



Umuryango
w'Abibumbye

**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

URUGEREKO RWA MBERE RW'IREMEZO, III

Umwimerere: Icyongereza

Abacamanza: Dennis C.M. Byron, Perezida
Gberdao Gustave Kam
Vagn Joensen

Gerefiye: Adama Dieng

Itariki: 4 Ukuboza 2007

POROKIRERI
aburana na
GAA¹

Urubanza N° ICTR-07-90-R77-I

URUBANZA RUGENA IGIHANO

Ibiro bya Porokireri

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JUDICIAL RECORDS ARCHIVES
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¹ Izina nyakuri ry'Uregwa ntirishobora gushyirwa ahagaragara, kuko ari umugabo urindiwe umutekano watanze ubuhamy mu manza zinyuranye ku izina rya GAA.

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I. IMIBURANISHIRIZE

1. Ku itariki 11 Kamena 2007, Uregwa wiswe GAA² yakorewe Inyandiko y'ibirego ashinjwamo ibyaha bitandatu bikurikira: Gutanga ubuhamya bw'ibinyoma hejuru y'indahiro (Ikirego cya mbere)³, gusuzugura Urukiko (ikirego cya kabiri)⁴, ubwinjiracyaha mu bikorwa byafatwa nko gusuzugura Urukiko (kuva ku kirego cya gatatu kugera ku cya gatandatu)⁵. Iyo Nyandiko y'ibirego yemejwe ku itariki ya 11 Kamena 2007⁶.
2. Amaze gufatirwa i Kigali ku itariki 30 Nyakanga 2007, GAA yimuriwe ku Rukiko ku itariki ya 1 Kanama 2007. Ubwo yitabaga bwa mbere Urukiko ku itariki 10 Kanama 2007, Uregwa yemeye icyaha ku kirego cya mbere, ariko ahakana ibindi byaha bitanu yaregwaga⁷. Perezida w'Urukiko yashyizeho Inteko y'abacamanza mu rw'iremezo ngo isuzume ubwemeracyaha bw'Uregwa ku kirego cya mbere n'ubuhakanacyaha bwe kuva ku kirego cya kabiri kugera ku cya gatandatu bikubiye mu Nyandiko y'ibirego⁸. Perezida w'Urukiko yari yanategutse ko iburanisha riba ku itariki ya 3 Ukuboza 2007.
3. Ku itariki 27 Ugushyingo 2007, Porokireri yatanze inyandiko y'amasezerano y'ubwemeracyaha iherekejwe n'inyandiko y'indahiro ndetse n'inyandiko isobanura ibyabaye Uregwa yemera kandi yasinyiye⁹. Yanometseho inyandiko ikubiyemo icyifuzo

² Inyandiko y'ibirego yakorewe GAA, yo ku itariki ya 23 Werurwe 2007 ('Inyandiko y'ibirego ya mbere').

³ Kunyuranya n'ingingo ya 91 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ('Amategeko').

⁴ Kunyuranya n'ingingo ya 77 A) na G) y'Amategeko.

⁵ Kunyuranya n'ingingo 77 A) iv), B) na G) y'Amategeko.

⁶ Porokireri aburana n'Uregwa GAA, Urubanza N° ICTR-07-90-R77, kwemeza Inyandiko y'ibirego n'ibyemezo byijyanye nayo (Urugereko rwa Mbere rw'Iremezo), 1 kamena 2007.

⁷ Inyandikomvugo y'iburanisha, 10 Kanama 2007, imp.7-9.

⁸ Kugena Urugereko rwo gusuzuma ubwemeracyaha n'ubuhakanacyaha bwa GAA- ingingo ya 62 y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, 15 Ugushyingo 2007.

⁹ Inyandiko yitwa *Solemn Declaration and Statement of Admitted Facts of GAA* [Indahiro mu ruhamya n'Ubuhamya ku byabaye GAA yemera] yo ku itariki ya 27 Ugushyingo 2007. Iyo nyandiko yashyizwe ku mugereka C w'Icyifuzo cya Porokireri cyitwa *Prosecutor's Application for Leave to Amend the Indictment dated 23 March 2007 pursuant to Rules 73, 50, and 51 and 62 bis (A) (i) of the Rules of Procedure and Evidence* [Icyifuzo cya Porokireri cyo ku itariki ya 23 werurwe 2007 gisaba guhindura Inyandiko y'ibirego, hashingiwe ku ngingo za 73, 50, 51 na 62 bis (A)(i) z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso] 30 [28] Ugushyingo 2007.

gisaba guhindura Inyandiko y'ibirego¹⁰. Ku itariki 30 Ugushyingo 2007, Urugereko rwemeye icyifuzo gisaba guhindura Inyandiko y'ibirego maze rwemeza ibirego bibiri byonyine bikurikira: gutanga ubuhamya bw'ikinyoma yejuru y'indahiro (ikirego cya mbere) no gusuzugura Urukiko (ikirego cya kabiri). Hasi iyo Nyandiko y'ibirego irajya yitwa "Inyandiko y'ibirego yahinduwe"¹¹. Porokireri yatanze kandi inyandiko y'amasezerano y'ubwemeracyaha. Muri ayo masezerano, GAA ashimangira ubwemeracyaha bwe ku kirego cya mbere, akanemera icyaha ku kirego cya kabiri cyo mu Nyandiko y'ibirego yahinduwe¹².

4. Ku itariki 3 Ukuboza 2007, hakurikijwe ingingo ya 62 n'ya 62 bis z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso ("Amategeko"), GAA yemeye ibyaha bibiri aregwa mu Nyandiko y'ibirego yahinduwe. Rumaze kubaza Uregwa, Urugereko rwatangaje ko rusanga Uregwa yaremeye icyaha ku bushake, nta gahato, kandi azi neza ingaruka z'abyo. Rwanemeje ko ubwo bwemeracyaha nta kindi buhishe ndetse ko bushingiye ku byabaye bihagije ngo hagaragazwe icyaha cyakozwe, n'uruhare Uregwa yagize mu ikorwa ryacyo. Kubera izo mpamvu, Urugereko rwahamije Uregwa icyaha maze rumuhanisha igifungo cy'amezi icyenda¹³. Mu cyemezo rwatanze mu magambo, Urugereko rwavuze ko rwari gutanga nyuma impamvu zanditse rwashingiyeho rumuhamya icyaha, rukanamukatira igihano. Iyi nyandiko y'urubanza ikubiyemo imyanzuro Urugereko rwafashe ndetse n'imitekerereze yatumye rugera kuri iyo myanzuro.

¹⁰ icyifuzo cyitwa *Prosecutor's Application for Leave to Amend the Indictment - Rules 73, 50 and 51 and 62 bis (A) (i) of the Rules of Procedure and Evidence* [icyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego, hashingiye ku ngingo za 73, 50, 51 na 62 bis (A)(i) z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso], 28 Ugushyingo 2007.

¹¹ Porokireri aburana na GAA, icyemezo ku icyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego- ingingo za 73, 50, 51, na 62 bis (A) (i) z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso, cyo ku itariki ya 30 Ugushyingo 2007.

