

RUMANZI, URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI, URUGEREKO
RWARWO RWIHARIYE, Ikiza ry'urubanza ryo kuwa 18 gashyantare 2000

RUMANZI Aloys c/ le Ministère public

RMP 5509/S12/K RP. 028/CSIKIG

Tribunal de Première Instance de Kigali, Chambre spécialisée
Jugement du 18 février 2000

URUKIKO RWA MBERE RW'IREMEZO RWA KIGALI,
URUGEREKO RWARWO RWIHARIYE,
Ikiza ry'urubanza ryo kuwa 18 gashyantare 2000

ICYAHA CY'ITSEMBA-BWOKO- GATOZI – UBUFATANYA-CYAHA CYANGWA
ICYITSO CY'ABANDI - KUDASAZA KW'IBYAHA BY'INTAMBARA N'IBYAHA
BYIBASIYE INYOKO-MUNTU – UBUHOTOZI - UMWUTWE W'ABAGIZI BA NABI
– UKUYOGOZA IGIHUGU - URWEGO RWA KABIRI - GUFUNGWA BURUNDU
NO KWAMBURWA BURUNDU UBURENGANZIRA UMUNTU AGIRA MU
GIHUGU – IBIREGO BY'INDISHYI – IBIMENYETSO – GUTANDUKANYA
IKIREGO CY'INDISHYI N'IKIREGO CY'ISHINJA-BYAHA - INDISHYI
Z'ABAKOREWE ICYAHA BATAZWI -

Génocide – auteur – co-auteur ou complice des autres – imprescriptibilité des crimes de
guerre et des crimes contre l'humanité – assassinat – association de malfaiteurs –
dévastation du pays – deuxième catégorie – peine – prison à perpétuité - privation des
droits civils et politiques – actions en dommages intérêts – preuves – disjonction de
l'action civile – dommages-intérêts - victimes non identifiées -

1. Icyaha cy'ubuhotozi gihama umuntu wiyemereye ko yagiye kuri barrière yaka
ibyangombwa kandi yica abo asanze ari abatutsi, kereka yerekanye aho yari ari handi abo
bantu bicwa..

L'infraction d'assassinat est établie lorsque l'inculpé surveillant une barrière destinée à
vérifier les identités des passants a tué ceux qui avaient l'identité tutsi, sauf s'il prouve
qu'il était ailleurs au moment de leur assassinat.

2. Hakurikijwe ingingo ya 168 CPR, icyaha cyo kuyogoza igihugu, ntigihama uwishe
kuri barrière kubera ko kibarirwa mu byaha byo kuvutsa igihugu umudendezo hagamijwe
kurwanya ubutegetsi buriho, naho ibikorwa bibi byakozwe muri urwo rwego ahubwo
bakaba bari babitumwe n'ubutegetsi bwariho icyo gihe.

L'infraction de dévastation du pays, prévue à l'article 168 du CPR, n'est pas établie dans la
chef de la personne qui a surveillé une barrière parce que dans cette période cette

infraction ne pouvait pas constituer une atteinte à la sûreté de l'Etat, les actions menées étant ordonnées par le pouvoir en place.

3. icyaha cy'itsemba-bwoko gihama umuntu iyo umugambi we mu kureba ibyangombwa kwari ukuvangura abatutsi bakicwa, igamije kubatsemba burundu.

Le crime de génocide est établi dans le chef d'une personne qui effectue le contrôle des identités et le fait dans le but de trier les Tutsi et de les massacrer ensuite.

4. Igihe ababuranyi batarabona ibimenyetso by'indishyi basaba, urukiko rushobora gutandukanya ikirego cy'indishyi n'ikirego cy'inshinja-byaha, indishyi zigakurikiranwa urubanza rwaramaze gucibwa.

Lorsque les parties civiles n'ont pas rassemblé les preuves de leur action, le juge pénal peut décider de la disjonction de l'action civile; les actions en dommages et intérêts seront introduites dans une action civile séparée après le jugement au pénal.

RMP 5509/S12/K RP. 028/CSIKIG

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

IKIZA RY'URUBANZA MU RUHAME RYO KUWA 18/02/2000

HABURANA : UBUSHINJA-CYAHA

1. RUMANZI Aloys mwene MIRUHO (+) na NYIRAKARIRE (+) wavukiye muri Segiteri Ryinyo, Komini Nkuli-Ruhengeri, atuye Nyarugunga-Kanombe-Kigali-Ngali yashakanye na AKIMANIZANYE Perusi, bafitanye abana 3, umuhinzi, afite inzu 3 ntarafungwa bizwi, arafunze kuva tariki ya 16/01/1997

2. GASORE (n.a.i)

3. NTAHOMVUKIYE Concorde (n.a.i),

4. NGAGI Pascal (n.a.i)

5. ANTOINE (n.a.i)

IBYAHA AREGWA :

