UMURYANGO W'ABIBUMBYE

Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda

URUGEREKO RW'UBUJURIRE

Abacamanza: **Patrick Robinson, Perezida**
Fausto Pocar
Liu Daqun
Theodor Meron
Carmel Agius

Gerefiye: **Adama Dieng**

Itariki : **1 Mata 2011**

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THARCISSE MUVUNYI

Aburana na

POROKIRERI

Urubanza N° ICTR-2000-55A-A

MUVUNYI II

INYANDIKO Y'URUBANZA MU BUJURIRE

Avoka wunganira Tharcisse Muvunyi:

Mr. William E. Taylor III

Ibiro bya Porokireri:

Hassan Bubacar Jallow
Deborah Wilkinson
Alphonse Van
Alfred Orono Orono
Thembile Segoete
Jane Mukangira
Leo Nwoye

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

AMASHAKIRO

I. INTANGIRIRO 2

A. Amavu n'amavuko y'urubanza 2

B. Ubujurire 3

II. IBIGENDERWAHO MU GUSUZUMA UBUJURIRE 4

III. UBUJURIRE BWA THARCISSE MUVUNYI 7

A. Ibivugwa ko Inyandiko y'ibirego ifite inenge (Impamvu y'ubujurire ya 1) 7

1. Itariki inama yabereyeho 11
2. Umubare w'inama zabaye muri Gicurasi 1994 14
3. Kumenyesha Uregwa ko ashinjwa iby'inama yabaye ku munsi uri hagati ya Gicurasi 1994 rwagati no mu mpera z'uko kwezi 15
4. Umwanzuro 15

B. Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso (Impamvu y' ubujurire ya 2) 16

1. Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso bishinja 16
2. Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso bishinjura 24
3. Umwanzuro 29

IV. UBUJURIRE BWA POROKIRERI 30

A. Uburemere bw'ibyaha 30

B. Impamvu nyongeragihano 31

C. Impamvu nyoroshyagihano 32

D. Kunyuranya n'ubukemuramanza bw'Urukiko bwerekeye igenagihano 33

E. Umwanzuro 35

V. ICYEMEZO 35

VI. IGITEKEREZO CY'ABACAMANZA LIU NA MERON KINYURANYE N'ICYA BAGENZI BABO 37

VII. UMUGEREKA A– UKO IMIBURANISHIRIZE YAGENZE 44

A. Inyandiko n'Imyanzuro by'ubujurire 44

1. Ubujurire bwa Muvunyi 44

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

2. Ubujurire bwa Porokireri 44
B. Ishyirwaho ry' Abacamanza 45
C. Iburanisha mu bujurire 45
VIII. UMUGEREKA B: INYANDIKO ZIFASHISHIJWE N'IBISOBANURO BY' AMAGAMBO YAKORESHEJWE 46
A. Ubukemuramanza 46
1. Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda 46
2. Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze Ari Yugosilaviya ... 49
B. Ibisobanuro by'amagambo n'impinamagambo 51

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

1. Urugereko rw'Ubujurire (hasi aha ruritwa « Urugereko rw'Ubujurire » rw'Urukiko Mpanabyaha Mpuzamahanga rwashyiriweho gucira imanza abantu bakekwaho kuba barakoreye mu Rwanda ibikorwa bya jenoside n'ibindi bikorwa binyuranyije bikomeye n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara, n'Abanyarwanda bakekwaho kuba barabikoreye mu bihugu bituranye n'u Rwanda hagati y'itariki ya 1 Mutarama n'iya 31 Ukuboza 1994 (hasi aha ruritwa «Urukiko »), rwashyikirijwe ubujurire bwa Tharcisse Muvunyi (» Muvunyi ») n'ubwa Porokireri, bajuririra imikirize y'urubanza rwaciwe n'Urugereko rwa Mbere rw'iremezo III rw'Urukiko (» Urugereko rwa Mbere rw'Iremezo »), ku itariki ya 11 Gashyantare 2010 mu rubanza Porokireri aburana na Tharcisse Muvunyi, (» Inyandiko y'urubanza mu rw'iremezo »)[1].

[1] Kugira ngo byorohe mu gushakisha ibyakenerwa kwifashisha, kuri iyi Nyandiko y'urubanza hometseho imigereka ibiri ikurikira: Umugereka A – Uko imiburanishirize yagenze; Umugereka B – Inyandiko zifashishijwe n'ibisobanuro by'amagambo yakoreshejwe.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

I. INTANGIRIRO

A. Amavu n'amavuko y'urubanza

2. Muvunyi yavukiye muri Komine ya Mukarange, Perefegitura ya Byumba ku itariki ya 19 Kanama 1953[2]. Mu mwaka wa 1994, yari afite ipeti rya Liyetona-Koloneli mu Ngabo z'u Rwanda, akorera mu Ishuri ry'Abasuzofisiye (» ESO «) muri Perefegitura ya Butare[3].

3. Mu rubanza rwe rwa mbere muri uru Rukiko, Muvunyi yahamwe n'icyaha cya jenoside, icyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, n'ibindi bikorwa birenze kameremuntu nk'ibyaha byibasiye inyokomuntu maze akatirwa igihano cy'igifungo cy'imyaka 25[4]. Ku itariki ya 29 Kanama 2008, Urugereko rw'Ubujurire rwavanyeho icyo cyemezo kimuhamya ibyaha maze rutegeka ko urubanza rusubirwamo ariko rukaburanishwa gusa ku kirego cya 3 cy'Inyandiko y'ibirego. Muri icyo kirego, Porokireri ashinja Muvunyi guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, kubera ijambo ngo yavugiye kuri santeri y'ubucuruzi ya Gikore muri Komine ya Nyaruhengeri, Perefegitura ya Butare[5].

4. Nyuma yo kongera kuburanisha Muvunyi kuri icyo kirego, Urugereko rwa Mbere rw'Iremezo rwamuhamije icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, kubera amagambo yavuze mu gice cya kabiri cya Gicurasi 1994, mu nama y'abaturage yabereye kuri santeri y'ubucuruzi ya Gikore. Rwamukatiye rero igihano cy'igifungo cy'imyaka 15[6].

[2] Inyandiko y'urubanza mu rw'iremezo, igika 31.

[3] Inyandiko y'urubanza mu rw'iremezo, igika 32.

[4] Inyandiko y'urubanza rwa Muvunyi I mu rw'iremezo, ibika 531, 545.

[5] Inyandiko y'urubanza rwa Muvunyi I mu bujurire, ibika 148, 171.

[6] Inyandiko y'urubanza mu rw'iremezo, ibika 132, 133, 153.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

B. Ubujurire

5. Muvunyi atanga impamvu z'ubujurire ebyiri maze agasaba Urugereko rw'Ubujurire kuvanaho icyemezo cy'Urugereko rwa Mbere rw'Iremezo kimuhamya icyaha ndetse n'igihano yakatiwe[7]. Mu gisubizo cye, Porokireri avuga ko impamvu zose z'ubujurire bwa Muvunyi zidakwiye kwemerwa[8]. Atanga impamvu imwe y'ubujurire anenga igihano Muvunyi yakatiwe[9] nuko agasaba ko cyakongerwa kigashyirwa ku gifungo cy'imyaka 25[10]. Mu gisubizo cye, Muvunyi avuga ko ubujurire bwa Porokireri budakwiye kwemerwa maze akavuga ko ahubwo igihano cye gikwiye kugabanywa[11].

6. Ku itariki ya 21 Ukwakira 2010, Urugereko rw'Ubujurire rwumvise imyanzuro ababuranyi batanze mu magambo ku birebana n'ubu bujurire[12].

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[7] Inyandiko y'ubujurire bwa Muvunyi, ibika 4-12; Imyanzuro y'ubujurire ya Muvunyi, ibika 5,17, 82. Mu gika cya 11 n'icya 12 by'Inyandiko y'ubujurire bwe, Muvunyi avuga ko igihano yakatiwe kidahuye n'ubukemuramanza bwimakajwe n'uru Rukiko. Asaba kandi Urugereko rw'Ubujurire kumugabanyiriza igihano, rushingiye ku myanzuro rwasesa rumaze gusanga ko idafite aho ishingiye mu rwego rw'amategeko cyangwa urw'ibyabaye. Cyakora, mu Myanzuro y'ubujurire ye Muvunyi ntatanga ibisobanuro birambuye kuri iyi ngingo. Ahubwo, agira icyo abivugaho mu Gisubizo cye ku Myanzuro y'ubujurire bwa Porokireri. Muri icyo gisubizo, Muvunyi avuga ko icyaha yahamijwe kidakomeye ugereranyije n'ibyo abandi bahamijwe mu zindi manza zinyuranye aho Urukiko rwagiye rubakatira igihano cy'igifungo cy'imyaka 15 y'igifungo cyangwa kiri munsi yacyo. Yongeraho ko igihe amaze afunze gikwiranye n'uburemere bw'icyaha yahamijwe kandi ko aramutse ari cyo akatiwe byaba bijyanye n'ubutabera. Reba Igisubizo cya Muvunyi ku Myanzuro y'ubujurire ya Porokireri, ibika 13-40. Muri rusange, ingingo zatanzwe mu gushyigikira Inyandiko y'ubujurire zagombye gusobanurwa birambuye mu Myanzuro y'ubujurire. Cyakora, ibyo ntibibuza Urugereko rw'Ubujurire kwita ku ngingo zatanzwe mu zindi nyandiko iyo rusanga zifitiye akamaro ubujurire, kandi rubona ko kutazitaho bishobora gutuma urubanza rucibwa nabi. Nk'urugero, reba *Urubanza Ferdinand Nahimana na bagenzi be baburana na Porokireri, Nº ICTR-99-52-A*, Icyemezo ku Cyifuzo cya Porokireri cyongera gusaba mu magambo Urugereko rw'Ubujurire kutita kuri zimwe mu ngingo zatanzwe na Avoka wa Barayagwiza, mu iburanisha mu bujurire ryo ku itariki ya 17 Mutarama 2007, n'iya 5 Werurwe 2007, igika 15. Nyamara ariko, kubera impamvu zimwe n'izivugwa ku birebana n'imyanzuro ya Porokireri irwanya uburyo Urugereko rwa Mbere rw'Iremezo rwagereranyije ibyakozwe mu zindi manza rujya kugena igihano ryo muri uru rubanza, ibyo Muvunyi avuga ntibigaragaza ikosa ryaba ryarakozwe ku birebana n'igihano yagenewe. Reba hasi, igika 72.

[8] Igisubizo cya Porokireri ku Myanzuro ya Muvunyi, ibika 1, 116.

[9] Inyandiko y'ubujurire ya Porokireri, ibika 1-5; Imyanzuro y'ubujurire ya Porokireri, igika 4.

[10] Inyandiko y'ubujurire ya Porokireri, igika 5; Imyanzuro y'ubujurire ya Porokireri, ibika 10, 70.

[11] Igisubizo cya Muvunyi ku Myanzuro y'ubujurire ya Porokireri, ibika 39, 40.

[12] Inyandikomvugo y'iburanisha, 21 Ukwakira 2010, imp. 1-41.

II. IBIGENDERWAHO MU GUSUZUMA UBUJURIRE

7. Urugereko rw'Ubujurire ruributsa ibigenderwaho mu gusuzuma ubujurire, hashingiwe ku Ngingo ya 24 ya Sitati. Urugereko rw'Ubujurire rusuzuma gusa amakosa yo mu rwego rw'amategeko ashobora gutuma icyemezo cyafashwe mu rw'iremezo giseswa, n'amakosa ashingiye ku byabaye yatumye urubanza rucibwa nabi[13].

8. Ku birebana n'amakosa yo mu rwego rw'amategeko, ubukemuramanza bw'Urugereko rw'Ubujurire buvuga ko:

> Iyo umuburanyi avuga ko habaye ikosa ryo mu rwego rw'amategeko, agomba gutanga ingingo zishyigikira ibyo avuga, agasobanura ukuntu iryo kosa ritesha agaciro icyemezo cyafashwe. Cyakora, iyo ingingo z'ujurira zidashyigikira icyo aregera, ntibivuga, byanze bikunze, ko uwo muburanyi atsinzwe kuri icyo kintu, kuko Urugereko rw'Ubujurire rushobora, kubera izindi mpamvu, kubisuzuma, rugasanga harabayeho ikosa ryo mu rwego rw'amategeko[14].

9. Iyo urugereko rw'ubujurire rusanga mu mikirize y'urubanza mu rw'iremezo harabaye ikosa ryo mu rwego rw'amategeko ryatewe no gukoresha ikigenderwaho mu mategeko kitari cyo, urwo rugereko rw'ubujurire ruvuga ikigenderwaho mu mategeko cyagombaga gukoreshwa maze rugasuzuma imyanzuro yerekeranye n'ibyabaye yafashwe mu rw'iremezo[15]. Mu kubikora, urugereko rw'ubujurire ntirukosora gusa amakosa yo mu rwego rw'amategeko ahubwo runakoresha, iyo bibaye ngombwa, ikigenderwaho mu mategeko kigwiye gukoreshwa ku bimenyetso bikubiye muri dosiye y'iburanisha. Icyo gihe, rureba niba na rwo ubwarwo runyuzwe, ku buryo

[13] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 6; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 7. Reba n'Inyandiko y'urubanza rwa Haradinaj na bagenzi be mu bujurire, igika 9.

[14] Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 11 (ibyandukuwe bikuwe ahandi ntibyongewemo). Reba n'Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igikacya 7; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 8; Inyandiko y'urubanza rwa Haradinaj na bagenzi be mu bujurire, igika 10.

[15] Inyandiko y'urubanza rwa Kalimanzira, mu bujurire, igika 8; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 9. Reba n'Inyandiko y'urubanza rwa Haradinaj na bagenzi be mu bujurire, igika 11.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

budashidikanywaho, n'umwanzuro ku byabaye ujurira anenga mbere y'uko uwo mwanzuro wemezwa mu bujurire[16].

10. Ku birebana n'amakosa ashingiye ku byabaye, ubukemuramanza buteganya neza ko urugereko rw'ubujurire rudapfa kuvanaho imyanzuro ishingiye ku byabaye yafashwe mu rw'iremezo kereka hari impamvu zikomeye zatuma rubikora:

> Iyo ubwunganizi buvuga ko umwanzuro ushingiye ku byabaye ukosamye, urugereko rw'ubujurire rugomba kugendera ku mwanzuro w'urugereko rwa mbere rw'iremezo ruba rwarakiriye ibimenyetso mu iburanisha. Urugereko rw'ubujurire rwahindura uwo mwanzuro ari uko gusa bigaragara ko nta mucamanza usuzuma urubanza mu mizi yarwo ushyira mu gaciro wari gufata umwanzuro nk'uwo, cyangwa ari uko rusanze uwo mwanzuro wose uko wakabaye ukosamye. Byongeye kandi, gukuraho umwanzuro urimo ikosa bikorwa gusa iyo iryo kosa ryatumye urubanza rucibwa nabi[17].

11. Mu bujurire, umuburanyi ntiyemerewe gusubiramo ingingo zitemewe mu rw'iremezo keretse iyo agaragaje ko kuba izo ngingo zitaremewe mu rw'iremezo ari ikosa ryatuma urugereko rw'ubujurire rugomba kuzisuzuma[18]. Urugereko rw'ubujurire rushobora guhita rwanga ingingo zitatuma icyemezo cyafashwe kivanwaho cyangwa gisubirwamo, kandi rukabikora bitabaye ngombwa ko rusuzuma agaciro izo ngingo zahabwa[19].

12. Kugira ngo urugereko rw'ubujurire rusuzume ingingo z'ubujurire, ujurira agomba kugaragaza neza amapaji y'inyandikomvugo y'iburanisha cyangwa ibika

[16] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 8; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 9. Reba n'Inyandiko y'urubanza rwa Haradinaj na bagenzi be mu bujurire, igika 11.

[17] Inyandiko y'urubanza rwa Krstić mu bujurire, igika 40 (ibyandukuwe bikuwe ahandi ntibyongewemo). Reba n'Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 9; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 10; Inyandiko y'urubanza rwa Haradinaj na bagenzi be mu bujurire, igika 12.

[18] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 10; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 11. Reba n'Inyandiko y'urubanza rwa Boškoski na Tarčulovski mu bujurire, igika 16.

[19] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 10; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 11. Reba n'Inyandiko y'urubanza rwa Boškoski na Tarčulovski mu bujurire, igika 16.

by'icyemezo cyangwa by'inyandiko y'urubanza bigaragaramo ibyo ajuririra[20]. Byongeye kandi, Urugereko rw'ubujurire ntirushobora gusuzuma birambuye ibivugwa n'umuburanyi igihe bitumvikana, bivuguruzanya, bidasobanutse, cyangwa bifite izindi nenge zigaragara zerekeranye n'ibisabwa mu myandikire[21]. Mu gusoza kuri iki kibazo, ni ngombwa kuvuga ko urugereko rw'ubujurire rufite ububasha busesuye bwo guhitamo ibivugwa n'umuburanyi rukeneye gutangaho igitekerezo kirambuye mu nyandiko, no kutemera, rutagombye kubitangira igisobanuro kirambuye, ingingo bigaragara ko zidafite ishingiro[22].

[20] Amabwiriza Ngengamikorere Yerekeye Ibisabwa mu Bujurire ku Rubanza, 15 Kamena 2007, igika 4(b). Reba n'Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 11; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 12; Inyandiko y'urubanza rwa Boškoski na Tarčulovski mu bujurire, igika 17.

[21] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 11; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 12; Inyandiko y'urubanza rwa Boškoski na Tarčulovski mu bujurire, igika 17.

[22] Inyandiko y'urubanza rwa Kalimanzira mu bujurire, igika 11; Inyandiko y'urubanza rwa Rukundo mu bujurire, igika 12; Inyandiko y'urubanza rwa Boškoski na Tarčulovski mu bujurire, igika 17.