¹² Amasezerano yitwa *Plea Agreement between GAA and the Prosecutor of the International Criminal Tribunal for Rwanda* [Amasezerano y'ubwemeracyaha hagati ya GAA na Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda], yatanze nk'inyandiko y'ibanga mu mugereka C w'icyifuzo cyitwa *Prosecutor's Application for Leave to Amend the Indictment - Rules 73, 50 and 51 and 62 bis (A) (i) of the Rules of Procedure and Evidence* [icyifuzo cya Porokireri gisaba guhindura Inyandiko y'ibirego – ingingo za 73, 50, 51 n'ya 62 bis(A)(i) z'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso], yatanze ku itariki ya 27 Ugushyingo 2007.

¹³ Inyandikomvugo y'iburanisha, 3 Ukuboza 2007.

II. IBYABAYE

5. Mu bisobanuro yatanze ku byabaye yemera, ndetse no mu masezerano y'ubwemeracyaha, GAA yemera ko, ku itariki ya 18 Gicurasi 2005, yatanze ubuhamya bw'ikinyoma hejuru y'indahiro abizi kandi abishaka. Yabikoze mu iburanisha mu ruhamye no mu muhezo ryari rigamije kumva ubuhamya mu Rugereko rw'Ubujurire, mu bujurire bwa Jean de Dieu Kamuhanda ku cyemezo kimuhamya icyaha no ku gihano¹⁴. icyo gihe, GAA yarabeshye maze avuguruzanya ubuhamya yari yatanze mu Rugereko rwa Mbere rw'Iremezo n'uko avuga ko atari kuri Paruwasi ya Gikomero ku itariki 12 Mata 1994. Yanavuze ko atiboneye ibikorwa bya Jean de Dieu Kamuhanda igihe ubwicanyi bwakorwaga uwo munsu. Ibyo bikaba binyuranye n'ibyo yavuze mu buhamya yari yatanze mbere mu Rukiko. GAA yavuze ko undi mutangabuhamya uzwi mu Rukiko ku izina rya GEX ari we wamuhuje na Léonidas Nshogoza, w'umupererezi mu Bwunganizi bwa Jean de Dieu Kamuhanda. GAA yongeyeho ko Léonidas Nshogoza ari we wamushoye mu cyaha cyo gutanga ubuhamya bw'ikinyoma kuko yamuhaye amafaranga, akamugurira ibyo kurya n'ibyo kunywa inshuro nyinshi ndetse akanamwizeza ko azamuha igihembo cya miliyoni y'amafaranga y'u Rwanda natanga ubuhamya bw'ikinyoma. GAA avuga ko amaze gutanga ubwo buhamya bw'ikinyoma atigeze ahabwa ayo mafaranga yari yarasezeranijwe.

III. ITANGWA RY'IGIHANO

6. Nk'uko biteganywa n'ingingo ya 77 G) n'iya 91 G) z'Amategeko, ibyaha GAA yahamijwe bihanishwa igihano cy'igifungo kitarenze imyaka itanu cyangwa ihazabu y'amadolari ibihumbi icumi, cyangwa byombi. Amaze kugirana n'Uregwa amasezerano y'ubwemeracyaha, Porokireri yasabye ko Uregwa yakatirwa igihano cy'igifungo kiri hagati y'amezi arindwi na cumi n'abiri. Yabisabye ashingiye ku ngingo ya 62 bis A) y'Amategeko. Cyakora, Urugereko ruvuga ko rutagomba, byanze bikunze, kugendera kuri ayo masezerano, nk'uko biteganywa n'ingingo ya 62 bis B) y'Amategeko. Urugereko rwatanga icyo gihano ari uko rusanze gikwiye.

¹⁴ Porokireri aburana na Jean de Dieu Kamuhanda, urubanza N° ICTR-99-54A-A.

7. Mu mpaka rwagiye ku gihano rwakatira Uregwa, Urugereko rwasanze haba uru Rukiko cyangwa Urukiko Mpanabyaha Rwashyiriweho icyahoze cyitwa Yugosolaviya (“TPIY”), nta na rumwe rwigeze ruca urubanza rwerekeranye n’ubuhamya bw’ikinyoma cyangwa ngo rutange igihano mu rubanza nk’urwo. N’ubwo zimwe mu ngereko za mbere z’iremezo za TPIY zagiye zisuzuma ibibazo byo gusuzugura Urukiko, nta na rumwe muri zo rwigeze rufata ibyemezo ku bikorwa nk’ibyo. Izo Ngereko zasuzumye gusa ibikorwa byo gusuzugura bijyanye n’iyindi myitwarire mibi¹⁵.
8. Urugereko rubona igihano kigamije guhana uwakoze icyaha, kumubuza kongera gukora icyaha ndetse no gusubiza uregwa mu muryango no kuwurinda. Ingingo ya 23.2 ya Sitati y’Urukiko (“Sitati”) n’iya 101 y’Amategeko, ziteganya ko Urugereko ruzirikana ibintu birimo uburemere bw’icyaha, imyitwarire rusange y’umuntu uhamwe n’icyaha, imiterere bwite y’uwo muntu, kuba hari impamvu zongera uburyozwacyaha cyangwa izibugabanya zirimo ingano y’ubufatanye uregwa yagaragarije Porokireri mbere yo guhamwa n’icyaha cyangwa nyuma yaho, ndetse n’uburyo umuntu uhamijwe icyaha nk’icyo n’urukiko rw’igihugu arangizamo igihano cye.
9. N’ubwo yemera uburemere bw’ibyaha byo gutanga ubuhamya bw’ibinyoma hejuru y’indahiro no gusuzugura Urukiko, Uwunganira Uregwa yasabye Urugereko guca inkoni izamba. Yasabye ko Uregwa yakatirwa igihano cy’ihazabu kandi avuga ko Uregwa ari umuhinzi w’umukene, ko ari we wenyine utunze umuryango we mugari ndetse yongeraho ko yakoze icyaha ashutswe n’umukozi w’Urukiko wari wamwereye indonke. Yanibukije ko Uregwa yarokotse jenocide, maze asaba Urugereko kuzirikana

¹⁵ Nk’urugero, reba urubanza rwa *Milan Vujin*, rufitanye isano n’urwa *Tadić*. Muri urwo rubanza, Urugereko rwa Mbere rw’iremezo rwafashe umwanzuro uvuga ko umwe mu bayobozi b’ikipe y’Uwunganizi yahaye ruswa bamwe mu batangabuhamya bashinja maze bimuviramo guhamwa n’icyaha cyo gusuzugura Urukiko rwa TPIY. Porokireri aburana na *Tadić*, urubanza N° IT-94-1-A-R77, urubanza mu bujirire ku birego byo gusuzugura Urukiko haregwa avoka uvugwa haruguru, mu rubanza rwa *Milan Vujin* mu bujirire, 31 Mutarama 2000. Reba na none: *Kosta Bulatović* –umutangabuhamya ushinjura mu rubanza rwa *Milošević* yahamijwe icyaha cyo “gusuzugura bikabije Urukiko” kuko yanze gusubiza ibibazo yabazwaga na Porokireri, kandi yari yabisabwe kenshi. Porokireri aburana na *Milošević*, urubanza N° IT-02-54-R77.4, icyemezo ku kibazo cyo gusuzugura Urukiko (Urugereko rwa Mbere rw’iremezo), 13 Gicurasi 2005; Porokireri aburana na *Jović*, urubanza N° IT-95-14/2-R77, 20 Kanama 2006. Reba na none, urubanza rwa *Josip Jović*, wahoze ari umwanditsi w’ikinyamakuru cyo muri Korowasiya, wahamijwe icyaha cyo kutubahiriza icyemezo cy’Urukiko kibaza gushyira ahagaragara umwirondoro w’umutangabuhamya by’umwihariko. Porokireri aburana na *Jović*, urubanza N° IT-95-14/2-R77, 20 Kanama 2006.

ubwemeracyaha bwe, rukanazirikana ko yireze ibyaha ndetse akagaragaza ko ababajwe n'ibyo yakoze.

