

MBIZU, URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI URUGEREKO
RWIHARIYE, IKIZA RY'URUBANZA RYO KUWA 2 UKWAKIRA 1999

TRIBUNAL DE PREMIERE INSTANCE DE KIGALI,
CHAMBRE SPECIALISEE
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Ministère public c/ MBIZU J. Claude

URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI
URUGEREKO RWIHARIYE
IKIZA RY'URUBANZA RYO KUWA 2 UKWAKIRA 1999

UBUSHNJA-CYAHA NA MBIZU J. CLAUDE

URUBANZA RPO74/CS/KIG RMP 7021/S12/MM

ICYAHA CYITSEMBABWOKO N'ITSEMBATSEMBA - N'IBYAHA BYIBASIYE
INYOKO MUNTU - GATOZI CYANGWA ARI ICYITSO CY'ABANDI - ICYAHA
CY'UBUHOTOZI - KUREMA UMUTWE W'ABAGIZI BA NABI WITWARAGA
GISILIKARE - GUTUNGA INTWARO ZA GISILIKARE NTA BURENGANZIRA –
KWIREGA NO KWEMERA ICYAHA – IGIHE CYAGENWE - INDISHYI
Z'AKABABARO – IBIMENYETSO BY'AMASANO - ICYAHA CY'UBUSAHUZI.

GENOCIDE – CRIMES CONTRE L'HUMANITE – AUTEUR OU COMPLICE –
ASSASSINAT – ASSOCIATION DE MALFAITEURS - PORT D'ARMES ILLEGAL –
AVEU ET PLAIDOYER DE CULPABILITE – PROCEDURE - DOMMAGES-
INTERETS – PREUVES – VOL –

1. Uburenganzira bwo kwirega no kwemera icyaha buhabwa buri muntu wese uregwa bugakoresha igihe cyose dosiye itaroherezwa Perezida w'urukiko ngo ruburanishwe. Abikoze nyuma ntibyakirwa. (Tout accusé a le droit de recourir à la procédure d'aveu et de plaider de culpabilité avant que le dossier ne soit transmis au président du tribunal pour fixation. Dans le cas contraire la demande est rejetée).
2. Iyo umuburanyi asabye ko abagabo bahamagarwa urubanza ntirusububikwa rukomeza kuburanishwa abagabo bagahamagarwa. (Lorsque l'accusé demande l'audition d'un témoin, le tribunal n'est pas obligé de suspendre l'audience, le témoin peut être convoqué et l'audience peut se poursuivre).
3. Iyo uregwa yiyemereye icyaha urukiko narwo ruracyemeza cyane cyane iyo imvugo ye ihuye n'iy'abagabo bamushinja. Umugabo wumvise nyirigukora icyaha acyemera arahagije kugira ngo urukiko rubishingireho rukimwemeza. (Lorsque l'accusé reconnaît les faits et que sa déclaration corrobore celle des témoins, le tribunal peut se baser sur cette déclaration. Le témoin qui rapporte ce qu'il a entendu de l'accusé lui-même suffit pour que le tribunal la prenne en compte).
4. Icyaha cyo kurema umutwe w'abagizi ba nabi gihama umuntu iyo bigaragaye ko yagize uruhare mu bikorwa by'ako gatsiko nko kubafasha guhamba abantu. (L'infraction

d'association de malfaiteurs est établie lorsque le prévenu lui-même reconnaît avoir participé à certaines actions du groupe de malfaiteurs notamment à l'enterrement des victimes).

5. icyaha cyo gutunga imbunda gihama umuntu iyo ubwe yemeye ko yakoresheje iyo mbunda. (L'infraction de port d'armes illégales est établie lorsque le prévenu reconnaît avoir utilisé l'arme en question).

6. Urukiko ntirushobora gutanga indishyi z'akababaro iyo uziregera aterekanye ibimenyetso by'amashyamba afitanye n'abapfuye. Urukiko rushobora gutandukanya ibirego byerekeye indishyi. (Le tribunal ne peut pas octroyer de dommages et intérêts lorsque les parties civiles n'ont pas pu établir de liens avec les victimes. Le juge peut décider de la disjonction de l'action civile)

URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO
RWIHARIYE RULI I KIGALI, RUHABURANISHA IMANZA Z'ABAKOZE IBYAHA
BY'ITSEMBATSEMBA N'ITSEMBABWOKO N'IBINDI BYAHA BYIBASIYE
INYOKO MUNTU, RWAKIJIJE URU RUBANZA MU BURYO BUKULIKIRA

IKIZWA RW'URUBANZA RWO KUWA 2 UKWAKIRA 1999

HABURANA :

UBUSHINJA-CYAHA na MBIZU J. CLAUDE bita PAPA Jean mwene Maliyano na Tabu, wavutse muwa 1966 muli Selire Kabasengerezi, Segiteri Rugenge, Komi ni Nyarugenge, umunyarwanda, arubatse, umushoferi utarigeze afungwa bizwi n'amategeko atuye mu Kiyovu;

IBYO AREGWA :