III. UBUJURIRE BWA THARCISSE MUVUNYI

A. Ibivugwa ko Inyandiko y'ibirego ifite inenge

(Impamvu y'ubujurire ya 1)

13. Igika cya 3.24 cy'Inyandiko y'ibirego kigira kiti :

> Mu gihe cy'ibyabaye bivugwa muri iyi Nyandiko y'ibirego, Liyetona Koloneli Tharcisse Muvunyi, ari hamwe na Perezida wa Gahunda y'ukwirengera kw'abaturage (*défense civile*) muri Butare waje kuba Perefe wa Butare, n'abandi bategetsi bakomeye bo muri iyo perefegitura, yagiye mu makomine atandukanye ya Perefegitura ya Butare, yitwaje ko arimo gukangurira abaturage bo muri ayo makomine kurengera igihugu, kandi mu by'ukuri, yashakaga kubahamagarira gukora ubwicanyi bwibasiye Abatutsi. Ayo manama yo gukangurira abaturage [ubwicanyi] yabereye ahantu henshi muri Perefegitura ya Butare. Muri aho havugwa nka:
>
> [...]
>
> – Kuri santeri y'ubucuruzi ya Gikore, mu ntangiriro za Gicurasi 1994;
>
> [...]

14. Igika cya 3.25 cy'Inyandiko y'ibirego kigira giti:

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

15. Rushingiye ku bimenyetso byatanzwe mu gushyigikira ibivugwa muri ibyo bika by'Inyandiko y'ibirego, Urugereko rwa Mbere rw'Iremezo rwahamije Muvunyi icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, mu nama yabereye kuri santeri ya Gikore mu gice cya kabiri cya Gicurasi

1994[23]. Urugereko rwa Mbere rw'Iremezo rwasanze nta muburanyi uhakana ko mu gika cya 3.24 havugwamo igihe kitari cyo iyo nama yabereyemo[24]. Kubera iyo mpamvu, rwasuzumye niba hari ukunyuranya gukomeye hagati y'ibivugwa mu Nyandiko y'ibirego ko iyo nama yabaye « mu ntangiriro za Gicurasi 1994 » n'ivugwa mu bimenyetso ko yabaye mu gice cya kabiri cya Gicurasi, ku buryo byaba byaratumye Muvunyi atamenyeshwa ibyaha akurikiranyweho[25]. Nyuma yo gusuzuma ibimenyetso rwashyikirijwe, Urugereko rwa Mbere rw'Iremezo rwasanze muri Gicurasi 1994 i Gikore harabereye inama imwe gusa y'abaturage[26]. Rwafashe rero umwanzuro uvuga ko Muvunyi yamenyeshejwe mu buryo busobanutse ibirebana n'inama ivugwa, n'ubwo itariki iri mu Nyandiko y'ibirego itandukanye n'ivugwa mu bimenyetso byatanzwe[27].

16. Muvunyi avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ryo mu rwego rw'amategeko kuko rwemeje ko yagiye mu nama itavugwa mu Nyandiko y'ibirego[28]. Avuga ko mu Nyandiko y'ibirego havugwa neza inama yabaye mu ntangiriro za Gicurasi 1994 mu gihe ibimenyetso byatanzwe mu iburanisha byo bivuga ku kindi kintu cyabaye hagati muri Kamena 1994[29]. Mu kubisobanura, Muvunyi avuga ko kuba mu bimenyetso bishinja havugwa ko Alphonse Nteziryayo («Nteziryayo ») yari Perefe wa Perefegitura ya Butare igihe iyo nama yabaga, bigaragaza ko inama abatangabuhamya bashinja bavugaho ari iyabaye hagati muri Kamena 1994, Nteziryayo yaramaze kuba perefe[30]. Muvunyi asanga kandi mu Nyandiko y'ibirego havugwa ko, igihe yafataga ijambo mu nama yabereye i Gikore, yari kumwe

[23] Inyandiko y' urubanza mu rw'iremezo, ibika 132, 133.

[24] Inyandiko y' urubanza mu rw'iremezo, igika 21.

[25] Inyandiko y' urubanza mu rw'iremezo, ibika 22, 45-62.

[26] Inyandiko y' urubanza mu rw'iremezo, ibika 61, 62.

[27] Inyandiko y' urubanza mu rw'iremezo, igika 62.

[28] Inyandiko y'ubujurire ya Muvunyi, ibika 4, 5; Imyanzuro y'ubujurire ya Muvunyi, ibika 5-16. Kuri iyi mpamvu y'ubujurire, Urugereko rw'Ubujurire rwanasuzumye ingingo zijyanye na yo zivugwa mu mpamvu y'ubujurire ya kabiri ya Muvunyi. Muri izo ngingo, Muvunyi arwanya imyanzuro y'Urugereko rwa Mbere rw'Iremezo ku kibazo cyo kumenya niba abatangabuhamya bashinja baramenye ko Alphonse Nteziryayo yari Perefe wa Perefegitura ya Butare. Reba Imyanzuro y'ubujurire ya Muvunyi, ibika 46-56.

[29] Imyanzuro y'ubujurire ya Muvunyi, ibika 5-7, 9, 11; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 7.

[30] Imyanzuro y' ubujurire ya Muvunyi, ibika 9, 46-48; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 7.

n'umukuru wa gahunda y'ukwirwanaho kw'abaturage muri Perefegitura wa Butare. Asobanura ko uwo muntu ari Aloys Simba[31]. Muvunyi avuga ko ibimenyetso bitagaragaza ko umukuru wa gahunda y'ukwirwanaho kw'abaturage yari ahari[32]. Kubera iyo mpamvu, yemeza ko iyo nama ivugwa mu Nyandiko y'ibirego itandukanye n'iyo Porokireri yatanzeho ibimenyetso[33].

17. Muvunyi avuga ko, kubera ko ashinjwa ko we ubwe yakoze icyo cyaha, Inyandiko y'ibirego yagombye kuba yaragaragaje neza itariki iyo nama yabereyeho[34]. Yongeraho ko Inyandiko y'ibirego yagombaga guhindurwa niba Porokireri yarashakaga kumushinja ikintu cyabaye muri Kamena 1994[35].

18. Mu gusoza kuri iki kibazo, Muvunyi avuga ko kuba Urugereko rwa Mbere rw'Iremezo rwarafashe umwanzuro uvuga ko muri Gicurasi 1994, kuri santeri y'ubucuruzi ya Gikore habereye inama imwe gusa bidakuraho inenge iri mu Nyandiko y'ibirego[36]. Avuga ko uwo mwanzuro udafite ikintu ushingiyeho ndetse ko udashigikiwe n'ibimenyetso bigaragaza ko habaye nibura inama ebyiri[37]. Uregwa anavuga ko iryo kosa ryarushijeho kuba agahomamunwa ubwo Urugereko rwa Mbere rw'Iremezo rwanyuranyaga n'ihame ry'umuburanyi ufite inshingano yo gutanga ibimenyetso maze rukamutegeka kugaragaza ko habaye inama irenze imwe[38].

19. Urugereko rw'Ubujurire ruributsa ko ibyaha Uregwa ashinjwa n'ibikorwa by'ingenzi bishyigikira ibyo byaha, bigomba gusobanurwa bihagije mu Nyandiko y'ibirego kugira ngo Uregwa abe amenyeshejwe ibyo ashinjwa[39]. Mu guca urubanza,

[31] Imyanzuro y' ubujurire ya Muvunyi, igika 8.

[32] Imyanzuro y' ubujurire ya Muvunyi, igika 8.

[33] Imyanzuro y' ubujurire ya Muvunyi, ibika 8, 54-56.

[34] Imyanzuro y'ubujurire ya Muvunyi, igika 10.

[35] Imyanzuro y'ubujurire ya Muvunyi, ibika 11-13.

[36] Imyanzuro y'ubujurire ya Muvunyi, igika 14.

[37] Imyanzuro y'ubujurire ya Muvunyi, ibika 14, 15; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 9, 10.

[38] Imyanzuro y'ubujurire ya Muvunyi, igika 14.

[39] Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 18; Inyandiko y'urubanza rwa Seromba mu bujurire, ibika 27, 100; Inyandiko y'urubanza rwa Simba mu bujurire, igika 63; Inyandiko y'urubanza rwa Muhimana mu bujurire, ibika 76, 167,195; Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 49; Inyandiko y'urubanza rwa Ndindabahizi mu bujurire, igika 16.

Urugereko rwa Mbere rw'Iremezo rugomba guhamya uregwa icyaha, rushingiye gusa ku byaha bivugwa mu Nyandiko y'ibirego[40]. Mu cyemezo rwafashe muri uru rubanza, kimwe no ku bujurire ku cyemezo kirebana n'icyifuzo igihe urubanza rwasubirwagamo mu rw'iremezo, Urugereko rw'Ubujurire rwemeje ko Inyandiko y'ibirego idafite inenge[41]. Cyakora, hasigaye ikibazo cyo kumenya niba Muvunyi yarahamwe n'icyaha ashinjwa mu Nyandiko y'ibirego.

20. Nta muburanyi uhakana ko Muvunyi yagiye mu nama yabereye kuri santeri y'ubucuruzi ya Gikore muri Gicurasi 1994[42]. Abatangabuhamya bashinja biswe FBX, CCS, CCP na AMJ bavuga ko Muvunyi yari mu nama yabaye mu gice cya kabiri cya Gicurasi 1994[43]. Muvunyi na we yahamagaje abatangabuhamya bashinjura bavuga ko n'ubwo yagiye mu nama yabaye mu gice cya kabiri cya Gicurasi 1994, nta myitwarire mibisha yagaragaye muri iyo nama cyangwa ngo hagire ibikorwa bibisha biyikomokaho[44]. Rumaze gusuzuma ibintu binyuranye bisa hagati y'ubuhamya bw'abantangabuhamya bashinjura n'ubw'abashinja, Urugereko rwa Mbere rw'Iremezo rwasanze abo batangabuhamya bavuga ku nama imwe[45].

21. Umwanzuro nk'uyu ubyutsa ibibazo bitatu by'ingenzi bikurikira ku byerekeranye no kumenya niba Muvunyi yarahamijwe icyaha kivugwa mu Nyandiko y'ibirego: (i) kumenya niba Urugereko rwa Mbere rw'Iremezo rwari rufite ukuri mu gufata umwanzuro uvuga ko abatangabuhamya bashinja bavuga ku nama yabaye mu gice cya kabiri cya Gicurasi; (ii) kumenya niba hari ibimenyetso byerekana ko kuri santeri y'ubucuruzi ya Gikore habereye inama imwe rukumbi muri Gicurasi 1994; (iii) kumenya niba hatari impungenge z'uko Uregwa yaba ataramenyeshewejwe ibyo ashinjwa kubera ukunyuranya kuboneka hagati y'itariki ivugwa mu Nyandiko

[40] Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 18; Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 326; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, igika 28; Inyandiko y'urubanza rwa Kvocka na bagenzi be mu bujurire, igika 33.

[41] Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 140; Urubanza Porokireri aburana na Muvunyi, Nº ICTR-2000-55-AR98bis, Icyemezo ku bujurire ku Cyemezo cyanze Icyifuzo cyasabaga ko Uregwa yagirwa umwere, 11 Ugushyingo 2009, igika 13.

[42] Inyandiko y'urubanza mu rw'iremezo, igika 40.

[43] Inyandiko y'urubanza mu bujurire, igika 46. Umutangabuhamya ushinja wa gatanu (uwiswe YAI) ntiyabajijwe ku itariki inama yabereyeho. Reba Inyandiko y'urubanza mu rw'iremezo, igika 46.

[44] Inyandiko y'urubanza mu rw'iremezo, ibika 47,78-82.

[45] Inyandiko y'urubanza mu rw'iremezo, ibika 48, 49, 59.

y'ibirego ku birebana n'igihe iyo nama yaba yarabereye (» mu ntangiriro za Gicurasi ») n'umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko yabaye « mu gice cya nyuma cya Gicurasi ».

1. Itariki inama yabereyeho

22. Ubwo rwasuzumaga niba abatangabuhamya bashinja n'abashinjura bavuga ku nama imwe, Urugereko rwa Mbere rw'Iremezo rwasanze uretse kuba abatangabuhamya bashinja n'abashinjura bahuza ku byerekeranye n'ikigereranyo cy'itariki iyo nama yabereyeho, ahantu yabereye no kuba Muvunyi yari ayirimo, hari ibindi bintu abo batangabuhamya bahurizaho kuri iyo nama[46]. By'umwihariko, Urugereko rwasanze inama yaratumijwe na konseye wa segiteri, ibera hanze mu isangano ry'imihanda nyuma ya saa sita[47]. Abo batangabuhamya bahuriza kandi ku mubare w'abantu bitabiriye iyo nama, ku kuba abanyacyubahiro baraje mu modoka, ku mwirondoro wabo no ku kuntu bakurikiranye mu gufata amagambo[48]. Cyakora, Urugereko rw'Ubujurire rusanga hari ibintu bibiri by'ingenzi aba batangabuhamya b'impande zombi banyuranyaho.

23. Icya mbere, abatangabuhamya bashinja n'abashinjura baranyuranya ku byerekeranye n'ibyavugiwe muri iyo nama. Mu gihe abatangabuhamya bashinja bavuga ko amagambo yavugiwe muri iyo nama yari gashozamvururu[49], abashinjura bo bavuga ko yari inama isanzwe y'umutekano[50]. Cyakora, Urugereko rwa Mbere rw'Iremezo rwakemuye icyo kibazo cyerekeranye n'uko kuvuguruzanya kuko rwasanze hari ibibazo bikomeye byerekeranye n'ukwizerwa kw'abatangabuhamya bashinjura kuri icyo kibazo, ndetse rufata umwanzuro uvuga ko ubuhamya batanze mu Rukiko budasobanutse kandi buvuguruzanya[51]. Urugereko rw'Ubujurire ruributsa ko « Abacamanza bo mu rw'iremezo ari bo bashobora gusuzuma ku buryo buboneye, ukwizerwa k'umutangabuhamya, no kureba niba ibimenyetso byatanzwe bikwiye

[46] Inyandiko y'urubanza mu rw'iremezo, ibika 48,49.

[47] Inyandiko y'urubanza mu rw'iremezo, ibika 48,49.

[48] Inyandiko y'urubanza mu rw'iremezo, igika 49.

[49] Inyandiko y'urubanza mu rw'iremezo, ibika 94-100,120.

[50] Inyandiko y'urubanza mu rw'iremezo, ibika 77, 116, 117.

[51] Inyandiko y'urubanza mu rw'iremezo, ibika 107-119.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

gushingirwaho »[52]. Bityo rero, « Urugereko rwa Mbere rw'Iremezo ni na rwo rufite ububasha busesuye bwo gusuzuma agaciro n'ukwizerwa byahabwa ubuhamya »[53]. Nk'uko bivugwa ku mpamvu y'ubujurire ya kabiri ya Muvunyi, Urugereko rw'Ubujurire, ku bwiganze bw'amajwi kuko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo, rusanga nta kosa ryakozwe mu gusuzuma ukwizerwa kw'abatangabuhamya[54].

24. Icya kabiri, abatangabuhamya bashinja n'abashinjura baranyuranya ku byerekeranye no kumenya perefe wavuze ijambo muri iyo nama. Mu gihe abatangabuhamya bashinja biswe FBX, CCS, CCP na AMJ bavuga ko ari Nteziryayo, abashinjura bo bavuga ko ari Sylvain Nsabimana (» Nsabimana »)[55]. Uko kunyuranya gutuma umuntu yongera kwibaza ikibazo gikomeye cyo kumenya niba iyo nama yarabaye muri Gicurasi 1994, igihe Nsabimana yari perefe, cyangwa niba yarabaye nyuma y'itariki ya 17 Kamena 1994, ubwo Nteziryayo yasimburaga Nsabimana ku mwanya wa perefe[56].

25. Urugereko rwa Mbere rw'Iremezo rwasuzumye maze rwanga kwemera ibivugwa na Muvunyi ko abatangabuhamya bashinja biswe FBX, CCS, CCP na AMJ basa n'abashaka kumvikanisha ko iyo nama yabaye nyuma y'igice cya mbere cya Kamena 1994, kuko bavuga ko ubwo inama yabaga Nteziryayo ari we wari Perefe wa Perefegitura ya Butare, kandi mu by'ukuri yarashyizwe kuri uwo mwanya ku itariki ya 17 Kamena 1994[57]. Urugereko rwa Mbere rw'Iremezo rwavuze ko, uzirikanye ko hashize imyaka 15 ibivugwa bibabaye ndetse na Nteziryayo akaba yarabaye perefe hashize ibyumweru bike inama ibaye, byumvikana ko abo batangabuhamya

[52] Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 949. Reba n'Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 188; Inyandiko y'urubanza rwa Akayesu mu bujurire, igika 132; Inyandiko y'urubanza rwa Furundzija mu bujurire, igika 37; Inyandiko y'urubanza rwa Aleksovski mu bujurire, igika 63; Inyandiko y'urubanza rwa Tadić mu bujurire, igika 64.

[53] Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 47. Reba n'Inyandiko y'urubanza rwa Nahimana na bagenzi be mu bujurire, igika 194.

[54] Reba hasi, Igice III.B.2 (Amakosa bivugwa ko yakozwe mu isesengura ry'ibimeyetso bishinjura).

[55] Inyandiko y'urubanza mu rw'iremezo, ibika 50-52, 54, 57, igisobanura nomero 103 cyo hasi ku rupapuro.

[56] Inyandiko y'urubanza mu rw'iremezo, igika 51.

[57] Inyandiko y'urubanza mu rw'iremezo, ibika 53-58. Umutangabuhamya ushinja wa gatanu kuri iki kintu cyabaye (uwiswe YAI) ntiyabajijwe niba Nteziryayo yari ahari. Reba inyandikomvugo y'iburanisha. Reba n'inyandikomvugo y'iburanisha, 19 Mutarama 2009, imp.20-31

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

bakwibeshya ku byerekeranye no kumenya niba Nteziryayo yari perefe igihe iyo nama yabaga[58].