10. Urugereko rusanze gutanga ubuhamya bw'ikinyoma hejuru y'indahiro no gusuzugura Urukiko ari ibyaha bikomeye cyane kubera ko bituma, mu buryo butaziguye, abantu batizera ko imanza zicibwa mu mucyo. Guca imanza mu mucyo ni ingenzi, cyane cyane mu manza zerekeranye n'ibyaha by'ubugome bikomeye. Ni ngombwa rero ko mu kugena igihano hazirikanwa cyane intego yo kubuza abantu kongera gukora ibyaha no gutuma abantu bashishikarira kugaragaza ababikoze. N'ubwo ubuhamya bwose bw'ikinyoma ari bubu, Urugereko rusanga ubukabije kuba bubu ari ubutuma umwere ahamwa n'icyaha, bugakurikirwa n'ubundi butangwa kugira ngo umuntu wakoze icyaha agirwe umwere, nk'uko bimeze muri uru rubanza. Kubera iyo mpamvu, Urugereko rusanga uburemere bw'icyaha butuma rugomba kugena igihano cy'igifungo kiza gutangwa hazirikanwa impamvu zigabanya uburyozwacyaha zagaragajwe.
11. Urugereko rusanga kandi, muri rusange, uburyozwacyaha bw'umuntu washoye undi mu cyaha bukomeye kuruta ubw'uwigikoze. N'ubwo rutabyishimiye, Urugereko rusanga Léonidas Nshogoza atarigeze akorerwa Inyandiko y'ibirego. Ruributsa ko ubwo yabazwaga kuri iyi ngingo mu iburanisha ryo ku itariki ya 3 Ukuboza 2007, uhagarariye ibiro bya Porokireri yavuze ko icyo kibazo cyarimo gusuzumwa¹⁶. Urugereko rusanga Urukiko rugomba gufata ingamba zose za ngombwa zo kurinda ubudakemangwa bw'imanza ruburanisha, bityo rukaba rwizeye ko Porokireri azakora igikwiye.
12. Urugereko rusanga GAA yaremeye icyaha ubwo yitabaga Urukiko bwa mbere. Rusanga kandi na mbere yaho yari yarireze imbere ya Porokireri. Yasobanuye ibyo yakoze kandi atanga n'amakuru yakwifashishwa mu gukurikirana abandi bantu. Kubera ko Uregwa yasabye imbabazi igihe yitabaga Urukiko, Urugereko rwemeye ibyo Ubwunganizi buvuga ko yabajwe n'ibyo yakoze¹⁷. Mu igenagihano, Urugereko rurazirikana impamvu zigabanya uburyozwacyaha zagaragajwe n'Ubwunganizi.

¹⁶ Inyandikomvugo y'iburanisha, 3 Ukuboza 2007, urup.6.

¹⁷ Ni kimwe no haruguru, urup. 8.

13. Urugereko rubona ko urwego rw'ibihano Porokireri yasabiye Uregwa rukwiriye kandi rujyanye n'igitekerezo rufite cyo guhuza uburemere bw'icyaha n'impamvu zigabanya uburyozwacyaha Uregwa yatanze. Kubera izo mpamvu, Urugereko rwemeje ko byaba bikwiye, rutanze igihano kiri hagati muri urwo rwego rw'ibihano.

IV. ICYEMEZO CY'URUKIKO

KUBERA IZO MPAMVU,

URUGEREKO

- I. KUBERA KO RWARANGIJE KWEMEZA KO** GAA ahamwa n'ibyaha bibiri byo gutanga ubuhamya bw'ikinyoma hejuru y'indahiro no gusuzugura Urukiko,
- II. RUMUHANISHIJE** igihano kimwe rukumbi cy'igifungo cy'amezi icyenda hakuwemo igihe yamaze afunzwe ategereje kwimurirwa mu Rukiko n'igihe yamaze afunzwe arimo kuburanishwa.
- III. RWEMEJE** ko uru rubanza ruhita rurangizwa kandi ko mu gihe agitegereje kwimurirwa ahandi hantu azarangiriza igihano cye, GAA akomeza gufungwa mu buryo bumwe n'ubwo yari afunzwemo.

Bikorewe Arusha, ku itariki ya 4 Ukuboza 2007

[umukono]

Dennis C.M. Byron
Perezida

[umukono]

Gberdao Gustave Kam
Umucamanza

[umukono]

Vagn Joensen
Umucamanza

UMUGEREKA

**URUKIKO MPANABYAHA MPUZAMAHANGA
RWASHYIRIWEHO
U RWANDA**

Umwimerere: Icyongereza

POROKIRERI

aburana na

GAA

Urubanza No ICTR-2007-90-R77-1

INYANDIKO Y'IBIREGO YAHINDUWE

1. Ashingiye ku bubasha ahabwa n'ingingo ya 17 ya Sitati y'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("Sitati y'Urukiko) n'ingingo ya 77 n'ya 91 z'Amategeko Agenga Imiburanishirize n'Itangwa rw'Ibimenyetso ("Amategeko"), Porokireri w'Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda ("Urukiko"), ararega:

GAA¹⁸

Icyaha cyo **GUTANGA UBUHAMYA BW'IKINYOMA HEJURU Y'INDAHIRO**, giteganywa n'ingingo ya 91 y'Amategeko, n'icyaha cyo **GUSUZUGURA URUKIKO**, giteganywa n'ingingo ya 77 A) na G) y'Amategeko.

Porokireri abikoze ashingiye ku ncamake y'ibyabaye bivugwa kuri buri kirego, muri iyi Nyandiko y'ibirego

UMWIRONDORO W'UREGWA

2. Uregwa, GAA (“Uregwa”), ni Umunyarwanda wavukiye muri Perefegitura ya Kigali Ngari, mu Rwanda, mu mwaka wa 1965.
3. Ku itariki ya 19 n'ya 20 Nzeri 2001, mu Rugereko rwa Mbere rw'Iremezo II, Arusha, muri Tanzaniya, Uregwa yatanze ubuhamya bushinja yitwa GAA mu rubanza Porokireri yaburanagamo na Jean de Dieu Kamuhanda, Urubanza N° ICTR-99-54A-T.

