

MICT-12-20  
21-03-2014  
(140/ter - 133/ter)

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~~21-03-2014~~  
~~140/bis-133/bis~~

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**UMURYANGO W'ABIBUMBYE**

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Urwego rushinzwe kurangiza imirimo y'Inkiko  
Mpanabyaha Mpuzamahanga

Urubanza n°: MICT-12-20  
Tariki ya 17 Mutarama 2014  
Umwimerere: icyongereza

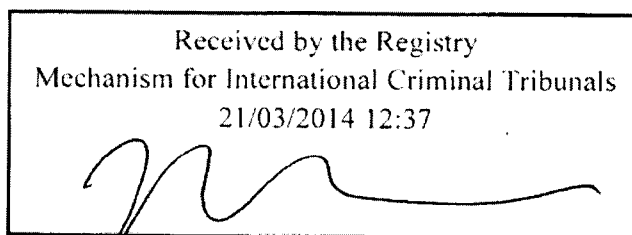
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Kuri: Perezida w'Urwego rushinzwe kurangiza imirimo y'Inkiko Mpanabyaha  
Mpuzamahanga (« MICT »)

Binyujijwe kuri: Gerefīye  
MICT

Byanditswe na: Samuel Algozin  
Umugenzuzi mu rubanza rwa Munyagishari

**Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Ukuboza 2013)**



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## I. INTANGIRIRO

1. Iyi raporo y'ubugenzuzi (« Raporo ») irebana n'ibyakoze mu rubanza rwa Munyagishari mu nkiko zo mu Rwanda n'imishyikirano abagenzuzi bashyizweho na MICT bagiranye n'abafatanyabikorwa batandukanye mu Ukuboza 2013 (« igihe kirebwa n'iyi Raporo »). Muri iki gihe kirebwa n'iyi raporo, umugenzuzi wakoze raporo ari we Samuel Algozin yagiye mu Rwanda inshuro imwe<sup>1</sup>.

## II. RAPORO MU MAGAMBO ARAMBUYE

### A. *Ibiganiro n'Ubushinjacyaha ku itariki ya 12 Ukuboza 2013*

2. Ku itariki ya 12 Ukuboza 2013, nabonanye na Kabasinga Florida, umujyanama mu by'amategeko w'Umushinjacyaha Mukuru na Jean Bosco Mutangana, Umushinjacyaha ukuriye abandi mu rubanza rwa Munyagishari.
3. Mutangana yavuze ko ku itariki ya 5 Ugushyingo 2013, Ubushinjacyaha bwashyikirije Urukiko Rukuru Inyandiko y'ibirego n'imigereka yayo mu rubanza rwa Munyagishari. Mutangana yavuze ko, ku itariki ya 20 Ukwakira 2013, mbere yo gutanga Inyandiko y'ibirego, Ubushinjacyaha bwabonye ibaruwa yoherejwe na Jean Baptiste Niyibizi, avoka wunganira Munyagishari Bernard, isaba ko iyo Nyandiko y'ibirego iboneka mu rurimi rw'igifaransa, bitaba ibyo Munyagishari agafungurwa. Ubushinjacyaha bwashubije ibaruwa ya Niyibizi ku itariki ya 5 Ukuboza bukoreshije ubutumwa bwa elegitoroniki « email » bumumenyesha ko ikibazo cyashyikirijwe Urukiko Rukuru, ko bityo Ubushinjacyaha nta cyo rushobora kugikoraho buri bwonyine.
4. Mutangana yavuze ko ku itariki ya 14 Ugushyingo 2013, Niyibizi yongeye kwandikira Ubushinjacyaha ibaruwa. Muri iyo baruwa, yemeraga ko yashyikirijwe Inyandiko

<sup>1</sup> Mu gihe cy'urwo ruzinduko, hakoze kandi n'ubugenzuzi mu rubanza rwa Jean Bosco Uwinkindi.

y'ibirego n'imigereka yayo, yongerera gusaba ko izo Nyandiko zihindurwa mu gifaransa, yibutsa ibikubiye mu Ngingo ya 5 y'Itegeko Nshinga ry'u Rwanda<sup>2</sup>, Ingingo ya 14 (3) (a) y'Amasezerano Mpuzamahanga arengera uburenganzira bwo mu rwego rw'imbonezamubano na politiki<sup>3</sup>, Ingingo ya 25 y'igitabo cy'amategeko y'u Rwanda agenga imiburanishirize y'imanza z'inshinjabyaha<sup>4</sup> n'Ingingo ya 14 (3) y'Itegeko rigena kwimurira imanza mu Rwanda, Itegeko ryo ku itariki ya 16 Kamena 2013<sup>5</sup>. Mutangana yavuze ko igisubizo ku ibaruwa ya Niyibizi cyari hafi gutangwa.