26. Urugereko rwa Mbere rw'Iremezo rwanabonye imyitwarire y'abatangabuhamya ubwo babwirwaga ko, mu by'ukuri, muri Gicurasi 1994 Nteziryayo atari yakaba perefe. Urugereko rwa Mbere rw'Iremezo rwasanze iyo myitwarire igaragaza ko « abo batangabuhamya batashatse kubeshya ko ahubwo bagize ikibazo cyo kutibuka neza ibyabaye »[59]. Kuzirikana imyitwarire y'abatangabuhamya mu gusuzuma ukwizerwa kwabo ni imwe mu nshingano z'ingenzi z'urugereko rwa mbere rw'iremezo kandi urugereko rw'ubujurire rugomba kwemera ibivuye muri iryo suzuma[60]. Mu rundi rubanza rwaciye mbere, Urugereko rw'Ubujurire rwavuze ko « mu bujurire bitemewe gusubira muri iryo suzuma ryakozwe mu rw'iremezo »[61]. Ruributsa kandi ko umucamanza usuzuma urubanza mu mizi yarwo ashobora kwemera ibice bimwe by'ubuhamya akagira ibindi yanga[62]. Ku bwiganze bw'amajwi kubera ko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo, Urugereko rw'Ubujurire rusanga, ruzirikanye ibintu bivugwa haruguru, rutakwemera ibivugwa ko Urugereko rwa Mbere rw'Iremezo rutashyize mu gaciro igihe rwangaga igice kimwe cy'ubuhamya bw'abatangabuhamya cyerekeranye no kuba Nteziryayo yari perefe igihe iyo nama yabaga. Kubera iyo mpamvu, Muvunyi ntiyerekanye ko imyanzuro y'Urugereko rwa Mbere rw'Iremezo yose uko yakabaye ikosamye cyangwa ngo agaragaze ko nta mucamanza usuzuma urubanza mu mizi

[58] Inyandiko y'urubanza mu rw'iremezo, igika 56.

[59] Inyandiko y'urubanza mu rw'iremezo, igika 57.

[60] Reba Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 47; Inyandiko y' urubanza rwa Bikindi mu bujurire, igika 114; Inyandiko y'urubanza rwa Simba mu bujurire, igika 9; Inyandiko y' urubanza rwa Nahimana na bagenzi be mu bujurire, ibika 12, 194; Inyandiko y'urubanza rwa Ndindabahizi mu bujurire, igika 34; Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, ibika 12, 213; Inyandiko y'urubanza rwa Semanza mu bujurire, igika 8; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, ibika 12, 204, 244; Inyandiko y'urubanza rwa Kamuhanda mu bujurire, igika 138; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 222; Reba n'Urubanza Edouard Karemera na bagenzi be baburana na Porokireri, Nº ICTR-98-44-AR15bis.2, Impamvu z'Icyemezo ku bujurire ku Cyemezo kirebana n'Icyifuzo cyerekeranye no gukomeza urubanza hari Umucamanza w'Umusimbura no ku Cyifuzo cya Nzirorera gisaba kwemererwa gutanga ibimenyetso bishya, 22 Ukwakira 2004, igika 60.

[61] Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 244.

[62] Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 128.

yarwo ushyira mu gaciro wari gufata umwanzuro uvuga ko inama abatangabuhamya bashinja bavugaho yabaye muri Gicurasi 1994[63].

2. Umubare w'inama zabaye muri Gicurasi 1994

27. Ku byerekeranye no kumenya niba kuri santeri y'ubucuruzi ya Gikore harabereye inama imwe rukumbi muri Gicurasi 1994, Urugereko rw'Ubujurire rusanga umutangabuhamya wiswe CCS avuga ko mbere yaho, mu mpera za Mata cyangwa mu ntangiriro ya Gicurasi 1994, Muvunyi yari mu nama yabereye kuri santeri y'ubucuruzi ya Gikore[64]. Urugereko rwa Mbere rw'Iremezo ntirwazirikanye, ku buryo bweruye, ubu buhamya ubwo rwafataga umwanzuro uvuga ko abatangabuhamya bashinjura bavuga gusa ko habaye inama imwe muri Gicurasi 1994. Cyakora, kubera ko CCS yabanje gushidikanya ku byerekeranye no kuba inama yarabaye muri Mata cyangwa mu ntangiriro za Gicurasi 1994[65], Urugereko rw'Ubujurire, ku bwiganze bw'amajwi kuko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo, rusanga ubu buhamya butavuguruza umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko muri Gicurasi 1994 habaye inama imwe gusa.

28. Urugereko rw'Ubujurire rusanga kuba Urugereko rwa Mbere rw'Iremezo rwaravuze ko Muvunyi atatanze ibimenyetso bigaragaza ko muri Gicurasi habaye izindi nama, bitavuga ko rwanyuranyije n'ihame ry'umuburanyi ufite inshingano yo gutanga ibimenyetso[66]. Ahubwo, ibyo urwo Rugereko rwavuze biri mu rwego rw'umwanzuro rwafashe, ubwo rwakoreshaga ububasha rufite bwo gusuzuma agaciro kahabwa ibimenyetso ababuranyi barushyikirije. Uwo mwanzuro uvuga ko hatatanzwe ibimenyetso bigaragaza ko muri Gicurasi 1994 habaye inama zirenze imwe. Kubera iyo mpamvu, ku bwiganze bw'amajwi kuko Abacamanza Liu na Meron batanga

[63] Urugereko rw'Ubujurire rusanga ibivugwa na Muvunyi ko inama ivugwa mu Nyandiko y'ibirego ar iyo Aloys Simba yarimo, nta shingiro bifite. Mu Nyandiko y'ibirego ntihavugwa ko Simba yari akuriye gahunda y'ukwirwanaho kw'abaturage muri Perefegitura ya Butare. Reba Inyandiko y' ibirego, igika 3.24.

[64] Inyandikomvugo y' iburanisha, 22 Kamena 2009, imp.16, 24-28.

[65] Gereranya Inyandikomvugo y'iburanisha, 22 Kamena 2009, urup.16 n' Inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 24-28.

[66] Reba Inyandiko y' urubanza mu rwa mbere rw' Iremezo, igika 60.

igitekerezo kinyuranye n'icya bagenzi babo, Urugereko rw'Ubujurire rusanga Muvunyi atagaragaza ko nta mucamanza usuzuma urubanza mu mizi yarwo kandi ushyira mu gaciro wari gufata umwanzuro uvuga ko muri Gicurasi 1994, kuri santeri y'ubucuruzi ya Gikore habereye inama imwe rukumbi ikitabirwa na Muvunyi. Rusanga kandi iyo nama yarabaye mu gice cya kabiri cya Gicurasi nk'uko bivugwa haruguru.

3. Kumenyesha Uregwa ko ashinjwa iby'inama yabaye ku munsi uri hagati ya Gicurasi 1994 rwagati no mu mpera z'uko kwezi

29. Ikibazo cya nyuma rero ni ukumenya niba Muvunyi ataramenyeshejwe iby'inama yatumye ahamwa n'icyaha kubera ukunyuranya hagati y'Inyandiko y'ibirego ivuga ko iyo nama yabaye mu ntangiriro za Gicurasi 1994 n'umwanzuro uvuga ko iyo nama yabaye ku munsi uri hagati ya Gicurasi 1994 rwagati no mu mpera z'uko kwezi. Urugereko rw'Ubujurire ntirwemera ko hari itandukanyirizo rinini hagati y'amagambo akoreshwa mu Nyandiko y'ibirego n'akoreshwa mu bimenyetso byatanzwe kuko uko kunyuranya kudakanganye[67] kandi, nk'uko Urugereko rwa Mbere rw' Iremezo rwabivuze, kuri santeri y'ubucuruzi ya Gikore habereye inama imwe gusa muri Gicurasi 1994. Byongeye kandi, mu rubanza rwa mbere n'igihe rwasubirwagamo, mu by'ukuri Muvunyi yireguye ku byo ashinjwa ko mu nama yabereye kuri santeri y'ubucuruzi ya Gikore muri Gicurasi 1994, yahamagariye abaturage bo muri ako gace gukora ibyaha. Ibyo byerekana rero ko mu Nyandiko y'ibirego yari yaramenyeshejwe icyo cyaha ku byerekeranye n'inama yabaye muri Gicurasi 1994[68].

4. Umwanzuro

30. Kubera iyo mpamvu, ku bwiganze bw'amajwi kubera ko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo, Urugereko rusanze impamvu y'ubujurire ya mbere ya Muvunyi nta shingiro ifite.

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[67] Nk'urugero, reba Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 302; Inyandiko y' urubanza rwa Kunarac na bagenzi be mu bujurire, igika 217.

[68] Inyandiko y'urubanza mu rw'iremezo, igika 47 (« Byongeye kandi, buri mutangabuhamya ushinjura avuga ko Muvunyi yari mu nama y'i Gikore yabaye ku munsi uri hagati ya Gicurasi 1994 rwagati n' impera z' uko kwezi, kandi ko yayifashemo ijambo »). Reka n'Inyandiko y'urubanza rwa Muvunyi I mu rw'iremezo, ibika 202-205.

B. Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso (Impamvu y'ubujurire ya 2)

31. Mu guhamya Muvunyi icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, Urugereko rwa Mbere rw'Iremezo rwemeje ko Uregwa yashishikarije imbaga y'abantu yari iteraniye kuri santeri y'ubucuruzi ya Gikore « gushakisha Abatutsi bari bihishe no kubica »[69]. Rwemeje kandi ko bukeye mu gitondo, Abatutsi koko batewe maze bakicwa[70]. Rushingiye ku magambo yavuze mu ijambo rye ndetse no ku kuntu ibintu byari byifashe igihe yarivugaga, Urugereko rwa Mbere rw'Iremezo rwasanze, mu kuvuga iryo jambo, Muvunyi yari yaritswemo n'igitekerezo cyo gukora jenoside[71].

32. Muvunyi avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze amakosa menshi mu isesengura ry'ibimenyetso bishinja n'ibishinjura[72].

1. Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso bishinja

33. Mu myanzuro yarwo ishingiye ku byabaye, Urugereko rwa Mbere rw'Iremezo rwashingiye ahanini ku buhamya bwa FBX, AMJ, CCP, CCS na YAI[73]. Rwazirikanye ko FBX, AMJ na CCS bashoboraga kuba barabaye ibyitso bya Muvunyi kubera uruhare bagize mu bwicanyi bwakurikiye iyo nama[74]. Urugereko rwa Mbere rw'Iremezo rwanazirikanye ko YAI na CCP bafunze kubera uruhare bagize muri jenoside kuko bakoze ubwicanyi bumeze nk'ubwo ariko budafitanye isano n'inama yabereye kuri santeri y'ubucuruzi ya Gikore[75]. Urugereko rwa Mbere rw'Iremezo

[69] Inyandiko y'urubanza mu rw'iremezo, igika 127.

[70] Inyandiko y'urubanza mu rw'iremezo, ibika 114,127.

[71] Inyandiko y'urubanza mu rw'iremezo, ibika 128, 131.

[72] Inyandiko y'ubujurire ya Muvunyi, ibika 6-10; Imyanzuro y'ubujurire ya Muvunyi, ibika 17-79; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 21-45. Urugereko rw'Ubujurire rusuzuma ibyo Muvunyi avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu gufata umwanzuro wemeza ko Alphonse Nteziryayo atari perefe wa Butare igihe inama ivugwa yabaga (Imyanzuro y' ubujurire ya Muvunyi, ibika 46-56) ku byerekeranye n'ingingo zisa n'iyi zivugwa mu mpamvu ya mbere y'ubujurire bwe. Reba haruguru, icyiciro cya III.A (Impamvu 1: Ibivugwa ko Inyandiko y'ibirego ifite inenge).

[73] Inyandiko y'urubanza mu rw'iremezo, ibika 41, 83-104.

[74] Inyandiko y'urubanza mu rw'remezo, ibika 41, 83.

[75] Inyandiko y'urubanza mu rw'iremezo, ibika 42, 83.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

rwasuzumye ubuhamya bwa buri wese muri abo batangabuhamya bubwitondeye cyane[76]. Cyakora, rwasanze aba batangabuhamya bashinja uko ari batanu batanga ubuhamya « bunyuze, bwakwizerwa kandi bakaba bavuga ibintu bahagazeho ku byerekeranye n'ibyari bikubiye mu ijambo Muvunyi yavugiye mu nama yabereye i Gikore ». Byongeye kandi ubwo buhamya bwabo ntibuvuguruzanya ndetse burashyigikirana[77].

34. Muvunyi avuga ko hari amakosa Urugereko rwa Mbere rw'Iremezo rwakoze, cyane cyane ku birebana n'uko rwasesenguye ubuhamya bw'abantu babaye ibyitso no ku birebana n'ivuguruzanya riboneka mu bimenyetso bishinja[78].

(a) Gushingira ku buhamya bw'abantu babaye ibyitso

35. Muvunyi avuga ko Porokireri yashingiye gusa ku batangabuhamya bakoranye jenoside umurava[79]. Avuga ko nyamara we abatangabuhamya baje kumushinjura ari abantu batigeze bakatirwa n'inkiko[80]. Muvunyi avuga rero ko kuba « Porokireri atarashoboye guhamagaza umutangabuhamya n'umwe w'inyangamugayo byatuma umuntu abyibazaho »[81], cyane cyane iyo uzirikanye ko iyo nama yitabiriwe n'abantu babarirwa mu magana[82].

36. Muvunyi avuga kandi ko Urugereko rwa Mbere rw'Iremezo rutakoresheje ubushishozi bukwiye mu gusesengura ubuhamya bwa FBX, AMJ na CCD babaye ibyitso mu byaha ashinjwa cyangwa mu gusuzuma niba ubwo buhamya bushyigikirana[83]. Kuri iki kibazo, Muvunyi anenga umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko kuba na mbere abo batangabuhamya bari baragize uruhare muri jenoside, bituma mu by'ukuri « barushaho kwizerwa ku byerekeranye

[76] Inyandiko y'urubanza mu rw'iremezo, ibika 41, 42, 83.

[77] Inyandiko y'urubanza mu rw'iremezo, igika 93.

[78] Imyanzuro y'ubujurire ya Muvunyi, ibika 29-45, 57-59.

[79] Imyanzuro y'ubujurire ya Muvunyi, ibika 30-32. Reba Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 26-30.

[80] Imyanzuro y'ubujurire ya Muvunyi, igika 33.

[81] Imyanzuro y'ubujurire ya Muvunyi, ibika 34. Reba n'Imyanzuro y'ubujurire ya Muvunyi, igika 33.

[82] Imyanzuro y'ubujurire ya Muvunyi, ibika, 29, 34.

[83] Imyanzuro y'ubujurire ya Muvunyi, ibika 35, 36, 57- 59.

n'ibyari bikubiye mu ijambo Muvunyi yavugiye mu nama yabereye i Gikore »[84]. Muvunyi avuga ko uwo mwanzuro unyuranyije n'ibisabwa ko ubuhamya bw'umuntu wabaye icyitso mu cyaha bugomba gusuzumwa bwitondewe cyane, kuko « abatangabuhamya b'ibyitso bashobora kugira impamvu cyangwa inyungu mu gushinja uregwa mu Rukiko »[85].

37. Urugereko rw'Ubujurire rwigeze kwemeza ko Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo gushingira ku buhamya bw'abatangabuhamya babaye ibyitso[86]. Cyakora, kubera ko abo batangabuhamya bashobora kugira impamvu cyangwa inyungu zo gushinja uregwa mu Rukiko, Urugereko rw'Ubujurire rwavuze ko Urugereko rwa Mbere rw'Iremezo rugomba gusuzuma ubuhamya bwabo rubwitondeye cyane no kuzirikana uburyo bwose ubwo buhamya bwatanzwemo[87]. Muri uru rubanza, Urugereko rwa Mbere rw'Iremezo rwibukije aya mahame akurikizwa[88]. Rwaranayakoresheje kuko rwazirikanye imyitwaririre mibisha yaranze abo batangabuhamya bashinja, maze rusuzuma ubuhamya bwabo mu buryo butaziguye kandi rubwitondeye cyane kugira ngo rurebe niba hari uwaba afite impamvu zamutera gushinja Muvunyi ibinyoma. Rwanazirikanye ukwivuguruza kuboneka mu buhamya bwa buri mutangabuhamya n'ukuvuguruzanya mu buhamya bwabo mbere yo kwemeza ko bakwizerwa[89]. Kubera iyo mpamvu, Urugereko rw'Ubujurire rusanze ibivugwa na Muvunyi ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ngo kuko rwashingiye ahanini ku buhamya bw'abantu babaye ibyitso cyangwa bakoranye jenoside umurava, nta shingiro bifite. Urugereko rw'Ubujurire kandi ntirwemera ibyo Muvunyi avuga ko Urugereko rwa Mbere rw'Iremezo rutasuzumye iki cyiciro cy'ibimenyetso rucyitondeye cyane.

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[84] Imyanzuro y'ubujurire ya Muvunyi, igika 36, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Muvunyi I mu rw'iremezo, igika 106.

[85] Imyanzuro y'ubujurire ya Muvunyi, igika 35, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 128. Reba n'Imyanzuro y'ubujurire ya Muvunyi, igika 36.

[86] Reba Inyandiko y'urubanza rwa Nchamihigo mu bujurire, ibika 47,48; Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 128.

[87] Inyandiko y'urubanza rwa Nchamihigo mu bujurire, ibika 47, 48; Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 128.

[88] Inyandiko y'urubanza mu rw'iremezo, ibika 14-16.

[89] Inyandiko y'urubanza mu rw'iremezo, ibika 41, 42, 83-93.