1 Kuba ari muri Rugenge, Komini Nyarugenge muri Repubulika y'u Rwanda hagati y'ukwezi kwa Mata -Nyakanga 1994, yarakoze icyaha cy'itsembabwoko n'itsembatsemba n'ibyaha byibasiye inyoko muntu nk'uko byasobanuye mu masezerano mpuzamahanga yo kuwa 9/12/48, yerekeranye no guhana icyaha cya genocide mu masezerano mpuzamahanga yabereye i Génève kuwa 12/8/1949, yerekeranye no kurengera abantu batari abasilikare mu gihe cy'intambara n'amasezerano y'inyongera ; icyo cyaha gihanishwa kandi kigateganywa n'itegeko ngenga n° 08/96 ryo kuwa 30/08/96 ;

2 Kuba ari ahantu havuzwe haruguru mu gihe kimwe ari gatozi cyangwa ari icyitso cy'abandi nk'uko biteganywa n'ingingo ya 89,90,91 CPLI, yarakoze icyaha cy'ubuhotozi ingingo ya 312 CPLII

3 Kuba nanone mu gihe kimwe cyavuzwe haruguru abizi kandi abishaka yararemye umutwe wabagizi ba nabi witwaraga gisilikare, ingingo ya 281 na 282 CPLII.

4 Kuba mu gihe kimwe ari ahantu hamwe havuzwe haruguru ari gatozi cyangwa ari icyitso cy'abandi, yaratanze intwari za gisilikare nta burenganzira ahabwa n'itegeko loi, n° 12/97, j.o., 1979 ;

5 Kuba ari ahantu hamwe havuzwe haruguru mugihe kimwe ari gatozi cyangwa ari icyitso cy'abandi, yakoze icyaha cy'ubusahuzi, ingingo ya 168 C P L. II

ABAREGERA INDISHYI :

HODARI Désiré, SEMUSIMA Déogratias, UWAYEZU Anastasie

URUKIKO,

RUMAZE kubona ibaruwa n° 74 yo kuwa 08/12/97, Umushinja-cyaha wa Mbere w'Urugereko Rwihariye mu Rukiko rwa Mbere rw'Iremezo rwa Kigali, yandikiye Prezida w'urwo Rugereko, amwoherereza dosiye n° RMP 7021/S12/MM ya MBIZU J Claude bita PAPA Jean, amusaba ko iyo dosiye yaburanishwa ;

RUMAZE kubona ko iyo dosiye yanditswe mu gitabo cy'ibirego cy'Urugereko rw'lhariye rwo mu Rukiko rwa Mbere rw'Iremezo rwa Kigali ku n° RP 074/CS/KIG, nyuma Prezida warwo afata icyemezo cy'uko izaburanishwa kuwa 10/02/98, uwo munsu umenyeshwa ushinjwa, ubushinja-cyaha ndetse n'abaregera indishyi ;

RUMAZE kubona ko italiki ya 10/02/98 igeze MBIZU J Claude uregwa yitabye, Urukiko rumubaza niba umwirondoro ari uwe, avuga ko ari uwe, abajijwe niba aburana, avuga ko atasomye dosiye ;

RUMAZE kwumva Me Boubacar wunganira MBIZU asaba ijambo, avuga ko nk'uko ibyo uwo yunganira avuze aribyo, nawe yasaba indi taliki kugira ngo azategure neza dosiye,

RUMAZE kwumva ubushinja-cyaha buhagarariwe na MUTEGARUGOLI Mélanie buvuga ko nk'uko uregwa n'umwunganira babivuze bugasaba Urukiko ko rwabisuzuma rugafata umwanzuro ;

RUMAZE kwumva hafatwa icyemezo cy'uko icyifuzo cya MBIZU J. Claude gifite ishingiro, bityo urubanza rukaba rwimuliwe ku italiki ya 17/03/98 icyo gihe MBIZU akazaza yasomye dosiye ndetse abagabo yari yatanze bakazahamagazwa ;

RUMAZE kubona iyo taliki igeze, MBIZU yitabye yunganirwa na Me BADIBANGA J. Jacques, asemurirwa na SEBAZUNGU Alphonse amaze kurahira gukora neza umulimo ashinzwe wo gusemura ;

RUMAZE kwumva Me BADIBANGA ahawe ijambo, avuga ko niba MBIZU J. Claude atarashoboye kwirega yemera icyaha, avuga ko bavuganye amenya akamaro kabyo, none akaba yifuza kuburana akurikije umuhango wo kwirega no kwemera icyaha ;

RUMAZE kwumva Urukiko rumubaza impamvu J. Claude atashoboye kwirega yemera icyaha, avuga ko MBIZU ataragamije kubikora kuko atari azi akamaro kabyo, abajijwe

niba atarigeze asobanurirwa iryo tegeko, avuga ko akulikije dosiye yo kuri Parike batamusobanuriye akamaro ko kwirega no kwemera icyaha, niba atarabikoze afite uburenganzira bwo kubikora imbere y'abacamanza;

RUMAZE kwumva Urukiko rubasomeye itegeko libigenga ingingo 6, rwongera ruvuga ko ingingo ya 12,13 zibisobanura neza ;

RUMAZE kwumva rufata icyemezo ruvuga ko ingingo ya 5 y'itegeko nenga byumvikana ko MBIZU yagombaga kumenyeshwa ibyo iryo tegeko, rushingiye kuri iyo ngingo icyifuzo cya MBIZU ntikigomba kubahilizwa, kubera iyo mpamvu urubanza rwimuliwe ku italiki 24/04/98; hakurikijwe ingingo ya 13 kugira ngo urubanza ruzaburanishwe mu ngingo zarwo zose;

