanda ku itariki ya 14 Mutarama 2000 (P-45), urup. 1, busomewe umugabo: Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 65 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- barambonye »³⁶⁸. Porokireri yamusomeye kandi igice cy'ubuhamya bwanditse yahaye abategetsi bo mu Rwanda ku itariki ya 19 Ugushyingo 1999: « Uriregura ute ku byaha Ubushinjacyaha bukurega? Igisubizo: Sinigeze nkora ibyo byaha. Nagumye mu rugo, nta hantu nagiye. Sinigeze njya no ku kiriziya »³⁶⁹. Rushingiye ku bimaze kuvugwa, Urugereko rusanga FE31 yivuguruza mu buhamya bwe³⁷⁰.
187. Urugereko rusanga umutangabuhamya wiswe FE35 na we atakwizerwa kuko yavuze ko atabonye Athanase Seromba mu gihe cy'ibitero. Ubundi kandi, Urugereko rusanga ubuhamya bwe budasobanutse iyo avuga ko yavuye ku kiriziya hagati ya saa saba z'amanywa na saa kumi za nimugoroba³⁷¹.
188. Urugereko rusanga rutafata icyemezo rushingiye ku buhamya bw'umugabo wiswe PA1. Mu by'ukuri, Urugereko rusanga uwo mugabo yaravuze ku byo Athanase Seromba yakoze asohotse mu gipadiri n'ubwo atamukurikiye ngo yibonere uko yitwara. Rusanga rero ubuhamya bwa PA1 butakwizerwa.
189. Urugereko rusanga rutafata kandi icyemezo rushingiye ku buhamya bw'umugabo wiswe NA1 kubera ko uyu mutangabuhamya atari ahantu ikiganiro cyabereye ku mugoroba wo ku itariki ya 15 Mata 1994 aho Burugumesitiri yaba yaremereye abapadiri ko azatumiza za tingatinga zo gukuraho imirambo.
190. Urugereko rusanga umutangabuhamya wiswe YA1 atakwizerwa kubera ko yivuguruza mu buhamya bwe. Rimwe yemeza ko yakurikiye ibyabaye ku itariki ya 15 Mata 1994 ari hafi y'ishusho ya Bikira Mariya, ubundi akavuga ko, ku itariki ya 15 Mata 1994, atagiye kuri paruwasi³⁷².

³⁶⁸ Ubuhamya bwanditse umugabo wiswe FE31 yahaye abayobozi b'inzego z'ubutabera zo mu Rwanda ku itariki ya 14 Mutarama 2000 (P-45), urup. 2, busomewe umugabo: Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 66 (mu ruhame).

³⁶⁹ Ubuhamya bwanditse umugabo wiswe FE31 yahaye abayobozi b'inzego z'ubutabera zo mu Rwanda ku itariki ya 19 Ugushyingo 1999 (P-46), urup. 1, busomewe umugabo: Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 68 (mu ruhame).

³⁷⁰ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, imp. 65-68 (mu ruhame).

³⁷¹ Inyandikomvugo y'iburanisha, 23 Ugushyingo 2005, urup. 28 (mu muhezo).

³⁷² Inyandikomvugo y'iburanisha, 14 Ugushyingo 2005, urup. 28 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

191. Rushingiye ku bimaze kuvugwa, Urugereko rwanzuye ruvuga ko hagaragajwe ku buryo budashidikanywaho ko, ku itariki ya 15 Mata 1994, Athanase Seromba yabwiye abagabye ibitero, bari biteguye gutera Abatutsi mu gikari cy'abapadiri, kureka gukomeza kwica bakabanza gukuraho imirambo. Urugereko rwemeza kandi ko imirambo imaze gukurwaho, ibitero byibasiye impunzi byasubukuwe.

6.8 Iyicwa ry'abantu benshi barimo umwarimu witwaga Gatare n'Abatutsikazi b'impunzi ari bo Alexia na Meriam

6.8.1 Ibimenyetso

Abatangabuhamya bashinja

192. Umutangabuhamya wiswe CBT³⁷³ yavuze ko, ku itariki ya 15 Mata 1994, mu ma saa sita, yabonye Athanase Seromba ari kumwe n'umwarimu witwaga Anicet Gatare ku ngazi imbere y'ibiro by'ubunyamabanga bwa paruwasi³⁷⁴. Umutangabuhamya yavuze ko Seromba yaherekeje Anicet Gatare akamugeza ku muryango w'ibiro by'ubunyamabanga aho yamuhaye abajandarume batatu barinze aho hantu. Yavuze ko abo bajandarume bajyanye Anicet Gatare bakamurasa agapfa³⁷⁵. Yavuze ko ibyo biba, Seromba yari ku rubaraza rw'ibiro by'ubunyamabanga bwa paruwasi³⁷⁶. Yanavuze ko nyuma yo guha Anicet Gatare abajandarume, Seromba yasubiye mu « gikari cy'abapadiri »³⁷⁷.
193. Umutangabuhamya wiswe CBJ³⁷⁸ yavuze ko yamenye Meriam ubwo yari ku kiriziya y'i Nyange kuva ku itariki ya 10 kugera ku ya 16 Mata 1994. Yongeyeho ko Meriam yari mu Batutsi bagize amahirwe yo kwakirwa na Athanase Seromba mu gipadiri kugera ku itariki ya 14 Mata 1994. Umutangabuhamya yanavuze ko nyuma y'inama yo ku itariki ya

³⁷³ Reba icyiciro, 6.3.1.

³⁷⁴ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 31 (mu ruhamwe).

³⁷⁵ Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, imp. 58-59 (mu ruhamwe).

³⁷⁶ Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, urup.59 (mu ruhamwe). Umutangabuhamya wiswe CBT yavuze ko ikimenyetso gihamya P3-1 ari ifoto y'ibyo biro.

³⁷⁷ Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 41 (mu ruhamwe).

³⁷⁸ Reba icyiciro 3.2.1.

14 Mata 1994, yumva ko igamije kwica Abatutsi, Seromba yirukanye abantu bose bari bacumbikiwe mu gipadiri³⁷⁹. Yavuze kandi ko impunzi zasohotse bamaze gukingura imiryango ya kiriziya mu gitondo cyo ku itariki ya 15 Mata 1994. Mu buhamya bwe, yavuze ko Meriam yasubiye mu gipadiri ahunga Interahamwe zari zatangiye gutera impunzi. CBJ yanavuze ko ibyo bitero byagabwe hagati ya saa saba na saa cyenda z'amanya maze yongeraho ko Seromba yongeye kwirukana Abatutsi bose, barimo Meriam, bari mu gikari cy'abapadiri. Mu buhamya bwe, yavuze ko Meriam « yakubitiwe cyane » imbere y'ibiro by'ubunyamabanga bwa paruwasi maze uwitwa Muringanyi akamukurura akamugeza ku kiriziya mu gihe Fulgence Kayishema we yari afashe umutwe wa Meriam agenda awuceka ku butaka mu mbuga³⁸⁰. Yavuze ko yabonye umurambo wa Meriam wari wambitswe ubusa³⁸¹. Umutangabuhamya yanavuze ko uwo muni mu ma saa moya za nimugoroba, yumvise Seromba ahamagara umuzamu we witwa Canisius Habiyambere maze amutegeka gusaka mu gikari cy'abapadiri ngo arebe niba nta Batutsi bahihishe³⁸². CBJ yavuze ko, hafi y'igorofa rya mbere, yabonye umujandarume imbere y'ikirongozi arasa Anicet Gatare maze akamuhamya mu gituza, agapfa.³⁸³

194. Umutangabuhamya wiswe CBK³⁸⁴ yavuze ko yabonye imirambo myinshi y'abantu. Muri iyo mirambo yashoboye kumenyamo Adrienne wigiraga iby'ububikira akaba yarakomokaga muri Komini ya Nyinawajambo, Anicet Gatare wari umwarimu, Boniface Gatare wari ushinze urubyiruko muri Komini ya Kivumu na Kanamugire wakoraga muri MINITRAP³⁸⁵. Umutangabuhamya yavuze ko Anicet Gatare yishwe n'abajandarume ku itariki ya 13 Mata 1994. Yavuze kandi ko yumvise abajandarume bavuga ko

³⁷⁹ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 9-10 (mu ruhamwe).

³⁸⁰ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 10-11 (mu ruhamwe).

³⁸¹ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 10 (mu ruhamwe).

³⁸² Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 12 (mu ruhamwe); Inyandikomvugo y'iburanisha, 13 Ukwakira 2004, urup. 46 (mu ruhamwe).

³⁸³ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 10-11 (mu ruhamwe);

³⁸⁴ Reba icyiciro 3.3.1.

³⁸⁵ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 32 (mu muhezo);

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Anicet Gatare yari yabahaye amafaranga ngo bamurase aho kwicishwa imihoro³⁸⁶. CBK yanavuze ko Fulgence Kayishema yishe Meriam aceka umutwe we ku matafari³⁸⁷ mu gihe Seromba yari ahari ariko ntagire icyo akora ngo amubuze.³⁸⁸

Abatangabuhamya bashinjura

195. Umutangabuhamya wiswe BZ1³⁸⁹ yavuze ko, abonye abagabye igitero baje, Anicet Gatare yasabye umujandarume kumwica kugira ngo ataza kwicwa urubozo. Yavuze ko abagabye igitero bavugaga ko Athanase Seromba yari icyitso cy'Inkotanyi kuko atashakaga kubaha abantu bari kuri paruwasi³⁹⁰.
196. Umutangabuhamya wiswe BZ2³⁹¹ yavuze ko yamenye ko abantu benshi, barimo Meriam wari inshuti ye n'umwarimu witwaga Gatare, bapfiriye kuri Paruwasi ya Nyange³⁹².
197. Umutangabuhamya wiswe FE31³⁹³ yavuze ko yumvise ko Anicet Gatare yaba yarasabye abajandarume kumurasa kugira ngo aticishwa imihoro. Umutangabuhamya yavuze kandi ko atazi niba Gatare yarahawe abajandarume ngo bamwice. Yongeyeho ko abagabye igitero basanze Anicet Gatare aho hantu maze bakamwicisha imihoro³⁹⁴.
198. Umutangabuhamya wiswe FE55³⁹⁵ yavuze ko Meriam na Anicet Gatare bishwe ku wa gatanu tariki ya 15 Mata 1994³⁹⁶.

6.8.2 Imyanzuro y'Urugereko

199. Urugereko rusanga abatangabuhamya biswe CBT, CBJ, CBK, BZ2 na FE55 baremeje urupfu rw'impunzi z'Abatutsi zitwaga Anicet Gatare na Meriam. Rusanga abatanga-

³⁸⁶ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 33 (mu muhezo).

³⁸⁷ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 35 (mu muhezo).

³⁸⁸ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 35 (mu muhezo).

³⁸⁹ Reba icyiciro 4.4.1.

³⁹⁰ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 65 (mu ruhame).

³⁹¹ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, imp. 79 na 81 (mu ruhame).

³⁹² Inyandikomvugo y'iburanisha, 7 Ugushyingo 2005, urup.7 (mu ruhame).

³⁹³ Reba icyiciro 3.2.1.

³⁹⁴ Inyandikomvugo y'iburanisha, 12 Mata 2006, urup. 43 (mu ruhame).

³⁹⁵ Reba icyiciro 4.4.1.

³⁹⁶ Inyandikomvugo y'iburanisha, 29 Werurwe 2006, urup. 26 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

buhamya biswe BZ1 na FE31 bavuga gusa iby'urupfu rwa Anicet Gatare. Rusanga kandi ahangaha nta mugabo n'umwe uvuga ku rupfu rwa Alexia. Kubera iyo mpamvu, Urugereko rusanga iyicwa rya Meriam na Anicet Gatare ryaragaragajwe ku buryo budashidikanywaho.

200. Ku byerekeye iyicwa rya Anicet Gatare, Urugereko rusanga abatangabuhamya biswe CBT na CBJ batavugaga bimwe ku kuntu yapfuye. Urugereko rwemera ahubwo ubuhamya bw'abagabo biswe CBK, BZ1 na FE31 bavuze ko Anicet Gatare yaba yarishwe n'umujandarume yahaye amafaranga ngo yicishwe isasu aho kwicishwa imihoro.
201. Ku byerekeye iyicwa rya Meriam, Urugereko rwemera ubuhamya bw'umugabo wiswe CBJ buvugaga ko Athanase Seromba yirukanye impunzi nyinshi zari mu gipadiri zirimo Meriam waje kwicwa n'abagabye igitero. Urugereko rusanga umutangabuhamya wiswe CBJ yakwizerwa. Byongeye kandi, Urugereko ruvugaga ko umutangabuhamya wiswe CBK adahuzagurika mu bisobanuro atanga ku rupfu rwa Meriam. Rusanga uwo mutanga-buhamya yakwizerwa.
202. Rushingiye ku bimaze kuvugwa, Urugereko rwanzura ruvugaga ko Porokireri atagaragaje, ku buryo budashidikanywaho, ko Athanase Seromba yahaye Anicet Gatare abajandarume. Ariko Urugereko rusanga haragaragajwe, ku buryo budashidikanywaho, ko Seromba yirukanye impunzi nyinshi, zirimo Meriam, zari mu gipadiri.

7. IBYABEREYE KURI PARUWASI YA NYANGE KU ITARIKI YA 16 MATA 1994

7.1 Inyandiko y'ibirego

203. Inyandiko y'ibirego igira iti:

23. Impunzi nyinshi ziciwe muri ibyo bitero. Abakozi batatu ba Sosiyete Astaldi (Mitima, Maurice na Flanbeau) bakoresheje tingatinga kugira ngo bakureho imirambo y'abishwe yari yuzuye kiriziya. Fulgence Kayishema yasabwe gushaka abandi bashoferi babiri kugira ngo ako kazi karangire. Umwe muri bo

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

witwaga Evarist Rwamasirabo wanze kwifatanya n'abandi muri ako kazi yahise yicwa.

[...]

26. Imirambo y'abiciwe mu kiriziya imaze kuvanwamo, Védaste Mupenda yategetse umushoferi (Anasthase bahimba 2000) gusenya iyo Kiriziya. Uwo mushoferi yarabyanze avuga ko kiriziya ari inzu y'Imana.
27. Ako kanya nyuma yaho, Védaste Mupende, Fulgence Kayishema na Grégoire Ndahimana basabye **Athanase Seromba** kugira icyo akora, ni bwo yaje ateguka Anasthase bahimba 2000 gusenya Kiriziya, avuga ngo Abahutu ni benshi bashobora kubaka indi.
28. Anasthase yakoresheje tingatinga asenya kiriziya maze igisenge gihanukira ku mpunzi z'Abatutsi zarengaga 2000 zari mu kiriziya. Abake bashoboye kurokoka batewe n'Interahamwe zishishikajwe no kubahorahoza.
29. Ku itariki ya 16 Mata 1994 cyangwa hafi yayo, nyuma y'isenywa rya kiriziya, abategetsi bakoze inama kuri Paruwasi. Nyuma yaho gato, Padiri Seromba yategetse Interahamwe gukuraho « umwanda ». Imirambo y'abishwe yahambwe mu byobo rusange.
30. Akazi ko guhamba imirambo mu byobo rusange kafashe nk'iminsi ibiri gahagarikiwe na **Athanase Seromba**, Fulgence Kayishema, Grégoire Ndahimana n'abandi bantu Porokireri atashoboye kumenya amazina.

[...]

- 47 Kiriziya yose imaze gusenya, **Padiri Athanase Seromba** yabonye na Fulgence Kayishema, Grégoire Ndahimana, Gaspard Kanyarukiga n'abashoferi ba tingatinga maze yicarana na bo banywa inzoga.

[...]

49. Ku itariki ya 15 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yacuze umugambi wo gusenya kiriziya cyangwa yategetse abantu kuyisanya, cyangwa abibafashamo kandi arabibashishikariza. Icyo gikorwa cyahitanye Abatutsi barenga 2000 bari bafungiraniye mu kiriziya.

7.2 Kuba ku kiriziya hari tingatinga

7.2.1 Ibimenyetso

Abatangabuhamya bashinja

204. Abatangabuhamya biswe CBK³⁹⁷, CDK³⁹⁸ na CBT³⁹⁹ bavuze ko, kuri Paruwasi ya Nyange, hari tingatinga imwe⁴⁰⁰. Naho abatangabuhamya biswe CBJ⁴⁰¹, CBR⁴⁰² na CDL⁴⁰³ bavuga ko hari tingatinga ebyiri⁴⁰⁴.

Abatangabuhamya bashinjura

205. Abatangabuhamya biswe BZ1⁴⁰⁵, BZ3⁴⁰⁶, BZ4⁴⁰⁷, BZ14⁴⁰⁸, CF14⁴⁰⁹, CF23⁴¹⁰, FE27⁴¹¹, FE32,⁴¹² PA1⁴¹³ na YA1⁴¹⁴ bavuze ko kuri kiriziya y'i Nyange hari tingatinga imwe⁴¹⁵.

³⁹⁷ Reba icyiciro 3.3.1.

³⁹⁸ Reba icyiciro 6.2.1.

³⁹⁹ Reba icyiciro 6.6.1.

⁴⁰⁰ Abatangabuhamya biswe: CBK: Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 30 (mu muhezo) CDK: Inyandikomvugo y'iburanisha, 7 Ukwakira 2004, urup. 63 (mu ruhame); CBT: Inyandikomvugo y'iburanisha, 6 Ukwakira 2004, urup. 64 (mu ruhame).

⁴⁰¹ Reba icyiciro 3.2.1.

⁴⁰² Reba icyiciro 6.2.1.

⁴⁰³ Reba icyiciro 3.2.1.

⁴⁰⁴ Abatangabuhamya biswe: CBJ: Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 11 (mu ruhame); CBR: Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 38-39 (mu ruhame); Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 22 (mu muhezo).

⁴⁰⁵ Reba icyiciro 4.4.1.

⁴⁰⁶ Reba icyiciro 4.4.1.

⁴⁰⁷ Reba icyiciro 6.2.1.

⁴⁰⁸ Reba icyiciro 6.2.1.

⁴⁰⁹ Reba icyiciro 3.2.1.

⁴¹⁰ Reba icyiciro 4.3.1.

⁴¹¹ Reba icyiciro 3.4.1.

⁴¹² Reba icyiciro 3.4.1.

⁴¹³ Reba icyiciro 3.4.1.

⁴¹⁴ Reba icyiciro 6.2.1.

⁴¹⁵ Abatangabuhamya biswe: BZ1: Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 60 (mu ruhame); BZ3: Inyandikomvugo y'iburanisha, 31 Ukwakira 2005, urup. 55 (mu ruhame); BZ4: Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, imp. 4-5 (mu ruhame); BZ14: Inyandikomvugo y'iburanisha, 1 Ugushyingo 2005, imp. 31-32 (mu ruhame); CF14: Inyandikomvugo y'iburanisha, 17 Ugushyingo 2005, imp. 16-17 (mu muhezo); CF23: Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup. 24 (mu ruhame); FE27: Inyandikomvugo y'iburanisha, 23 Werurwe 2006, urup. 28 (mu ruhame); FE32: Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 15 (mu ruhame);

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Abatangabuhamyabwabo biswe FE35⁴¹⁶, FE34⁴¹⁷, FE56⁴¹⁸ na NA1⁴¹⁹ bo bavuze ko aho hantu hari tingatinga ebyiri⁴²⁰.

7.2.2 Imyanzuro y'Urugereko

206. Urugereko rusanga abatangabuhamyabwabo 13 baravuze ko ku kiriziya hari tingatinga imwe naho 7 bakavugaga ko hari ebyiri. Urugereko rwumva uko kunyuranya guterwa n'ingorane bagize zo kumenya imiterere y'imashini zari ku kiriziya y'i Nyange. Urugereko rusanga rero Porokireri yaragaragaje, ku buryo budashidikanywaho ko, ku itariki ya 16 Mata 1994, ku kiriziya y'i Nyange, hari nibura tingatinga imwe.

7.3 Iyicwa ry'umushoferi witwaga Evariste Rwamasirabo

7.3.1 Ibimenyetso

Abatangabuhamyabwabo bashinjura

207. Umutangabuhamyabwabo wiswe FE32, wari umwe mu bashoferi ba tingatinga yashenye kiriziya y'i Nyange⁴²¹, yavuze ko, ku itariki ya 16 Mata 1994, mu ma saa tatu n'igice za mu gitondo, Fulgence Kayishema yaje kumureba iwe mu rugo⁴²². Yavuze ko Kayishema yashakaga abashoferi ba sosiyeti Astaldi ababaza impamvu banga « gufasha abandi ». Umutangabuhamyabwabo yavuze ko bamushubije ko batazanywe no kwica « abantu ». Yavuze ko Fulgence Kayishema yabokeje igitutu maze abajandarume babajyana ku kiriziya ku

PA1: Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 16 (mu muhezo); YA1: Inyandikomvugo y'iburanisha, 14 Ugushyirahamwe 2005, urup. 8 (mu muhezo).

⁴¹⁶ Reba icyiciro 6.7.1.

⁴¹⁷ Reba icyiciro 6.3.1.

⁴¹⁸ Reba icyiciro 3.2.1.

⁴¹⁹ Reba icyiciro 5.5.1.

⁴²⁰ Abatangabuhamyabwabo biswe: FE35: Inyandikomvugo y'iburanisha, 22 Ugushyirahamwe 2005, imp. 19, 20 na 24 (mu muhezo); FE34: Inyandikomvugo y'iburanisha, 30 Werurwe 2006, urup. 19 (mu ruhamwe); FE56: Inyandikomvugo y'iburanisha, 4 Mata 2006, urup. 13 (mu ruhamwe); NA1: Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 38 (mu muhezo).

⁴²¹ Reba icyiciro 3.4.1.

⁴²² Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 28 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

ngufu⁴²³. Umutangabuhamya yavuze ko Kayishema yababwiye ko bagomba gufasha « abandi » guhamba imirambo. Umutangabuhamya yavuze ko batonganye maze umujandarume akarasa Evariste Ntahomvukiye mu mutwe agapfa⁴²⁴. Yavuze ko Evariste yiciwe ku muhanda munini uturuka i Gitarama ugana ku kiriziya, hagati y'ishusho ya Bikira Mariya⁴²⁵ n'inzu ya Caritas⁴²⁶.

7.3.2 Imyanzuro y'Urugereko

208. Urugereko rusanga umutangabuhamya wiswe FE32 atakwizerwa kuri iyo ngingo. Koko rero, rusanga ari we mugabo wenyine uvuga ku iyicwa ry'uwo mushoferi kandi ibyo bintu byarabereye ahantu hagerwa n'abantu benshi. Byongeye kandi, Urugereko rusanga ashaka gukoresha urupfu rwa Evariste Ntahomvukiye mu gushyigikira ibyo avuga ko yaba yarasenye kiriziya ku gahato.
209. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri ataragaragaje, ku buryo budashidikanywaho, iby'urupfu rwa Evariste Rwamasirabo.

7.4 Itegeko ryatanze na Athanase Seromba ryo gusenya kiriziya

7.4.1 Ibimenyetso

Abatangabuhamya bashinja

210. Umutangabuhamya wiswe CBJ⁴²⁷ yavuze ko, ku itariki ya 16 Mata 1994, kuri Codecoki habereye inama yitaribiriwe na Athanase Seromba, umucuruzi witwa Gaspard Kanyarukiga, umugenzacyaha Fulgence Kayishema, umwarimu witwa Télésphore Ndungutse, umucamanza witwa Habiyambere, umucuruzi witwa François Gashugi n'abandi bantu bakoranaga na bo. Yavuze ko abagabaga ibitero bari bahagaze hafi y'inzu

⁴²³ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 29 (mu ruhame).

⁴²⁴ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup.31 (mu ruhame).

⁴²⁵ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 1 (mu ruhame).

⁴²⁶ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 2 (mu ruhame).

⁴²⁷ Reba icyiciro 3.2.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

ya Codecoki bategereje ko bababwira ngo batangire gutera⁴²⁸. Yavuze ko yabonye iyo nama, ari mu munara wa kiriziya⁴²⁹. CBJ yavuze ko yabonye Seromba imbere y'ibiro by'ubunyamabanga bwa paruwasi ubwo tingatinga zatangiraga gukoreshwa ku itariki ya 16 Mata 1994. Yavuze ko yanabonye Interahamwe n'umushoferi wa tingatinga witwa Anastase binjira bakanasohoka mu gikari cy'abapadiri. Yavuze ko yumvise ikiganiro uwo mushoferi yagiranye na Seromba. Yagize ati:

Numvise umushoferi amubaza ati: « Rwose Bwana Padiri, muremera ko nsenya kiriziya? » Nabonye Padiri Athanase Seromba yikiriza azunguza umutwe. Umushoferi yongeye kubaza Padiri Seromba, arongera amubaza bwa gatatu ati: « Bwana Padiri, muremera ko nsenya kiriziya? » Padiri Athanase Seromba yaramushubije ati: « Yisenye, kereka niba nawe uri Inyenzi. icyo dushaka ni ukwikiza Inyenzi naho ibisigaye Abahutu...twebwe Abahutu, turi benshi. Nidushobora kwikiza Inyenzi, tuzubaka indi kiriziya »⁴³⁰.

211. Umutangabuhamya wiswe CBJ yavuze ko, nyuma y'icyo kiganiro, yabonye Athanase Seromba akura ikintu mu mufuka akagiha umushoferi wa tingatinga. Uwo mushoferi yaba yaratangiye gusenya kiriziya⁴³¹.
212. Umutangabuhamya wiswe CBK⁴³² yavuze ko, mu gitondo cyo ku itariki ya 16 Mata 1994, yabonye Athanase Seromba, Kayishema, Ndahimana, Kanyarukiga n'abandi bantu bakorera inama mu biro by'ubunyamabanga bwa paruwasi. Yemeje ko yumvise Kayishema avuga ko bagomba gusenya umunara wa kiriziya kuko hari hihishemo Abatutsi b'abanyabwenge. Yavuze ko, hagati ye n'aho iyo nama yabereye, hari metero zitageze kuri eshatu. Yavuze ko, iyo nama irangiye, Seromba n'abo bantu bazamutse mu « igorofa hejuru y'ibiro by'ubunyamabanga bwa paruwasi »⁴³³.

⁴²⁸ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 14 (mu muhezo).

⁴²⁹ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 31 (mu muhezo).

⁴³⁰ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 18 (mu ruhamwe).

⁴³¹ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 18 (mu ruhamwe).

⁴³² Reba icyiciro 3.3.1.

⁴³³ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 17-18 (mu muhezo).

213. Umutangabuhamya wiswe CBK yanavuze ko umushoferi wa tingatinga yitwaga Anastase. Yemeje ko Athanase Seromba yari aho ubwo uwo mushoferi yazanaga tingatinga. Yasubiyemo, inshuro enye, ikiganiro gikurikira uwo mushoferi yagiranye na Seromba:

[...] yabajije Padiri Seromba, yabajije Padiri Seromba inshuro eshatu ati: « Tugomba gusenya ino kiriziya? » Padiri yaramushubije ati: « Muyisenye. Abahutu turi benshi bihagije. Byongeye kandi mu nzu y'Imana hajemo amashitani...Abahutu, turi benshi, tuzubaka indi »⁴³⁴

Anastase yabajije Seromba ati: « Mbwira niba ngomba gusenya iyi kiriziya. Yamubajije iki kibazo inshuro eshatu maze Padiri aramusubiza ati: « Muyisenye » [...] maze yongeraho ati: « Abahutu turi benshi, tuzubaka indi »⁴³⁵.

[...] Ni byo umushoferi waje gusenya kiriziya yamubajije inshuro eshatu. Yamubajije niba agomba gusenya kiriziya. Padiri yaravuze ngo: « Yisenye! »⁴³⁶.

Anastase ni we wabajije Padiri Seromba niba agomba gusenya kiriziya maze Seromba aramusubiza ati: « Umva, ushobora kuyisenya. Turi benshi, tuzongera twubake indi. Iyo kiriziya yajemo amashitani, igomba gusenya »⁴³⁷.

214. Umutangabuhamya wiswe CBK yavuze ko icyo kiganiro kiba hari uwahoze ari Burugumesitiri wa Komini ya Gisovu, umugenzacyaha wa Komini, abungirije Burugumesitiri n'abaporisi ba Komini. Umushoferi yaba rero yaratangiye gusenya kiriziya icyo gihe. Umutangabuhamya yanasobanuye ko Athanase Seromba nta cyo yakozwe ngo amubuze kuyisenya. Mu gihe kiriziya yasenywaga, umutangabuhamya yaba yari kumwe na Seromba imbere y'ibiro by'ubunyamabanga bwa paruwasi. Yavuze ko yabwiye Seromba ko afite ubwoba maze Seromba aramuhumuriza ngo Abatutsi ni bo bonyine bari bibasiwe n'ubwicanyi⁴³⁸.

⁴³⁴ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 28-19 (mu muhezo).

⁴³⁵ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 17 (mu muhezo).

⁴³⁶ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 45 (mu muhezo).

⁴³⁷ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup.19 (mu muhezo).

⁴³⁸ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 28-29 (mu muhezo).

215. Umutangabuhamya wiswe CBK yanavuze ko Kayishema ari we watanze itegeko ryo kujya kuzana tingatinga⁴³⁹. Umutangabuhamya avuga ko Athanase Seromba ari we ugomba kuryozwa isenywa ry'iyi kiriziya kubera amagambo yabwiye umushoferi wa tingatinga⁴⁴⁰. Yavuze ko Seromba yashungereye ubwicanyi bwakomeje kuba nyuma y'ihirikwa ry'umunara wa kiriziya⁴⁴¹.
216. Umutangabuhamya wiswe CNJ⁴⁴² yavuze ko Athanase Seromba yakoranaga n'abagabye ibitero n'ubwo atatanze itegeko ryo gusenya kiriziya⁴⁴³. Yanavuze amagambo abategetsi bavuze kuri Seromba n'isenywa rya kiriziya: « Seromba naza ni we wemeza niba kiriziya yose igomba gusenywa cyangwa akavuga niba hari ukundi byagenda, niba abantu bashobora kwinjiramo imbere »⁴⁴⁴. Yavuze ko nyuma y'icyo kiganiro, Kayishema yerekeje inyuma ya kiriziya hafi y'amazu y'abapadiri, hashize iminota itanu agaruka ari kumwe na Seromba. Seromba yaba yaragiye hafi ya tingatinga maze agasuhuza abategetsi bari bahagaze iruhande rwayo. Yavuze ko Kayishema wari kumwe na Seromba yategetse umushoferi wa tingatinga gutangira gusenya kiriziya. Umutangabuhamya yasobanuye ko yari nko muri metero ebyiri uvuye aho ibyo bintu byabereye. Seromba yaba yarabwiye uwo mushoferi ati: «Witonde urukuta rutakugwira ». Yavuze ko hagati ye n'aho Seromba yari avuga ayo magambo, hari intera ya metero zigeze kuri enye. Yasobanuye ko ibyo bintu byabaye hagati ya saa tatu na saa yine za mu gitondo⁴⁴⁵. Umutangabuhamya yavuze ko, ku itariki ya 16 Mata 1994, Seromba yagendanaga n'abategetsi bakurikira tingatinga yarimo gusenya kiriziya⁴⁴⁶.

⁴³⁹ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 18 (mu muhezo).

⁴⁴⁰ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 45 (mu muhezo).

⁴⁴¹ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 29 (mu muhezo).

⁴⁴² Reba icyiciro 3.3.1.

⁴⁴³ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, imp. 21-23 na 49-51 (mu ruhame).

⁴⁴⁴ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 44 (mu ruhame).

⁴⁴⁵ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, imp. 21-23 (mu ruhame).

⁴⁴⁶ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, imp. 21-23 na 49-51 (mu ruhame).

217. Umutangabuhamya wiswe CDL⁴⁴⁷ yavuze ko yakurikiye ikiganiro Burugumesitiri yagiranye na Athanase Seromba mu gitondo cyo ku itariki ya 16 Mata 1994 mu ma saa moya n'igice. Yavuze ko nyuma y'icyo kiganiro, Burugumesitiri yavuganye n'abandi bategetsi ba Komini barimo Ndungutse, Habiya mbere, Kayishema, abaporisi n'abahoze ari abasirikare. Umutangabuhamya yavuze ko abo bategetsi batandukanye bafashe icyemezo cyo gusenya kiriziya hakoreshejwe tingatinga. Nyuma yavuze ko abo bategetsi bagiye aho Seromba yari ahagaze imbere y'ibiro by'ubunyamabanga bwa paruwasi maze bamubwira ko tingatinga ari bwo buryo bwonyine bafite bwo gusenya kiriziya ngo bagere ku mpunzi. Seromba yaba rero yarababwiye ati: « Niba nta bundi buryo mufite, muzane izo tingatinga maze musenye kiriziya ». Umutangabuhamya yasobanuye ko yari hafi y'aho Seromba yavugiye ayo magambo⁴⁴⁸. Yavuze ko icyemezo cyo gusenya kiriziya cyafashwe n'abategetsi maze Seromba aracyemera⁴⁴⁹.
218. Umutangabuhamya wiswe CDL yanavuze ko Athanase Seromba yabwiye abashoferi ba tingatinga gusenya kiriziya bahereye ku isakirisitiya⁴⁵⁰. Yanemeje ibikurikira: « Nk'uko nabivuze, yerekanaga ahantu horoshye bagombaga gutangirira ngo bice Abatutsi. Buri gihe iyo ibyemezo byafatwaga, yabaga amaze buri gihe kubonana na Burugumesitiri. Nta kintu cyakorwaga atacyemeye. Ibyo ari byo byose, ntiyagaragaje ubushake bwo gutabara izo mpunzi »⁴⁵¹.
219. Umutangabuhamya wiswe CBR⁴⁵² yavuze ko, ku itariki ya 16 Mata 1994, yabonye Ndahimana, Kayishema, Kanyarukiga, Ndungutse, Habiya mbere na Murangwabugabo binjira mu gikari cy'abapadiri maze hashize akanya basohokamo bari kumwe na Athanase Seromba⁴⁵³. Yavuze ko Athanase Seromba atari ayoboye abagabye igitero ku itariki ya 16 Mata 1994. Mu buhamya bwe, yongeyeho ibikurikira: « Mbere yo kugira

⁴⁴⁷ Reba icyiciro 3.2.1.