IBIREGO N'INCAMAKE Y'IBINDI BINTU BYABAYE

IKIREGO CYA MBERE: GUTANGA UBUHAMYA BW'IKINYOMA HEJURU Y'INDAHIRO

¹⁸ Uregwa ni umutangubuhamya urindiwe umutekano wiswe GAA watanze ubuhamya mu rubanza rwa Kamuhanda mu rw'iremezo. Kubera impamvu z'umutekano, abandi batangabuhamya bose bashinja bavugwa muri iyi Nyandiko y'ibirego bahawe amazina y'amahimbano cyangwa barindirwa umutekano hakurikijwe itegeko risanzweho ry'Urugereko rwa Mbere rw'Iremezo rigena ingamba zo kurinda umutekano w'abatangabuhamwa. Hari ibyahindutse muri iyi Nyandiko y'ibirego yashyizwe ahagaragara kugira ngo umwirondoro w'Uregwa n'uw'abatangabuhamya utamenyekana.

4. Uregwa ashinjwa kuba, nka gatozi, yaranyuranije n'ingingo ya 91 y'Amategeko agatanga **ubuhamya bw'ikinyoma hejuru y'indahiro**, abizi neza kandi abishaka. Yabikoze ku itariki ya 18 Gicurasi 2005, ubwo yatangaga ubuhamya mu Rugereko rw'Ubujurire rw'uru Rukiko, mu bujurire bwa Jean de Dieu Kamuhanda ku cyemezo kimuhamya icyaha no ku gihano yakatiwe, (Urubanza n° ICTR-99-54A-A).
5. Uregwa yahaye Avoka wa Jean de Dieu Kamuhanda ubuhamya bwanditse buvuguruza ubwo yari yatanze mbere. Byongeye kandi, ku itariki 18 Gicurasi 2005, ubwo Urugereko rw'Ubujurire rwumvaga ubuhamya hashingiwe ku ngingo ya 115 y'Amategeko, Uregwa yatanze ubuhamya bw'ikinyoma bushimangira uko kwisubiraho. Muri iryo buranisha, Uregwa yavuze ko atari kuri Paruwasi ya Gikomero, bityo akaba atarabonye ibyo Kamuhanda yakoze ubwo aho hantu hakorerwaga ubwicanyi ku itariki ya 12 Mata 1994. Ubwo buhamya bw'ikinyoma buvuguruza ubwanditse Uregwa yahaye abategetsi bo mu Rwanda ku itariki ya 20 Nyakanga 1995, n'ubwo yahaye Ibiro ya Porokireri ku itariki ya 6 Nyakanga 1999. Bunavuguruza ubuhamya yatanze hejuru y'indahiro mu Rugereko rwa Mbere rw'Iremezo II, ku itariki ya 19 n'ya 20 Nzeri 2001. Byongeye kandi, ubuhamya bw'ikinyoma buvuguruzwa n'ubw'abatangabuhamya biboneye ibyabaye bemeza ko Uregwa yari kuri Paruwasi ya Gikomero igihe hakorerwaga ubwicanyi ku itariki ya 12 Mata 1994. Buvuguruzwa na none n'ubw'abandi bagabo Uregwa yabwiye, nyuma gato y'ibyo byabaye, ko yari kuri Paruwasi ya Gikomero igihe hakorerwaga ubwicanyi ku itariki ya 12 Mata 1994.
6. Ubuhamya bw'ikinyoma Porokireri ashingiraho mu kirego cya mbere ni ubwo Uregwa yatanze abizi neza kandi abishaka, hejuru y'indahiro, mu iburanisha mu ruhame ryabereye Arusha muri Tanzaniya imbere y'Urugereko rw'Ubujurire ku itariki ya 18 Gicurasi 2005. Kugira ngo byumvikane neza, dore amwe mu magambo y'Uregwa Porokireri ashingiraho mu kirego cya mbere nk'uko bigaragara mu nyandikomvugo y'iburanisha mu Rukiko:

Harabaza Avoka Condé (Avoka wunganira Kamuhanda):

Igisubizo: Muri Nzeri 2001, navuze ko nari kuri Paruwasi ya Gikomero kandi ko nabonye Kamuhanda. Cyakora, ndasaba imbabazi kuko nabeshye.

Ikibazo: Bwana Mutangabuhamy, wansobanurira ukuntu wabeshye?

Igisubizo: Nabeshye mvuga ko nari i Gikomero kandi nari narahungiyeye i Kibara. Navuze ko nabonye Kamuhanda i Gikomero kandi ntarahamubonye kuko ntari i Gikomero.

Ikibazo: Watubwira impamvu wabwiye uru Rurugereko ko wari i Gikomero kandi utari uhari?

Igisubizo: Impamvu yatumye mbivuga ni uko abantu benshi bo mu muryango wanjye baguye kuri Paruwasi ya Gikomero. Umugore wari ufite umugabo ugira icyo apfana na Kamuhanda, amaze kumbwira ko azi umuntu wishe impunzi zari kuri Paruwasi, niyemeje gukora uko nshoboye ngo uwo muntu akurikiranwe n'ubutabera. Cyakora nyuma naje kumenya ko ibyo bintu ari ibinyoma, maze niyemeza guhindura ubuhamy nari naratanze¹⁹.

[...]

Igisubizo: Sinari nzi neza niba bari bahari cyangwa badahari. Ni yo mpamvu nsaba imbabazi Kamuhanda n'Urukiko, kuko muri iki gihe imanza za Gacaca zituma ukuri kugaragara, ku buryo ubu noneho dushobora kumenya ukuri kose ku byabaye. Ni muri urwo rwego nashakishije amakuru nyakuri, n'uko maze kumenya ko Kamuhanda atigeze agera

¹⁹ Urubanza rwa Kamuhanda mu bujurire, inyandikomvugo y'iburanisha ryo kumva ubuhamy, 18 Gicurasi 2005 (iburanisha mu ruhame), Ibazwa ry'ibanze, urup. 3, umurongo wa 33, urup.4, umurongo wa 6.

aho hantu, umutimanama urankomanga, niyemeza kwicisha bugufi ngasaba imbabazi, mpindura ubuhamya nari natanze.

Ikibazo: Reka dukomeze, ndabona wabisobanuye bihagije. Nyuma yo kumva ari ngombwa guhindura ubuhamya bwawe, hari umuntu mwabiganiriye?

Igisubizo: Oya, nta muntu twabonanye. Cyakora, naje kuganira n’umudamu wambwiye ko, niba mfite ikibazo, yampuzana n’umuntu wamfasha guhindura...kwisubiraho ku buhamya nari naratanze. Ni uko byagenze.

Ikibazo: Reka tugume kuri iyo ngingo. Sobanurira Urukiko impamvu wabwiye uwo mudamu ibyo bintu. Cyakora ntuvuge izina rye. Kuki wahisemo kujya kureba uwo mudamu?

Igisubizo: Uwo mudamu twarumvikanaga kandi dusengana. Nyuma yaje kumbaza ati: « Na n’ubu uracyemeza ko Kamuhanda yagiye i Gikomero? » n’uko ndamusubiza nti: « Mu by’ukuri jyewe sinari i Gikomero... ». Uwo mudamu we yatekerezaga ko nari i Gikomero. icyo gihe yarambwiye ati: « Niba ushaka gusaba imbabazi, nshobora kukwereka uburyo wabigeraho ». Ni bwo rero yampuje n’umuntu nagombaga kumenera iryo banga. Nyuma yaho, nabonanye na we ubwawe ndabigutekerereza²⁰.