5. Mutangana yavuze ko icyemezo cyafashwe n'Urukiko rw'Ibanze cyo kuburanisha urubanza rwa Munyagishari mu kinyarwanda kigifite agaciro<sup>6</sup>. Igihe hazaba hataraboneka icyemezo kikivuguruzwa gifashwe n'Urukiko Rukuru, Ubushinjacyaha buzagenda ku cyemezo cyafashwe n'Urukiko rw'ibanze.

<sup>2</sup> Ingingo ya 5 y'Itegeko Nshinga iteganya ibi bikurikira : « Ururimi rw'igihugu ni Ikinyarwanda. Indimi zikoreshwa mu butegetsi ni Ikinyarwanda, Igifaransa n'Icyongereza ».

<sup>3</sup> Ingingo ya 14 (3) (a) y'Amasezerano Mpuzamahanga arengera uburenganzira bwo mu rwego mbonezamubano na politiki, mu bice bya ngombwa bijyanye n'ibivugwa hano ateganya ibi bikurikira: « Mu rwego rwo gufata umwanzuro ku kirego cyose nshinjabyaha, ukiregwa wese, nta kuvangura, agomba guhabwa nibura uburenganzira bukurikira : a) kumenyeshwa bidatinze, mu rurimi yumva kandi mu magambo arambuye, imiterere n'ishingiro ry'iby aregwa »..

<sup>4</sup> Ingingo ya 25 y'igitabo cy'amategeko agenga imiburanishirize y'imanza z'inshinjabyaha, tariki ya 8 Nyakanga 2013, mu bice bijyanye n'ibivugwa hano ivuga ibikurikira : « umugenzacyaha abaza ukekwa ko yakoze icyaha kandi agashyira mu nyandiko ibisobanuro bye. Ibazwa rikorwa mu rurimi ubazwa yumva neza».

<sup>5</sup> Ingingo ya 14 (3) y'itegeko N° 47/2013 ryo ku itariki ya 16 Kamena 2013 rigena kwimuririra imanza muri Repubulika y'u Rwanda riteganya ko imfungwa ziregwa mu rubanza rwimurirwa mu Rwanda « zimenyeshwa bidatinze mu rurimi yumva kandi mu magambo arambuye imiterere n'ishingiro y'iby ziregwa »

<sup>6</sup> Ku bisobanuro by'inyongera birebana n'iki cyemezo, reba Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Nzeri 2013) (« Raporo y'ubugenzuzi yo muri Nzeri»), 31 Ukwakira 2013, ibika 5-38.

***B. Ibiganiro n'Umuyobozi wa Gereza ku itariki ya 13 Ukuboza 2013***

6. Ku itariki ya 13 Ukuboza 2013, nabonanye na Alex Murenzi, umuyobozi mushya wa Gereza nkuru ya Kigali, wasimbuye Rusa Gahima kuri uwo mwanya. Kubera ko yari inshuro ya mbere jyewe na Murenzi tubonana, nta bintu bikomeye twaganiriye kandi nta cyo nanditse. Murenzi kandi yanyorohereje ibyerekeye kubonana na Munyagishari uwo munsu.