RUMAZE kubona ko iyo taliki igeze, urubanza rutashoboye kuburanishwa, urega n'ushinjwa batitabye, bityo rukimurirwa kuwa 20/05/98 na none iyo taliki igeze urubanza rurasubukurwa uregwa ariwe MBIZU yitabye n'abaregera indishyi bahari, MBIZU abazwa niba hari impamvu afite yatuma urubanza rutaburanwa, avuga ko yifuza ko abagabo bamushinja baboneka bityo urubanza rukaburanishwa ;

RUMAZE kwumva Me Boubacar wunganira uregwa, avuga ko umu avoka wamubanjilije muri uru rubanza yari yasabye ko hahamagazwa abagabo bashinjura MBIZU nanone nawe akaba abishimangira; Urukiko ruvuga ko abo bagabo bazahamagazwa aliko urubanza rugakomeza kuburanishwa ;

RUMAZE kwumva MBIZU abazwa niba umwirondora ari uwe, avuga ko ari uwe, abajijwe ibyaha ashinjwa niba abyemera, avuga ko atabyemera, uretse ko yigeze gutunga intwara (imbunda) ko yayikoresheje kuri bariyeri;

RUMAZE kwumva MBIZU J. Claude abazwa ukuntu yabonye imbunda, asubiza avuga ko yayitunze ayihawe n'ubutegetsu bwariho icyo gihe, Urukiko rwakomeje kumubaza impamvu ariwe bahisemo kuyiha, avuga ko atari we bahisemo ahubwo bayihaye bariyeri;

RUMAZE kwumva MBIZU abazwa kwiregura ku cyaha cyo gusahura, ahakana ka atigeze abikora ;

RUMAZE kwumva abazwa ko yasobanura icyo yashakaga kwemera no kwirega icyaha, asubiza avuga ko yagiye kuri bariyeri afata imbunda, akomeza avuga ko azi urupfu rw'abantu bamushinja;

RUMAZE kwumva MBIZU abazwa ko yabwira Urukiko abo bantu, avuga ka abo bantu bapfuye bishwe na Fideli KASITARI abategeka kubajugunya muri WC, aribo KABAGEMA, MULIGANDE Michel n'abahungu be babili, umuhungu wa KABAGEMA n' abandi bagabo atazi amazina, arangiza avuga ko icyo cyaha agisabira imbabazi ;

RUMAZE kwumva MBIZU abazwa niba nta muntu waguye kuri bariyeri, asubiza avuga ko nta n'umwe azi, abajijwe kuba yarakoze agatsiko k'abagizi ba nabi, arabyemera, ariko ka ataliwe wagashinze ;

RUMAZE kwumva ubushinja-cyaha busaba ko bamubaliza MBIZU agatsiko yarimo, asubiza avuga ko azi abantu bari kumwe kuri bariyeri aribo, GASIGWA Célestin, GATETE, ROMAIN na KAYITARE, n' abandi atibuka ;

RUMAZE kwumva MBIZU abazwa abantu bafatanije guterura imirambo, avuga ko ari GATETE, ROMAIN n'abandi, abajijwe imikorere y'iyi bariyeri, avuga ko iyi bariyeri yari ishinzwe kwaka abantu ibyangombwa ;

RUMAZE kwumva Me Aboubacar ahabwa ijambo, asaba Urukiko ko rwamubaliza uregwa icyo baribagambiliye mu guterura imirambo bakayijugunya muri W.C. ; asubiza ko ryabaye itegeko ry' abali bamaze kubica ;

RUMAZE kwumva ubushinja-cyaha bubaza niba abantu bahungiyeye kuri Ste Famille nta byangombwa bagiraga, avuga ko abo azi arabayicagaho ko bari babifite, abatarayicagaho ntabwo azi impamvu zabiteraga ;

RUMAZE kwumva hafatwa icyemezo cyo gusubika urubanza kubera ubwire, maze rwimurirwa kuwa 10/07/98 uwo muni ugeze urubanza rwongera gusubukurwa, MBIZU yitabye ahagarariye na Me Boubakar Diabira asemulirwa na SEBAZUNGU Alphonse amaze kurahira ko arangiza umulimo we nk'uko biteganywa, MBIZU asabwa n'Urukiko ko yakwibutsa abagabo yifuza, avuga ko ari GASIGWA Martin na KALIMBA J.Baptiste ;

RUMAZE kwumva Hodari Désiré umugabo watanze n'ubushinja-cyaha amaze kurahira ko avugisha ukuli, abajijwe ukuntu MBIZU yitwaye igihe cy'intambara avuga ko MBIZU yafatanije na Fifi Shuna, GATETE Kalisiti, nyumba kumi HABARUGIRA Léonard, GASIGWA A n'abaturage benshi atazi amazina bashinze bariyeri kuri St Paul na Ste Famille bashinzwe guhagalika abajyaga aho havuzwe haruguru babaga bafite ibikoresho bya gisilikare;