[...]

²⁰ Urubanza rwa Kamuhanda mu bujirire, inyandiko y’iburanisha ryo kumva ubuhamya (mu ruhamye), 18 Gicurasi 2005 ibazwa ry’ibanze, urup.7 [ENG], imirongo 4-23. [Mu nyandikomvugo y’iburanisha, “nawe” isobanura Avoka w’Ujurira, Kamuhanda].

Bwana Stewart (Ibiro bya Porokireri):

Ikibazo: Kugira ngo byorohere Urugereko, ndifashisha inyandiko yahawe numero GAA-2. Iyo nyandiko iri mu gitabo kirimo izindi nyandiko cyashyikirijwe Ubwunganizi cyangwa se Uwunganira Ujurira, Ubwanditsi bw'Urukiko ndetse n'Abacamanza kugira ngo bashobore gukurikira neza ubuhamya bw'uyu mugabo. Muri iyo nyandiko, murasangamo inyandiko iri mu gifaransa yanditseho numero 2. Harimo n'indi iri mu kinyarwanda nk'uko bigaragara, na yo ikaba yarahawe numero 2.

Ndasaba Gerefiye w'iburanisha guha umutangabuhamya izo nyandiko zombi. Ndatekereza ko kuzimuha zombi ari byo byiza kurushaho.

[...]

Harabaza Bwana STEWART:

Ikibazo: “GAA”, ndagusaba gusuzuma iyo nyandiko y'ubuhamya ukatubwira niba koko ari yo wavugaga mu kanya. Uremeza ko ari fotokopi y'ubuhamya bwanditse watanze mu kinyarwanda muri Nyakanga 1995?

Igisubizo: Ni byo. Ni ko bimeze.

Bwana Stewart:

Nyakubahwa Perezida, ndabanza kwisegura ku Bacamanza batumva igifaransa kuko tudafite inyandiko iri mu cyongereza. Ndibuze gusaba ko iyo nyandiko, kimwe n'iyo mu gifaransa, zitangwa nk'ibimenyetso

gihamya muri uru rubanza. Ndagerageza uko nshoboye kose ndangize ibibazo byanjye vuba.

Ikibazo: GAA, si byo ko ubu buhamya bwerekeranye na Charles Mugombwa Nkuranga, wari Pasitori i Gikomero?

Igisubizo: Ni byo.

Ikibazo: Kandi wavuze ko yagize uruhare muri bimwe mu bintu byabereye kuri Paruwasi ku itariki ya 12 Mata 1994. Aha ndavuga ubwicanyi.

Igisubizo: Ni byo.

Ikibazo: Wanabwiye Abategetsi bo mu Rwanda ko ubona Pasitori yarabagambaniye?

Igisubizo: Narabivuze.

Ikibazo: Ntiyaburiye. Interahamwe zabasanze kwa Pasitori kandi ntiyari yababuriye, si byo?

Igisubizo: Ni byo.

Ikibazo: Unavuga ko yasanze bamwe muri mwe mwumva Radiyo Muhabura, kandi nk'uko tubizi iyo ni Radiyo ya FPR, ni byo?

Igisubizo: Navuze ibyo bintu nshingiye ku byo numvanye abarokotse, kuko jye ubwanjye ntari mpari. Nabivuze nkaho nari mpari, ariko mu by'ukuri, ntabwo nari mpari. Ni abarokotse babimbwiye.

Ikibazo: Mu buhamya bwawe, ugira uti : « Nari ku ishuri i Gikomero. » [NDT: igice cy'ikibazo kitumvikana.

Igisubizo: Ni byo navuze mu buhamya bwanjye, ariko si ukuri. Ni yo mpamvu rero nagarutse ku buhamya bwanjye bwari ubw'ikinyoma. Cyakora ku byerekeranye na Pasitori Mugombwa [Nkuranga], ndemeza ibyo namuvuzeho ko yari afite ububasha ; yari afite ubushobozi bwo kuburira abantu bari aho. Ndemeza kandi ibyo navuze ko yagize uruhare mu bwicanyi bwahitanye abantu bari aho, ariko sinari mpari.

Ikibazo: Ariko wabwiye abategetsi b'u Rwanda ko wari aho hantu. Si byo?

Igisubizo: Mu buhamya bwanjye bwanditse, navuze ko nari mpari.

Ikibazo: Wanavuze ko wirutse ukajya i Gabiro ([sic Kibara]) umaze kubona umuntu yica undi uvuga izina muri ubwo buhamya. Si byo?

Igisubizo: Ni byo. Narahunze njya i Gabiro ([sic Kibara]), nambuka ikiyaga cya Muhazi, ariko sinagarutse i Gikomero.

Ikibazo: Umuntu uvuga izina wishwe yari so, ni byo?

Igisubizo: Yari data wacu/marume. Ni we muntu wa mbere wishwe.

Ikibazo: Yiciwe kandi kuri Paruwasi ya Gikomero?

Igisubizo: Ni byo.

Ikibazo: Mutangabuhamya wiswe GAA, ndagusabye ngo utege amatwi neza. Kuva mu mwaka wa 1995 gukomeza mu wa 1999 no kugera mu wa 2001, ntiwigeze uhindura ubuhamya bwawe. Wakomeje kuvuga ko wari kuri Paruwasi y'Abaporoso ya Gikomero ubwo aho hantu haberaga ubwicanyi ku itariki ya 12 Mata 1994. Ni byo?

Igisubizo: Ni byo.

Ikibazo: Umwaka ushize, muri Werurwe, ni bwo bwonyine watangiye kuvuga ko utari aho hantu igihe ubwicanyi bwabaga. Ni byo?

Igisubizo: Ni byo.

Ikibazo: Ubwo wavuganaga n'abayobozi bo mu Rwanda muri Nyakanga 1995, warahiye mu izina ry'Imana ko wari ugiye kuvuga ukuri. Ni byo?

Igisubizo: Simbyumvise neza. Mushobora kunsubiriramo icyo kibazo?

Ikibazo: Reba hasi ku rupapuro rw'ubuhamya bwawe mu kinyarwanda ahari indahiro ivuga ngo « Ndahiye mu izina ry'Imana ko maze kuvuga ukuri. »

Igisubizo: Ndabona aho yo magambo yanditse.

Ikibazo: Ubwo wavuganaga n'abakora iperereza bo mu Biro bya Porokireri muri Nyakanga 1999...

Umusemuzi uvuga icyongereza: Bwana Avoka, mikoro yawe nticanye.

Stewart: Mikoro yanjye iracanye.

Ikibazo: Mutangabuhamya wiswe GAA, reka nsubiremo ikibazo nakubazaga. Ubwo wavuganaga n’abakora iperereza bo mu Biro bya Porokireri muri Nyakanga 1999, wari uzi ko ari ngombwa kuvugisha ukuri kandi ukavuga ibintu uko bimeze mu buhamya watanze. Si byo?

