

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Umwimerere : **Igifaransa**

N° : **ICC-01/04-02/06**

Itariki: **22/8/2006**

URUGEREKO RUBANZIRIZA IZINDI, ICYUMBA CYA I

Rugizwe na :

**Bwana Umucamanza Claude Jorda, Perezida w'Urugereko
Madamu Akua Kuenyehia, Umucamanza
Madamu Sylvia Steiner, Umucamanza**

Umwanditsi :

Bwana Bruno Cathala

BYEREKEYE REPUBULIKA IHARANIRA DEMOKARASI YA KONGO

URUBANZA

POROKIRERE ABURANA NA BOSCO NTAGANDA

Ibitse mw'ibanga

MANDA YO GUFATA

Ibiro bya porokireri:

Bwana Luis Moreno-Ocampo, Umushinjacyaha

Madamu Fatou Bensouda, Umushinjacyaha Wungirije

Bwana Ekkehard Withopf, Subusititi wa mbere w'Umushinjacyaha

URUGEREKO RUBANZIRIZA IZINDI, ICYUMBA CYA I rw'Urukiko mpuzamahanga mpanabyaha (<Urugereko>),

RUSHINGIYE ku cyifuzo cy'Umushinjacyaha cyo gushyiraho manda yo gufata Bosco Ntaganda, cyatanzwe ku itariki ya 13 Mutarama 2006, ibimenyetso n'andi makuru yatanzwe n'Umushinjacyaha,

RUSHINGIYE ku ngingo ya 19-1 n'iya 58-1 ya Sitati ya Roma,

RUMAZE kubona ko Urukiko ari rwo rufite ububasha bwo kuburanisha Bosco Ntaganda hashingiwe ku bimenyetso n'andi makuru yatanzwe n'umushinjacyaha,

RUMAZE kubona ko hari impamvu zumvikana zakwemeza ko muri Ituri habereye amakimbirane y'igihe kirekire yakoreshejwe intwari hagati ya nyakanga 2002 n'impera za 2003, nibura,

RUMAZE kubona ko hari impamvu zumvikana zatuma umuntu yemera ko hagati ya Nyakanga 2002 n'Ukuboza 2003 abagize umutwe *Forces patriotiques pour la libération du Congo* (FLPC) bandikishije, mu buryo bwikurikiranya, abana bari muni y'inyaka 15 muri uwo mutwe; abo bana bakaba baraherewe imyitozo mu bigo by'imyitozo bya FLPC ahitwa Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro na Sota,

RUMAZE kubona ko hari impamvu zumvikana zatuma umuntu yemera ko hagati ya Nyakanga 2002 n'Ukuboza 2003 abagize umutwe *Forces patriotiques pour la libération du Congo* (FLPC) binjije abana bafite imyaka iri muni ya 15, ku gahato mu buryo bwikurikiranya, mu mutwe wa FLPC. Abo bana bagatorezwa mu bigo by'imyitozo bya FLPC ahitwa Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro na Sota,

RUMAZE kubona ko hari impamvu zumvikana zatuma umuntu yemera ko muri icyo gihe cyavuzwe abagize umutwe wa FLPC bakoresheje, mu buryo bwikurikiranya, abana bari muni y'inyaka 15, ibikorwa bifatika mu mirwano yabereye ahitwa Libi na Mbau mu Kuboza 2002, ahitwa Largu mu ntangiriro z'umwaka wa 2003, i Lipri na Bogoro muri Gashyantare na Werurwe 2003, i Bunia muri Gicurasi 2003 hamwe nah'itwa Djugu na Mongwalu muri Kamena 2003,

RUMAZE kubona ko hari nanone impamvu zumvikana zatumye umuntu yemera ko politiki n'imikorere *Union des patriotes congolais (UPC)* / na *FLPC* bivugwaho yo kwandikisha abana bari muni y'inyaka 15 cyangwa kubinjiza ku gahato muri *FLPC* no kubakoresha ku buryo bufatika mu mirwano byabaye mu gihe hari hariho amakimbirane muri Ituri, akaba ari nayo bagizemo uruhare.