- Kuba bari i Nyarugunga, Komini Kanombe, Perefegitura ya Kigali-ngali, muri Repuburika y'u Rwanda hagati ya Mata na Nyakanga 1994 ari abafatanyacyaha cyangwa umwe ari icyitso cy'abandi nkuko biteganywa n'ingingo ya 89,90,91 z'igitabo cya mbere cy'amategeko ahana, barakoze icyaha cy'itsemba-bwoko, icyaha giteganywa n'amasezerano mpuzamahanga yo kuwa 26 u Gushyungu 1968 yerekeranye no kudasaza kw'ibyaha by'intambara n'ibyaha byibasiye inyoko-muntu n'itegeko n° 08/75 ryo kuwa 12/12/1975 n'itegeko-ngenga n° 08/96 ryo kuwa 30/08/96 rigena imitunganyirize y'ikurikiranwa ry'ibyaha bigize icyaha cy'itsemba-bwoko n'itsembatsemba byakozwe kuva tariki ya mbere Ukwakira 1990 kigahanishwa ingingo ya 14 igika cyayo cya b cy'itegeko ngenga n° 08/96 ryo kuwa 30/08/1996 rigena imitunganyirize y'ibyaha bigize icyaha cy'itsemba-bwoko n'itsemba-tsemba ryakozwe kuva tariki ya 1/10/1990 ;

- Kuba bari aho hantu mu gihe kimwe nk'ikivuzwe haruguru, ari gatozi, abafatanyacyaha cyangwa umwe ari icyitso cy'abandi, nkuko biteganywa n'ingingo ya 89,90,91 z'igitabo cya mbere cy'amategeko ahana, barahotoye HANYURWIMFURA Alfredi, UWABERA Pascal alias TALİYANI; Icyaha giteganywa kandi kigahanishwa ingingo ya 312 y'igitabo cya kabiri cy'amategeko ahana.

- Kuba bari aho hantu mu gihe kimwe nk'icyavuzwe haruguru, ari gatozi, bafatanyije cyangwa umwe ari icyitso cy'abandi nkuko biteganywa n'ingingo ya 89,90,91 z'igitabo cy'amategeko ahana, bararemye umutwe w'abagizi ba nabi; Icyaha giteganywa n'ingingo ya 281 y'igitabo cya kabiri cy'amategeko ahana kigahanishwa ingingo ya 283 y'igitabo cya kabiri cy' amategeko ahana;

- Kuba bari aho hantu mu gihe kimwe nk'icyavuzwe haruguru , bafatanyije cyangwa bamwe ari ibyitso by'abandi nkuko biteganywa n'ingingo ya 89, 90, 91 z'igitabo cya mbere cy'amategeko ahana, barayogoje komini kanombe, bica basahura, icyaha giteganywa kandi kigahanishwa ingingo ya 168 y'igitabo cya kabiri cy'amategeko ahana.

URUKIKO,

RUMAZE kubona ko iperereza ry'uru rubanza ryakozwe na Parquet ya Kigali rirangiye umushinja-cyaha wa mbere w'Urugereko Rwihariye mu Rukiko rwa Mbere rw'Iremezo rwa Kigali yandikira umuyobozi w'Urugereko Rwihariye mu Rukiko rwa Mbere rw'Iremezo rwa Kigali ibaruwa n° N 21 RMP 5509/S12/ER yo kuwa 16/6/1997 amwoherereza dosiye kugirango izashobore kuburanishwa;

RUMAZE Kubona Ubukarani bw'Urukiko bwandika uru rubanza mu gitabo cy'ibirego kuri RP 028/CS/KIG;

RUMAZE kubona itegeko rya Perezida w'Urugereko Rwihariye mu Rukiko rwa Mbere rw'Iremezo rwa Kigali rishyira umunsi w'iburanisha ry'uru rubanza kuwa 18/08/97, uwo munsi ugeze RUMANZI Aloys aritaba ariko ntiyaburana kubera ko yifuje kubanza gusoma dosiye no gushaka umwunganira;

RUMAZE kubona ko iburanisha ryimuriwe kuwa 021/09/1997, uwo munsu ugeze urubanza ntirwaburanishwa, rwimurirwa kuwa 04/11/1997, uwo munsu ugeze RUMANZI Aloys aritaba yunganirwa na Maître MAYRAN;

RUMAZE kumva RUMANZI Aloys avuga ko yarwaye bigatuma atiga dosiye bityo akaba adashobora kuburana;

RUMAZE Kumva Maître MAYRAN asaba indi tariki kugirango uwo yunganira azabashe gusoma dosiye kandi n'abagabo bamushinjura bazabashe kuboneka;

RUMAZE kumva Ubushinja-cyaha buhagarariwe na BWASISI Germain buvuga ko icyifuzo cya RUMANZI cyo gusubika urubanza kubera ihamagara ry'abagabo nta shingiro gifite, ngo yagombye kuba yarabatanze mbere bagahamagarwa;

RUMAZE kumva maître MAYRAN asaba urukiko kugera aho icyaha cyakorewe kugirango ukuri kugaragare;

RUMAZE kubona ko Urukiko rwasanze ibyo RUMANZI asaba bifite ishingiro bityo rwimurira urubanza rwe kuwa 12/12/1997, uwo munsu ugeze RUMANZI yitaba Urukiko yunganirwa na Maître Wincienne;

RUMAZE kumva RUMANZI abazwa ko umwirondoro asomewe ari uwe, asubiza ko ari uwe;

RUMAZE kumva Ubushinja-cyaha buhagarariwe na BWASISI busobanura uburyo RUMANZI yakoze ibyaha aregwa bukanatanga ibimenyetso;

RUMAZE kumva RUMANZI Aloys abazwa ko azi abantu Ubushinja-cyaha bumurega ko yishe, asubiza ko yari asanzwe abazi ariko ko bariyeri yo kuri cumi na gatanu aho abo bantu baguye atigeze ayibaho, agakomeza avuga ko icyo yemera ari uko yabaye kuri bariyeri yo kwa BIZIMUNGU ;