38. Na none, ibivugwa na Muvunyi ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ngo kuko rwashingiye ku buhamya bw'abantu babaye ibyitso rutabanje kureba niba ubwo buhamya bufite ubundi bubushyigikira, nta shingiro bifite, ndetse yari yaravuze ibyo bintu mu rw'iremezo ariko Urugereko rwa Mbere rw'Iremezo rurabyanga, kandi umwanzuro warwo wari uciye mu kuri[90]. Urebye, si ngombwa ko ubuhamya bw'umuntu wabaye icyitso bugira ubundi bubushyigikira, uretse no kuba bwashyigikirwa n'ubwo mu kindi cyiciro cy'ibimenyetso[91].

39. Byongeye kandi, kuba Urugereko rwa Mbere rw'Iremezo rwarafashe uruhare abatangabuhamya bagize mbere muri jenoside nk'ikintu gituma barushaho kwizerwa rwabikoze gusa ku gice cyihariye cy'ubuhamya bwabo ari cyo cyerekeranye n'inyungu bari bafite mu gukurikirana ibikubiye mu ijambo rya Muvunyi, ugeraranyije n'iz'abatangabuhamya bashinjura[92]. Ikibazo cyo kumenya niba abatangabuhamya bashinjura nabo bari bafite inyungu mu gukurikirana ibikubiye muri iryo jambo na cyo gisuzumwa hasi[93]. Cyakora muri rusange, kuba Urugereko rwa Mbere rw'Iremezo rwarashingiye kuri iyo ngingo ku byerekeranye n'abatangabuhamya bashinja, ntibigaragaza ko rutasuzumye ubuhamya bwabo rubwitondeye cyane, ahubwo byerekerana ko rwasuzumye igice cyihariye cy'ubuhamya cyari gikenewe urebye uko ikibazo cyari giteye. Mu by'ukuri, Urugereko rwa Mbere rw'Iremezo rwasuzumye ubuhamya bw'abatangabuhamya bashinja rubwitondeye cyane kandi rwazirikanye ibintu binyuranye bivuguruzanya mu buhamya bwabo[94].

40. Kubera izo mpamvu, Muvunyi ntiyagaragaje ikosa na rimwe ryaba ryarakozwe n'Urugereko rwa Mbere rw'Iremezo mu kuntu rwasesenguye muri rusange ubuhamya bw'abantu babaye ibyitso kandi rukabushingiraho.

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[90] Inyandiko y'urubanza mu rw'iremezo, igika 105.

[91] Reba Inyandiko y'urubanza rwa Nchamihigo mu bujurire, ibika 47,48; Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 128.

[92] Inyandiko y'urubanza mu rw'iremezo, igika 106.

[93] Reba hasi, Icyiciro cya III.B.2 (Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso bishinjura).

[94] Inyandiko y'urubanza mu rw'iremezo, igika 83-93.

(b) Ukuvuguruzanya mu buhamya bushinja

41. Muvunyi avuga ko hari amakosa Urugereko rwa Mbere rw'Iremezo rwakoze mu isesengura ry'ubuhamya bushinja bwatanzwe na FBX, AMJ, CCP, CCS, na YAI kubera ko ngo abo batangabuhamya bivuguruza mu byo bavuga ndetse bakanavuguruzanya mu buhamya bwabo mu Rukiko, mu buhamya bwanditse bahaye abapererezi b'uru Rukiko ndetse no mu bwo batanze mu manza zaburanishijwe n'inkiko zo mu Rwanda[95]. Asobanura, cyane cyane, ko abo batangabuhamya bashinja banyuranya ku birebana n'igihe inama yabereye, ku mubare w'abantu bayijemo no ku mazina y'abategetsi bayitabiriye[96]. By'umwihariko, avuga ko FBX, AMJ, CCP, na YAI bemeza ko iyo nama yabaye nyuma ya saa sita, mu gihe CCS we avuga ko yabaye mbere ya saa sita[97]. Byongeye kandi, Muvunyi avuga ko umubare bavuga w'abantu bari muri iyo nama ugenda uhindagurika, umwe akavuga ko « bari bageze muri 300 » (FBX), undi akavuga ko « barengaga 80» (AMJ) naho undi akavuga ko babarirwaga « hagati ya 250 na 300» (CCS)[98]. Muvunyi anavuga ko mu buhamya bwanditse FBX na CCS batanze mbere, hari abategetsi abo batangabuhamya batavuze ko bari muri iyo nama[99].

42. Muvunyi avuga kandi ko ubwo bemeraga icyaha mu Rwanda, FBX na AMJ batigeze bavuga iby'inama yabereye i Gikore cyangwa ngo bavuge ko bagize uruhare mu bwicanyi bwabanye nyuma y'iyo nama. Yongeraho ko FBX, AMJ, na CCS batigeze bavuga ko abategetsi bo muri ako karere babahamagariye gukora ibindi byaha[100].

[95] Imyanzuro y'ubujurire, ibika 37-45, 57-59.

[96] Imyanzuro y'ubujurire, igika 43; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 37-39.

[97] Imyanzuro y'ubujurire, igisobanuro nomero 80 cyo hasi ku rupapuro.

[98] Imyanzuro y'ubujurire ya Muvunyi, igisobanuro nomero 79 cyo hasi ku rupapuro. Byongeye kandi, Muvunyi avuga ku buhamya YAI yatanze mu rubanza rwa mbere aho muri iyo nama hari abantu barenga 1.000 n'ubwa CCS uvuga ko babarirwaga muri 900. Reba Imyanzuro y'ubujurire ya Muvunyi, igisobanuro nomero 79 cyo hasi ku rupapuro.

[99] Imyanzuro y'ubujurire ya Muvunyi, igisobanuro nomero 81 cyo hasi ku rupapuro (havugwa ko FBX atavuga Charles Kalimanzira kandi ko na CCS atavuga Muvunyi na Ruzindaza wari Perezida w'urukiko rwa mbere rw'iremezo rwo muri ako karere).

[100] Imyanzuro y'ubujurire ya Muvunyi, ibika 38, 41, 42, 57-59; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 32. N'ubwo Muvunyi yemera ko AMJ yemeye icyaha cyo kuba yaritabiriye ubwicanyi bwabaye muri Gicurasi 1994, avuga ko mbere yaho ubwo uyu mutangabuhamya yavugaga kuri ibi byaha

Muvunyi avuga ko abo batangabuhamya batavuze ibyo bintu kubera ko, mu nkiko zo mu Rwanda, abakusanyamakuru baba ari abaturage baba aho muri ako gace, bityo bakaba bari gutahura ko ibyo bintu atari ukuri[101].

43. Muvunyi avuga kandi ko ubuhamya bwa FBX, AMJ, CCP, na CCS buvuga ko hari umugani w'ikinyarwanda yakoresheje werekeranye no kwica inzoka ashaka guhamagarira abantu [gukora ubwicanyi], burimo ibintu bivuguruzanya[102]. By'umwihariko, avuga ko FBX na AMJ batigeze bavuga ibyo bintu mu buhamya bwabo bwanditswe mbere n'abapererezi b'uru Rukiko cyangwa mu bwo bagejeje ku bategetsi bo mu Rwanda[103]. Muvunyi yongeraho ko, mu rubanza rwa mbere, CCP yavuze ko uwo mugani werekeranye n'inzoka wakoreshejwe na Alphonse Nteziryayo, ndetse ko na CCS ariko abivuga mu buhamya bwe bwanditswe mbere n'abapererezi b'Urukiko[104]. Muvunyi avuga kandi ko ubwo buhamya buvuguruzanya n'ubwa YAI n'ubw'abatangabuhamya bashinjura bemeza ko mu ijambo rye nta kintu yavuze cyerekeranye n'inzoka[105]. Muvunyi anavuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ryo kwirengagiza ihuzagurika riri muri ubwo buhamya kandi ko rwapfobeje ikibazo cy'ubuhamya buvuguruzanya[106].

44. Urugereko rw'Ubujurire ruributsa ko Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo guhitamo ubuhamya bwatanzwe mu Rukiko rwashingiraho, no gusuzuma ingaruka kwivuguruza k'umutangabuhamya cyangwa kuvuguruzanya

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atigeze avuga ko hari aho bihuriye n'inama yabereye i Gikore. Reba Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 32.

[101] Imyanzuro y'ubujurire ya Muvunyi, ibika 42, 58. Reba n'Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 33.

[102] Imyanzuro y'ubujurire ya Muvunyi, ibika 39, 44.

[103] Imyanzuro y'ubujurire ya Muvunyi, ibika 39, 44; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 35, 36. By'umwihariko, ku byerekeranye na FBX, Muvunyi asanga Urugereko rwa Mbere rw'Iremezo rwarafashe umwanzuro uvuga ko rutakwizera ibyo uyu mutangabuhamya avuga ko Muvunyi yabwiye abantu bari bateraniye aho « gutangira» kwica. Reba Imyanzuro y'ubujurire ya Muvunyi, igika 39, hasubirwamo ibivugwa mu Nyandiko y'urubanza mu rw'iremezo, igika 87, Inyandikomvugo y'iburanisha, 17 Kamena 200, urup. 2.

[104] Imyanzuro y'ubujurire ya Muvunyi, igika 44.

[105] Imyanzuro y'ubujurire ya Muvunyi, igika 45; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, igika 40.

[106] Imyanzuro y' ubujurire ya Muvunyi, ibika 39, 45; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 35-37, 40.

hagati y'abatangabuhamya mu buhamya batanze mu Rukiko n'ubwanditse batanze mbere, byagira ku kwizerwa kwabo[107]. Urugereko rw'Ubujurire ruributsa kandi ko mu buhamya butanzwe mu Rukiko hakunda kuboneka ukuvuguruzanya kudakanganye ariko ibyo ntibibuza ko bushingirwaho. Ruranibutsa ko Urugereko rwa Mbere rw'Iremezo ari rwo rufite ububasha bwo gusuzuma uko kuvuguruzanya no kureba niba, muri rusange, ubuhamya bwatanzwe bwakwizerwa[108]. Byongeye kandi, kuba umucamanza usuzuma urubanza mu mizi yarwo ashobora kwemera ibice bimwe by'ubuhamya butanzwe mu Rukiko ariko akagira ibindi yanga, ntibivuga ko aba adashyize mu gaciro[109].

45. Isuzuma ry'Inyandiko y'urubanza mu rw'iremezo rigaragaza ko Urugereko rwa Mbere rw'Iremezo rwazirikanye ibibazo byerekeranye n'igihe iriya nama yabereye, umubare w'abantu bayijemo ndetse n'abategetsi bari bahari, kandi ko rwafashe umwanzuro uvuga ko, muri rusange, abatangabuhamya benshi bavuga rumwe kuri ibyo nbibazo[110]. Urugereko rw'Ubujurire ntirwemera ko ibivugwa ko habayeho ivuguruzanya mu buhamya byatuma umuntu akemanga icyemezo Urugereko rwa Mbere rw'Iremezo rwafashe cyo gushingira ku bintu by'ingenzi bigize ubwo buhamya.

46. By'umwihariko, n'ubwo Muvunyi atari ko abibona, abatangabuhamya bashinja ntibavuguruzanya ku byerekeranye n'igihe cy'umunsi iyo nama yabereyeho. Ubuhamya bwa CCS Muvunyi avuga ashaka kwerekana ko iyo nama yabaye mbere ya saa sita, ntibwerekeranye n'iyi nama ivugwa aha ahubwo burebana n'indi nama yabaye mbere mu mpera za Mata 1994[111]. Byongeye kandi, ibisobanuro binyuranye ku mubare w'abantu bayitabiriye urebye ntibivuguruzanya kandi n'iyo byaba binyuranya uko kunyuranya kwaba kudakanganye, cyane cyane umuntu azirikanye igihe gishize ibyo bintu bibaye ndetse akanazirikana ko imibare batanga ari ikigereranyo gusa. Na none, kuba mu buhamya bwanditse abatangabuhamya batanze

[107] Reba, Inyandiko y'urubanza rwa Muvunyi I mu bujurire, igika 144; Inyandiko y'urubanza rwa Seromba mu bujurire, igika 116; Inyandiko y'urubanza rwa Simba mu bujurire, igika 211; Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 58; Inyandiko y'urubanza rwa Ntakirutimana mu bujurire, igika 258.

[108] Inyandiko y'urubanza rwa Karera mu bujurire, igika 174.

[109] Inyandiko y'urubanza rwa Ntagerura na bagenzi be mu bujurire, igika 214.

[110] Inyandiko y'urubanza mu rw'iremezo, ibika 48-52.

[111] Reba inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 24, 25. Reba no haruguru, igika 27.

mbere batavuga bamwe mu bategetsi baje muri iyo nama, na byo si ikibazo gikomeye kandi birumvikana urebye igihe kinini gishize biriya bintu bibaye[112].

47. Byongeye kandi Urugereko rwa Mbere rw'Iremezo rwasuzumye ikibazo cyerekeranye no kuba mu manza zaburanishijwe n'inkiko zo mu Rwanda, FBX, CCS na AMJ bataravuze iby'inama yabereye i Gikore[113]. By'umwihariko, Urugereko rwa Mbere rw'Iremezo rwavuze ko kuba muri izo manza aba batangabuhamya bataravuze ko muri iyo nama abategetsi bahamagariye abantu bari bayitabiriye [gukora ubwicanyi], ari imwe mu mpamvu zatumye rusuzuma ubuhamya bwabo rubwitondeye cyane[114]. N'ubwo Urugereko rwa Mbere rw'Iremezo rutasuzumye ku buryo bweruye ikibazo cyo kumenya niba FBX na AMJ baremeye icyaha cyo kuba baritabiriye ubwicanyi bwakurikiye iyo nama, si ngombwa ko Urugereko rwa Mbere rw'Iremezo rusuzuma buri kwivuguruza cyangwa buri kuvuguruzanya ndetse si na ngombwa ko rusobanura birambuye impamvu rwemeye cyangwa rutemeye ubuhamya ubu n'ubu bwatanzwe mu Rukiko[115]. Urugereko rwa Mbere rw'Iremezo ntirwirengagiye ibyavuzwe ko hariho ivuguruzanya hagati y'ibyo abo batangabuhamya bavuze mu manza baburanishijwemo n'ubuhamya batanze mu Rukiko, kandi rwararizirikanye ubwo rwasuzumaga ubuhamya bwabo. Urugereko rwa Mbere rw'Iremezo ntirwarengereye rero ububasha bwarwo busesuye mu kwemera ubwo buhamya nyuma yo kubusuzumana ubushishozi bukwiye.

48. Muri urwo rwego na none, Urugereko rw'Ubujurire ntirwemera ko hari ikosa iryo ari ryo ryose Muvunyi yabonye mu byakozwe n'Urugereko rwa Mbere rw'Iremezo ubwo rwasesenguraga ibimenyetso bimushinja ku yakoresheje umugani werekeranye no kwica inzoka hagamijwe guhamagarira imbaga y'abantu [gukora ubwicanyi]. By'umwihariko, Urugereko rwa Mbere rw'Iremezo, rwasuzumye ikibazo cyo kuba ibyo bintu bitavugwa mu buhamya bwa FBX bwanditswe mbere n'abapererezi b'uru Rukiko kandi rwemeye igisobanuro yatanze avuga ko ubwo buhamya bwe

[112] Kuba mu buhamya bwanditse yatanze mbere kuri ibyo bintu, FBX atavuga uruhare rwa Muvunyi ni ikintu gikomeye kandi kirasuzumwa hano hasi.

[113] Inyandiko y'urubanza mu rw'iremezo, ibika 83, 85.

[114] Inyandiko y'urubanza mu rw'iremezo, igika 83.

[115] Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 99; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 124; Inyandiko y'urubanza rwa Musema mu bujurire, igika 20.

bwanditswe nabi[116]. Urugereko rwanavuze, mu buryo bweruye, ko rusanga hari ukuvuguruzanya hagati y'ibyo FBX, CCS, na CCP bavuga ko Uregwa yakoresheje imigani n'ibivugwa na YAI ko Muvunyi atigeze avuga ibyerekeranye n'inzoka[117]. Urugereko rw'Ubujurire rusanga Urugereko rwa Mbere rw'Iremezo rwari rufite ububasha busesuye bwo kwemera ibintu by'ingenzi bigize ubuhamya bw'abatangabuhamya, n'ubwo haba harimo uko kuvuguruzanya. Urugereko rwa Mbere rw'Iremezo ntirwasuzumye ibyavuzwe na Muvunyi ko ubuhamya bwa CCP n'ubwa CCS buvuguruzanya ku birebana n'ikoreshwa ry'umugani wavuzwe. Cyakora, Urugereko rw'Ubujurire ruributsa ko, n'ubwo mu gusuzuma agaciro ibimenyetso byahabwa, Urugereko rwa Mbere rw'Iremezo rugomba kuzirikana ivuguruzanya riri mu buhamya n'ibisobanuro ibyo ari byo byose byaritanzweho[118], atari ngombwa ko rusobanura mu nyandiko y'urubanza buri kantu kose kavuguruzanya[119]. Muvunyi ntiyagaragaje rero ko Urugereko rwa Mbere rw'Iremezo rwarengereye ububasha busesuye bwarwo ubwo rwemeraga inkuru z'abo batangabuhamya.

49. Kubera iyo mpamvu, Urugereko rusanga Muvunyi ataragaragaje ikosa, iryo ari ryo ryose, Urugereko rwa Mbere rw'Iremezo rwaba rwarakoze mu isesengura ry'ivuguruzanya riboneka mu bimenyetso bishinja.

2. <u>Amakosa bivugwa ko yakozwe mu isesengura ry'ibimenyetso bishinjura</u>

50. Mu gufata umwanzuro wemeza ko ijambo Muvunyi yavugiye mu nama y'i Gikore ryahamagariraga abantu kwica Abatutsi, Urugereko rwa Mbere rw'Iremezo rwasanze hari ibibazo binyuranye bijyanye n'ukwizerwa kw'ibimenyetso, ibyo bibazo bikaba byaratumye ruha agaciro gake ubuhamya bushinjura bwa Sixbert Iryivuze, MO78 na MO99[120]. By'umwihariko, Urugereko rwa Mbere rw'Iremezo rwasanze abo batangabuhamya « batarakoranaga jenoside umurava igihe iyo nama yabaga»

[116] Inyandiko y'urubanza mu rw'iremezo, ibika 86, 87.