RUMAZE kwumva Hodari avuga ko haje kuza igitero mu rugo kwica abari aho, gitashwa na HABARUGIRA Léonard na Rurangirwa Yozefu, nyuma yaho baza gushorera RURANGIRWA, MULIGANDE Michel, Eric Jean Claude RUSANGANWA babasanze mu rugo ruli muni yo kwa Léonard;

RUMAZE kwumva Hodari akomeza avuga ko babajyanye kwa KABAGEMA babarasira mu nzu, nyuma baza kubarunda mu musarani wa KABAGEMA, yongeye kuvuga ko bagenzi be bagumye gutunga agatoki ko RUSANGANWA akiriho ku italiki 01/05/94 nyumbakumi aramutwara amubeshya ko bamuhungishilije kwa KANYABIKARI, ntabwo basubiye kumuca iryera ;

RUMAZE kwumva HODARI abazwa ko yasobanura indi myifatire ya MBIZU, avuga ko uretse igitero cyishe abo bantu MBIZU yararimo, yarashinzwe kuranga abatutsi, yaranabasenye, yakomeje avuga ko MBIZU yagiye mu bitero hamwe na SHUMA na bagenzi be barwanyaga abari bahungiyeye kuri Ste famille;

RUMAZE kwumva HODARI avuga ko MBIZU muri icyo gihe ari kumwe na KALISITI na bagenzi be, bateye grenade, akaba yarabibwiwe na maman we witwaga Stephanie wari urwaye kanseri (cancer), utaligeze yihisha wabibonaga ;

RUMAZE kwumva MBIZU abazwa ko yagira icyo abivugaho, avuga ko yafashwe aregwa grenade, akomeza avuga ko abo bantu bishwe na Fideli na Eugène babarashe, abamushinja rero baramubeshyera, arangiza avuga ko icyo azi ali uko yajugunye abantu mu ri WC., ntabwo yasahuye, ntabwo nanone ngo yashenye amazu yabatutsi ;

RUMAZE kwumva MBIZU akomeza avuga ko hari umugabo witwa HABARUGIRA wahishe abantu, akaba yarishe abandi benshi n'ikimenyimenyi GASIGWA arabizi ni nawe wabimubwiye, yarangije avuga ko yaherekeje abantu abahungisha interahamwe abajyana kuri St Paul;

RUMAZE kwumva Me Boubakar w'unganira MBIZU avuga ko Hodari kuva atangiye kubazwa yavuze ko ibyo avuga yabyumvanye abandi, bityo asaba Urukiko ko rwafata imvugo ye nk'itari iyukuri kuko Hodari ntacyo azi ;

RUMAZE kwumva ubushinja-cyaha busaba ijamba buvuga ko bubona ubuhamya bwa Hodari bujya guhura n'ubwa MBIZU ndetse n'ubw'abandi bagabo, bukaba busaba Urukiko kuzashishoza, urubanza rurasubikwa kubera ubwire, rukazasubukurwa kuwa 18/09/98 ;

RUMAZE kubona iyi taliki igeze MBIZU uregwa yitabye yunganirwa na Me Boubacar;

RUMAZE kwumva MBIZU J. Claude abazwa ko yagira icyo avuga kubyo Hodari amaze iminsi amushinja, avuga ko asaba imbabazi kubyo Hodari amushinja cyane cyane ukuntu yajugunye abantu muri WC, akomeza avuga ko icyo gikorwa atari cyiza muco w'u Rwanda; arangiza avuga ko yashyizweho ingufu kugira ngo ajugunye abantu muri WC, ko nta mugambi yarafite ;

RUMAZE kwumva MBIZU abazwa ko yatanga ikimenyetso cyerekana ko yashyizweho ingufu mukujugunya abantu muri W.C, asubiza ko habayeho kumukankamira, kumutoteza, bituma akora ayo marorerwa, bityo akaba abisabira imbabazi ;

RUMAZE kwumva ubuhinja-cyaha busaba ijamba buvuga ko MBIZU yasobanura ukuntu yakoreshejwe ingufu aterura imirambo nabo babikoranye, asubiza avuga ko Fideli ariwe wabashyizweho igitugu abategeka kubikora, dore ko abaturage bamutinyaga, akomeza avuga ko bateruye imirambo ari benshi ;

RUMAZE kwumva Me Boubacar ahabwa ijamba avuga ko nk'uko MBIZU abivuga ko yakoreshejwe ibyo bintu mu gihe gikomeye cy'intambara y'itsembatsemba, akomeza avuga ko MBIZU yaka imbabazi ku bikorwa bimwe akurikiranyweho bityo akaba asaba imbabazi ku banyarwanda no ku Rukiko ;

RUMAZE kwumva Hodari ushinja MBIZU abazwa niba hari icyo avuga kubyo MBIZU amaze kuvuga, asubiza avuga ko MBIZU yigeze gutunga imbunda mu gihe cy'intambara, akomeza avuga ko yanayikoreshaga muri icyo gihe ;

RUMAZE kwumva Me Boubakar wunganira uregwa abaza Hodari niba nta masano bafitanye na MBIZU, asubiza avuga ko bari baturanye nta n'ibibazo bigeze kugirana ,

RUMAZE kwumva Urukiko rusaba MBIZU kwiregura ku kibazo cy'imbunda, avuga ko atigeze akoresha imbunda uretse ko yali isanzwe iba kuri bariyeri ;