⁴⁴⁸ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, imp. 25-27 (mu ruhamye).

⁴⁴⁹ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.28 (mu ruhamye).

⁴⁵⁰ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.28 (mu ruhamye).

⁴⁵¹ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.29 (mu ruhamye).

⁴⁵² Reba icyiciro 6.2.1.

⁴⁵³ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 42 (mu ruhamye).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

amabwiriza baduha, abategetsi bagombaga kubanza kuvugana na Padiri. Ariko sinamenya icyo bavuganaga kuko baganiriraga ku ruhande. Abategetsi bacu, ni ukuvuga abayobozi bacu, mbere yo kugira amabwiriza baduha, bagombaga kubanza kuvugana na Padiri, haba ku itariki ya 15...haba ku itariki ya 15 cyangwa iya 16; mbere y'uko tugira icyo dukora, abo bategetsi bagombaga kubanza kuvugana na Padiri »⁴⁵⁴.

Abatangabuhamya bashinjura

220. Umutangabuhamya wiswe FE32 wari umushoferi wa tingatinga yashenye kiriziya y'i Nyange⁴⁵⁵, yavuze ko Védaste Murangwabugabo na Anastase Rushema bayoboze ibikorwa byo ku itariki ya 16 Mata 1994. Yasobanuye ko Kayishema ari we wamutegetse gusenya kiriziya aho kuba Athanase Seromba. Yavuze ko yabwiye Rushema inshuro eshatu ko kizira gusenya kiriziya. Umutangabuhamya yavuze ko yashenye kiriziya bamaze kumubwira ko natabikora bamwica. Yavuze ko atangira gusenya kiriziya, Seromba yagiye kureba Rushema yiruka, amubwira ko atabyishimiye kandi yaba yarabwiye Rushema ati: « Ejo nababujije kwicira abantu hano none dore mumaze no gusenya kiriziya ». Umutangabuhamya yavuze ko atongeye kubona Seromba mu gihe kiriziya yasenywaga. Yongeyeho ko ibyariho biba nta cyo Seromba yari kubikoraho⁴⁵⁶. Umutangabuhamya yavuze kandi ko atamenyeshejwe iby'inama yafatiwemo icyemezo cyo kuzana tingatinga. Yavuze ko we « nk'umushoferi usanzwe » atashoboraga kumenya ko iyo nama yabaye⁴⁵⁷.
221. Umutangabuhamya wiswe BZ1, w'Umuhutu⁴⁵⁸, yavuze ko atigeze na rimwe abona Athanase Seromba mu gihe ibitero byagabwaga ku kiriziya kugeza ubwo umunara

⁴⁵⁴ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 4 (mu ruhame).

⁴⁵⁵ Reba icyiciro 3.4.1.

⁴⁵⁶ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, imp. 34-35 (mu ruhame).

⁴⁵⁷ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 49 (mu ruhame).

⁴⁵⁸ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhame).

- uhanutse⁴⁵⁹. Yavuze ko yamubonye ubwa nyuma ubwo yasomaga misa ku itariki ya 11 Mata 1994 kandi ko nyuma yaho atongeye kumubona⁴⁶⁰.
222. Umutangabuhamya wiswe BZ1 yanavuze ko yahageze tingatinga irimo gusenya umunara. Yavuze ko ubusanzwe bari bazanye tingatinga ngo bayikoreshe bahamba imirambo yari aho hantu noneho nyuma bagafata umugambi wo kuyikoresha mu gusenya kiriziya⁴⁶¹. Umutangabuhamya yavuze ko ari abategetsi ba Komini ari bo Kayishema, Ndungutse na Ndahimana batumije tingatinga umunsi kiriziya isenywa⁴⁶². Mu buhamya bwe, umugabo yagize ati: « Bavugaga ko imbere mu kiriziya hari abantu batashoboraga kugeraho. Ni bwo rero bafashe icyemezo cyo kuyisenya. Bategetse umushoferi w'iyo tingatinga gusenya kiriziya »⁴⁶³.
223. Umutangabuhamya wiswe BZ1yahakanye kandi ko yifatanyije n'abagabye igitero mu bitero byagabwe ku Batutsi no mu isenywa rya kiriziya. Yavuze ko yagiye aho hantu kwitegereza amarorerwa yahaberaga⁴⁶⁴. Yavuze ko atabonye Athanase Seromba ku itariki ya 15 n'ya 16 Mata 1994⁴⁶⁵.
224. Umutangabuhamya wiswe BZ4⁴⁶⁶ yavuze ko yagiye kuri Paruwasi ya Nyange mu gitondo cyo ku itariki ya 16 Mata 1994, akajya kuri santeri y'ubucuruzi ya Nyange⁴⁶⁷. Yanavuze ko yamenye ko abantu bari bakoranye inama bagasanga tingatinga yabafasha gusenya kiriziya. Umutangabuhamya yongeyeho ko abantu bavugaga ko ari Fulgence Kayishema wabwiye umushoferi witwa Nteziryayo gukoresha tingatinga mu gusenya kiriziya impunzi zari zagiye⁴⁶⁸.

⁴⁵⁹ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 64 (mu ruhame).

⁴⁶⁰ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 64 (mu ruhame).

⁴⁶¹ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhame.)

⁴⁶² Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 29 (mu ruhame).

⁴⁶³ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhame).

⁴⁶⁴ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhame).

⁴⁶⁵ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 30 (mu ruhame).

⁴⁶⁶ Reba icyiciro 6.2.1.

⁴⁶⁷ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, imp. 4 na 5 (mu ruhame).

⁴⁶⁸ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 6 (mu ruhame).

225. BZ4 yavuze ko atabonye Athanase Seromba cyangwa undi muntu wese wihaye Imana aho hantu ubwo kiriziya yasenywaga. Yavuze kandi ko atigeze yumva abantu bavuga ko ari Seromba watanze itegeko ryo gusenya kiriziya⁴⁶⁹. Yongeyeho ko yavuye aho hantu kiriziya imaze gusenya⁴⁷⁰. Byongeye kandi yavuze ko, ku itariki ya 15 n'ya 16 Mata 1994, atabonye Seromba⁴⁷¹.
226. Umutangabuhamya yanavuze ko yageze aho hantu mu gitondo ariko ntiyashobora kuvuga isaha nyakuri yahagereye cyangwa isaha tingatinga yagereye ku kiriziya. Ariko yongeyeho ko tingatinga yahageze we ahari⁴⁷². Yavuze ko yagiye i Nyange umunsi basenya kiriziya kugira ngo akurikirane uko ibintu bigenda ariko yongeraho ko atagiye mu bitero⁴⁷³.
227. Umutangabuhamya wiswe CF23⁴⁷⁴ yemeje ko tingatinga yari itwawe na Anastase Nkinamubanzi n'abandi bashoferi b'Abazayirwa⁴⁷⁵. Yavuze ko Anastase Rushema na Ndungutse bahuzaga ibikorwa byo gusenya⁴⁷⁶. Umutangabuhamya yavuze ko yageze ku kiriziya asanga batangiye guisenya kandi ko yahamaze iminota mike maze akiyemeza gusubira iwe mu rugo⁴⁷⁷.
228. Umutangabuhamya wiswe FE35, w'Umuhutu⁴⁷⁸, yemeje ko atigeze yumva ko Athanase Seromba yakoranye inama n'abategetsi ba Komini ngo bacure umugambi wo gusenya kiriziya⁴⁷⁹. Umutangabuhamya yanavuze ko abashoferi ba za tingatinga bazanywe na Anastase Kayishema, Téléphore Ndungutse n'abaporisi ba Komini kandi ko abo basho-

⁴⁶⁹ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 6 (mu ruhame).

⁴⁷⁰ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 6 (mu ruhame).

⁴⁷¹ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 8 (mu ruhame).

⁴⁷² Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup.3 (mu ruhame).

⁴⁷³ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, imp.3- 4 (mu ruhame).

⁴⁷⁴ Reba icyiciro 4.3.1.

⁴⁷⁵ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup.24 (mu ruhame).

⁴⁷⁶ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup.25 (mu ruhame).

⁴⁷⁷ Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup.24 (mu ruhame); Inyandikomvugo y'iburanisha, 3 Mata 2006, urup.24 (mu muhezo).

⁴⁷⁸ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.29 (mu muhezo).

⁴⁷⁹ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.20 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- feri bagenderaga ku mategeko y'abo bantu⁴⁸⁰. Yavuze ko « abayobozi » b'abagabye ibitero batakoranye na Athanase Seromba⁴⁸¹. FE35 yavuze ko Seromba atategutse ko kiriziya isenywa kandi ko atigeze ashigikira abagabye ibitero bayishenye. Yakomeje kuvuga ko Seromba atagize uruhare na rumwe mu bwicanyi bwakorewe i Nyange⁴⁸² kandi ko atigeze amubona ku kiriziya ubwo yasenywaga⁴⁸³.
229. Umutangabuhamya wiswe FE35 yanavuze ko Kayishema, Anastase Rushema na Ndahimana bagendaga inyuma ya tingatinga kandi ko bahagarikiye isenywa rya kiriziya⁴⁸⁴.
230. Umutangabuhamya wiswe PA1⁴⁸⁵ yavuze ko batangiye gusenya kiriziya, abapadiri barimo Athanase Seromba bari mu mazu y'abapadiri. Yaba yarumvise « urusaku utamenya ikiruteye » mbere yo kubona ko bariho basenya kiriziya. Yavuze ko Seromba yahise asohoka mu mazu y'abapadiri arakaye cyane⁴⁸⁶. PA1 yavuze ko atabonye Seromba atanga itegeko ryo gusenya kiriziya⁴⁸⁷.
231. Umutangabuhamya wiswe NA1⁴⁸⁸ yavuze ko, ku itariki ya 16 Mata 1994, mu ma saa mbiri za mu gitondo, yanyuze mu cyumba abapadiri bariramo maze akabona abagabye igitero bagose kiriziya hari na torotoro itwara imirambo. Yavuze ko nyuma yumvise urusaku maze abona umukungugu uzamuka. Abapadiri bagize amatsiko yo kumenya ikibaye, bazamuka mu igorofa. Umutangabuhamya yongeyeho ko abapadiri bakurikiye isenywa rya kiriziya nta cyo bavugaga⁴⁸⁹.
232. Umutangabuhamya wiswe NA1 yanavuze ko nyuma abihaye Imana begereye abajandarume, babasaba guhosha ibyo bintu. Abajandarume baba barabasubije ko bari bake

⁴⁸⁰ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.20 (mu muhezo)

⁴⁸¹ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.21 (mu muhezo)

⁴⁸² Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.23 (mu muhezo).

⁴⁸³ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup.23 (mu muhezo).

⁴⁸⁴ Inyandikomvugo y'iburanisha, 23 Ugushyingo 2005, urup.32 (mu muhezo).

⁴⁸⁵ Reba icyiciro 3.4.1.

⁴⁸⁶ Inyandikomvugo y'iburanisha, 22 Mata 2006, imp.25-26 na (mu muhezo).

⁴⁸⁷ Inyandikomvugo y'iburanisha, 22 Mata 2006, urup.29 (mu muhezo).

⁴⁸⁸ Reba icyiciro 5.5.1.

⁴⁸⁹ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp. 26, 28 na 31 (mu muhezo).

batashoboraga guhangana n'abagabye ibitero kandi ko batari bazanywe no kurasa abantu⁴⁹⁰.

7.4.2 Imyanzuro y'Urugereko

233. Urugereko rusanga umutangabuhamya wiswe CBJ ari uwo kwizerwa⁴⁹¹ ku birebana n'ikibazo kigibwaho impaka. Koko rero, nta kwivuguruza na guto kugaragara hagati y'ubuhamya yatangiye mu rukiko n'ubwanditse yatanze mbere. Byongeye kandi, mu nyandikomvugo ye yafashwe n'inzego z'ubucamanza z'u Rwanda ku itariki ya 24 Kamena 1997, umutangabuhamya arega Anastase Rushema ariko ntavuga kuri Athanase Seromba habe yemwe no ku isenywa rya kiriziya mu buryo burambuye; yemeza gusa ko Seromba yafatanyije na Rushema mu bitero byo ku itariki ya 15 n'ya 16 Mata 1994⁴⁹². Mu yindi nyandikomvugo yafashwe n'inzego z'ubucamanza z'u Rwanda ku itariki ya 25 Werurwe 1997, ku kibazo cyo kumenya abakoze ubwicanyi n'abashenye kiriziya, CBJ yashubije ko « Padiri Seromba na we yabigizemo uruhare »⁴⁹³.
234. Urugereko rusanga umutangabuhamya wiswe CBJ na we ari uwo kwizerwa ku birebana n'ibintu bibiri: inama yo ku itariki ya 16 Mata 1994 Seromba yakoranye n'abandi bantu no kuba Seromba yarahaye ikintu umushoferi wa tingatinga. Nyamara ariko, Urugereko rusanga ubuhamya bwe budashobora kwizerwa ku birebana n'amagambo Seromba yaba yarabwiye umushoferi wa tingatinga, uzirikanye intera yamutandukanyaga na bo. Koko rero, Urugereko rusanga aho yari mu munara, uyu mutangabuhamya atarashoboraga na gato kumva ibyo Seromba yaganiraga n'umushoferi wa tingatinga ku biro by'ubu-nyamabanga bwa paruwasi kubera intera yari hagati y'aho hantu hombi⁴⁹⁴.

⁴⁹⁰ Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp. 31-32 (mu muhezo).

⁴⁹¹ Ku birebana n'impaka ku kwizerwa muri rusange k'umutangabuhamya wiswe CBJ, reba icyiciro 5.3.2.

⁴⁹² Ubuhamya bwanditse umugabo wiswe CBJ yahaye abategetsi b'u Rwanda, 24 Kamena 1997 (D-25), imp. 1-2.

⁴⁹³ Ubuhamya bwanditse umugabo wiswe CBJ yahaye abategetsi b'u Rwanda, 25 Werurwe 1997 (D-26), urup. 2.

⁴⁹⁴ Umukozi ushinze iperereza witwa Rémy Sahiri yavuze ko intera iri hagati y'amazu y'abapadiri n'umuryango munini wa kiriziya y'i Nyange ingana na metero 48 (Inyandikomvugo y'iburanisha, 27 Nzeri 2004, urup. 12 (mu ruhamwe). N'ubwo umutangabuhamya witwa Remy Sahiri aterekanye neza intera iri hagati y'ibiro by'ubunyamabanga na kiriziya, Urugereko rusanga, rukurikije uko ikimenyetso gihamya P -02 cyerekana

235. Urugereko rusanga umutangabuhamya wiswe CBK ari uwo kwizerwa, n'ubwo ubuhamya bwanditse yatanze ku itariki ya 15 Kanama 2000 butandukanye n'ubwo yatanze mu rukiko burebana n'umwirondoro w'umushoferi wa tingatinga. Koko rero, ubwo yatanga ubuhamya, CBK yavuze ko tingatinga yari itwawe na Anastase⁴⁹⁵. Nyamara abajijwe n'uwunganira Uregwa ku birebana n'ubuhamya bwanditse yatanze ku itariki ya 15 Kanama 2000 yemejemo ko ari Flambeau, w'Umuzayirwa, « wari utwaye iyo tingatinga »⁴⁹⁶, umutangabuhamya yashubije ko yashatse ahubwo kuvuga ko « Flambeau yagenzuraga imirimo naho Anastase agatwara tingatinga »⁴⁹⁷. Urugereko rusanga iryo hinduka ku birebana n'umwirondoro w'abahohotewe ridatuma umutangabuhamya atakwizerwa hazirikanywe cyane cyane ubuhamya bw'abagabo biswe FE32 na CF23 buvugwamo ko hari abashoferi b'Abazayirwa⁴⁹⁸, by'umwihariko ubuhamya bwa FE32 yavuzemo ko yasimbuwe n'undi mushoferi mu gihe kiriziya yasenywaga⁴⁹⁹. Mu gusoza kuri iyi ngingo, ku birebana n'imyitwarire ya Athanase Seromba, umutangabuhamya yakomeje kuvuga ko Anastase ari we watwaraga tingatinga.
236. Urugereko rusanga umutangabuhamya wiswe CBK na we ari uwo kwizerwa: ku ruhande rumwe, ku birebana n'inama yabaye mu gitondo cyo ku itariki ya 16 Mata 1994 irimo Athanase Seromba n'abandi bantu. Muri iyo nama, Kayishema yaba yaravuze ko umunara wa kiriziya wagombaga gusenya kugira ngo bahicire Abatutsi b'abanyabwenge; ku rundi ruhande, ku birebana n'ikiganiro umushoferi wa tingatinga yagiranye na Seromba ubwo uwo mushoferi yamubazaga inshuro eshatu niba yaragombaga gusenya kiriziya. Seromba yaba rero yaramushubije ko yagombaga kuyisenya. Ubuhamya

igishushanyo cy'imiterere y'aho hantu giteye, intera iri hagati y'ibiro by'ubunyamabanga na kiriziya ijya kungana n'iri hagati y'amazu y'abapadiri n'irembo rya paruwasi.

⁴⁹⁵ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 18 (mu muhezo).

⁴⁹⁶ Ubuhamya bwanditse umugabo wiswe CBK yahaye abashinzwe iperereza b'Urukiko, 15 Kanama 2000 (ubuhamya butatanze nk'ikimenyetso gihamya), urup. 5, bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 18 (mu muhezo).

⁴⁹⁷ Inyandikomvugo y'iburanisha, 20 Ukwakira 2004, urup. 19 (mu muhezo).

⁴⁹⁸ Abatangabuhamya biswe: FE32: Inyandikomvugo y'iburanisha, 28 Werurwe 2006, imp. 30-31 (mu ruhamye); CF23: Inyandikomvugo y'iburanisha, 31 Werurwe 2006, urup. 24 (mu ruhamye).

⁴⁹⁹ Inyandikomvugo y'iburanisha, 28 Werurwe 200, urup. 38 (mu ruhamye).

bw'umugabo ni ubwo kwizerwa kubera ko yari hafi cyane ya ba nyir'ubwite ubwo ibyo byavugwaga.

237. Urugereko rusanga umutangabuhamya wiswe CNJ atakwizerwa. Koko rero, mu ibaza rinyomoza, uwunganira Uregwa yagaragaje ko, mu buhamya bune butandukanye bwanditse yatanze mbere, CNJ yavuze ko ahagera, yasanze batangiye gusenya kiriziya. Nta gisobanuro na kimwe gifatika uyu mutangabuhamya yatanze mu gusobanura uko kwivuguruza; yemeje gusa ko ubwo buhamya rimwe buba butarimo ukuri, ubundi ntibube bwuzuye cyangwa na none bukaba bwaranditswe ku gahato cyangwa ubutanga yijejwe amafaranga⁵⁰⁰.
238. Urugereko rusanga umutangabuhamya wiswe CDL yakwizerwa. Koko rero, rusanga nta bintu bivuguruzanya biri mu buhamya bwe. Byongeye kandi, rusanga bidashidikanywaho ko uyu mutangabuhamya yari ahari mu gihe cy'ibiganiro yavuze mu buhamya bwe. Byongeye kandi, Urugereko rusanga ibyo uwunganira Uregwa yabonye mu buhamya bwa CDL bitari mu ibarwa yandikiye abategetsi b'u Rwanda ku itariki ya 16 Mata 1999 bidafite ireme ku birebana n'ingingo igibwaho impaka⁵⁰¹. Koko rero, uwunganira Uregwa yagaragarije umutangabuhamya ko, mu buhamya bwe, atavuze ko Burugumesitiri yaba yaraganiriye na Athanase Seromba mbere yo gutangiza ibitero. Umutangabuhamya yashubije ko, mu buhamya bwe bwanditse yatanze mbere, atavuze ibintu byose mu magambo arambuye kubera ko yabonaga bitari ngombwa muri icyo gihe⁵⁰². Nyamara

⁵⁰⁰ Amakuru y'inyongera kuri dosiye yo kwirega no kwemera icyaha, 28 Ukuboza 1998 (D-39), yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 58 (mu ruhame); ukwemera icyaha k'umutangabuhamya, 21 Kanama 2000 (D-40B), byasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 24 Mutarama 2005, imp. 2 na 62 (mu ruhame); ubuhamya bwanditse bw'umugabo, 27 Gicurasi 2001 (D-41), byasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 25 Mutarama 2005, urup. 15 (mu ruhame).

⁵⁰¹ Ibaruwa umutangabuhamya wiswe CDL yandikiye abategetsi b'u Rwanda, 16 Mata 1999 (ubuhamya butatanzweho nk'ikimenyetso gihamya) urup. 3; yasomewe umutangabuhamya : Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 4 (mu ruhame).

⁵⁰² Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 5 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

muri ubwo buhamya, umugabo yavuze ibikurikira: « Mu ma saa ine, Burugumesitiri, umugenzacyaha, n'umujandarume bumvikanye na Seromba ngo basenye kiriziya »⁵⁰³.

239. Urugereko rusanga umutangabuhamya wiswe CDL na we yakwizerwa ku birebana n'ibintu bibiri: ku ruhande rumwe, ibiganiro Athanase Seromba, Kayishema, Ndahimana, Kanyarukiga, Habarugira n'abandi bantu bagiranye aho Seromba yaba yaremeye icyemezo cyo gusenya kiriziya kandi yaba yaravuze ibikurikira: « Niba nta bundi buryo musigaranye, nimuzane ziriya tingatinga maze musenye kiriziya »: ku rundi ruhande, ibyo Seromba yabwiye abashoferi ku birebana n'uruhande rwa kiriziya rworoshye gutangiriraho.
240. Urugereko rusanga umutangabuhamya wiswe CBR yakwizerwa. Mu ibaza rinyomoza, uwunganira Uregwa yabyukije ingingo ebyiri cyokora zitabuza umutangabuhamya kwizerwa kubera ibisobanuro yatanze. Koko rero, uwunganira Uregwa yabajije CBR ku birebana n'ubuhamya bwanditse yatanze ku itariki ya 29 Kanama 2000 yaba yaravugiyemo ibikurikira: « Kamaze kubona ko ibitero byagabwe hakurikijwe uburyo Burugumesitiri yabitekerejemo, nta cyo byageragaho, agatsiko kari gaherekeje Burugumesitiri kerekeje mu gipadiri kugira ngo gakorane inama na Seromba: muri iyo nama, harimo Ndahimana, Murangwabugabo, Kayishema, Ndungutse, Habarugira, Kanyarukiga, Habiya mbere »⁵⁰⁴. Uwunganira Uregwa amubajije impamvu yavuze mbere ko yabonye Seromba rimwe gusa ku itariki ya 16 Mata 1994, umutangabuhamya yasobanuye ko abantu yavuze amazina bagiye ku kigo cy'abapadiri ku itariki ya 16 Mata 1994 kandi ko bakivayo ari bwo kiriziya yarashweho⁵⁰⁵.
241. Uwunganira Uregwa yasomye ikindi gice cy'ubuhamya bwanditse bwo ku itariki ya 29 Kanama 2000 aho umugabo wiswe CBR avuga ibikurikira: « Byose bimaze kugwa hasi,

⁵⁰³ Ibaruwa umutangabuhamya wiswe CDL yandikiye abategetsi b'u Rwanda, 16 Mata 1999 (ubuhamya butatanze nk'ikimenyetso gihamya), urup. 3; yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 4 (mu ruhame).

⁵⁰⁴ Ubuhamya bwanditse umugabo wiswe CBR yahaye abashinzwe iperereza b'Urukiko, 29 Kanama 2000, ubuhamya butatanze nk'ikimenyetso gihamya), urup. 4; kwasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 59 (mu ruhame).

⁵⁰⁵ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 61 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

abategetsi bakoranye inama na Athanase Seromba; nyuma rero y'iyi nama ni bwo numvise Athanase Seromba avuga gukuraho imyanda yari imbere y'inzu ye. Avuga imyanda, yashakaga kutubwira gutwara imirambo »⁵⁰⁶. Uwunganira Uregwa yabajije CBR niba ubwo buhamya bwe butavugaga ko yabonye Seromba nyuma y'isenywa rya kiriziya. Umutangabuhamya yarabihakanye⁵⁰⁷. Yasobanuye neza ko yabonye Seromba mu gitondo cyo ku itariki ya 16 Mata 1994 kandi ko atongeye kumubona. Umutangabuhamya yibukije ko yasubiye imuhira, kiriziya imaze kugwa hasi. Yasobanuye ko Seromba yavuze ayo magambo arebana no « gukuraho imyanda » ku itariki ya 15 Mata 1994 kandi ko inama yabaye ku itariki ya 15 Mata 1994, aho kuba ku itariki ya 16 Mata 1994. CBR yakomeje kuvuga ko bitiranyije amatariki mu nyandiko y'ubuhamya bwe bwanditse yatanze mu kinyarwanda⁵⁰⁸.

242. Rushingiye ku bimaze kuvugwa, Urugereko rusanga umutangabuhamya wiswe CBR na none yakwizerwa ku birebana n'indi ngingo: ibiganiro n'imibonano Athanase Seromba yagiranye n'abategetsi ku itariki ya 16 Mata 1994.
243. Urugereko rusanga umutangabuhamya ushinjura wiswe FE32 atakwizerwa ku birebana n'ibyabaye ku itariki ya 16 Mata 1994, kubera ibintu byinshi bivuguruzanya bigaragara hagati y'ubuhamya yatangiye mu rukiko n'ubwanditse yatanze mbere. Urugereko ruragaraza gusa iby'ingenzi kurusha ibindi.
244. Muri raporo y'ibirego nimeroye ya 2 y'umuryango *African Rights*, umutangabuhamya wiswe FE32 yavuze ko:

« Padiri Seromba wari ushyigikiye icyo cyemezo yavuze ibikurikira: « Igomba gusenya kugira ngo dushobore kwikiza umwanzi. Igihe azaba atagihari, tuzubaka indi ». Anastase yagize ingingimira yo gusenyesha kiriziya tingatinga, ariko yavuze

⁵⁰⁶ Ubuhamya bwanditse umugabo CBR yahaye abashinzwe iperereza b'Urukiko, 29 Kanama 2000, (ubuhamya butatanzwe nk'ikimenyetso gihamya), urup. 4; bwashomwe umutangabuhamya: Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 61 (mu ruhamye).

⁵⁰⁷ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup. 61 (mu ruhamye).

⁵⁰⁸ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 62-63 (mu ruhamye).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

ko Seromba yamuhumuriye. Padiri Seromba yaravuze ati: «Hari abakirisitu benshi mu mahanga, mu minsi itatu, iyi kiriziya izaba yubatswe »⁵⁰⁹.

245. Umutangabuhamya wiswe FE32 yemeje ko ubwo buhamya bwuzuyemo ibinyoma, atsindagira ko abategetsi b'u Rwanda badashaka kwemera ko yahatiwe gusenya kiriziya⁵¹⁰.

246. Mu buhamya bwanditse yahaye abategetsi b'u Rwanda ku itariki ya 27 Kanama 1996, umutangabuhamya wiswe FE32 yavuze ibikurikira:

« Bantegetse gusenya iyo kiriziya. Ndongeraho ko Padiri mukuru w'iyi paruwasi witwa Seromba yari ahari kandi nta cyo yavuze kirebana n'isenywa rya kiriziya. Nubahirije amategako kugira ngo ndengere amagara yanjye. Uretse abo basirikare, Umugenzacyaha Kayishema na Padiri mukuru w'iyi paruwasi ari we Seromba, nta wundi muntu wari uhari. Nakoze ako kazi mu minsi itatu kandi barangenzuraga kugira ngo ndatoroka »⁵¹¹.

247. FE32 yasobanuye neza ko yatanze ubwo buhamya bwanditse ku gahato kugira ngo « akize amagara ye »⁵¹².

248. Mu buhamya bwanditse yahaye abategetsi b'u Rwanda ku itariki ya 19 Mata 1995, umutangabuhamya wiswe FE32 yavuze ko « Seromba, Padiri mukuru wa Paruwasi ya Nyange » yari umwe mu bo bakoranaga. Yavuze ko Athanase Seromba yari ahari igihe Kayishema, Burugumesitiri na Juji Perezida wa kato bamutegekaga kuzana tingatinga⁵¹³. Umutangabuhamya ntiyahakanye iyo nyandiko kimwe n'amakuru ayikubiyemo uretse ibivugwa kuri Seromba. Byongeye kandi, yasobanuye ko yatanze ubwo buhamya ku gahato⁵¹⁴.

⁵⁰⁹ Raporo y'ibirego N° 2 y'umuryango *African Rights* (P-5), urup. 15; yasomewe umutangabuhamya: Inyandikomvugo z'iburanisha, 5 Mata 2006, urup. 20 (mu ruhame).

⁵¹⁰ Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 21 (mu ruhame).

⁵¹¹ Ubuhamya bwanditse umugabo wiswe FE32 yahaye inzego z'ubucamanza z'u Rwanda, 27 Kanama 1996 (D-77), urup. 2, bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 37 (mu ruhame).

⁵¹² Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 38 (mu ruhame).

⁵¹³ Ubuhamya bwanditse umugabo wiswe FE32 yahaye inzego z'ubucamanza z'u Rwanda, 19 Mata 1995 (P-54), urup. 1; bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 14 (mu ruhame).

⁵¹⁴ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 14 (mu ruhame).

249. Mu buhamya bwanditse yahaye abategetsi b'u Rwanda ku itariki ya 22 Nyakanga 1997, umutangabuhamya wiswe FE32 yavuze ibikurikira: « ubwo nabazaga Kayishema ukuntu ibintu bizagenda kubera ko bari bahiciye abantu, yagiye mu gikari cy'amazu y'abapadiri maze agarukana na Athanase Seromba. Seromba yambwiye gusenya kiriziya kandi yongeyeho ko bazubaka indi. Naramubajije nti: « Turasenya kiriziya y'Imana ? » Yaranshubije ati: « Yisenye, tuzubaka indi »⁵¹⁵. FE32 yasobanuye ko yatanze ubwo buhamya kugira ngo « [a]nezeze abo bantu bashakaga ko ngira ibirego bimwe ntwerera Padiri Seromba »⁵¹⁶.
250. Mu buhamya bwanditse yahaye abakozi b'Urukiko bashinzwe ipererezi ku itariki ya 27 Nyakanga 2000, umutangabuhamya wiswe FE32 yavuze ko yabanje kwanga gusenya kiriziya, ko abayobozi bari bagiye mu mazu y'abapadiri hanyuma bakagaruka bari kumwe na Athanase Seromba wahise amubwira aya magambo: « Byemejwe, igomba gusenya, tuzubaka indi »⁵¹⁷. FE32 avuga ibyo atekereza kuri icyo gika, yemeje ko abakozi bashinzwe ipererezi b'Urukiko bari bafite icyo bagamije ubwo bizeraga gusa ubuhamya bwahawe abategetsi b'u Rwanda, ashimangira ko yabutanze ku gahato⁵¹⁸. Umutangabuhamya yasomewe ikindi gice cy'ubwo buhamya yemezamo ko, amaze gusenya urukuta rw'iburyo hafi y'umunara, Seromba yamwegereye, akamubwira aya magambo: « Senya ziriya nkuta zose, nta kintu na kimwe kigomba gusigara giha-gaze »⁵¹⁹.
251. Umutangabuhamya wiswe FE32 yemera ko yashyize umukono kuri ubwo buhamya ariko akomeza gusobanura ko abakozi bashinzwe iperereza b'Urukiko batari babumusomeye

⁵¹⁵ Ubuhamya bwanditse umugabo wiswe FE32 yahaye inzego z'ubucamanza z'u Rwanda, 22 Nyakanga 1997 (D-82), urup. 5, bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 15 (mu ruhamwe).

⁵¹⁶ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 16 (mu ruhamwe).

⁵¹⁷ Ubuhamya bwanditse umugabo wiswe FE32 yahaye abashinzwe iperereza b'Urukiko, 27 Nyakanga 2000 (P-55), urup. 5, bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 29 (mu ruhamwe).

⁵¹⁸ Inyandikomvugo y'iburanisha, 6 Mata 2006, imp. 29-30 (mu ruhamwe).