RUMAZE kumva RUMANZI avuga ko atigeze yaka abantu ibyangombwa, ko atari kubishobora kubera ubusaza kandi ko bariyeri yarariho yari iyo kureba umwanzi;

RUMAZE kumva Maître NINCIENNE avuga ko RUMANZI yunganira yabaye kuri bariyeri iminsi ibiri gusa ahita ahunga kandi ko yarwaye imbasa , ku buryo nta bushobozi yabonye bwo kwica ;

RUMAZE kumva Ubushinja-cyaha buhagarariwe na BWASISI buvuga ko mw'ibazwa rya RUMANZI yemeye ko azi urupfu rwa HANYURWIMFURA na TALIYANI ndetse ko yemeye ko kuri bariyeri yo kuri 15 haguye abantu benshi nkuko n'abamurega babyemeza ;

RUMAZE Kumva RUMANZI avuga ko bariyeri yari ariho yashakaga inkotanyi kandi ko abo basangaga badafite ibya ngombwa atazi aho abasirikare babajyanaga, akomeza avuga ko babajyanaga kuri bariyeri yo kuri 15 ariko ko atazi ko ariho bose biciwe ;

RUMAZE Kumva Maître NINCIENNE avuga ko ibyo RUMANZI yavuze ku bantu bishwe atabibonye ahubwo ko aribyo yumvise ;

RUMAZE Kumva RUMANZI avuga ko yari inshuti magara ya HANYURWIMFURA ariko ko ntacyo yakoze igihe yamubonye abishi bamutwaye, akomeza avuga ko inkotanyi zicaga abahutu akaba ariyo mpamvu nabo bicaga abatutsi kandi ko yari asanzwe aziko HANYURWIMFURA ari umututsi ;

RUMAZE kumva Maître NINCIENNE avuga ko ashigikiye ibazwa ry'abagabo ngo kuko habajijwe ababibwiwe kandi hari benshi babibonye ndetse binashobotse ko Urukiko rwagera aho byabereye;

RUMAZE kubona ko Urukiko rwiherereye rufata icyemezo cyo gusubika urubanza kugirango iburanisha rizakomeze abagabo b'impane zombi bahari kuwa 24/12/97;

RUMAZE kubona ko kuwa 24/12/1997 urubanza rutaburanishijwe kubera clôtüre y'umwaka rukaba rwarimuriwe kuwa 20/01/1998 ariko uwo munsu nabwo rwimurirwa kuwa 27/03/1998 kubera ko hari umucamanza utari yabonetse;

RUMAZE kubona ko uwo munsu ugeze RUMANZI Aloys yitabye yunganirwa na Maître RUTYOMBA, NGIRUWERA Emmanuel uregera indishyi nawe yitabye ndetse hitabye n'abagabo bashinjura aribo KAYINAMURA Juvénal na NGEREYAHU Gaspard;

RUMAZE kumva ubushinje-cyaha buhagarariwe na OMP BWASISI Germain busaba ijamba, buvuga ko abagabo bwatanze barwaye ariko ko bwababajije busaba Urukiko ko rwakwakira inyangano mvugo y'abagabo ;

RUMAZE kumva Umushinje-cyaha BWASISI asoma inyangano mvugo ya MUKANTWARI umugore wa nyakwigendera Alfredi, iyo nyandiko mvugo ikaba yemeza ko MUKANTWALI yahagaze ku rupfu rw'umugabo we n'urwa Michel kandi ko RUMANZI yarahari babica afite imbunda ;

RUMAZE kumva RUMANZI avuga ko MUKANTWALI amubeshyera ko atigeze amubona kuri bariyeri ndetse ko atari no mubisha umugabo we, agakomeza avuga ko yavuye mu rugo iwe ageze kuri bariyeri ahasanga Alfred na Antoine na Gasore hanyuma Alfred bahita bamujyana kuri 12 we ngo asigara kuri bariyeri kubera uburwayi n'ubusaza ;

RUMAZE kumva Umushinjacyaha BWASISI avuga ko RUMANZI abeshya agamije guhunga icyaha, ibyo ngo bikaba bigaragazwa n'imvugo ye yo muri Parquet iri ku rupapuro rwa 3 itandukanye nibyo yemeye imbere y'urukiko abo avuga ko yabonye Alfred kuri bariyeri ;

RUMAZE kumva RUMANZI abazwa impamvu muri Parquet yavuze ko yumvise ko Alferd yafashwe akicwa yagera mu Rukiko akemera ko yabonye bamujyana bamuvanye kuri bariyeri akabura igisubizo ;

RUMAZE kumva umushinja-cyaha avuga ko kurupapuro rwa kabiri MUKANKUSI yemeza ko TARIYANI yishwe na RUMANZI ;

RUMAZE kumva RUMANZI asabwa kugira icyo avuga ku nyandiko mvugo ya MUKANKUSI Georgette, asubiza ko amubeshyera ko hakorwa iperereza, kuko ngo atari kwica abatutsi ngo areke umugore we kandi nawe ari umututsikazi ;

RUMAZE kumva NGIRUWERA Emmanuel uregera indishyi avuga ko se na Taliyani bishwe na RUMANZI, afatanyije na NKOTANYI, GASORE, Antoine, Pascal, Claude na TEBA ndetse ko hari n'abandi bantu 12 biciye kuri bariyeri RUMANZI ahari, ko ANGELA NYIRAMABUMBA nawe yakwemeza ko RUMANZI yishe ;