RUMAZE kwumva ubushinja-cyaha buvuga ko ku italiki 20/05/95 MBIZU yashatse kwirega no kwemera icyaha, yavuze ko yaratunze imbunda ya KARASHINIKOVE ;

RUMAZE kwumva MBIZU abazwa icyo abivugaho, asubiza avuga ko uwari ushinze iyo mbunda ari GASIGWA Célestin, kandi ko yayifataga GASIGWA ayimuhaye ;

RUMAZE kwumva HODARI asaba ijamba avuga ko MBIZU abeshya agashaka kwegeka imbunda kuri GASIGWA Célestin kandi barakoranye ubwicanyi nawe ;

RUMAZE kwumva ubushinja-cyaha buvuga ko MBIZU aguma yivuguruza mu myiregurire ye burangiza buvuga ko yikura ho imbunda akayishyira kuri GASIGWA warusanzwe ari umusaza ukuze cyane ;

RUMAZE kwumva umugabo UWAYEZU Anastasie arahira ko avugisha ukuri, abajijwe icyo apfana na MBIZU n'abaregera indishyi, asubiza avuga ko ntacyo bapfana ko KABAGEMA yaje ahunga Papa Jean (MBIZU) ariko aza kumuvumbura kwa Directeur amwicana n'umuryango we, bakabajugunya mu ri WC aza no gusenya inzu ya KABAGEMA;

RUMAZE kwumva Me Boubacar asaba ko Urukiko rwamubariza Anastasie ko yagira icyo avuga kubyo yavuze ku italiki 21/05/97, asubiza avuga ko yavuze ngo interahamwe nkuru (umuyobozi) yategetse ngo ntibice abagore n'abakobwa atari MBIZU

RUMAZE kwumva MBIZU abazwa ko yakwiregura ku magambo yavuze ko KABAGEMA yihishe kwa Directeur, asubiza avuga ko bamubeshyera, ko yali mu rugo atigeze ahamagarira abantu mu bwicanyi ;

RUMAZE kwumva Anastasie avuga ko basenye inzu ya KABAGEMA, bo bari bihishye mu gikari kwa François hafi yo kwa KABAGEMA ;

RUMAZE kwumva Me Aboubacar asaba ijambo avuga ko Anastasie amagambo yose avuga atayiboneye wenyine, ko yayabwiwe na murumuna wa MBIZU, Anastasie asubiza avuga ko yiboneye MBIZU na bagenzi be babikora ;

RUMAZE kwumva MBIZU akomeza abazwa ko yagira icyo avuga ku mvugo za Anastasie, asubiza avuga ko atemera imvugo ze z'ukuntu yavugiraga hanze Anastasie akamenya ijwi rye, yongera avuga ko Anastasie ahimba ibigambo bidafite ukuri, arangiza avuga ko iyabikora aba yarabyemeye ;

RUMAZE kwumva ubushinja-cyaha busaba Anastasie ko yagira icyo avuga ku mbunda MBIZU yaratanze, avuga ko yemeza rwose ko murumuna wa MBIZU yamubwiye ko MBIZU yaratanze imbunda; abajijwe na none abafashe icyemezo cyo guta abantu muri WC, avuga ko cyafashwe na PAPA Jean ariwe MBIZU na GATETE ;

RUMAZE kwumva uregwa abazwa ko yagira icyo avuga kuri iyo mvugo, asubiza avuga ko atumva ukuntu Anastasie atareze murumuna we wamubwiye ayo magambo yose y'ubwicanyi ;

RUMAZE kubona italiki ya 12/10/98, Urukiko rufata iki cyemezo "RUSANZE mbere y'uko urubanza rucibwa burundu hagomba gukorwa anketi igamije kugaragaza ukuri kw'imvugo ya UWAYEZU Anastasie y'uko ngo yumvise ijwi rya MBIZU warangaga aho we n'umuryango we bari bihishye cyane cyane ko MBIZU abihakana ; bityo iyo anketi ikaba iteganyijwe kuwa 16/10/98 isaa munani n'igice" ;

RUMAZE kubona italiki yo kuwa 23/04/99 rujya gukora iperereza muri Selire Bwahimba, Segiteri Rugenge Nyarugenge, PVK, rujya kwa Diregiteri HARELIMANA François, ruhasanga GATALI Eugène utuye mu nzu UWAYEZU Anastasie yari yihishemo n'umuryango we, Urukiko rutuma GATALI Eugène aho bavugaga ko MBIZU yari ahagaze avuga ngo «muze nahageze», Urukiko rurabyumva, nyuma yaho GATARI arabisinyira;

RUMAZE kwumva abaregera indishyi alibo :
-HODARI Désiré, SEMUZIMA Déogratias, UWAYEZU Anastasie;

RUMAZE kwumva SEMUZIMA Déo abazwa ko yasobanura indishyi uwo azisaba n'uwo azisabira ko yanagaragaza ibimenyetso bizishyigikira ;