⁵¹⁹ Ubuhamya bwanditse umugabo wiswe FE32 yahaye abashinzwe iperereza b'Urukiko, 27 Nyakanga 2000 (P-55) urup. 5 bwashomewe umutangabuhamya : Inyandikomvugo y'iburanisha, 6 Mata 2006 imp. 30-31 (mu ruhamwe).

kandi ko nta cyizere yari afitiye abasemuzi⁵²⁰. Bamweretse ubuhamya bwanditse yahaye abashinzwe iperereza b'Urukiko ku itariki ya 4 Mata 2002, bwari burimo n'ubwo yari yatanze ku itariki ya 27 Nyakanga 2000. Ubwo buhamya bwo ku itariki ya 4 Mata 2002 bwagaragazaga ko umugabo yasomewe ubuhamya bwe bwo ku itariki ya 27 Nyakanga 2000 kandi ko nta cyo yabuhinduyeho⁵²¹. Umutangabuhamya yasobanuye ko abashinzwe iperereza b'Urukiko bamutegetse kubushyiraho umukono kandi ko banze kubuhinduraho ikintu icyo ari cyo cyose⁵²². Bamweretse inyandiko ye yo ku itariki ya 11 Gashyantare 2003⁵²³ yemeza ubuhamya bwe bwo ku itariki ya 4 Mata 2002; iyo nyandiko ikaba igaragaza ko abashinzwe iperereza bamusomeye ubuhamya bwe bwo ku itariki ya 4 Mata 2002 kandi ko yagize icyo ayihinduraho; ubwo buhamya bwo ku itariki ya 4 Mata 2002 bwahinduwe akaba ari bwo bwafashwe nk'ubwo nyuma. Ibyo byose umutangabuhamya yarabyemeye⁵²⁴. Urugereko rusanga ibyo binyomoza ibyo umutangabuhamya avuga ko abashinzwe iperereza b'Urukiko banze ko agira icyo ahindura ku buhamya bwe bwanditse.

252. Mu ibaruwa umutangabuhamya yandikiye Urukiko rw'Ikirenga rwo mu Rwanda ku itariki ya 7 Ugushyingo 2001⁵²⁵, umutangabuhamya wiswe FE32 yavuze ibi bikurikira:

« Nemereye imbere y'Urukiko kandi na n'ubu ndacyemera ko nashenye kiriziya nkoresheje tingatinga mbitegetswe n'abayobozi ba komini n'aba kiriziya b'icyo gihe »⁵²⁶.

« Hari ku muni ukurikiyeho, ku itariki ya 15 Mata 1994, baratuzanye jye na mugenzi wanjye witwa Evariste Ntahonkiriye (Kibali-Byumba), maze badutegeka gusenya kiriziya, turabyanga. Bahise bamwicira aho, nanirwa gukomeza kunangira, nkora ibyo

⁵²⁰ Inyandikomvugo y'iburanisha, 6 Mata 2006, imp. 21-24 (mu ruhamwe).

⁵²¹ Ubuhamya bwanditse umugabo wiswe FE32 yahaye abashinze iperereza b'Urukiko, 4 Mata 2002 (D-80), urup.3, bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 21 (mu ruhamwe).

⁵²² Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 24 (mu ruhamwe).

⁵²³ Inyandiko yo ku itariki ya 11 Gashyantare 2003 umugabo wiswe FE32 yemezamo ubuhamya bwe bwo ku itariki ya 4 Mata 2002 (P-56); yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 25 (mu ruhamwe).

⁵²⁴ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 26 (mu ruhamwe).

⁵²⁵ Kopi y'iyo baruwa isinye yakiriwe n'Urugereko nk'ikimenyetso cyahawe numero C-1.

⁵²⁶ Ibaruwa umutangabuhamya wiswe FE32 yandikiye Urukiko rw'Ikirenga rwo mu Rwanda ku itariki ya 7 Ugushyingo 2001 (P-57) urup. 2, yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 35 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

bantegekaga kandi bari bamaze no kuzana Padiri Seromba wavuze ko icyo cyemezo cyari cyafashwe »⁵²⁷.

« Urukiko rwirengagije ubuhamya bwanditse bw'umugabo ushinja. Uyu mutangabuhamya yavuze ko yabonye umugenzacyaha Kayishema ubwo yanzanaga akampatira gusenya kiriziya kandi nari nabyanze kugeza ubwo yazanaga Padiri Seromba; nyuma yaho ni bwo kiriziya yasenywe »⁵²⁸.

253. Umutangabuhamya yirinzwe kugira icyo avuga kuri iyo baruwa, avuga gusa ko icyifuzo cye kitakiriwe n'Urukiko rw'Ikirenga rwo mu Rwanda⁵²⁹. Yasobanuye ko yanditse iyo baruwa abifashijwemo n'undi muntu ariko ko hari ikosa ryagiyemo⁵³⁰.
254. Umutangabuhamya wiswe FE32 yananiwe gusobanura ukwivuguruza kugaragara hagati y'ubuhamya yatangiye mu rukiko n'amagambo yabwiye umuryango *African Rights* n'ukugaragara hagati y'ayo yabwiye abategetsi bo mu Rwanda n'ayo yabwiye abashinzwe iperereza b'Urukiko, mu gihe cy'imyaka 10. Ntiyanashoboye gusobanura ukwivuguruza kugaragara mu ibaruwa yandikiye Urukiko rw'Ikirenga rwo mu Rwanda.
255. Ku byerekeye ibyo Ubwunganizi buvuga ko umutangabuhamya yashyizweho agahato, Urugereko ruributsa ko ari bwo bugomba gutanga ibimenyetso by'ako gahato⁵³¹. Ku birebana n'ayo ngingo, rurasanga nta kimenyetso na kimwe Ubwunganizi bwatanze ngo bwerekane ko ubuhamya bwanditse umugabo wiswe FE32 yatanze mbere yabutanze ashyizweho agahato. Koko rero, rusanga umutangabuhamya yaragiye ahindura imvugo mu bisobanuro bye iyo atabaga yanze kugira ibyo atanga na busa. Rusanga kandi umutangabuhamya atarigeze abwira abashinzwe iperereza b'Urukiko n'abakorera iperereza Ubwunganizi ko yakorewe ibikorwa by'urugaraguro cyangwa ko yashyizweho

⁵²⁷ Ibaruwa umutangabuhamya wiswe FE32 yandikiye Urukiko rw'Ikirenga rwo mu Rwanda ku itariki ya 7 Ugushyingo 2001(P-57) urup. 2, yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 38 (mu ruhamwe).

⁵²⁸ Ibaruwa umutangabuhamya wiswe FE32 yandikiye Urukiko rw'Ikirenga rwo mu Rwanda ku itariki ya 7 Mata 2001 (P-57) imp. 3-4, yasomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 6 Mata 2006 urup. 40 (mu ruhamwe).

⁵²⁹ Inyandikomvugo y'iburanisha, 6 Mata 2006, imp. 35- 36 (mu ruhamwe).

⁵³⁰ Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 38 (mu ruhamwe).

⁵³¹ *Urubanza rwa Bagosora*, icyemezo mu rw'iremezo cyafashwe ku cyifuzo cyatanze kirebana no gutera ubwoba umutangabuhamya, 28 Ukuboza 2004, ibika 8-10.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

agahato. Mu gusoza kuri iyo ngingo, rusanga mu buhamya bwe ubwo yasubizaga ikibazo yari abajijwe na Porokireri ku byerekeye ibaruwa yandikiye Urukiko rw'Ikirenga rwo mu Rwanda, umutangabuhamya yaravuze ibikurikira: « Kuki bakomeza kugendera kuri iyo nyandiko? Jye ndumva iriya nyandiko nta gaciro ifite. Murimo kumpata. Murimo kunyotsa igitutu kimwe nk'icyo umuntu yashyirwagaho iyo yitabaga inkiko zo mu Rwanda, bagutegekaga kuvuga ibintu runaka. Ubu na bwo ndabona ari agahato »⁵³². Hakurikijwe ukuvuguruzanya kwinshi kugaragara mu buhamya bwanditse bw'umugabo, Urugereko rusanga icyo gice kidahagije mu kwerekana ko hari agahato ako ari ko kose yaba yarashyizweho.

256. Urugereko rusanga kandi umutangabuhamya wiswe FE32 agaragara nk'umugabo ushaka gusa gushinjura Athanase Seromba. Koko rero, asobanura icyemezo yafashe cyo gutanga ubuhamya nk'umugabo ushinjura aho kuba ushinja nk'uko byari byateganyijwe mbere, FE32 yagize ati: « [...] ubuzima ku isi ni bugufi kandi sinshaka kwiteranya n'Imana »⁵³³.
257. Hashingiwe ku bimaze kuvugwa, Urugereko rusanga umutangabuhamya wiswe FE32 atakwizerwa ku birebana n'ibyabaye ku itariki ya 16 Mata 1994.
258. Urugereko rusanga ubuhamya bw'umugabo wiswe BZ1 budahagije. Yavuze ibintu muri rusange kandi n'ibyo yemeza ko atabonye Athanase Seromba ku itariki ya 15 n'ya 16 Mata 1994 ntibihagije ngo hemezwe ko Seromba atari koko aho hantu. Koko rero, birashoboka ko umutangabuhamya atabonye Seromba mu mbaga y'abantu bari ku kiriziya. Byongeye kandi, umutangabuhamya yageze ku kiriziya batangiye kuyisenya. Mu gusoza kuri iyi ngingo, ibyemezwa n'umutangabuhamya ku birebana n'abantu bazanye tingatinga ni ibyo yumvanye abantu, bityo bikaba nta gaciro kanini bifite.
259. Urugereko rusanga ubuhamya bw'umugabo wiswe BZ4 budahagije. Koko rero, umutangabuhamya avuga ibintu muri rusange kandi ubuhamya bwe ntibunonosoye ku birebana n'uko ibintu byagenze. Ntiyashoboye gusobanura neza isaha yagereye ku

⁵³² Inyandikomvugo y'iburanisha, 6 Mata 2006, urup. 39 (mu ruhamwe).

⁵³³ Inyandikomvugo y'iburanisha, 5 Mata 2006, urup. 58 (mu ruhamwe).

- kiriziya n'iyi tingatinga yahagereye ku itariki ya 16 Mata 1994⁵³⁴. Ibyo yemeza ko atabonye Athanase Seromba ku itariki ya 15 n'ya 16 Mata 1994 ntibihagije ngo umuntu yemeze ko Seromba atari aho hantu. Koko rero, byashoboka ko umutangabuhamya atabonye Seromba muri iyo mbaga y'abantu bari ku kiriziya⁵³⁵. Mu gusoza kuri iyi ngingo, ibyemezwa n'umutangabuhamya ku birebana n'abantu bazanye tingatinga ni ibyo yumvanye abantu, bityo bikaba nta gaciro kanini bifite.
260. Urugereko rusanga umutangabuhamya wiswe CF23 atakwizerwa. Koko rero rusanga ubwo uyu mutangabuhamya yageraga hafi ya kiriziya, bari batangiye kuyisenya. Kubera iyo mpamvu, Urugereko ntirushobora guha agaciro ubuhamya bwe ku bijyanye n'ibyabereye ku kiriziya y'i Nyange ku itariki ya 16 Mata 1994.
261. Urugereko rusanga ubuhamya bw'umugabo wiswe FE35 butakwizerwa. Koko rero, rusanga yaragiye avuga ibintu muri rusange. Rusanga kandi hari ukuvuguruzanya kwinshi hagati y'ubuhamya yatangiye mu rukiko n'ubwanditse yatanze mbere⁵³⁶.
262. Urugereko rusanga umutangabuhamya wiswe PA1 atakwizerwa. Koko rero, rusanga hari ukuvuguruzanya kwinshi hagati y'ubuhamya yatangiye mu rukiko n'ubwanditse yatanze mbere ku birebana n'ibyabaye ku itariki ya 16 Mata 1994. Kandi koko, mu buhamya bwanditse yahaye Ubwunganizi ku itariki ya 17 Mutarama 2005⁵³⁷, umutangabuhamya ntavugamo ko Athanase Seromba yasohotse mu mazu y'abapadiri arakaye kandi yarabyemeje mu buhamya yatangiye mu rukiko⁵³⁸. Porokireri yasomeye umutangabuhamya igice cy'ibyo yavuze mu buhamya bwe bwanditse bwo ku itariki ya 27 Mutarama 2005 ko abapadiri batatinyukaga kwegera abagabye igitero⁵³⁹. Porokireri yasanze bivuguruza ibyo yemeje mu buhamya bwe ko Seromba yasohotse. Kuri ibyo,

⁵³⁴ Inyandikomvugo y'iburanisha, 10 Ugushyingo 2005, urup. 3 (mu ruhame).

⁵³⁵ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 6 (mu ruhame).

⁵³⁶ Inyandikomvugo y'iburanisha, 23 Ugushyingo 2005, imp. 12, 15-24, na 32-34 (mu muhezo).

⁵³⁷ Ubuhamya bwanditse umugabo wiswe PA1 yahaye Ubwunganizi, 27 Mutarama 2005 (P-62).

⁵³⁸ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup.16 (mu muhezo).

⁵³⁹ Ubuhamya bwanditse umugabo wiswe PA1 yahaye Ubwunganizi, 27 Mutarama 2005 (P-62) urup. 4 bwashomewe umutangabuhamya: Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 17 (mu muhezo).

umutangabuhamya yavuze ko ari ukwibagirwa bitamuturutseho⁵⁴⁰. Yongeyeho kandi ko mu kuvuga ngo « ntitwatinyukaga kuhegera... » batavugaga igihe iki n'iki nyir'izina ahubwo ko bavugaga uko ibintu byari byifashe muri rusange muri icyo gihe. Na none umutangabuhamya yasubiyemo ko abapadiri nta cyo bashoboraga gukora ku byari birimo kuba. Yongeye gusobanura na none ko Seromba yasohotse mu mazu y'abapadiri arakaye kandi agaragaza ko atumvaga ibyakorwaga⁵⁴¹.

263. Umutangabuhamya wiswe PA1 yabajijwe kandi no ku buhamya bwe bwanditse bwo ku itariki ya 8 Ukwakira 2003. Porokireri yamusomeye agace gakurikira:

« Ikibazo: « Abo bagabye igitero bakoraga iki? » Igisubizo: « Binjiraga mu mazu y'abapadiri, bakabaza Seromba impamvu yari yangumanye kuko bari bazi ko ndi Umututsi kubera isura yanjye, ariko Seromba yabasubizaga ko ndi Umuhutu » »⁵⁴². Umutangabuhamya yemeje ko ibyo bihuje n'ibyo yavugiye mu Rukiko⁵⁴³. Porokireri yamusomeye agace ka kabiri: « Buri gihe abategetsi bagiye baza mu mazu y'abapadiri kugira ngo bamenye uko bakwifata kuri ibyo bibazo. »⁵⁴⁴ Umutangabuhamya yavuze ko nta kuri kuri muri iyo nteruro⁵⁴⁵. Porokireri yamusomeye agace ka gatatu: « Ikibazo: « Mbese ushobora kwemeza ko abo bantu batigeze baza mu mazu y'abapadiri, wenda wowe ntubimenye? » Igisubizo: « Byashoboka ko baba barahageze simbimenye kuko nari nihishe kandi igihe cyose sinavaga mu cyumba ngo njye hanze kureba ibyahaberaga. » »⁵⁴⁶

Umutangabuhamya yasobanuye ko iyo ari incamake y'ibyo yavuze kandi ko icyo yari agambiriye kwari ugusobanurira abakora iperereza ko « atabaga aziritse kuri Seromba, ko babaga bari kumwe ariko bitari umunota ku wundi »⁵⁴⁷. Porokireri yamusomeye agace ka

⁵⁴⁰ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 17 (mu muhezo).

⁵⁴¹ Inyandikomvugo y'iburanisha, 21 Mata 2006, imp. 17-19 (mu muhezo).

⁵⁴² Ubuhamya bwanditse umugabo wiswe PA1 yahaye intumwa z'urukiko, 8 Ukwakira 2003 (D-90), urup. 3.

⁵⁴³ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 26 (mu muhezo).

⁵⁴⁴ Ubuhamya bwanditse umugabo wiswe PA1 yahaye intumwa z'urukiko, 8 Ukwakira 2003 (D-90), urup. 5.

⁵⁴⁵ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 27 (mu muhezo).

⁵⁴⁶ Ubuhamya bwanditse umugabo wiswe PA1 yahaye intumwa z'urukiko, 8 Ukwakira 2003 (D-90), urup. 5.

⁵⁴⁷ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 27 (mu muhezo).

- kane: « Ikibazo: « Mbese Burugumesitiri, nako mu gihe cyo gucukura ibyobo, Burugumesitiri yari ahari? » Igisubizo: « Simbizi kuko ntabwo aya mashini, kuko jye nari naheze mu cyumba. » »⁵⁴⁸ Umutangabuhamya yavuze ko nta kuri kuri muri iyo nteruro⁵⁴⁹. Urugereko rusanga ibisobanuro byose umutangabuhamya yatanze bidahwitse.
264. Mu gusoza kuri iyo ngingo, Urugereko rusanga umutangabuhamya wiswe PA1 yemeye ko atasohokanye na Athanase Seromba kandi ko atari kumwe na we icyo gihe. Bityo, ntiyashoboraga kumva amagambo Seromba yavugiye hanze y'amazu y'abapadiri mu gihe kiriziya yasenywaga⁵⁵⁰.
265. Urugereko rusanga umutangabuhamya wiswe NA1 atakwizerwa. Koko rero, rusanga mu nkuru ze atanga ku byabaye ku itariki ya 16 Mata 1994, harimo ukuvuguruzanya kwinshi. Nko mu buhamya bwe bwanditse yatanze ku itariki ya 9 Ukuboza 1996, umutangabuhamya yavuze ibikurikira: « Ni Seromba wagize uruhare mu bwicanyi. Ariko nta cyo murega gifatika, gusa nabonaga agendana n'abategetsi »⁵⁵¹. Asabwe kugira icyo avuga ku bikubiye muri ubwo buhamya, NA1 yavuze ko bashatse kuganisha ibisubizo bye ku cyo bishakiraga kandi ko abategetsi bo mu Rwanda biyandikiraga ibyo bashaka. Yongeyeho ko igihe yavugaga ariya magambo, yashakaga gukiza amagara ye kandi ko nta wukwiye kwirengagiza uko ibintu byari byifashe mu Rwanda mu 1996 »⁵⁵².
266. Urugereko rusanga na none hari ukwivuguruzanya kugaragara mu buhamya bw'umugabo wiswe NA1 ku birebana n'itegeko ryo kuzana tingatinga. Mu rukiko, umutangabuhamya yavuze ko Athanase Seromba atigeze asaba « abantu » kujya kvanaho imirambo. Yemeje ko yamenye ko tingatinga ihari kandi ko Burugumesitiri yari yavuze ko agiye kohereza tingatinga ngo ikureho imirambo⁵⁵³. Porokireri yabajije umugabo ku buhamya bwanditse yatanze ku itariki ya 9 Ukuboza 1996 aho yavuze ko, ku munsu wakurikiyeho,

⁵⁴⁸ Ubuhamya bwanditse umugabo wiswe PA1 yahaye intumwa z'urukiko, 8 Ukwakira 2003 (D-90), urup.5.

⁵⁴⁹ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 30 (mu muhezo).

⁵⁵⁰ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup. 19 (mu muhezo).

⁵⁵¹ Ubuhamya bwanditse umugabo wiswe NA1 yahaye inzego z'ubutabera z'u Rwanda, 9 Ukuboza 1996 (P-37), urup. 1 bwashomwe umutangabuhamya: Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, urup. 83 (mu muhezo).

⁵⁵² Inyandikomvugo y'iburanisha, 7 Ukuboza 2005, imp. 83-85 (mu muhezo).

⁵⁵³ Inyandikomvugo y'iburanisha, 8 Ukuboza 2005, urup. 14 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Seromba yasabye abantu ngo bakureho imirambo bakanga ngo maze Burugumesitiri Ndahimana na Seromba bagasaba ko hazanwa tingatinga ngo ivaneho iyo mirambo⁵⁵⁴. Umutangabuhamya yashubije ko ubwo buhamya bwagombye gusuzumwa hakurikijwe uburyo urubanza rwe rwaburanishijwemo. Yasobanuye kandi ko, muri icyo nyandiko, nta twatuzo turimo, byerekana ko uwamubajije yari afite icyo yari agamiye⁵⁵⁵. Umutangabuhamya yagize ati: « Yego, bukeye bwaho Padiri Seromba yasabye abantu gukuraho imirambo baranga ni bwo rero Burugumesitiri Grégoire yafashe icyemezo cyo... cyo gutumiza tingatinga kugira ngo iyo mirambo ivanweho. Jye buri gihe uko navugaga Grégoire, bongeragaho Seromba. None...kubera ko bashakaga ko nshinja Seromba »⁵⁵⁶. Uwo mutangabuhamya yasobanuye ko koko yavuze ko batumye Seromba ngo ajye kureba Burugumesitiri ariko ko [umutangabuhamya] atari ahari ubwo icyemezo cyo kvanaho imirambo cyafatwaga⁵⁵⁷.

267. Hashingiwe ku bimaze kuvugwa, Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Athanase Seromba ari we watanze ubwe itegeko ryo gusenya kiriziya.
268. Urugereko rusanga ariko Porokireri yaragaragaje ku buryo budashidikanywaho ko Athanase Seromba yamenyeshejwe n'abategetsi icyemezo bari bafashe cyo gusenya kiriziya kandi ko yacyemeye.
269. Urugereko rusanga kandi Porokireri yaragaragaje ku buryo budashidikanywaho ko hari amagambo Athanase Seromba yabwiye uwari utwaye tingatinga ari we wiswe FE32 yo kumushishikariza gusenya kiriziya. Urugereko rwanzuye ruvuga ko umushoferi wa tingatinga wiswe FE32 akimara guhabwa n'abategetsi itegeko ryo gusenya kiriziya, yabajije Seromba niba yaragombaga kuyisenya, Seromba akabyemera amubwira ko

⁵⁵⁴ Ubuhamya bwanditse umugabo wiswe NA1 yahaye abategetsi bo mu Rwanda, 11 Ugushyingo 1996 (P-38), imp.3-4, bwashomwe umutangabuhamya: Inyandikomvugo y'iburanisha, 8 Ukuboza 2005, urup. 16 (mu muhezo).

⁵⁵⁵ Inyandikomvugo y'iburanisha, 8 Ukuboza 2005, urup. 17 (mu muhezo).

⁵⁵⁶ Inyandikomvugo y'iburanisha, 8 Ukuboza 2005, urup. 17 (mu muhezo).

⁵⁵⁷ Inyandikomvugo y'iburanisha, 8 Ukuboza 2005 imp. 17-18 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Abahutu bazashobora kubaka indi. Byongeye kandi, rwanzuye ruvuga ko Seromba yeretse abari batwaye tingatinga uruhande rworoshye rwa kiriziya.

7.5 Isenywa rya kiriziya y'i Nyange hakoreshejwe tingatinga rigahitana nibura abantu 1500

7.5.1 Ibimenyetso

Abatangabuhamya bashinja

270. Umutangabuhamya wiswe CBR⁵⁵⁸ yemeje ko kiriziya y'i Nyange batangiye kuyisenya ku itariki ya 16 Mata 1994 mu ma saa yine za mu gitondo. Yasobanuye ko babanje gusenya inkuta naho umunara ukagwa hasi mu ma saa kumi n'imwe za nimugoroba⁵⁵⁹.
271. Umutangabuhamya wiswe CBJ⁵⁶⁰ yavuze ko yari mu munara wa kiriziya ku itariki ya 16 Mata 1994. Uyu mutangabuhamya yemeje kandi ko isenywa rya kiriziya ryatangiye mu ma saa cyenda z'amanya rikamara amasaha atatu yuzuye⁵⁶¹. Agereranyije, yavuze ko abahitanywe n'iryo senywa barengaga 1500⁵⁶².
272. Umutangabuhamya wiswe CBK⁵⁶³ yemeje ko yari imbere y'ibiro bw'ubunyamabanga bwa paruwasi ubwo kiriziya yasenywaga. Yemeje ko isenywa ryatangiye mu ma saa yine za mu gitondo, kandi ko umunara ari wo wahanutse nyuma⁵⁶⁴ y'ibindi bice bya kiriziya.
273. Umutangabuhamya wiswe CDL⁵⁶⁵ yemeje ko basenye kiriziya ahari. Yemeje ko mu ma saa yine yabonye tingatinga 2 zisenya kiriziya n'umunara. Yongeyeho ko, ku itariki ya 15

⁵⁵⁸ Reba icyiciro 6.2.1.

⁵⁵⁹ Inyandikomvugo y'iburanisha, 20 Mutarama 2005, urup.42 (mu ruhame).

⁵⁶⁰ Reba icyiciro 3.2.1.

⁵⁶¹ Inyandikomvugo y'iburanisha, 14 Ukwakira 2004, imp.26-27 (mu muhezo).

⁵⁶² Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup.19 (mu ruhame).

⁵⁶³ Reba icyiciro 3.3.1.

⁵⁶⁴ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 28- 29 (mu muhezo)

⁵⁶⁵ Reba icyiciro 3.2.1.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- Mata 1994, kuri paruwasi, hari hateraniye impunzi ziri hagati ya 1500 na 2000⁵⁶⁶ kandi ko abageze ku 1500 bahaguye ubwo kiriziya y'i Nyange yasenywaga⁵⁶⁷.
274. Umutangabuhamywa wiswe CBI⁵⁶⁸ yavuze ko, agera ku kiriziya, hari nk'impunzi 2000. Yongeyeho ko uwo mubare wiyongereye ukagera ku bantu 5000⁵⁶⁹.
275. Umutangabuhamywa wiswe CBS⁵⁷⁰ yavuze ko, agera kuri kiriziya y'i Nyange ku itariki ya 12 Mata 1994, hari nk'abantu 2000⁵⁷¹.
276. Umutangabuhamywa wiswe CNJ⁵⁷² yavuze ko abishwe bagera ku 2000⁵⁷³. Yasobanuye ko, hagati y'itariki ya 15⁵⁷⁴ n'ya 16⁵⁷⁵, Abatutsi bagera ku 2000 bishwe⁵⁷⁶.
277. Umutangabuhamywa wiswe CBN⁵⁷⁷ yavuze ko umubare w'impunzi z'Abatutsi bari ku kiriziya ku itariki ya 15 Mata 1994 wagera ku 2000⁵⁷⁸.

Abatangabuhamywa bashinjura

278. Umutangabuhamywa wiswe FE32⁵⁷⁹ Yavuze ko isenywa rya kiriziya ryatangiye mu ma saa yine n'igice za mu gitondo ku itariki ya 16 Mata 1994, rikarangira mu ma saa cyenda cyangwa saa kumi z'igicamunsi⁵⁸⁰. Yongeyeho ko, mu mpunzi, nta barokotse isenywa rya kiriziya⁵⁸¹. Yasobanuye kandi ko abantu mu kiriziya ubwo yasenywaga « bari » munsi ya 2000⁵⁸².

⁵⁶⁶ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup.11 (mu ruhame).

⁵⁶⁷ Inyandikomvugo y'iburanisha, 19 Mutarama 2005, urup. 28 (mu ruhame).

⁵⁶⁸ Reba icyiciro 3.3.1.

⁵⁶⁹ Inyandikomvugo y'iburanisha, 4 Ukwakira 2004, urup. 8 (mu ruhame).

⁵⁷⁰ Reba icyiciro 3.3.1.

⁵⁷¹ Inyandikomvugo y'iburanisha, 5 Ukwakira 2004, urup. 9 (mu ruhame).

⁵⁷² Reba icyiciro 3.3.1.

⁵⁷³ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.16 (mu ruhame).

⁵⁷⁴ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup.16 (mu ruhame).

⁵⁷⁵ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 25 (mu ruhame).

⁵⁷⁶ Inyandikomvugo y'iburanisha, 24 Mutarama 2005, urup. 25 (mu ruhame).

⁵⁷⁷ Reba icyiciro 3.3.1.

⁵⁷⁸ Inyandikomvugo y'iburanisha, 15 Ukwakira 2004, urup. 46 (mu ruhame).

⁵⁷⁹ Reba icyiciro 3.4.1.

⁵⁸⁰ Inyandikomvugo y'iburanisha, 28 Werwe 2006, imp.37-38 (mu ruhame).

⁵⁸¹ Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 40 (mu ruhame).

⁵⁸² Inyandikomvugo y'iburanisha, 28 Werurwe 2006, imp. 40- 41(mu ruhame).

279. Umutangabuhamyia wiswe BZ1⁵⁸³ yavuze ko yabonye tingatinga isenya kiriziya n'umunara. Yongeyeho ko isenywa rya kiriziya ryamaze hagati y'amasaha 3 na 5, naho umunara ugahanuka mu ma saa cyenda z'igicamunsi⁵⁸⁴. Yanemeje ko nyuma y'ihanuka ry'umunara, yahavuye amaze kubona ko « nta mpunzi zigihari »⁵⁸⁵.
280. Umutangabuhamyia wiswe BZ8⁵⁸⁶ yavuze ko, muri Mata 1994, yabaga muri Komini ya Kivumu⁵⁸⁷. Yemeje ko yabonye ahitaruye isenywa rya kiriziya. Yasobanuye ko imashini yaje, igatangira gusenya inkuta za kiriziya ihereye inyuma⁵⁸⁸. Yasobanuye kandi ko kiriziya yose itahise igwa ako kanya, ko ahubwo umunara wasenywe ku munsu wakurikiyeho⁵⁸⁹. Yanavuze ko atibuka neza amatariki⁵⁹⁰.
281. Umutangabuhamyia wiswe FE35⁵⁹¹ yavuze ko uruhande rumwe rw'urukuta rwa kiriziya rwabanje rugasenywa, urundi rugakurikizwaho. Yongeyeho ko umunara warindimutse mu ma saa sita z'amanywa⁵⁹².

7.5.2 Imyanzuro y'Urugereko

282. Urugereko rusanga umutangabuhamyia Rémy Sahiri, umukozi ushinze iperereza mu biro bya Prokireri⁵⁹³, yakoze raporo yise « *Rapport préliminaire d'identification des sites du génocide et des massacres d'avril-juillet 1994 au Rwanda* » [Raporo y'ibanze mu kumenya aho ibikorwa bya jenocide n'ibyubwicanyi byabereye mu Rwanda muri

⁵⁸³ Inyandikomvugo y'iburanisha, 10 Ugushyungu 2005, urup. 30 (mu ruhamu).

⁵⁸⁴ Inyandikomvugo y'iburanisha, 2 Ugushyungu 2005, imp. 62-64 (mu ruhamu).

⁵⁸⁵ Inyandikomvugo y'iburanisha, 2 Ugushyungu 2005, urup. 67 (mu ruhamu).

⁵⁸⁶ Inyandikomvugo y'iburanisha, 15 Ugushyungu 2005, urup. 43 (mu ruhamu).

⁵⁸⁷ Inyandikomvugo y'iburanisha, 15 Ugushyungu 2005, urup. 28 (mu ruhamu).

⁵⁸⁸ Inyandikomvugo y'iburanisha, 15 Ugushyungu 2005, urup. 37 (mu ruhamu).

⁵⁸⁹ Inyandikomvugo y'iburanisha, 15 Ugushyungu 2005, urup. 39 (mu ruhamu).

⁵⁹⁰ Inyandikomvugo y'iburanisha, 15 Ugushyungu 2005, urup. 2 (mu ruhamu).

⁵⁹¹ Reba icyiciro 6.7.1.

⁵⁹² Inyandikomvugo y'iburanisha, 22 Ugushyungu 2005, imp.20-21 (mu muhezo).

⁵⁹³ Inyandikomvugo y'iburanisha, 27 Nzeri 2004, urup. 5 (mu ruhamu).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Mata-Nyakanga 1994], aho avugamo ko kiriziya y'i Nyange yasenywe⁵⁹⁴. Yaneretse Urugereko amafoto agaragaza aho paruwasi ya Nyange iherereye n'amatongo y'icyahoze ari kiriziya⁵⁹⁵.

283. Urugereko rusanga abatangabuhamya bashinja n'abashinjura, bese, bakwizerwa. Koko rero, bese baturiza ku kintu kimwe cy'uko kiriziya y'i Nyange yasenywe ku itariki ya 16 Mata 1994, hakoreshejwe tingatinga.
284. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri yaragaragaje ku buryo budashidikanywaho ko kiriziya y'i Nyange yasenywe ku itariki ya 16 Mata 1994 hakoreshejwe tingatinga.
285. Urugereko rusanga kandi ubuhamya buhuriza ku kintu kimwe cy'uko isenywa rya kiriziya ryahitanye impunzi z'Abatutsi bari bayigiyemo bakifungirana, abatangabuhamya bamwe bakavuga ko ryahitanye abantu 1500, mu gihe abandi bavugaga 2000. Kuri iyi ngingo, Urugereko ruributsa imyanzuro yarwo rwagaragajemo ko kiriziya y'i Nyange yashoboraga kwakira nibura abantu 1500⁵⁹⁶. Rusanga, ku itariki ya 16 Mata 1994, isenywa rya kiriziya y'i Nyange ryarahitanye nibura impunzi 1500 zari zahahungiyeye ibitero zagabwagaho.

7.6 Itegeko ryo guhamba imirambo ryatanze na Athanase Seromba

7.6.1 Ibimenyetso

Abatangabuhamya bashinjura

286. Umutangabuhamya wiswe FE35⁵⁹⁷ yavuze ko, nyuma y'isenywa rya kiriziya, Athanase Seromba atakoranye inama n'abategetsi ba komini kuri paruwasi. Yavuze ko nyuma

⁵⁹⁴ *Rapport préliminaire d'identification des sites du génocide et des massacres d'avril-juillet 1994 au Rwanda* [Raporo y'ibanze mu kumenya ahakorewe ibikorwa bya jenocide n'iby'ubwicanyi byabaye mu Rwanda muri Mata 1994] (P-4), urup.166.