RUMAZE kumva RUMANZI avuga ko bariyeri yarariho itari kuri kaburimbo kandi ko iri kure yo kuri 15;

RUMAZE kumva NGIRUWERA avuga ko bariyeri RUMANZI yarariho yali kuri m 60 yo kuri 15 ;

RUMAZE kumva RUMANZI avuga ko hagati ya bariyeri ye ni iyo kuri 15 harimo hafi m 150, ko nta ntwaro bari bafite uretse abasirikari bari bafite imbunda na NGAGI wari ufite ubuhiri, akomeza avuga ko nta muntu wiciye kuri bariyeri yabo;

RUMAZE kumva KAYINAMURA Juvéna abazwa iby'imyitwarire ya RUMANZI mu gihe cy'itsembabwoko, asubiza ko yamusanze kuri bariyeri mu kwezi kwa 4 nta mbunda afite ko nta muntu waguye kuri iyo bariyeri ko ariko atakwemeza ko RUMANZI atishe ngo kubera ko batagendanaga ;

RUMAZE Kumva KAYINAMURA avuga ko ntacyo yigeze amarira Adeline mu ntambara kandi ko batigeze bavugana bitewe nuko nawe yari afite ibibazo, ibyo ngo bikaba bigaragazwa nuko nawe yasenyewe ;

RUMAZE Kumva NGEREJAHO Gaspard umugabo watanze na RUMANZI avuga ko kuwa 9/4/94 yahunganye na RUMANZI bajya mu Ruhengeri ngo RUMANZI afite utwana tubiri yatoraguye ;

RUMAZE Kumva RUMANZI abazwa ubwoko bw'imodoka bagiyemo, aho banyuze n'uwabatwaye asubiza ko bagiye mu modoka Mercedes yari itwawe n'umushoferi w'imibiri yombi wambaye gisirikari kandi ko banyuze umuhanda wose wa kaburimbo, KANOMBE, REMERA, GIKONDO, no mu mujyi ;

RUMAZE kumva NGEREJAHO nawe abazwa ubwoko bw'imodoka bagiyemo bahunga, uwari uyitwaye n'inzira banyuzemo asubiza ko bagiye n'imodoka ya Gisirikari itwawe n'umusirikari wambaye Gisirikari, akomeza avuga ko hari kuwa 4 kandi ko banyuze mu muhanda wa Gashyushya-Kicukiro-GATENGA;

RUMAZE kumva RUMANZI abazwa impamvu adahuza n'umugabo yitangiye asubiza ko NGEREJAHO abeshya kubera kwibagirwa ;

RUMAZE Kumva RUMANZI yongeraho ko asaba iperereza ariko maître RUTUYOMBA umwunganira avuga ko iperereza ryakozwe na Parquet ryakurikije amategeko ;

RUMAZE Kumva RUMANZI avuga ko atemera iperereza ryakozwe na Parquet, ko we yifuza ko MUKANKUSI Georgette na NYIRAMABUMBA batumizwa kugirango basobanure imbere y'Urukiko ibyo baregeye mu bushinja-cyaha;

RUMAZE kumva ubushinja-cyaha buhagarariwe na BWASISI (OMP) buvuga ko urubanza rwakomeza, RUMANZI yashaka akavuga abagabo baturanye yifuza ko babazwa bagatumizwa ;

RUMAZE kumva Maître RUTUYOMBA avuga ko nawe asaba iperereza ku bantu bavuga ibyo babonye kuko ngo iry'ubushinja-cyaha rishingiye kumvugo z'abumvise gusa;

RUMAZE kubona ko urubanza rwimuriwe kuwa 21/04/1998 kugirango hazongere hatumizwe abagabo basabwe na RUMANZI n'ubushinja-cyaha;

RUMAZE kubona ko iyo tariki igeze Urukiko rwahamagaje urubanza rusanga RUMANZI Aloys, ubushinja-cyaha n'abaregera indishyi bitabye ariko iburanisha ntiryaba kubera ko umwe mu bacamanza barutangiyeye yari mu mahugurwa, ryimurirwa kuwa 12/5/98 uwo muni ugeze na no ne urubanza ntirwaburanishwa kubera ko abaturanyi bari barwaye, iburanisha ryimurirwa kuwa 27/05/98 uwo muni ugeze urubanza ntirwaburanishwa kubera ko umwe mu bacamanza barutangiyeye yari arwaye, ryimurirwa ku muni utazwi;

RUMAZE kubona ko urubanza rwongeye guhamagarwa kuwa 13/10/98, uwo muni RUMANZI aritaba yunganirwa na Maître RUTUYOMBA Arsène ariko iburanishwa ntiryaba kubera ko abacamanza barutangiyeye bari bafite indi mirimo ryimurirwa kuwa 12/11/1998 uwo muni ugeze urukiko ruhamagaje urubanza rusanga RUMANZI yitabye yunganirwa na Maître RUTUYOMBA Arsène;

RUMAZE kumva Maître RUTUYOMBA wunganira RUMANZI avuga ko inyandiko-mvugo umushinja-cyaha yakoze dosiye yarageze mu rukiko zitemewe n'amategeko ngo aga n'uwashyiraye urukiko, akomeza avuga ko mu mvugo z'abagabo harimo ibirego bitari kuri Assignment kandi ko yifuza ko abagabo bashya bashinjura nabo batumizwa mu Rukiko ;