Igisubizo: Ni yo mpamvu mu ntangiriro z’ubuhamya bwanjye, nasabye imbabazi kuko nabeshye mvuga ko ibyo binyoma ari ukuri. Nanatanze impamvu nyinshi zigaragaza ko nari mbabajwe n’urupfu rw’abantu bo mu muryango wanjye, kandi sinari nzi uburyo bapfuye. Ariko kuva haje inkiko Gacaca, ukuri kwatangiye kujya ahagaragara. Ubu hari n’abantu bafunze batanga amakuru kandi ibi ntibireba Jean de Dieu Kamuhanda gusa kuko hari n’abandi bantu benshi babeshyewe, basabwe imbabazi. Umuntu ashobora kukubwira inkuru ndende ku byabaye, ariko nyuma, wakora iperereza ugasanga ya nkuru yari yaguhaye atari ukuri. Ni muri urwo rwego rero maze gukora iperereza, niyemeje gusaba imbabazi kubera ikinyoma navugiye mu Rugereko. Ndakomeza kandi gusaba imbabazi kuko nabeshye nkana.

Ikibazo: Mutangabuhamya wiswe GAA, niba ari ibyo, ubu wowe uribona nk’umuntu w’umubeshyi?

Igisubizo: Ndemera ko hari igihe navuze ibinyoma, ariko ibyo mvuga uyu muni ni ukuri kubera ko nasobanukiwe ko ukuri kugomba kujya ahagaragara.

Ikibazo: Mutangabuhamya wiswe GAA, uzi ko gutanga ubuhamya bw'ikinyoma muri uru Rukiko ari icyaha gihanirwa?

Igisubizo: Yego, ndabizi, kandi ni yo mpamvu nasabye imbabazi. Cyakora uyu munsu, muri uru Rugereko, ndavugisha ukuri, ku buryo n'umuntu wese wakora iperereza ricukumbuye yasanga ibyo mvuga none ari ukuri.

Ikibazo: Ubwo rero ni ukuvuga ko ushobora kubeshya ukanatanga ubuhamya by'ikinyoma igihe cyose ubishakiye?

Igisubizo: Oya. Si igihe cyose, kuko uyu munsu ibyo mbabwira ari ukuri kandi nkanavugisha ukuri mu gusubiza ibibazo byanyu.

Ikibazo: Mutangabuhamya wiswe GAA, ndabona utari umukire. Ni byo?

Igisubizo: Ariko murabizi, umuntu ashobora kuba ari umukire kubera ko atunze byinshi, ariko kandi mu rwego rw'imyifatire, umuntu ashobora kugira umutima mwiza. Kandi ubu nta rubanza umutimanama wanjye uncira.

Ikibazo: Ndibwira ko nta mafaranga menshi ugira.

Igisubizo: Sinigeze nyagira.

Ikibazo: Wavuga se ko umuryango wa Kamuhanda wari ukomeye, wubashywe?

Igisubizo: Sinzi umuryango wa Kamuhanda, kandi navuze ko ntigeze na rimwe mvugana na Kamuhanda, kuko nta mpamvu ndetse nta kintu mpuriyeho na we. Yakomeza gufungwa cyangwa yafungurwa, ntacyo bihindura ku buzima bwanjye. Ariko ndakomeza kwemeza ko uyu munsu ndimo kuvugisha ukuri.

Ikibazo: Naho se umuryango w’umugore wa Kamuhanda, watubwira niba ari umuryango ukomeye, wubashywe?

Igisubizo: Sinzi umugore we, kandi sinzi umuryango w’umugore we.

Ikibazo: Mutangabuhamya wiswe GAA, watubwira niba utarigeze ujya ku Biro bya Porokireri kuvuga ko wabeshyeye Kamuhanda mu buhamya bwawe. Ni byo?

Igisubizo: Ubwo najyaga kwa *Noteri*, hari inyandiko, ariko jyewe ubwanjye sinagiye ku Biro bya Porokireri kuvuga ibyo bintu. Ariko ubu niteguye kubikora.

Ikibazo: Urashaka kuvuga ko mbere y’uko umuntu wavuze izina mu muhezo aguhuza na Avoka wa Kamuhanda, nta wundi muntu n’umwe wari warabwiye ko watanze ubuhamya bw’ikinyoma? Ndavuga umuntu w’umutegetsu.

Igisubizo: Yego, bwari ubwa mbere.

Ikibazo: Uretse ibyo watubwiye bijyanye n’ukwemera kwawe gushingiye ku idini, hari amafaranga waba warahawe n’abantu uvuga ko bafasha Kamuhanda?

Igisubizo: Ijambo ry’Imana rivuga ko inzira ijya mu ijuru igororotse kandi ifunganye. Nta muntu n’umwe rero twavuganye mu bagize ikipe y’Ubwunganizi bwa Kamuhanda. Umutimanama wanjye ni wo wanshiriye urubanza, mbona ko natanze ubuhamya bw’ikinyoma, n’uko niyemeza guhindura kugira ngo mvugishe ukuri.

Ikibazo: Ese ukwemera kwawe gushingiye ku idini ukumaranye imyaka myinshi? Ndashaka kumenya niba wari ufite uko kwemera mbere y’intambara cyangwa niba ari ibintu bije vuba mu buzima bwawe?

Igisubizo: Uyu muni nicaye hano mu Rugereko kandi ndumva ntuje kuko umutimanama wanjye nta cyo unshinja.

Ikibazo: Ariko, ntabwo ushubije ikibazo cyanjye. Ndagusaba kugisubiza.

Igisubizo: Ukwemera gushobora guhinduka kugakomera kurushaho cyangwa kukajegajega. Navutse mu muryango wemera Imana, ariko naje gusa n’utakaza ukwemera. Vuba aha ni bwo nongeye gukurikiza imihango y’idini. Iyo rero umuntu agomba gukurikira ukwemera kwe, agomba guhara ubuzima bwe, kandi nanjye ni nka byo nakoze. Iyo umuntu agomba gukurikira Yezu, agomba guhara ubuzima bwe.

Ikibazo: Mutangabuhamya wiswe GAA, nshigaje ikibazo kimwe nshaka kukubaza. Ndagira ngo nkubwiye ko wabwiye ukuri abayobozi bo mu Rwanda, ukabwiza ukuri Ibiro bya Porokireri kandi ukanakubwiza Abacamanza bo mu

Rugereko rwa Mbere rw'Iremezo kuri Kamuhanda. Ibyo uvuga ubu ni byo binyoma. Urabivugaho iki?

Igisubizo: Ibyo nabwiye abakora iperereza cyangwa abayobozi bo mu Rwanda, byose byari ibinyoma. Ariko ibyo mvuga ubu ni ukuri²¹.