⁵⁹⁵ Ikimenyetso gihamya P2-7.

⁵⁹⁶ Reba icyiciro 2.

⁵⁹⁷ Reba icyiciro 6.7.1.

y'isenywa rya kiriziya y'i Nyange, amakamyi ya sosiyete ASTALDI yahambye imirambo mu cyobo rusange cyacukwe mu rutoki rw'abapadiri⁵⁹⁸. Umutangabuhamya yemeje ko Seromba atatanze itegeko ryo guhamba imirambo. Yemeje ko Kayishema ari kumwe na Ndahimana yaba ari we wahaye Interahamwe itegeko nk'iryo⁵⁹⁹.

287. Umutangabuhamya wiswe FE32⁶⁰⁰ yavuze ko yahambye imirambo mu cyobo rusange nyuma y'isenywa rya kiriziya⁶⁰¹.
288. Umutangabuhamya wiswe FE34⁶⁰² yavuze ko ibyobo byacukwe na tingatinga kugira ngo bihambwemo imirambo y'abahitanywe n'isenywa rya kiriziya y'i Nyange⁶⁰³. Yavuze ko ari Burugumestiri watanze itegeko ryo guhamba imirambo ariko akanemera ko atamwumvise atanga iryo tegeko⁶⁰⁴.
289. Umutangabuhamya wiswe FE13⁶⁰⁵ yavuze ko tingatinga yari aho ku itariki ya 16 Mata 1994 yakukuye icyobo cyahambwemo abahitanywe n'isenywa rya kiriziya⁶⁰⁶.

7.6.2 Imyanzuro y'Urugereko

290. Urugereko rusanga Porokireri nta kimenyetso na kimwe yatanze gishyigikira ikirego kigibwaho impaka. Byongeye kandi, rusanga nta mutangabuhamya n'umwe w'Ubwunganzizi uhamya ko Athanase Seromba yaba yatanze itegeko ryo guhamba imirambo nyuma y'isenywa rya kiriziya⁶⁰⁷. Koko rero, abo batangabuhamya bemeza ko iryo tegeko ryaba

⁵⁹⁸ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup. 24, (mu muhezo).

⁵⁹⁹ Inyandikomvugo y'iburanisha, 22 Ugushyingo 2005, urup. 24, (mu muhezo).

⁶⁰⁰ Reba icyiciro 2.

⁶⁰¹ Inyandikomvugo y'iburanisha, 6 Mata 2006, imp.10-12 (mu ruhamwe).

⁶⁰² Reba icyiciro 6.3.1.

⁶⁰³ Inyandikomvugo y'iburanisha, 30 Werurwe 2006, urup.17 (mu ruhamwe).

⁶⁰⁴ Inyandikomvugo y'iburanisha, 30 Werurwe 2006, urup. 50 (mu ruhamwe).

⁶⁰⁵ Reba icyiciro 3.2.1.

⁶⁰⁶ Inyandikomvugo y'iburanisha, 7 Mata 2006, urup. 29 (mu ruhamwe).

⁶⁰⁷ Umutangabuhamya wiswe CBR ni we mutangabuhamya wenyine wa Porokireri uhamya ko yumvise Athanase Seromba ateguka kuvana « umwanda » ku mbuga ya kiriziya mu nama yabaye ku itariki ya 16 Mata 1994. Nyamara, mu ibaza rinyomoza, yavuze ko iyo nama yabereye kuri paruwasi ku itariki ya 15 Mata aho kuba ku itariki ya 16 Mata 1994 (Inyandikomvugo y'iburanisha, 20 Mutarama 2005, imp. 62-63 (mu ruhamwe)).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

ryaraturutse ku bategetsi. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri ataragaragaje ko Seromba yaba yaratanze iryo tegeko ku buryo budashidikanywaho.

7.7 Athanase Seromba yongera guhura n'abategetsi nyuma y'isenywa rya kiriziya

7.7.1 Ibimenyetso

Umutangabuhamya ushinja

291. Umutangabuhamya wiswe CBK⁶⁰⁸ yavuze ko, nyuma y'ubwicanyi bwo ku itariki ya 16 Mata 1994, Athanase Seromba, Fulgence Kayishema, Koloneli Nzapfakumunsi, Gaspard Kanyarukiga, Grégoire Ndahimana, Anastase Rushema na Télesphore Ndungutse bateraniye hejuru mu igorofa mu gipadiri banywa urwagwa na divayi⁶⁰⁹. Umutangabuhamya yongeyeho ko Seromba yari « hejuru mu igorofa y'inzu » y'abapadiri, arimo aha inzoga abari bagabye igitero bari mu gikari cy'amazu y'abapadiri. Yemeje ko uwo muni byari nk'umunsi mukuru, abo bantu bose bishimiye ubwicanyi bwari bumaze gukorwa⁶¹⁰.

Abatangabuhamya bashinjura

292. Umutangabuhamya wiswe FE32⁶¹¹ yavuze ko atabonye Seromba anywa cyangwa yishimira isenywa rya kiriziya. Yongeyeho ko Seromba atamuhaye inzoga⁶¹².

293. Umutangabuhamya wiswe PA1⁶¹³ yavuze ko bitashobokaga ko Seromba ahemba abari basenye kiriziya abaha inzoga⁶¹⁴. Yongeyeho ko nta muntu yabonye ashimira Seromba isenywa rya kiriziya, akanasanga ibyo bidashoboka: « Urebye ukuntu yari amereye sinzi

⁶⁰⁸ Reba icyiciro 3.3.1.

⁶⁰⁹ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp. 41-42 (mu muhezo).

⁶¹⁰ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, imp.31-32 (mu muhezo).

⁶¹¹ Reba icyiciro 3.4.1.

⁶¹² Inyandikomvugo y'iburanisha, 28 Werurwe 2006, urup. 48 (mu ruhame).

⁶¹³ Reba icyiciro 3.4.1.

⁶¹⁴ Inyandikomvugo y'iburanisha, 20 Mata 2006, imp. 28-29 (mu muhezo).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

ko hari n'uware gutinyuka kumwegera, urebye iyo kiriziya yari yasenywe [...] »⁶¹⁵.
Yarangije avuga ko abasenywe kiriziya nta gihembo babonye⁶¹⁶.

7.7.2 Imyanzuro y'Urugereko

294. Urugereko rusanga ubuhamya bwa CBK butakwizerwa kuri iyi ngingo. Ni we mutangabuhamya wenyine wemeza ko Seromba yaba yarishimiye isenywa rya kiriziya. Urugereko rusanga ubuhamya bwa CBK butuma umuntu ashidikanya ku kuri kw'inkuru yatanze.
295. Naho ku birebana n'abatangabuhamya biswe FE32 na PA1, Urugereko rusanga batakwizerwa. Mu by'ukuri, ubuhamya bwabo bushingiye ku byo bitekerereza gusa.
296. Rushingiye ku bimaze kuvugwa, Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Athanase Seromba yijihije isenywa rya kiriziya ari kumwe n'abandi bantu.

⁶¹⁵ Inyandikomvugo y'iburanisha, 20 Mata 2006, urup. 29 (mu muhezo).

⁶¹⁶ Inyandikomvugo y'iburanisha 20 Mata 2006, urup.30 (mu muhezo).

UMUTWE WA 3: IMYANZURO Y'URUGEREKO MU RWEGO RW'AMATEGEKO

297. Urugereko rugiye gutanga imyanzuro yarwo mu rwego rw'amategeko ruhereye ku myanzuro ishingiyeye ku byabaye rwafashe haruguru mu mutwe wa II.
298. Inyandiko y'ibirego ikubiyemo ibirego bine: jenocide, kuba icyitso cy'abakoze jenocide, ubwumvikane bugamije gukora jenocide n'itsembatsemba nk'icyaha cyibasiye inyokomuntu.
299. Mu birego bibiri bya mbere ari byo jenocide no kuba icyitso cy'abakoze jenocide, Uregwa akurikiranwa kuri kimwe muri byo iyo ikindi kitamuhanye mu gihe ibirego 1, 3 na 4 byose abikurikiranwaho mu buryo bukomatanyije. Bityo rero, Urugereko rurasuzuma niba Porokireri yatanze ibimenyetso by'uburyozwacyaha bw'Uregwa, kuri buri kirego.

1. Imiterere y'uruhare rw'Uregwa mu ikorwa ry'ibyaha

1.1 Inyandiko y'ibirego

300. Mu Nyandiko y'ibirego, Uregwa aryozwa icyaha hashingiwe ku ngingo ya 6 1) ya Sitati igira iti: « Umuntu uwo ari we wese wacuze umugambi, uwawuhamagariye abandi, uwategetse gukora icyaha, uwagikoze cyangwa ku bundi buryo ubwo ari bwo bwose, uwafashije kandi agashishikariza abandi kugicurira umugambi, gutegura cyangwa gutsotsoba icyaha kivugwa kuva ku ngingo ya 2 kugeza ku ya 4 z'iyi Sitati, akiryoza nka gatozi.»

1.2 Amategeko akurikizwa

301. Uburyo bunyuranye bwo gukora icyaha buvugwa mu ngingo ya 6 1) bureba ibikorwa bimwe na bimwe bituma uregwa aryozwa icyaha kubera ibirego ashinjwa. Ubwo buryo

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- bwo gukora icyaha runaka buvugwa mu ngingo ya 6 1) ya Sitati burasobanurwa mu magambo make mu bika bikurikira:
302. Uruhare mu « gukora » [icyaha] bisobanura uruhare rutaziguye uregwa yagize ubwe nka gatozi mu gukora icyaha cyangwa mu kwirengagiza nkana gukora icyagombaga gukorwa hakurikijwe amahame y'amategeko mpanabyaha⁶¹⁷.
303. Uruhare mu « gucura umugambi » bisobanura ko hari umuntu umwe cyangwa abantu benshi batekereza gutegura ikorwa ry'icyaha, mu rwego rwo kugitegura n'urwo kugitso-tsoba⁶¹⁸. Ku birebana n'ubwo buryo bwo gukora icyaha, Porokireri agomba kwerekana ko uregwa yagize uruhare rugaragara⁶¹⁹ kandi ko icurwa ry'umugambi ryabaye kamara mu ikorwa ry'icyaha⁶²⁰.
304. Uruhare mu « guhamagarira » [gukora icyaha] bisobanura guhamagarira cyangwa gushishikariza umuntu gukora icyaha⁶²¹. Kugira ngo ubwo buryo bwo kugira uruhare [mu ikorwa ry'icyaha] bwemerwe, Porokireri agomba kugaragaza ko guhamagarira umuntu gukora icyaha ari byo byatumye yitwara uko yitwaye agikora. Ariko, ntakeneye kugaragaza ko icyaha kitari gukorwa iyo uregwa atabigiramo uruhare⁶²².
305. Uburyo bwo gukora icyaha « utegeka » bisaba ko umuntu uri mu mwanya w'ubuyobozi ategeka undi gukora icyaha. Ubwo buryo busaba ko haba hari isano y'ukuriye undi mu

⁶¹⁷ *Urubanza rwa Krstić*, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001, igika 601; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu bujirire, 1 Kamena 2001, igika 187.

⁶¹⁸ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 480.

⁶¹⁹ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 30: « uruhare rw'uregwa mu gukora icyaha rugomba kuba rugaragara; rushobora kuba rushingiye mu gucura umugambi mubisha cyangwa mu kuwemera ugejejweho n'undi muntu. »

⁶²⁰ *Urubanza rwa Krstić*, No. IT-98-33, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001, igika 601.

⁶²¹ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 30; *Urubanza rwa Krstić*, No. IT-98-33, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001, igika 601.

⁶²² *Urubanza rwa Bagirishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 30: « Mu guhamagarira cyangwa mu gushishikariza undi muntu gukora icyaha, ubikoze aba agize uruhare rugaragara mu ikorwa ry'icyaha. Hagomba kugaragazwa isano iri hagati yo guhamagarira gukora icyaha n'igikorwa kigize icyo cyaha. » *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, ibika 478-482.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kazi hagati y'utanga itegeko n'urishyira mu bikorwa⁶²³. Si ngombwa ariko ko iyo sano iba iri mu rwego rw'amategeko⁶²⁴. Bene iyo sano igaragazwa herekanwa ukuntu uregwa yagenzu-raga koko ba gatozi b'icyaha nk'umuntu ubakuriye haba cyangwa hataba mu rwego rw'amategeko⁶²⁵.

306. Igitekerezo cyihariye gisabwa mu kugena uburyo bune bwo kugira uruhare mu gukora icyaha kigaragarira mu mugambi utaziguye w'umuntu wakoze icyaha, wagicuriye umugambi, washishikariye cyangwa wategetse abandi kugikora⁶²⁶.
307. Uburyo bwo gukora icyaha mu « gufasha no gushishikariza » bishaka kuvuga igikorwa cyose cyo gufasha no gushyigikira ikorwa ry'icyaha⁶²⁷. Ubwo buryo bushobora gukumoka ku nkunga igizwe n'igikorwa cyangwa n'amagambo runaka. Bushobora no kuba ari uko uregwa ari aho icyaha gikorwa nk'uko bisobanurwa mu nshoza y'« indorerenzi ishyigikira ibirimo gukorwa »⁶²⁸. Gufasha cyangwa gushishikariza bigomba kuba ari ikintu cy'ingenzi mu ikorwa ry'icyaha, ariko si ngombwa ko biba kamara kugira ngo icyo cyaha gikorwe⁶²⁹. Uretse igihe havugwa ibirebana n'« indorerenzi ishyigikira ibirimo gukorwa », inkunga ishobora gutangwa mu ikorwa ry'icyaha, mbere cyangwa nyuma yo kugikora kandi si ngombwa ko uregwa aba ahari mu ikorwa ry'ibyabaye biregerwa⁶³⁰.

⁶²³ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 30 ; *Urubanza rw'Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 483; *urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, igika 39.

⁶²⁴ *Urubanza rwa Kordić*, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004, igika 28.

⁶²⁵ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, igika 415.

⁶²⁶ *Urubanza rwa Kordić*, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004, ibika 26-29.

⁶²⁷ *Urubanza Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 33; *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 484; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001, igika 186; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, ibika 200-202.

⁶²⁸ *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001, ibika 201-202; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 198.

⁶²⁹ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 33; *Urubanza rwa Furundjija*, No. IT-95-17/I-T, Inyandiko y'urubanza mu rw'iremezo, 10 Ukuboza 1998, ibika 209-226.

⁶³⁰ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 33; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, igika 43; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 200; *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 484.

308. Ku birebana n' « indorerezi ishyigikira ibirimo gukorwa », kuba uregwa ari aho icyaha gikorwa ntibihagije ubwabyo kugira ngo umuntu yemeze ko yafashije cyangwa yashishikariye ikorwa ry'icyaha keretse biramutse bigaragaye ko uko kuhaba byashishikajwe cyane gatozi mu myitwarire ye cyangwa bikaba byaratumye yibwira ko ibyo bikorwa bye byemewe⁶³¹. « Indorerezi ishyigikira ibirimo gukorwa » iryozwa icyaha iyo bigaragaye ko yari aho icyaha cyakorewe cyangwa nibura hafi yaho kandi gatozi akaba yarabifashe nk'aho iyo ndorerezi yabimushyigikiragamo⁶³². Kuba uregwa ari mu mwanya w'ubuyobozi bifatwa nk'ingingo ikomeye mu gusuzuma ingaruka zatewe n'uko yari aho icyaha cyakorewe mu gihe cyakorwaga⁶³³.
309. Igitekerezo cyihariye cyo gukora icyaha, ku birebana n'uruhare uregwa yagize afasha kandi ashishikariza [gukora icyaha], gisaba ko uregwa aba azi neza ko imyifatire ye izagira uruhare rukomeye mu gikorwa gifatika kigize icyo cyaha cyangwa akaba azi neza ko bishoboka cyane ko ikorwa ry'icyaha rizaterwa n'imyifatire ye⁶³⁴. Uregwa agomba kuba azi ibintu b'ingenzi bigize icyaha, harimo no kumenya umugambi wa gatozi. Si ngombwa ariko ko uregwa aba asangiye uwo mugambi na gatozi⁶³⁵.
310. Ku birebana n'igitekerezo cyihariye cyo gukora icyaha gisabwa, by'umwihariko, ku « ndorerezi ishyigikiye ibirimo gukorwa », uregwa agomba kuba azi neza ko kuba ari aho icyaha gikorwa bifatwa na gatozi nk'uburyo bwo kumushishikariza kugikora cyangwa

⁶³¹ *Urubanza rwa Krnojelac*, Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002, igika 89; *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 36.

⁶³² *Urubanza rwa Aleksovski*, No.IT -95-14/1, Inyandiko y'urubanza mu rw'iremezo, 25 Kamena 1999, ibika 64 na 65.

⁶³³ *Urubanza rwa Aleksovski*, No. IT -95-14/1, Inyandiko y'urubanza mu rw'iremezo, 25 Kamena 1999, igika 65. Reba na none imanza zikurikira: *Urubanza rwa Aleksovski*, No. IT-95-14 /1, Inyandiko y'urubanza mu rw'iremezo, 25 Kamena 1999, ibika 64-65; *Urubanza rwa Tadić*, No. IT-94-1, Inyandiko y'urubanza mu rw'iremezo, 7 Gicurasi 1997, igika 690; *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 693 n' *Urubanza rwa Furundjija*, No. IT-95-17/1-T, Inyandiko y'urubanza mu rw'iremezo 10 Ukuboza 1998, igika 274.

⁶³⁴ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 32; *Urubanza rwa Furundjija*, No. IT-95-17/1-T, inyandiko y'urubanza mu rw'iremezo, 10 Ukuboza 1998, igika 246.

⁶³⁵ *Urubanza rwa Krnojelac*, Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002, igika 90; *Urubanza rwa Krnojelac*, Inyandiko y'urubanza mu bujirire, 17 Nzeri 2003, igika 52; *Urubanza rwa Ntakirutimana*, No. ICTR - 96-10, Inyandiko y'urubanza mu bujirire, 13 Ukuboza 2004, ibika 500-502 ; *Urubanza rwa Krstić*, No. IT-98-33, Inyandiko y'urubanza mu bujirire, 19 Mata 2004, ibika 134-140.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kukimushyigikiramo⁶³⁶. Igitekerezo cyihariye cyo gukora icyaha (*Mens rea*) cy'indore-rezi gishobora kugaragarira mu miterere y'ibintu ndetse no mu myitwarire y'uregwa yabanjirije ikorwa ry'icyaha: niba, nk'urugero, yarigeze kwemera ko ibyaha bikorwa ntahane ababikoze cyangwa niba yarabibashishikarijemo mu magambo⁶³⁷.

1.3 Imyanzuro y'Urugereko ku birebana n'uburyo Uregwa yakozemo ibyaha ashinjwa

Uburyo Uregwa yakozemo ibyaha ashinjwa.

311. Rushingiye ku myanzuro yarwo ku byabaye, Urugereko rusanga Athanase Seromba ashobora kuryozwa gusa uruhare yagize afasha kandi ashishikariza ikorwa ry'ibyaha bizaba byamuhanye.
312. Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Athanase Seromba yacuze umugambi wo kwica cyangwa ko yishe impunzi z'Abatutsi⁶³⁸. Ku birebana n'uruhare rwe ahamagarira cyangwa ateguka abantu gukora icyaha, Urugereko rusanga Porokireri ataragaragaje ko Athanase Seromba yari yaritswemo n'umugambi wihariye wo gukora icyaha cya jenocide (*dolus specialis*) usabwa kugira ngo aryoze ubwo buryo bubiri bw'uruhare rwe. By'umwihariko ku birebana n'ibyo gutegeka, Urugereko rusanga Porokireri ataragaragaje ko Athanase Seromba yagenzuraga koko ba gatozi.

Kutemera iby'Ubwunganizi buvuga muri uru rubanza ko Uregwa yari indorerenzi ishyigikiye ibirimo kuba.

313. Muri uru rubanza, Urugereko rusanga Ubwunganizi bwaraburanishije, mu myanzuro yarwo nsozarubanza, ingingo ivuga ko Uregwa yari indorerenzi ishyigikiye ibirimo kuba⁶³⁹. Rusanga ariko haba mu Nyandiko y'ibirego cyangwa mu myanzuro mbazirazarubanza, Porokireri ataragize icyo avuga ku birebana n'icyo gitekerezo. Rukaba rero

⁶³⁶ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 36.

⁶³⁷ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 36.

⁶³⁸ Reba umutwe wa II, ibyiciro 3.4, 4.2, 4.3, 5.6, 6.3, 6.4, 6.5, 6.7 na 7.4. Reba n'umutwe wa III, icyiciro cya 4.2.

⁶³⁹ Imyanzuro nsozarubanza y'Ubwunganizi, imp. 25-28.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

rusanga Porokireri atarashatse gushingira kuri ubwo buryo mu kurega Athanase Seromba. Bityo rero, mu myanzuro yarwo, ntiruri busuzume iyo myiregurire irebana n'igitekerezo kivuga ko Uregwa yari indorerezi ishyigikiye ibirimo kuba.

2. Ikirego cya 1- Jenocide

2.1 Inyandiko y'ibirego

314. Muri iyi Nyandiko y'ibirego, Porokireri w'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho u Rwanda arega Athanase Seromba jenocide, nk'uko biteganywa n'ingingo ya 2 3) a) ya Sitati kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, Athanase Seromba yishe Abatutsi cyangwa yabateje ububabare bukomeye bubazahaza umubiri cyangwa mu mutwe, agamije kurimbura abantu bose cyangwa igice cy'abo, bahuriye ku bwoko.

2.2 Amategako akurikizwa

315. Ingingo ya 2 2) ya Sitati⁶⁴⁰ igira iti:

Jenocide ni kimwe mu bikorwa bikurikira cyakozwe kigamije kurimbura abantu bose cyangwa igice cy'abo bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, bazira icyo bari cyo:

- a) Kwica abo bantu;
- b) Kubateza ububare bukomeye bubazahaza umubiri cyangwa mu mutwe;
- c) Gushyira ku bushake abo bantu mu nzitane z'ubuzima zigomba gutuma bose cyangwa igice cyabo barimbuka;
- d) Gushyiraho ingamba zigamije kubabuza kubyara;

⁶⁴⁰ Igisobanuro cya jenocide nk'uko kivugwa mu Ngingo ya 2 ya Sitati y'Urukiko gisubiramo ibikubiye mu Ngingo ya 2 n'ya 3 z'Amasezerano agamije gukumira no guhana icyaha cya jenocide. U Rwanda rwashyize umukono kuri ayo masezerano ariko ruvuga ko rutarebwa n'ibikubiye mu ngingo ya 9 y'ayo Masezerano (Reba itegokoteka ryo ku itariki ya 12 Mutarama 1975, Gazeti ya Repubulika y'u Rwanda, 1975, urup. 230).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

e) Kubanyaga urubyaro ukarushyira mu rindi tsinda.

316. Ibigize icyaha cya jenosidi ni ibi: icya mbere, gukora kimwe mu bikorwa bivugwa mu Ngingo ya 2 2) ya Sitati; icya kabiri, kugikorera abantu bahuriye ku bwenegihugu, ku bwoko cyangwa ku idini, by'umwihariko bazira icyo bari cyo; icya gatatu, kugikora ugamije kubarimbura bose cyangwa igice cyabo.
317. Mu Nyandiko y'ibirego, Porokireri ashinja Uregwa ibikorwa bw'ubwicanyi byakorewe abantu bo muri iryo tsinda n'ibyo kubateza ububabare bukomeye bwabazahaje umubiri cyangwa mu mutwe. Mu gusuzuma buri gikorwa muri ibyo, Urugereko ruri bushingire ku gisobanuro gitangwa n'ubukemuramanza. Nko mu rubanza rwa Musema, Urugereko rwa Mbere rw'Iremezo rwavuze ko ubwicanyi bisobanura « ukwica umuntu ubishaka »⁶⁴¹. Ku birebana n'ububabare bukomeye buzahaza umubiri cyangwa mu mutwe, urwo Rugereko, mu rubanza rwa Kayishema, rwasanze ibyo bishaka kuvuga « igikorwa icyo ari cyo cyose cyangiza bikomeye ubuzima bw'uhohoterwa cyangwa kimutera ibisare cyangwa cyangiza bikomeye ingingo z'umubiri we haba inyuma cyangwa imbere cyangwa ingingo z'ibyumviro »⁶⁴². Guteza umuntu ububabare bukomeye bumuzahaza mu mutwe bivugwa ku bikorwa bifite ingaruka zikomeye bitagize aho bihuriye n'ububare budakabije cyangwa bw'igihe gito⁶⁴³. Ibyo bikorwa birimo iby'urugaraguro haba ku mubiri cyangwa mu mutwe, ibikorwa birenze kameremuntu cyangwa bimutesha agaciro, gusambanya ku gahato, ibikorwa by'urugomo rushingiye ku gitsina no gutoteza⁶⁴⁴. Si ngombwa ariko ko ubwo bubabare bukabije bugomba guhoraho cyangwa kudakira⁶⁴⁵.
318. Naho ku birebana n'uko « umuntu aba ari uwo mu itsinda runaka », ubukemuramanza buvuga ko bitagomba gushingira ku byo abantu bose babona kimwe kuko bisaba ko

⁶⁴¹ Urubanza rwa Musema, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 155.

⁶⁴² Urubanza rwa Kayishema, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 109.

⁶⁴³ Urubanza rwa Kayishema, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 110.

⁶⁴⁴ Urubanza rwa Musema, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 156.

⁶⁴⁵ Urubanza rwa Musema, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 156.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

uhohoterwa afatwa n'umuhuhotera nk'umuntu uri mu itsinda ryibasiwe⁶⁴⁶, kandi ko kugena iryo tsinda bigomba gukorwa hashingiwe ku miterere y'ikibazo kivugwaho⁶⁴⁷.

319. Jenocide itandukanye n'ibindi byaha kubera ko igizwe n'igitekerezo kidasanzwe cyihariye cyo gukora icyo cyaha: umuntu ahamwa n'icyaha cya jenocide iyo hagaragajwe ko yakoze kimwe mu bikorwa bivugwa mu Ngingo ya 2 2) ya Sitati afite umugambi wihariye wo kurimbura abantu bose bo mu itsinda rirengerwa cyangwa igice cyabo. Inshoza yo kurimbura itsinda ry'abantu isobanura « kubarimbura hakoreshejwe ibintu bifatika cyangwa ibibabuza kororoka. Ikivugwa aha rero si ugukuraho ibiranga ubwenegihugu bwabo, ururimi rwabo, idini ryabo, umuco wabo cyangwa ikindi cyose cyaba kiba-ranga »⁶⁴⁸. Nta mubare runaka w'abishwe wa ngombwa ugomba kugerwaho kugira ngo hemezwe ko habaye jenocide⁶⁴⁹. Mu kugaragaza igitekerezo cyihariye kigize jenocide, si ngombwa kwerekana ko uwakoze jenocide yashakaga kumara ho itsinda ry'abantu runaka ku isi hose⁶⁵⁰, ariko ni ngombwa kwerekana ko yari afite umugambi wo kwica benshi muri bo⁶⁵¹.
320. Hakurikijwe ubukemuramanza bw'uru Rukiko, igitekerezo cyihariye kigize icyaha cya jenocide gishobora kugaragarira mu bintu cyangwa mu bimenyetso bimwe na bimwe, birimo ibi bikurikira: a) kuba muri rusange hariho n'ibindi bikorwa bibi byibasiye iryo tsinda ku buryo buri kuri gahunda, byaba byarakozwe n'Uregwa cyangwa n'abandi bantu, b) intera y'amarorerwa yakozwe, c) kuba byarabaye mu rwego rusange, d) kuba byarakorewe mu karere cyangwa mu gihugu runaka, e) kuba abahohotewe baratoranyijwe ku buryo buri kuri gahunda kandi byagambiriwe kubera ko bari mu itsinda

⁶⁴⁶ *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, igika 56; *Urubanza rwa Musema*, inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 155; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 317.

⁶⁴⁷ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 317.

⁶⁴⁸ Raporo ya Komisiyo y'amategeko mpuzamahanga y'Inama rusange ku mirimo y'inama yayo ya 48, 6 Gicurasi-26 Nyakanga 1996, Inyandiko zemewe z'Inama rusange, inyongera n° 10, urup. 90, (A/51/10) 1996). Reba *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 315.

⁶⁴⁹ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 316.

⁶⁵⁰ *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, igika 95.

⁶⁵¹ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 316.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

runaka, f) kuba abagize andi matsinda bataribasiwe muri icyo gihe, g) amatwara ya politiki yatumye habaho ibyo bikorwa bivugwa, h) kuba ibyo bikorwa by'irimburu bishingiye ku ivangura byarakozwe kenshi no kuba i) ibyo bikorwa bibangamira imizi y'iryo tsinda cyangwa bifatwa gutyo n'ababikoze⁶⁵².

2.3 Imyanzuro y'Urugereko

321. Ibika 1-23 by'Inyandiko y'ibirego birimo mu buryo burambuye ibivugwa byerekeranye n'ikirego cya jenocide. Urugereko rwavuze kuri ibyo birego mu byiciro 3, 4, 5, 6 na 7 by'umutwe wa II urebana n'imyanzuro ku byabaye.
322. Rushingiye ku myanzuro rwafashe ku byabaye, Urugereko rusanga Porokireri ataragaragaje ku buryo budashidikanywaho ko Athanase Seromba yacuze umugambi wo kwica impunzi z'Abatutsi z'i Nyange, yashishikariye abantu kuzica, yategetse ko bazica cyangwa ko yazishye⁶⁵³. Urugereko rwanzuye ariko ruvuga ko Athanase Seromba, kubera imyitwarire ye yo ku matariki ya 12, 14, 15, na 16 Mata 1994, yafashije kandi agashishikariza kwica Abatutsi bari bahungiyeye kuri kiriziya y'i Nyange mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego kandi ko yabateje ububabare bukomeye bwabazahaje umubiri no mu mutwe.

2.3.1 Guteza Abatutsi ububabare bukomeye buzahaza umubiri cyangwa mu mutwe

Igikorwa gifatika kigize icyaha [Actus reus] ku byerekeranye n'ibyateje impunzi zari zahungiyeye kuri kiriziya y'i Nyange, ububabare bukomeye bwazizahaje umubiri no mu mutwe.

323. Ku birebana n'ibivugwa mu gika cya 12 cy'Inyandiko y'ibirego, Urugereko rwafashe umwanzuro ko Athanase Seromba yanze ko impunzi zishakisha ibiryo mu rutoki rwa

⁶⁵² *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, ibika 523-524; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, ibika 93-94; *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 166; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, ibika 60-62; *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, ibika 62 na 63.

⁶⁵³ Reba umutwe wa II, ibyiciro 3.4; 4.2; 4.3; 5.6; 6.3; 6.4; 6.5; 6.7; 7.4; Reba na none umutwe wa III, icyiciro 4.2.

paruwasu kandi ko yategetse abajandarume kurasa impuzi yose izajya muri urwo rutoki⁶⁵⁴. Urugereko rwafashe kandi umwanzuro uvuga ko Seromba yanze gusomera misa Abatutsi bari muri kiriziya y'i Nyange⁶⁵⁵.

324. Ku birebana n'ibivugwa mu bika 13-14 by'Inyandiko y'ibirego, Urugereko rwafashe umwanzuro ko, ku itariki ya 13 Mata 1994, mu gihe umutekano muri Komini ya Kivumu wagerwaga ku mashyi, Athanase Seromba yirukanye kuri paruwasu abakozi bane bo mu bwoko bw'Abatutsi, umwe muri bo witwaga Patrice akaba yarishwe nyuma yaho n'abari bagabye igitero, amaze kwirukanwa na none mu mazu y'abapadiri⁶⁵⁶.
325. Ku birebana n'ibivugwa mu gika cya 22 cy'Inyandiko y'ibirego, Urugereko rwafashe umwanzuro ko Seromba yirukanye impunzi nyinshi mu nzu z'abapadiri, zarimo Meriam, waje kwicwa n'abari bagabye igitero⁶⁵⁷.
326. Urugereko rusanga kuba Seromba yaranze ko impunzi zijya gushaka ibyo kurya mu rutoki, akanga kuzisomera misa muri kiriziya y'i Nyange, agafata icyemezo cyo kwirukana abakozi n'impunzi z'Abatutsi kuri paruwasu no mu nzu z'abapadiri, byaratumye habaho ibikorwa bikomeye byazahaje mu mutwe impunzi z'Abatutsi zari kuri kiriziya y'i Nyange kandi Abatutsi barashoboraga guhohoterwa kubera ko na mbere bari baribasiwe n'ibitero byinshi⁶⁵⁸. Kuri ibyo byose, hiyongereyeho ko kiriziya y'i Nyange, aho izo mpunzi zahungiyeye zibwira ko ariho zizacikira ibitero, yari yagosome n'imitwe yitwaraga gisirikare n'Interahamwe, kuva ku itariki ya 12 Mata 1994⁶⁵⁹. Biragaragara rero ko izo mpunzi zari muri kiriziya y'i Nyange zari zifite umutima uhagaze kubera ko zari zizi ko ari bo ari na bene wabo bashoboraga kwicwa isaha iyo ari yo yose. Urugereko rwemera ko kuba Seromba yarahisemo kwitwara bene kariya kageni byaratumye rwose

⁶⁵⁴ Reba umutwe wa II, icyiciro 5.3.