RUMAZE kumva RUMANZI avuga ko Alfred yapfuye tariki 9/10/194 ko atazi igihe TARIYANI yiciwe kandi ko ngo atari kwica umututsi ngo areke umugore we ;

RUMAZE kumva HABIMANA Jean watanzweho umugabo na RUMANZI avuga ko asanzwe azi RUMANZI nubwo batari baturanye yemeza ko ntacyo azi kumyifatire ya RUMANZI uretse ko ngo yamubonye tariki 9/4/194 ari mu modoka ya Gisirikari ahunganye n'abandi bantu benshi ;

RUMAZE kumva RUMANZI avuga ko imodoka yagiyemo ahunga yayifatire iwe kuri 15 naho we akaba atuye ku isoko ko atigeze amubona mu gihe cy'intambara ko ahubwo babonaniye muri gereza ya GIKONDO intambara irangiye;

RUMAZE kumva (OMP) BWASISI wari uhagarariye Ubushinja-cyaha avuga ko MUKANTWALI yashinje RUMANZI ko ari mubatwaye umugabo we ngo akaba atazi aho RUMANZI ahera yemeza ko MUKANTWALI atamuvuze mu bishe umugabo we;

RUMAZE kumva RUMANZI avuga ko MUKANTWALI yemeje ko azi abishe umugabo, akomeza avuga ko ibyo MUKANTWALI yavuze ko yamubonye akubita umugabo we umuhoro n'ubuhiri aribyo ;

RUMAZE kumva Maître KAZENEZA avuga ko asaba Urukiko guhamagara abagabo RUMANZI yatanze bakaba bataboneka kugira ngo rushobore kugendera ku kuri gusesuye ;

RUMAZE kubona ko urubanza rwimuriwe kuwa 02/12/1998 kugirango icyifuzo cya Maître KAZENEZA cyubahirizwe ,

RUMAZE kubona ko uwo munsu wageze na none urubanza ntirwaburanishwa rwimurirwa kuwa 15/12/1998, uwo munsu ugeze RUMANZI aritaba ahagarariwe na Maître RUTYOMBA .

RUMAZE kumva RUMANZI avuga ko ubwo abagabo yatanze batitabye Urukiko rwamurekura akaburana ari hanze kugirango ashobore kubashaka ;

RUMAZE kumva Maître RUTYOMBA avuga ko ashigikiye igitekerezo cya RUMANZI ngo kuko arekuwe yashaka abagabo yatanze bataboneka kandi ngo aribo bafasha ubucamanza gutera intambwe muri uru rubanza ;

RUMAZE kumva Maître KAZENEZA avuga ko abagabo RUMANZI yatanze bakwiye guhamagarwa bakomeza kwanga kwitaba hagakoreshwa ingufu nkuko amategeko abiteganyaga

RUMAZE kumva ubushinja-cyaha buhagarariwe na OMP BWASISI buvuga ko kuba abagabo RUMANZI yatanze batitaba itamubera impamvu yo gufungurwa by'agateganyo, ko ahubwo urukiko rwakora uko rushoboye bakaboneka ;

RUMAZE kubona ko Urukiko rwasanze RUMANZI atarekurwa kuko impamvu zatumye afungwa by'agateganyo zikiriho, rwimurira urubanza kuwa 14/01/1999 abagabo RUMANZI yatanze bagahamagarwa hakoreshejwe ingufu;

RUMAZE kubona ko uwo muni ugeze RUMANZI yitabye ariko urubanza ntirwaburanishwa kubera ko umwe mu bacamanza barutangiyeye atari ahari kandi na Maître RUTYOMBA wunganira RUMANZI yanditse asaba isubikwa ry'urubanza, iburanisha ryimurirwa kuwa 22/01/1999, uwo muni ugeze urubanza ntirwaburanishwa kubera ko ubushinja-cyaha na RUMANZI batabonetse, rwimurirwa kuwa 03/2/1999 uwo muni ugeze RUMANZI aritaba ariko umwunganira adahari, abagabo nabo bitabye n'abaregera indishyi ;

RUMAZE kumva RUMANZI Aloys avuga ko adashobora kuburana umwunganira adahari ;

RUMAZE kumva GAKWAYA Eliezer (umugabo) abazwa ko azi RUMANZI, avuga ko amuzi, ko mu ntambara yahamagaye GASORE, NGAGI, na RUHENGARI ababwira ko abonye icyitso kivuye i Ndera, akomeza avuga ko RUMANZI na bagenzi be bahise bajyana Alfred n'umwana we, bageze kuri station bahita bica Alfred, umwana we agaruka wenyine ;

RUMAZE kumva RUMANZI avuga ko GAKWAYA amubeshyera nubwo ntacyo basanzwe bapfa, ibyo ngo bikagaragazwa nuko avuga ko ngo yamubonye kandi mbere yaremeje ko yari aryamye arwaye ;

RUMAZE kumva NYIRAMABUMBA (umugabo) avuga ko yumvise Gaspard avuga ko Alfred yishwe na RUMANZI amaze kumubaza impamvu yari yahunze akomeza avuga ko Emmanuel na GINEYA bavuze ko RUMANZI amaze kwica Alfred none ngo akaba ashaka kwica umugore we n'abana ndetse ko Gaspard na TUYISHIMIRE nabo bavuze ko RUMANZI yavuze ko hari abamucitse yagombaga kwica ;

RUMAZE kumva RUMANZI avuga ko yifuzaga Emmanuel na GINEYA baza bakemeza ibyo NYIRAMABUMBA avuga ;