7. Ubuhamya bw'ikinyoma buvugwa haruguru bwifashishijwe mu gushyigikira ikirego cya mbere, ni bwo ahanini Uregwa, nyuma yo kurahirira mu ruhame, abizi neza kandi abishaka, yatanze mu iburanisha ryo mu muhezo ryabereye Arusha (Tanzaniya) mu Rugereko rw'Ubujurire ku itariki ya 18 Gicurasi 2005. Ibice nyirizina by'ubwo buhamya bwatangiwe mu muhezo ntibyashyizwe muri iyi Nyandiko y'ibirego, ariko bikomozwaho mu gisobanuro cyo hasi ku rupapuro²².
8. Ubuhamya bw'ikinyoma buvugwa haruguru bwifashishijwe mu gushyigikira ikirego cya mbere ni bwo ahanini Uregwa yasubiyemo, nyuma yo kurahira mu ruhame, abizi neza kandi abishaka, asubiza ibibazo yari abajijwe n'Umucamanza mu Rugereko rw'Ubujurire mu iburanisha ryo mu muhezo ryabereye Arusha (Tanzaniya) ku itariki ya 18 Gicurasi 2005. Ibice nyirizina by'ubwo buhamya bwatangiwe mu muhezo ntibyashyizwe muri iyi nyandiko y'ibirego, ariko bikomozwaho mu gisobanuro cyo hasi ku rupapuro²³.
9. Uregwa yari kuri Paruwasi y'Abaporoso ya Gikomero, muri Komine ya Gikomero, Perefegitura ya Kigali-Ngali (Rwanda), kandi yarokotse ubwicanyi bwahabereye ku itariki ya 12 Mata 1994, nk'uko yabibwiye abategetsi bo mu Rwanda mu buhamya bwanditse yatanze ku itariki ya 20 Nyakanga 1995. Uregwa yanabonye Jean de Dieu

²¹ Urubanza rwa kamuhanda mu bujurire, inyandikomvugo y'iburanisha ryo kumva ubuhamya [mu ruhame], 18 Gicurasi 2005, ibaza rinyomoza [ENG], kuva ku rup. 25, umurongo 2 kugera ku rwa 28, umurongo wa 24.

²² Ubujurire bwa *Kamuhanda*, inyandikomvugo y'iburanisha ryo kumva ubuhamya, (mu muhezo) [ENG], 18 Gicurasi 2005, ibaza ry'ibanze, urup. 11, imirongo 19-28; Ibaza rinyomoza, urup. 19, imirongo 9-31 ; urup.19, umurongo 37 ; urup.20, imirongo 1-8.

²³ Urubanza rwa Kamuhanda mu bujurire, inyandiko y'iburanisha ryo kumva ubuhamya (mu muhezo), ibibazo by'abacamanza, 18 Gicurasi 2005, urup. 33 [ENG], imirongo 9-33.

Kamuhanda aho ubwicanyi bwakorewe nk'uko yabivugiye mu rw'iremezo mu rubanza rwa Kamuhanda. By'umwihariko, Uregwa:

- a) Yabonywe n'abandi batangabuhamya i Gikomero ku itariki ya 12 Mata 1994. Abo ni abiswe: GEI, GEH, GEV, SP-001, GEM, GEC na GEP;
- b) Nyuma y'ubwicanyi yaganiriye n'abandi batangabuhamya barimo abiswe GEL, GAG na GAB, abatekerereza ibyamubayeho i Gikomero, anababwira uruhare Kamuhanda yagize mu byabaye;
- c) Mu buhamya yahaye inzego z'ubutabera mu Rwanda ku itariki ya 20 Nyakanga 1995, Uregwa yareze Charles Nkuranga wari Pasitori i Gikomero. Ibyo bigaragaza neza ko Uregwa yari ari i Gikomero umunsi habera ubwicanyi, kandi ko yiboneye ibyahabaye;
- d) Mu buhamya bwanditse bwo ku itariki ya 6 Nyakanga 1999 yahaye abakozi bo mu Biro bya Porokireri w'Urukiko, avuga ukuntu ubwicanyi bwagenze i Gikomero ku itariki ya 12 Mata 1994 kubera ko yabwiboneye n'amaso ye ndetse akamenya Kamuhanda; kandi
- e) Ku itariki ya 19 n'ya 20 Nzeri 2001, yatanze ubuhamya bushinje yitwa GAA mu rubanza Porokireri yaburanagamo na Jean de Dieu Kamuhanda, urubanza n° ICTR-99-54A-T. Muri ubwo buhamya bwatangiwe mu Rugereko rwa Mbere w'Iremezo II, Arusha (Tanzaniya), Uregwa avuga ko Kamuhanda yagize uruhare mu bwicanyi bwakorewe kuri Paruwasi y'Abaporoso ya Gikomero ku itariki ya 12 Mata 1994.

10. Umutangabuhamya wiswe SP-003 ni we warangiye abakora iperereza bo mu Biro bya Porokireri ngo bazabaze Uregwa wacitse ku icumu kimwe na we. Uyu mutangabuhamya avuga ko Uregwa yamutekerereje ibyamubayeho ubwo yari yarahungiyeye i Gikomero n'ukuntu yabonye Kamuhanda yitabira ubwicanyi bwahabereye.

11. SP-003 ntiyari i Gikomero ubwo aho hantu haberaga ubwicanyi ku itariki ya 12 Mata

- 1994, kuko yari amaze iminsi ibiri avuye kuri paruwasi. Cyakora yabonye Uregwa yerekeza i Gikomero.
12. Ku itariki ya 17 Werurwe 2004, i Kigali, Uregwa yashyize umukono ku buhamya buri mu kinyarwanda no mu gifaransa kandi buriho kashe ya Noteri. Muri ubwo buhamya, yisubiraho ku bwo yari yaratanze mu Rugereko rwa Mbere rw'Iremezo aho yavugaga ko Ujurira, ariwe Jean de Dieu Kamuhanda, yagize uruhare mu bwicanyi bwabereye kuri Paruwasi y'Abaporoso ya Gikomero.
 13. Avoka wunganira Kamuhanda Ujurira yashyikirije Urugereko rw'Ubujurire ubuhamya bwanditse bw'Uregwa mu rwego rwo gushyigikira icyifuzo cy'ibanga yatanze ku itariki ya 20 Nzeri 2004, asaba urwo Rugereko kwemerera Kamuhanda gutanga ikimenyetso cy'inyongera mu bujurire bwe ku cyemezo kimuhamya icyaha no ku gihano yakatiwe.
 14. Mu cyemezo rwatanze ku itariki ya 12 Mata 2005, Urugereko rw'Ubujurire rwakiriye ubuhamya bwanditse bwatanzwe n'Uregwa nk'ikimenyetso cy'inyongera mu bujurire. Rwanategetse ko haba iburanisha ryo kumva ubuhamya, hashingiwe ku ngingo ya 115 y'Amategeko.
 15. Ku itariki ya 18 Gicurasi 2005, mu iburanisha ryo kumva ubuhamya ryabereye Arusha (Tanzaniya), Uregwa, icyo gihe wiswe GAA, yatanze ubuhamya bushinjura Ujurira Kamuhanda mu Rugereko rw'Ubujurire. Kubera iyo mpamvu, yatanze, abizi neza kandi abishaka, ubuhamya bw'ikinyoma buvugwa haruguru mu gika cya 5, icya 6, icya 7 n'icya 8.