⁶⁵⁵ Reba umutwe wa II, icyiciro 5.5.

⁶⁵⁶ Reba umutwe wa II, icyiciro 5.5.

⁶⁵⁷ Reba umutwe wa II, icyiciro 6.8.

⁶⁵⁸ Reba umutwe wa II, icyiciro 3.2.

⁶⁵⁹ Reba umutwe wa II, icyiciro 5.2.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

habaho ibyo bikorwa byateje impunzi z'Abatutsi zari kuri kiriziya y'i Nyange ububabare bukomeye bwazizahaje mu mutwe.

327. Urugereko rwanzuye na none ruvuga ko kuba Athanase Seromba yarabujije impunzi gushaka ibyo kurya mu rutoki byaratumye habaho ibikorwa byateje impunzi ubuzahare bukabije ku mubiri. Koko rero, ku itariki ya 14 Mata 1994, impunzi ntizari zifite ibyo kurya kandi ntibyari bizoroheye kujya kubishaka hanze kubera ko kiriziya yari igoswe. Birumvikana rero ko kuba Seromba yarazangiye gushaka ibyo kurya mu rutoki byaratumye rwose zizahara, cyane cyane ko nta biryo bazihaga. Urugereko rwemera ko kuba Seromba yaritwaye bene kariya kageni byatumye habaho ibikorwa byateje ubuzahare bukomeye bwo ku mubiri impunzi z'Abatutsi zari muri kiriziya y'i Nyange.
328. Rushingiye ku bimaze kuvugwa, Urugereko rusanga byaragaragajwe ku buryo budashidikanywaho ko Uregwa yakoze ibikorwa bifatika bigize icyaha byatumye impunzi zari ku kiriziya y'i Nyange zizahara ku buryo bukomeye ku mubiri no mu mutwe.

Igiterekerezo cyihariye cyo gukora icyaha (Mens rea) cya Athanase Seromba ku birebana n'ibikorwa byo guteza ubuzahare bukomeye bwo ku mubiri no mu mutwe impunzi zari kuri kiriziya y'i Nyange.

329. Urugereko rwemera ko Athanase Seromba atashoboraga kutumva ko kubuza impunzi gushaka ibyo kurya mu rutoki, kwanga kuzisomera misa, kwirukana abakozi n'impunzi z'Abatutsi, bizazigiraho ingaruka mbi, zigata umutwe, cyane cyane ko zari ziri mu bihe bibi cyane bitewe n'uko zatotezwaga mu gihe cy'ibyabaye muri Mata 1994.
330. Urugereko rwemera na none ko Athanase Seromba yari azi ko impunzi zitari zifite ibyo kurya⁶⁶⁰. Rusanga rero yari azi neza ko kuzangira gushaka ibyo kurya mu rutoki bizatuma rwose zizahara ku mubiri.
331. Rushingiye ku bimaze kuvugwa, Urugereko rusanga byaragaragajwe ku buryo budashidikanywaho ko Uregwa yagize igitekerezo cyihariye cyo gukora icyaha

⁶⁶⁰ Reba umutwe wa II, icyiciro 5.3.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

(*mens rea*) cyatumye habaho ibikorwa byateje ubuzahare bukomeye ku mubiri no mu mutwe impunzi zari ku kiriziya y'i Nyange.

2.3.2 Ubwicanyi bwakorewe ubwoko bw'Abatutsi

Igikorwa gifatika kigize icyaha (Actus reus) ku birebana n'ubwicanyi bwakorewe impunzi z'Abatutsi kuri kiriziya y'i Nyange

332. Ku birebana n'ibikubiye mu bika bya 13-14 na 22 by'Inyandiko y'ibirego, byasuzumwe haruguru, Urugereko rwanzuye ruvuga ko Athanase Seromba yirukanye abakozi n'impunzi z'Abatutsi kuri Paruwasi ya Nyange⁶⁶¹. Kubera iyo myitwarire ye, Urugereko rusanga Seromba yaratanze inkunga mu bwicanyi bwakorewe impunzi nyinshi z'Abatutsi, zirimo Patrice na Meriam.
333. Ku birebana n'ibikubiye mu bika bya 24-25 by'Inyandiko y'ibirego, Urugereko rwanzuye ruvuga ko, ku itariki ya 15 Mata 1994, Athanase Seromba yasabye abari bagabye igitero, biteguraga gutera Abatutsi bari bahungiyeye ku kibuga mu gipadiri, guhagarika ubwicanyi, bakabanza gukuraho imirambo yari inyanyagiye mu kibuga cya kiriziya. Urugereko rwanzuye ruvuga kandi ko ibitero byibasiye impunzi z'Abatutsi byasubukuwe iyo mirambo imaze gukurwaho⁶⁶². Rwanzuye ariko ko bitagaragajwe ku buryo budashidikanywaho ko icyo cyifuzo cyafashije cyangwa cyashishikariye ubwicanyi bwakorewe impunzi z'Abatutsi.
334. Ku birebana n'ibikubiye mu bika 26-27 by'Inyandiko y'ibirego, Urugereko rwanzuye ruvuga ko Athanase Seromba yabonanye n'abategetsi kandi ko yemeye icyemezo bari bafashe cyo gusenya kiriziya. Rwanzuye na none ko Seromba yabwiye umushoferi wa tingatinga amagambo yamushishikariye gusenya kiriziya. Rwanzuye kandi, kuri iyi ngingo, ko Seromba yeretse uwo mushoferi uruhande rudakomeye rwa kiriziya⁶⁶³.

⁶⁶¹ Reba Umutwe II, ibyiciro 5.5 na 6.8.

⁶⁶² Reba Umutwe II, icyiciro 6.7

⁶⁶³ Reba Umutwe II, icyiciro 7.4.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Urugereko rwemera ko, kubera iyo myitwarire, Seromba yatanze inkunga ikomeye mu isenywa rya kiriziya y'i Nyange, ryahitanye impunzi z'Abatutsi zirenga 1500.

335. Rushingiye ku bimaze kuvugwa, Urugereko rusanga, ku birebana n'Uregwa, igikorwa gifatika (*Actus reus*) cyo gufasha no gushishikariza iyicwa ry'impunzi kuri kiriziya y'i Nyange, cyaragaragajwe ku buryo budashidikanywaho.

Igitekerezo cyihariye cyo gukora icyaha (Mens rea) cya Athanase Seromba ku birebana n'ubwicanyi bwakorewe impunzi z'Abatutsi kuri kiriziya y'i Nyange

336. Urugereko rwemera ko, kubera uko umutekano wari wifashe muri Paruwasi ya Nyange, Athanase Seromba atashoboraga kuyoberwa ko mu kwirukana impunzi kugira ngo zitinjira mu mazu y'abapadiri byashoboraga gutera inkunga ikomeye ubwicanyi bwazikorewe n'abari bagabye igitero.
337. Urugereko rusanga na none Athanase Seromba atarashoboraga kuyoberwa ko amagambo ye yari gutuma abategetsi ba komini n'umushoferi wa tingatinga bumva ko ibikorwa barimo byemewe. Rusanga kandi Seromba yari azi neza ko kwemera icyemezo bari bafashe cyo gusenya kiriziya y'i Nyange kimwe n'amagambo ashishikaza yabwiye umushoferi wa tingatinga byashoboraga gutera inkunga ikomeye isenywa rya kiriziya n'iyicwa ry'impunzi nyinshi zari zayihungiyemo.
338. Rushingiye ku bimaze kuvugwa, Urugereko rusanga, ku birebana n'Uregwa, igitekerezo cyihariye (*Mens rea*) cyo gufasha no gushishikariza ubwicanyi bwakorewe impunzi kuri kiriziya y'i Nyange, cyaragaragajwe ku buryo budashidikanywaho.

2.3.3 Ingingo zigize jenocide

339. Urugereko rusanga bizwi ko Abatutsi bari bagize itsinda ry'ubwoko muri Komini ya Kivumu mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego⁶⁶⁴ kandi ko, kubera iyo mpamvu, bari bagize itsinda rirengerwa nk'uko biteganywa n'Ingingo ya 2 2).
340. Urugereko rusanga na none nta wushobora guhakana ko mu gihe cy'ibyabaye muri Mata 1994 kuri kiriziya y'i Nyange, abari bagabye igitero kimwe n'abandi bitwaraga gisirikari b'Interahamwe bishe impunzi z'Abatutsi kuri kiriziya y'i Nyange kandi bakaba barabateje ububabare bukomeye bwabazahaje ku mubiri no mu mutwe kubera ubwoko bwabo, kandi ibyo bakabikora bagamije kurimbura abantu bose bahuriye kuri ubwo bwoko cyangwa igice cyabo.
341. Kubera ko yari ashinzwe Paruwasi ya Nyange igihe cy'ibyabaye muri Mata 1994, kubera uko ibintu byari byifashe mu Rwanda hose, kubera ibitero yiboneye ubwe⁶⁶⁵ n'amagambo yiyumviye cyangwa yavuze⁶⁶⁶, Urugereko rusanga Uregwa Athanase Seromba atarashoboraga kuyoberwa umugambi w'abari bagabye igitero n'uw'Interahamwe zitwaraga gisirikari wo gukorera jenocide impunzi z'Abatutsi kuri Paruwasi ya Nyange.
342. Bityo rero, kubera ibikorwa bye byo gufasha no gushishikariza [gukora icyaha], Urugereko rusanga Uregwa Athanase Seromba ahamwa n'icyaha cya jenocide kivugwa mu kirego cya 1.

⁶⁶⁴ icyemezo ku cyifuzo cya Porokireri ku birebana n'ibitagomba kugibwaho impaka n'ababuranyi, 14 Nyakanga 2005.

⁶⁶⁵ Reba Umutwe, ibyiciro 6.7- 6.8.

⁶⁶⁶ Reba Umutwe wa II, ibyiciro 6.7 na 6.8.

3. Ikirego cya 2- Kuba icyitso cy'abakoze jenocide

343. Ikirego cya 2 gisuzumwa iyo uregwa adahamwe n'icyaha kivugwa mu kirego cya 1⁶⁶⁷. Bityo rero, kubera ko Uregwa yahamwe n'icyaha cya jenocide kivugwa mu kirego cya 1, Urugereko ntirusuzuma ikirego cyo kuba icyitso cy'abakoze jenocide. Kubera iyo mpa-mvu, ntirucyakiriye.

4. Ikirego cya 3- Ubwumvikane bugamije gukora jenocide

4.1 Inyandiko y'ibirego

344. Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba icyaha cy'ubwumvikane bugamije gukora jenocide ashingiye ku Ngingo ya 2 3) b) ya Sitati, kubera ko, hagati y'itariki ya 6 n'ya 20 Mata 1994 cyangwa hafi y'ayo matariki, muri Perefegitura ya Kibuye mu Rwanda, Seromba yumvikanye koko na Grégoire Ndahimana, Burugumesitiri wa Komini ya Kivumu, Fulgence Kayishe-ma wari umugenzacyaha muri Komini ya Kivumu, Télesphore Ndungutse, Gaspard Kanyaru-kiga n'abandi Porokireri atazi, kugira ngo bice abaturage b'Abatutsi cyangwa babateze ububabare bukomeye bubazahaza ku mubiri cyangwa mu mutwe bagamije kubarimbura bose cyangwa igice babaziza ubwoko bwabo.

4.2 Amategeko akurikizwa

345. Urugereko rushingira ku bukemuramanza bw'Urukiko busobanura ubwumvikane bugamije gukora jenocide nk'«icyemezo cyo gukora ikintu runaka cyumvikanyweho nibura n'abantu babiri bagamije gukora jenocide»⁶⁶⁸. Bityo rero, ingingo ya ngombwa y'icyaha cy'ubwumvikane bugamije gukora jenocide igizwe «n'igikorwa cyo kumvikana ubwa-

⁶⁶⁷ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 532.

⁶⁶⁸ *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 191.

cyo. Mu yandi magambo, ni uburyo ubwumvikane bwagezweho aho kuba icyo bwagezeho»⁶⁶⁹.

346. Urugereko rusanga na none, mu rubanza rwa Nahimana, Urugereko rw'Ubujurire rwaranzuye ruvuga ko ubwumvikane bugamije gukora jenocide bushobora kugaragarira mu bikorwa biri kuri gahunda by'abantu bahuje umugambi kandi bakorera mu rwego rumwe⁶⁷⁰. Mu rubanza rwa Niyitegeka, Urugereko rwa mbere rw'iremezo rwasanze harabaye ubwumvikane bugamije gukora jenocide kubera ko Uregwa yagiye mu mishyikirano yari igamije kwica Abatutsi, kubera amagambo yavugiye muri iyo mishyikirano, kuba yarayibereye ku isonga, kuba yaritabiriye itegurwa ry'ibitero byibasiye Abatutsi no kuba yarahaye intwari abagabye ibitero⁶⁷¹.
347. Igitekerezo cyihariye kigize icyaha cy'ubwumvikane bugamije gukora jenocide ni kimwe n'igisabwa ku cyaha cyo gukora jenocide kandi kikaba kiri mu mugambi wihariye wo gukora jenocide⁶⁷².

4.3 Imyanzuro y'Urugereko

348. Ibika 33-47 by'Inyandiko y'ibirego bisobanura mu buryo burambuye ibivugwa ku birebana n'ikirego cy'ubwumvikane bugamije gukora jenocide. Urugereko rwasuzumye cyane cyane ibyo bivugwa mu bika 3, 4, 5, 6 na 7 by'Umutwe wa II urebana n'imyanzuro ishingiyeye ku byabaye. Iki gice cy'Inyandiko y'ibirego kigaragaza itegurwa ry'umugambi, mu byiciro bitatu, ugamije gutsemba Abatutsi muri Komini ya Kivumu. Iki gice gishinja kandi Athanase Seromba gutegura ilisiti y'Abatutsi bagombaga gushakishwa, kubuza impunzi gushaka ibyo kurya mu mazu y'abapadiri cyangwa mu rutoki, kwanga gusoma misa no kugenzura ubwicanyi bwakorewe impunzi.

⁶⁶⁹ *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 193.

⁶⁷⁰ *Urubanza rwa Nahimana*, Inyandiko y'urubanza mu rw'iremezo, 3 Ugushyingo 2003, igika 1047.

⁶⁷¹ *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003, ibika. 427-428.

⁶⁷² *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 192.

349. Mu myanzuro yarwo ishingiyeye ku byabaye, Urugereko rwasanze Porokireri atagaragaje ku buryo budashidikanywaho ko Athanase Seromba yitabiriye inama zakoreshejwe n'abategesi ba komini ku itariki ya 11⁶⁷³ n'ya 12 Mata 1994⁶⁷⁴. Rwanzuye kandi ruvuga ko atagaragaje ku buryo budashidikanywaho ko Uregwa Seromba yakoranye inama n'abategesi ba komini ku itariki ya 10⁶⁷⁵, iya 15⁶⁷⁶ n'ya 16⁶⁷⁷ Mata 1994 zaba zari zigamije gucura umugambi wo gutsemba impunzi z'Abatutsi zari kuri Paruwasi ya Nyange.
350. Byongeye kandi, Urugereko rusanga Porokireri atagaragaje ku buryo budashidikanywaho ko Athanase Seromba yateguye ilisiti y'Abatutsi bagombaga gushakishwa⁶⁷⁸, ko yaba yarategetse kugaba cyangwa akagenzura igitero cyagabwe ku mpunzi ku itariki ya 15 Mata 1994⁶⁷⁹ kandi ko yaba yarategetse ko kiriziya y'i Nyange isenywa ku itariki ya 16 Mata 1994⁶⁸⁰. Ku byerekeye ibikorwa Seromba ashinjwa nko kubuza impunzi gushaka ibyo kurya mu rutoki cyangwa kwanga gusoma misa, Urugereko rusanga bidahagije, ubwabyo byonyine, mu kugaragaza ko habayeho ubwumvikane bugamije gukora jenocide.
351. Urugereko rwanzuye ruvuga ko Porokireri atagaragaje ku buryo budashidikanywaho ko Athanase Seromba yumvikanye n'abandi bantu gukora jenocide nk'uko bivugwa mu kirego cya 3 cy'Inyandiko y'ibirego.

⁶⁷³ Reba Umutwe II, icyiciro 4.3.

⁶⁷⁴ Reba Umutwe II, icyiciro 5.6.

⁶⁷⁵ Reba Umutwe II, icyiciro 4.2.

⁶⁷⁶ Reba Umutwe II, icyiciro 6.4.

⁶⁷⁷ Reba Umutwe II, icyiciro 7.4.

⁶⁷⁸ Reba Umutwe II, icyiciro 3.4.

⁶⁷⁹ Reba Umutwe II, ibyiciro 6.5 na 6.7.

⁶⁸⁰ Reba Umutwe II, icyiciro 7.4.

5. Ikirego cya 4- icyaha cyibasiye inyokomuntu (itsembatsemba)**5.1 Inyandiko y'ibirego**

352. Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega Athanase Seromba icyaha cyibasiye inyokomuntu (itsembatsemba) nk'uko giteganywa n'Ingingo ya 3 b) ya Sitati, kubera ko, ku itariki y'itariki ya 7 n'ya 20 Mata 1994 cyangwa kuri ayo matariki, muri Perefegitura ya Kibuye (Rwanda), Seromba yishe cyangwa yicishije abantu mu gihe cy'ubwicanyi bwakozwe mu rwego rw'igitero rusange cyangwa kiri kuri gahunda cyagabwe ku baturage b'abasiviri kubera umutwe wa politiki barimo cyangwa kubera ubwoko bwabo.

5.2 Amategeko akurikizwa

353. Ingingo ya 3 ya Sitati igira iti:

Urukiko Mpuzamahanga Rwashyiriweho u Rwanda rufite ububasha bwo gucira imanza abantu bakoze ibyaha bikurikira, mu gihe byakozwe mu rwego rw'igitero rusange kandi kiri kuri gahunda cyagabwe ku baturage b'abasiviri abo ari bo bose bazira ubwenegihugu bwabo, umutwe wa politiki barimo, ubwoko bwabo cyangwa idini ryabo:

- a) Ubuhotozi;
- b) Itsembatsemba;
- c) Gushyira mu bucakara;
- d) Kumenesha;
- e) Gufunga;
- f) Ibikorwa by'urubozo;
- g) Gusambanya ku gahato;
- h) Gutoteza bishingiye ku mpamvu za politiki, iz'ubwoko n'iz'idini;
- i) Ibindi bikorwa bibi birenze kameremuntu.

354. Ingingo ya 3 ya Sitati yerekeye ibyaha byibasiye inyokomuntu ikubiyemo ingingo rusange ikoresheye ku bikorwa byose biyivugwamo: ikorwa rya kimwe, icyo ari cyo cyose, muri ibyo bikorwa kizafatwa nk'ikigize icyaha cyibasiye inyokomuntu mu gihe cyako-zwe gusa mu rwego rw'igitero rusange cyangwa kiri kuri gahunda cyagabwe ku baturage b'abasiviri bazira ubwenegihugu bwabo, umutwe wa politiki barimo, ubwoko bwabo cyangwa idini ryabo.
355. Inshoza y'igitero, nk'uko yumvikana mu Ngingo ya 3, isobanura igikorwa icyo ari cyo cyose cyangwa ibikorwa binyuranyije n'amategeko, biteye nk'ibirondorwa mu Ngingo ya 3 ya Sitati⁶⁸¹.
356. Icyo gitero kigomba kuba kiri mu rwego rw'ibitero rusange cyangwa biri kuri gahunda⁶⁸². Mu by'ukuri, bimwe mu bigize ikigenderwaho kimwe ubisanga mu bigize ikindi⁶⁸³. Kuba igitero kiri mu rwego rw'ibitero «rusange» bisaba ko kigomba kuba ari karundura, kigabwa kenshi, kigabwa ahantu henshi cyangwa n'abantu benshi bishyize hamwe, kikaba gikaze kandi kikibasira abantu benshi⁶⁸⁴. Kuba kiri kuri «gahunda» bisaba kuba cyarateguwe neza hakurikijwe uburyo bumwe kandi kigashyirwa mu bikorwa hubahirizwa politiki yumvikanyweho ikoresheye uburyo bwinshi, bwaba ubwa Leta cyangwa ubw'abantu ku giti cyabo⁶⁸⁵. Kuba hariho politiki cyangwa umugambi bishobora kugira akamaro ku byerekeranye n'ibimenyetso kuko bishobora gukoreshwa mu kugaragaza ko igitero cyari mu rwego rw'ibitero rusange cyangwa biri kuri gahunda ariko ntibigomba gufatwa ubwabyo nk'ingingo yihariye igize icyaha⁶⁸⁶.

⁶⁸¹ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 327; *Urubanza rwa Musema*, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000, igika 205; *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, igika 70; *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 581.

⁶⁸² *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 579.

⁶⁸³ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 77.

⁶⁸⁴ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 580.

⁶⁸⁵ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 580.

⁶⁸⁶ *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 329.

357. Si ngombwa ko igikorwa cy'ubugome kiba kiri ubwacyo mu rwego rw'ibindi bikorwa rusange cyangwa biri kuri gahunda kuko n'igikorwa kimwe cy'ubwicanyi gishobora kuba icyaha cyibasiye inyokomuntu iyo gikozwe mu rwego rw'igitero rusange cyangwa kiri kuri gahunda⁶⁸⁷.
358. icyo gitero kigomba kugabwa ku baturage b'abasiviri, ni ukuvuga «abantu batari mu mirwano ku buryo butaziguye, harimo n'abasirikare bashyize intwari hasi n'abantu batagishoboye kurwana kubera uburwayi, gukomereka, cyangwa indi mpamvu iyo ari yo yose»⁶⁸⁸. Kuba muri abo baturage harimo abantu bamwe batari abasiviri ntibibavutsa gufatwa nk'abaturage b'abasiviri⁶⁸⁹.
359. Igitero kigabwa ku baturage b'abasiviri kigomba kuba gishingiye ku mpamvu z'ivangura, ni ukuvuga ko kigomba kuba cyarabagabweho bazira «ubwenegihugu bwabo, imitwe ya politiki barimo, ubwoko bwabo cyangwa idini ryabo». Iyo nyito yerekeye ivangura ireba gusa imiterere y'igitero muri rusange, ntireba rero ubushake bwo gukora icyaha bw'uregwa⁶⁹⁰.
360. Hagomba kubaho isano hagati y'igikorwa cy'ubugome n'igitero⁶⁹¹. Yaba ahariye ku bigaragara cyangwa ibyo ashobora kwisengurira, uregwa agomba kuba azi umwuka rusange igitero kigabwamo kandi akaba azi ko ibikorwa bye biri mu bigize icyo gitero rusange cyangwa kiri kuri gahunda cyibasira abaturage b'abasiviri⁶⁹².
361. Mu Nyandiko y'ibirego, Porokireri ashinja Uregwa igikorwa kivugwa mu Ngingo ya 3: «itsembatsemba». Inyito y'itsembatsemba isaba gihamya ko uregwa yitabiriye ubwicanyi bukomeye bwakorewe ahantu henshi cyangwa buri kuri gahunda cyangwa ko yashyize

⁶⁸⁷ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 580; *Urubanza rwa Tadić*, No. IT-94-I, Inyandiko y'urubanza mu rw'iremezo, 7 Gicurasi 1997, igika 649.

⁶⁸⁸ *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 582.

⁶⁸⁹ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 79; *Urubanza rwa Tadić*, No. IT-94-I, Inyandiko y'urubanza mu rw'iremezo, 7 Gicurasi 1997, igika 638.

⁶⁹⁰ *Urubanza rwa Bagilishema*, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001, igika 81; *Urubanza rwa Akayesu*, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998, igika 469; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999, ibika 133-134.

⁶⁹¹ *Urubanza rwa Tadić*, No. IT-94-I, Inyandiko y'urubanza mu bujirire, 15 Nyakanga 1999, igika 271.

⁶⁹² *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 332.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

umubare munini w'abantu, mu rwego rw'igikorwa rusange, mu nzitane z'ubuzima zituma bagomba gupfa nta kabuza⁶⁹³, cyangwa ko yashyize muri izo nzitane umubare runaka w'abantu ariko mu buryo buri kuri gahunda. Itsembatsemba ritandukanye n'ubuhotozi cyangwa ubwicanyi busanzwe kuko rihitana nyine umubare munini w'abantu⁶⁹⁴, ariko nta mubare runaka ugomba gushyika kugira ngo byitwe itsembatsemba⁶⁹⁵. Igitekerezo cyihariye kigize icyaha cy'itsembatsemba kigaragarira mu mugambi wo kwica cyangwa wo kwitabira ubwicanyi⁶⁹⁶.

5.3 Imyanzuro y'Urugereko

362. Ibika 48-50 by'Inyandiko y'ibirego bisobanura mu buryo burambuye ibivugwa ku kirego cy'icyaha cyibasiye inyokomuntu. Urugereko rwamaze kubisuzuma mu byiciro 5, 6 na 7 by'umutwe wa II urebana n'imyanzuro ishingiye ku byabaye.
363. Ku birebana n'igika cya 48 cy'Inyandiko y'ibirego, Urugereko rwanzuye ruvuga ko Porokireri atagaragaje ko Athanase Seromba yaba yarategetse ifungwa ry'inzugi za kiriziya y'i Nyange kugira ngo impunzi z'Abatutsi zipfiremo⁶⁹⁷. Bityo rero, Urugereko ntiru-hamya Seromba icyo gikorwa nka gatozi.

Igikorwa gifatika kigize icyaha (Actus reus) ku birebana n'isenywa rya kiriziya y'i Nyange

364. Ku birebana n'igika cya 49 cy'Inyandiko y'ibirego, Urugereko rwanzuye ruvuga ko Athanase Seromba yagiranye imishyikirano n'abategetsi kandi ko yemeye icyemezo bari bafashe cyo gusenya kiriziya. Rwafashe na none umwanzuro ko Seromba yavuganye n'umushoferi wa tingatinga; mu byo bavuganye, harimo no kumushishikariza gusenya

⁶⁹³ *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 522; *Urubanza rwa Ndingabizi*, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, igika 480.

⁶⁹⁴ *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 516; *Urubanza rwa Ndingabizi*, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, igika 479; *Urubanza rwa Semanza*, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003, igika 340.

⁶⁹⁵ *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 516.

⁶⁹⁶ *Urubanza rwa Ntagerura*, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004, igika 701; *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004, igika 522.

⁶⁹⁷ Reba Umutwe II, icyiciro 6.3.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

kiriziya. Urugereko rwemeje kandi ko Seromba yeretse uwo mushoferi uruhande rwa kiriziya rutaruhije gusenya⁶⁹⁸. Urugereko rwemera ko, mu kwitwara kariya kageni, Seromba yatanze inkunga ikomeye mu isenywa rya kiriziya y'i Nyange.

365. Urugereko rusanga isenywa rya kiriziya ryahitanye impunzi z'Abatutsi⁶⁹⁹ zigera ku 1500 rigize icyaha cy'itsembatsemba nk'uko biteganywa n'Ingingo ya 3 ya Sitati.
366. Rushingiye ku bimaze kuvugwa, Urugereko rusanga, ku birebana n'Uregwa, igikorwa gifatika cyo gufasha no gushishikariza itsembatsemba ryakorewe impunzi z'Abatutsi kuri kiriziya y'i Nyange cyaragaragajwe ku buryo budashidikanywaho.

Igiterekerezo cyihariye cyo gukora icyaha Athanase Seromba yari afite ku birebana n'isenywa rya kiriziya y'i Nyange.

367. Urugereko rusanga kandi nta kuntu Athanase Seromba yari kuyoberwa ko amagambo ye yari gutuma abategetsu ba komini n'umushoferi wa tingatinga bumva ko ibikorwa byabo byemewe. Rusanga na none Seromba yari azi neza ko kwemera icyemezo abategetsu bari bafashe cyo gusenya kiriziya y'i Nyange n'amagambo yavuze ashishikaza umushoferi wa tingatinga, byari gutera inkunga ikomeye isenywa rya kiriziya n'iyicwa ry'impunzi nyinshi zari ziyirimo.
368. Rushingiye ku bimaze kuvugwa, Urugereko rusanga, ku birebana n'Uregwa, igitekerekerezo cyihariye (*mens rea*) cyo gufasha no gushishikariza itsembatsemba ryakorewe impunzi z'Abatutsi kuri kiriziya y'i Nyange cyaragaragajwe ku buryo budashidikanywaho.

Ingingo zigize icyaha cyibasiye inyokomuntu

369. Muri uru rubanza, Urugereko rusanga ibyangombwa bisabwa kugira ngo habeho icyaha cyibasiye inyokomuntu byujijwe. Koko rero, Urugereko rwanzuye ruvuga ko hagaragajwe ko, muri Mata 1994, muri Komini ya Kivumu hagabwe ibitero byibasiye Abatu-

⁶⁹⁸ Reba Umutwe II, icyiciro 7.4.

⁶⁹⁹ Reba Umurwe II, icyiciro 7.5.

- tsi⁷⁰⁰. Igitero cyarangiye basenya kiriziya y'i Nyange ku itariki ya 16 Mata 1994, cyari «mu rwego rusange» kubera ko cyari karundura, kikagabwa n'abantu benshi bishyize hamwe kandi kikibasira abantu benshi. Byongeye kandi, icyo gitero cyari «kiri kuri gahunda» kubera ko imyanzuro ishingiyeye ku byabaye yerekana ko cyateguwe neza hakurikijwe uko ibitero bisanzwe bitegurwa kuva ku igotwa rya kiriziya ku itariki ya 12 Mata 1994 kugera ku isenywa ryayo ku itariki ya 16 Mata 1994 ryabaye nyuma y'uko ibitero, byagabwe ku mpunzi ku itariki ya 14 n'ya 15 Mata 1994, bikajije umurego. Mu gusoza kuri iyi ngingo, Urugereko rusanga icyo gitero cyaribasiye abaturage b'abasiviri b'Abatutsi bari bahungiyeye ku kiriziya y'i Nyange, kubera impamvu z'ivangura.
370. Byongeye kandi, Urugereko rusanga, Uregwa, Athanase Seromba, yari azi ko icyo gitero cyari mu rwego rusange kandi kiri kuri gahunda, akaba yari azi kandi ko cyagabwe kubera impamvu z'ivangura. Rwemera kandi ko yari azi ko icyaha cy'itsembatsemba cyakorewe impunzi z'Abatutsi cyari mu rwego rw'icyo gitero.
371. Kubera iyo mpamvu, Urugereko rusanga haragaragajwe ku buryo budashidikanywaho ko Uregwa, Athanase Seromba, yakoze icyaha cy'itsembatsemba nk'icyaha cyibasiye inyokomuntu kivugwa ku kirego cya 4.

⁷⁰⁰ Reba umutwe II, icyiciro 3.2

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

UMUTWE WA 4: IMIKIRIZE Y'URUBANZA

372. Kubera izo mpamvu zose, ku bwumvikane bw'abacamanza, Urugereko rwemeje ibikurikira:

Ahamwa n'icyaha cya jenocide kivugwa mu kirego cya 1.

Icyaha cyo kuba icyitso cy'abakoze jenocide **kivugwa mu kirego cya 2 nticyakiriwe**.

Ntahamanwa n'icyaha cy'ubwumvikane bugamije gukora jenocide kivugwa mu kirego cya 3.

Ahamwa n'ibyaha byibasiye inyokomuntu (itsembatsemba) bivugwa mu kirego cya 4.

UMUTWE WA 5: IGENABIHANO

1. INTANGIRIRO

373. Kubera ko rwahamije Athanase Seromba icyaha cya jenocide n'icyaha cyibasiye inyokomuntu (itsembatsemba) kubera ko yafashije, akanashishikariza abandi kubikora, Urugereko rugiyeye noneho gusuzuma ikibazo cyo kugena igihano yababwira.
374. Mu myanzuro nsozarubanza ye, Porokireri yasabye Urugereko gukatira Athanase Seromba igihano cy'igifungo cya burundu kuri buri cyaha cyamuhama⁷⁰¹. Mu byo yavuze, Porokireri yatsindagiye ko Urugereko rwagombye kuzirikana uburemere bw'ibyaha n'impanvu zongera ububi bw'icyaha.
375. Mu myanzuro nsozarubanza yabwo, Ubwunganizi ntibwagize icyo buvuga ku gihano. Bwemeje ko, mbere y'ibyabaye ku itariki ya 6 Mata 1994, Uregwa yari akunzwe kandi yubashywe n'abagaturika ba Paruwasi ya Nyange baba Abahutu cyangwa Abatutsi⁷⁰².

2. AMATEGEKO AKURIKIZWA

376. Urugereko rufite ububasha busesuye bwo gukatira igihano abantu rwahamije icyaha rufiteye ububasha bwo kuburanisha⁷⁰³. Urugereko ruributsa ko igihano kiba kigamije gukanyira uwahamwe n'icyaha urumukwiye, guca intege [uwashaka kugikora], kugaya [uwahamwe n'icyaha], kumusubiza mu buzima busanzwe, ubwiyunge bw'abanyagihugu, kurinda umuryango mugari w'abantu no kugarura amahoro.
377. Urugereko rugena igihano rushingiye ku ngingo zikurikira: Ingingo ya 23 ya Sitati n'Ingingo ya 101 y'Amategeko.

⁷⁰¹ Imyanzuro nsozarubanza ya Porokireri, igika 692.