[117] Inyandiko y'urubanza mu rw'iremezo, igika 90.

[118] Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 58; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 96.

[119] Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 58; Inyandiko y'urubanza rwa Niyitegeka mu bujurire, igika 124; Inyandiko y'urubanza rwa Musema mu bujurire, igika 20.

[120] Inyandiko y'urubanza mu rw'iremezo, ibika 107-113, 115-119.

cyangwa ngo babe bari batuye i Gikore muri icyo gihe. Urugereko ruribaza rero inyungu bari kuba bafite yo gutega amatwi ijambo rya Muvunyi kandi ryari ryerekeye « uko ibintu byari byifashe i Gikore »[121]. Urugereko rwa Mbere rw'Iremezo rwasanze Iryivuze atari gutega amatwi neza iryo jambo kubera ko se yari arwaye[122], runasanga MO99 atari yitaye ku « bibazo byihariye birebana n'uko umutekano wari wifashe muri icyo gihe »[123]. Mu gusoza kuri iki kibazo, Urugereko rwa Mbere rw'Iremezo rwagize icyo ruvuga ku birebana n'ibice binyuranye rwasangaga bidasobanutse cyangwa bivuguruzanya mu buhamya bushinjura bwatanzwe mu Rukiko. Rwafashe rero umwanzuro uvuga ko aho butandukaniye n'ubuhamya bushinja ari uko ubwo buhamya bushinjura bwatanzwe mu Rukiko « budafite ibintu byinshi buhurizaho », ahubwo ko « hari byinshi bunyuranyaho» ku byerekeranye n'ijambo rya Muvunyi[124].

51. Mu gusesengura niba Muvunyi yari agamije guhamagarira abari aho gukora jenoside, Urugereko rwa Mbere rw'Iremezo rwasanze, muri rusange ubuhamya bushinjura bwatanzwe na Juvénal Bimenyimana, MO69, MO31 na MO103 ku birebana n'imico myiza ya Muvunyi no ku kuntu yafashije Abatutsi igihe ibivugwa byabaga, bwakwizerwa[125]. Cyakora, kubera ibikubiye mu ijambo Muvunyi yavugiye i Gikore, imbaga y'abantu yabwiraga ndetse n'ukuntu muri rusange jenoside yarimo gukorwa muri ako gace, Urugereko rwa Mbere rw'Iremezo rwasanze nta washidikanya ko, avuga iryo jambo, Muvunyi yashakaga guhamagarira imbaga y'abantu gukora jenoside kandi yabikoze yaritswemo n'umugambi wo kuyikora[126].

52. Muvunyi avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze amakosa mu gusuzuma ibimenyetso bishinjura[127]. By'umwihariko, avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze amakosa anyuranye mu gusuzuma ubuhamya Iryivuze, MO99 na MO78 batanze ku birebana n'inama yabereye i Gikore. Asobanura ko iyo usuzumye neza ubwo buhamya, usanga bwerekana ko Muvunyi atahamagariye imbaga yari mu

[121] Inyandiko y'urubanza mu rw'iremezo, igika 110.

Reba kandi Inyandiko y'urubanza mu rw' iremezo, ibika 107, 109.

[122] Inyandiko y'urubanza mu rw'iremezo, igika 109.

[123] Inyandiko y'urubanza mu rw'iremezo, igika 118.

[124] Inyandiko y'urubanza mu rw'iremezo, igika 116. Reba n'Inyandiko y'urubanza mu rw'iremezo, igika 117.

[125] Inyandiko y'urubanza mu rw'iremezo, ibika 33-39, 129, 130.

[126] Inyandiko y'urubanza mu rw'iremezo, ibika 128, 131.

[127] Imyanzuro y'ubujurire ya Muvunyi, ibika 23-28, 60-79.

nama y'i Gikore gukora jenoside[128]. Muvunyi yibutsa ingingo zimwe na zimwe z'ubuhamya bwabo zerekeranye n'imibereho yabo bwite, impamvu zatumye bajya muri iyo nama, n'ibyo bibuka ku byavugiwe mu nama[129]. Muvunyi avuga rero ko Urugereko rwa Mbere rw'Iremezo rutashyize mu gaciro ubwo rwahaga agaciro gake ubuhamya batanze kuri iyo nama[130]. Anashimangira ko abatangabuhamya bashinjura « ari indakemwa mu mico no mu myifatire », ko rero batandukanye n'abashinja[131].

53. Muvunyi avuga ko nta « kimenyetso kigaragaza ko abatangabuhamya bashinjura batateze amatwi cyangwa ko batitaye cyane ku ijambo ryavuzwe ugereranyije n'abashinja »[132]. Anavuga ko imitekerereze y'Urugereko rwa Mbere rw'Iremezo idafite aho ishingiye kandi ko idasobanutse ku byerekeranye n'impamvu zaba zaratumye abatangabuhamya bashinjura badategа amatwi iryo jambo. Asanga kandi, mu gusuzuma ibimenyetso, urwo Rugereko rwarahanitse igipimo ngenderwaho kuri MO78 kurusha uko rwabikoze ku batangabuhamya bashinja[133].

54. Byongeye kandi, Muvunyi arwanya umwanzuro w'Urugereko rwa Mbere rw'Iremezo wemeza ko yari afite igitekerezo cyo gukora jenoside. Avuga ko urwo Rugereko rwahaye agaciro gato ubuhamya Bimenyimana na MO69 batanze ku mico ye bavuga ukuntu yagerageje kurengera Abatutsi muri icyo gihe kivugwa[134]. Muvunyi asobanura ko ubwo buhamya bwerekana ko igitekerezo yari afite icyo gihe « gitandukanye cyane n'ibyo Porokireri avuga ku birebana n'ijambo yavugiye i Gikore ». Avuga rero ko ibyo bituma umuntu ashidikanya ku byerekeranye no kumenya niba yari yaritswemo n'igitekerezo cya ngombwa cyo gukora icyaha[135]. N'ubwo yemera ko Urugereko rwa Mbere rw'Iremezo rwanze kwemera izo ngingo kuko rwasanze yarafashije Abatutsi « bake cyane kandi yihitiyemo cyangwa agafasha Abatutsi

[128] Imyanzuro y'ubujurire ya Muvunyi, ibika 60-79.

[129] Imyanzuro y'ubujurire ya Muvunyi, ibika 60-79.

[130] Imyanzuro y'ubujurire ya Muvunyi, ibika 63, 64, 71-74, 78, 79.

[131] Imyanzuro y'ubujurire ya Muvunyi, igika 60.

[132] Imyanzuro Muvunyi ku Gisubizo cya Porokireri, igika 44.

[133] Imyanzuro y'ubujurire ya Muvunyi, ibika 63, 64, 71-74, 79; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 44, 45.

[134] Imyanzuro ya Muvunyi mu bujurire, ibika 23-28; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 21-25.

[135] Imyanzuro ya Muvunyi mu bujurire, ibika 27, 28; Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri, ibika 21, 23.

b'inshuti z'inshuti ze cyangwa b'inshuti z'umuryango we »[136], Muvunyi asobanura ko Bimenyimana ataje kumushinjura kubera ubucuti cyangwa isano batifanye[137]. Avuga rero ko Urugereko rwa Mbere rw'Iremezo rutasuzumye ubwo buhamya uko bikwiye[138].

55. Urugereko rw'Ubujurire rusanga umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko abatangabuhamya bashinja bari bafite impamvu ikomeye yo gutega amatwi ijambo ryavugiwe mu nama y'i Gikore kurusha abatangabuhamya bashinjura ari bo Iryivuze, MO78 na MO99, nta shingiro ufite. Kuri iki kibazo, Urugereko rwa Mbere rw'Iremezo rwavuze ko igihe inama yabaga abatangabuhamya bashinjura batari batuye i Gikore cyangwa ngo babe barakoranye jenoside umurava[139]. Muri iyo nama, Iryivuze « ashobora kuba yari arangajwe no gutekereza kuri se wari urwaye malariya »[140], naho MO99 we akaba « atari yitaye ku bibazo byihariye birebana n'uko umutekano wari wifashe muri icyo gihe» kuko yumvaga ari we ari na fiyanse we w'Umututsikazi, bombi barashoboraga guhura n'akaga ubwo bari mu nzira bajya muri Perefegitura ya Butare[141].

56. Cyakora, Urugereko rw'Ubujurire rusanga ubwo buhamya bwanditse bwa Iryivuze, MO78 na MO99 atari bwo bwonyine Urugereko rwa Mbere rw'Iremezo rwashingiyeho rusuzuma ukwizerwa kw'abatangabuhamya bashinjura. Urugereko rwa Mbere rw'Iremezo rwanasuzumye ibirebana no kumenya niba ubuhamya bwose bushinjura bwatanzwe mu Rukiko buhuza maze rusanga ubwo buhamya buvuguruzanya ku bintu bintu binyuranye, nyamara atari ko bimeze ku buhamya bushinja[142]. By'umwihariko, ugereranyije n'abatangabuhamya bashinja, abashinjura batanze ubuhamya budahuza neza ku ijambo Muvunyi yavuze kandi ibyo bituma umuntu ashidikanya ku kuri ku ibyo bavuga[143]. Kuba ubuhamya bufite ubundi bubushyigikira ni kimwe mu bintu binyuranye Urugereko rushobora kuzirikana mu

[136] Inyandiko y'urubanza mu rw'iremezo, igika 130.

[137] Imyanzuro ya Muvunyi mu bujurire, igika 27.

[138] Imyanzuro ya Muvunyi mu bujurire, igika 27.

[139] Inyandiko y'urubanza mu rw'iremezo, ibika 107-110.

[140] Inyandiko y'urubanza mu rw'iremezo, igika 109.

[141] Inyandiko y'urubanza mu rw'iremezo, igika 118.

[142] Inyandiko y'urubanza mu rw'iremezo, igika 116.

[143] Inyandiko y'urubanza mu rw'iremezo, igika 117.

gusuzuma ukwizerwa k'umutangabuhamya[144]. Ku bwiganze bw'amajwi, kuko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo, Urugereko rw'Ubujurire rusanga, hashingiwe ku bimenyetso byose byatanzwe, Urugereko rwa Mbere rw'Iremezo rwarashyize mu gaciro mu mwanzuro warwo uvuga ko, muri rusange, ubuhamya bushinjura butakwizerwa cyane kuri icyo kibazo.

57. Urugereko rw'Ubujurire ruributsa ko iyo hari ubuhamya buvuguruzanya ku bintu byabaye, Urugereko rwa Mbere rw'Iremezo rwumvise ubwo buhamya ari rwo rufite inshingano yo guhitamo ubuhamya rusanga bufite agaciro kurusha ubundi[145]. Iyo usuzumye Inyandiko y'urubanza mu rw'iremezo usanga igaragaza ko Urugereko rwa Mbere rw'Iremezo rwabikoze ubwo rwasesenguraga mu buryo burambuye ubuhamya bushinjura ku byerekeranye n'ibyavugiwe mu nama yabereye i Gikore, maze rugasanga ubwo buhamya butakwemerwa ubugereranyije n'ubuhamya bwakwizerwa kandi bufite ubundi bubushyigikira bwatanzwe n'abatangabuhamya bashinja[146].

58. Mu gusoza kuri iki kibazo, Urugereko rwa Mbere rw'Iremezo rwasuzumye ibimenyetso Muvunyi yatanze ku mico ye myiza no ku kuntu yafashije Abatutsi mu gihe ibivugwa byabaga[147]. Cyakora, Urugereko rwa Mbere rw'Iremezo rwanasuzumye birambuye ibikubiye mu ijambo rya Muvunyi n'urwego yarivuzemo mu nama y'i Gikore, maze rusanga yari agamije guhamagarira abantu gukora jenoside kandi arivuga yari yaritswemo n'igitekerezo cyo kuyikora[148]. Iyo urebye rero ibyo bimenyetso usanga kuba Muvunyi yari afite imico myiza ndetse akaba yaranafashije Abatutsi yihitiyemo, bitarabujije Urugereko rwa Mbere rw'Iremezo gufata umwanzuro uvuga ko Uregwa yari yaritswemo n'igitekerezo cyo gukora jenoside.

59. Byongeye kandi, n'ubwo Muvunyi atari ko abibona, rwanga guha agaciro igikorwa cye cyo gufasha Abatutsi, Urugereko rwa Mbere rw'Iremezo ntirwashingiye gusa ku mpamvu y'uko yabikoze kubera ubucuti yari afitanye n'abo bantu cyangwa

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[144] Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 47, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Simba mu bujurire, igika 24.

[145] Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 103; Inyandiko y'urubanza rwa Gacumbitsi mu bujurire, igika 81; Inyandiko y'urubanza rwa Rutaganda mu bujurire, igika 29.

[146] Inyandiko y'urubanza mu rw'iremezo, ibika 83-119.

[147] Inyandiko y'urubanza mu rw'iremezo, ibika 129, 130.

[148] Inyandiko y'urubanza mu rw'iremezo, ibika 120-128, 131.

ababamuhaye[149]. Mu by'ukuri, Urugereko rwa Mbere rw'Iremezo rwanasanze yarafashije « abantu bake yihitiyemo »[150]. Kuba rero Muvunyi yarafashije abantu batari bafitanye isano, nk'uko Bimenyimana abivuga mu buhamya bwe, ntibivuga ko umwanzuro w'urwo Rugereko ukosamye[151].

60. Muvunyi ntiyagaragaje rero ikosa ryaba ryarakozwe n'Urugereko rwa Mbere rw'Iremezo mu isesengura ry'ibimenyetso bishinjura.

3. Umwanzuro

61. Kubera izo mpamvu zimaze kuvugwa, ku bwiganze bw'amajwi kuko Abacamanza Liu na Meron batanga igitekerezo kinyuranye, Urugereko rw'Ubujurire ntirwemeye impamvu y'ubujurire ya kabiri ya Muvunyi.

[149] Inyandiko y'urubanza mu rw'iremezo, ibika 129, 130.

[150] Inyandiko y'urubanza mu rw'iremezo, igika 130.

[151] Reba inyandikomvugo y'iburanisha, 24 Kamena 2009, urup. 40.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

IV. UBUJURIRE BWA POROKIRERI

62. Urugereko rwa Mbere rw'Iremezo rwakatiye Muvunyi igihano cy'igifungo cy'imyaka 15 kubera ko yahamwe n'icyaha cyo guhamagarira abantu, ku buryo butaziguye kandi mu ruhame, gukora jenoside[152].

63. Urugereko rw'Ubujurire ruributsa ko ingereko za mbere z'iremezo zifite ububasha busesuye bwo kugena igihano gikwiye, kuko zifite inshingano zo gukatira buri muntu wese uhamwe n'icyaha igihano kimukwiriye kijyanye n'ibintu byihariye bimwerekeyeho ndetse n'uburemere bw'icyaha[153]. Nk'uko amategeko abiteganya, Urugereko rw'Ubujurire ruhindura igihano ari uko gusa rusanze ujurira yaragaraje ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu gukoresha ubabasha bwarwo mu igenagihano cyangwa ko rutubahirije amategeko akurikizwa[154].

64. Porokireri avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ryo mu rwego rw'amategeko n'urw'ibyabaye ubwo rwasesenguraga ibirebana n'igihano rwagenera Muvunyi[155]. Asaba Urugereko rw'Ubujurire kongera icyo gihano maze rukakigira igifungo cy'imyaka 25[156]. Muri iki cyiciro, Urugereko rw'Ubujurire rurasuzuma niba Urugereko rwa Mbere rw'Iremezo rwarakoze ikosa mu isesengura ry'ibi bikurikira : (i) uburemere bw'ibyaha Muvunyi yahamijwe; (ii) impamvu nyongeragihano; (iii) impamvu nyoroshyagihano; (iv) n'imikorere y'uru Rukiko mu igenagihano ku byaha bimwe n'ibyahamye Muvunyi.

A. <u>Uburemere bw'ibyaha</u>

65. Porokireri avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu isesengura ry'uburemere bwose bw'ibyaha Muvunyi yahamijwe kuko rutahaye agaciro gakwiye ibintu bikurikira: uburemere bw'icyaha cyo guhamagarira abantu ku buryo butaziguye

[152] Inyandiko y'urubanza mu rw'iremezo, igika 153.

[153] Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 384; Inyandiko y'urubanza rwa Bikindi mu bujurire, igika 141; Inyandiko y'urubanza rwa Karera mu bujurire, igika 385.

[154] Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 384; Inyandiko y'urubanza rwa Bikindi mu bujurire, igika 141; Inyandiko y'urubanza rwa Karera mu bujurire, igika 385.

[155] Inyandiko y'ubujurire ya Porokireri, ibika 1-4; Imyanzuro y'ubujurire ya Porokireri, igika 4.

[156] Inyandiko y'ubujurire ya Porokireri, igika 5; Imyanzuro y'ubujurire ya Porokireri, ibika 4, 70.

kandi mu ruhame gukora jenoside ; ibintu byihariye birebana n'urubanza ; imiterere y'uruhare rwa Muvunyi mu byabaye n'uko rwaganaga ; n'igihe icyaha yahamijwe cyakorewe[157]. Porokireri asobanura abishimangira ko Urugereko rwa Mbere rw'Iremezo rwafashe umwanzuro uvuga ko icyaha cyo « guhamagarira abantu mu buryo butaziguye kandi mu ruhame gukora jenoside na cyo gifite uburemere nk'ubw'icyaha cya jenoside», kandi ko « icyaha cya jenoside ari cyo cyaha cy'ubugome gikomeye kurusha ibindi »[158]. Porokireri anashimangira ko igihe cyose Urukiko rwagiye rusanga nta mpamvu nyoroshyagihano ziriho, rwakatiye abantu bahamwe n'icyaha cya jenoside igihano cy'igifungo cya burundu[159].