RUMAZE kubona ko hari impamvu zumvikana zatumye umuntu yemera ko hagati ya Nyakanga 2002 n'itariki ya 8 Ukuboza 2003, Bosco Ntaganda yari uwa gatatu mu buyobozi bwa *FLPC*, bitewe nuko yari Umugaba Mukuru Wungirije ushinze ibikorwa bya gisirikare; akaba yari akuriye gusa na Thomas Lubanga, Umugaba Mukuru w'Ikirenga wa *FLPC*, na Floribert Kisembo, Umugaba Mukuru wa *FLPC*; akaba ari we wari ukuriye ku buryo butaziguye aba komanda b'ama segiteri ya *FLPC*, akanayobora, urebye uko ibintu byari byifashe n'amategeko uko yari ameze, abakomanda b'ibigo, abagize umutwe wa *FLPC* batorezwagamo n'aba komanda ba *FLPC* bari mu mirwano,

RUMAZE kubona ko hari impamvu zumvikana zatumye umuntu yemera ko i) Bosco Ntaganda yakoresheje ububasha yari afite muri *FLPC* kugirango politiki n'imikorere byari byemejwe n'urwego rwo hejuru rwa *UPC/FLPC* bishyirwe mu ngiro. Iyo politiki n'imikorere bikaba byari ibyo kwandikisha abana bari muni y'inyaka 15 muri *FLPC* no kwinjiza ku gahato abana bari muri icyo kigero muri uwo mutwe bakabakoresha ku buryo bufatika mu mirwano, no ii) kuba yari azi, n'umutimanama we, uruhare rwe muri *FLPC* kugirango iyo politiki ishyirwe mu bikorwa,

RUMAZE kubona hari impamvu zumvikana zatumye umuntu yemera ko Bosco Ntaganda yajyaga mu bigo by'inyitozo bya *FLPC* aho abana bari muni y'inyaka 15 batorezwaga kugirango babe abasirikare ba *FLPC*, akaba yaranagiye, mu buryo butaziguye, mu bitero abasirikare ba *FLPC* bari muni y'inyaka 15 bagizemo uruhare rufatika,

RUMAZE kubona ko, kubera impamvu zavuzwe haruguru, hari impamvu zumvikana zituma umuntu yemera ko Bosco Ntaganda, hashingiye ku ngingo ya 25-3-a ya Sitati, yaryozwa ibyaha:

- i) icyaha cyo mu ntambara kirangwa no kwandikisha abana bafite inyaka iri muni ya 15 mu gisirikare; gihanwa n'ingingo ya 8-2-b-xxvi cyangwa ingingo ya 8-2-e-vii ya Sitati;
- ii) icyaha cyo mu ntambara, cyo kwinjiza abana bari muni y'inyaka 15 mu gisirikare ku gahato, gihanwa n'ingingo ya 8-2-b-xxvi cyangwa ingingo ya 8-2-vii ya Sitati; n'

- iii) icyaha cyo mu ntambara cyo gutuma abana bari muni y'inyaka 15 bagira uruhare rufatika mu mirwano; icyaha gihanwa n'ingingo ya 8-2-b-xxvi cyangwa ingingo ya 8-2-e-vii ya Sitati;

RUMAZE kubona ko hashingiwe ku ngingo ya 58-1-b ya Sitati, ifatwa rya Bosco Ntaganda ari ngombwa ubu kugira ngo azabashe kwitaba Urukiko nta gisibya kandi ntazabangamire iperereza cyangwa ngo ahungabanye imigendere yaryo,

KUBERA IZO MPAMVU,

RUTANZE

MANDA YO GUFATA BOSCO NTAGANDA. Amafoto ye yometsweho. Akekwa kuba umunyarwanda uri mu kigero cy'inyaka hafi mirongo itatu n'itanu, akanakewaho kuba, mbere y'itariki ya 08 Ukuboza 2003, yari Umugaba Mukuru w'ingabo wungirije ushinze ibikorwa bya gisirikare muri FPLC. Ashobora kuba yaragizwe Umugaba Mukuru wa FLPC ku itariki ya 08 Ukuboza 2003; agakewaho kuba ubungubu ari umwe mu ba komanda ba *Mouvement révolutionnaire du Congo* (MRC), umutwe witwara gisirikare ukorera muri *district* ya Ituri no mu duce tuhegereye kuva mu ntangiriro za 2005, akaba kandi anazwi ku mazina ya Bosco Tanganda, Bosco Ntanganda, Bosco Ntangana, Bosco Ntagenda, Bosco Baganda, Bosco Taganda na '*Le Terminator*'.

/umukono/

**Bwana Umucamanza Claude Jorda,
Perezida w'Urugereko**

/Umukono/

Madamu Umucamanza Akua Kuenyehia

/umukono/

Madamu Umucamanza Sylvia Steiner

Bikozwe kuwa kabiri, tariki ya 22 kanama 2006

I La Haye (Ubuholandi)