RUMAZE kumva BWASISI Germain uhagarariye ubushinja-cyaha avuga ko ibimenyetso bigaragara kuko ngo abagabo babajijwe bahuza imvugo ;

RUMAZE kumva NYIRAMABUMBA avuga ko ntacyo azi ku rupfu rwa Tariyani n'urwa NTAYOMBA Cosma;

RUMAZE kubona ko urubanza rwasubitswe kugirango hazahamagarwe abagabo MUKANOHELI, MUKANKUSI Georgette, NTIBANSEKERA Emmanuel, na BIZIMUNGU Benilde, rwakwimurirwa KUWA 19/03/1999 ;

RUMAZE kubona ko kuwa 19/03/1999 Urukiko rwahamagaje urubanza rugasanga ubushinja-cyaha na RUMANZI Aloys baritabye iburanisha ryimurirwa kuwa 16/04/1999,

uwo munsu ugeze na none urubanza ntirwaburanishwa kubera ko abacamanza bari mu mahugurwa, rwimurirwa kuwa 18/5/1999 uwo munsu ugeze urukiko ruhamagaje urubanza rusanga ababuranyi bitabye uretse abaregera indishyi batabonetse ndetse n'abababuranira Maître KAZENEZA Théophile) yanditse asaba isubika ry'urubanza kubera ko yagombaga kujya kuburana ahandi ;

RUMAZE kubona ko urubanza rwakomeje kuburanishwa hakabazwa abagabo ;

RUMAZE kumva NTIBANSEKERA Emmanuel avuga ko yari ku muhanda hafi y'iwe, abona Alfred umugore we n'umukobwa wabo bavuye i Ndera aho bari barahungiyeye, akomeza avuga ko RUMANZI ubwe ariwe wajyanye Alfred kuri 15 ahakorerwaga ubwicanyi kandi ko RUMANZI yabwiye umwana wa Alfred ko ka Se kamaze gupfa, ko na ka nyina bajya kukazana kakicwa ;

RUMAZE kumva NTIBANSEKERA Emmanuel avuga ko RUMANZI yahise yohereza abasore babiri kuzana Adeline umugore wa Alfred kugira ngo yicwe kandi ko ariwe (NTIBANSEKERA) wakurikiye abo basore agasanga batangiye kumutema ariko akababuzza kumwica ;

RUMAZE kumva NTIBANSEKERA avuga ko yabonaga RUMANZI ariwe ukuriye iyo bariyeri kandi yajyaga no kuyo kuri 15;

RUMAZE kumva RUMANZI avuga ko NTIBANSEKERA adatuye hafi y'iyi bariyeri ko amubeshyera ngo kuko atari kujya kwicira Alfred kuri 15 kandi nawe afite bariyeri ;

RUMAZE kumva UWATOWE Benilda avuga ko Tariyani, Francine na Monique bihishe iwabo hanyuma ngo baza kuhava bitewe nuko ngo interahamwe zari kubatera, ibyo ngo bakaba barabibwiwe n'uwitwa SIPIRIYANI, akomeza avuga ko azi RUMANZI, ko hari nubwo yanyuraga iwe akavugana n'umugabo we Antoine BIZIMUNGU ;

RUMAZE kumva avuga ko imbere y'iwe hari bariyeri kandi ko RUMANZI yayibagaho asoza avuga ko yumvise ko Tariyani yaguye mu basirikari kandi ko umunsi bamusohoyeho (ava iwabo) ariwo yapfuyeho ;

RUMAZE kumva MUKANKUSI Georgette avuga ko kuwa 13/4/94 aribwo Tariyani yapfuye yishwe na RUMANZI n'abandi bari kumwe kandi ko yavanywe kwa Benilda n'induru ye (Benilda) afatanyije na nyirabukwe kuko ngo Tariyani yasohotse mu nzu yiruka ari uko BENILDA na Nyirabukwe bavugije induru ngo nibaze bice inyenzi ziri iwabo ;

RUMAZE kumva RUMANZI avuga ko MUKANKUSI amubeshyera ko atigeze abonana nawe mu ntambara ;

RUMAZE kubona ko iburanisha ryasubitswe rigashyirwa kuwa 5/07/99.

RUMAZE kubona ko iyo tariki yageze urubanza ntiruburanishwe rwimurirwa kuwa 3/9/99 no kuwa 20/10/99 ariko na none ntirwaburanishwa rwimurirwa kuwa 12/1/2000, uwo munsu ugeze urukiko ruhamagaje urubanza rusanga RUMANZI yitabye yunganirwa na Maître HATEGEKIMANA Faustin naho abaregera indishyi batitabye;

RUMAZE kumva Maître HATEGEKIMANA na RUMANZI yunganira bavuga ko MUKANOHERI agomba kubazwa ngo kubera ko ashinjura RUMANZI ku rufu rwa Tariyani, urukiko rukabasubiza ko kuba atarabajijwe ari amakosa yabo kuko basabwe gutanga umwirondoro we kugira ngo rushobore kumuhamagaza bakaba batarigeze bawutanga;

RUMAZE kumva RUMANZI avuga ko Benilda amubeshyera kuko ngo hari abagabo bemeje ko atishe Tariyani ;

RUMAZE kumva SIBOYINTORE J.B. uhagarariye Ubushinja-cyaha avuga ko RUMANZI yemera ko yari kuri bariyeri kandi ko abagabo nabo bemeje ko Alfred HANYURWIMFURA yaguye kuri iyo bariyeri asoza avuga ko ibyaha RUMANZI aregwa bimushyira mu rwego rwa mbere ;

RUMAZE kumva Maître HATEGEKIMANA avuga ko ibyaha RUMANZI aregwa agomba kubihanagurwaho ngo kubera nta bimenyetso ubushinja-cyaha bugaragaza uretse imvugo z'abagabo zivuguruzanya ;

RUMAZE kumva RUMANZI abazwa icyo yongeraga kumiburanire ye, asubiza ko ntacyo ;

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

RUSANZE rwarashyikirijwe n'Ubushinja-cyaha ikirego bukurikiranyemo RUMANZI Aloys ku byaha bikurikira :

- Itsemba-bwoko n'itsembatsemba art. 14 b de la L.-O n° 08/96 du 30/8/96
- Ubuhotozi bwakorewe kuri HANYUR WIMFURA Alfred na UWABERA Pascal Alias Taliyani art 312 CPL
- Kurema umutwe w'abagizi ba nabi art 281 et 283 CPL
- Kuyogoza Komini KANOMBE, art 168 C P R

RUSANZE rwarashyikirijwe ibirego by'indishyi NGIRUWERA Emmanuel na NTAWUKURIRYAYO Agnès ariko iburanisha rikaba ryararangiyeye bataratanga imyanzuro yabo ku ndishyi bifuzaga bataranashyikiriza Urukiko ibyemezo bya ngombwa bigaragaza ishingiro ryazo.

RUSANZE icyaha cy'ubuhotozi RUMANZI ashinjwa kimuhama, dore ko yabaye kuri barrière ireba ibya ngombwa abo basanze ari abatutsi bakajyanwa kwicwa, ibyo nawe akaba abiyemerera.

RUSANZE na none urupfu rwa HANYURWIMFURA rumuhama, dore ko arushinjwa n' abantu benshi, barimo GAKWAYA Eliezer wemeza ko HANYURWIMFURA yashorewe ajya kwicwa bamunyuranye iruhande rw'iwe ndetse akaba yarabonyemo na RUMANZI, ndetse akanarushinjwa na NTIRANSEKERA Emmanuel uyu nawe akaba yaraho kuri bariyeri akabona HANYURWIMFURA afatwa, RUMANZI akamubwira ngo naze ajye kwisobanura kurya 15, aho akaba ariho biciraga abantu, yagaruka akabwira umuhungu w' Alfred ngo kaso karapfuye bajye kuzana na ka nyoko (uwo muhungu yabwiraga) ariko akaba atarabyawe na Alfred, HANYURWIMFURA ahubwo akaba yarahaje ari umuzanano, ubwo agatumaye abantu NTIRANSEKERA uyu umushinja akaba yarabakurikiye, asanga batangiye gukubita uwo mugore ariwe Adeline ibibatira by'imipanga, uyu NTIBANSEKERA akamutakambira avuza induru maze bakamureka ahubwo uwitwa GINEYA agakubita NTIBANSEKERA inshyi ebyiri, ubwo maze bakagenda bakabwira RUMANZI ko basanze uwo mugore atari umututsi ;

RUSANZE ukwiregura kwa RUMANZI ku rupfu rwa HANYURWIMFURA Alfred nta shingiro gufite, dore ko avuga ko yageze kuri bariyeri ariko akaba ngo nta kintu yashoboye kumumarira kandi yari incuti magara, ngo kubera ko abasirikari bari bategetse ko abatutsi bicwa ;

RUSANZE kandi na none abagabo bose yatanze, nta numwe wigeze amushinjura ahubwo ko yitangiraga abakure banafunganywe, ngo icyo bazi gusa ni uko yahunze , ariko nta numwe washoboye kugaragaza ko RUMANZI yaba yarahunze mbere yuko abo ashinjwa ko yishe bapfa, dore ko numwe avuga ko RUMANZI yaba yarahunze mu ntangiriro z'ukwa gatanu, kandi avuga ko bahunze Kanombe yafashwe ;

RUSANZE na none urupfu rwa UWABERA Pascal, alias Tariyani, rumuhama dore ko yari yihishe ku rugo ruri hafi y'iyo bariyeri, urugo ruvugwa ko rwaba ari urw'interahamwe ko umugore wa nyirurworugo, ariwe UWATOWE Benilda, wemeza nawe ko yabonaga RUMANZI kuri iriya bariyeri, avuga ngo hari uwaje kubabwira ko bari busake muri urwo rugo, ubwo ngo abari bahihishe barimo nyakwigendera UWABERA bagasohoka nyamara uwitwa MUKANKUSI Georgette, wemeza ibyo yiboneye yihishe aho hafi ngo Uwatowe Benilda utarashakaga ko uwo UWABERA n'abandi umugabo yari yahishe bahaguma, ngo niwe wasakuje, afatanyije na nyirabukwe ngo abatutsi baraho basohoke , maze interahamwe zari kuri iyo bariyeri zirimo na RUMANZI zikaza zigasakuza nazo , maze UWABERA agasohoka ubwo igitero cy'interahamwe kikamwirukankana, kikamwica, nubwo uyu mugabo atabonye uko yicwa ariko akaba azi ko ari icyo gitero cyamwishe, dore ko n'UWATOWE Benilda yemeza ko, nubwo atazi abamwishe ngo yapfuye uwo munsu, nyamara bizwi ko interahamwe zahaje ari izavuye kuri iyo bariyeri ya RUMANZI yari kuri metero nke cyane y'inzu ya Antoine BIZIMUNGU, umugabo wa Benilda, ndetse na NTIBANSEKERA wabaga aho, nubwo avuga ngo ntiyari ahari uwo munsu, ariko yemeza ko ngo umunsu Tariyani apfa yabimenye kandi yishwe n'abari kuri bariyeri ya RUMANZI, uyu RUMANZI nawe akaba mu bamwishe, bityo akaba agomba kuryozwa icyo cyaha;