RUMAZE kwumva SEMUZIMA avuga ko asaba indishyi MBIZU kuko yishe abavandimwe be aribo RURANGWA na KABAGEMA akanabasenyera inzu akanabata mu musarani ; akomeza avuga ko hari inzu igomba gusanwa na 800.000frw, hakaba toilette yasanwa na 600.000F, yongera avuga ko KABAGEMA yari umukozi ko yari atunze umuryango akaba agomba gutanga 2.600.000F, hakaba RURANGWA wari umugabo utunze urugo, kandi akaba umukozi bityo agatanga 2.800.000F, hakaba umwana wari muri secondaire akaba atazi ibyo yamusabira, arangiza avuga ko KABAGEMA yasize umwana w'impfubyi akaba ariwe umurera, akamusabira 4.000.000;

RUMAZE kwumva abazwa ko yatanga ikimenyetso cy'uko umuvandimwe we yaguye mu biganza bya MBIZU, kandi akanatanga ibimenyetso kuko bavukana na banyakwigendera ;

RUMAZE kwumva asubiza avuga ko hari umukecuru wamubwiye ko yabyiboneye, nyuma yaho yaje kwitaba Imana, abajijwe ko yatanga ibimenyetso byerekana ko avukana na KABAGEMA, asubiza ko azazana za Attestations Communales nyuma ;

RUMAZE kwumva MBIZU abazwa ko yagira icyo avuga ku ndishyi zimaze kuvugwa, asubiza avuga ko habayeho kuliha izo ndishyi yumva atazitanga kuko atariwe wabishe ;

RUMAZE kwumva MBIZU abazwa niba bigaragaye ko ariwe wabishe yazemera, asubiza avuga ko Urukiko rusanze icyaha kimuhama yumva ayo mafaraga ari menshi, agasaba ko izo ndishyi bazigabanya ;

RUMAZE kwumva Hodari abazwa ko yavugaga ku ndishyi agomba gusaba, avuga ko asaba MBIZU indishyi zikomoka kuri mukuru we RUSANGANWA Joseph bishe, ko yari professeur (26ans) yari gukorera umuryango bityo akaba asaba indishyi zihwanye na 10 000 000 FRW, we n'abavandimwe be bakayasangira;

RUMAZE kwumva MBIZU asabwa ko yagira icyo avuga ku ndishyi zavuzwe haruguru, asubiza avuga ko izo ndishyi Hodari asaba ntaho yazikura akurikije amikoro ye, yongera avuga ko biramutse bimufashe ko yishe mukuru we, ko yamugirira imbabazi akadohora ;

RUMAZE kwumva Hodari abazwa niba yadohora nk'uko MBIZU abimusabye, avuga ko naho yamudohorera ntabwo yajya muni ya 8.000.000F ;

RUMAZE kwumva UWAYEZU Anastasie asabwa gusobanura indishyi ze, asubiza avuga ko atabisobanukiwe, avuga ko MBIZU yishe umugabo we MULIGANDE n'ahana be aribo MULIGANDE J. Claude Emmanuel, MULIGANDE J. Eric (21ans) ;

RUMAZE kwumva MBIZU abazwa niba yemera kuzatanga indishyi Anastasie asaba, asubiza avuga ko yamudohorera, akamugilira imbabazi, kuko atari ku gahato ahubwo ni ku bushake bwe kuko bazi amikoro ye;

RUMAZE kwumva MBIZU abazwa impamvu zamugejeje kwa KABAGEMA asubiza avuga ko yageze kwa KABAGEMA atabaye nk'abandi bese, ko yahageze asanga abantu babishe hanyuma babategeka kubajugunya mu musarani, akaba aribyo yemera kandi akanabisabira imbabazi ;

RUMAZE kwumva MBIZU abazwa aho yasanze imirambo, avuga ko yayisanze kwa KABAGEMA, abajijwe igihe bashenye kwa KABAGEMA, asubiza ko atabizi ;

RUMAZE kwumva ubushinja-cyaha buhabwa ijambo, buvuga ko ntacyo bwongeraho cyane ko Urukiko ruzabibona mu mwanzuro ;

RUMAZE kwumva MBIZU abazwa niba hari icyo yongeraho, asubiza avuga ko ntacyo yongeraho uretse ko icyaha yemera yakoze agisabira imbabazi ;

RUMAZE kubona ruhamamagaje urubanza rusanga MBIZU yitabye yunganirwa na Me Boubacar asemurirwa na NIZEYIMANA Valens amaze kurahira ko ibyo asemura ari ukuri ;

RUMAZE kwumva ruvuga impamvu urubanza rwatinze, kuko abacamanza KAMBABAZI na UWIMANA badahali, bityo rukaba rugiyeye gukomeza abacamanza bashya aribo UDAHEMUKA Adolphe na RUSUNIKA Jonas kugirango bakurikire urubanza ;

RUMAZE kwumva MBIZU abazwa ko asobanura icyaha yemera kandi akagisabira imbabazi, asubiza avuga ko yataye imirambo mu ri W.C nk'uko yabivuze mbere ;

RUMAZE kwumva MBIZU akomeza abazwa umubare w'abantu yataye mu ri WC, avuga ko ku giti cyeye ari imirambo itatu ;

RUMAZE kwumva abazwa impamvu zamujiyanye kwa KABAGEMA, avuga ko yagiye yo ahuruye nk'abandi bose ku muturanyi wabo, abajijwe abantu bafatirwaga kuri bariyeri, asubiza avuga ko Chef wa bariyeri aliwe wali ufite amabwiriza ;