⁷⁰² Imyanzuro nsozarubanza y'Ubwunganizi, urup. 7

⁷⁰³ Reba *Urubanza rwa Ruggu*, Inyandiko y'urubanza mu rw'iremezo, 1 Kamena 2000, igika 52; *Urubanza rwa Kambanda*, No. ICTR-97-23-S, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998, igika 11.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

378. Ingingo ya 23 ya Sitati iteganya ko, mu gukatira umuntu igihano icyo ari cyo cyose, Urugereko rugomba kwifashisha urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda (igika 1), rukanazirikana uburemere bw'icyaha n'ibindi byihariye biranga uwahamwe n'icyaha (igika cya 2). Rushingiye ku ngingo ya 101 B) y'Ama-tegeko, Urugereko rugomba kandi kuzirikana ibikurikira:

- i) Impamvu zongera ububi bw'icyaha;
- ii) Impamvu zoroshya ububi bw'icyaha harimo n'uburyo uregwa yafashije Porokireri mbere cyangwa nyuma y'uko icyaha kimuhama;
- iii) Urutonde rusange rw'ibihano by'igifungo rukurikizwa n'inkiko zo mu Rwanda;
- iv) Igihe uwahamwe n'icyaha yamaze muri gereza afungiwe icyo cyaha ku cyemezo cy'urukiko rw'igihugu iki n'iki (...)

379. Urugereko rusanga kandi rushobora kwifashisha n'ikindi kintu cyose cyatuma rugena igihano gikwiye urebye imiterere yose y'urubanza⁷⁰⁴.

3. IMYANZURO Y'URUGEREKO

3.1 Uburemere bw'ibyaha

380. Urugereko rusanga mu myanzuro nsozarubanza ye, Porokireri yaravuze ko Uregwa, Athanase Seromba, yakoze ibyaha bikomeye⁷⁰⁵. Mu gushyigikira ibyo yemeje, Porokireri yavuze ko Uregwa yakoze ibyaha yabigambiriye⁷⁰⁶ kandi nta gahato ashyizweho⁷⁰⁷.

⁷⁰⁴ Reba *Urubanza rwa Rutaganda*, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999, igika 454.

⁷⁰⁵ Imyanzuro nsozarubanza ya Porokireri, igika 651.

⁷⁰⁶ Imyanzuro nsozarubanza ya Porokireri, ibika 672 (urup. 165).

⁷⁰⁷ Imyanzuro nsozarubanza ya Porokireri, igika 652.

381. Urugereko ruributsa ko uburemere bw'ibyaha buterwa n'ibikorwa uregwa ashinjwa. Ni ukuvuga ko aho guterwa n'uko ibyaha birutanwa, ubwo buremere buterwa n'uburyo bwihariye ibyo byaha byakozwemo⁷⁰⁸.
382. Urugereko rusanga, muri uru rubanza, Porokireri ataragaragaje ku buryo budashidikanywaho ko, Uregwa, Athanase Seromba nka gatozi, yacuze umugambi w'ibyaha byamuhanye cyangwa ko yategetse ko bikorwa. Rusanga kandi atarakoze ibyaha yabigambiriye nk'uko Porokireri abivuga. Mu gusoza kuri iyo ngingo, Urugereko rusanga Uregwa nta gahato yashyizweho ubwo yemeraga ko kiriziya isenywa hakoreshejwe tingatinga. Kubera izo mpamvu, Urugereko rwanzuye ruvuga ko ibyaha bya jenocide n'ibyaha byibasiye inyokomuntu Uregwa, Athanase Seromba, yahamijwe kubera ko yafashije kandi akabishishikariza ababikoze bifite uburemere bwihariye.

3.2 Ibintu byihariye biranga Uregwa

383. Urugereko ruributsa ko, mu byemezo by'inkiko mpuzamahanga zidahoraho, ibintu byihariye biranga uregwa ari ingingo ituma umuntu ahabwa igihano kimukwiriye ku giti cye⁷⁰⁹. Urugereko rusanga kandi ibintu byihariye biranga uregwa bivuga ibintu byose bimwerekeye bishobora gutuma igihano cyongerwa cyangwa kigabanywa.
384. Urugereko rusanga kandi, mu myanzuro nsozarubanza ye, Porokireri yaravuze ko mu bintu byihariye biranga Athanase Seromba, nta kintu na kimwe cyagabanywa uburemere bw'ibyaha ashinjwa.

⁷⁰⁸ *Urubanza rwa Mucic*, Inyandiko y'urubanza mu rw'iremezo, 16 Ugushyingo 1996, igika 1226; *Urubanza rwa Kayishema*, Inyandiko y'urubanza mu bujirire, 1 Kamena 2001, igika 367.

⁷⁰⁹ Ku byerekeye urutonde rw'ibintu bizirikanwa mu gukatira umuntu igihano kimukwiriye ku giti cye, reba: *Urubanza rwa Kambanda*, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998, igika 29; *Urubanza rwa Erdemovic*, Inyandiko y'urubanza mu rw'iremezo, 29 Ugushyingo 1996, igika 44.

385. Urugereko rusanga Uregwa, Athanase Seromba, yarahawe ubupadiri ku itariki ya 18 Nyakanga 1993⁷¹⁰. Urugereko rusanga rero amashuri ye n'uburambe bwe mu mirimo ya kiriziya byari gutuma yumva ko imyitwarire ye, mu gihe cy'ibyabaye, inyuranyije n'ama-tegeko.
386. Urugereko rusanga kandi Uregwa, Athanase Seromba, yarageze kuri kiriziya y'i Nyange mu ntangiriro cyangwa mu mpera z'impeshyi mu 1993⁷¹¹. Rusanga mu gihe cy'ibyabaye muri Mata 1994, yari yungirije Padiri mukuru wa Paruwasi ya Nyange, akaba yaraje kuyobora iyo paruwasi kubera ko nta padiri mukuru uhari⁷¹².

3.3 Impamvu zongera ububi bw'icyaha

387. Mu myanzuro nsozarubanza ye, Porokireri yavuze ko hari impamvu nyinshi zongera ububi bw'icyaha. Porokireri yavuze ko Athanase Seromba yari azwi mu baturage b'i Nyange⁷¹³ kandi ko yagize uruhare rutaziguye mu bwicanyi bw'Abatutsi⁷¹⁴. Yanavuze ko Uregwa yatatiye icyizere abagaturika ba paruwasi ye bari bamufitiye nka padiri⁷¹⁵. Porokireri yanavuze ko ibyaha byakorewe kuri Paruwasi ya Nyange muri Mata 1994 byakoranywe ubugome bukabije kandi mu buryo bwakozaga isoni abahohotewe⁷¹⁶ bababaye cyane mbere yo gupfa⁷¹⁷.

⁷¹⁰ Reba ibaruwa yo ku itariki ya 18 Gicurasi 1993 Umushumba wa Diyosezi ya Nyundo yandikiye Athanase Seromba (D-10).

⁷¹¹ Reba cyane cyane ubuhamya bw'umugabo wiswe CBK: Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 8 (mu muhezo); umutangabuhamya wiswe CBJ: Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, imp. 26-27 (mu ruhame); umutangabuhamya wiswe FE27: Inyandikomvugo y'iburanisha, 23 Werurwe 2006, urup. 11 (mu muhezo).

⁷¹² Reba icyiciro 2.

⁷¹³ Imyanzuro nsozarubanza ya Porokireri, igika 658.

⁷¹⁴ Imyanzuro nsozarubanza ya Porokireri, ibika 665-666.

⁷¹⁵ Imyanzuro nsozarubanza ya Porokireri, ibika 657-671.

⁷¹⁶ Imyanzuro nsozarubanza ya Porokireri, igika 675.

⁷¹⁷ Imyanzuro nsozarubanza ya Porokireri, igika 676.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

388. Urugereko ruributsa ko impamvu zongera ububi bw'icyaha zigomba kugaragazwa ku buryo budashidikanywaho⁷¹⁸. Ikintu runaka ntigishobora gufatwa nk'impamvu yongera ububi bw'icyaha mu gihe icyo kintu ari kimwe mu bigize icyaha cyakozwe⁷¹⁹.
389. Ku byerekeye impamvu zongera ububi bw'icyaha, muri uru rubanza, Urugereko rurasuzuma ibikurukira: imirimo Uregwa yakoraga, gutatira icyizere impunzi z'Abatutsi zari zimufitiye⁷²⁰, ndetse no kuba yarahunze nyuma y'isenywa rya kiriziya.

Imirimo Uregwa yakoraga no gutatira icyizere yari afitiwe

390. Urugereko ruributsa ko Athanase Seromba, padiri w'umugaturika, yari ashinzwe Paruwasi ya Nyange mu gihe cy'ibyabaye bivugwa mu Nyandiko y'ibirego⁷²¹. Uregwa yari azwi kandi yubashywe mu bagaturika ba Paruwasi ya Nyange. Urugereko ruributsa ko hagaragajwe ko Abatutsi benshi bo muri Komini ya Kivumu bahungiye mu kiriziya y'i Nyange bahunga ibitero⁷²². Rufata nk'impamvu yongera ububi bw'icyaha kuba Uregwa nta cyo yashatse gukora kigaragara ngo adatatira icyizere cy'abo bantu bari bazi ko nibahungira kuri Paruwasi ya Nyange bazarokoka. Kubera iyo mpamvu, Urugereko rufata imirimo y'Uregwa no gutatira icyizere yari afitiwe nk'impamvu zongera ububi bw'icyaha.

Kuba Uregwa yarahunze nyuma y'isenywa rya kiriziya

391. Urugereko rusanga nta wuhakana ko Uregwa yakoresheje umwirondoro utari uwe kugira ngo ahungire mu Butaliyani nk'uko bigaragara muri pasiporo yahawe n'abategetsi ba

⁷¹⁸ Inyandiko y'urubanza mu rw'iremezo, igika 693; *Urubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, igika 502.

⁷¹⁹ *Urubanza rwa Blagojevic & Jokic*, Inyandiko y'urubanza mu rw'iremezo, 17 Mutarama 2005, igika 849; *Urubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, igika 508; *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu rw'iremezo, 21 Gashyantare 2003, igika 893.

⁷²⁰ *Urubanza rwa Ndindabahizi*, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004, igika 508; *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu rw'iremezo, 21 Gashyantare 2003, ibika 899-902; *Urubanza rwa Nahimana*, Inyandiko y'urubanza mu rw'iremezo, 3 Ukuboza 2003, igika 1099.

⁷²¹ Reba Umutwe II, icyiciro 2.

⁷²² Reba Umutwe II, icyiciro 3.3.

Zayire b'icyo gihe⁷²³. Ariko Urugereko rusanga abandi bapadiri bari kumwe n'Uregwa kandi na bo bagezweho n'ibyabereye kuri kiriziya y'i Nyange muri Mata 1994, batarahinduye umwirondoro wabo. Byongeye kandi, Urugereko ruributsa ko abo bapadiri, bagumye mu Rwanda, bakurikiranywe n'inkiko bakaza kugirwa abere bose⁷²⁴. Urugereko rusanga rero guhunga kwa Athanase Seromba kwafatwa nk'impamvu nyongeragihano.

3.4 Impamvu zigabanya ububi bw'icyaha

392. Mu myanzuro nsozarubanza ye, Porokireri avuga ko Athanase Seromba nta mpamvu n'imwe nyoroshyagihano afite kubera ko, mu by'ukuri, atishyize mu maboko y'ubutabera «ku bushake bwe» ndetse aho gufatanywa na Porokireri akaba yarabangamiye igice kinini cy'iburanisha rye. Porokireri yongeyeho ko Uregwa atagaragaje na rimwe ko yababajwe n'uruhare rwe mu ikorwa ry'ibyaha ashinjwa. Mu kurangiza kuri iyo ngingo, Porokireri avuga ko nta kimenyetso cyatanzwe kigaragaza imyitwarire myiza y'Uregwa mbere na nyuma yo gukora ibyaha ashinjwa⁷²⁵.
393. Mu myanzuro nsozarubanza yabwo, Ubwunganizi buvuga ko, mbere y'ibyabaye muri Mata 1994, Uregwa yavugwaga neza kandi yari yubashywe n'abagaturika ba Paruwasi ya Nyange, baba Abahutu cyangwa baba Abatutsi⁷²⁶.
394. Urugereko ruributsa ko impamvu nyoroshyagihano zigomba kugaragazwa hashingiwe ku bintu bishoboka kurusha ibindi⁷²⁷. Urugereko ni rwo rufite ububasha busesuye bwo kugena agaciro gahabwa impamvu nyoroshyagihano⁷²⁸. Muri uru rubanza, Urugereko

⁷²³ Reba ibimenyetso gihamya bikurikira: Inyandiko yo muri serivisi ishinze abinjira n'abasoka mu gihugu cy'u Butaliyani ya Athanase Sumba Bura (P-6) na pasiporo yo muri Zayire ya Athanase Sumba Bura (P-7).

⁷²⁴ Reba dosiye z'imanza zo mu Rwanda zashyikirijwe Porokireri.

⁷²⁵ Imyanzuro nsozarubanza ya Porokireri, ibika 682-685.

⁷²⁶ Imyanzuro nsozarubanza y'Ubwunganizi, urup. 7.

⁷²⁷ Nk'urugero, reba *Urubanza rwa Niyitegeka*, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003, igika 488; *Urubanza rwa Ntakirutimana*, Inyandiko y'urubanza mu rw'iremezo, 21 Gashyantare 2003, igika 893.

⁷²⁸ *Urubanza rwa Kambanda*, Inyandiko y'urubanza mu bujirire, 19 Ukwakira 2000, igika 124.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

rurasuzuma ingingo zikurikira: kuba Uregwa yaravugwaga neza mbere y'ibyabaye, kuba yarishyize mu maboko y'ubutabera ku bushake bwe ndetse n'imyaka ye y'amavuko.

Kuba Athanase Seromba yaravugwaga neza mbere y'ibyabaye kuri Paruwasi ya Nyange muri Mata 1994.

395. Abatangabuhamya bashinja n'abashinjura bavuze ko Athanase Seromba yavugwaga neza. Muri abo batangabuhamya, abiswe CBJ⁷²⁹, CBK⁷³⁰, BR1⁷³¹, BZ1⁷³² na BZ4⁷³³ bemeje ko Athanase Seromba nka padiri yari yubashywe n'abaturage. Rushingiye kuri ayo makuru, Urugereko rusanga umuntu yafata icyo kintu nk'impamvu yatuma igihano Uregwa yahabwa kigabanuka.

Kuba Uregwa yarishyize mu maboko y'ubutabera

396. Porokireri avuga ko kuba Athanase Seromba yarishyize mu maboko y'ubutabera bitafatwa nk'impamvu nyoroshyagihano kubera ko, mu by'ukuri, atabikoze ku bushake⁷³⁴. Porokireri avuga ko Uregwa yishyize mu maboko y'ubutabera abonye abategutsi b'u Butaliyani bari hafi kumufata⁷³⁵. Porokireri avuga kandi ko niba koko yarishyize mu maboko y'ubutabera, ibyo ntibikwiye gufatwa nk'impamvu nyoroshyagihano kuko bidahuye n'ingingo ngenderwaho zemejwe mu rubanza rwa *Babić*⁷³⁶.
397. Urugereko rusanga kuba Uregwa yarishyize mu maboko y'ubutabera ku bushake bishobora kumubera impamvu nyoroshyagihano⁷³⁷. Rusanga ibyatumye uregwa runaka

⁷²⁹ Inyandikomvugo y'iburanisha, 12 Ukwakira 2004, urup. 23 (mu muhezo).

⁷³⁰ Inyandikomvugo y'iburanisha, 19 Ukwakira 2004, urup. 46 (mu muhezo).

⁷³¹ Inyandikomvugo y'iburanisha, 25 Ugushyingo 2005, urup. 36 (mu ruhamwe).

⁷³² Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 71 (mu ruhamwe).

⁷³³ Inyandikomvugo y'iburanisha, 2 Ugushyingo 2005, urup. 7 (mu ruhamwe).

⁷³⁴ Imyanzuro nsozarubanza ya Porokireri, ibika 677-683. Inyandikomvugo y'iburanisha, 28 Kamena 2006, urup. 42 (mu ruhamwe).

⁷³⁵ Imyanzuro nsozarubanza ya Porokireri, ibika 682-683.

⁷³⁶ Urubanza rwa *Babić*, Inyandiko y'urubanza mu rw'iremezo, 29 Kamena 2004, ibika 85-86.

⁷³⁷ Urubanza rwa *Serushago*, Inyandiko y'urubanza mu rw'iremezo, 6 Mata 2000, igika 24.

yishyira mu maboko y'ubutabera, uko yayishyizemo n'igihe yayishyiriyemo bigomba gusuzumwa hakurikijwe uko bene icyo kibazo kivugwaho giteye. Bityo rero, Urugereko rusanga, mu rubanza rwa Blaskic, kuba Uregwa yarishyize mu maboko y'ubutabera nyuma yo gutegura imyiregurire ye⁷³⁸, no mu rubanza rwa Simic, kuba Uregwa yarishyize mu maboko y'ubutabera nyuma y'imyaka itatu abandi bari bafite ibibazo bisa n'ibye barabikoze, byagabanyije agaciro kahawe uko kwishyira mu maboko y'ubutabera kwabo⁷³⁹. Rusanga nyamara mu rubanza rwa Babic, kuba Uregwa yarishyize mu maboko y'ubutabera byarafashwe nk'impamvu nyoroshyagihano kubera ko yishyikirije ubutabera «nyuma gato y'iyemezwa ry'Inyandiko y'ibirego»⁷⁴⁰, naho mu rubanza rwa Plavsic, kuba Uregwa yarishyize mu maboko y'Urukiko ku bushake hashize iminsi 20 abonye Inyandiko y'ibirego byafashwe nk'impamvu nyoroshyagihano⁷⁴¹.

398. Muri uru rubanza, Urugereko rusanga Athanase Seromba yarishyize mu maboko y'abayobozi b'Urukiko ku itariki ya 6 Gashyantare 2002, bitabaye ngombwa ko ubutegetsi bw'u Butaliyani bwubahiriza manda yo kumufata⁷⁴². Urugereko rusanga yarishyize mu maboko y'ubutabera ku bushake. Bityo rero, Urugereko rubifata nk'impamvu nyoroshyagihano mu kugena igihano.

⁷³⁸ *Urubanza rwa Blaskic*, Inyandiko y'urubanza mu rw'iremezo, 3 Werurwe 2000, igika 776.

⁷³⁹ *Urubanza rwa Simic*, Inyandiko y'urubanza mu rw'iremezo, 17 Ukwakira 2002, igika 1086.

⁷⁴⁰ *Urubanza rwa Babić*, Inyandiko y'urubanza mu rw'iremezo, 29 Kamena 2004, igika 86.

⁷⁴¹ *Urubanza rwa Plavsic*, Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2003, ibika 82-84.

⁷⁴² *Urubanza rwa Seromba*, icyemezo kirebana n'icyifuzo cya Porokireri gisaba gusaka, gufatira, gufata no kwimura, 3 Nyakanga 2001; *Urubanza rwa Seromba*, itegeko rigamije kubahiriza manda yo gufata no kwimura, 4 Nyakanga 2001; reba ibaruwa ya Minisiteri y'Ubutabera y'u Butaliyani yo ku itariki ya 11 Nyakanga 2001 yandikiwe Gerefiye w'Urukiko Mpanabyaha Mpuzamahanga Rwashyirweho u Rwanda.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Uregwa aracyari muto

399. Urugereko rurazirikana imyaka mike y'Uregwa, Athanase Seromba, wari ufite imyaka 31 mu gihe cy'ibyaye⁷⁴³, n'uko kandi bishoboka kumworohera gusubira mu buzima busanzwe.

3.5 Igena ry'ibihano

Urutonde rusange rw'ibihano by'igifungo rukurikizwa mu Rwanda

400. Urugereko rusanga itegeko ry'u Rwanda ryo ku itariki ya 26 Mutarama 2001⁷⁴⁴ rishyira abantu bakurikiranyweho kuba barafashije kandi bagashishikariza gukora jenocide n'ibyaha byibasiye inyokomuntu mu rwego rwa 1 b): « b. Umuntu wari icyo gihe mu nzego z'ubuyobozi mu rwego rw'igihugu, rw'intara cyangwa rw'akarere, mu mashyamba ya politiki, mu gisirikare, mu madini cyangwa mu mitwe yitwaraga gisirikare, wakoze ibyo byaha cyangwa washishikariye abandi kubikora ».
401. Rusanga kandi u Rwanda, kimwe n'ibindi bihugu byashyize jenocide cyangwa icyaha cyibasiye inyokomuntu mu mategeko agenga ibyo bihugu, rwateganirije ibyo byaha ibihano biremereye kurusha ibindi mu mategeko yarwo ahana ibyaha⁷⁴⁵.

⁷⁴³ Reba ibimenyetso gihamya bikurikira: inyandiko ya Athanase Sumba Bura (P-6) yahawe n'ibiro bishinzwe abinjira n'abasohoka by'igihugu cy'u Butaliyani na pasiporo yo muri Zayire ya Athanase Sumba Bura (P-7) bigaragaza ko Uregwa yavutse mu 1963.

⁷⁴⁴ Ingingo ya 51 y'Itegeko ngenga n° 40/2000 ryo ku itariki ya 26 Mutarama /2001 rishyiraho inkiko Gacaca kandi rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cya jenocide cyangwa ibyaha byibasiye inyokomuntu byakozwe hagati y'itariki ya 1 Ukwakira 1990 n'ya 31 Ukuboza 1994.

⁷⁴⁵ « Abashinjwa bo mu rwego rwa mbere banze kwirega no kwemera icyaha nk'uko biteganywa mu Ngingo ya 56 y'iri tegeko ngenga cyangwa bireze bakanemera icyaha muri ubwo buryo ariko ntibyakirwe, bahanishwa igihano cyo kwicwa cyangwa igifungo cya burundu.

Abashinjwa bo mu rwego rwa mbere bireze bakemera icyaha nk'uko biteganywa mu Ngingo ya 56 y'iri tegeko ngenga, bahanishwa igifungo gihera ku myaka 25 kugeza ku gifungo cya burundu ». Ingingo ya 68 y'Itegeko ngenga n° 40/2000 ryo ku itariki ya 26 Mutarama 2001 rishyiraho inkiko Gacaca kandi rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cya jenocide cyangwa ibyaha byibasiye inyokomuntu byakozwe hagati y'itariki ya mbere Ukwakira 1990 n'ya 31 Ukuboza 1994 ».

402. Urugereko ruributsa ariko ko amategeko y'u Rwanda n'ibihano bitangwa n'inkiko zo mu Rwanda birubera gusa icyitegererezo⁷⁴⁶, bikaba bifatwa gusa nk'imwe mu ngingo rugomba kuzirikana mu kugena igihano⁷⁴⁷. Koko rero, Urukiko rushobora gutanga gusa ibihano by'igifungo gishobora kugera no ku cya burundu, ntirushobora na gato gutanga igihano cy'urupfu gitangwa mu Rwanda⁷⁴⁸.
403. Ikindi kandi, Urugereko rusanga ubufatanyacyaha butaziguye mu byaha byakozwe buhanwa muri rusange kurusha ubufatanyacyaha mu gufasha no gushishikariza gukora ibyo byaha⁷⁴⁹. Bityo rero, igihano cy'igifungo cya burundu gihabwa muri rusange abantu bacuze umugambi wo gukora ibyaha cyangwa bategetse abandi kubikora, mu buryo butaziguye, by'umwihariko abari bafite koko ububasha n'ijambo ku bandi mu gihe ibikorwa bikurikiranywe byakorwaga ndetse n'abandi babikoranye umurava cyangwa ubugome bwihariye⁷⁵⁰.

Ibihano byinshi

404. Hakurikijwe ibiteganywa n'Ingingo ya 101 C) y'Amategeko, Urugereko rufite ububasha busesuye bwo kugena niba ibihano rutanga bigomba kurangizwa kimwe nyuma y'ikindi cyangwa niba bigomba gukomatanyirizwa hamwe⁷⁵¹. Ku birebana n'ibyo, Urugereko ruributsa ko Urugereko rw'Ubujurire rwasanze « nta ngingo n'imwe ya Sitati cyangwa y'Amategeko itegeka mu buryo bweruye Urugereko uru n'uru rwa mbere rw'iremezo gutanga ibihano bitandukanye kuri buri cyaha cyahamye uregwa »⁷⁵². Byongeye kandi, mu rubanza rwa Blaskic, rusanga mu byo rwemejwe, Urugereko rw'Ubujurire rwavuze ibikurikira: « iyo ibyaha uregwa ashinjwa, hatitaweho inyito yabyo, bigize umubumbe

⁷⁴⁶ Ingingo ya 23.1 ya Sitati n'ingingo ya 101 B) iii) y'Amategeko.

⁷⁴⁷ Urubanza rwa Kambanda, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998, igika 23.

⁷⁴⁸ Ku birebana n'ibyo, Urugereko rusanga u Rwanda rushaka gukuraho igihano cy'urupfu.

⁷⁴⁹ Reba Urubanza rwa Semanza, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005, igika 388.

⁷⁵⁰ Urubanza rwa Muhimana, Inyandiko y'urubanza mu rw'iremezo, 28 Mata 2005, ibika 604-616; Urubanza rwa Musema, Inyandiko y'urubanza mu bujurire, 16 Ugushyamba 2001, igika 383.

⁷⁵¹ Urubanza rwa Kambanda, Inyandiko y'urubanza mu bujurire, 19 Ukwakira 2000, igika 102.

⁷⁵² Urubanza rwa Kambanda, Inyandiko y'urubanza mu bujurire, 19 Ukwakira 2000, igika 102.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

umwe rukumbi w'ibikorwa by'ubugome byakorewe mu gihugu runaka kandi mu gihe kizwi, Urugereko rwa Mbere rw'Iremezo, rubishatse, rushobora kugena igihano kimwe rukumbi ku byaha byose byahamye uregwa »⁷⁵³.

Gukuramo igihe uregwa amaze afunze by'agateganyo

405. Uregwa, Athanase Seromba, yishyize mu maboko y'abayobozi b'Urukiko ku itariki ya 6 Gashyantare 2002. Bityo rero, Urugereko ruri buze gukura mu gihe cy'igihano Seromba ari buhabwe icyo amaze afunzwe by'agateganyo, kandi ibyo bikaba hubahirijwe Ingingo ya 101 D) y'Amategeko Agenga Imiburanishirize n'Itangwa ry' Ibimenyetso.

⁷⁵³ Ni kimwe no haruguru, ibika 109-10.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

UMUTWE WA 6: ICYEMEZO CY'URUKIKO

KUBERA IZO MPAMVU ZOSE, Urugereko rwa Mbere rw'Iremezo, mu ruhame, ababuranyi bose bahari kandi mu rwego rwa mbere, hakurikijwe Sitati n'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso;

RUMAZE GUSUZUMA ibimenyetso byose n'ingingo zatanze n'ababuranyi;

RUMAZE GUHAMYA Athanase Seromba icyaha cya jenocide n'icyaha cyiba-siye inyokomuntu (itsembatsemba);

RUKATIYE Athanase Seromba igihano kimwe rukumbi cy'igifungo cy'imyaka 15;

RWEMEJE ko icyo gihano gihita kirangizwa;

RUVUZE ko, hakurikijwe Ingingo ya 101 D) y'amategeko, Athanase Seromba agomba gusonerwa igihe amaze afunzwe by'agateganyo, kibarwa kuva ku itariki ya 6 Gashyantare 2002, itariki yishyize mu maboko y'ubutabera n'ikindi gihe icyo ari cyo cyose cy'inyongera azamara afunzwe ategereje icyemezo cy'Urugereko rw'Ubujurire;

RUVUZE ko, hakurikijwe Ingingo ya 103 y'Amategeko, Athanase Seromba akomeza kuba mu maboko y'Urukiko kugeza igihe hazafatirwa ibyemezo bya ngombwa byo kumwimurira mu gihugu azarangirizamo igihano cye.

Bikorewe Arusha, ku wa gatatu, tariki ya 13 Ukuboza 2006

Kandi bishyizweho umukono na:

Umucamanza Andréia Vaz Umucamanza Karin Hökberg Umucamanza Gustave G. Kam
(Perezida)

UMUGEREKA I: AMAVU N'AMAVUKO Y'IMIBURANISHIRIZE**1. Igihe mbanzirizarubanza**

1. Inyandiko y'ibirego yakorewe Athanase Seromba yatanzwe na Porokireri ku itariki ya 8 Kamena 2001, yemezwa ku itariki ya 3 Nyakanga 2001 n'Umucamanza Lloyd Williams, haseguriwe ikosorwa ry'amakosa y'ikibonezamvugo⁷⁵⁴ n'arebana n'imyandikire. Nyuma y'aho Porokireri abisabiye, umucamanza wemeje Inyandiko y'ibirego yategetse kandi kudatagariza rubanda, itangazamakuru n'ukekwaho icyaha amazina y'abatangabuhamya n'abakekwaho icyaha bavugwa mu nyandiko zishyigikira Inyandiko y'ibirego n'andi makuru ashobora gutuma bamenyekana.
2. Ku itariki ya 4 Nyakanga 2001, Umucamanza Llod Williams yatanze manda yo gufata Uregwa⁷⁵⁵. Ku itariki ya 10 Nyakanga 2001, yubahiriza itegeko ryo kwimura ryatanzwe n'uwo mucamanza, Gerefiye w'Urukiko yamenyesheje Minisiteri y'Ubutabera y'u Butaliyani manda yo gufata Uregwa, n'Inyandiko y'ibirego yamukorewe.
3. Ku itariki ya 6 Gashyantare 2002, Uregwa yishyize mu maboko y'abayobozi b'Urukiko maze arafungwa. Uregwa yitabye Urukiko bwa mbere haburanisha umucamanza Navanethem Pillay ku itariki ya 8 Gashyantare 2002 maze ahakana ibyaha byose yaregwaga⁷⁵⁶. Ku itariki ya 12 Gashyantare 2002, Porokireri yasabye Uregwa gutangira kubonana na we.
4. Ku itariki ya 14 Gicurasi 2002, Porokireri yatanze icyifuzo gisaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya.

⁷⁵⁴Urubanza rwa Seromba, icyemezo ku cyifuzo cya Porokireri gisaba gusaka, gufatira, gufata no kwimura, 4 Nyakanga 2001 (Umucamanza Lloyd G. Williams yasabye Porokireri gukosora ibika 2, 5, 8, 11, 17, 19, 25, 28, 32, 33, 35, 38, 39, 40, 43, 48 n'ikirego cya 4 cy'Inyandiko y'ibirego).

⁷⁵⁵Urubanza rwa Seromba, manda yo gufata n'itegeko ryo kwimura, 4 Nyakanga 2001.

⁷⁵⁶Inyandikomvugo y'iburanisha, 8 Gashyantare 2002, urup.16 (mu ruhame).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

5. Mu cyifuzo yashyikirije Perezida w'Urukiko ku itariki ya 3 Kamena 2002, Porokireri yasabye Perezida w'Urukiko kwemerera Urugereko rwa Mbere rw'Iremezo kuburanisha urubanza ahandi hatari ku cyicaro cy'Urukiko, rukaburanishiriza Uregwa mu Rwanda⁷⁵⁷. Ku itariki ya 20 Kamena 2002, umucamanza Navanethem Pillay yafashe icyemezo gisubika igisubizo kuri icyo cyifuzo kugeza igihe Gerefiye azagenera Uregwa umwunganira⁷⁵⁸.
6. Ku itariki ya 10 Nzeri 2002, Porokireri yongeye mu cyifuzo cye ibindi bintu birebana n'ingamba zo kurinda umutekano w'abatangabuhamya.
7. Ku itariki ya 3 Werurwe 2003, Gerefiye yashyizeho Me Alfred Pognon nk'umwunganizi mukuru w'Uregwa.
8. Ku itariki ya 17 Mata 2003, mu ibaruwa Porokireri yandikiye Ubwunganizi, yasabye Uregwa gusuzuma ibimenyetso.
9. Ku itariki ya 2 Gicurasi 2003, Ubwunganizi bwatanze icyifuzo gisaba gutesha agaciro Inyandiko y'ibirego kubera ko kuba Porokireri atarabajije ukekwa icyaha mbere yo kumurega ku mugaragaro ari inenge y'imiburanishirize ituma Inyandiko y'ibirego iteshwa agaciro.
10. Ku itariki ya 30 Kamena 2003, Umucamanza Erik Møse yemeye icyifuzo cyatanzwe na Porokireri kirebana no kurinda umutekano w'abatangabuhamya n'uw'abahohotewe ariko amutegeka kumenyekanisha ubuhamya bwanditse bw'abagabo butarimo ibintu bimwe bisibye mu minsi 21 mbere y'uko urubanza rusubukurwa⁷⁵⁹.

⁷⁵⁷ *Urubanza rwa Seromba*, Ibiro bya Porokireri, icyifuzo cya Porokireri gisaba kuburanishiriza urubanza mu Rwanda, 3 Kamena 2002.

⁷⁵⁸ *Urubanza rwa Seromba*, inyandiko Umucamanza Navanethem Pillay yandikiye Porokireri Carla Del Ponte, 20 Kamena 2002 (*Interoffice Memorandum from Judge Navanethem Pillay to Prosecutor Carla Del Ponte*).