66. Mu gusuzuma uburemere bw'icyaha kivugwa aha, Urugereko rwa Mbere rw'Iremezo rwibukije, muri make, aho icyaha Muvunyi yahamijwe gishingiye mu rwego rw'ibyabaye n'urw'amategeko[160]. Urugereko rwa Mbere rw'Iremezo rwavuze, mu buryo bweruye, ko jenoside ari icyaha « gihungabanya ishingiro ry'umuryango muntu» kandi ko guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside bifite « uburemere bumwe» n'ubw'icyaha cya jenoside[161]. Urugereko rwa Mbere rw'Iremezo ntirwirengagije rero ibintu byose byo mu rwego rw'ibyabaye n'urw'amategeko ibyaha Porokiteri avuga bishingiyeho. Kubera izo mpamvu, Urugereko rw'Ubujurire rusanga Porokireri ataragaragaje ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu isesengura ry'uburemere bw'icyaha cyahamye Muvunyi.

B. <u>Impamvu nyongeragihano</u>

67. Porokireri avuga ko Urugereko rwa Mbere rw'Iremezo rutahaye agaciro gahagije impamvu nyongeragihano, zirimo urwego icyaha Muvunyi yahamijwe cyakozwemo,

[157] Inyandiko y'ubujurire ya Porokireri, ibika 1, 2; Imyanzuro y'ubujurire ya Porokireri, ibika 21-43; Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, igika 6.

[158] Imyanzuro y'ubujurire ya Porokireri, igika 10, hasubirwaho ibivugwa mu Nyandiko y'urubanza mu rw'iremezo, igika 140.

[159] Imyanzuro y'ubujurire ya Porokireri, igika 21.

[160] Inyandiko y'urubanza mu rw'iremezo, igika 139, havugwa ku bikubiye mu Nyandiko y'urubanza mu rw'iremezo, ibika 128, 132.

[161] Inyandiko y'urubanza mu rw'iremezo, igika 140.

umwanya n'ubutegetsi yari afite mu Rwanda, by'umwihariko hazirikanwa ingano y'uruhare rwe mu cyaha n'uburyo yagikoze[162].

68. Mu kurwanya uburyo Urugereko rwa Mbere rw'Iremezo rwasuzumye impamvu nyongeragihano, Porokireri avuga gusa ibyabaye bivugwa muri uru rubanza, imiterere y'uburyozwacyaha bwa Muvunyi, no kuba yarakoresheje nabi ubutegetsi yari afite mu gihe ibivugwa byabaga[163]. Mu gusoza, Porokireri avuga ko, urebye igifungo cy'imyaka 15 rwakatiye Uregwa, Urugereko rwa Mbere rw'Iremezo rugomba kuba rutarahaye agaciro gahagije impamvu nyongeragihano[164]. Cyakora, Porokireri ntagaragaza ikintu na kimwe cyihariye Urugereko rutazirikanye. Mu by'ukuri, Urugereko rwa Mbere rw'Iremezo rwasuzumye ibintu byose birebana n'iki kibazo maze rufata umwanzuro uvuga ko kuba Muvunyi yarakoreshe nabi umwanya yari afite nk'umusirikare mukuru ari impamvu nyongeragihano[165]. Kuba Porokireri avuga gusa ko atemera uburyo Urugereko rwa Mbere rw'Iremezo rwasuzumye impamvu nyongeragihano ntibihagije mu kwerekana ko Urugereko rwakoze ikosa rigaragara mu gukoresha ububasha rufite bwo kugena igihano. Kubera izo mpamvu, Urugereko rw'Ubujurire rusanze Porokireri ataragaragaje ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu isesengura ry'impamvu nyongeragihano.

C. <u>Impamvu nyoroshyagihano</u>

69. Porokireri avuga ko, iyo urebye uburemere bw'icyaha, usanga Urugereko rwa Mbere rw'Iremezo rutarazirikanye uko bikwiye ko nta mpamvu nyoroshyagihano ziriho[166]. Avuga ko Urugereko rwa Mbere rw'Iremezo rwakoresheje nabi ububasha bwarwo kuko rutasobanuye impamvu rwashingiyeho rugena igihano cyoroshye[167]. Porokireri yongeraho ko, ibyo ari byo byose, impamvu zose nyoroshyagihano zishobora kuba

[162] Inyandiko y'ubujurire ya Porokireri, igika 3; Imyanzuro y'ubujurire ya Porokireri, ibika 44-53; Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, igika 6.

[163] Imyanzuro y'ubujurire ya Porokireri, ibika 44-53.

[164] Imyanzuro y'ubujurire ya Porokireri, ibika 52, 53.

[165] Inyandiko y'urubanza mu rw'iremezo, ibika 144-146.

[166] Inyandiko y'ubujurire ya Porokireri, igika 3; Imyanzuro y'ubujurire ya Porokireri, ibika 54, 55.

[167] Imyanzuro y'ubujurire ya Porokireri, igika 54.

ziri mu Myanzuro y'Uregwa isubiza iye zifite uburemere buke uzigereranyije n'icyaha yahamijwe[168].

70. Nk'uko biteganywa n'Ingingo ya 101(B)(ii) y'Amategeko, Urugereko rwa Mbere rw'Iremezo, rugomba kuzirikana impamvu zose nyoroshyagihano mu kugena igihano[169]. Muri uru rubanza, Urugereko rwa Mbere rw'Iremezo rwasuzumye, ku buryo butaziguye, ibivugwa na Muvunyi n'ibimenyetso byatanzwe ku mico myiza ye ndetse no ku bikorwa yakoze afasha Abatutsi[170]. Cyakora, urwo Rugereko rwasanze ibyo bitafatwa nk'impamvu nyoroshyagihano[171]. Biragaragara rero ko Urugereko rwa Mbere rw'Iremezo rwazirikanye ibyo bintu mu gukatira Uregwa igihano cy'igifungo cy'imyaka 15. N'ubwo Porokireri atari ko abibona, kuba nta mpamvu nyoroshyagihano ziriho ntibivuga ko Urugereko rwa Mbere rw'Iremezo rugomba gukatira Uregwa igihano gisumba ibindi byose cyangwa gutanga ibisobanuro by'inyongera ku mpamvu zatumye rumukatira igihano rwamugeneye[172]. Kubera iyo mpamvu, Urugereko rw'Ubujurire rusanga Porokireri ataragaragaje ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa mu isesengura ry'impamvu nyoroshyagihano.

D. Kunyuranya n'ubukemuramanza bw'Urukiko bwerekeye igenagihano

71. Porokireri avuga ko Urugereko rwa Mbere rw'Iremezo rwakoze ikosa ryo mu rwego rw'amategeko kubera ko rwakoze isesengura rikosamye rugereranya urubanza rwa Muvunyi n'iza Bikindi, Kajelijeli na Ruggiu[173]. Avuga kandi ko urubanza rwa Muvunyi rudateye nk'izindi zaciwe n'Urukiko, aho abahamijwe ibyaha bagiye bakatirwa igihano cy'igifungo cy'imyaka 15 cyangwa gito kuri icyo[174]. Porokireri avuga ko Urugereko rwa Mbere rw'Iremezo rutazirikanye urubanza rusa cyane ni

[168] Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, igika 7.

[169] Inyandiko y'urubanza rwa Muhimana mu bujurire, igika 231; Inyandiko y'urubanza rwa Kamuhanda mu bujurire, igika 354; Inyandiko y'urubanza rwa Kajelijeli mu bujurire, igika 294.

[170] Inyandiko y'urubanza mu rw'iremezo, ibika 39, 147, 150.

[171] Inyandiko y'urubanza mu rw'iremezo, ibika 150, 151.

[172] Inyandiko y'urubanza rwa Bikindi mu bujurire, ibika 193, 194.

[173] Inyandiko y'ubujurire ya Porokireri, igika 4; Imyanzuro y'ubujurire ya Porokireri, ibika 28-31, 56-68; Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, ibika 13, 14.

[174] Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, ibika 19, 20.

urwa Muvunyi ari rwo urwa Akayesu, aho Uregwa yahanishijwe igihano cy'igifungo cya burundu[175].

72. Urugereko rw'Ubujurire ruributsa ko Urugereko rwa Mbere rw'Iremezo rufite ububasha busesuye bwo kugena ibihano rukurikije ibintu byihariye byerekeranye n'uregwa n'uburemere bw'icyaha cyamuhamye[176]. Rusobanura kandi ko kugereranya imanza bigira akamaro gake muri rusange[177]. Bityo rero, kuba Urugereko rwa Mbere rw'Iremezo rutaragereranyije, mu buryo bweruye, uru rubanza n'urwa Akayesu ntibivuga ko rwakoze ikosa. Urugereko rw'Ubujurire ntirwemera kandi ko Urugereko rwa Mbere rw'Iremezo rwashingiye ku manza za Bikindi, Kajelijeli na Ruggiu uretse kuvuga ko imikirize y'urubanza rwa Muvunyi yagombaga gusa n'iyo muri izo manza. Mu by'ukuri, Urugereko rwa Mbere rw'Iremezo rwasobanuye, mu buryo bweruye, ko ubwo buryo bwo kugereranya ibihano « bufite aho bugarukira» rukaba rero rwaravuze kuri izo manza nk'ikimenyetso gusa « cy'imikorere rusange y'uru Rukiko mu igenagihano"[178]. Byongeye kandi, Urugereko rwa Mbere rw'Iremezo rwasuzumye ibintu byihariye birebana n'uru rubanza, birimo impamvu nyongeragihano n'impamvu nyoroshyagihano[179]. Kubera iri sesengura rumaze gukora n'ububasha Urugereko rwa Mbere rw'Iremezo rufite mu kugena igihano cy'umuntu uhamwe n'icyaha rushingiye ku bintu byihariye birebana n'urubanza[180], Urugereko rw'Ubujurire rusanze Porokireri atagaraza ikosa Urugereko rwa Mbere rw'Iremezo rwaba rwarakoze kuri iki kibazo.

[175] Imyanzuro y'ubujurire ya Porokireri, ibika 31, 63-68.

[176] Inyandiko y'urubanza rwa Semanza mu bujurire, ibika 312, 394; Inyandiko y'urubanza rwa Krstić mu bujurire, igika 248; Inyandiko y'urubanza rwa Kayishema na Ruzindana mu bujurire, igika 352; Inyandiko y'urubanza rwa Delali} na bagenzi be mu bujurire, igika 731.

[177]Urubanza rwa Limaj na bagenzi be mu bujurire, igika 135; Inyandiko y'urubanza rwa Blagojević na Jokić mu bujurire, igika 333; Inyandiko y'urubanza rwa Momir Nikolić mu bujurire, igika 38; Inyandiko y'urubanza rwa Semanza mu bujurire, igika 394; Inyandiko y'urubanza rwa D.Nikolić mu bujurire, igika 19; Inyandiko y'urubanza rwa Musema mu bujurire, igika 387; Inyandiko y'urubanza rwa Delalič na bagenzi be mu bujurire, igika 719.

[178] Inyandiko y'urubanza mu rw'iremezo, ibika 136, 142.

[179] Reba Inyandiko y'urubanza mu rw'iremezo, ibika 143-151.

[180] Reba Inyandiko y'urubanza rwa Nchamihigo mu bujurire, igika 384; Inyandiko y'urubanza rwa Bikindi mu bujurire, igika 141; Inyandiko y'urubanza rwa Karera mu bujurire, igika 385.

E. Umwanzuro

73. Kubera ibyo, Urugereko rw'Ubujurire ntirwemeye ubujurire bwa Porokireri.

V. ICYEMEZO

Kubera izo mpamvu zose zimaze kuvugwa, **URUGEREKO RW'UBUJURIRE,**

RUSHINGIYE ku Ngingo ya 24 ya Sitati no ku ya 118 y'Amategeko;

RUMAZE KUBONA imyanzuro yanditse y'ababuranyi n'iyo batanze mu magambo mu iburanisha ryo ku itariki ya 21 Ukwakira 2010;

RUBURANISHIRIZA MU RUHAME;

Ku bwiganze bw'amajwi, kubera ko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo;

RWEMEJE ko ubujurire bwa Muvunyi bwose uko bwakabaye nta shingiro bufite;

RWEMEJE ko ubujurire bwa Porokireri bwose uko bwakabaye nta shingiro bufite;

RUGUMISHIJEHO ku bwiganze bw'amajwi icyemezo gihamya Muvunyi icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, ariko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo;

RUGUMISHIJEHO igihano cy'igifungo cy'imyaka 15 Muvunyi yakatiwe n'Urugereko rwa Mbere rw'Iremezo kandi icyo gihano kigomba guhita gitangira kurangizwa kuva uyu munsi. Hashingiwe ku Ngingo ya 101(C) n'iya 107 y'Amategeko, muri icyo gihano hagomba gukurwamo igihe Muvunyi amaze afunze guhera ku itariki ya 5 Gashyantare 2000, ariko Abacamanza Liu na Meron batanga igitekerezo kinyuranye n'icya bagenzi babo;

RUTEGETSE ko uru rubanza ruhita rurangizwa, hashingiwe ku Ngingo ya 119 y'Amategeko;

RUGETSE ko, hashingiwe ku Ngingo ya 103(B) n'iya 107 z'Amategeko, Muvunyi aguma muri gereza y'Urukiko mu gihe ategereje kwimurirwa mu gihugu azarangirizamo igihano cye.

Bikozwe mu cyongereza no mu gifaransa, ariko inyandiko y'icyongereza ni yo izajya igenderwaho.

Patrick Robinson	Fausto Pocar	Liu Daqun
Perezida	Umucamanza	Umucamanza
Theodor Meron	Carmel Agius	
Umucamanza	Umucamanza	

Kuri iyi Nyandiko y'urubanza, Abacamanza Liu na Meron bometseho igitekerezo cyabo kinyuranye n'icya bagenzi babo.

Bikorewe Arusha, Tanzaniya, ku itariki ya 1 Mata 2012.

[Kashe y' Urukiko]

VI. IGITEKEREZO CY'ABACAMANZA LIU NA MERON KINYURANZE N'ICYA BAGENZI BABO

21 ter

1. Muri uru rubanza, Urugereko rw'Ubujurire rwagumishijeho icyemezo gihamya Muvunyi icyaha cyo guhamagarira abantu ku buryo butaziguye kandi mu ruhame gukora jenoside, kubera amagambo ngo yaba yaravuze ku munsi uri hagati ya Gicurasi 1994 rwagati no mu mpera z'uko kwezi, mu nama y'abaturage yabereye kuri santeri y'ubucuruzi ya Gikore muri Komine ya Nyaruhengeri, Perefegitura ya Butare[1]. Uko tubibona, ubuhamya butavuguruzanya bw'abatangabuhamya bashinja bose ndetse n'imyanzuro y'Urugereko rwa Mbere rw'Iremezo byumvikanisha rwose ko igikorwa cya Muvunyi cyo guhamagarira abantu gukora jenoside kitabaye mu ntangiriro za Gicurasi nk'uko bivugwa mu Nyandiko y'ibirego, ko ahubwo cyabaye mu gice cya kabiri cya Kamena 1994, icyo gihe kikaba ntaho gihuriye n'ikivugwa mu Nyandiko y'ibirego. Ukurikije uko ibyo bintu bimeze, nta mucamanza usuzuma urubanza mu mizi yarwo ushyira mu gaciro wari gufata umwanzuro uvuga ko icyaha kivugwa mu Nyandiko y'ibirego cyagaragajwe mu buryo budashidikanywaho. Kubera iyo mpamvu, ntitwemeranya n'imitekerereze ya bagenzi bacu n'imyanzuro bafashe kuri iki kibazo kandi ntitwemeranya na bo ku cyemezo cyo kugumishaho imikirize y'urubanza rwahamije Muvunyi icyaha[2].

2. Mu Rugereko rwa Mbere rw'iremezo, abatangabuhamya bashinja kimwe n'abashinjura batanze ubuhamya ku nama y'abaturage Muvunyi yitabiriye kuri santeri y'ubucuruzi ya Gikore. Abatangabuhamya bashinja bagiye bahuza ku bintu bibiri byerekeranye n'iyo nama: (1) umuperefe wafashe ijambo mu nama n'ikibazo cyo kumenya (2) niba Muvunyi yaravuze amagambo ahamagarira abantu gukora jenoside. By'umwihariko, abo batangabuhamya bashinja, bose uko ari bane, batanze ubuhamya ku muperefe wari muri iyo nama bavuga ko *Alphonse Nteziryayo* yafashe ijambo muri iyo nama nka Perefe wa Butare, kandi ko mu byayivugiwemo harimo ijambo rya Muvunyi ryahamagariraga abantu gukora jenoside[3]. Cyakora, abatangabuhamya bashinjura bose batanze ubuhamya mu Rukiko kuri iyo nama bahurije ku mvugo y'uko *Sylvain Nsabimana* ari we wafashe ijambo nka Perefe wa Butare,

[1] Inyandiko y'urubanza mu bujurire, igika 4, urup. 24.

[2] Kubera iyo mpamvu, dusanga ubujurire bwa Porokireri nta shingiro bufite.