IKIREGO CYA 2: GUSUZUGURA URUKIKO

16. Uregwa ashinjwa kandi, nka gatozi, icyaha cyo gusuzugura Urukiko, giteganywa n'ingingo ya 77 A) na G) y'Amategeko, kuko itariki ya 1 Werurwe 2005 n'ya 31 Gicurasi 2006, mu gihe kiri hagati y'ayo matariki cyangwa hafi y'ayo, ari mu duce

tunyuranye rwa Perefegitura ya Kigali Ngari n'iy'Umugi wa Kigali mu Rwanda, ari na Arusha muri Tanzaniya, Uregwa yabangamiye imigendekere myiza y'ubutabera abizi neza kandi abishaka. Yabikoze yemera kugira ibyo ahabwa no kuzakira ruswa y'amafaranga atubutse maze, ku itariki ya 17 Werurwe 2004, agatanga ubuhamya bw'ikinyoma bwanditse, abizi neza kandi abishaka, kugira ngo buzakoreshwe mu bujuri bwa Kamuhanda ku cyemezo kimuhamya icyaha no ku gihano yakatiwe (Urubanza n° ICTR-99-54A-A). Byongeye kandi, ku itariki ya 18 Gicurasi 2005, mu iburanisha ryo kumva ubuhamya mu bujuri, nk'uko bivugwa haruguru mu bika 5, 6, 7 na 8, Uregwa yatanze, abizi neza kandi abishaka, ubuhamya bw'ikinyoma hejuru y'indahiro mu Rugereko rw'Ubujujire.

17. Uregwa yatanze ubuhamya bw'ikinyoma nk'uko bisobanurwa kuva mu gika cya 5 kugera ku cya 15 amaze kwemera no kwakira ibihembo abihawe na Léonidas Nshogoza, wari umupererezi mu ikipe y'Ubwunganizi bwa Jean de Dieu Kamuhanda. Uregwa yemeye kandi kuzahabwa ruswa cyangwa igihembo cya miliyoni y'amafaranga y'u Rwanda, yagombaga kubona amaze gutanga ubuhamya bw'ikinyoma mu Rugereko rw'Ubujujire.
18. Mu ntangiriro za Werurwe 2004 ku itariki itazwi, umudamu uzwi mu Rukiko nk'umutangabuhamya wiswe GEX yahuje Uregwa na Léonidas Nshogoza. Uwo mudamu yatanze gusa ubuhamya bushinjura mu iburanisha ryabereye mu Rugereko rw'Ubujujire hashingiwe ku ngingo ya 115 y'Amategako, ryerekeranye n'ubujuri ku cyemezo gihamya icyaha Jean de Dieu kamuhanda no ku gihano yakatiwe mu rubanza No. ICTR-99-54A-A. Iryo buranisha ryabereye Arusha muri Tanzaniya. Ku itariki ya 1 Werurwe 2004 n'ya 31 Gicurasi 2005, mu gihe kiri hagati y'ayo matariki cyangwa hafi y'ayo, Uregwa yabonye na Léonidas Nshogoza bari kumwe na GEX nk'inshuro eshanu cyangwa esheshatu. GEX yamenyeshaga Uregwa igihe bazajya kubonanza na Léonidas Nshogoza kandi buri gihe bagakora urugendo rwo kuva i Gikomero bajya i Kigali bari kumwe. Kenshi bahuriraga na Nshogoza mu kabari kitwa Stella kari i Remera, Kigali, Rwanda.

19. Mu ntangiriro, Léonidas Nshogoza yabwiye Uregwa ko yarimo kwandika igitabo ku bikorwa n’imyitwarire ya Jean de Dieu Kamuhanda ku birebana n’ibyabereye i Gikomero mu mwaka wa 1994. Yabwiye Uregwa ko yari amukeneye kuko yari yarabonye dosiye ye kandi ko yamenye ko Uregwa yatanze ubuhamya bushinja Jean de Dieu Kamuhanda mu Rukiko. Yabwiye rero Uregwa ko yari akeneye ubuhamya bwe bwanditse ku byabereye i Gikomero muri Mata 1994 kugira ngo abukoreshe muri icyo gitabo yarimo kwandika.
20. Ubwo baturaga ku nshuro ya kabiri n’iya gatatu, mu gice cya mbere cya Werurwe 2004, Léonidas Nshogoza yeretse Uregwa ubuhamya bwanditse yifuzaga ko amusinyira. Ubwo buhamya bwavuguruzaga ubwo Uregwa yari yatanze mu rubanza rwa Jean de Dieu Kamuhanda mu rw’iremezo.
21. Ku itariki ya 17 Werurwe 2004, i Kigali mu Rwanda, Léonidas Nshogoza yajyanye Uregwa kwa Noteri maze amusaba gusinya inyandiko yanditse mu Kinyarwanda na kopi yayo iri mu gifaransa, ikubiyemo ubuhamya bw’ikinyoma Uregwa yatanze avuguruza ubwo yari yatanze mu rubanza rwa Jean de Dieu Kamuhanda mu rw’iremezo. Abizi neza kandi abishaka, Uregwa yasinye izo nyandiko azi neza ko ibivugwamo ari ibinyoma.
22. Buri gihe uko yahuraga na Léonidas Nshogoza, Uregwa yahabwaga na Léonidas Nshogoza amafaranga ibihumbi cumi (10 000 FR) hamwe n’ibyo kurya no kunywa.
23. Rimwe igihe Uregwa yiteguraga kuza gutanga ubuhamya mu Rugereko rw’Ubujurire, hagati ya Mata no mu ntangiriro za Gicurasi 2005, Uregwa yongeye guhabwa na Léonidas Nshogoza amafaranga ibihumbi makumyabiri (20 000 FR) hamwe n’ibyo kurya no kunywa. Ibyo byabereye ku Kimihurura muri Kigali.
24. Ikindi gihe, hagati ya Mata n’intangiriro za Gicurasi 2005, Uregwa yemeye kuzahabwa na Léonidas Nshogoza ruswa cyangwa igihembo cya miliyoni y’amafaranga (1000 000 FR) y’u Rwanda. Ayo mafaranga yagombaga gutangwa na Léonidas Nshogoza Uregwa

amaze gutanga ubuhamya. Ibyo byabereye ku biro bya TPIR i Kigali, Uregwa amaze kumenyeshwa ko yari kujya gutanga ubuhamya bw'ikinyoma Arusha ku itariki ya 18 Gicurasi 2005, mu iburanisha ryo kumva ubuhamya mu Rugereko rw'Uburundi.

25. Kubera ko yari yizeye kuzahabwa ruswa cyangwa igihembo cya miliyoni y'amafaranga y'u Rwanda, ku itariki ya 18 Gicurasi 2005, Uregwa yatanze, abizi neza kandi abishaka, ubuhamya bw'ikinyoma mu Rugereko rw'Uburundi, Arusha, Tanzaniya, nk'uko bisobanurwa mu bika 5-15 biri haruguru.
26. Uregwa yakoze, nka gatozi, ibyo byaha bivugwa haruguru byo gutanga ubuhamya bw'ikinyoma hejuru y'indahiro no gusuzugura Urukiko. Ibyo byaha bihanishwa ingingo ya 14 ya Sitati y'Urukiko, iya 91 (G) n'iya 77 B) na G) z'Amategeko.

Bikorewe Arusha, ku itariki ya 28 Ugushyamba 2007

Hassan Bubacar Jallow [umukono]

Porokireri