⁷⁵⁹ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cya Porokireri gisaba gufata ingamba zo kurindira umutekano abahohotewe n'abatangabuhamya, 30 Kamena 2003.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

11. Ku itariki ya 8 Mutarama 2004, Porokireri yaretse icyifuzo cye cyasabaga kuburanishiriza urubanza mu Rwanda⁷⁶⁰.
12. Ku itariki ya 13 Mutarama 2004, Urugereko rwa Mbere rw'Iremezo, rugizwe n'Umucamanza Erik Mose, rwanze kwakira icyifuzo cy'Ubwunganizi cyo gutesha agaciro Inyandiko y'ibirego⁷⁶¹, rwemeza ko Sitati cyangwa Amategeko bidategeka Porokireri kubaza ukekwa icyaha mbere yo kumukorera Inyandiko y'ibirego.
13. Inama itegura urubanza kugira ngo irebe aho imirimo itegura urubanza igeze na yo yabaye ku itariki ya 13 Mutarama 2004. Urugereko rwasabye Porokireri gushyikiriza Urukiko imyanzuro mbanzirizarubanza⁷⁶². Ubwunganizi bwavuze ko, muri Nzeri 2004, ari ho buzaba bumaze kwitegura kuburana⁷⁶³.
14. Ku itariki ya 14 Mutarama 2004, Umucamanza Erik Mose yemereye Porokireri kureka gukurikirana icyifuzo cye kirebana n'iburanishiriza ry'urubanza mu Rwanda⁷⁶⁴.
15. Ku itariki ya 20 Mutarama 2004, Porokireri yashyikirije Urukiko inyandiko ya mbere y'imyazuro ye mbanzirizarubanza.
16. Ku itariki ya 20 Kanama 2004, Porokireri yamenyesheje Ubwunganizi ilisiti y'ibimenyetso gihamya.
17. Ku itariki ya 27 Kanama 2004, Porokireri yatanze inyandiko ya nyuma y'imyanzuro mbanzirizarubanza. Ibimenyetso gihamya byashyikirijwe Urukiko ku itariki ya 30 Kanama 2004. Iyahinduwe mu myanzuro mbanzirizarubanza byatanzwe ku itariki ya 7 Nzeri 2004. Ku itariki ya 15 Nzeri 2004, ibindi bimenyetso gihamya byaratanzwe; uwo

⁷⁶⁰ *Urubanza rwa Seromba*, Ibiro bya Porokireri, icyifuzo cya Porokireri gisaba kureka icyifuzo cye cyo kuburanishiriza urubanza mu Rwanda, 8 Mutarama 2004 (*Request by the Prosecutor to withdraw motion for trial in Rwanda*).

⁷⁶¹ *Urubanza rwa Seromba*, icyemezo ku byifuzo byatanzwe n'Ubwunganizi birebana no gutesha agaciro cyangwa kuvanaho inyandiko y'ibirego, 13 Mutarama 2004.

⁷⁶² Inyandikomvugo y'iburanisha, 13 Mutarama 2004, urup.21 (mu muhezo).

⁷⁶³ Ni kimwe no haruguru, urup.26 (mu muhezo).

⁷⁶⁴ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cya Porokireri gisaba kureka icyifuzo cye cyo kuburanishiriza urubanza mu Rwanda, 14 Mutarama 2004.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

munsi kandi hanatanzwe gahunda y'uko abatangabuhamya ba Porokireri bazajya bakurikirana bitaba urukiko.

18. Inama mbanzizarubanza yabaye ku itariki ya 20 Nzeri 2004. Urugereko rwasanze Uregwa atitabiriye iyo nama⁷⁶⁵. Porokireri yavuze ko yujuje neza inshingano ze zibanziriza urubanza, nko kumenyesha inyandiko Ubwunganizi⁷⁶⁶. Ubwunganizi kwasabye ko Porokireri yabushyikiriza ubuhamya bwanditse bw'abagabo bavugwa mu byemezo by'inkiko z'u Rwanda yashyikirije Urukiko⁷⁶⁷.

2. Iburanisha ry'urubanza

19. Urubanza rwatangiye kuburanishwa ku itariki ya 20 Nzeri 2004. Uregwa yari umwe mu baregwa bakurikiranywe n'Urukiko bigaragambije maze ntiyitaba urukiko mu minsi itatu ya mbere y'iburanisha. Abunganira Uregwa, Me Pognon na Me Monthé, bavuze ko uwo bunganira yabasabye kutamuhagararira muri icyo gihe cy'imyigara-gambyo⁷⁶⁸. Urugereko rwavuze ko amabwiriza yatanzwe n'Uregwa atashoboraga gufatwa nk'aho ahagaritse manda Ubwunganizi bwahawe yo kumuhagararira maze rubatega gukomeza kumuhagararira igihe cyose azakomeza kwanga kurwitaba⁷⁶⁹. Bamaze kuvuga ko badashobora guhagararira Uregwa atabibemereye, Abunganizi basohotse mu rukiko maze bituma Urugereko rusubika imirimo ya rwo kugeza ku itariki ya 27 Nzeri, itariki abo Bunganizi bavuze ko bazagarukiraho.
20. Mu ibaruwa yo ku itariki ya 24 Nzeri 2004 n'iyo ku itariki ya 27 Nzeri 2004, Abunganizi, Uregwa n'Ishyirahamwe ry'Abavoka b'Ubwunganizi (ADAD) basabye Urugereko kwi-subiraho maze rugahindura icyemezo rwari rwafashe mu magambo cyo ku itariki ya 21

⁷⁶⁵ Inyandikomvugo y'iburanisha, 20 Nzeri 2004, inama mbanzizarubanza, urup. 2 (mu ruhame).

⁷⁶⁶ Ni kimwe no haruguru, imp.3-4 (mu ruhame).

⁷⁶⁷ Ni kimwe no haruguru, urup. 8 (mu ruhame).

⁷⁶⁸ Inyandikomvugo y'iburanisha, 20 Nzeri 2004, Urubanza, urup.2 (mu ruhame); *Urubanza rwa Seromba*, inyandikomvugo z'iburanisha, 21 Nzeri 2004, urup.1 (mu ruhame).

⁷⁶⁹ Inyandikomvugo y'iburanisha, 21 Nzeri 2004, urup.3 (mu ruhame).

Nzeri 2004. Bari bifujije guhamagarwa mu rubanza nk'inshuti z'Urukiko (*Amicus curiae*). Urugereko rwanze kwakira icyo cyifuzo cya mbere kubera ko icyemezo cyo kwihanangiriza Abunganira Uregwa cyafashwe ku itariki ya 21 Nzeri 2004 kitari mu rwego rw'ibihano birebana n'akazi⁷⁷⁰ kandi ko cyari gifite ishingiro mu rwego rw'ama-tegeko kubera ko cyari mu bubasha kamere bwarwo bwo kuyobora no kugenzura imigendekere y'impaka mu gihe cy'iburanisha, bityo kikaba kitagomba kunengwa na gato n'ubwo haba hari impamvu zihariye⁷⁷¹. Ku birebana n'icyifuzo cyatanze na ADAD, Urugereko rwafashe icyemezo cyo kutayemerera guhamagarwa nk'inshuti y'Urukiko kubera ko rwasanze imyanzuro yatanze itarabyutsaga ikibazo⁷⁷² cyagira icyo kirwungura mu iburanisha ry'uru rubanza.

21. Urugereko rwumvise ubuhamya bw'abagabo 15 bashinja, 12 kuva ku itariki ya 27 Nzeri 2004 kugeza ku ya 22 Ukwakira 2004 na 3 kuva ku itariki ya 19 Mutarama kugeza ku ya 25 Mutarama 2005, itariki Porokireri yarangirijeho gutanga ibimenyetso bishinja.
22. Ku itariki ya 20 Mutarama 2005, Ubwunganizi bwatanze icyifuzo cyo gusaba ko hafatwa ingamba zo kurinda umutekano w'abatangabuhamya.
23. Inama itegura urubanza yabaye ku itariki ya 25 Mutarama 2005. Urugereko rwasabye Ubwunganizi gutanga vuba na bwangu ilisiti y'abatangabuhamya bashinjura kandi rutegeka gusubika urubanza, rukazasubukurwa ku itariki ya 1 Werurwe 2005⁷⁷³.
24. Ku itariki ya 31 Mutarama 2005, Urugereko rwafashe icyemezo cyo kurinda umutekano w'abatangabuhamya bashinjura, runategeka Ubwunganizi kumenyekanisha ubuhamya

⁷⁷⁰Urubanza rwa Seromba, icyemezo ku byifuzo byo kvanaho igihano no guhamagazwa nk'inshuti y'Urukiko (*Amicus curiae*), 22 Ukwakira 2004, igika 14.

⁷⁷¹Ni kimwe no haruguru, igika 18.

⁷⁷²Ni kimwe no haruguru, igika 21.

⁷⁷³Inyandikomvugo y'iburanisha, 25 Mutarama 2004, inama itegura urubanza, urup.13 (mu ruhamwe).

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- bwanditse bw'abagabo butarimo ibintu bisibye mu minsi 21 mbere y'uko urubanza rusubukurwa⁷⁷⁴.
25. Ku itariki ya 9 Gashyantare 2005, Ubwunganizi bwatanze icyifuzo gisaba kongererwa igihe cyo kumenyekanisha ubuhamya bwanditse bw'abagabo butarimo ibintu bisibye ndetse no ku itariki ya 17 Gashyantare 2005, rutanga ikindi cyifuzo kirebana n'ibimaze kuvugwa. Ku itariki ya 1 Werurwe 2005, Urugereko rwategetse Ubwunganizi gutanga, bitarenze itariki ya 14 Werurwe 2005, imyanzuro mbanzirizarubanza yabwo, ilisiti yuzuye kandi isobanuye neza y'abatangabuhamya buteganya guhamagaza, incamake y'ibyabaye n'igihe buri buhamya⁷⁷⁵ bushobora kumara. Urugereko rwasubitse urubanza kugeza ku itariki ya 4 Mata 2005 Ubwunganizi bwari gutangiraho ibimenyetso bishinjura⁷⁷⁶.
 26. Ku itariki ya 11 Werurwe 2005, Ubwunganizi bwatanze ikindi cyifuzo cyo kongererwa igihe. Mu nama itegura urubanza yo ku itariki ya 5 Mata 2005, Urugereko rwongeye gusubika urubanza kugeza ku itariki ya 10 Gicurasi 2005 kandi rutegeka Ubwunganizi gutanga imyanzuro mbanzirizarubanza yabwo, incamake n'ubuhamya bwanditse bw'abagabo mu gihe gitegetswe kugira ngo urubanza ruzashobore gusubukurwa ku itariki ya 10 Gicurasi 2005⁷⁷⁷.
 27. Ku itariki ya 9 Mata 2005, Uregwa yandikiye ibaruwa umwunganizi we mukuru, Me Pognon, amubwira ko atagishaka ko amuhagararira kubera ko atakimwizewe.

⁷⁷⁴ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cyo gisaba gufata ingamba zo kurinda umutekano w'abatangabuhamya bashinjura, 31 Mutarama 2005.

⁷⁷⁵ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi ku birebana n'igihe, 1 Werurwe 2005, igika 21.

⁷⁷⁶ Ni kimwe no haruguru, igika 20.

⁷⁷⁷ Inyandikomvugo y'iburanisha, 5 Mata 2005, Inama itegura urubanza, urup.19.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

28. Ku itariki ya 13 Mata 2005, Urugereko rwategetse Ubwunganizi kumenyesha Porokireri ubuhamya bwanditse bw'abagabo bashinjura butarimo ibintu bisibye bitarenze iminsi 21 mbere y'uko urubanza rusubukurwa⁷⁷⁸.
29. Ku itariki ya 15 Mata 2005, Uregwa yandikiye Gerefiye amusaba ko Avoka we mukuru, Me Pognon, areka kumuhagararira. Ku itariki ya 18 Mata 2005, Me Pognon yemeye kutongera guhagararira Uregwa, ahita yikura muri dosiye.
30. Ku itariki ya 19 Mata 2005, mbere yo gutanga ibimenyetso bishinjura, Ubwunganizi bwatanze impinamyanzuro yo mu ikubitiro ariko ntibwubahiriza ibyemezo by'Urugereko birebana no kumenyekanisha ubuhamya bwanditse bw'abagabo bashinjura butarimo ibintu bisibye.
31. Ku itariki ya 10 Gicurasi 2005, kubera ko Me Pognon atari agihagarariye Uregwa kandi Me Monthé akaba atari ahari, Urugereko rwafashe icyemezo cyo gusubika urubanza, rukazasubukurwa mu gihe kitazwi (*sine die*)⁷⁷⁹.
32. Ku itariki ya 19 Gicurasi 2005, Urugereko rwategetse Gerefiye gusubiza bitarenze itariki ya 27 Gicurasi icyifuzo cy'Uregwa yashyikirijwe ku itariki ya 15 Mata 2005 kirebana n'igenwa ry'umwunganizi⁷⁸⁰ mushya. Ku itariki ya 20 Gicurasi 2005, Gerefiye yakuyeho umwunganizi mukuru⁷⁸¹ w'Uregwa maze ku itariki ya 8 Kamena 2005, ashiraho Me Monté nk'umwunganizi mukuru.
33. Ku itariki ya 23 Kamena 2005, Ubwunganizi bwashyikirije icyifuzo gisaba kureka impinamyanzuro yo mu ikubitiro yari yatanzwe n'Avoka mukuru wahoze yunganira Uregwa.

⁷⁷⁸ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cya Porokireri ku birebana no kumenyekanisha ubuhamya bwanditse bw'abagabo bashinjura, 13 Mata 2005.

⁷⁷⁹ Inyandikomvugo y'iburanisha, 10 Gicurasi 2005, urup.22 (mu ruhamwe).

⁷⁸⁰ *Urubanza rwa Seromba*, Itegeko, 19 Gicurasi 2005, urup.19.

⁷⁸¹ *Urubanza rwa Seromba*, Gerefiye, icyemezo cyo gukuraho Me Alfred Pognon, wunganiraga Athanase Seromba, 20 Gicurasi 2005.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

34. Mu nama itegura urubanza yo ku itariki ya 24 Kamena 2005, Urugereko rwemeye icyifuzo cy'Ubwunganizi cyo gusubika urubanza maze rutegeka ko ruzasubukurwa ku itariki ya 31 Ukwakira 2005⁷⁸².
35. Mu cyemezo rwafashe ku itariki ya 7 Nyakanga 2005⁷⁸³, Urugereko rwemereye Ubwunganizi gutanga impinamyanzuro yo mu ikubitiro nshya mbere y'itangwa ry'ibimenyetso bishinjura kandi ruvuga ko icyifuzo cy'Ubwunganizi cyo kureka impinamyanzuro ya mbere yo ku itariki ya 19 Mata 2005 nta cyo kikimaze. Urugereko rwemereye kandi Porokireri gusuzuma ibimenyetso gihamya Ubwunganizi bwateganyaga kwiya mbaza, byibuze mu minsi 21 mbere y'itangwa ry'ibimenyetso bishinjura. Urugereko rwategetse Ubwunganizi kumenyesha Porokireri impinamyanzuro yo mu ikubitiro nshya n'ubuhamya bwanditse bw'abagabo butarimo ibintu bisibye, mu minsi 21 mbere y'itariki y'isubukurwa ry'urubanza n'ubuhamya bwanditse bw'abagabo bashinjura burimo ibintu bisibye nibura mu minsi 60 y'isubukurwa ry'urubanza naho ubutarimo ibintu bisibye bw'abo bagabo bugatangwa nibura mu minsi 21 mbere y'iryo subukurwa.
36. Ku itariki ya 10 Ukwakira 2005, Ubwunganizi bwatanze imyanzuro mishya mbanzizirubanza, buza no gutanga ku itariki ya 19 Ukwakira 2005 ibyo bwari bwahinduye muri iyo myanzuro. Ku itariki ya 25 n'ya 27 Ukwakira 2005, bwashyikirije urukiko ubuhamya bwanditse bw'abagabo bashinjura ariko butarimo umwirondoro wabo. Ku itariki ya 28 Ukwakira 2005, bwatanze gahunda igaragaza uko abatangabuhamya bashinjura bazajya bakurikirana bitaba Urukiko ariko itarimo umwirondoro wabo.
37. Ku itariki ya 31 Ukwakira 2005, Ubwunganizi bwatangiye gutanga ibimenyetso bishinjura.

⁷⁸² Inyandikomvugo y'iburanisha, 24 Kamena 2005, inama itegura urubanza, urup. 8.

⁷⁸³ Urubanza rwa Seromba, icyemezo kirebana no gushyiraho itariki yo gusubukura urubanza, 7 Nyakanga 2005.

38. Ku itariki ya 16 Ukuboza 2005, Urugereko rwafashe ibyemezo bitanu: icyemezo cyo gusubukura urubanza ku itariki ya 13 Gashyantare 2006⁷⁸⁴; icyemezo gitegeka kwimurira Arusha abatangabuhamya bafunzwe⁷⁸⁵; icyemezo gitegeka gutangira iperereza rirebana no kwisubiraho k'umutangabuhamya wiswe FE36⁷⁸⁶; icyemezo gitegeka gukora iperereza ku cyifuzo cyo gufata ingamba zo kurindira umutekano igihe kirekire abatangabuhamya biswe FE36, FE35 na CF14⁷⁸⁷; icyemezo gitegeka Porokireri kumenyesha Ubwunganizi umwirondoro w'abatangabuhamya bamwe atagihamagaje n'aho babaririzwa abinyujije mu Gashami gashinzwe gufasha abatangabuhamya n'abaho-hotewe; icyo cyemezo cyemereraga kandi Ubwunganizi kubonana na bamwe muri abo batangabuhamya⁷⁸⁸.
39. Mu nyandiko yo ku itariki ya 7 Gashyantare 2006, Perezida w'Urukiko yigije inyuma itariki yo gusubukura urubanza maze arushyira ku itariki ya 23 Werurwe 2006.
40. Ku itariki ya 7 Werurwe 2006, Ubwunganizi bwatanze icyifuzo gisaba kongera abatanga-buhamya biswe PS1 na PS2 ku rutonde rw'abatangabuhamya bashinjura no kudahamagaza abagabo biswe CF3 na FE25.
41. Ku itariki ya 23 Werurwe 2006, Ubwunganizi bwasubukuye koko itangwa ry'ibimenyetso bishinjura.

⁷⁸⁴ *Urubanza rwa Seromba*, icyemezo gitegeka gusubukura urubanza ku itariki ya 13 Gashyantare 2006, 16 Ukuboza 2005.

⁷⁸⁵ *Urubanza rwa Seromba*, itegeko ku cyifuzo cy'Ubwunganizi gisaba kwimura abatangabuhamya bafunzwe, 16 Ukuboza 2005.

⁷⁸⁶ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi gisaba gutegeka iperereza ku kuntu umutangabuhamya wiswe FE36 yisubiyeho no ku mpamvu yatumye abikora, 16 Ukuboza 2005.

⁷⁸⁷ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi gisaba gufata ingamba z'igihe kirekire zo kurinda umutekano w'abatangabuhamya bashinjura biswe CF14, FE35 na FE36, 16 Ukuboza 2005.

⁷⁸⁸ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi gisaba gutangaza umwirondoro w'abatanga-buhamya bashinja n'aho babarizwa biswe CAN, CNY, CBW, CNV, CBX, CNP, CNE, CNI, CNO bakuwe ku rutonde rwa nyuma rwa Porokireri no kwemererwa kubonana na bo, 16 Ukuboza 2005.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

42. Ku itariki ya 24 Werurwe 2006, Urugereko rwemeye icyifuzo cyo kongera abagabo biswe PS1 na PS2 ku rutonde rw'abatangabuhamya bashinjura⁷⁸⁹.
43. Ku itariki ya 29 Werurwe 2006, Urugereko rwemeye icyifuzo cya Porokireri cyo gusura ahantu hakorewe ibyaha mu Rwanda⁷⁹⁰. Kuva ku itariki 8 kugeza ku ya 11 Mata 2006, Urugereko, Ubwunganizi, Porokireri na Gerefye basuye ahantu hakorewe ibyaha muri Kivumu, mu Rwanda.
44. Ku itariki ya 12 Mata 2006, Ubwunganizi bwakuye abatangabuhamya biswe CF4 na CF13 ku rutonde rw'abatangabuhamya bashinjura kandi buhindura uko abatangabuhamya biswe PA1, PS1, PS2 hamwe n'Uregwa bazakurikirana bitaba urukiko. Kuri iyo tariki kandi, Urugereko rwafashe icyemezo cyo gusubika urubanza kugeza ku itariki ya 18 Mata 2006⁷⁹¹.
45. Ku itariki ya 18 Mata 2006, Ubwunganizi bwakuye umutangabuhamya PS1 ku rutonde rw'abatangabuhamya bashinjura kandi buvuga ko umutangabuhamya wiswe PS2 ataza-shobora kuza Arusha gutanga ubuhamya mbere ya Gicurasi 2006⁷⁹².
46. Ku itariki ya 20 Mata 2006, Urugereko rwemeye icyifuzo cy'Ubwunganizi cyasabaga ko umugabo wiswe PS2 yatanga ubuhamya bwe hifashishijwe uburyo bw'ikoranabuhanga ry'amajwi n'amashusho [vidéoconférence]⁷⁹³.
47. Ku itariki ya 21 Mata 2006, Urugereko rwategetse Uregwa gutanga ubuhamya bwe ku itariki ya 24 Mata 2006⁷⁹⁴ kandi rwemerera ababuranyi kohereza ababahagararira muri Afurika y'Epfo kubera ubuhamya bw'umugabo wiswe PS2 bwagombaga gutangwa

⁷⁸⁹ Inyandikomvugo y'iburanisha, 24 Werurwe 2006, urup. 39 (mu ruhame).

⁷⁹⁰ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cya Porokireri gisaba gusura ahantu hakorewe ibyaha mu Rwanda, 29 Werurwe 2006.

⁷⁹¹ Inyandikomvugo y'iburanisha, 12 Mata 2006, imp. 55-57 (mu ruhame).

⁷⁹² Inyandikomvugo y'iburanisha, 18 Mata 2006, urup. 1 (mu ruhame).

⁷⁹³ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi gisaba kumva ubuhamya bw'umugabo wiswe PS2 hifashishijwe ikoranabuhanga ry'amajwi n'amashusho (vidéoconference), 20 Mata 2006.

⁷⁹⁴ Inyandikomvugo y'iburanisha, 21 Mata 2006, urup.1 (mu muhezo).

hifashishijwe uburyo bw'ikoranabuhanga ry'amajwi n'amashusho butuma abantu bavugana barebana kandi batari hamwe [vidéoconférence]⁷⁹⁵.

48. Ku itariki ya 24 Mata 2006, Ubwunganizi bwavuze ko Uregwa adashobora gutanga ubuhamya bwe mbere y'ubw'umugabo wiswe PS2 nuko busaba Urugereko guhindura icyemezo cyarwo cyafashwe mu magambo ku itariki ya 21 Mata 2006⁷⁹⁶. Urugereko ntirwakiriye icyo cyifuzo kubera ko rwabonaga ko icyemezo cyarwo cyo ku itariki ya 21 Mata 2006 kitanyuranyaga n'ibiteganywa n'Ingingo ya 20 ya Sitati cyangwa n'ibiteganywa n'Ingingo ya 85 y'Amategako kandi ko rutigeze ruhatira Uregwa gutanga ubuhamya bwe atabishaka, ko rwahinduranyije gusa imyanya yo kwitaba urukiko ya PS2 n'Uregwa kugira ngo rwubahirize itariki yo gupfundikira itangwa ry'ibimenyetso bishinjura⁷⁹⁷. Urugereko ntirwakiriye na none icyifuzo cy'Ubwunganizi cyo kujuririra icyo cyemezo⁷⁹⁸.
49. Ubwunganizi bwashyikirije Biro y'abacamanza icyifuzo cyo kwihana Urugereko. Ku itariki ya 25 Mata 2006, Biro ntiyakiriye icyo cyifuzo⁷⁹⁹.
50. Urubanza rwasubukuwe ku itariki ya 26 Mata 2006. Ubwunganizi bwagaragaje ko bujuririje icyemezo cya Biro nuko busaba ko urubanza rwaba rusubitswe mu gihe bugitegereje icyemezo cy'Urugereko rw'Ubujurire⁸⁰⁰. Urugereko ntirwakiriye icyo cyifuzo⁸⁰¹. Ubwunganizi bumaze kwanga kubaza umutangabuhamya wiswe PS2, Urugereko rwavuze ko ubwo rero bwivukije kubaza uwo mutangabuhamya⁸⁰² nuko rusubika

⁷⁹⁵ Ni kimwe no haruguru, urup. 42 (mu muhezo).

⁷⁹⁶ Inyandikomvugo y'iburanisha, 24 Mata 2006, imp. 1- 2 (mu ruhame).

⁷⁹⁷ Ni kimwe no haruguru, imp.6-7 (mu ruhame).

⁷⁹⁸ Ni kimwe no haruguru, urup.7 (mu ruhame).

⁷⁹⁹ Urubanza rwa Seromba, icyemezo ku cyifuzo gisaba kwihana abacamanza (*Decision on Motion for Disqualification of Judges*), 25 Mata 2006.

⁸⁰⁰ Inyandikomvugo y'iburanisha, 26 Mata 2006, urup. 4 (mu ruhame).

⁸⁰¹ Ni kimwe no haruguru, urup. 7 (mu ruhame).

⁸⁰² Ni kimwe no haruguru, urup. 8(mu ruhame)

imirimo yarwo, rushyira iburanisha bukeye bw'aho kugira ngo Uregwa azashobore kwitaba urukiko⁸⁰³.

51. Ku itariki ya 27 Mata 2006, Ubwunganizi bwavuze ko Uregwa yafashe icyemezo cyo kutitaba urukiko kugeza igihe Urugereko rw'Ubujurire ruzatangira icyemezo cyarwo ku bujurire ku cyemezo cya Biro y'Urukiko ku birebana no kwihana Urugereko⁸⁰⁴. Urugereko rwanzuye ruvuga ko Ubwunganizi bwivukije uburenganzira bwabwo bwo kubaza Uregwa, ko rero, kubera ko nta bandi batangabuhamya basigaye, itangwa ry'ibimenyetso bishinjura rirangiye. Urugereko rwategetse Porokireri gutanga imyanzuro ye nsozarubanza bitarenze itariki ya 26 Gicurasi 2006 naho Ubwunganizi bugatanga iyabwo bitarenze itariki ya 16 Kamena 2006. Rwanategetse kandi ababuranyi bombi gutanga imyanzuro yabo ya nyuma mu magambo ku itariki ya 27 Kamena 2006⁸⁰⁵.
52. Ku itariki ya 22 Gicurasi 2006, Urugereko rw'Ubujurire rwanze kwakira ubujurire bw'Ubwunganizi ku cyemezo cya Biro y'Urukiko ku cyifuzo cyo kwihana Urugereko⁸⁰⁶.
53. Ku itariki ya 5 Kamena 2006, Ubwunganizi bwatanze icyifuzo cyo kongererwa igihe cyo gutanga imyanzuro nsozarubanza, bukayitanga ku itariki ya 22 Kamena 2006. Urugereko rwemeye icyo cyifuzo ku itariki ya 8 Kamena 2006⁸⁰⁷.
54. Porokireri yatanze imyanzuro nsozarubanza ye ku itariki ya 26 Gicurasi 2006, Ubwunganizi na bwo buyitanga ku itariki ya 22 Kamena 2006. Ubwunganizi bwanatanze inyandiko ikosora iyo myanzuro yabwo ku itariki ya 26 Kamena 2006.
55. Ababuranyi bombi batanze imyanzuro yabo ya nyuma mu magambo ku itariki ya 27 n'ya 28 Kamena 2006.

⁸⁰³ Ni kimwe no haruguru, urup. 20 (mu ruhamwe)

⁸⁰⁴ Inyandikomvugo y'iburanisha, 27 Mata 2006, urup. 3 (mu ruhamwe)

⁸⁰⁵ Ni kimwe no haruguru, urup.5 (mu ruhamwe).

⁸⁰⁶ *Urubanza rwa Seromba*, icyemezo ku bujurire bwerekeranye n'icyemezo Biro yafashe ku cyifuzo cy'ingoboka (*Decision on Interlocutory Appeal of a Bureau Decision*), 22 Gicurasi 2006.

⁸⁰⁷ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cy'Ubwunganizi cyo kwigizayo itariki yo gutanga imyanzuro yabwo ya nyuma, 8 Kamena 2006.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

56. Ku itariki ya 28 Kamena 2006, Urugereko rwemeye icyifuzo cya Porokireri cyarusabaga kutakira inyandiko ikosora imyanzuro nsozarubanza y'Ubwunganizi kandi rutegeka ko ivanwa mu nyandiko zigize dosiye y'imiburanishirize⁸⁰⁸.

⁸⁰⁸ *Urubanza rwa Seromba*, icyemezo ku cyifuzo cyihutirwa cyane cya Porokireri gisaba ko inyandiko ikosora imyanzuro nsozarubanza y'Ubwunganizi itakwagirwa (impamvu z'icyemezo cyafashwe mu magambo ku itariki ya 27 Kamena 2006), 28 Kamena 2006.

UMUGEREKA II: LISITI Y'INYANDIKO ZIFASHISHIJE N'IMPINAMAGAMBO

A. Lisiti y'imanza

Mu magambo arambuye

Urubanza Porokireri aburana n'Akayesu, No. TPIR-96-4, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998.

Urubanza Porokireri aburana na Babić, No. IT-03-72-S, Inyandiko y'urubanza mu rw'iremezo, 29 Kamena 2004.

Urubanza Porokireri aburana na Bagilishema, No. TPIR-95-1, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena, 2001.

Urubanza Porokireri aburana na Blagojevic na Jokic, No. IT-02-60-T, Inyandiko y'urubanza mu rw'iremezo, 17 Mutarama 2005.

Urubanza Porokireri aburana na Blaskic, No. IT-95-14, Inyandiko y'urubanza mu rw'iremezo, 3 Werurwe 2000.

Urubanza Porokireri aburana na Erdemovic, No. IT-96-22, Inyandiko y'urubanza mu rw'iremezo, 29 Ugushyingo 1996.

Urubanza Porokireri aburana na Kambanda, No. TPIR-97-23-S, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998.

Urubanza Porokireri aburana na

Mu magambo ahinnye

Urubanza rwa Akayesu, Inyandiko y'urubanza mu rw'iremezo, 2 Nzeri 1998.

Urubanza rwa Babić, Inyandiko y'urubanza mu rw'iremezo, 29 Kamena 2004.

Urubanza rwa Bagilishema, Inyandiko y'urubanza mu rw'iremezo, 7 Kamena 2001.

Urubanza rwa Blagojevic na Jokic, Inyandiko y'urubanza mu rw'iremezo, 17 Mutarama 2005.

Urubanza rwa Blaskic, Inyandiko y'urubanza mu rw'iremezo, 3 Werurwe 2000.

Urubanza rwa Erdemovic, Inyandiko y'urubanza mu rw'iremezo, 29 Ugushyingo 1996.

Urubanza rwa Kambanda, Inyandiko y'urubanza mu rw'iremezo, 4 Nzeri 1998.