[3] Reba Inyandiko y'urubanza mu bujurire, ibika 23, 24. Umutangabuhamya ushinja wa gatanu wiswe YAI ntiyabajijwe niba Nteziryayo yari muri iyo nama. Reba Inyandiko y'urubanza mu bujurire, igisobanura nomero 57 cyo hasi ku rupapuro.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

kandi ko Muvunyi atayivugiyemo amagambo ahamagarira abantu gukora jenoside[4]. Mu myanzuro y'Urugereko rwa Mbere rw'Iremezo, harimo uvuga ko Nsabimana yabaye Perefe wa Butare kugeza ku itariki ya 17 Kamena 1994, kandi ko Nteziryayo yabaye Perefe wa Butare nyuma y'itariki 17 Kamena 1994[5]. 210/ter

3. Biragaragara rwose ko hari ukuvuguruzanya hagati y'abatangabuhamya bashinja n'abashinjura kandi, kuri buri ruhande, uko bagenda bahuza ku byo bavuga bigaragaza ko hatabayeho inama imwe ko ahubwo habaye inama ebyiri: iyabaye mbere y'itariki ya 17 Kamena 1994, igihe Nsabimana yari akiri perefe, akaba ari na yo Muvunyi atahamagariyemo abantu gukora jenoside n'indi yabaye nyuma y'itariki ya 17 Kamena 1994, igihe Nteziryayo yari perefe, akaba ari yo Muvunyi yahamagariyemo abantu ku buryo butaziguye kandi mu ruhame gukora jenoside[6]. Ibi bishimangirwa n'umwanzuro w'Urugereko rwa Mbere rw'Iremezo uvuga ko ubuhamya bushinja bwatanzwe mu Rukiko kuri iki kibazo bwakwizerwa. By'umwihariko, ubwo Urugereko rwa Mbere rw'Iremezo rwasesenguraga ubuhamya abatangabuhamya bashinja batanze mu Rukiko ku byerekeranye n'umuperefe wafashe ijambo muri iyo nama, rwemeje ko « imyitwarire yabo yumvikanisha ko bumva koko Nteziryayo ari we wari perefe wa Butare igihe inama y'i Gikore yabaga »[7]. Byongeye kandi, dusanga ku batangabuhamya bashinja bane, batatu muri bo bavuga ko bumva Nteziryayo ari we wari perefe muri icyo gihe kivugwa, ndetse bakanibuka birambuye uburyo bwihariye Nteziryayo yerekanywemo nka perefe cyangwa uburyo na we muri iyo nama yivugiraga ko ari perefe[8].

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[4] Reba Inyandiko y'urubanza mu bujurire, ibika 23, 24.

[5] Reba Inyandiko y'urubanza mu bujurire, igika 24, havugwa ku bikubiye mu Nyandiko y'urubanza mu rw'iremezo, igika 51.

[6]Iyo dusesenguye inkurikizi z'ubuhamya bushinjura, nta mwanzuro udakuka tugeraho ku kibazo cyo kumenya niba Muvunyi ahamwa n'icyaha cyangwa niba ari umwere ku birebana n'amagambo, ayo ari yo yose, yaba yaravugiye kuri santeri y'ubucuruzi ya Gikore nyuma y'itariki ya 17 Kamena 1994. Twibanda ku kumenya niba umucamanza usuzuma urubanza mu mizi yarwo, kandi ushyira mu gaciro, yarashoboraga gufata umwanzuro uvuga ko Porokireri yujuje inshingano ye yo gutanga ibimenyetso ku birebana n'ibyaha ashinja Muvunyi mu Nyandiko y' ibirego.

[7] Inyandiko y'urubanza mu rw'iremezo, igika 57.

[8] Reba FBX, Inyandikomvugo y' iburanisha, 17 Kamena 2009, urup. 19 (« Ikibazo: Urashaka kuvuga ko igihe Nteziryayo yahagurukaga bakamwerekana ko ari perefe washoboye kumenya ko yari perefe muri icyo gihe? Igisubizo: Yego. Ikibazo: Watubwira se niba mu ijambo rye yaremeye ko ari perefe ? Igisubizo: Yego »); Reba na FBX, inyandikomvugo y'iburanisha, 18 Kamena 2009, imp. 4-6; Reba AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 41 (« Igisubizo: Nari nzi gusa ko [Nteziryayo] yari umusirikare mukuru, kandi uwo munsi inama iba yatubwiye ko ari Perefe wa Perefegitura ya Butare »); Reba na AMJ, inyandikomvugo y' iburanisha, 18 Kamena 2009,

4. N'ubwo hatanzwe ubuhamya busobanutse ndetse butavuguruzanya bugaragaza ko habaye inama ebyiri, kandi buvuga ko mu nama ya nyuma muri izo zombi ari ho Muvunyi yavuze ijambo ryahamagariraga abantu gukora jenoside, Urugereko rwa Mbere rw'Iremezo ntirwemeye ibimenyetso Ubwunganizi bwatanze bushaka kwerekana ko habaye inama ebyiri[9]. By'umwihariko, Urugereko rwa Mbere rw'Iremezo ntirwazirikanye ko byashobokaga ko habaye inama muri Kamena 1994, ahubwo rwasuzumye gusa ibirebana no kumenya niba bishoboka ko habaye inama zirenze imwe muri Gicurasi 1994 maze ruvuga ko atari ko byagenze[10]. Twe dusanga iryo ari ikosa rikomeye cyane. 209/ter

urup. 54; Reba CCS, inyandikomvugo y' iburanisha, 22 Kamena 2009, urup. 41 (havugwa ku buhamya bwanditse yari yaratanze mbere avuga ko Nteziryayo yari perefe kandi ko muri iyo nama bamwerekanye bavuga ko ari perefe).

[9] Nk'urugero, reba Inyandiko y'urubanza mu rw'iremezo, igika 59. Reba na FBX, inyandikomvugo y' iburanisha, 18 Kamena 2009, urup. 6 (« Ikibazo: Ubwo rero ni ukuvuga ko niba ari byo cyangwa niba Nteziryayo yaragizwe perefe wa Butare ku tariki ya 17 Kamena, inama uvuga ko yabereye mu gace k'iwanyu, igomba kuba yarabaye nyuma y'itariki ya17 Kamena, siko bimeze? »); AMJ, inyandikomvugo y'iburanisha, 18 Kamena 2009, urup. 55 (« Ikibazo: Kandi niba hari – niba haragaragajwe ko ari ikintu cy'amateka cyangwa hakagaragazwa ko Alphonse Nteziryayo yagizwe Perefe wa Perefegitura ya Butare ku itariki ya 17 Kamena, 1994, niba waragiye mu nama yajemo nka perefe, byaba ari byo umuntu avuze ko iyo nama yabaye nyuma y'itariki ya 17 Kamena 1994, aho kuba muri Gicurasi, nk'uko wabivuze mu buhamya bwawe? »); CCP, inyandikomvugo y' iburanisha, 19 Kamena 2009, imp. 9, 10 (« Ikibazo: Kandi igihe nakubazaga niba wemeranywa na njye cyangwa se tutemeranywa – Ndakubaza niba twemeranywa cyangwa tutemeranywa – ko niba koko Nteziryayo yari perefe – kandi igikorwa cyo kumwimika kikaba cyarabaye ku itariki ya 17 Kamena, icyo gihe noneho inama muvuga mwembi yabaye, byanze bikunze, nyuma y'iyimikwa rye. Birumvikana, si byo? »); CCS, inyandikomvugo y' iburanisha, 22 Kamena 2009, urup. 38 (« Ikibazo: Ese ntibyaba ari ukuri mvuze ko, niba Alphonse Nteziryayo yaragizwe perefe ku itariki ya 17 Kamena 1994, icyo gihe atari kuza mu nama i Gikore yitwa perefe hagati muri Gicurasi 1994 – ngo avuge amagambo watubwiye? »). Reba n'Urubanza Porokireri aburana na Tharcisse Muvunyi, Nº ICTR-00-55A-T, Icyemezo ku Cyifuzo cy' ingoboka gisaba ko Uregwa yagirwa umwere, 18 Kanama 2009, igika 8 (« Avoka wunganira Uregwa yavuze ko bitewe n'uko perefe yashyizweho hagati muri Kamena, abatangabuhamya badashobora kwizerwa cyangwa bashobora kuba bavuga ku nama itandukanye n'ivugwa mu Nyandiko y'ibirego »); Imyanzuro nsozarubanza mu magambo, inyandikomvugo y'iburanisha, 2 Ukwakira 2009, urup. 5 (« Ubwunganizi busaba Urugereko kuzirikana ko Porokireri yari yavuze ko azerekana ko ibyabaye bivugwa mu Nyandiko y'ibirego byabaye mu ntangiriro za Gicurasi. N'ubwo Inyandiko y'ibirego ari yo igenderwaho mu kuburanisha uregwa, Porokireri yatanze ibimenyetso ku kindi kintu cyabaye mu gihe gitandukanye cyane n'icyo avuga ko cyabaye mu ntangiriro za Gicurasi. Byongeye kandi, nk'uko bivugwa mu buhamya, mu bafashe ijambo bahagaze ahantu hegutse hari hateguwe harimo perefe wa Butare, kandi ibyo ntitubyemera. Icyo ni ikintu gikomeye cyane kuruta inenge yo kubusanya amagambo ishobora gukosorwa uregwa aramutse ahawe amakuru amumenyesha ibyo ashinjwa. Biragaragara ko icyo kintu bivugwa ko cyabaye gitandukanye n'ikivugwa mu Nyandiko y'ibirego »).

[10] Reba Inyandiko y'urubanza mu rw'iremezo, ibika 58-62. Ndetse n'isesengura ry'Urugereko rwa Mbere rw'Iremezo ku kuba bishoboka ko habaye inama ebyiri muri Gicurasi 1994, rishingiye ku bivugwa birimo inenge kandi byo gushakisha gusa : Urugereko rwa Mbere rw'Iremezo rwakoze ikosa rwemeza ko Porokireri yatangiye ibimenyetso

5. N'ubwo Urugereko rwa Mbere rw'Iremezo rwafashe umwanzuro uvuga ko abatangabuhamya bashinja bavugisha ukuri, rwanze kwemera ubuhamya bwabo ku birebana na Perefe ruvuga ngo « bose baribeshye» kubera igihe kinini gishize ibivugwa bibaye[11]. Uyu mwanzuro w'Urugereko rwa Mbere rw'Iremezo ushyigikirwa n'ibyo rwabonye ko hari ibintu bimwe bisa hagati y'ubuhamya bwa bamwe mu batangabuhamya bashinja n'ubw'abashinjura, ku byerekeranye n'inama ivugwa[12]. Uwo mwanzuro ushyigikirwa kandi n'isesengura ry'urwo Rugereko ryagize aho rihuriza ubuhamya bw'abatangabuhamya bashinja ku byerekeranye n'itariki iyo nama yabereyeho[13]. Ku birebana n'ubuhamya buhuza bw'abatangabuhamya bashinja n'abashinjura, ibyo Urugereko rwa Mbere rw'Iremezo rwasanze bahurizaho biri mu rwego rwa rusange ku buryo bidashobora gutesha agaciro ibimenyetso bigaragaza ko habaye inama ebyiri. Mu by'ukuri, byaba bitangaje, inama z'abaturage zabereye mu gace kamwe mu mwaka umwe ziramutse zitandukanye cyane ku byerekeranye n'ahantu zabereye, umubare w'abantu bazitabiriye, uburyo abanyacyubahiro bahageze (imodoka) cyangwa uko abategetsi bakurikiranye mu gufata amajambo. Umucamanza usuzuma urubanza mu mizi yarwo ashoboga gusa kumva, ashyize mu gaciro, ko amakuru anyuranye yaboneka mu bivugwa kuri izo nama ari ayaba yerekeranye n'ibyazivugiwemo, n'ibindi bintu byerekeranye n'imyanya y'ubutegetsi yihariye abategetsi bari bafite mu rwego rw'akarere n'urw'igihugu. Aho rero ni ho ubuhamya bw'abatangabuhamya bashinja bukomeza gutandukanira n'ubw'abashinjura, kuri icyo kibazo[14].

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inama imwe gusa yabaye muri Gicurasi 1994, kandi mu by'ukuri CCS avuga ko habaye inama nyinshi (gereranya Inyandiko y'urubanza mu rw'iremezo, igika 60, n'Inyandiko y'urubanza mu bujurire, igika 27). Urugereko rwa Mbere rw'Iremezo rwaribeshye ruvuga ko mu ibaza rinyomoza ry'abatangabuhamya bashinjura, Ubwunganizi butabajije niba hashobora kuba harabaye inama irenze imwe muri Gicurasi 1994 (gereranya Inyandiko y'urubanza mu rw'iremezo, igika 60, n'ubuhamya bwa CCS, inyandikomvugo y'iburanisha, 22 Kamena 2009, imp. 16, 24-28 (mu ibaza rinyomoza havugwa ku birebana n' inama yabaye mbere kuri santeri y'ubucuruzi ya Gikore mu mpera za Mata cyangwa mu ntangiriro za Gicuransi 1994).

[11] Inyandiko y'urubanza mu rw'iremezo, igika 58. Reba n'Inyandiko y'urubanza mu rw'iremezo, ibika 53-57.

[12] Inyandiko y'urubanza mu rw'iremezo, ibika 48, 49.

[13] Inyandiko y'urubanza mu rw'iremezo, igika 46.

[14] Dusanga ari abatangabuhamya bashinjura ari n'abashinja, bose baravuze ko Nteziryayo yafashe ijambo mu nama zinyuranye bagiyemo, n'ubwo bwose abatangabuhamya bashinjura basobanuye ko muri icyo gihe Nsabimana yari Perefe wa Perefegitura ya Butare, Inyandiko y'urubanza mu rw'iremezo, ibika 50, 51). Cyakora, Abatangabuhamya bashinja bo bavuze ko batibuka niba Nsabimana yari mu nama bagiyemo (Inyandiko y'urubanza mu rw'iremezo, igika 52). Ibyo bihuye n'ibivugwa ko Nsabimana yavuye ku buperefe ku itariki ya 17 Kamena 1994, bityo akaba atari mu nama ya kabiri.

6. Ku birebana n'ubuhamya buhuza, twemera ko abatangabuhamya batatu bashinja, babajijwe ku itariki inama yabereyeho, bavuze ko hari muri Gicurasi. Cyakora, dusanga uwa kane ushinja we avuga ko iyo nama yabaye muri Kamena[15]. Kubera ko abatangabuhamya bashinja bagaragaje ko bazi neza perefe wavuze ijambo[16], ntitwemera ko ubuhamya bwabo, bunyuranya ku byerekeranye n'itariki inama yabereyeho, bwari gutuma umucamanza usuzuma urubanza mu rw'iremezo ushyira mu gaciro yumva ko Porokireri yagaragaje, ku buryo budashidikanywaho, ko muri Gicurasi 1994 ariho Muvunyi yavuze amagambo ahamagarira abantu gukora jenoside[17]. 207/ter

7. Ku bwiganze bw'amajwi, uru Rugereko ruvuga ko rwemera imyanzuro ifatwa mu bwisanzure n'Urugereko rwa Mbere rw'Iremezo ku byabaye, maze rukemeza ko rusanga Nteziryayo yarabaye perefe nyuma gato ya Gicurasi nk'uko Urugereko rwa Mbere rw'Iremezo na rwo rwabyemeje, ko rusanga Urugereko rwa Mbere rw'Iremezo rwarasuzumye imyitwarire y'abatangabuhamya, maze rugafata umwanzuro wemeza ko Urugereko rwa Mbere rw'Iremezo rufite ububasha bwo kwemera ibice bimwe by'ubuhamya abatangabuhamya batanze mu Rukiko no kwanga ibindi[18]. Ntiturwanya ibyemezo by'Urugereko rwa Mbere rw'Iremezo ku kwizerwa kw'abo batangabuhamya bashinja cyangwa ku itariki Nteziryayo yabereyeho perefe. Cyakora, dusanga, ku bwiganze

[15] Inyandiko y'urubanza mu rw'iremezo, igisobanura nomero 88 cyo hasi ku rupapuro.

[16] Reba Inyandiko y'urubanza mu rw'iremezo, ibika 53, 54.

[17] Dusanga Urugereko rwa Mbere rw'Iremezo rwarashingiye ku buhamya bushinjura ku byerekeranye n'itariki inama yabereyeho (Reba Inyandiko y'urubanza mu rw'iremezo, ibika 59, 61). Nyamara, ntitunyuzwe n'isesengura ry'urwo Rugereko ryanga kwemera byinshi mu bivugwa muri ubwo buhamya ku bindi bintu birebana n'iyo nama. Mu buhamya bwabo mu Rukiko, abatangabuhamya bashinjura bemeje, kandi babihurijeho, ko Muvunyi yavuze ku ntambara ishyamiranyije abaturage, ko atahamagariye imbaga y'abantu yari aho kwica Abatutsi (Reba Inyandiko y'urubanza mu rw'iremezo, igika 116). Urugereko rwa Mbere rw'Iremezo ntirwahaye agaciro ubwo buhamya, rushingiye ku mpamvu idasobanutse y'uko ngo abatangabuhamya bashinjura nta « nyungu bari bafite yo gukurikirana ijambo rya Muvunyi» kubera ko « batari batuye i Gikore », kandi ko, nk'urugero, Iryivuze, « yashoboraga kuba yari arangajwe no gutekereza se wari urwaye malariya» (Reba Inyandiko y'urubanza mu rw'iremezo, ibika 109, 110; Reba n'Inyandiko y'urubanza mu rw'iremezo, igika 118, aho Urugereko rwa Mbere rw'Iremezo ruvuga, nta gihamya, ko MO99 wari ufite umufiyanse w'Umututsikazi, « ashobora kuba, mu nama yabereye i Gikore, atarateze amatwi ikintu icyo ari cyose Muvunyi yavuze ku Batutsi kubera ko muri icyo gihe atari ahangayikishijwe n'umutekano wihariye wabo »). Uko tubibona, ibyo bisobanuro bigendera ku gushakisha gusa ntibyemewe. Ubuhamya bushinjura buhuza n'ibyo umuntu yakeka ko kuri santeri y'ubucuruzi ya Gikore habereye nibura inama ebyiri: iya mbere, yabaye mu mpera za Gicurasi, itaravugiwemo amagambo ahamagarira abantu gukora jenoside n'iya kabiri yabaye mu gice cya kabiri cya Kamena 1994, ishobora kuba yarakurikiwe n'ibikorwa by'urugomo (reba Inyandiko y'urubanza mu rw'iremezo, ibika 101-104).