RUMAZE kwumva ubushinja-cyaha busaba ijamba buvuga ko ntacyo bwongeraho cyane cyane ko bushaka kumenya abantu batawe muri WC ari bazima, ubushinja-cyaha bukomeza bugaragaza ko abatawe muri WC ari barindwi (7) halimo babiri bari bazima nka RURANGIRWA wari warashwe amaguru n'abandi ;

RUMAZE kwumva ubushinja-cyaha buvuga ko MBIZU yigeze kuvuga ko atazi abo yatayemo, abajijwe ko yagira icyo abivugaho asubiza avuga ko abantu bose yatayemo bari bapfuye ;

RUMAZE kwumva MBIZU abazwa niba nta kindi yongeraho mbere y'uko ubushinja-cyaha bumusabira ibihano (umwanzuro) avuga ko ntacyo yongeraho ;

RUMAZE kwumva uhagarariye ubushinja-cyaha ahabwa ijamba ngo asabire ibihano uwo ashinja, avuga ko ibyaha MBIZU Jean Claude ashinjwa ari ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba, kubw'ibyaha agashyirwa mu rwego rwa kabili kuko ari umwicanyi wamamaye biteganywa n'itegeko ngenga n° 08/96 ryo kuwa 30/08/96 ingingo ya 2 urwego rwa kabiri n'ya 14, kurema umutwe w'abagizi ba nabi ingingo ya 89,90,91 igitabo cya 1 cy'amategeko ahana, 281-283 z'igitabo cya II cy'amategeko ahana, agahanishwa imyaka 20 y'igifungo ;

-Ubuhotozi art 312 CPLII

-Ubufatanya cyaha mu buhotozi,igihano cy'urupfu art 312 CPLII

-Gutunga intwara za gisilikare nta ruhushya ahabwa n'itegeko

-Icyaha cy'ubusahuzi art 168 igifungo cy'imyaka 20

-Kwambura uburenganzira bwose umuntu afite mu gihugu ingingo ya 17 al.a itegeko ngenga n° 08/96 ryo kuwa 30/08/96
-Gutanga amagarama y'urubanza

-Gukurikirana abo bafatanije badahali cyangwa abataraboneka, ingingo ya 33 itegeko ngenga n° 08/96 ryo kuwa 30/06/8/96
-Gukurikiranwaho indishyi zaregewe ;

RUMAZE kwumva Me Boubacar abazwa niba ntacyo avuga kubyo ubushinjacyaha bumaze kuvuga, asubiza avuga ko muli dosiye ntaho bagaragaza ibikorwa bibi MBIZU yakoze, atanga urugero ko naho MBIZU yari afite imbunda ariko ntawe yayicishije, akomeza avuga ko Urukiko rwakoresha ubushishozi, rugashingira ku bintu bigaragara kuko asanga hari ibintu bidasobanutse. yongera kuvuga ka MBIZU yari umuturage usanzwe akazagomba gushyirwa mu rwego yari alimo, arangiza avuga ko nta bigaragara muri dossier uruhare MBIZU yaba yarakoze muri ziriyi mpfu za bariya bantu, bityo akaba atagomba gushyirwa muri 2e Categorie asaba Urukiko kuzoroshya icyaha kuko MBIZU yagize ubushake bwo kwemera no kwirega icyaha ;

RUMAZE kwumva MBIZU abazwa niba hari icyo yongeraho kubyo Me Boubacar avuze, asubiza avuga ko ntabwo yongeraho uretse ko asaba imbabazi mubyo yiyemereye ;

RUSANZE MBIZU Jean Claude bita PAPA Jean ubushinja-cyaha bumurega ibyaha bikurikira

1e icyaha cy'itsemba-bwoko n'itsembatsemba

2e icyaha cy'ubuhotozi

3e icyaha yo kurema umutwe w'abagizi ba nabi

4e icyaha cy'ubusahuzi

5e icyaha cyo gutunga imbunda nt burenganzira afite ;

Ibyo byaha byose yabikoze hagati y'ukwezi kwa Mata n'ukwa Nyakanga mu mwaka w'1994 muli Selire Kabasengerezi, Segiteri Rugenge, Komini Nyarugenge PVK ;

RUSANZE MBIZU Jean Claude yemera ko yahambye muri W.C. yo kwa KABAGEMA abantu baguye kwa "Directeur" ndetse n'ubwo atabyemera harabo bahambye batarahwana nk'uko imvugo z'abagabo zibyemeza ;

RUSANZE n'ubwo mbizu J.C abihakana yaragize uruhare mu rupfu rw'abantu bose baguye kwa «Directeur» mu gihe yabarangaga avuga ko KABAGEMA ntahandi ari uretse aho, ibyo bikagaragazwa n'amagambo ya Anastasie UWAYEZU waharokokeye ndetse n'iperereza Urukiko rwakoze ryerekana ko aho yavugiye abari kwa«Directeur» bashoboraga ku mwumva neza uwo Anastasie akaba yari yihishe aho kwa Directeur;

RUSANZE icyaha cy'ubuhotozi kuri baliya bantu bose baguye kwa Directeur kimuhama nk'uko byasobanuwe mu ri za«Rusanze» zibanza ;