Urubanza rwa Kambanda, Inyandiko

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

<i>Kambanda</i> , No. TPIR-97-23-S, Inyandiko y'urubanza mu bujurire, 19 Ukwakira 2000.	y'urubanza mu bujurire, 19 Ukwakira 2000.
<i>Urubanza Porokireri aburana na Kayishema</i> , No. TPIR-95-1, Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999.	<i>Urubanza rwa Kayishema</i> , Inyandiko y'urubanza mu rw'iremezo, 21 Gicurasi 1999.
<i>Urubanza Porokireri aburana na Kayishema</i> , No. TPIR-95-1-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001.	<i>Urubanza rwa Kayishema</i> , Inyandiko y'urubanza mu bujurire, 1 Kamena 2001.
<i>Urubanza Porokireri aburana na Kordić</i> , No IT-95-14/2, Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2004.	<i>Urubanza rwa Kordić</i> , Inyandiko y'urubanza mu bujurire, 17 Ukuboza 2001.
<i>Urubanza Porokireri aburana na Krnojelac</i> , No. IT-97-25, Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002.	<i>Urubanza rwa Krnojelac</i> , Inyandiko y'urubanza mu rw'iremezo, 15 Werurwe 2002.
<i>Urubanza Porokireri aburana na Krnojelac</i> , No. IT-97-25, Inyandiko y'urubanza mu bujurire, 17 Nzeri 2003.	<i>Urubanza rwa Krnojelac</i> , Inyandiko y'urubanza mu bujurire, 17 Nzeri 2003.
<i>Urubanza Porokireri aburana na Krstić</i> , No. IT-98-33, Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001.	<i>Urubanza rwa Krstić</i> , Inyandiko y'urubanza mu rw'iremezo, 2 Kanama 2001.
<i>Urubanza Porokireri aburana na Mucic</i> , No. IT-96-21, Inyandiko y'urubanza mu rw'iremezo, 16 Ugushyingo 1996.	<i>Urubanza rwa Mucic</i> , Inyandiko y'urubanza mu rw'iremezo, 16 Ugushyingo 1996.
<i>Urubanza Porokireri aburana na Muhimana</i> , No. TPIR-95-1, Inyandiko y'urubanza mu rw'iremezo, 28 Mata 2005.	<i>Urubanza rwa Muhimana</i> , Inyandiko y'urubanza mu rw'iremezo, 28 Mata 2005.
<i>Urubanza Porokireri aburana na Musema</i> , No. TPIR-96-13, Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000.	<i>Urubanza rwa Musema</i> , Inyandiko y'urubanza mu rw'iremezo, 27 Mutarama 2000.
<i>Urubanza Porokireri aburana na Musema</i> , No. TPIR-96-13-T, Inyandiko y'urubanza	<i>Urubanza rwa Musema</i> , Inyandiko y'urubanza mu bujurire, 16 Novembre

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

mu bujurire, 16 Ugushyingo 2001.	2001.
<i>Urubanza Porokireri aburana na Nahimana</i> , No. TPIR-99-52-T, Inyandiko y'urubanza mu rw'iremezo, 3 Ukuboza 2003.	<i>Urubanza rwa Nahimana</i> , Inyandiko y'urubanza mu rw'iremezo, 3 Ukuboza 2003.
<i>Urubanza Porokireri aburana na Ndindabahizi</i> , No. TPIR-2001-71-T, Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004.	<i>Urubanza rwa Ndindabahizi</i> , Inyandiko y'urubanza mu rw'iremezo, 15 Nyakanga 2004.
<i>Urubanza Porokireri aburana na Niyitegeka</i> , No. TPIR-96-14, Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003.	<i>Urubanza rwa Niyitegeka</i> , Inyandiko y'urubanza mu rw'iremezo, 16 Gicurasi 2003.
<i>Urubanza Porokireri aburana na Ntagerura</i> , No. TPIR-99-46-T, Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004.	<i>Urubanza rwa Ntagerura</i> , Inyandiko y'urubanza mu rw'iremezo, 25 Gashyantare 2004.
<i>Urubanza Porokireri aburana na Ntagerura</i> , No. TPIR-99-46-T, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006.	<i>Urubanza rwa Ntagerura</i> , Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006.
<i>Urubanza Porokireri aburana na Plavsic</i> , No. IT-00-39, Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2003.	<i>Urubanza rwa Plavsic</i> , Inyandiko y'urubanza mu rw'iremezo, 27 Gashyantare 2003.
<i>Urubanza Porokireri aburana na Ruggiu</i> , No. TPIR-97-32-I, Inyandiko y'urubanza mu rw'iremezo, 1 Kamena 2000.	<i>Urubanza rwa Ruggiu</i> , Inyandiko y'urubanza mu rw'iremezo, 1 Kamena 2000.
<i>Urubanza Porokireri aburana na Rutaganda</i> , No. TPIR-96-3, Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999.	<i>Urubanza rwa Rutaganda</i> , Inyandiko y'urubanza mu rw'iremezo, 6 Ukuboza 1999.
<i>Urubanza Porokireri aburana na Semanza</i> , No. TPIR-97-20-T, Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003.	<i>Urubanza rwa Semanza</i> , Inyandiko y'urubanza mu rw'iremezo, 15 Gicurasi 2003.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Urubanza Porokireri aburana na Semanza, No. TPIR-97-20-T, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005.

Urubanza rwa Semanza, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005.

Urubanza Porokireri aburana na Serushago, No. TPIR-98-39-A, Inyandiko y'urubanza mu rw'iremezo, 6 Mata 2000.

Urubanza rwa Serushago, Inyandiko y'urubanza mu rw'iremezo, 6 Mata 2000.

Urubanza Porokireri aburana na Simba, No. TPIR-01-76, Inyandiko y'urubanza mu rw'iremezo, 13 Ukuboza 2005.

Urubanza rwa Simba, Inyandiko y'urubanza mu rw'iremezo 13 Ukuboza 2005.

Urubanza Porokireri aburana na Simic, No. IT-95-9/2-S, Inyandiko y'urubanza mu rw'iremezo, 17 Ukwakira 2002.

Urubanza Simic, Inyandiko y'urubanza mu rw'iremezo, 17 Ukwakira 2002.

Urubanza Porokireri aburana na Tadić, No. IT-94-1, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999.

Urubanza rwa Tadić, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999.

B. Lisiti y'ibyemezo

Mu magambo arambuye

Urubanza Porokireri aburana na Bagosora na bagenzi be mu rw'iremezo, icyemezo mu rw'iremezo ku cyifuzo kirebana n'ibivugwa ko umutangabuhamya yashyizweho iterabwoba (*Decision on Motion Concerning Alleged Witness Intimidation*), 28 Ukuboza 2004.

Mu magambo ahinnye

Urubanza rwa Bagosora, icyemezo mu rw'iremezo ku cyifuzo kirebana n'ibivugwa ko umutangabuhamya yashyizweho iterabwoba (*Decision on Motion Concerning Alleged Witness Intimidation*), 28 Ukuboza 2004.

Urubanza Porokireri aburana na Karemera na bagenzi be, No. TPIR-98-44-AR73(C), icyemezo ku bujurire bwa Porokireri ku cyemezo cyafashwe ku byerekeranye n'ibitagomba kugibwaho impaka n'ababuranyi, 16 Kamena 2006.

Urubanza rwa Karemera, icyemezo ku bujurire bwa Porokireri ku cyemezo cyafashwe ku byerekeranye n'ibitagomba kugibwaho impaka n'ababuranyi, 16 Kamena 2006.

Urubanza Porokireri aburana na Kupreškic, No. IT-95-16, icyemezo mu rw'iremezo ku birebana n'ibimenyetso ku mico y'Uregwa no ku myiregurire ya «tu

Urubanza rwa Kupreškic, icyemezo mu rw'iremezo ku birebana n'ibimenyetso ku mico y'Uregwa no ku myiregurire ya «tu quoque» (ishingiye ku kuvuga ko urundi

CIII06-0132K

Byahinduwe mu kinyarwanda, byemezwa na TPIR/SSL

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

quoque» (ishingiye ku kuvuga ko urundi ruhande rwakoze bimwe n'ibyo bakurega), 17 Gashyantare 1999.

Urubanza Porokireri aburana na Seromba, No. TPIR-2001-66-1, icyemezo ku cyifuzo cya Porokireri gisaba gusaka, gufatira, gufata no kwimura, 3 Nyakanga 2001.

Urubanza Porokireri aburana na Seromba, No. TPIR-2001-66-I, itegeko ryafashwe kugira ngo hubahirizwe manda yo gufata no kwimura, 4 Nyakanga 2001.

Urubanza Porokireri aburana na Seromba, No. TPIR-2001-66-I, icyemezo ku cyifuzo cy'Ubwunganizi gisaba gutegeka gukora iperereza ku birebana n'ukuntu umutangabuhamya wiswe FE36 yisubiyeho n'impamvu nyazo zabimuteye, 20 Mata 2006.

ruhande rwakoze bimwe n'ibyo bakurega), 17 Gashyantare 1999.

Urubanza rwa Seromba, icyemezo ku cyifuzo cya Porokireri gisaba gusaka, gufatira, gufata no kwimura, 3 Nyakanga 2001.

Urubanza rwa Seromba, itegeko ryafashwe kugira ngo hubahirizwe manda yo gufata no kwimura, 4 Nyakanga 2001.

Urubanza rwa Seromba, icyemezo ku cyifuzo cy'Ubwunganizi gisaba gutegeka gukora iperereza ku birebana n'ukuntu umutangabuhamya wiswe FE36 yisubiyeho n'impamvu nyazo zabimuteye, 20 Mata 2006.

C. Lisiti y'amategeko yo mu Rwanda

- Itegekoteka ryo ku itariki ya 12 Gashyantare 1975, Igazeti ya Repubulika y'u Rwanda, 1975.
- Itegeko ngenga n° 40/2000 ryo ku itariki ya 26 Mutarama 2001 rishyiraho inkiko gacaca kandi rigena imitunganyirize y'ikurikirana ry'ibyaha bigize icyaha cya jenocide cyangwa ibyaha byibasiye inyokomuntu, byakozwe hagati y'itariki ya 1 Ukwakira 1990 n'iya 31 Ukuboza 1994.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

D. Indi nyandiko

Raporo ya Komisiyo y'amategeko mpuzamahanga y'Inama rusange ku birebana n'imirimo y'inama yayo ya 48, 6 Gicurasi - 26 Nyakanga 1996, Inyandiko zemewe z'Inama rusange, inyongera n° 10, urup. 90, (A/51/10) (1996).

E. Lisiti y'impinamagambo

Mu magambo arambuye

Ishyirahamwe ry'Abavoka b'Ubwunganizi

Urugereko rwa Mbere rw'Iremezo III

Inama Ishinzwe Amahoro ku Isi

y'Umuryango w'Abibumbye

Umuryango w'Abibumbye

Amategeko Agenga Imiburanishirize

n'Itangwa ry'Ibimenyetso

Sitati y'Urukiko Mpanabyaha Mpuzamahanga

Rwashyiriweho u Rwanda

Urukiko Mpanabyaha Mpuzamahanga

Rwashyiriweho u Rwanda

Mu magambo ahinnye

ADAD

Urugereko

Inama Ishinzwe Amahoro ku Isi

LONI

Amategeko

Sitati

Urukiko

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

UMUGEREKA III: INYANDIKO Y'IBIREGO



Umuryango
w'Abibumye

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Ikinyarwanda

Umwimerere: Icyongereza

POROKIRERI

aburana na:

ATHANASE SEROMBA

Urubanza N° ICTR-2001-66-I

INYANDIKO Y'IBIREGO

- I.** Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda, ashingiye ku bubasha ahabwa n'Ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda (« Sitati y'Urukiko »), ararega:

Athanase SEROMBA

CIII06-0132K

Byahinduwe mu kinyarwanda, byemezwa na TPIR/SSL

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

JENOSIDE, cyangwa KUBA ICYITSO CY'ABAKOZE JENOSIDE (jenocide iramutse itamuhanye), **UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE, N'ITSEMBATSEMBA NK'IBYAHA BYIBASIYE INYOKOMUNTU**, hashingiwe ku ngingo ya 2 n'ya 3 za Sitati y'Urukiko, nk'uko bisobanurwa hano hasi.

II. UREGWA

Padiri **Athanase Seromba** yavukiye muri Komini ya Rutsiro, Perefegitura ya Kibuye, mu Rwanda. Yari padiri muri Paruwasi Gatorika y'i Nyange, muri Segiteri ya Nyange, Komini ya Kivumu, Perefegitura ya Kibuye.

III. INCAMAKE Y'IBYABAYE N'IBYAHA UREGWA ASHINJWA

Ikirego cya mbere: JENOSIDE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Athanase Seromba icyaha cya Jenocide**, ashingiye ku Ngingo ya 2 (3) (a) ya Sitati, kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo amatariki, muri Komini ya Kivumu, Perefegitura ya Kibuye, mu Rwanda, Athanase Seromba aryoze kwica cyangwa gutera ububabare buzahaza umubiri cyangwa mu mutwe abantu bo mu bwoko bw'Abatutsi hagamijwe gutsemba abagize ubwo bwoko bose cyangwa igice cyabo;

Hashingiwe ku ngingo ya 6 (1) ya Sitati: Kubera ibikorwa bifatika by'uregwa, kuko yacuze umugambi w'icyaha ashinjwa, akawuhamagarira abandi, akabatega kugikora, akagikora cyangwa ku bundi buryo ubwo ari bwo bwose, akabashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba.

Cyangwa icyo cyaha cyaramuka kitamuhanye,

Ikirego cya 2: KUBA ICYITSO CY'ABAKOZE JENOSIDE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Athanase Seromba kuba icyitso cy'abakoze jenocide**, ashingiye ku Ngingo ya 2 (3) (e) ya Sitati, kubera ko, hagati y'itariki ya 6 Mata 1994 n'ya 20 Mata 1994 cyangwa kuri ayo amatariki, muri Komini ya Kivumu, Perefegitura ya Kibuye mu Rwanda, **Athanase Seromba** yabaye icyitso cy'abishe abaturage bo mu bwoko bw'Abatutsi cyangwa cy'ababateje ububabare buzahaza umubiri cyangwa mu mutwe, hagamijwe kurimbura abagize ubwo bwoko bose cyangwa igice cyabo.

Hashingiwe ku ngingo ya 6 (1) ya Sitati: Kubera ibikorwa by'uregwa, kuko yacuze umugambi w'icyaha ashinjwa, akawuhamagarira abandi, akabatega kugikora akagikora, akabafasha kandi akabashishikariza kugicurira umugambi, kugitegura no kugitsotsoba.

Incamake y'ibyabaye ku birebana n'ikirego cya mbere n'icya kabiri

1. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, buri Munyarwanda kavukire yabarirwaga muri bumwe mu bwoko bukurikira: Abatutsi, Abahutu, n'Abatwa.
2. Kivumu ni imwe mu makomini ya Perefegitura ya Kibuye, Repubulika y'u Rwanda. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, iyo komini yari ituwe ahanini n'Abahutu babarirwaga mu bihumbi mirongo itanu (50000) naho Abatutsi ari ibihumbi bitandatu gusa (6000).
3. Paruwasi ya Nyange yari yubatse muri Segiteri ya Nyange, Komini ya Kivumu, Perefegitura ya Kibuye. Kiriziya y'i Nyange yashoboraga kwakira abantu 1.500.
4. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, **Padiri Athanase Seromba** niwe wari ushinze Paruwasi ya Nyange.
5. Mu gihe ibivugwa muri iyi Nyandiko y'ibirego byabaga, **Padiri Athanase Seromba** wari ushinze Paruwasi ya Nyange, Grégoire Ndahimana wari Burugumesitiri wa Komini ya

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- Kivumu, Fulgence Kayishema wari umugenzacyaha muri Komini ya Kivumu n'abandi bantu Porokireri atazi, bateguye kandi bashyira mu bikorwa umugambi wo gutsemba abaturage bo mu bwoko bw'Abatutsi.
6. Nyuma y'urupfu rwa Perezida w'u Rwanda ku itariki ya 6 Mata 1994, hatangiye kugabwa ibitero ku Batutsi muri Komini ya Kivumu byahitanye abasiviri b'Abatutsi barimo Grégoire Ndakubana, Martin Karakezi na Thomas Mwendezi.
 7. Kubera ibitero byabagabwagaho, Abatutsi bo mu masegiteri anyuranye ya Komini ya Kivumu bavuye mu ngo zabo bahungira mu mazu y'ubutegetsu no muri za kiriziya zirimo n'ya Nyange. Burugumesitiri n'abaporisi ba Komine bakusanyije impunzi zivuye mu masegiteri anyuranye ya Komini ya Kivumu hanyuma babajyana kuri Paruwasi ya Nyange.
 8. **Athanase Seromba** yabajije ibibazo impunzi zari zagejejwe kuri Paruwasi amakuru yerekeranye n'impunzi zitari zahagera, maze yandika amazina y'impunzi zaburaga, lisiti yazo ayishyikiriza Burugumesitiri Grégoire Ndahimana kugira ngo zishakishwe zizanwe kuri Paruwasi.
 9. Hashingiwe kuri iyo lisiti, Umututsi witwa Alexis Karake, umugore we n'abana be (barenga batandatu) bavanywe muri Serire ya Gakoma bazanwa ku Kiriziya y'i Nyange.
 10. Ku itariki ya 10 Mata 1994 cyangwa hafi yayo, habaye inama zikomeye kuri Paruwasi ya Nyange no ku biro bya komini. **Athanase Seromba**, Fulgence Kayishema, Gaspard Kanyarukiga n'abandi bantu Porokireri atamenye bagiye muri izo nama.
 11. Muri izo nama, hafashwe icyemezo cyo gusaba Perefegitura ya Kibuye abajandarume, no gukusanyiriza kuri Kiriziya y'i Nyange abasiviri b'Abatutsi bose bo muri Komini ya Kivumu kugira ngo batsembatsembwe.
 12. Guhera hafi y'itariki ya 12 Mata 1994, impunzi zafunzwe n'abajandarume zigotwa n'abantu bitwaraga gisirikare n'Interahamwe zitwaje intwari gakondo, n'iza gisirikare zitari iza kimbuzi. **Padiri Athanase Seromba** yabujije impunzi gushaka ibiryo kandi

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

- ategeka abajandarume kurasa *Inyenzi* yose (bishatse kuvuga Umututsi) yagerageza gushaka ibiryo mu gipadiri cyangwa mu rutoke rwa Paruwasi. Yanze kubasomera misa avuga ko adashobora gusomera misa *Inyenzi*.
13. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yirukanye kuri Paruwasi abakozi bane b'Abatutsi (Alex, Félécien, Gasore na Patrice). Yabahatiye kuva kuri Paruwasi ubwo Interahamwe n'abantu bitwaraga gisirikare bari batangiye kugaba igitero ku bantu bari bahungiye kuri Paruwasi.
 14. **Padiri Athanase Seromba** yari azi ko kwirukana abo bakozi byashoboraga kubaviramo kwicwa. Koko kandi, umwe gusa muri bo (Patrice) ni we washoboye kugaruka kuri Paruwasi yakomeretse bikomeye, ariko ibyo ntibyabujije **Athanase Seromba** kumubuza kwinjira mu Kiriziya. Yishwe n'Interahamwe n'abantu bitwaraga gisirikare
 15. Ku itariki ya 13 Mata 1994 cyangwa hafi yayo, Interahamwe n'abantu bitwaraga gisirikare bagose Paruwasi maze bagaba igitero ku mpunzi zari imbere mu kiriziya. Izo mpunzi zirwanyeho zisohora mu kiriziya abagabye igitero, maze zirabatsimbura zibageza ahantu hitwa « Ku Ishusho ya Bikira Mariya ». Abagabye igitero bateye gerenade kuri za mpunzi hapfamo nyinshi cyane. Abarokotse bahise bagerageza gusubira ku Kiriziya, ariko **Padiri Athanase Seromba** yategetse ko imiryango yose ifungwa, bityo impunzi nyinshi (zibarirwa muri 30) zihetzwa hanze kugira ngo zicwe.
 16. Ku itariki ya 14 Mata 1994 cyangwa hafi yayo, nyuma ya saa sita, **Padiri Seromba** yakoranye inama na Fulgence Kayishema na Gaspard Kanyarukiga mu biro bye byo kuri Paruwasi. Nyuma yaho gato, Fulgence Kayishema yagiye gushaka lisansi ari mu modoka ya Komini ya Kivumu. Iyo lisansi yakoreshejwe n'Interahamwe n'abantu bitwaraga gisirikare mu gutwika kiriziya, mu gihe abajandarume n'abaporisi ba Komini barimo batera amagerenade.
 17. Kuri uwo munsu na none, **Athanase Seromba** yayoboye inama yabereye mu biro bye byo kuri Paruwasi, yari irimo Fulgence Kayishema, Grégoire Ndahimana, Gaspard

- Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina. Iyo nama ikirangira, impunzi zasabye ko zarindirwa umutekano ariko Burugumesitiri Grégoire Ndahimana azisubiza ko *Inyenzi* ari zo nyirabayazana y'iyo ntambara kubera ko zishe Perezida.
18. Ku itariki ya 15 Mata cyangwa hafi yayo, otobisi yari itwaye umupadiri witwa Kayirangwa hamwe n'Interahamwe zitwaje intwaro yageze kuri Paruwasi ya Nyange ivuye kuri Perefegitura ya Kibuye. Nyuma yaho gato, **Padiri Seromba** yakoranye inama na Padiri Kayirangwa, Fulgence Kayishema, Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina.
 19. Nyuma y'iyo nama, **Padiri Athanase Seromba** yategetse Interahamwe n'abantu bitwaraga gisirikare kugaba ibitero ku Batutsi kugira ngo babice, bahereye ku bize. Kubera ayo mategeko ye, Interahamwe, abantu bitwaraga gisirikare, abajandarume n'abaporisi ba Komini, bitwaje intwaro gakondo n'imbunda, bagabye igitero cyahitanye impunzi nyinshi.
 20. Ku itariki ya 15 Mata cyangwa hafi yayo, nyuma ya saa sita, ibitero byagabwaga ku bantu bari bahungiye ku kiriziya byarushijeho gukara. Interahamwe n'abantu bitwaraga gisirikare bagabye igitero bitwaje intwaro gakondo maze bamisha lisansi ku gisenge cya Kiriziya, mu gihe abajandarume n'abaporisi ba Komine bariho batera amagerenade kandi bica impunzi.
 21. Muri ibyo bitero, **Padiri Seromba** yashyikirije abajandarume umwarimu w'Umututsi witwaga Gatare wari wahungiye ku kiriziya maze yicirwa aho ako kanya. Icyo gikorwa cyashishikaje abagabaga ibitero kandi kibatera akanyabugabo.
 22. Mu gihe cy'ibyo bitero na none, impunzi zavuye mu kiriziya zijya mu gipadiri. **Padiri Seromba** yahasanze izo mpunzi maze amenyesha abajandarume aho zari zihishe. Ako kanya nyuma yaho, izo mpunzi zagabweho igitero ziricwa. Mu bishwe harimo abagore babiri b'Abatutsikazi (Alexia na Meriam).

23. Impunzi nyinshi ziciwe muri ibyo bitero. Abakozi batatu ba Sosiyete Astaldi (Mitima, Maurice na Flanbeau) bakoresheje tingatinga kugira ngo bakureho imirambo y'abishwe yari yuzuye kiriziya. Fulgence Kayishema yasabwe gushaka abandi bashoferi babiri kugira ngo ako kazi karangire. Umwe muri bo witwaga Evarist Rwamasirabo wanze kwifatanya n'abandi muri ako kazi yahise yicwa.
24. Hagati aho, Interahamwe, abantu bitwaraga gisirakare, abajandarume n'abaporisi ba komini bakomeje kugaba ibitero kuri izo mpunzi zari mu kiriziya ariko ntibashoboye kuzica zose.
25. Ubwicanyi bwakozwe mu bitero bivugwa haruguru bwari buhagarikiwe na **Athanase Seromba**, Grégoire Ndahimana, Fulgence Kayishema, Téléphore Ndungutse, umucamanza Joseph Habiyaambere, Védaste Mupenda wari wungirije Burugumesitiri, n'abandi bantu Porokireri atashoboye kumenya amazina.
26. Imirambo y'abiciwe mu kiriziya imaze kuvanwamo, Védaste Mupenda yategetse umushoferi (Athanase bahimba 2000) gusenya iyo Kiriziya. Uwo mushoferi yarabyanze avuga ko kiriziya ari inzu y'Imana.
27. Ako kanya nyuma yaho, Védaste Mupende, Fulgence Kayishema na Grégoire Ndahimana basabye **Athanase Seromba** kugira icyo akora, ni bwo yaje ateguka Athanase bahimba 2000 gusenya Kiriziya, avuga ngo Abahutu ni benshi bashobora kubaka indi.
28. Athanase yakoresheje tingatinga asenya kiriziya maze igisenge gihanukira ku mpunzi z'Abatutsi zarengaga 2000 zari mu kiriziya. Abake bashoboye kurokoka batewe n'Interahamwe zishishikajwe no kubahorahoza
29. Ku itariki ya 16 Mata 1994 cyangwa hafi yayo, nyuma y'isenywa rya kiriziya, abategetsi bakoze inama kuri Paruwasi. Nyuma yaho gato, Padiri Seromba yategetse Interahamwe gukuraho « umwanda ». Imirambo y'abishwe yahambwe mu byobo rusange.

30. Akazi ko guhamba imirambo mu byobo rusange kafashe nk'iminsi ibiri gahagarikiwe na **Athanase Seromba**, Fulgence Kayishema, Grégoire Ndahimana n'abandi bantu Porokireri atashoboye kumenya amazina.
31. Kiriziya imaze gusenywa, Abatutsi bo muri Komini ya Kivumu bari batsembwe hafi ya bose, ku buryo mu kwezi kwa Nyakanga 1994, nta Mututsi n'umwe uzwi wari ukirangwa muri iyo komini.
32. Mbere yo kuva mu Rwanda, **Athanase Seromba** yanyereje umutungo wose wa Paruwasi, urimo n'imodoka.

Ikirego cya 3: UBWUMVIKANE BUGAMIJE GUKORA JENOSIDE

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Athanase Seromba** *ubwumvikane bugamije gukora jenocide*, ashingiye ku ngingo ya 2 (3)(b) ya *Sitati*, kubera ko hagati y'itariki ya 6 n'ya 20 Mata 1994 cyangwa kuri ayo amatariki, muri Komini ya Kivumu, Perefegitura ya Kibuye mu Rwanda, **Padiri Athanase Seromba** wari ushinze Paruwasi ya Nyange, yagiranye ubwumvikane na Grégoire Ndahimana wari Burugumesitiri wa Komini ya Kivumu, Fulgence Kayishema wari umugenzacyaha muri Komini ya Kivumu, Télesphore Ndungutse, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina, bugamije kwica abaturage bo mu bwoko bw'Abatutsi cyangwa kubateza ububabare buzahaza umubiri cyangwa mu mutwe, hagambiriwe kurimbura abantu bose bo muri ubwo bwoko cyangwa igice cyabo;

Hashingiye ku ngingo ya 6 (1) ya Sitati: Kubera ibikorwa bifatika by'uregwa mu gucura umugambi wo gukora icyaha ashinjwa, mu guhamagarira abandi kugikora, mu kubatega kugikora, mu kugikora cyangwa ku bundi buryo ubwo ari bwo bwose, mu gufasha no gushishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba.

33. **Padiri Athanase Seromba**, Grégoire Ndahimana, Fulgence Kayishema, Téléphore Ndungutse na Gaspard Kanyarukiga bagiranye ubwumvikane bwo kwica abantu bo mu bwoko bw'Abatutsi, kandi bacuze umugambi uhuriweho ugamije gutsemba Abatutsi muri Komini ya Kivumu.
34. Bakunze gukorera amanama kuri Paruwasi ya Nyange no ku biro bya komini hagati y'itariki ya 6 n'ya 20 Mata 1994. Muri izo nama, bumvikanye ku ngamba rusange zigamije kwica no gutsemba Abatutsi bose bo muri Komini ya KIVUMU.
35. Uwo mugambi washyizwe mu bikorwa mu byiciro bitatu. Mu cyiciro cya mbere habaye guhatira abasiviri b'Abatutsi bo muri Komini ya Kivumu kuva mu ngo zabo bagahungira muri Kiriziya y'i Nyange. Kugira ngo ibyo bishoboke, hagati y'itariki ya 7 n'ya 10 Mata 1994, abategetsu bo muri ako gace n'abaporisi ba komini bagabye ibitero ku Batutsi mu ngo zabo bihitana abasiviri bamwe, abarokotse babahatira guhungira muri Kiriziya y'i Nyange.
36. Ku itariki ya 10 Mata cyangwa hafi yayo, hari inama zikomeye zakorewe kuri Paruwasi ya Nyange no ku biro bya komini. **Athanase Seromba**, Fulgence Kayishema, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina bagiye muri izo nama.
37. Muri izo nama, bafashe icyemezo cyo gusaba Perefegitura ya Kibuye kuboherereza abajandarume, n'icyo gukusanyiriza muri kiriziya y'i Nyange abasiviri b'Abatutsi bo muri Komini ya Kivumu kugira ngo babatsembe.
38. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Seromba** yayoboye inama yabereye kuri Paruwasi, bamwe mu bari bayirimo bakaba ari Grégoire Ndahimana na Fulgence Kayishema. Iyo nama ikimara kurangira, Fulgence Kayishema yavuze ko Kayiranga (umucuruzi w'Umututsi wari ukize) agomba gushakishwa akazanwa ku kiriziya.

39. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, Burugumesitiri Grégoire Ndahimana yategetse abaporisi ba komini gushakisha abasiviri b'Abatutsi maze bakabazana ku kiriziya.
40. icyiciro cya kabiri cy'uwo mugambi cyarebanaga no gufungira impunzi mu kiriziya, zikagotwa n'Interahamwe n'imitwe yitwaraga gisirikare kandi zigashyirwa mu mibereho ituma zinegekara. Uwo mugambi wari ukubiyemo kandi kugaba ibitero bya buri gihe ku mpunzi bikozwe n'Interahamwe n'abantu bitwaraga gisirikare, kugira ngo bazicogozwe.
41. Ni cyo cyatumye kuva hafi y'itariki ya 12 Mata 1944, abajandarume bafungiyeye impunzi mu Kiriziya y'i Nyange yari yagowe n'Interahamwe n'imitwe yitwaraga gisirikare.
42. **Athanase Seromba** yabujije impunzi gukoresha imisarane yo kuri paruwasi no gushaka ibiryo, ateguka abajandarume kurasa Inyenzi yose yagerageza gushakisha ibiryo mu gipadiri cyangwa mu rutoke rw'abapadiri.
43. Ku itariki ya 12 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yayoboye inama nyuma ya saa sita, ari hamwe na Grégoire Ndahimana na Fulgence Kayishema. Nyuma yaho gato, Burugumesitiri Ndahimana yagize ati: «Twafashe icyemezo ko abakize kurusha abandi bagomba kwicwa, abandi bashobora kwisubirira iwabo ».
44. Ku itariki ya 13 Mata 1994 cyangwa hafi yayo, Interahamwe n'imitwe yitwaraga gisirikare bari bagowe paruwasi bagabye igitero ku mpunzi zari mu kiriziya maze bicamo nka mirongo itatu.
45. icyiciro cya gatatu ari na cyo cya nyuma cy'uwo mugambi kirebana no gukusanya umubare munini w'abicanyi, barimo n'abasiviri b'Abahutu, kugira ngo bice impunzi. icyo cyiciro cyashyizwe mu bikorwa ubwo kiriziya yasenywaga hakoreshejwe tingatinga kandi iyo kiriziya yari ifungiranyemo Abatutsi barenga 2.000, nk'uko byavuzwe haruguru.
46. Igitero rurangiza cyagabwe ku mpunzi z'Abatutsi cyabaye ku itariki ya 15 Mata 1994 cyangwa hafi yayo gihagarikiwe na **Padiri Seromba**, Fulgence Kayishema, Grégoire

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

Ndahimana, Télesphore Ndungutse, Gaspard Kanyarukiga n'abandi bantu Porokireri atashoboye kumenya amazina.

47. Kiriziya yose imaze guseniyuka, **Padiri Athanase Seromba** yabonanye na Fulgence Kayishema, Grégoire Ndahimana, Gaspard Kanyarukiga n'abashoferi ba tingatinga maze yicarana na bo banywa inzoga.

Ikirego cya 4: ITSEMBATSEMBA NK'ICYAHA CYIBASIYE INYOKOMUNTU

Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda arega **Athanase Seromba** *Itsembatsemba nk'icyaha cyibasiye inyokomuntu (ashingiye ku ngingo ya (3) (b) ya Sitati*, kubera ko hagati y'itariki ya 7 n'ya 20 Mata 1994 cyangwa kuri ayo amatariki, muri Perefegitura ya Kibuye mu Rwanda, **Athanase Seromba** yishe cyangwa yicishije abantu mu bwicanyi bwahitanye imbaga, bwakozwe mu rwego rw'ibitero rusange cyangwa biri kuri gahunda byibasiye abaturage b'abasiviri bazira umutwe wa politiki barimo cyangwa ubwoko bwabo.

Hashingiye ku ngingo ya 6 (1) ya Sitati: Kubera ibikorwa by'uregwa, kuko yacuze umugambi wo gukora icyaha ashinjwa, akawuhamagarira abandi, akabatega kugikora, akagikora cyangwa ku bundi buryo ubwo ari bwo bwose, akabafasha kandi akabashishikariza kugicurira umugambi, kugitegura cyangwa kugitsotsoba.

48. Ku itariki ya 13 Mata cyangwa hafi yayo, Interahamwe n'abantu bitwaraga gisirikare bari bagose paruwasi bagabye igitero ku mpunzi zari mu kiriziya. Izo mpunzi zirwanyeho zisohora mu kiriziya abagabye igitero, maze zirabatsimbura zibageza ahantu hitwa « Ku Ishusho ya Bikira Mariya ». Abagabye igitero bateye gerenade kuri za mpunzi hapfamo nyinshi cyane. Abarokotse bahise bagabira gusubira ku Kiriziya, ariko **Padiri Athanase Seromba** yategetse ko imiryango yose ifungwa, bityo impunzi nyinshi (zibarirwa muri 30) zihetzwa hanze kugira ngo zicwe.

Inyandiko y'urubanza Porokireri aburana na Seromba, Urubanza N° ICTR-2001-66-I

49. Ku itariki ya 15 Mata 1994 cyangwa hafi yayo, **Padiri Athanase Seromba** yacuze umugambi wo gusenya kiriziya cyangwa yategetse abantu kuyisenya, cyangwa abibafashamo kandi arabibashishikariza. Icyo gikorwa cyahitanye Abatutsi barenga 2000 bari bafungiraniye mu kiriziya.
50. Nyuma y'isenywa rya kiriziya, abenshi mu Batutsi bo muri Komini ya Kivumu bari bishwe, ku buryo muri Nyakanga 1994, nta Mututsi uzwi wari ukirangwa muri iyo komini.

Ibikorwa bya Athanase Seromba n'ibyo yateshutswe gukora bivugwa muri iyi Nyandiko y'ibirego bihanwa hashingiwe ku Ngingo ya 22 n'ya 23 za Sitati y'Urukiko.

Bikorewe Arusha, ku itariki ya 8 Kamena 2001

[Umukono]

Carla del Ponte

Porokireri

[Kashe y'Ibiro bya Porokireri]