***C. Ibiganiro na Munyagishari ku itariki ya 13 Ukuboza 2013***

7. Ku itariki ya 13 Ukuboza 2013, nabonanye na Munyagishari kuri Gereza.
8. Munyagishari yaduhaye ibaruwa yohererejwe na Gerefiye w'Urukiko Rukuru yo ku itariki ya 20 Ugushyingo 2013, imusaba gutanga urutonde rw'amazina y'abatangabuhamya ateganya kuzahamagaza mu rubanza hamwe n'ahantu baherereye, bitarenze ku itariki ya 20 Ukuboza 2013. Munyagishari yaduhaye kopi y'igisubizo cyo ku itariki ya 16 Ukuboza 2013, Avoka umwunganira yoherereje Gerefiye. icyo gisubizo cyavugaga ko Ubwunganizi bwa Munyagishari bugitegereje Inyandiko y'ibirego n'imigereka yayo mu gifaransa, kandi ko ikipe y'Ubwunganizi yuzuye itarajyaho. Ikindi kandi, icyo baruwa y'igisubizo yavugaga ko Ubwunganizi bwa Munyagishari buzakenera imyaka itatu yo gutegura urubanza, bitewe n'ingano y'Inyandiko y'ibirego n'imigereka yayo kimwe no kuba iperereza mu rubanza rwa Munyagishari rimaze imyaka 19 rikorwa.

9. Tubonana na Munyagishari, yongeye kuvuga ko asanga urubanza rwe rugomba kuburanishwa mu gifaransa aho kuba mu kinyarwanda<sup>7</sup>. Mu rwego rwo gushyigikira ibyo avuga, Munyagishari yavuze ku nyandikomvugo y'ibazwa ryakozwe n'umukozi wo mu giporisi cy'u Rwanda ku itariki ya 25 Nyakanga 2013, amaze koherezwa mu Rwanda<sup>8</sup>. Munyagishari yibukije ko iyo nyandiko y'ibazwa yavugaga mu magambo asobanutse ko afite uburenganzira bwo guhitamo kubazwa mu gifaransa. Munyagishari yavuze ko nyuma y'ibyo yaje kubazwa mu gifaransa, icyakora uwo muporisi akaba yarakoze iyo nyandikomvugo y'ibazwa mu kinyarwanda. Munyagishari yavuze ko yanze gusinya iyo nyandiko y'ibazwa kubera ko yari yanditse mu kinyarwanda kandi atumva urwo rurimi.
10. Munyagishari yongeye kuvuga ko afite ubwenegihugu bw'Umunyekongo<sup>9</sup> anavuga ko urukiko rukwiye koherezwa abantu kujya gukora iperereza rigamije kumenya niba koko afite ubwenegihugu yemeza ko afite.
11. Munyagishari avuga ko Ubushinjacyaha buvuga ko yafashwe ku itariki ya 24 Nyakanga 2013 ubwo yoherezwaga mu Rwanda. We avuga ko mu by'ukuri ifungwa rye ryatangiyeye ku itariki ya 24 Gicurasi 2011, ubwo yafatwaga n'abategetsi bo muri Kongo. Munyagishari yavuze ko iki kibazo kigomba gusobanuka.
12. Munyagishari avuga ko ba avoka be nta mafaranga babonye kubera imirimo bakora mu izina rye, kandi ko nta masezerano ubu bafite agaragaza ko bamwunganira. Munyagishari yavuze ko ikipe y'abamwunganira ikeneye guhabwa amafaranga ahagije kugira ngo habeho urubanza ruboneye, kandi ko kudatanga amafaranga ahagije binyuranyije n'iby'u Rwanda rwasezeranyije TPIR kuzakora ubwo rwasabaga ko urubanza rwe rwoherezwa mu Rwanda.

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<sup>7</sup> Reba Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Ukwakira na Ugushyingo 2013), 20 Ukuboza 2013 (« Raporo y'ubugenzuzi yo mu Ukwakira n'Ugushyingo »), igika cya 5.

<sup>8</sup> Munyagishari yaduhaye kopi y'iyo nyandikomvugo y'ibazwa.

<sup>9</sup> Reba Raporo y'Ubugenzuzi yo mu Ukwakira n'Ugushyingo, igika cya 5.