[18] Reba Inyandiko y'urubanza mu bujurire, ibika 25, 26.

bw'amajwi, Uru Rugereko rwirengagiza icyuho kigaragara mu isesengura Urugereko rwa Mbere rw'Iremezo rwakoze ku bimenyetso rwashyikirijwe. Ikigaragara kurushaho ni uko mu bika byinshi by'Inyandiko y'urubanza mu rw'iremezo hasobanurwa ukuntu abatangabuhamya bashinja bashobora kuba bavugisha ukuri cyangwa bibeshya ku byerekeranye no kumenya umuperefe wavuze ijambo[19], rutabanje nibura no gusuzuma niba bishoboka ko baba bavugisha ukuri hanyuma bagahindukira bakanibeshya[20]. Ikibazo kiri aha si icy'uko Urugereko rwa Mbere rw'Iremezo rwahisemo kwemera ibivugwa n'umutangabuhamya umwe rukanga ibivugwa n'undi. Ahubwo, urwo Rugereko rwahisemo kudaha agaciro, nta bisobanuro bifatika rutanze, ingaruka zigaragara z'ubuhamya bwa buri mutangabuhamya ushinja kuri iki kibazo cyo kumenya umuperefe wari muri iyo nama.

8. Ingereko za mbere z'iremezo zifite ububasha busesuye kandi bukwiye mu isesengura ry' ibimenyetso kandi umwanzuro rufashe ku byabaye ntupfa kuvanwaho mu bujurire hatabonetse impamvu ikomeye[21]. Nyamra ariko, mbere yo gufata icyemezo gihamya uregwa icyaha, Urugereko rwa Mbere rw'Iremezo rugomba kuba rudashidikanya na gato ko uregwa yagikoze kandi rugomba kukimuhamya ari uko gusa rusanze Porokireri yaragitangiye ibimenyetso bifatika[22]. Muri uru rubanza, iyo usuzumye ubuhamya bushinja ubugereranya n'imyanzuro y'Urugereko rwa Mbere rw'Iremezo, usanga ubwo buhamya butuma habaho ugushidikanya kutari kwirengagizwa n'umucamanza usuzuma urubanza mu mizi yarwo. Ubwo buhamya kandi butuma umuntu atekereza ko Muvunyi ashobora kuba yarahamijwe icyaha ku magambo asa n'aho yavuzwe nyuma y'igihe kivugwa mu Nyandiko y' ibirego, bityo rero akaba yarahaniwe icyaha adashinjwa. Izo rero ni zo mpamvu zitumye dutanga iki gitekerezo kinyuranye n'icya bagenzi bacu.

[19] Reba Inyandiko y'urubanza mu rw'iremezo, ibika 53-58.

[20] Reba Inyandiko y'urubanza rwa Haradinaj mu bujurire, igika 129, hasubirwamo ibivugwa mu Nyandiko y'urubanza rwa Kvocka na bagenzi be mu bujurire, igika 23 (» Kubera ko nta kigaragaza ko hari ikimenyetso icyo ari cyo cyose Urugereko rwa Mbere rw'Iremezo rwirengagije, umuntu yatekereza ko urwo Rugereko rwasuzumye ibimenyetso byose rwashyikirijwe. Umuntu ashobora kubona ko ikimenyetso kirengagijwe iyo bigaragara ko icyo kimenyetso kijyanye n'umwanzuro wafashwe ariko Urugereko rukaba rutarakizirikanye mu mitekerereze yarwo »).

[21] Reba Inyandiko y'urubanza mu bujurire, igika 10.

[22] Reba Inyandiko y'urubanza mu rw'iremezo, ibika 6, 7.

Bikozwe mu cyongereza no mu gifaransa, ariko inyandiko y'icyongereza ni yo izajya igenderwaho.

205/ter

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Liu Daqun

Umucamanza

Theodor Meron

Umucamanza

Bikorewe Arusha, Tanzaniya, ku itariki ya 1 Mata 2011

Kashe y' Urukiko

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

VII. UMUGEREKA A– UKO IMIBURANISHIRIZE YAGENZE

1. Dore muri make ibintu by'ingenzi byaranze iburanisha mu bujurire:

A. Inyandiko n'Imyanzuro by'ubujurire

2. Uru rubanza rwasomwe n'Urugereko rwa Mbere rw'Iremezo III ku itariki ya 11 Gashyantare 2010.

1. Ubujurire bwa Muvunyi

3. Ku itariki ya 15 Werurwe 2010, Muvunyi yatanze Inyandiko y'ubujurire bwe[1] naho ku itariki ya 31 Gicurasi 2010 atanga Imyanzuro y'ubujurire[2]. Porokireri yatanze Igisubizo ku itariki ya 12 Nyakanga 2010[3], Muvunyi na we atanga Imyanzuro ku Gisubizo cya Porokireri ku itariki ya 27 Nyakanga 2010[4].

2. Ubujurire bwa Porokireri

4. Porokireri yatanze Inyandiko y'ubujurire ku itariki ya 15 Werurwe 2010[5] naho ku ya 14 Mata 2010 atanga Imyanzuro y'ubujurire[6]. Ku itariki ya 14 Gicurasi 2010, Muvunyi yatanze Igisubizo[7]. Ku itariki ya 24 Gicurasi 2010, Porokireri yatanze Imyanzuro ku Gisubizo cya Muvunyi[8].

[1] Inyandiko y'ubujurire ya Tharcisse Muvunyi, 15 Werurwe 2010

[2] Imyanzuro y'ubujurire ya Tharcisse Muvunyi, 31 Gicurasi 2010.

[3] Igisubizo cya Porokireri, 12 Nyakanga 2010.

[4] Imyanzuro ya Tharcisse Muvunyi ku Gisubizo cya Porokireri, 27 Nyakanga 2010.

[5] Inyandiko y'ubujurire ya Porokireri, 15 Werurwe 2010.

[6] Imyanzuro y'ubujurire ya Porokireri, 14 Mata 2010.

[7] Igisubizo cya Tharcisse Muvunyi ku Myanzuro y'ubujurire ya Porokireri, 14 Gicurasi 2010.

[8] Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, 24 Gicurasi 2010.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

B. Ishyirwaho ry'Abacamanza

5. Ku itariki ya 16 Werurwe 2010, Perezida w'Urugereko rw'Ubujurire yashyizeho Abacamanza bakurikira bo kuburanisha uru rubanza mu bujurire: Patrick Robinson, perezida, Fausto Pocar, Liu Daqun, Theodor Meron na Carmel Agius[9].

C. Iburanisha mu bujurire

6. Ku itariki ya 21 Ukwakira 2010, ababuranyi batanze imyanzuro yabo mu magambo mu iburanisha ryabereye Arusha muri Tanzaniya, nk'uko byateganywaga mu Itegeko rishyiraho ingengabihe y'iburanisha ryo ku tariki ya 21 Nzeri 2010[10].

[9] Itegeko rishyiraho Abacamanza bo kuburanisha uru rubanza mu bujurire, 16 Werurwe 2010.

[10] Itegeko rishyiraho ingengabihe y'iburanisha, 21 Nzeri 2010.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

VIII. UMUGEREKA B: INYANDIKO ZIFASHISHIJWE N'IBISOBANURO BY'AMAGAMBO YAKORESHEJWE

A. Ubukemuramanza

1. Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho u Rwanda

Akayesu

Urubanza Porokireri aburana n'Akayesu, N° ICTR-96-4-A, Inyandiko y'urubanza mu bujurire, 1 Kamena 2001.

Bikindi

Urubanza Porokireri aburana na Simon Bikindi, N° ICTR-01-72-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010.

Gacumbitsi

Urubanza Porokireri aburana na Sylvestre Gacumbitsi, N° ICTR-2001-64-A, Inyandiko y' urubanza mu bujurire, 7 Nyakanga 2006.

Kalimanzira

Urubanza Porokireri aburana na Callixte Kalimanzira, N° ICTR-05-88-A, Inyandiko y' urubanza mu bujurire, 20 Ukwakira 2010.

Kamuhanda

Urubanza Porokireri aburana na Jean de Dieu Kamuhanda, N° ICTR-99-54A-A, Inyandiko y' urubanza mu bujurire, 19 Nzeri 2005.

Kajelijeli

Urubanza Porokireri aburana na Kajelijeli, N° ICTR-98-44A-A, Inyandiko y'urubanza mu bujurire, 23 Gicurasi 2005.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

Karera

Urubanza Porokireri aburana na François Karera, N° ICTR-01-74-A, Inyandiko y'urubanza mu bujurire, 2 Gashyantare 2009.

Kayishema na Ruzindana

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana, N° ICTR-95-1-A, Inyandiko y'urubanza mu bujurire (impamvu), 1 Kamena 2001.

Urubanza Porokireri aburana na Clément Kayishema na Obed Ruzindana, N° ICTR-95-1-T, Inyandiko y'urubanza rw'igenagihano, 21 Gicurasi 1999.

Muhimana

Urubanza Porokireri aburana na Mikaeli Muhimana, N° ICTR-95-1B-A, Inyandiko y'urubanza mu bujurire, 21 Gicurasi 2007.

Musema

Urubanza Porokireri aburana na Alfred Musema N° ICTR-96-13-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2001.

Muvunyi

Urubanza Porokireri aburana na Muvunyi, N° ICTR-00-55A-T, Urubanza n'igenagihano (Inyandiko y'urubanza rwa Muvunyi I mu rw'iremezo), rwasomwe mu magambo ku itariki ya 12 Nzeri 2006, Inyandiko y'urubanza iri mu cyongereza itangwa ku itariki ya 18 Nzeri 2006.

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

Nahimana na bagenzi be

Urubanza Nahimana, Jean-Bosco Barayagwiza na Hassan Ngeze baburana na Porokireri, N° ICTR-99-52-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2007.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

Nchamihigo

Urubanza Siméon Nchamihigo aburana na Porokireri, N° ICTR-2001-63-A, Inyandiko y'urubanza mu bujurire, 18 Werurwe 2010.

Ndindabahizi

Urubanza Emmanuel Ndindabahizi aburana na Porokireri, N° ICTR-01-71-A, Inyandiko y'urubanza mu bujurire, 16 Mutarama 2007.

Niyitegeka

Urubanza Eliézer Niyitegeka aburana na Porokireri, N° ICTR-96-14-A, Inyandiko y'urubanza mu bujurire, 9 Nyakanga 2004.

Ntagerura na bagenzi be

Urubanza Porokireri aburana na André Ntagerura, Emmanuel Bagambiki na Samuel Imanishimwe, N° ICTR-99-46-A, Inyandiko y'urubanza mu bujurire, 7 Nyakanga 2006.

Ntakirutimana

Imanza Porokireri aburana na Elizaphan Ntakirutimana na Gérard Ntakirutimana, N° ICTR-96-10-A na N° ICTR-96-17-A, Inyandiko y'urubanza mu bujurire, 13 Ukuboza 2004.

Rukundo

Urubanza Porokireri aburana na Rukundo, N° ICTR-01-70-A, Inyandiko y'urubanza mu bujurire, 20 Ukwakira 2010.

Rutaganda

Urubanza Georges Anderson Nderubumwe Rutaganda aburana na Porokireri, N° ICTR-96-3-A, Inyandiko y'urubanza mu bujurire, 26 Gicurasi 2003.

Semanza

Urubanza Laurent Semanza aburana na Porokireri, N° ICTR-97-20-A, Inyandiko y'urubanza mu bujurire, 20 Gicurasi 2005.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

Seromba

Urubanza Porokireri aburana na Athanase Seromba, N° ICTR-01-66-A, Inyandiko y'urubanza mu bujurire, 12 Werurwe 2008.

Simba

Urubanza Aloys Simba aburana na Porokireri, N° ICTR-01-76-A, Inyandiko y'urubanza mu bujurire, 27 Ugushyingo 2007.

Zigiranyirazo

Urubanza Protais Zigiranyirazo aburana na Porokireri, N° ICTR-01-73-A, Inyandiko y'urubanza mu bujurire, 16 Ugushyingo 2009.

2. Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho Icyahoze Ari Yugosilaviya

Aleksovski

Urubanza Porokireri aburana na Zlatko Aleksovski, N° IT-95-14/1-A, Inyandiko y'urubanza mu bujurire, 24 Werurwe 2000.

Blagojevic na Jokic

Urubanza Porokireri aburana na Vidoje Blagojec na Dragan Jokic, No. IT-02-06-A, Inyandiko y'urubanza mu bujurire, 9 Gicurasi 2007.

Boskoski na Tarculovski

Urubanza Porokireri aburana na Boskoski na Tarculovski, N° IT-04-82-A, Inyandiko y'urubanza mu bujurire, 19 Gicurasi 2010.

Delalic na bagenzi be

Urubanza Porokireri aburana na Zejnil Delalic, Zdravko Mucic (bahimba « Pavo »), Hazim Delic na Esad Landzo (bahimba « Zenga »), N° IT-96-21-A, Inyandiko y'urubanza mu bujurire, 20 Gashyantare 2001.

Furundzija

Urubanza Porokireri aburana na Anto Furundzija, N° IT-95-17/1-A, Inyandiko y'urubanza mu bujurire, 21 Nyakanga 2000.

Haradinaj na bagenzi be

Urubanza Porokireri aburana na Ramush Haradinaj na Idriz Balaj, Lahi Brahimaj, *No.* IT-04-84-A, Inyandiko y'urubanza mu bujurire, 19 Nyakanga 2010.

Krstic

Urubanza Porokireri aburana na Radislav Krstic, N° IT-98-33-A, Inyandiko y'urubanza mu bujurire, 19 Mata 2010.

Kvocka na bagenzi be

Urubanza Porokireri aburana na Miroslav Kvock, Milojica Kos, Mlado Radic, Zoran Zigic na Dragoljub Prcac, N° IT-98-30/1-A, Inyandiko y'urubanza mu bujurire, 28 Gashyantare 2005.

Limaj na bagenzi be

Urubanza Porokireri aburana na Fatmir Limaj, Haradin Bala na Isak Musliu, N° IT-03-66-A, Inyandiko y'urubanza mu bujurire, 27 Nzeri 2007.

Nomir Nikolic

Urubanza Porokireri aburana na Nomir Nikolic, N° IT-02-60/1-A, Inyandiko y'urubanza ku igenagihano mu bujurire, 8 Werurwe 2006.

Simic

Urubanza Porokireri aburana na Blagoje Simic, N° IT-95-09-A, Inyandiko y'urubanza mu bujurire, 28 Ugushyingo 2006.

Tadić

Urubanza Porokireri aburana na Duško Tadić, N° IT-94-1-A, Inyandiko y'urubanza mu bujurire, 15 Nyakanga 1999.

B. Ibisobanuro by'amagambo n'impinamagambo

Amategeko

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

ICTR (TPIR)

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

ICTY (TPIY)

Urukiko Mpanabyaha Mpuzamahanga Rwashyiriweho gucira imanza abakoze ibyaha bikomeye binyuranyije n'Amategeko mpuzamahanga arengera abantu mu gihe cy'intambara byabereye mu gihugu cyahoze cyitwa Yugosilaviya kuva mu mwaka wa 1991.

Igisubizo cya Muvunyi ku Myanzuro y'ubujurire ya Porokireri

Igisubizo cya Tharcisse Muvunyi ku Myanzuro y'ubujurire ya Porokireri, 14 Gicurasi 2010.

Igisubizo cya Porokireri ku Myanzuro y'ubujurire ya Muvunyi

Igisubizo cya Porokireri ku Myanzuro ya Tharcisse Muvunyi, 12 Nyakanga 2010.

Imyanzuro nsozarubanza ya Muvunyi mu rw'iremezo

Urubanza Tharcisse Muvunyi aburana na Porokireri, N° ICTR-00-55A-T, Imyanzuro nsozarubanza ya Tharcisse Muvunyi mu rw'iremezo, 23 Nzeri 2009.

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

Imyanzuro nsozarubanza ya Porokireri mu rw'iremezo

Urubanza Porokireri aburana na Tharcisse Muvunyi, N° ICTR-00-55A-T, Imyanzuro nsozarubanza ya Porokireri, 23 Nzeri 2009.

Imyanzuro ya Muvunyi ku Gisubizo cya Porokireri

Imyanzuro ya Tharcisse Muvunyi ku Gisubizo cya Porokireri, 27 Nyakanga 2010.

Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi

Imyanzuro ya Porokireri ku Gisubizo cya Muvunyi, 24 Gicurasi 2010.

Imyanzuro yo mu ikubitiro ya Porokireri mu magambo mu rw'iremezo

Urubanza Porokireri aburana na Tharcisse Muvunyi, N° ICTR-2000-55A-T, Imyanzuro yo mu ikubitiro ya Porokireri mu magambo, 4 Gicurasi 2009.

Imyanzuro y'ubujurire ya Muvunyi

Imyanzuro y'ubujurire y'Uregwa, ari we Tharcisse Muvunyi, 31 Gicurasi 2010.

Imyanzuro y'ubujurire ya Porokireri

Imyanzuro y'ubujurire ya Porokireri, 14 Mata 2010.

Inyandiko y'ibirego

Urubanza Porokireri aburana na Muvunyi, Urubanza N° ICTR-2000-55A-I, Inyandiko y'ibirego, 23 Ukuboza 2003.

Inyandiko y'ibirego yometse ku Nyandiko y'urubanza rwa Muvunyi I mu rw'iremezo (Umugereka III).

Inyandiko y'ubujurire ya Muvunyi

Inyandiko y'ubujurire y'Uregwa, ari we Tharcisse Muvunyi, 15 Werurwe 2010.

Inyandiko y'ubujurire ya Porokireri

Inyandiko y'ubujurire ya Porokireri, 15 Werurwe 2010.

Inyandiko y'urubanza mu rw'iremezo

Urubanza Porokireri aburana na Tharcisse Muvunyi, N° ICTR-2000-55A-T, Inyandiko y'urubanza mu rw'iremezo, 11 Gashyantare 2010.

RPF: FPR

Sitati

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

Urup. (imp.)

Urupapuro (impapuro)

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Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR