Reçu le 29/07/2023

IMYANZURO ISUBIZA IY'UBUSHINJACYAHA KUBUJURIRE BWANJYE BUJYANYE:

I. **Ibibazo by'ibanze**

II. **Urubanza mumizi**

Iyi myanzuro kandi irasubiza ibyo ubushinjacyaha bwavuze kumyiregurire yanjye kubyo bwajuririye bijyanye:

I. **Icyaha cyo kurema umutwe w'ingabo**

II. **Icyaha cyo kwamamaza nkana ibihuha**

III. **Ikibazo cyo kugabanyirizwa ibihano**

I. IBIBAZO BY'IBANZE

1) Ububasha bw'urukiko rukuru muguhindura amasezerano u Rwanda rwagiranye na RDC kubyerekeranye n'itahuka mumahoro kubahoze ari abarwanyi muri FDLR.

2) Ububasha bw'urukiko rukuru mugushyira mubikorwa icyemezo cyafashwe n'urukiko rwo muri Hollande.
   - Ndasaba urukiko rw'ikirenga ko m'ubushishozi bwarwo rwazakoresha imyanzuro natanze bwambere.

3) Ububasha bw'urukiko rukuru mu kutubahiriza icyemezo cy'urukiko rwo muri Hollande n'amasezerano yakozwe hagati y'u Rwanda na Hollande m'uburyo ibyo bimenyetso byagombaga gukoreshwa.

Ubushinjacyaha m'ugusubiza iki kibazo burashaka gutera urujijo, buyobya urukiko.

a) Umushinjacyaha mukuru w'igihugu yandikira Hollande asaba ko bababfasha mu iperereza ibaruwa igaragara kuri C1920 -1928 aho Procureur General yanditse ngo : Under Rwanda criminal law, complicity in acts of terrorism, aiding and abetting terror is a crime provided and punished by section 22 of low n°45/2008 of 19th September 2008,on well as section 89,90 and 91 of the penal code of Rwanda BK II.

b) Urukiko rwa Rotterdam mu cyemezo rwafashe cyo kohereza ibyo bimenyetso mu Rwanda (icyemezo tugisanga kuri C167-168 muri dossier yavuye muri Hollande yahinduwe mugifaransa) urukiko rwagize ruti:

Selon la requisition de l'officier de justice et en particulier sa memo au tribunal datant du 2/5/2011 et sa notice de session datant du 20/5/2011 admet la demande des autorites rwandaises pour cequi conserne l'accusation de complicité aux crimes terroristes a l'exigence de double culpabilité........ bakomeza bagira bati:

Selon la legislation y relative et l'explication la-dessus les definitions et les sanctions rwandaises sont entrées en vigeur le 19 Septembre 2008. Ces comportements punissables sont également punissables selon le droit neerlandais sur base de l'art 140a,alinéa 1 et 205, alinéa 3 du code pénale (SR)..... Il n'a pas été constate qu'avant le 19/9/2008 une pénalité était en vigueur qui pénalise la complicité aux actes terroristes au Rwanda.

c) I baruwa Ministre wa Hollande yoherereje Procureur General ubwo yoherezaga ibimenyetso byari byasabwe nawe yagize ati:

I would like to remind you that the documents provided can only be used in the ongoing proceedings concerning afore mentioned Ingabire on charges of financing terrorism.

I refer to the letter of your ministry of Foreign Affairs and cooperation of 16th September 2011 in which letter guarantees concerning this point are given.

- Imyanzuro y'urukiko rukuru igaragaza neza ko ntaruhare nagize mubikorwa by'iterabwoba abo tureganwa hamwe bajemo, nk'uko tubibona mubika 254 na 255 byo munyandiko y'incarubanza. Aho urukiko rukuru rwemeje ko ntigeze ntanga amafaranga yo gushyigikira ibikorwa bya FDLR/foca nk'umutwe witerabwoba, bityo icyaha cy'ubufatanyacyaha kikaba kitampama, kuko n'ibitero by'intambara abo tureganwa hamwe bajemo ntaho mpuriye nabyo.

- Mugika cy'i 196 urukiko rukuru rukaba ruvuga ko n'amafaranga babonye ari ayo kubafasha n'imiryango yabo. Mugika cya 201 urukiko rukuru rukavuga ko ayo mafaranga bahawe ari ayo kubashishikariza icyifuzo cyanjye. Nkibutsa ko mubujurire bwanjye nerekanye ko ntakintu nakimwe urukiko rukuru rwashingiye ho rugaragaza ko narimfite icyifuzo cyo gushyiraho umutwe w'ingabo.

- Ubushinjacyaha bwemeza ko urukiko rukuru rwashingiye ku itegeko n°21/77 ingingo y'i 165 itegeko ryo mumwaka w'I 1977, birengagije ko icyemezo cy'urukiko rwa Hollande rwavuze ko mbere y'i tariki ya 19/9/2008, icyaha ubushinjacyaha bw'u Rwanda rwasabaga ubufatanye cyari kitarahanirwa.Ubushinjacyaha bw'u Rwanda bwari buhagarariwe n'umushinjacyaha wo muri Hollande ntibwigeze bujuririra iki cyemezo cya Hollande.

- Ubwumvikane hagati ya Hollande n'u Rwanda nabwo bwarebaga niba naratanze amafaranga ashyigikira ibikorwa by'iterabwoba. Urukiko rukuru rwemeje ko ibyo ntabikoze.Ubushinjacyaha ntibwajuririye icyo cyemezo cy'urukiko rukuru.

Ibisobanuro by'ubushinjacyaha kuri ubu bujurire bwanjye, nta shingiro bifite. Ndasaba urukiko rw'ikirenga kutabiha agaciro.

4.a) Ububasha bw'umucamanza muguhindura itegeko ubushinjacyaha bwashingiyeho bundega icyaha cyo gupfobya jenoside.

-Ubushinjacyaha bundega icyaha cy'ingengabitekerezo ya jenoside, bwari bwatanze inyandiko na za discours natangaje kuva 2000 kugeza 2010. Ibi bimenyetso byose birenze 10, bibiri muribyo nibyo byonyine urukiko rukuru rwemeye ko byujuje ibisabwa n'amategeko.

1. Charte constitutive ya FDU-Inkingi yatangajwe mukwezi 4/2006

2. Discours yo ku gisozi du 16/1/2010 kandi ibi nabyo narabijuririye.

-Ubushinjacyaha bundega bwari bwabanje gukora ibisabwa byose n'itegeko n°13/2004 ryo kuwa 17/5/2004 ryerekeye imiburanishirize y'imanza shinjabyaha.

Icyo ntemeranywaho n'ubushinjacyaha n' uko, ari bwo ari urukiko rukuru bahitamo gukoresha doctrine,hirengagijwe ko hari amategeko ahari asobanuye ntampamvu nimwe yo kwishingikiriza une doctrine.

Ayo mategeko akaba ari:

1. Ingingo ya 64 n'iya 119 zo mwitegeko n°13/2004 rya le 17/5/2004 ryerekeye imiburanishirize y'imanza nshinjabyaha.

2. Art 14(3.a) yo muri pacte international relative aux droits civils et politiques igira iti:

Toute personne accusee d'une fraction pénal a droit, en pleine égalité au moins aux guaranties suivantes:

A être informée, dans le plus court delai, dans une langue qu'elle comprend et de facon détaillée, de la nature et des motifs de l'accusations portée contre elle.

- Igihe hari amategeko ahari kandi asobanutse ntabwo mbona impamvu atariyo yakubahirizwa. Ibisobanuro ubushinjacyaha bwatanze kuri ubu bujurire bwanjye ntabwo bufatika, ngasaba urukiko rw'ikirenga kutabiha

agaciro, cyane ko n'abashinjacyaha ubwabo bemera ko bakoze ikosa mugihe batangaga ikirego cyabo.(page 12 document du Procureur)

4.b) Ububasha bw'urukiko mukunshinja icyaha rutaregewe n'ubushinjacyaha.

Ubushinjacyaha mugusobanura ubujurire bwanjye kuri iyi ngingo kuri page 19 na 20, buritiranya ibintu.Inenge yagaragajwe igihe twaburanaga yarakosowe.Koko namenyeshejwe inyito z'ibikorwa bigize icyaha ndegwa ndetse n'amategeko abihana,noneho mpabwa n'umwanya wo kubyisobanuraho, kuko ingingo ya 64 y'imiburanishirize y'imanza z'inshinjabyaha itari yubahirijwe.

- Ubujurire bwanjye rero bushingiye kukuba abacamanza bambere n'ubwo bemera iriya ngingo ya 64 nkuko babigaragaje mucyemezo bafashe, ndetse n'ingingo y'i 119 zose zirebana n'imiburanishirize y'imanza z'inshinjabyaha ,nabyo bikazagaragazwa mucyemezo bafashe mugika cya 280.Ko basubira inyuma akaba aribo bica izo ngingo 2 z'amategeko.

- Ntakuburana kwabayeho muri Haute Cour kucyaha cy'ubugambanyi. Abacamanza batumenyesheje ko icyaha gishobora guhindura inyito. Nibyo, ariko ntampaka cyangwa ukundi kwisobanura kwabayeho kuko igihe Maitre Edouard agaragaje ko nta complot ikorwa n'umuntu umwe,ari ubushinjacyaha ari ubucamanza ntawavuze ko abo tureganwa hari undi ugomba kwisobanura kucyaha cy'ubugambanyi.

Muncarubanza niho hagaragajwe ko ubugambanyi nabufatanyije na Vital. Nonese kuki icyogihe murukiko batabitubwiye ngo njye na Vital tubyisobanureho?Cyane ko igihe njye nisobanuraga Vital yari yararangije kwisobanura, kandi icyogihe nisobanuraga kucyaha cy'ubwinjiracyaha

mucyaha cyo kugirira nabi ubutegetsi buriho n'ingingo z'imena z'itegeko nshinga hakoreshejwe iterabwoba n'intambara.Icyaha gihanishwa ingingo ya 164 y'itegeko –teka n°21/77,ryakoreshwaga muri icyo gihe. Akaba arinjye njyenyine wakiregwaga.

Ubushinjacyaha bukaba bushaka kuyobya urukiko,bwemezako icyaha cy'ubugambanyi cyagiweho impaka n'impande zose; murukiko rukuru. None se aribo, ari Vital batwereka imyanzuro yabo kucyaha cy'ubugambanyi? Bakerekana n'imyiregurire yanjye kuri iki cyaha?Imyanzuro Procureur Ruberwa yavuze yakozwe na Me Edward nayishyizeho en annexe,ntabwo yagiweho impaka.

Ibi rero bivuguruza ubusobanuro bwatanzwe na procureur kuri page 105 y'imyanzuro ye aho yemeza ko njye na Me Edward, twabimenyeshejwe mw'iburana ko twemeye kubiburanaho. Ntaburanishwa ry'icyaha cya complot ryabayeho.Ntacyabujije ubucamanza kwemeza ko icyaha nzaburana ari complot nkuko bari babibajije maze ngo abe aricyo kigibwaho impaka mw'iburana.Nkaba nsanga naravukijwe uburenganzira bwanjye bwo kwiregura kucyaha nahamijwe n'urukiko ntarakirezwe ngo nacyisobanureho.

- Umwanzuro w'ubushinjacyaha kuri page ya 20,buremezako Lt Col Nditurende na Capt Karuta butasaba ko bahamwa n'icyaha cy'ubugambanyi kuko ubushinjacyaha butigeze bukiregera murwego rwa mbere.

a) Nkaba nishimiye ko ubushinjacyaha bushimangira impamvu z'ubujurire bwanjye. Nonese njye mubyaha 6 bandeze hari icyaha cy'ubugambanyi kirimo?

b) Nonese Vital wahamwe nicyo cyaha hari ubwo yigeze akiregwa? Ibyaha bi 3 ubushinjacyaha buvuga bwareze abandi tureganwa nabo (page 19), ninabyo vital nawe aregwa.

c)Mumyanzuro y'ubujurire bw'umushinjacyaha kucyaha cyo kurema umutwe w'ingabo pge 17 ubushinjacyaha buvuga ko Lt Col Ndituende na Cpt Karuta nabo bagombaga guhamwa n'icyaha cy'ubugambanyi,nkuko najye na Vital byaduhamye.

- Kuba ubushinjacyaha nabwo bwemera ko butajuririra icyaha cy'ubugambanyi butaregeye kurwego rwambere, nkaba narajuririye nanjye icyaha nahamijwe n'urukiko rukuru kandi ubushinjacyaha butarakindeze kurwego rwambere, nonese ubushinjacyaha ntibwumvako umurongo barimo ariwo nanjye ndimo?

Ndasaba urukiko rw'ikirenga guha agaciro ubujurire bwanjye kuri iyi ngingo.

II. Itegeko rihana icyaha cyo gupfobya jenoside ntirisobanutse, rikaba ritujuje ibyangombwa byose bisabwa n'amategeko mpuzamahanga u Rwanda rwemera.

-Kuri iki kibazo hari icyemezo cyafashwe n'urukiko rw'ikirenga murubanza n° RPA 0061/11/CS cyane mubika bya 48 na 49. Ngasaba ko kuri iyi ngingo y'ubujurire bwanjye ko hafatwa umwanzuro nk'uwo urukiko rw'ikirenga rwafashe muri ruriya rubanza.

III. URUBANZA MUMIZI

1. Icyaha cy'ubugambanyi bwo kugirira nabi ubutegetsi buriho n'ingingo z'imena z'itegeko nshinga hakoreshwa iterabwoba n'intambara.

A. Abacamanza ntiberekana element moral igize iki cyaha.

Ubushinjacyaha mumyanzuro yabwo kuri page 25,irebana n'ibisobanuro byabo kubujurire bwanjye bugira buti:

Kuba Mme INGABIRE UMUHOZA Victoire yaragize icyifuzo cyo kugira ingabo zishamikiye kuri FDU-Inkingi akabigeza kubantu bahoze ari abasirikare ba FDLR/FOCA ndetse akabatera inkunga kubushake bwe kandi azineza ko inkunga atanze izakoreshwa muguteza umutekano muke mu Rwanda, ni ikigaragaza ntagushidikanya ko yari afite ubushake bwo gukora icyaha kuko ibyo yakoze ntawabimuhatiye.

Aha ubushinjacyaha burigiza nkana;

a) Ntanyandiko n'imwe cyangwa imvugo zanjye zagaragajwe m'urukiko z'uko nigeze ngira icyifuzo cyangwa umugambi wo gushyiraho ingabo zanjye.
b) Ubushinjacyaha ubwabwo burasobanura ko ingabo nashakaga gushyiraho zari iz'ishyaka FDU-Inkingi. Nonese nari gushyiraho ingabo zitari muri gahunda y'ishyaka bigakunda?

Ubushinjacyaha burashaka kwemeza ko mugika cya 200, abacamanza bagaragaje aho bahereye bemeza ko hari icyifuzo narimfite ngo uhereye mugika cy'i140-191:"Usanga harabaye imishyikirano yagati ya Ingabire n'abasirikare bahoze ari aba FDLR/FOCA aribo Nditurende,Uwumuremyi,Karuta, aho Ingabire yabagejejeho icyifuzo cyo kugira ingabo zishamikiye kuri FDU-Inkingi murwego rwoguteza umutekano muke mu Rwanda hakoreshejwe

ingufu za gisirikare ziherekejwe n'ibikorwa by'iterabwoba kugirango bagere k'ubutegetsi."

- Uhereye kuri uyu mwanzuro w'urukiko rukuru,ubushinjacyaha bushingiraho, hari ibibazo umuntu yakwibaza:

1. Ingabo banshinja gushaka gushyiraho zari kuba iza Ingabire cyangwa iza FDU-Inkingi?

2. Umugambi wagombaga kugerwaho ni "ukugira ngo bagere k'ubutegetsi." "bagere" ni bande?Ingabire n'abo bareganwa hamwe?Cyangwa FDU-Inkingi yari gukoresha izo ngabo?

- Haba ari mukirego cy'ubushinjacyaha, haba ari mumyanzuro y'urukiko rukuru hose hakoreshejwe amagambo "icyifuzo cyo kugira ingabo zishamikiye kuri FDU-Inkingi."
  Mubujurire bwanjye nasobanuye ko bidashoboka ko nafata icyemezo gikomeye nka kiriya cyo gushyiraho ingabo z'ishyaka, kugiti cyanjye ngobishoboke, bitari m'umugambi w'ishyaka.

Kugera k'ubutegetsi binyura munzira 2 : arizo intambara cyangwa amatora. Izi nzira ni amahitamo akorwa n'ishyaka ryose ntabwo ari icyemezo gishobora gufatwa gusa n'umuyobozi.

-Umwanzuro w'urukiko rukuru mubika 156 na 165 ndetse n'ubushinjacyaha bukaba bwanabigarutseho m'ubujurire, bose bashingiye kumvugo z'abo turegwa hamwe zidafite ikindi kimenyetso ntashidikanywaho kibyemeza, bemeza ko Cpt Karuta i Kinshasa tutavuganye ahubwo yavuganye na Dr MBERABAHIZI Jean Baptiste,wari umuvugizi n'umunyamabanga w'ishyaka.

Ibi bikagaragaza ko ari urukiko rukuru ari ubushinjacyaha, bugendeye kumvugo z'abo turegwa hamwe, habaye gushyikirana hagati y'abayobozi b'ishyaka nyoboye rya FDU-Inkingi n'abo tureganwa bahoze muri FDLR/FOCA.

Kuba ubushinjacyaha uyu munsi mumyanzuro yabwo page 24, buvuga ko atari ngombwa kugaragaza umugambi w'ishyaka FDU-Inkingi, wo gushyiraho ingabo ngasanga ari ukwivuguruza. Ntarafungwa njya kwitaba m' ubushinjacyaha kabiri mu kwezi nk'uko urukiko rwa Gasabo rwari rwarabitegetse, Umushinjacyaha mukuru yabwiye itangazamakuru ngo: we are keen to start the trial very soon, which will be against her person and her accomplices as well as taking steps to ensure her organization which harbors divisive ideology does not find space in the politics of our country.

Nibyiza ko nyuma y'iriya mvugo y'umushinjacyaha mukuru, uyu munsi ubushinjacyaha bwandika kuri page 24 ko urukiko ntacyaha rwigeze ruhamya iryo shyaka.

- Imyanzuro y'ubushinjacyaha k'ubujurire bwanjye burebana n'uko nta element moral yagaragajwe mucyaha cy'ubugambanyi, nk'uko bigaragara kuri page 23 a 25, nta na hamwe bagaragaje ko iyo element moral ihari, usibye gusa kuvuga ngo icyifuzo nagize cyavuyemo ubugambanyi. Ariko ntibagaragaje aho icyo cyifuzo nagitangarije, ngo banerekane uburyo icyo cyifuzo cyanjye byashobokaga ko gishyirwa mu bikorwa cyitiririwa ishyaka niba cyari kuba atari i cy'ishyaka.

B) Abacamanza ntibasuzumye impamvu zose twatanze m'urukiko zerekana impamvu ibimenyetso byatanzwe m'urubanza bitahabwa agaciro, ndetse naho bemeza ko ibimenyetso ngo bigaragaza ukuri kandi Atari byo.

a) Ubushinjacyaha igihe bwandegaga, bwagendeye kumvugo z'abo turegwa hamwe no kuri za e-mail byitwa ko bafatanywe. Igihe twaburanaga, mu bibazo babajijwe n'abanyunganira mu by'amategeko ibisubizo byabo byagaragayemo ukwivuguruza kwinshi. Ndetse niho hanavuyemo kugaragazwa ko umutwe naba narafatanyije nabo gushinga witwa CDF utigeze ubaho.

Duhuje imvugo z'abo turegwa hamwe, ibimenyetso bya e-mail bavuga ngo twaba twarandikiranye, ndetse n'ibimenyetso byavuye muri RDC na Hollande, byagaragaye ko bidahura. Urukiko rukuru rwari rwabyise ngo uruhurirane rw'ibintu cyangwa ndetse rukemeza ko ibintu bihura kandi bidahura. Ibyo nabivuzeho mubujurire bwanjye buri kuri page 16, page 20 a 22

Munyandiko y'ubushinjacyaha isubiza ibyo bibazo bari kugerageza guhuza ibintu bitwaje imvugo ngo:

- Ntibari bamenyereye iby'ingendo, batanze amakuru ashingiye kuri reservation, atari kuri ticket.Aha ubushinjacyaha buravuguruza inyandiko iri mukirego cyabo page 35,ndetse n'ikimenyetso batanze cya e-mail iri kuri C377 na 375 bis. None se barumva ikirego cyaba gishingiye kumvugo z'abo turegwa hamwe, na e-mail iri kuri C377 na 375 bis, byahabwa akahe gaciro niba uyu munsi bavuga ko ayo makuru atari yo, kuko adahura n'ibimenyetso byavuye RDC?
- Niba Lt Col Nditurende avuze ati sinabaga hamwe na Vital ntabwo rero nari mfite amakuru y'amafaranga Ingabire yoherezaga.Nyuma kandi we ubwe akemera ko yari kumwe na Vital igihe cy'amezi ane ,muri periode bavuga

ko nabohererezaga amafaranga ariko akaba atarashoboraga kwemeza ko noherezaga amafaranga n'umubare wayo,ubwo wamenya ari ryari avuga ukuri n'igihe atavuga ukuri? Wongeye ho n'ibyo Vital yavuze m'ubushinjacyaha ko Lt Col Nditurende yamubwiye ko ntafaranga ndekura ko ariko yiboneye abandi bantu babagabo bumva vuba?

- Vital ubwe niwe wabwiye ubushinjacyaha ko baraye muri hotel Cristal, ariko iyo hotel yerekanye ko abo bantu bataharaye. Kuba uyu munsi ubushinjacyaha bushaka ibisobanuro ngo burebe ko bwabona ibisobanuro bahuza n'ibimenyetso bivuguruza imvugo bagendeyeho bandega bemeza ko nahuye n'abantu bo muri FDLR/FOCA i Kinshasa, ari amatakira ngoyi. Usibye kuba badashobora kwerekana aho baraye ntibashoboye no gusobanura aho twahuriye i Kinshasa, igihe umucamanza yababajije bavuzeko batahazi.

Usibye imvugo z'abo turegwa hamwe ntakindi kimenyetso cyagaragajwe m'urukiko cyerekana ko twahuriye i Kinshasa, ibimenyetso byavuye RDC biravuguruza imvugo zabo.

Ubushinjacyaha uyumunsi buti birashoboka ko ari Col Zelote wakoze reservation mu izina ryabo. RDC yemeye gukorana n'ubushinjacyaha mw'iperereza ry'ibyaha bandega, kuki batabajije Col Zelote ngo ababwire ukuri kose kw'ibyabaye? Ubushinjacyaha buzi neza ko iyo ushinja umuntu, ikimenyetso utanze aba ari icyo kwemeza ko icyaha urega umuntu cyabayeho (art 44, itegeko n°13/2004 du 17/5/2004 ryerekeye imiburanishirize y'imanza nshinjabyaha), none ubu turi muri situation aho ubushinjacyaha buvuga buti :

-Byashoboka ko aho ~~baraye~~ baraye ku izina ry'undi (pg 28 imyanzuro ya Procureur)

-Ingendo zabo allez-retour ntabigaragara kuri Vital na Capt Karuta kuko bagiye mumazina y'abandi (imyanzuro ya Vital na Procureur)

-Ingabire ntiyagaragaje ko Capt Karuta atariwe Bantu, kandi nibo bagomba kugaragaza ko Capt Karuta ariwe Bantu.Ntakimenyetso ntashidikanywaho cyemeza ko declarations z'abo turegwa hamwe ari ukuri, kuko ibimenyetso byavuye RDC bidahura n'ibyo yavuze.

Kuba nemera ko mu kwezi kwa 2 n'ukwa 10 muri 2008 nagiriye uruzinduko muri RDC na Congo, ngahura n'abayobozi b'ibyo bihugu byombi, ntabwo ari ikimenyetso cy'uko nahahuriye n'abo muri FDLR. Kandi nasobanuye ko inzinduko zose nagiye nkora hirya no hino mu bihugu binyuranye k'umugabane wa Afrique, Amerique, Europe na Asie ntigeze ngenda mwibanga. N'iyo ntabitangaza ntibyaburaga kumenyekana.Kuba mubasirikare bari bashinzwe kurinda umutekano wanjye ubwo nari muri RDC harimo umu Colonel witwa Zelote, kandi Lt Col Nditurende akaba yaranemeje ko bari basanzwe baziranye, ntabwo ari ikimenyetso. Ahubwo njye nibaza niba atariwe wabahaye amakuru y'uko nageze i Kinshasa.

- **Kuvugana kuri telephone**

Ibisobanuro ubushinjacyaha butanga hano ntashingiro bufite kubera impamvu 3:

1) E-mail ziri kuri C368 na C369,Vital yasobanuye kuri C186 mu ibazwa rye imbere y'ubushinjacyaha ko nomero za telephone zanditse mo,ari izo yanyohererezaga ngo tujye tuvugana.Ndetse anemeza ko navuganye na Lt Col Nditurende.

Bivuze rero ko ubushinjacyaha bwari buzi nibura zimwe muri nomero abo tureganwa bakoreshaga icyo gihe we n'abo bavuga ko twavuganaga.

2) Mu ibazwa ryanjye, mbazwa na Procureur Ruberwa ryabaye le 27/5/2010 yambajije adresse nari ntuyeho nkiba en Hollande na telephone nakoreshaga ari fixe cyangwa Mobil. Icyo gihe yambazaga ibirebana n'ishyirahamwe CODAC nashyizeho rikorera en Hollande.Namushubije ko yanditse izina ryanjye muri Google ibyo byose yahita abibona.Ariko ansaba kubimwandikira kugapapuro k'umuhondo yampereje.Narabyanditse ndabimusigira.

3) Kuva le 27/10/2010,telephones zanjye zirimo iyo nakoreshaga hano mu Rwanda n'iyo narimfite muri Hollande, ndetse naza ordinateurs byose biri mumaboko y'ubushinjacyaha.Igihe twaburanaga ibya prolongation de detension mukwezi kwa 11/2010, Procureur Ruberwa yari yarasezeranyije urukiko rukuru ko inararibonye zabo zirimo kwiga ibiri muri telephone na ordinateurs zanjye, ko hari nabimwe batangiye kugeraho ko bazabigaragariza urukiko,none uyumunsi m'urukiko rw'ikirenga bati ntabwo twari dufite cyangwa tuzi nomero za telephone ye.

- Izi mpamvu 3 nsobanuye haruguru zigaragaza ko ibisobanuro bya Procureur nta kuri kurimo. Ibyangombwa byose byo kumufasha kwemeza niba imvugo z'abo turegwa hamwe, bavuga ko twajyaga tuvugana tukanakorana amanama kuri telephone,nk'uko babikozemo declaration ziri kuri C14 kuri Lt Col Nditurende, nawe akabyemeza,akanabikoresha mu kirego yari abifite.

Aha naho turi muri situation ubushinjacyaha ntakimenyetso bufite butanga ahubwo buvuga buti:
-Ingabire azasobanure impamvu nta telephone ye igaragara kubimenyetso byavuye en Hollande
-Ntacyabuza ko Ingabire yakoresheje sim cards zinyuranye cyangwa guhamagara akoresheje internet.
-Ntacyabuza ko Ingabire yaba yahamagara akoresheje cabine publique za telefoni.
-Aha ndibutsa art 44 y'itegeko 13/2004 rya le 17/5/2004.
Ubushinjacyaha bufite inshingano yo gutanga ibimenyetso byemeza icyaha .Usibye declarations z'abo turegwa hamwe, ntakimenyetso kindi ntashidikanywaho kigaragaza ko navuganye cyangwa nkohereza SMS abo turegwa hamwe,hakoreshejwe telephone.

C) Imishyikirano yaba yarabaye hagati yanjye n'abo turegwa hamwe (page 37 a 41 document du procureur)

- Ibirebana na Capt Karuta nabivuzeho kuri page 12 e13 kuko biri muri e-mail iri kuri C375 bis na 377.

- Ubushinjacyaha mu myanzuro yabwo kuri page 41 buremeza ko bwatanze ibimenyetso bitanu byerekana ko nahuye na Lt Col Nditurende na Vital i Kinshasa.
  Usibye imvugo ya Vital iri kuri C170, n'iya Lt Col Nditurende iri kuri C 16 akaba yaravuzeko namuhamagaye kuri telephone nkamusaba ko duhurira i Kinshasa. Nkamwoherereza we kugiti cye amafaranga ya ticket nkoresheje abandi bantu, ariko akaba arinjye umwoherereza Sms, imuha imibare y'ibanga.

- Ntakimenyetso cya telephone cyagaragajwe n'urukiko ko navuganye na Lt Col Nditurende cyangwa ko namwoherereje Sms.

- Ntakimenyetso cya Banque cyatanzwe m'urukiko ko Lt Col Nditurende yohererejwe amafaranga.Aha umuntu akibaza impamvu ubushinjacyaha butigeze bubaza RDC nk'uko bwabigenje kuri Vita, kubohereza impapuro za banque Lt Col Nditurende yaba yarafatiyeho ayo mafaranga.

- Ubushinjacyaha bukaba butavugisha ukuri aho bwemeza ko bwatanze ibimenyetso by'amafaranga.
Bordereau za western union zatanzwe m'urukiko Vital yagiye afatira ho amafaranga, ziri hagati y'ukwezi kwa 2/2008 n'ukwezi kwa 8/2008 nk'uko bigaragara kuri C1810 a 1818. Kandi Lt Col Nditurende avuga ko naboherereje ticket mukwezi kwa 10/2008 ubwo nanjye najyaga i Kinshasa.

- Ubushinjacyaha ntibuvugisha ukuri aho bwemeza ko bwatanze e-mail igaragaza ko nahuye n'abo tureganwa hamwe i Kinshasa aribo Lt Col Nditurende na Vital. E-mail batanze nk'ikimenyetso iri kuri C377 na C375 bis, bavuga ko ari izigaragaza urugendo rwa Capt Karuta kandi nabyo bidahuza n'imvugo ze na billet berekana.

- Iperereza ryakozwe muri RDC ntiryerekana uburyo ntashidikanywaho ko Vital na Lt Col Nditurende bagiye i Kinshasa, kuko ticket z'indege zagaragajwe m'urukiko zidahuza n'imvugo zabo. Uyumunsi bakaba

basobanura ko kuba batagaragara hamwe kuri billet ngo hakoreshejwe iy'undi muntu batazi, batanasobanuye.

- Kuba nari i Kinshasa mu kwezi kwa 10/2008, umwe mubari bashinzwe umutekano wanjye witwa Col Zelote usanzwe uziranye na Lt Col Nditurende, ntabwo ari ikimenyetso ko nahuye n'abo tureganwa hamwe.M'ubujurire bwanjye nabivuze ho biranbuye simbigarukaho.

D. Icyo imishyikirano yagezeho

Ubushinjacyaha kumyanzuro yabwo page 42 burigiza nkana aho bwemeza ngo hari ikibazo nabajijwe nanirwa kugisubiza. Ikibazo kirebana n'uburyo abo tureganwa hamwe bamenye ko nahuye na President Kabila cyangwa President Sasu Ngweso.

–Ikibazo cy'urukiko cyari giturutse kuri Procureur aho yabazaga ati:

Ingabire aravuga ko ntakimenyetso nakimwe twatanze kigaragaza ko hari inama yakoranye n'abo bareganwa hamwe i Kinshasa, nyamara hari amanama aba ariko ntatangazwe. Ati, nonese we yatwereka aho yatangaje ko yahuye na President Kabila na President Sasu Ngweso. Aha niho Me Edward yashubije ko byatangajwe. Njye nsobanurira urukiko ko iyo mibonano yombi nta communiqué yabayeho.Ariko ko bitabuza abantu ko bamenya ko byabayeho n'ubwo bitatangajwe officielement.Nahise natanga urugero rw'uko icyo gihe ndi i Kinshasa Ministre wabo w'icyo gihe ushinzwe ububanyi n'amahanga yifuje ko duhura, ndamwangira. Umunsi ukurikiye, umuntu tuziranye uri i Burayi yampamagaye akambwira ati namenye ko uri i Kinshasa kandi habaye incident diplomatique kuko wanze guhura na Minaffet waho. Nyamara icyo kiganiro cyari cyabaye hagati yanjye n'intumwa 2 z'uwo mu ministre.

Uru rugero narutanze m'urukiko nerekana ko abantu bashoboraga kumeya amakuru y'ingendo nakoraga n'iyo habaga nta communiqués zatanzwe. Ko abo tureganwa kuba baba baramenye ko nahuye n'abakuru b'ibihugu bya RDC na Congo ntagitangaza kirimo, ariko atari ikimenyetso ko nahuye nabo tugakorana inama, yo gushyiraho umutwe w'ingabo.

- Ibi niko nabisobanuye m'urukiko rukuru,urubanza rwari public, abantu bose barabyumvise.Ubusobanuro Procureur atanga kuri page 42 ni ubwo bo batanze mw'itangaza makuru igihe nari maze gukatirwa ariko ntibyavugiwe m'urukiko.

E. Kubirebana n'inkunga y'amafaranga (page 43 a 53 document procureur)

Ubushinjacyaha mumyanzuro yabwo kuva kuri page 43 a 48 bwasubiye mumyanzuro bwari bwaratanze muri Haute court, kubirebana n'ikimenyetso cyavuye muri Hollande cyiswe 24/Gashyantare. Ubushinjacyaha bwisobanura ko bwashatse kugaragaza ko bwatanze ikimenyetso cyerekana ko nagize gahunda yihariye yo gushinga umutwe w'ingabo.

Uburyo ubushinjacyaha bwahisemo gusubiza impamvu z'ubujurire bwanjye ntibisubiza ikibazo cyanjye.

Muncarubanza igika cy'I 184 a 185 na 201, urukiko rugendeye ku mvugo z'abo turegwa hamwe bemeza ko nabohererezaga amafaranga. Abo turegwa hamwe ndetse na Procureur bakemeza ko nayakuraga k'umufuka wanjye, ngakoresha abandi bantu bakayohereza. Ikibazo ni iki? Mpamvu ki natanga amafaranga yanjye nyaha abantu bo muri FDLR (imyanzuro y'ubujurire bwanjye page 23) kuko ntagahunda yanjye yihariye yo gushyiraho umutwe w'ingabo zanjye wagaragajwe m'urukiko? Lt Col Nditurende kuri C14 yemeza ko namubwiye ko

FDU-Inkingi itabaha amafaranga igihe cyose batemeye kuba ingabo za FDU-Inkingi.

-Ubushinjacyaha uyumunsi buremeza ko FDU-Inkingi ntamugambi yigeze igira wo gushyira ho umutwe w'ingabo. (imyanzuro ya Procureur k'ubujurire bwanjye page 24)

-Inyandiko yiswe 24/Gashyantare atanga nk'ikimenyetso nayo igaragaza ko les organizations members du cadre seraient: UFDR, ADR, les deux FDLR......(imyanzuro ya procureur k'ubujurire bwanjye page 48) bigaragara ko ibivugwa mo hano naho atari umugambi wanjye wihariye wari gutuma nikura amafaranga yagatunze umuryango wanjye nkayohererereza abantu bo muri FDLR/FOCA.

- Kuba rero ubushinjacyaha butarasubije ikibazo cyanjye ''mpamvu ki nari gutanga amafaranga yanjye nyaha abo muri FDLR/FOCA''
  Ubwabyo bigaragaza ko nabo babona ko ari ntayo, ariyo mpamvu aho basubiza ikibazo, basubiye mumyanzuro yabo yo ku nyandiko ya 24/Gashyantare. Iby'iyi nyandiko ndasaba urukiko runyemerere kubisubiza hamwe na point F.1, kuko ubushinjacyaha buyigaruka ho busubiza ikibazo kirebana n'ayo nari natanze m'ubujurire.

Ubushinjacyaha bukomeza kwemeza ko natanze amafaranga kugiti cyanjye nyaha abo muri FDLR/FOCA kugirango:(page 48 a 49 document du Procureur)

- Duhutte/C375 bis (iyi e-mail nta original ahari, kandi ibyanditse mo twagaragaje ko Atari ukuri.Kuko Procureur yabishingiyeho yemeza ko nahuye na Capt karuta I Kinshasa le 17/2/2008, bikanyuranya n'ibimenyetso byavuye RDC.Kuko nta ticket yagaragajwe ko Capt Karuta yaje I Kinshasa, le 17/2/2008 cyangwa ko yasubiye I Goma le 19/2/2008 nk'uko yabivuze m'urukiko.

Ubushinjacyaha bwemeza ko tutavuganye ahubwo yavuganye na Dr Mberabahizi wahoze ari umuvugizi n'umunyamabanga wa FDU-Inkingi. None se ubushinjacyaha busanga iyi mpamvu butanga ari iyo kugiti cyanjye cyangwa n'iy'ishyaka?

- E-mail C377 bis, 377 ter izi e-mail nta originaux zigira. Kandi ari Vital ari Lt Col Nditurende bemeje m'urukiko ko nta suite nigeze mpa iyi message. Abasirikare nari kugurira izi ntwaro bari bande?Abasirikare tureganwa hamwe nta n'umwe wigeze wemeza ko namusabye kuba ingabo zanjye. Nibyo bavuga kandi ntanemera ni uko ngo nabasabye kuba ingabo za FDU-Inkingi, kandi bo ubwabo biyemerera ko batabyemeye, Lt Col Nditurende wari abakuriye yabishimangiye kenshi.Iyi nayo ngasanga bitafatwa nk'igisobanuro cy'impamvu nari gutanga amafaranga yanjye kugiti cyanjye.
- Amafaranga yayabahaye mu rwego rwo gutunga imiryango yabo yari amaze kwemeranya gukorana nabo.C17Q34. Aha ubushinjacyaha bwirengagije imvugo ya Vital C173 Q 15 aho yabwiye ubushinjacyaha ngo Lt Col Hussein twavuganye nk'inshuro ebyiri mukwezi kwa 8/2009, mubaza ibya Ingabire, ambwira ko ntakintu yari yarekura, ati ariko nabonye abandi bantu babagabo ati babyumva vuba.

Ikindi Lt Col Nditurende imbere y'urukiko yemeje kenshi ko ntanarimwe yigeze yemera ko abasirikare be baba ingabo za FDU-Inkingi C97 (dossier ya Lt col Nditurende). Ubushinjacyaha aho buvuga ngo nari maze kwemeranywa gukorana nabo: sinzi niba ''nabo'' ari abo basirikare noneho uwari amaze kwemeranywaho nabo akaba ari njye. Ibi nabyo aribyo Procureur yashakaga kuvuga ntashingiro bifite kuko sinigeze mbarizwa mu ngabo zayobowe na Lt Col Nditurende, ntakimenyetso yabitangiye.

- Izi ngingo eshatu ubushinjacyaha bwatanze akaba ari ntanimwe igaragaramo impamvu nari gutanga amafaranga kugiti cyanjye yo gufasha abasirikare ba FDLR/FOCA. Iyi nyandiko ya le 24/Gashyantare ikaba nayo itafatwa nk'ikimenyetso cy'impanvu nari gutanga amafaranga yanjye mfasha bariya bantu.

- Ibimenyetso byavuye RDC na Hollande, ntibigaragaza ko hari amafaranga natanze nyohereza Vital (page 49 a 50 document du Procureur). Ibisobanuro by'ubushinjacyaha kuri iyi ngingo, usibye imvugo z'abo tureganwa hamwe na Mme Mujawayezu, ntakindi kimenyetso ntashidikanywaho bwatanze. Kandi imvugo z'abatanze ubuhamya ubushinjacyaha bugenderaho twerekanye ko zo ari izo gushidikanywaho.

A) Vital na Mme Mujawayezu bavuga ko bataziranye.Ariko ntacyemeza ko bataziranye kuko babanye munkambi z'impunzi muri RDC, Vital nk'umusirikare Mme Mujawayezu nk'ufite umugabo w'umusirikare.None se ubushinjacyaha buhera he bwemeza ko bataziranye? Kuko babivuze.None se kuki imvugo zabo zahabwa agaciro kurusha izanjye? Bavuga ko bataziranye bikemerwa, navuga ko ntawe noherereje amafaranga ntumye undi ntibyemerwe? Usibye imvugo zabo ni ikihe kimenyetso ndakuka kandi ntashidikanywaho ubushinjacyaha bugenderaho bwemeza ko bataziranye, ko natumye Mme Mujawayezu kohereza amafaranga kwa Vital.

B) Vital ati,Ingabire niwe wanyohererezaga ibanga ryo kujya kuyabikuza.
-Kuri C179 Vital avuga ko yahamagawe n'umuntu uteri njye amuha umubare w'ibanga wo kujya gufata amafaranga.
-Kuri C362 Mme Mujawayezu yemera ko ariwe ubwe washatse Vital akamumenyesha uburyo afata amafaranga yamwohereje.

-Ntakimenyetso nakimwe cyatanzwe cyaba icya e-mail cyangwa icya telephone giha Vital umubare w'ibanga w'aho ajya kubikuza amafaranga kinturutseho, cyatanzwe m'urukiko.

C) Ubushinjacyaha usibye imvugo ya Mme Mujawayezu bushingira kukihe kimenyetso kindi cyerekana ko Mme Mujawayezu amafaranga yohereje ari njye wamusabye kuyohereza, ko ari ayo yangurije kandi ko nayamwishyuye?

-Avuga ko namuhamagaye ndi hanze ya Hollande musaba kunyohererereza amafaranga kwa marume uba RDC. Ariko bamubajije nomero yakoresheje ampamagara cyangwa njye muhamagara yanga kuyitanga. Yewe yanze no gutanga nomero ya telephone yakoresheje ahamagara Vital.

-Ntakimenyetso cyatanzwe m'urukiko cyerekana ko namwishyuye ayo mafaranga avuga namugujije. Ibirebana n'icyo Me Edward yavuze k'ubuhamya bwa Mme Mujawayezu nayometse kuri iyi myanzuro.

D) Ubushinjacyaha ku myanzuro yabo iva kuri page 50 a 53,nta kintu bashubije k'ubujurire bwanjye, kuko bandukuye imyanzuro yabo n'iy'urukiko rukuru kandi aribyo najuririye nk'uko bigaragara mumyanzuro yanjye y'ubujurire page 23 a 25.

E) Ubushinjacyaha bwanzura buvuga ko ntacyo urukiko rwirengagije gusuzuma.

Ariko sibyo.
Urebye mumyanzuro y'ubushinjacyaha kuva kuri page 51 a 53 bandukuye ibika kuva kucy'I 187 a 196 cyo mu myanzuro nca rubanza y'urukiko rukuru.Muri iri sesengura ry'urukiko usanga.

1) Nta kintu nakimwe abacamanza bavuze ku ibaruwa twatanze na rapport ya ONU,isubiza SG wa ONU kubyari byavuzwe muri iyo rapport ko hari abantu ba FDU-Inkingi bari en contact nabo muri FDLR..

-Iyo baruwa n'iyo rapport nabishyikirije urukiko rukuru kugirango nerekane ko atari ubwambere havugwa ko hari abantu bo muri FDU-Inkingi bari en contact n'abo muri FDLR. Nasobanuye ko tumaze kubona iyi rapport twahise dukora inama tubaza abavugwa muri iyo rapport, aribwo baduhaye ibisobanuro ko bafite bene wabo mumashyamba bafasha banyujije kuri bamwe bo muri FDLR, kuko aribo kenshi bafite ibyangombwa n'uburyo bwo kujya kuri za banque.
Nk'ishyaka tukaba twarasanze tutabuza abantu gufasha imiryango yabo. Nasobanuriye urukiko ko abo barwanashyaka ba FDU-Inkingi bohereza amafaranga bene wabo kenshi n'abo batuma bo ubwabo baba batabazi ahubwo bene wabo aribo bababwira uwo banyuzaho ubutumwa bubagenewe.

Ibi bisobanuro natanze byasubizaga ikibazo ubushinjacyaha bwibazaga bwanagarutseho hano. Urukiko rwemeje ko ari impurirane z'ibintu ngo kuko hari abantu bo muri FDU-Inkingi nzi bohereje Vital amafaranga ngo Vital atabazi ko rero arinjye wabatumaga.

Nyamara igihe cy'iburana hari aho Vital cyangwa Lt Col Habiyaremye bemeje ko banyujijwe ho amafaranga n'abantu b'i Burayi ngo bayabahere abantu bo mumiryango yabo iba aho mumashyamba babaga. None se kuki iyo bireba abandi bantu batari aba FDU-Inkingi cyangwa abo nzi urukiko n'ubushinjacyaha bwemera ibisobanuro bitangwa, bitagize aho bitaniye n'ibyo njye ntanga, ariko ntibyemerwe iyo bireba abantu nzi?

Aha niho mvuga ko hatabaye ho guha uburemere bumwe imvugo z'ababuranyi no kudaha agaciro ibisobanuro natanze.

-Iyi rapport ya ONU kandi n'ibaruwa twasubije SG wa ONU nabitanze ngo bigaragaze ko ntari kurutonde rw'abavugana n'abantu bo muri FDLR kuri telephone nubwo urukiko rwabyemeje rushingiye ku birego bya procureur nabyo bishingiye kumvugo z'abo turegwa hamwe ko noherezaga amafaranga nkoresheje abandi ariko akaba ari njye ubahamagara mbabwira uko bajya gufata ayo mafaranga. Ko ibyo bintu iyo njya kuba mbikora ntari kubura kuri urwo rutonde rwa ONU. Ibi by'uko nta contact telephonique zari hagati yanjye n'abo turegwa hamwe kandi,byashimangiwe n'iperereza ubudhinjacyaha bwakoresheje ari muri Hollande, ari hano mu Rwanda. Kubirebana naza communications zanjye.Kuko byagaragaje nabyo ko ntaterefonaga muri RDC.

Ubushinjacyaha ntibwigeze buvuguruza ibi bimenyetso, usibye kuvuga ngo hari ubundi buryo nakoreshaga n'ubwo batabusobanuye cyangwa ngo babitangire ibimenyetso byerekana ko hari ubundi buryo nakoreshaga.

1) Hari imyanzuro Me Edward yatanze m'urukiko igira uko isobanura ibibazo birebana n'iperereza n'ubuhamya bya Mme Mujawayezu.Ndetse n'imyanzuro njye abwanjye natanze kubirebana n'ubu buhamya,biri en annexe.

2) M'urukiko nasobanuye uko abarwanashyaka n'abashyigikiye ishyaka FDU-Inkingi bohereje umusanzu wabo mu Rwanda wo kudufasha kwitegura neza,bayohererezа Phocas,ndetse hari n'ayo yafashe hano mugihugu. Ubushinjacyaha bubaza Phocas kuri ay mafaranga (C320) nanjye bukabimbaza ho (C1791) hari aho basanze bamwe muri abo bantu

ntabazi, ariko kuba hari abo nzi nka Turikumana n'umukobwa wanjye bati n'ikimenyetso ko Ingabire yakoreshaga abandi bantu.

Kuba Secretaire wanjye ariwe wakoraga coordination hagati y'abohereje amafaranga n'uwayakiriye kugirango dukomeze dukurikirane ko imyiteguro y'ugutahuka kwanjye igenda neza, bati ibintu birahura, reka tubihuze n'ibyo muri RDC.

Ubushinjacyaha buti ntabwo Ingabire yaduhaye adresse ya secretaire we Numuhoza Christine kugirango tumubaze ibi bintu yanditse. Umunyamabanga wanjye kumpamvu ze bwite, yahisemo kuguma hanze y'igihugu aho gutahuka. Ntaburenganzira nari mfite bwo gutanga son adresse privee muri uru rubanza, cyane ko nari nabwiye urukiko ko arinjye wari wamushinze gukora coordination hagati y'abashyigikiye ugutaha kwacu, n'abashinzwe kunyakira mugihugu, ko ntacyo bamubaza ntasubiza yakoze kirebana n'ibyo twaburanaga ho kuko yampaga rapport y'ibyakozwe. Aha ubushinjacyaha nsanga bwirengagiza ko nomuri za discours bwatanze m'urukiko twaburanye ho, harimo izo twaburanye ngasobanura ko atari njye wazanditse cyangwa wazitangaje ariko kuko byakozwe mu izina ryanjye nkazisobanura.

Urugero:''la justice internatioal face a la crise rwandaise'' C1671 a 1675. Kuri iyi nyandiko handitse ho ko ari message yanjye ariko ko expose yakozwe n'undi. None ko batabajije adresse ye ngo bajye kuba ariwe bayibaza.

- Ibintu byakozwe mu izina ry'ishyaka ari nanjye watanze uruhushya narabyemeye,nemera no kubisubiza.ariko m'urukiko nasobanuye ko abarwanashyaka ba FDU-Inkingi, bagira n'ubuzima bwabo bwihariye ntaba mfite no kugira icyo

mvugaho.Ko rero ibyakozwe n'umurwanashyaka wa FDU-Inkingi atari ishyaka ryamutumye, ntabwo ari njye ugomba kubisubiza kandi nasobanuye ko bitagomba kuvangwa n'ibyishyaka.Nkaba ntemeranywa n'urukiko n'ubushinjacyaha hano bukabishimangira aho bagereranyije iby'amafaranga Vital yafashe ari muri RDC,n'ayo Phocas yafashe hano mu Rwanda bakemeza ko byose byakozwe nanjye.

- Izi mpamvu 3 navuze haruguru ntabwo urukiko rwazisesenguye ngo nibura rutubwire impamvu rutazemeye.Ubushinjacyaha busubiza ubujurire bwanjye ntacyo bwabivuzeho, bwahisemo gusubira mumyanzuro y'urukiko bavuga ko arinayo position yabo.Nkaba nsaba Urukiko rw'ikirenga kuzaha agaciro ziriya mpamvu eshatu nasobanuye haruguru,urukiko rukuru rutahaye agaciro,n'ubushinjacyaha bukaba bwarasanze atari ngimbwa kugira icyo bubivugaho.

B. Ikibazo cyaza e-mail

1) Inenge twagaragaje zajyanye n'uburyo amatariki yanditse kuri za copies na originaux bidahuza. Ntacyo ubushinjacyaha bwazivuze hop ni uko ntabusobanuro bwari kubibonera. Urugero ni e-mail iri kuri C445&446 original yayo ni C451. Umunsi wanditse mucyongereza, ukwezi mugifaransa n'amasaha yanditse mumibare gusa:Thu,6 Mar 2008 10:23.33 (C445) noneho nureba C451,byose byanditse mugifaransa, umunsi munyuguti nto kandi amagambo arambuye, isaha 10h23. None ubushinjacyaha se bwavuga ko kuba zitarabereye imprime umunsi umwe, isaha imwe, zikaba imprime ziri selectione izindi uko zakabaye,

zitarabaye imprime kumamashini atandukanye aribyo bituma umunsi n'itariki biza byanditse mucyongereza kivanze n'igifaransa?

2) Kuri page 33, ubushinjacyaha buremera ko ibyanditswe kuri C441, ari ibyongereweho n'uwazikoreye impression amaze kuzikorera selection.
a)Ninde wazikoreye impression?
b)Yabyongeye ho agamije iki?
c)Ese ibintu byaba byaravuye muri boite yanjye nk'uko Procureur abivuga, bikajya muri boite ya Lt Col Nditurende maze uwo wundi Procureur atavuga uwo ariwe akabasha kubyongeramo ate?
3) Impamvu e-mail za Vital nta originaux zihari ngo namusabye kuzisiba.Ryari?Turi he? M'urukiko nasobanuye ko ibi Vital avuga nta shingiro bifite, niba naramusabye gusiba e-mail akabyemera ni uko byaba bivuze ko twaba twari twemeranyijwe gusibanganya ibimenyetso, nk'uko aribyo ubushinjacyaha bwitwaje nk'impamvu yo gusaba ko mfungwa by'agateganyo.None niba twari twemeranyijwe gusiba ibimenyetso, kuki yakoze impression yazimwe akazibika, izindi ngo akazisiba kandi ngo twemeranyijwe gusibanganya ibimentetso?

4) Aho ubushinjacyaha bwakuraga amakuru arebana n'ibiri muri za e-mail kandi batarazibona.
-E-mail za Lt Col Nditurende zabaye imprime bwambere le 28/4/2010
-Lt Col Nditurende imbere y'urukiko yemeje ko amakuru yaza e-mail bayamubajije bwa mbere le 28/4/2010, yemeza ko ntabintu by'aho Vital yafatiraga amafaranga bigeze bamubaza. Vital na Procureur bahuza imvugo bashaka kwerekana ko Lt Col Nditurende ariwe watanze amakuru arebana na e-mail n'ibirebana n'amafaranga. Hari aho kuri C184,Vital za e-mail

nerekwaga muri Police za gpascal na Muhima ngo yambwiye ko ari Lt Col Nditurende wazerekanye.
Nkuko nasobanuye ko ntigeze nsaba Vital gusiba za e-mail, ninako ntigeze mubwira za e-mail banyeretse. Ariko mw'itangazamakuru iyo navaga muri za interrogatoires bakambaza ibyo nabajijwe narabisobanuraga.
Ibisobanura Vital atanga aha bikaba nabyo Atari ukuri kuko nta e-mail n'imwe ubushinjacyaha bwatanze m'urukiko yanditswe ku izina rya Muhima cyangwa ryandikiwe gpascal.5@yahoo.com yatanzwe na Lt Col Nditurende. Ahubwo izo e-mail tuzisanga muzo Procureur yatanze m'urukiko Vital nawe akemeza ko ariwe bazifatanye. Kandi bazimufatanye nk'uko babyivugira le14/10/2010 igihe bazimbazagaho mukwezi kwa 2/2010.

Ibimenyetso by'amafaranga byatanzwe na Vital mukwezi kwa 10/ 2010,igihe ubushinjacyaha bwabikoreshaga mukwezi kwa 3/2010.
Nta kimenyetso nakimwe Procureur yatanze m'urukiko cyemeza ko amakuru yakoresheje yaza e-mail cyangwa y'amafaranga yatanzwe na Lt Col Nditurende mbere y'uko bafata Vital m'ukwezi kwa 10/2010.
Ikigaragara ni uko ibimenyetso bishingiye kuri za e-mail nabazwaga ho mukwezi kwa 2/2010, n'ibimenyetso byaza banque Vital yafatiragaho amafaranga m'urubanza, byazanywe na Vital.
Procureur mu gusubiza imyiregurire yanjye muri Haute Court, na hano muri Court Supreme (page 35), aremeza ko nta tegeko ribuza kuba inzego zitandukanye z'umutekano n'iz'iperereza zaba izagisivi, zaba iza gisirikare guhana amakuru zabonye mu mirimo yazo…

5) Procureur aremeza ko ibyanditswe muri e-mail ari ukuri igihe njye mvuga ko atari ukuri.Ubushinjacyaha bwanageze n'aho buvuga ko ntigeze ngira icyo mvuga kubyanditswe muri izo e-mail.

-Munyandiko y'ubujurire bwanjye kuri page 19 harimo ibyo nasobanuye ko nyir'ukuvuga uko izo e-mail yazanditse cyangwa yazandikiwe ibikorwa birimo agera aho avuga ko ntabyabayeho.

-E-mail iri kuri 441&449 ni e-mail procureur yatanze m'urukiko nk'ikimenyetso cyo gushakira abo tureganwa hamwe inkunga, kugirango nidutangira urugamba batazabura ibikoresho.

-Ari procureur ari Lt Col Nditurende ntibashoboye kutugaragariza abantu naba naragiranye nabo amasezerano yo kudufasha mubyagisirikare.

-Lt Col Nditurende yemeje ko tutigeze duhurira muri Tanzania ngo mubwire uko gahunda za diplomatic na politique zihagaze.

-Ubutumwa bwa Muhima etegereje bavuze ko ari amafaranga nagombaga kohereza Vital, ariko ntibavuze amafaranga namwoherereje, uko nayamwoherereje, umubare wayo, n'ikibazo yagombaga gutunganya icyo aricyo.

-E-mail iri kuri C451&445,446; Procureur yayitanze nk'ikimenyetso cyerekana ko nafashije groupe ya Lt Col Nditurende urukiko rwamubajije niba ayo mafaranga yarasabye yo gukora recrutement y'abantu 500 banditse muri iyo e-mail nayamuhaye asobanura ko ntayo na muhaye.

-E-mail iri kuri C377 bis, et C377 ter, ubushinjacyaha bwayitanze nk'ikimenyetso cy'uko abo tureganwa hamwe banyoherereje liste y'intwaro bari bakeneye nkazibagurira. Ariko ari Vital ari Lt Col Nditurende bavuze ko nta suite nigeze mpa iyo message bavuga ko banyoherereje.

-E-mail iri kuri C376 procureur yayitanze nk'ikimenyetso cyerekana ko umutwe wa gisirikare nawushakiye aho gukorera.Ari Vital ari procureur nta

n'umwe wasobanuye aho hantu aho ariho.Ubushinjacyaha nibwo bwatanze iyo e-mail nk'ikimenyetso cy'uko ngo nari narashakiye umutwe nashyizeho aho ukorera. Ariko tubajije aho uwo mutwe ukorera barahabura.
None uyu munsi bati Ingabire niwe ugomba kuhavuga.Ibimenyetso se bishinja cyangwa bishinjura ntibigomba gusobanurwa n'uwabitanze?
-E-mail iri kuri C387 Procureur yayishingiye ho yemeza ko ibikorwa byo guhungabanya umutekano birimo bikorwa mu Rwanda ari ibya CDF bakoresheje amafaranga natanze. Ari Procureur, ari Vital watanze iyo e-mail tugeze m'urubanza hagati bose bahuriye kubintu kimwe ko amakuru ari muri iyo e-mail ari ibihuha.

- Ubushinjacyaha butanga izo e-mail zose byari ibimenyetso byo kwerekana ko nandikiranaga n'abantu bo muri FDLR, kandi ko ari ibimenyetso bishimangira ibikorwa twakoranye.Ariko nk'uko maze kubigaragaza haruguru nta e-mail n'imwe batanze ngo bemeze ko ibikorwa birimo twaba twaravuganaga gukora byabayeho. None se kuki nari kwandikirana n'abantu ibintu ntari bushyire mubikorwa?

- Ikindi twibajije tukanakibaza m'urukiko izo correspondence ziri hagati y'impera y'umwaka wa 2007 mukwezi kwa 10 no kugeza Mars 2008. Igisobanuro procureur n'abo tureganwa batanze ngo nkaba nari nahisemo gukoresha ubundi buryo.Mbajije ubwo buryo bundi twaba twarakoresheje ari Procureur ari abo turegwa hamwe ntawashoboye kubwerekana.

F. Ibimenyetso byavuye muri Hollande

F.1 Inyandiko yitwa 24/Gashyantare

Ingingo z'ubujurire bwanjye kuri iyi nyandiko ni eshatu:

1) Iyi nyandiko urukiko rwo muri Hollande n'amasezerano hagati ya Hollande na leta y'u Rwanda, yagombaga gukoreshwa gusa k' ucyaha cy'ubufatanya cyaha mubikorwa by'iterabwoba, icyaha gihanwa n'itegeko n°45/2008 ryo kuwa 19/9/2008. Sinemeranya n'icyo ubushinjacyaha bwatanze nk'igisubizo kuri iyi ngingo y'ubujurire bwanjye (imyanzuro yabo page 7 a 8)

2) Iyi nyandiko murukiko nari nagarargaje ko itagomba gukoresha kuko ari tract.Nagaragaje ko m'urundi rubanza rufite n°RP 0040/10/HC/KIG rwa Mushayidi ko inyandiko igaragara ko ari tract itakoreshwa nk'ikimenyetso kubera impamvu 2

a) Imiterere ya tract (kuba idasinye, nta tariki, n'uburyo ikwirakwizwa ko bigaragaza ko ibiba byanditse mo ari ibihuha).

b) Ko Procureur adashobora kugaragaza ikimenyetso ntashidikanywaho cy'uwanditse iyo nyandiko.

Iyi ngingo y'ubujurire ntacyo ubushinjacyaha bwayivuzeho.

3) Iyi nyandiko nari nagaragaje ko ibyanditse mo ntaho bihuriye n'ibyo ndegwa, n'amakuru arimo atariyo. Kuba ubushinjacyaha buvuga ko nananiwe gusubiza iby'iyi nyandiko ni ikinyoma.Kugirango nyomoze ubushinjacyaha,nometse kuri iyi myanzuro imyanzuro natanze m'urukiko nisobanura le 16/Mars/20012.

-Uko inyandiko zageze iwanjye murugo kuri page ya 5 et 9 zo mumyanzuro natanze muri HC, nasobanuye ko impapuro nk'izi zashoboraga kuba zavuye kuri

internet cyangwa nazihawe n'abo dukorana bafite munshingano zabo kumenya amakuru yo hirya no hino.

-Impamvu inyandiko zari zibitse aho mbika izindi kuri page 5 et 6 mumyanzuro yo muri HC nasobanuye ko nari mfite uburyo mbika impapuro iwanjye

a) Izo nanditse mu izina ry'ishyaka (letters envoyees)

b) Izo nabaga nabonye nandikiwe murwego rw'ishyaka(letters recues)

c) N'izindi nyandiko nk'izi zabaga zavuye hirya no hino kuri internet etc(divers)

-Impapuro nari nzibikiyende?

Iyo uri muri politiki ubona amakuru menshi, ayanditse, ayo bakubwira.Ayo yose uyakusanyiriza kuyashungura,hari aba ari ibihuha, hari aba ari ukuri.

M'urukiko nasobanuye ko inyandiko nyinshi nk'izi zirimo ibihuha muri politiki umuntu ahura nazo.Kenshi abazandika bakabikora bafite impamvu zinyuranye: gushyushya abantu umutwe, gutera urujijo mubantu, etc... Kuri page 9 mumyanzuro yanjye natanze ingero z'ibimenyetso ubushinjacyaha bwari bwashyize muri dossier kandi ari ibihimbano.

Urugero: Ikinyamakuru cyitwa ''Itabaza'' C1427 a 1440.Iki kinyamakuru ubushinjacyaha bwagikuye kuri internet.Uwacyandikaga ntazwi yashyiragaho nomero za telephone zitaboneka kimwe na e-mail.Agakoresha amafoto yanjye yabaga yakuye kuri Facebook cyangwa website yanjye, akandika inkuru nk'aho ari ibiganiro twagiranye, ahereye nko kubyo nabaga natangaje mubindi bitangazamakuru.None se ko iki kinyamakuru nacyo naringifite, narakibonye nk'uko ubushinjacyaha bwakibonye, kuko harimo ifoto yanjye n'izindi nkuru z'impimbano ntigeze mvugana n'uwabyanditse kuko ntanamuzi, ntibwageze aho

se nabwo bubona butagikoresha nk'ikimenyetso cy'amacakubiri? None se Itabaza n'iyi nyandiko 24/Gashyantare bitaniye he? Hamwe bakoresheje amafoto yanjye bandika inkuru bashaka, ahandi bakoresheje rimwe mumazina ya une organization nari nyoboye UFDR, biyandikira inkuru.

-Ntakimenyetso nakimwe kigaragaza ko inama ivugwa muri iyi nyandiko 24/Gashyantare ko yabayeho.Ibyanditswe mo byagombaga kubaho ntawakwemeza ko byabayeho kuko havugwa mo kurema umutwe w'ingabo witwa CRD.Uyu mutwe ntabwo ari abo turegwa hamwe ari ubushinjacyaha bigeze bavuga ko hari aho bawuzi.

-Nibande banditse izo nyandiko?

Ese ubushinjacyaha bwatanze kiriya kinyamakuru Itabaza nk'ikimenyetso muri dossier yanjye bwigeze busobanura uwacyanditse? Bwayikuye kuri internet, ariko nabo ntubazi uwacyanditse. Iyo bajya kumenya uwo ariwe nari no kubasaba kumundegera kuko yanditse ibintu bye akabinshyiramo atambajije.

-Impamvu abanditse izo nyandiko bavugamo gushyiraho umutwe wa gisirikare, uwanditse iyi nyandiko niwe wenyine wasobanura ibyanditsemo, n'impamvu yabyanditse.

-Icyo uwo mutwe wari kumara

Ibi byasubizwa n'uwabyanditse.

-Impamvu ibikubiye muri iyi nyandiko bihura n'ibindi bimenyetso ubushinjacyaha bwatanze kubijyanye n'ishyirwa ho ry'umutwe wagisirikare :

- ❖ Mumyanzuro yanjye muri Haute Court kuva kuri page 6 a 9, ndetse no mumyanzuro yanjye y'ubujurire page 26, nusobanuye neza ko ibyo

procureur yagerageje guhuza nk'ikimenyetso ndetse n'urukiko rukabyemera gutyo ko ataribyo, ntibihura, kuko Procureur watanze ikimenyetso cya e-mail iri ukuri:

-C376 atigeze abasha gusobanura aho uwo mutwe wagisirikare wari gukorera. Uyumunsi ubushinjacyaha butasaba ko arinjye uvuga aho hantu. Ariko ndibutsa ko Procureur niwe watanze icyo kimenyetso, ni nawe ugomba kugisobanura.Njye sinkizi, kuko ntazi n'aho yagikuye.

-Ubushinjacyaha niba bundega ko nakoze des negociations ngo mbone base d'entrainement na bases tactiques (page 44 imyanzuro ya Procureur isubiza ubujurire bwanjye.)

-Izo negociations nazikoze nande? Ryari?

-Izo bases d'entrainement et tactiques zirihe? Nta bimenyetso byaba: imvugo z'abo tureganwa hamwe; e-mail; ibimenyetso byavuye muri RDC ou Hollande babigaragaje mo.

-Page 45 imyanzuro ya Procureur asubiza ubujurire avuga ko hari memo twari gukora igaragaza impamvu twahisemo inzira y'intambara, tukayitwaza nka Bible.

- Iyi memo yari kuba bible ntayo ubushinjacyaha bwatanze.
- Nta kimenyetso cya e-mail, ibimenyetso byavuye muri Hollande ou en RDC byagaragajwe mo iyi memo isobanura impamvu twahisemo inzira y'intambara.
- Aha ubushinjacyaha bukomeza no kwemeza ko umutwe wa CDF wari waramaze gushingwa. Ibi bukabivuga ngo bushingiye kumvugo z'abo tureganwa hamwe, aribo Lt Col Nditurende na Vital. Urukiko rukuru rwasuzumye izo mvugo, ndetse n'ibindi bimenyetso byose ubushinjacyaha bwari bwatanze, bwemeje ko ntamutwe witwa CDF

wigeze ubaho, ibyo bigaragara mucyemezo cy'urukiko ibika bya 196 na 201.Ndetse nta n'uwitwa CRD uvugwa muri iyi nyandiko bagaragaje ko ubaho.

- Ubushinjacyaha bwajuririye iki cyemezo cy'urukiko.Ariko ubujurire bwabo ntibemeza ko umutwe CDF wabayeho, ahubwo barajuririra ko habayeho kuwusembura. Ibi bikagaragaza ko n'ubushinjacyaha buzi neza burimo kuburana urwandanze.
- Ubushinjacyaha kandi ntibujurira bwerekana ibindi bimenyetso,buracyagendera kumvugo za Lt Col Ndituremde na Vital kandi nabo,urukiko rw'ikirenga nirusoma uko bashubije ubujurire bwa Procureur, bemeza kandi bagatsindagira ko uwo mutwe utigeze ubaho ko bari bakibifite mubitekerezo gusa.

❖ None se ibimenyetso ubushinjacyaha buvuga bwazanye nkaba narananiwe kubyisobanuraho ni ibihe? Ahubwo ko batsindwa n'ibimenyetso bizaniye!

❖ None se ibimenyetso bindi batanze bihura n'ibiri muri iyi nyandiko ya le 24/Gashyantare ni ibihe?

-Kuri page 46 y'imyanzuro y'ubushinjacyaha busubiza ubujurire bwanjye, akoresha ikimenyetso cyaza e-mail iri kuri C377 bis & C377 ter.

  ❖ Izi e-mail ntawakwemera ko arizo, ntawamenya iyo zavuye .Ubushinjacyaha na Vital bazitanze ntibatanze ibimenyetso bagaragaza originaux zazo. Kandi mumanza nk'izi photocopie ntizikoreshwa nk'ibimenyetso.

  ❖ Vital na Lt Col Ndituremde babajijwe niba narabahaye amafaranga yo kugura ibyanditse muri iyo e-mail, bemeje imbere y'urukiko na Procureur ahari ko ntacyo bigeze babona ko nta suite nahaye iyo e-mail.

-Ubushinjacyaha bukomeza bwemeza ko habayeho recrutement ya Vital na bagenzi be, bakabihuza na e-mail iri kuri C375, aho ngo naba narababwira ga ko mumezi atandatu ndaba nifitiye abanjye basirikare.

❖ Nonese ko tuburana hashize imyaka irenga itanu ibimenyetso ubushinjacyaha bwatanze byaranditswe, abo basirikare babaye recrutes barihe? Uretse aba tureganwa kandi Lt Col Nditurende ubakuriye nawe akaba abahakana ko abasirikare yari ayoboye batigeze baba abasirikare banjye?

-Kuri page 47-48 ubushinjacyaha bushaka kwemeza ko nigeze kugira igitekerezo cyo gushing umutwe wa gisirikare ntarajya muri FDU-Inkingi ahubwo nkiri muri UFDR.

-Ubushinjacyaha bundega ku ikubitiro bwavugaga ko nashakaga gushyiraho umutwe w'ingabo witwa CDF ushamikiye kuri FDU-Inkingi. Babiburiye ibimenyetso bazana iyi tract, uyumunsi bakaba bashaka kuyikoresha nk'ikimenyetso cy'uko nigeze kugira igitekerezo cyo gushing umutwe w'ingabo nkiri muri UFDR.

Mumyanzuro natanze muri Haute Court, page 9 nasobanuye impamvu ibiri muri iyi nyandiko bitafatwa nk'ukuri, kubera ko nk'umuntu wakurikiye evolution yaza organizations politiques zikorera hanze ; harimo za organizations zivugwa muri iyi nyandikozitigeze zemera gukorana. (FDLR, FDLR-CMC na RUD-Urunana) ibi n'ubushinjacyaha burabizi kuko bigaragara buri C1218,aho ibyo bice byo muri FDRL biterana amagambo.

Nari natanze n'ikimenyetso ''Dictionnaire de l'histoire politique au Rwanda''

-Muri iyi nyandiko havugwa mo UFDR, ariko m'urukiko nari nasobanuye ko hariho UFDR 2, iyo nari nyoboye yari Alliance hagati ya RDR na FRD, hakaba n'indi UFDR(union pour la federalism et la democratie au Rwanda) yari iyobowe n'uwitwa Boniface Hitimana.(Ikimenyetso natanze page 194) yaba urukiko ndetse n'ubushinjacyaha ntaho bahereye bemeza ko UFDR ivugwa muri iyi document ari iyo nari nyoboye.

-Mumpera za 2005nibwo FDLR yacitse mo ibice, umuntu akaba yacishiriza ko iyi nyandiko yanditswe nyuma y'aho kubo bavugamo ngo ''deux FDLR'' ibi nabyo nasobanuye ko muri icyo gihe za organizations zivugwa muri iyi nyandiko zari zitakiriho.

Nka alliance nari nyoboye ya UFDR(RDR+FDR) na ADR-Isangano kuko twari mumishyikirano ya gushing FDU-Inkingi. Urukiko rwateye utwatsi ibi bisobanuro ngo kuko FDU-Inkingi yashinzwe mu kwezi kwa 4/2006. (inyandiko ncarubanza igika cya 216) None se abacamanza basanga twararyamye bugacya dusinya Charte constitutive ishyiraho FDU-Inkingi ? Byadufashe igihe cyo gushyikirana, kwandika charte, kuyemeranywaho,le 26/4/2006 nibwo twayisinye. Ntabwo rero twari kuba turimo twubaka FDU-Inkingi k'uruhande rumwe, noneho k'urundi tujye dushyiraho irindi huriro ngo ryari kwitwa CRD.

Ikindi nari nagaragaje m'urukiko ni uko hari amashyirahamwe avugwa muri iyi nyandiko, ariko atari akiriho. Natanze urugero rwa Nation- Imbaga yari yarashyizweho na Deo Mushayidi.Ibi nabyo urukiko rwabiteye utwatsi mugika cya 261,bemeza ko mukimenyetso natanze bitagaragaramo. Ariko sinemera iki gisobanuro cy'urukiko iyo usomye iyo nyandiko nari natanze hagaragaramo ko mukwezi kwa 4/2002 havutse ishyirahamwe ryitwa ADRN-Igihango (page 104), iryo shyirahamwe ryari rigizwe n'amashyirahamwe FDLR+ Nattion- Imbaga+ Arena.

Kuri page 186 y'ikimenyetso nari natanze m'urukiko, hagaragaraho abashyizeho ishyirahamwe Nation-Imbaga. Maitre Kamali na Mpatswenumugabo ntibatinzemo bahise bavamo igihe igihe bashyiraga hamwe na FDLR. Mushayidi,Dr Ndahimana na Major Ntashamaje nabo bahise babireka igihe havutse ikibazo muri ADRN-Igihango.
Dr Ndahimana ntiyigeze asubiza mubikorwa politique, Deo mushayidi yahise ashyiraho indi organization yitwa PDN.(kureba page 181 kukimenyetso natanze), iyi yashyizeho yakoranye na Alliance na CAN-Ubumwe bashyira ho partenariat-intwari mumwaka wa 2005 juste FDLR imaze gucika mo ibice (kureba page 191 kukimenyetso natanze).Major Ntashamaje we yari yagiye murindi shyirahamwe ryitwa RPR naryo ryakoranaga na RUD-urunana.

+ page 24 y'imyanzuro y'ubushinjacyaha isubiza ubujurire bwanjye,basobanura ko FDU-Inkingi atariyo yashatse gushyiraho umutwe w'ingabo ahubwo ko arinjye kandi ko babigaragaje.

- Ibimenyetso byose ubushinjacyaha bwatanze m'urukiko, n'igihe twaburanaga bemezaga ko umutwe wagisirikare nashyizeho ari uwa FDU-inkingi. Uyu munsi tuburana umutwe w'ingabo ntibabashije kuwugaragaza, none bageze n'aho bavuga ko atari FDU-Inkingi ahubwo ko ibyakozwe arinjye wabikoze,kugiti cyanjye.

None se ubushinjacyaha iyi nyandiko ya le 24/ Gashyantare, yo hari ubwo basanze yanditse mw'izina ryanjye? Bo ubwabo baremeza ko ngo ari inama ihuriwe ho n'imitwe ya politike inyuranye, hano nta muntu uvugwa kugiti cye, iyo nama

ivugwa ubuchinjacyaha ntibwigeze bugaragaza ko yabayeho, ngo batange n'ikimenyetso cy'uko iyo nama nari nyirimo.

Ubushinjacyaha bugakomeza kwemeza ko hari ihuriro ryariho rigizwe na FDLR n'indi mitwe ya Politique, ngo bigaragara muri iyi nyandiko ya le 24/ Gashyantare. Procureur Mukurarinda azi igifaransa munyandiko yanditse mo: les organisations membres seraient: UFDR, ADR, les deux FDLR....Byumvikana ko abakoze iyi nyandiko bari mu gateganyo, ntabwo bavuga ko ryagiyeho. Iri huriro procureur aramutse yemeza ko ririho ntavuga, Ribahe? Ryakoze iki? Ryakoze he? Mpurira he nabyo?

Nta kimenyetso na kimwe cyatanzwe m'urukiko gihura n'ibyanditse muri iyi nyandiko yiswe iya le 24/Gashyantare.

-Ubushinjacyaha k'urupapuro rwa 55 mu myanzuro isubiza ubujurire bwanjye aho yemeza ko abantu bazi ko bazakoresha umutwe wa gisirikare babihisha, ngo nkaba nanjye narahishe amazina yanjye n'abo dukorana ngo n'iyo menya ko nari gusakwa ntari kubika izi mpapuro.

- ❖ Hari indi mitwe itavuga rumwe n'ubutegetsi bw'u Rwanda yahise mo inzira za gisirikare kandi yabivuze kumugaragaro. None njye se kuki nari kubihisha iyo biba inzira nahisemo?
- ❖ Ubushunjacyaha ndabona bwivuguruza aho bwemeza ko nahishe amazina yanjye hamwe n'abo dukorana. Kandi nibwo bwavuze ko ndi umuntu usanzwe uzi, none bwamenye ko nzwi nte niba nkora nihisha? Abo dukorana nabo bakorera kumugaragaro n'ikimenyimenyi bamwe muribo ubushinjacyaha bwagize icyo bubivugaho m'urukiko aho bashatse kubaharabika bavuga ko ari abajenosideri.

- Izi mpapuro sizo zonyine zari muri archive iwanjye.Harimo n'izindi kandi nazo nziko zidasinye zivuga ku mitwe yitwara gisirikare ya hano mukarere. Procureur Ruberwa wamaze iminsi irenga 13 muri Hollande asoma impapuro zari muri archives yanjye yarabibonye, kandi iyo ajya kubonamo ikintu kirebana n'ibikorwa by'iterabwoba kindeba kugiti cyanjye, nti yari kubura gusaba ko nacyo cyoherezwa , kuba ntacyo yabonye n'uko ntacyo nari nahishe, kuba tract arizo yakuyemo akazana ni uko ntakindi kimenyetso yabonye. None se ubu iyi nyandiko ya le 24/Gashyantare ni ikimenyetso kigaragaza ukuhe kuri?

  -Ibihe bikorwa by'iterabwoba byabaye none iyi nyandiko ikaba yaraje kugaragaza uruhare rwanjye muri ibyo bikorwa?

  -Ibihe bimenyetso ubushinjacyaha bwatanze byerekana ibikorwa by'iterabwoba byabaye n'uruhare rwanjye muri ibyo bikorwa noneho iyi nyandiko ikaza iza kubyuzuza?

  -Ubushinjacyaha buti Ingabire yaburanye ahakana ibyo aregwa nta kimenyetso gishyigikira imvugo ze atanga uretse amaraporo yatanze.None se ubushinjacyaha burasanga butivuguruza? None se izo raporo natanze zari iz'iki?
- Ingingo ya 44, ubushinjacyaha bukoresha igika cyayo cyambere bagira bati: <u>Iyo ubushinjacyaha bwiregeye umuburanyi nibo bagomba gutanga ibimenyetso byemeza icyaha.</u>
- Ubushinjacyaha ntabwo bwagaragaje icyaha cy'iterabwoba cyakozwe ngo iyi nyandiko ya le 24/ Gashyantare ibe ari ikimenyetso cyemeza icyaha. Ngasaba urukiko rw'ikirenga gutesha agaciro ibisobanuro byose byatanzwe n'ubushinjacyaha kuri iyi nyandiko.

F.2 Inyandiko yitwa plan d'action a l'interieur du pays.

Ingingo z'ubujurire bwanjye kuri nyandiko nazo ni eshatu, kandi ubushinjacyaha ntibwigeze buzisubiza.

1) Iyi nyandiko yagombaga gukoresha nk'uko urukiko rwo muri Hollande rwari rwabifasheho umwanzuro, kandi hakanubahirizwa amasezerano yakozwe hagati y'ibihugu byombi.

2) Iyi nyandiko nayo ni tract.

3) Mumyanzuro y'ubujurire bwanjye page 26 a 27 nagaragaje ko ibiri muri iyi nyandiko bitahuzwa n'ibimenyetso bya e-mail cyangwa declarations zabo turegwa hamwe kuko ntaho bihurira.

Ibimenyetso natanze m'urukiko byerekana ko ibivugwa muri iyi nyandiko bitatwitirirwa kuko ntaho bihuriye na gahunda z'ishyaka rya FDU-Inkingi. Ibyo bimenyetso ni nka Programme politique ya FDU-Inkingi.

-Hari n'inyandiko yatanzwe n'ubushinjacyaha yitwa '' projet d'education a la citoyennete'' nayo igaragaza ko nta gahunda yo guteza akavuyo ihari.

-Hari n'ubuhamya bwa Phocas Nsabimana umutangabuhamya wazanywe na procureur,yasobanuye abatorwa nk'abarwanashyaka ba FDU-Inkingi. Binyuranye cyane n'ibiri muri iyi nyandiko ya Procureur, yatanze nk'ikimenyetso.

Ubuhamya bwe buri mo no mumyanzuro y'ubushinjacyaha asubiza ubujurire bwanjye (page 65), bisobanuye ko ubushinjacyaha bwemera ubwo buhamya kuko batabuvuguruje. None se nigute ubushinjacyaha busubira inyuma bukavuga ko twagombaga gukorana n'abarakare, abafite umujinya n'inzika, abantu bitwara

nk'ibyihebe? Mugihe bumvise ubuhamya bwa Nsabimana usobanura abo yashakaga nk'abayoboke ba FDU-Inkingi?

None se ubushinjacyaha buhera he bwemeza ko nta bimenyetso natanze cyangwa ko ntabashije kwisobanura? Ahubwo ubushinjacyaha nibwo butashoboye kugira icyo busobanura kumpamvu eshatu z'ubujurire bwanjye, bagahitamo kwandukura abyo bari baranditse muri acte d'accusation.

- Ubushinjacyaha mumyanzuro yabo busubiza ubujurire bwanjye kuri page 59 bazanye ingingo ntigeze njuririra. Ni inyandiko iri kuri C149 hari aho nanditse Dieudonne.Igihe twaburanaga ubushinjacyaha buvuga ko ubwo iryo zina riri imbere y'ahanditse Nord bivuze ko Nord nayishinze Muhima Muhindo Dieudonne.Nabajije ubushinjacyaha kutwereka aho byanditse,barahabura.Urukiko ntacyo rwavuze kuri iyi nyandiko, kandi nanjye sinayijuririye, ubushinjacyaha kukivuga hano ntamumaro. Ubushinjacyaha bwanzura buvuga ko kuba naranze gusobanura uko izi tract zageze iwanjye bigaragaza ko ntagushidikanya ko njye n'abo dufatanyije twari dufite umugambi wo kugirira nabi ubutegetsi.

- Ubushinjacyaha aha burashaka kuyobya uburari:

  -Sinanze gusobanura iby'izi tract

  -Abo dufatanije barimo Phocas Nsabimana yasobanuye m'urukiko ko gahunda yacu ari anzira ya demokarasi.

  -Abandi dufatanyije b'abarakare, b'ibyihebe ni bande ubushinjacyaha butagaragaje?

  -Abo turegawa hamwe, ibyaha byo gutera u Rwanda,ibikorwa by'iterabwoba babaye mo kandi urukiko rukabibahamya njye rwasanze ntaruhare mbifite mo.

-Icyaha cy'ubugambanyi narakijuririye kuko bitumvikana ko nagambana n'umuntu tutari m'umutwe umwe wa politiki, tuva mu mitwe ibiri inyuranye ngo duhurire k'umugambi w'ubugambanyi, ari we nta burenganzira afite bwo gufata ibyemezo, nanjye ntashobora gushyira mu bikorwa gahunda itari iyishyaka.

- Ndasaba urukiko rw'ikirenga gutesha agaciro ibyo ubushinjacyaha bwatanze nk'ibisobanuro k'ubujurire bwanjye kubirebana n'iyi nyandiko yiswe ''plan d'action a l'interieure du pays.''

C) Abacamanza ntibahaye uburemere bumwe imvugo z'ababuranyi. Ubushinjacyaha busubiza iyi ngingo y'ubujurire, bwagarutse kumvugo bwakoresheje n'ubundi mw'iburana muri Haute Court ko dufite indimi ebyiri. Iyo tuvugira k'umugaragaro ibijyanye na democratie n'amahoro, n'indi ngo tuvuga twihishe hakoreshejwe amanama yihishe, e-mail, telefoni.

Iyi mvugo ya Procureur usibye kuba isebanya ariko nta kuri kurimo.

a) Iyihe nama nakoreye mumahanga igamije gukoraho ubutegetsi hakoreshejwe imbaraga za gisirikare? Nayikoreye he? Ryari? Ndikumwe nande? Ibibibazo byose nta kimenyetso ubushinjacyaha bwabitangiye.

b) E-mail: ikibazo cya e-mail nakivuze ho bihagije; inenge twatanze m'ubujurire ntacyo ubushinjacyaha bwigeze buzisubiza ho.Bwiyemereye ko hari n'ibyongerewe kuri e-mail C441, kandi ntibasobanuye uko babyongeyeho n'impamvu babyongeye ho. E-mail zari zatanzwe nk'ibimenyetso byo gushimangira imvugo z'abo tureganwa ko twahuye, ko twahungabanyije umutekano w'igihugu, ko nabaguriye ntwaro, ko nakoze recrutement y'abagomba gutozwa kuza guhungabanya amutekano.
Ibi byose ari ubushinjacyaha, ari abavuga ko batanze izo za e-mail bose

tuburana bemeje ko ibikorwa birimo muri izo za e-mail bitabayeho, ibindi ari inkuru zo gushyushya abantu umutwe, ibindi ko ari ibinyoma. Ndetse ibimenyetso byavuye Hollande na RDC byagaragaje ko ibivugwa n'ubushinjacyaha n'abo tureganwa ataribyo.

c) Telefoni: Mumyanzuro y'ubushinjachaha isubiza ubujurire bwanjye kuri page 29, ntibigeze bagaragaza ikimenyetso cy'uko hari contact telephonique nagiranye n'abo tureganwa icyo bagaragarije urukiko niza hypotheses,aho bagiraga bati: ashobora kuba yarahamagaye akoresheje cabinet publique za telefoni. Ariko nasobanuye haruguru ko impamvu zose ubushinjacyaha bwashubije ubujurire kuri iki kibazo cya telephone ntashingiro bifite.

- Ubushinjacyaha burihandagaza mumyanzuro yabwo page 60 bukemeza ngo ''bageze mu Rwanda bakomeje ibikorwa byabo bigize icyaha barafatwa''. Igitangaje, ubushinjacyaha usibye kwandika ibi, ntagikorwa nakimwe bwagaragarije urukiko rw'ikirenga naba narakoze ngeze mu Rwanda cyo gukuraho ubutegetsi hakoreshejwe iterabwoba n'intambara.Igihe bwisobanuraga urukiko rwababajije ibyo bikorwa bavuga ko biri mumyanzuro, ariko ntagikorwa nakimwe bagaragaje, barinze barangiza kwisobanura.

  -Ubushinjavyaha kuri page 61, bukomeza busa n'ubwemeza ko Discours zanjye na documents z'ishyaka zivuga iby'amahoro, Demokarasi bitahabwa agaciro, ariko imvugo z'abo muri FDLR zo zigahabwa agaciro.

  Aha niho hari ipfundo ry'ubujurire bwanjye

- Imvugo z'abo tureganwa hamwe,ibirego by'ubushinjacyaha n'ibimenyetso byaza e-mail na transfert y'amafaranga byahurizaga ku kintu kimwe: gushaka kwerekana ko njye n'ishyaka ryanjye dushaka kugera k'ubutegetsi hakoreshejwe imbaraga za gisirikare, intambara n'iterabwoba.

Imvugo y'ubushinjacyaha ikavuga ko ntigeze nisobanura ngo ntange n'ibimenyetso. Ibintu byose nabyisobanuyeho nerekana uburyo izo mvugo zivuguruzanya n'ibindi bimenyetso byose byatanzwe aho kuzuzanya. Ntanga ibimenyetso birimo Charte constitutive y'ishyaka, ntanga projet ya programme politique y'ishyaka byose byerekana umurongo w'ishyaka. Hejuru y'ibi nerekanye ko nagarutse mugihugu cyanjye ngatangira gahunda yo kwandikisha ishyaka, bakanga kuryandika ahubwo bagahitamo kumfunga.

-Ubushinjacyaha mubimenyetso bwatanze n'impamvu buvuga ko nashakaga ingabo bwari ukugirango habe imishyikirano na leta (dialogue), ubundi ko bwari ukugirango ngere k'ubutegetsi binyuze m'ugukoresha intambara n'iterabwoba.

Ariko hari ibibazo ari ubushinjacyaha ari abo turegwa hamwe batashubije:

a) None se natahutse mu Rwanda hari ibiganiro byabanje kuba hagati yacu na leta?

b) None se narinje mu Rwanda gutangiza intambara mu gihugu nkirimo? Cyangwa nari kuyitangiza ndi hanze?

c) Nari kuba nshaka gukoresha intambara n'iterabwoba kugirango ngere k'ubutegetsi nkaza gusaba ko ishyaka ryanjye ryandikwa, no gushaka kujya mumatora y'umukuru w'igihugu?

d) Nonese iyo ntambara bumva nari kuyitangiza ryari?

Ibi bibazo byose ntacyo ubushinjacyaha bwashoboraga kubisubizaho, kuko ibikorwa bandega nakoze mubwihisho ntanakimwe bagaragaza cyakozwe, ariko njye nerekana usibye za discours et autres documents ibyo nakoze bigana amahoro na demokarasi nemera.

a) Naratahutse nk'umunyarwanda wese ukunda igihugu cye, nje gukorera igihugu cyanjye.

b) Ngeze mu gihugu natangije ibikorwa byanjye bya politiki, leta inkora mu nkokora bambuza kubikomeza baramfunga.

3) Ibimenyetso byavuye k'uruhande rw'ubushinjacyaha bwashoboraga bushinjura ntibyahawe agaciro.

Impamvu nyamukuru y'ubujurire bwanjye kuri iyi ngingo ni ukwerekana ko urukiko rukuru batahaye agaciro andi makuru avuguruza ibyo ubushinjacyaha bwandegaga.

-Ubushinjacyaha bugendeye kumvugo z'abo tureganwa bwemezaga ko navuganaga nabo kuri telefoni, ndetse naboherererezaga amafaranga hakoreshejwe abandi bantu akaba arinjye ubabwira uko bajya kuyafata.

- Nta kimenyetso cyerekanywe m'urukiko cyerekana izo contacts telephonique zabayeho.
- Vital na Mujawayezu bagera aho bemeza ko uwohereje amafaranga ari nawe wahamagaye .
- Document yitwa ''projet d'education a la citoyennete'' Iyi nyandiko abacamanza ntibayisuzumye ngo bayihe agaciro kayo. Kuko niba ubushijacyaha bundega gushaka gukuraho ubutegetsi ngo dukoresheje abarakare, n'ibindi byose ubushinjacyaha bwavuze bisebanya hakaboneka inyandiko nk'iyi kuki idahabwa agaciro? Ikindi kuri iyi nyandiko iri munyandiko eshatu Hollande yohereje mu Rwanda. Ubushinjacyaha buvuga ko ngo bwayitanze kugirango bugaragaze ko ngira indimi ebyiri, ko hari ibyo dutangaza byiza n'ibibi duhisha. Ndagirango mbwire urukiko ko iyi document nayo ubushinjacyaha bwayisanze muri archive iwanjye.

Ni document interne ya FDU-Inkingi itarigenewe publique. Igaragaramo approaches na strategies z'ishyaka rya FDU-Inkingi,kugirango rishinge imizi mugihugu. Iyi nyandiko igaragara ko ari iy'ishyaka rya FDU-Inkingi kuko yanditse k'urupapuro ruriho ibirango by'ishyaka. Sinemeranywa n'icyemezo cy'urukiko cyayimye agaciro kayo, ahubwo agaciro kagahabwa za tracts.

- Nonese iyi nyandiko ntiyerekana neza icyo twateganyaga gukora ngo tugere k'ubutegetsi twifuza? Kuki ubushinjacyaha bwumva ibyanditse mo bitahabwa agaciro? Maze tracts akaba arizo zihabwa agaciro?
  Cyane ko naje mu Rwanda nje gushyira mubikorwa ibiri muri iyi nyandiko, nkaba nanerekana ko n'ibirimo nabitangije kubishyira mubikorwa kuko nubwo banze kwandika ishyaka ryacu, bakamfunga, ariko ishyaka rirahari. Nono se m'urubanza hari igikorwa nakimwe ubushinjacyaha bwagaragaje nakoze kiri muri ziriya tracts?

4) Ubuhamya bwatanzwe na Nsabimana Phocas ikintu kitumvikana mumyanzuro y'ubushinjacyaha kuri iyi ngingo y'ubujurire bwanjye (page 65 a 67), ubushinjacyaha bwirengagiza principe yo gushinja no gushinjura. Kandi nyamara ubwo bushinjacyaha nibwo bwibutsa icyo ingingo ya 44 y'imiburanishirize y'imanza nshinjabyaha mu gika cya gatatu ivuga. ......ko iyo icyaha cyabonewe ibimenyetso bikigaragaza, ugishinjwa yerekana impamvu zose yireguza......

Kuki ubushinjacyaha bwifuza ko amakuru yose Nsabimana Phocas yatanze m'urukiko, amwe yakirwa agakoreshwa andi ntakoreshwe? Ubushinjacyaha mumyanzuro yabwo page 65 ntibuhakana ko Nsabimana Phocas atavuze ariya magambo. Kandi ubwo buhamya bwe buvuguruza imvugo z'abo tureganwa n'ibimenyetso byatanzwe m'urukiko, n'ikirego cya Procureur cyo gushaka kugera

k'ubutegetsi hakoreshejwe intambara n'iterabwoba kandi akagaragaza ko izo gahunda z'amahoro za FDU-Inkingi yatangiye kuzigezwaho kuva muri 2008, aho yasabye kwinjira muri FDU-Inkingi.

5) Ubuhamya bwa Lt Col Habimana nabuvuzeho nsubiza commentaires za Procuruer n'abavoka b'abo turegwanwa kubatangabuhamya simbigarukaho.

Umushinjacyaha asubiza imyanzuroyatanzwe na Me Gatera kuri iki kirego cy'ubugambanyi hari ingingo yavuze nifuza gusubiza.

- Ko mu miburanire yacu ku rwego rwa mbere habaye des manoeuvres zo kugirango urubanza ruhabwe isura ya poritiki. Usibye ko ubushinjacyaha butagaragaza impamvu n'imwe n'inyungu nagira urubanza ari politiki cyangwa Atari politiiki. Icyingenzi ubushinjacyaha bwirengagije ni uko bwa mbere mu kwezi kwa 4/2010 bunshyikiriza urukiko, bavuze ko bandega nk'umunyapolitiki washatse kwiyamamaza k'umwanya wa president wa repuburika ngo nkoresheje ibikorwa byo guhungabanya umutekano ngo ngere k'ubutegetsi (C30, acte d'accusation).
  Ikirego ubwacyo ni politiki,na debat zabaye m'urubanza zose zari politiki,kuko bandega gushaka kugera k'ubutegetsi nkoresheje iterabwoba n'intambara, njye nkerekana ko nifuza ubutegetsi binyuze munzira za demokarasi. None ni gute uru rubanza rutaba politiki?

- Ko habayeho guharabika inzego z'ubutabera n'ubundi buyobozi. Rapport zakozwe n'imiryango yigenga yari yakurikiranye urubanza. Ndibutsa ko urubanza rwabaye m'uruhame, abantu barukurikiye.Buri wese akaba uko yarukurikiye agira na appreciation ye. Ntabwo rapport zakozwe k'urubanza

rwanjye arinjye cyangwa abavoka banjye bigomba kugerekwaho, abantu bafite uko bitwaye m'urubanza, abandi babyandikaho. Kuruhande rwacu ibyakozwe kandi bitadushimishije twarabijuririye.

-Urundi rwego rwakunzwe kuvugwa muri uru rubanza ni urwego rw'iperereza rya gisirikare.

- ❖ Lt Col Nditurende aburana yavuze ko yabonanye n'abantu bo munzego z'iperereza rya gisirikare igihe yari afungiye mukigo cya Kami. Ko bamubajije incuro zigera kuri eshatu ibirebana n'ibikorwa bye byagisirikare.Yemeza ko ntawigeze amubaza ibirebana nanjye.
  Nta PV d'audition yagaragajwe m'urubanza ngo tumenye ibyo yabajijwe n'ibyo yashubije.
- ❖ Ubushinjacyaha bwemera ko bwakoresheje amakuru bwahawe n'inzego z'iperereza zari zifite Lt Col Nditurende kandi ko ntakibuza ko inzego z'iperereza zaba iza gisiviri cyangwa izagisirikare bakorana.
- ❖ Lt Col Habimana yatanze amakuru ko igihe yari afungiye i Kami na Vital inzego z'iperereza zaje kubasaba kuzanshinja ko nakoranaga na FDLR.
- ❖ Umutangabuhamya AA,yatanze ubuhamya bw'uko yumvise ibiganiro hagati y'umusirikare ushakisha amakuru wakoraga i Mutobo n'abandi bantu bari bavuye i Kigali hamwe na Vital,bamusaba kuzajya avuga ko nakoranaga na FDLR.
  None ubushinjacyaha busanga iburana ryari gukorwa rite igihe urwego rw'iperereza rya gisirikare ruri munzego zagize aho zihurira na bamwe mubaburanyi, harimo n'ubushinjacyaha ubwabwo? Ntawigeze atuka urwo rwego. Abantu bavuze ibyo bazi bagahamya ko byabaye, uhereye no kuri Procureur ubwe.

➢ Inyungu naba narimfite muguhagarika kuburana. Procureur Ruberwa yatanze impamvu eshatu:

1) Nananiwe kwisobanura ku bimenyetso.

Aha Procureur Ruberwa yirengagije ko nta kimenyetso nakimwe batanze m'urukiko ntisobanuyeho kandi ngaragaza ko ndegwa ibyaha bitabayeho ntakoze. Natanze urugero rw'uko yandeze guhungabanya umutekano w'igihugu kandi azi neza ko ari ibihimbano.

Hari dossier y'abantu 29 barezwe n'ubushinja cyaha,dossier yabo nkaba numva iri hano muri cour supreme.Abo bantu bamwe muri bo bafashwe mbere yanjye ho amezi arenze atanu. Iyo usomye dossier yabo usanga barahaye procureur Ruberwa amakuru yose,arebana na network y'uburyo inzego zabo zubatse hano mu Rwanda, uko binjiza grenades mu Rwanda kuva muri RDC via Burundi. Aba basirikare bane tureganwa ntaho bari.Yewe n'undi muntu ngo witwa Nzeyimana Paul,Vital yavuze wafatanywe grenade ngo yari yamuhaye arinjye wabahaye amafaranga yo kuzigura ntawe urimo.Iyo network procureur Ruberwa yari afitiye amakuru,bigaragara ko yatangiye kubakwa kuva muri 2005, abo bantu basobanura uko bateye grenade n'aho baziteye.Ariko umushinjacyaha Ruberwa yakoze ikirego akoresheje e-mail iri kuri c387 andega ibikorwa byo gukorana n'abantu bo muri FDLR muguhungabanya umutekano w'igihugu,akoresheje amakuru we na Vital bahimbye. Bahimbye bate?

Reka turebe c387 ni e-mail

-Uwitwa Hirwa yandikiye Kalimba.Murukiko Vital na procureur bemeje ko abo bantu bombi mubyukuri ari umuntu umwe,Vital UWUMUREMYI.Vital yabajijwe impamvu yiyandikiye,ntagisubizo yabiboneye.Twe twasobanuye ko byakorewe ngo abone uko ahimba message zanditse hasi zitwako ari message hagati ya Hirwa n'undi wiyita ISARO Joyeuse tutigeze tumenyako abaho cyangwa niba atari andi mazina ya Vital.Vital asobanura iyi e-mail yavuze ko yasabaga amakuru ya za

grenade zatewe mumujyi nyuma bakamusubiza.Iyo usomye iyo email usanga Hirwa yaranditse message le 05/3/2010 a 12h54, noneho igisubizo kikaza le meme jour ariko mbere yuko message ibaza igenda kuko igisubizo cyaje a 10h24. Aha akaba ariho igihe batanga iyi email bohereje kuri amwe mumazina muri iyo boite bityo bacurikiranya message, iyari kugenda mbere aba ariyo iza nyuma.Muri email birazwi ko iyo wabonye message ushaka kuyohererereza undi,ushobora kuba wakwiyongereramo cyangwa wakwandikamo ibyo ushaka.Ariko ikintu kidahinduka narimwe n'amatariki n'amasaha iyo message wayikoreye ho.Mugifaransa bavuga ko "le diable se cache dans des petits details".Ibintu by'amasaha byabaye ikibazo kuri za mails zose ubushinjacyaha bwatanze muri uru rubanza kuko ni akantu gato batitayeho,kandi koko utabyitayeho ntiwabona difference yizo e-mail photocopies na originaux procureur yatanze muri uru rubanza.

-Iyi e-mail yabaye imprime le 19/10/2010 twibajije uburyo procureur yabonye iyi message kandi Vital yaramaze 5 jours afunzwe kandi mbere baravugaga ko zose bazimufatanye.

Pour une fois procureur yabaye honnete,yemera ko ariwe way'imprima . procureur Ruberwa andega akoresheje e-mail yincurano,Vital yemeza ko aribyo,bombi bazi neza ko ibyo bintu ntakuri kurimo.Icyari kigambiriwe nuko mfungwa nta kindi,nkavanwa mukibuga cyabakora politiki.Kuko maze gufungwa ari procureur,ari Vital bavuze ko ayo makuru ari muri iyo e-mail atari ukuri. Kuribo icyingenzi cyari cyararangiye nari mfunzwe.

Ibi bigaragazwa kandi n'inyandiko za Vital n'umwunganira.

- Imyanzuro uwunganira Vital, Me Murenzi yatanze hano, bigaragara ko tanditswe le 16/4/2012 k'urupapuro rwa 4,igika cya 2 agira ati: Major

Uwumuremyi Vital avuga ko yagize imbaraga nke zo kwitandukanya n'abo bari basanzwe bafatanyije, akaba yarakomeje gukurikirana amakuru yabo ndetse agakomeza gukorana na Ingabire, yabona ko byamukomeranye, ko ashobora gufatwa,agahitamo guhunga bimuviramo gufatwa, akaba yaniyemeje kuvugisha ukuri akanasaba imbabazi.

- Imyanzuro ya Vital asubiza ubujurire bwa Procureur, k'urupapuro rwa kabiri, igika cya gatanu yagize ati: ubushinjacyaha kandi buvuga ko nkurikiranwa kubera ko ndangije ingando nakomeje gukora ibikorwa nk'ibyo nahozemo, ariko nimureba muri copies de Jugement, ndetse no mubujurire bw'ubushinjacyaha murasanga ntaho bagaragaza ibyo bikorwa, bikaba ari amagambo cyangwa ibitekerezo by'ubushinjacyaha bidafitiwe gihamya, bitanashingiye k'ukuri.

- Izi mvugo za Vital n'umwunganira bigaragaza ko igihe baburanaga mu rwego rwa mbere, ibyo bavugaga bari bazi neza ko atari ukuri ,nk'iriya e-mail kuri C387, naza declarations ze, kuko ubwe uyu munsi avuga ko ibyoProcureur avuga nta kuri kurimo.

2) Kugaragaza ko urubanza ari politike. Nabivuzeho haruguru.

3) Avocat E dward wari afite inyungu yo kubikoresha m'urundi rubanza, bityo akaba yarangiriye inama mbi. Mva murubanza Me Edward ntiyari ino ngo tube twarabanje kubiganirah. Ikindi ntanyungu mfitemumanza z'abandi we aburira. Mburana ngo mfungurwe ntago mburana ng les clients ba Avocat banjye abe aribo babyungukiramo.

- Bagaragaje ko mumitwe yose ya politiki nabayemo nabaga mfite igitekerezo cyo gushinga umutwe w'ingabo. Ibi nubwo Procureur Ruberwa azi neza ko ntakuri kurimo, m'ubujurire bwanjye nari nagaragaje ko ntakimenyetso

cyatanzwe m'urukiko cyerekana impamvu yari gutuma ntanga amafaranga yanjye yo guha FDRL/FOCA.

Ubushinjacyaha bwatanze tract yiswe le 24/ gashyantare. Iyi nyandiko nasobanuye atari njyewayanditse. Urebye n'ibivugwamo ntabwo bindeba kugiti cyanjye . Ibitekerezo birimo nabyo ntemera ko aribyo kubera impamvu nasobanuye, zikusanya za organizations zinyuranye ntaho bavuga ko ari umugambi wanjye. Akaba rero ntakimenyetso ubushinjacyaha bwatanze cyerekana ko njye nari mfite gahunda yo gushinga umutwe. Ubushinjacyaha bwemera kandi nanone ko ishyaka FDU-Inkingi nta gahunda yo gushyiraho umutwe wa gisirikare ugira. Kuvamumwaka wa 1998 natangira gukora politiki kugeza mu 10/2010 mfatwa ngafungwa, ntabwo ubushinjacyaha bwagaragaje impamvu impamvu naba narashatse gushyiraho gushyiraho umutwe wa gisirikare ariko bakamfunga uwo mutwe ntawuhari. Icyo gitekerezo cyanjye cyabujijwe n'iki gushyirwa mubikorwa? Ntampamvu nimwe bagaragaje. Igisubizo ni kimwe ni uko ntigeze ngira iyo gahunda yo kugira ingabo.

2) Icyaha cyo gupfobya Geniside.

Ubujurire bwanjye bushingiye kungingo ebyiri

1) Itegeko rihana iki cyaha ntirisobanutse hakaba hari n'umwanzuro urukiko rw'ikirenga rwafashe kuri iki kibazo nsaba ko nahano wafatwa.
2) Ingaruka zo kuba itegeko ridasobanutse.

   Izo ngaruka ni uko ari urukiko rukuru ari na Procureur bakora interpretation itari yo ku bimenyetso byaburanywe ho.

   a) Discour yo kugisozi

b) Art 5(1) Charte constitutive ya FDU-Inkingi

c) Lettre nandikiye New Times nyisaba gusubira mu nyandiko bari batangaje ko navugiye ku Gisozi ko mu Rwanda habaye Jenoside ebyiri kandi ntarabivuze.

Ubushinjacyaha mugusubiza ubujurire buti, imvugo ya Ingabire irazimije.Kuba ubushinjacyaha buvuga gutya ni uko buzi neza ko muri biriya bimenyetso urukiko rukuru rwasuzumye nta nahamwe handitse cyangwa navuze ko mu Rwanda habaye Genocide ebyiri.

Ubushinjacyaha kuba buzi ko ntabyo navuze bwakoze isesengura ngo bwasanzemo imvugo y'uko mu Rwanda habaye Genocides ebyiri.

1. Icyaha cya Genocide ni icyaha cya crime contre l'humanite ngo ni ibyaha bimwe kuko mvuga ko itsembatsemba ryakorewe abahutu ubwo nabyo akaba ari Genocide.
   a) Aha ubushinjacyaha burambeshyera.Sinigeze mvuga ko Genocide na crimes contre l'humanite ari bimwe.Kandi na Procureur yize amategeko nawe azi ko atari ibyaha bimwe.
   b) Ntabwo arinjye wemeje ko crimes zakorewe Abahutu mu Rwanda ari crimes contre l'humanite, ni ibyemejwe na conseil de securite ya l'ONU kandi ninayo yemeje Genocide yakorewe abatutsi.Rapport ya l'ONU S/1994/1125 ibika bya 82,146,148. Ndetse na rapport S/1994/1405 igika cya 44 n'icyi 100.

None Procureur asanga conseil de securite ya ONU ipfobya Genocide y'Abatutsi kandi ari nayo yayemeje?

2)Ubushinjacyaha bukongera gusesengura biriya bimenyetso buti : Ingabire ashyira kurwego rumwe Genocide yakorewe Abatutsi na crimes contre l'humanite zakorewe Abahutu.

a) Aha Procureur arivuguruza. Kuruhande rumwe ati Ingabire ibi byaha abyita bimwe, kurundi ruhande ati arabitandukanya ariko akabishyira kurwego rumwe ndetse akanerekana ko m'urukiko Me Gatera yerekanye ko binyuranye.

b) Ubushinjacyaha buti Ingabire apfobya Genocide yakorewe Abatutsi iyo avuga ko hari na crimes contre l'humanites zakorewe Abahutu. Ati aho yabivugira hose ni icyaha. Iyi position y'ubushinjacyaha iteye ubwoba kuko ubwayo ni inzitizi ku bwiyunge bw'abanyarwanda. None kuki les crimes contre l'humanite zakorewe abahutubitavugwa ngo n'abakoze ibyo byaha babihanirwe?
None abantu bakwiyunga bate igihe uwiciwe wese atashobora kuvuga yatuye mu bwisanzure ko abantu be bishwe? Ntabwo iyi position y'ubushinjacyaha nyemera.

K'uruhande rwanjye nsanga Abanyarwanda bagomba gusobanurirwa neza uburemere bwa buri cyaha, no guhabwa ubwisanzure bwo kubivuga ho nta kwikanga ko ubushinjacyaha bumufunga ngo yapfobeje Genocide yakorewe abatutsi.

3) Ubushinjacyaha bushaka kuyobya urukiko bwemeza ko, iyo mvuze ubwicanyi bw'abahutu mba nemeza ko bwakozwe n'abatutsi.

a) Inyandiko ubushinjacyaha bwishingikirije hano :

-Resolution du III congres du RDR(C1676 a 1678 inyandiko yanditswe mu mwaka w'I 2000)

-La justice international face a la crise Rwandaise(1671 a 1675 yanditswe en 2002).Zose urukiko rukuru rwanze kuzisuzuma kuko zatangajwe

mbere y'uko itegeko rijyaho muri 2003. Kandi zose nta n'imwe ipfobya Jenoside yakorewe Abatutsi.

Iyi nyandiko iri kuri C/680 nayo urukiko rukuru rwarayisuzumye, ariko abacamanza basanze ntabintu by'amacakubiri cyangwa byo gupfobya Jenoside birimo. Impande zombie zayiburanye ho kandi ubushinjacyaha ntibwajuririye umwanzuro urukiko rwayifasheho. Abacamanza basesengura izi nyandiko, basesengura inyandiko yose muri rusange, ntibakura mo akajambo kamwe nk'uko ubushinjacyaha mu myanzuro yabwo kuri page 181,akaba ari strategie bwakoresheje igihe cyose cy'iburana.

b) Ikibazo umuntu yakwibaza : iyo uvuze ngo ingabo z'Abatutsi bo muri FPR, none se uba uvuze ubwoko bwose bw'abatutsi? None se uba uvuze ko FPR bose ari abatutsi? Ubushinjacyaha burayobya urukiko kuko ibintu byagiweho impaka m'urubanza ku rwego rwa mbere, nerekana rapports za l'ONU: S/1994/1405 na S/1994/1125, aho bagiye bakoresha amagambo nka ….des elements Tutsi s'etaient eux aussi livres a des massacres…. Il ya des preuves abondantes des massacres et des persecutions systematiques d'Hutu par l'armee du FPR…

…..il est amplement prouve que des personnes appartenant a l'une et a l'autre partie en conflit arme ont perpetre des crimes contre l'humanite au Rwanda……. De preuves accablantes attestent que des actes de Genocide ont ete commis a l'encontre du groupe Tutsi par des elements Hutu…..

- Nk'uko bigaragara amagambo yakoreshejwe muri izi eapports ntabwo icyaha cyitirirwa ubwoko haba ku Bahutu cyangwa ku Batutsi.
- None se ubushinjacyaha buzi ko hari Abatutsi baba Civil bari armes muri 1994? Igihe twaburanaga ubushinjacyaha ntibwigeze buhakana ibiri muri izi

rapport za conseil de securite de l'ONU, nk'uko bwagiye bwanga izindi rapports zinyuranye natanze m'urubanza.

- Igihe nasobanuraga art 5(1) yo muri charte ya FDU-Inkingi niho navuze ibya Jenoside yakorewe impunzi z'abahutu muri RDC, ko abashyirwa mu majwi ni AFDL n'ingabo z'u Rwanda.

Ndangije nsaba urukiko rw'ikirenga gutesha agaciro ibisobanuro byatanzwe n'ubushinjacyaha k'ubujurire bwanjye rukemeza ko ndi umwere kubyaha nahamijwe n'urukiko rukuru:

1) Gupfobya Genocide
2) Ubugambanyi bugamije kugirira nabi ubutegetsi buriho, n'ingingo z'imena z'itegeko nshinga.

- Procureur ntiyasubije ingingo natanze k'ubujurire bwe bivuze ko yanyuzwe n'ibisobanuro natanze. Ngasaba urukiko rw'ikirenga kuzabiha agaciro. Bityo urukiko rw'ikirenga rukazashimangira icyemezo cyafashwe n'urukiko rukuru kuri ibi byaha ubushinjacyaha bwari bwajuririye, rukemeza ko ndi umwere.
- Ndasaba urukiko rw'ikirenga gufata icyemezo cyo kunsubiza mu buzima busanzwe ngafatanya n'abandi banyarwanda kubaka igihugu.

Murakoze.

Mme Victoire INGABIRE UMUHOZA