RUSANZE MBIZU J.Claude urupfu rwa RUSANGANW A Joseph mukuru wa HODALI umushinja rutamuhama kuko nta bimenyetso bifatika babitangira kandi ndetse n'abarumushinja bavuga ko batazi aho baguye ;

RUSANZE icyaha cyo kurema umutwe w'abagizi ba nabi MBIZU JC ashinjwa kimuhama kuko nawe yiyemerera ko yafashije abicanyi mu guhamba abantu muri W.C. ndetse bamwe bahambwe bakiri bazima, n'ubwo avuga ko yabigize ku gahato ntabwo yakagaragaje, ikindi ni uko yagize uruhare mu rupfu rw'abantu bari bahungiyeye kwa «Directeur» nk'uko byavuzwe mu ri za «Rusanze» zibanziriza iyi ;

RUSANZE nanone icyaha cyo gutunga imbunda atabifitiye uburenganzira kimuhama kuko nawe ubwe yemera ko bari kuri bariyeri hari imbunda nawe yajyaga ayikoresha kimwe na bagenzi be ;

RUSANZE icyaha cy'ubusahuzi MBIZU J. Claude ashinjwa, ubushinja-cyaha n'abaregera indishyi nta bimenyetso bifatika babitangiye bityo icyo cyaha ntikumuhama ;

RUSANZE icyaha MBIZU J.Cl ashinjwa kandi bimuhama yarabikoze mu buryo bw'impurirane y'imboneza mugambi, bigamije icyaha cy'itsembabwoko n'itsembatsemba kandi bimushyira mu rwego rwa kabili ;

RUSANZE abaregeye indishyi muri uru rubanza aribo UWAYEZU Anastasie, HODALI, SEMUZAIMA batagomba kuzihabwa kuko batashyikirije Urukiko ibyemezo bigaragaza icyo bapfana n'abapfuye ;

RUSHINGIYE ku Itegeko-Shingiro rya Repubulika y'u Rwanda nk'uko ryavugururwe kuwa 18/01/1996 ;

- a) ingingo ya 25,26 y'amasezerano y'amahoro ya Arusha yerekeranye n'igabana ry'ubutegetsi muri Gouvernement y'inzibacyuho ;
- b) ingingo ya 12,14,33,92,95 z'Itegeko-Nshinga rya Repubulika y'u Rwanda;

RUSHINGIYE ku ngingo ya 6,12,76,104,129 na 200 z'itegeko-teka n° 9/80 rishinga imitunganyilize n'ububasha bw'inkiko ;

RUSHINGIYE ku ngingo ya 1,2,3 n'ya 14,17,21,30 y'itegeko ngenga n° 08/96 ryo kuwa 30/08/96 rigena imitunganyilize y'ikurikirana ry'ibyaha bigize icyaha cy'itsembabwoko n'itsembatsemba cyangwa ibyaha byibasiye inyoko muntu ;

RUSHINGIYE ku masezerano mpuzamahanga yo kuwa 9/12/48 yerekeranye no kwirinda no guhana icyaha cy'itsembabwoko ;

RUSHINGIYE ku ngingoya 10,17,58,62,71,78,83,90,130,13 z'igitabo cy'amategeko agenga imiburanishilize y'imanza z'inshinja-byaha ;

RUSHINGIYE ku ngingo ya 66,89,90,91,168,281,312 z'igitabo cy'amategeko ahana,

RWEMEYE kwakira no gusuzuma ikirego rwashyikirijwe n'ubushinja-cyaha kuko cyaje mu nzira zemewe n'amategeko kandi ko gifite ishingiro ;

RWEMEJE ko ibyaha MBIZU J. Claude ashinjwa bimuhama nk'uko byasobanuwe mu ri za «Rusanze»;

RUMUHANISHIJE igihano cyo gufungwa burundu ;

RUTEGETSE ko yamburwa burundu uburenganzira afite mu gihugu, buvugwa mu ngingo ya 66 mu duce 2,3,5 aribwo bubasha bwo gutanga amajwi, bwo gutorwa, gutora mbese muri rusange kubuza uburenganzira bwose umuntu afite mu gihugu n'ubwerekeye Politique;

RUMUTEGETSE gutanga amagarama y'urubanza ahwanye na 18.300F mu gihe gitegetswe cyangwa agatungwa iminsi 30 y'ubugwatira mubiri agakurwa mubyeye ku ngufu za Leta ,

RUVUZE ko abashaka kuregera indishyi babikora mu rundi rubanza ,

RUVUZE ko rwatinze gusomwa kubera imirimo myinshi y'abacamanza;

NI UKO RUKIJWE KANDI RUSOMWE MU RUHAME KUWA 02/10/99 N'U RUGEREKO RWIHARIYE RWO MU RUKIKO RWA MBERE RW'IREMEZO RWA KIGALI RULI I KIGALI HARI KARANGWA Frédéric (PREZIDA), RUSUNIKA Jonas na UDAHEMUKA Adolphe (ABAJUJI), MUTEGARUGOLI Mélanie (UMUSHINJA-CYAHA), SIMBIZI Fulgence (UMW ANDITSI)

RUSUNIKA Jonas KARANGWA Frédéric UDAHEMUKA Adolphe SIMBIZI Fulgence (sé) (sé) (sé) (sé)