13. Ku birebana n'imibereho yo muri Gereza, Munyagishari yavuze ko uburyo yavuwe bidahagije. Nta mudogiteri uba kuri Gereza kandi abafomokazi ntibemerewe gutanga imiti. Munyagishari yavuze ko imfungwa zose ziri mu gipango cyihariye cya Gereza<sup>10</sup> zose zirwaye. Kuba nta mudogiteri ukorera kuri gereza bituma ibyo bibazo birushaho kuba bibi. Munyagishari yavuze ko yasabye inshuro nyinshi ko haboneka umudogiteri ukorera kuri gereza, ariko nta kigeze gikorwa.
14. Munyagishari yinubira kandi ko amafunguro ahabwa imfungwa atigeze arushaho kuba meza n'ubwo habaye inama muri urwo rwego yahuje umuyobozi wa Gereza, impuguke mu mbonezamirire n'umukozi wo mu gikoni cya Gereza. Munyagishari yadushyikirije kandi urutonde rw'ibikoresho by'isuku bikenewe n'abantu bafungiyeye mu gipangu cyihariye cya Gereza, rwashyikirijwe Umuyobozi wa Gereza ku itariki ya 11 Ugushyingo 2013<sup>11</sup>. Munyagishari yatubwiye ko igipangu cyihariye cya Gereza kiva kandi ko nta rumuri ruhagije ruhari kugira ngo ashobore gukora nijoro.
15. Byongeye kandi, Munyagishari yinubiye ko hari ibyumba bibiri by'inyongera byarimo kubakwa mu gipangu cyihariye cya Gereza kandi ko ibyo bizagabanya umwanya abantu bafungiyeye aho hantu bisanzuramo. Munyagishari avuga kandi ko abafungiyeye mu gipangu cyihariye cya Gereza batemerewe kujya mu masengesho hamwe n'izindi mfungwa mu gice rusange cya Gereza Nkuru ya Kigali, ahari inzu isengerwamo. Munyagishari avuga ko ubwo ari uburyo bwo gushyira mu bwigunge imfungwa zo mu gipangu cyihariye cya Gereza.

<sup>10</sup> Nk'uko byavuzwe muri Raporo y'ubugenzuzi yakozwe mu rubanza rwa Munyagishari (Nyakanga-Kanama 2013), 19 Nzeri 2013, igika cya 17, igipangu cyihariye cya Gereza, gicumbikiye imfungwa z'abagabo zifite imanza zoherejwe zivuye muri ICTR, MICT n'inkiko zo mu bindi bihugu) icyo gipangu gitandukanye n'igice rusange cya Gereza Nkuru ya Kigali.

<sup>11</sup> Munyagishari yaduhaye kopi y'urwo rutonde rw'ibintu.

16. Munyagishari avuga ko atarashobora kuvugana kuri telefone n'abantu bo mu muryango we kuva igihe yaviriye Arusha kandi ko Gereza yamwangiye guhamagara umuryango we. Ku itariki ya 4 Ukuboza 2013, Munyagishari yahaye Umuyobozi wa Gereza urutonde rw'amazina rw'abantu bo mu muryango we ashaka guhamagara kuri telefone, amuha na nimero za telefone zabo. Ubwo twabonanaga, Munyagishari yari atarabona igisubizo cy'Umuyobozi wa Gereza.

***D. 13 Ukuboza 2013 : Gusura ibiro bya Gerefiye w'Urukiko Rukuru, Urugereko ruburanisha ibyaha mpuzamahanga,***

17. Ku itariki ya 13 Ukuboza 2013, ibiro bya Gerefiye w'Urukiko Rukuru, Urugereko ruburanisha imanza z'abaregwa ibyaha byo mu rwego mpuzamahanga, byampaye kopi y'Inyandiko y'ibirego yo mu rubanza rwa Munyagishari.

### III. Umwanzuro

18. Urukiko Rukuru ni rwo rufite uru rubanza kandi ruzagena itariki ruzaburanishwaho<sup>12</sup>.

Samuel Algozin

Umugenzuzi washyizweho na MICT mu rubanza rwa Munyagishari

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<sup>12</sup> Hagati y'ibyakozwe mu Ukuboza 2013 n'igihe iyi raporo yatangiwe, Urukiko Rukuru rwateganyije ko hazaba iburanisha muri uru rubanza ku itariki ya 16 Mutarama 2014. Incamake y'ibyaye muri iryo buranisha izaba iri muri Raporo y'ubugenzuzi izakurikira yo muri Mutarama 2014.