RUSANZE icyaha cyo kurema umutwe w'abagizi ba nabi kimuhama, dore ko nawe yemera ko yafatanyije n'abari kuri bariyeri bareba ibyangombwa, uwo basanze ari

umututsi akajyanwa kurya 15 kwicwa, abo bavuga ko bafatanyije akaba ari abitwa NGAGI, GINEYA, GASORE, Antoine, NTAHOMVUKIYE n'abandi, kubera izo mpamvu akaba agomba kugihanirwa ;

RUSANZE icyaha akurikiranyweho cyo kuyogoza Kanombe, icyo cyaha hakurikijwe ingingo gishingiraho, ya 168 CPR, ari ukuyogoza igihugu, icyo cyaha kitamuhama, dore ko icyo cyaha kibarirwa mu byo kuvutsa igihugu umudendezo hagamijwe kurwanya ubutegetsi buriho, ibikorwa bibi byakozwe muri urwo rwego ahubwo bakaba bari babitumwe n'ubutegetsi bwariho icyo gihe ;

RUSANZE icyaha cy'itsemba-bwoko kimuhama, dore ko umugambi wabo mu kureba ibyangombwa kwari ukuvangura abatutsi bakicwa, mu mugambi wo kubatsemba burundu, abo yagize uruhare mu kwicwa kwabo bose bakaba barajijijwe ubwoko, icyo cyaha nacyo akaba agomba kukiryoza ;

KUBERA IZO MPAMVU ZOSE RUBONYE

RUSHINGIYE ku itegeko Shingiro rya Repubulika y' u Rwanda nkuko ryavugururwe kuwa 16/01/1996.

- a) Itegeko nshinga rya R.R. mu ngingo zacyo za 12,14,16,33,91,95;
- b) Amasezerano y'amahoro ya Arusha, ingingo ya 25 na 26;

RUSHINGIYE ku itegeko-teka n° 09/80 ryo kuwa 7/7/1980 Rishinga iritunganyirize y'ikurikirana ry'ibyaha bigize icyaha cy'itsemba-bwoko n'itsembatsemba cyangwa ibyaha byibasiye inyoko-muntu ingingo ya 1,2,4,5, 14,17,20,24,29,30,37,39

RUSHINGIYE ku masezerano Mpuzamahanga yo kuwa 9/12/1949 yerekeranye no kwirinda no guhana icyaha cy'itsembabwoko n'itsembatsemba;

RUSHINGIYE ku gitabo cy'amategeko ahana ingingo za 281,283 na 312;

RUSHINGIYE ku itegeko ryo kuwa 19/3/1997 rishyiraho urugaga rw'Abavoka ingingo ya 49,50,51,52,53,55.

RUSHINGIYE ku itegeko ryo kuwa 23/2/1963 rishinga imiburanishirize y'imanza z'inshinja-byaha ingingo ya 16, 17,18,58,59,61,63,67,71,73,76,83,84,90,99 na 138 ;

RWEMEYE kwakira ikirego rwashyikirijwe n'Ubushinja-cyaha kubera ko cyaje mu buryo no mu nzira zemewe n' amategeko, kandi ko gifite ishingiro kuri bimwe ;

RWEMEJE gutandukanya ikirego cy'inshinja-byaha n'icy'indishyi, abaziregera bakazabikora mu rundi rubanza ;

RUSHYIZE RUMANZI Aloys mu rwego rwa kabiri rw'abakoze icyaha cy'itsemba-bwoko n'itsemba-tsemba;

RUMUHANISHIJE gufungwa burundu, no kwamburwa burundu uburenganzira umuntu agira mu gihugu, buvugwa mu ngingo ya 66 ya CPR, uduce twa 2°,3° na 5°, ariko akaba adashobora kwishyura miriyoni 10.000.000 Frs z'abakorewe icyaha batazwi nkuko bisabwa n'Ubushinja-cyaha, dore ko ibyo bihanishwa gusa abo mu rwego rwa mbere ;

RUMUTEGETSE gutanga amagarama y'uru rubanza ahwanye na 12700 FRW mu gihe kigenwa n'amategeko atayatanga agakurwa mu bye ku ngufu za Leta ;

RUVUZE ko rwatinze gucibwa kubera imirimo myinshi y'abacamanza, kandi ko kujurira bikorwa mu minsi 15 ;

NI UKO RUKIJWE KANDI RUSOMEWE MU RUHAME RWA BENSHI NONE
KUWA 18/2/2000 HARI NDIZIHIWE Léon Fidèle (PEREZIDA), KARANGWA
Frédéric, KANYAMIBWA Christine (ABAJUJI), SIBOYINTORE J.B (UMUSHINJA-
CYAHA) na DUSENGE Vestine (UMWANDITSI)

JUJI PEREZIDA JUJI UMWANDITSI

KARANGWA Frédéric NDIZIHIWE LFidèle KANYAMIBWA Christine DUSENGE V.
(sé) (sé) (sé) (sé)