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UMURYANGO W'ABIBUMBYE



Urwego rushinzwe kurangiza imirimo y'Inkiko

Mpanabyaha Mpuzamahanga (« MICT »)

Urubanza n°: MICT-12-20

Tariki: 7 Werurwe 2014

Umwimerere: icyongereza

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

Binyujijwe kuri: Gerefuye wa MICT

Byanditswe na: Samuel Algozin
Umugenzuzi mu rubanza rwa Uwinkindi

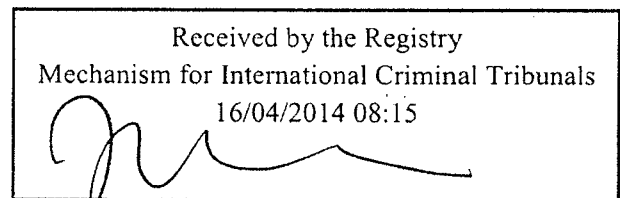
RAPORO Y'UBUGENZUZI MU RUBANZA RWA MUNYAGISHARI

(MUTARAMA NA GASHYANTARE 2014)

R(RM)14-0015(K)

Byahinduwe mu kinyarwanda kandi byemezwa na SSL/TPIR

Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Mutarama -Gashyantare 2014)



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I. INTANGIRIRO

1. Iyi raporo y'ubugenzuzi irebana n'ibyakozwe mu rubanza rwa Munyagishari mu nkiko z'u Rwanda n'imibonano abagenzuzi bashyizweho na MICT bagiranye n'abantu barebwa n'uru rubanza batandukanye muri Mutarama na Gashyantare 2014 (« igihe cyakozweho raporo »)¹. Muri iki gihe cyakozweho raporo, umugenzuzi Samuel Algozin, yagiye mu Rwanda inshuro eshatu.²

II. RAPORO MU MAGAMBO ARAMBUYE

A. Itariki ya 16 Mutarama 2014 : Iburanisha mu Rukiko Rukuru rw'u Rwanda

2. Ku itariki ya 16 Mutarama 2014, Urukiko Rukuru rwaburanishije urubanza rwa Munyagishari. Muri iryo buranisha, Jean Bosco Mutangana ni we wari uhagarariye Ubushinjacyaha. Munyagishari yari mu rukiko kandi yunganiwe n'umwunganizi we mukuru Jean Baptiste Niyibizi n'umwungirije ari we John Hakizimana.
3. Mbere y'iri buranisha, ku itariki ya 7 Mutarama 2014, Munyagishari yashyikirije Urukiko icyifuzo mu nyandiko gisaba ko iburanishwa rye risubikwa kandi asaba Urukiko a) ko rwashyiraho komisiyo yo kwemeza ubwenegihugu bwe; no b) gutegeka Ubushinjacyaha kumuha Inyandiko y'ibirego n'imigereka yayo bihinduwe mu gifaransa. Ku itari ya 14 Mutarama 2014, Abunganira Munyagishari bashyikirije Urukiko Rukuru imyanzuro. Muri iyi myanzuro, Ubwunganizi buvuga ko: a) iburanisha rigomba kuba mu gifaransa bitewe n'uko Munyagishari atumva ikinyarwanda; b) Munyagishari ari Umunyekongo wo muri Repubulika iharanira Demokarasi ya Kongo; kandi ko c) Ubwunganizi bugomba guhabwa imyaka itatu yo gutegura urubanza hashingiwe ku ngano y'Inyandiko y'ibirego n'imigereka yayo no kubera ko ikipe y'Ubwunganizi itaruzura kugira ngo ishobore

¹Ku itariki ya 17 Gashyantare 2014, Perezida wa MICT yemeye ko hatangwa raporo ikomatanyije ukwezi kwa Mutarama n'ukwa Gashyantare 2014.

² Muri izi ngendo hakubiyemo kandi ibyakozwe mu rwego rw'igenzura mu rubanza rwa Jean Uwinkindi.

- kurengera inyungu za Munyagishari. Ubushinjacyaha bwashyikirije Urukiko igisubizo mu nyandiko ku itariki ya 16 Mutarama 2014.
4. Iburanisha rigitangira ku itariki ya 16 Mutarama 2014, Perezida w'inteko yasomye umwirondoro wa Munyagishari, anamusaba gusuzuma niba ibiwuvugwamo ari byo. Munyagishari yashubije mu gifaransa ko atumvise ibyo Perezida w'Inteko yavuze. Niyibizi yabwiye Urukiko ko Munyagishari atumva ikinyarwanda, asaba ko yaburana mu gifaransa. Urukiko rwasabye Ubushinjacyaha kugira icyo buvuga ku birebana no kuba Munyagishari yumva ikinyarwanda.
 5. Porokireri yavuze ko Munyangishari ari Umunyarwanda kandi ko yumva akanavuga ikinyarwanda. Mu rwego rw'ibimenyetso, yavuze ibikurikira: a) Munyagishari yavukiye ku Gisenyi mu Rwanda mu wa 1959 kandi ururimi avuga yakuye ku babyeyi kuva akivuka ni ikinyarwanda; b) yize mu Rwanda; c) yakoze mu Rwanda kandi akorera abaturarwanda mu kinyarwanda; d) yabaye umunyamabanga wa MRND ku Gisenyi; kandi e) mu rubanza rwaburanishijwe mu kinyarwanda mu rukiko, mu Rwanda muri 1981, yemeye icyaha cyo gusambanya umwana ku gahato. Ubushinjacyaha bwavuze ko Munyagishari yumva ikinyarwanda, ko ikinyarwanda ari rwo rurimi rw'igihugu cy'u Rwanda kandi ko ari rwo rukoresha mu nkiko z'u Rwanda. Ubushinjacyaha bwavuze ko, kubera izo mpamvu, Munyagishari agomba kuburana mu kinyarwanda. Bwasabye Ubwunganizi kuvuguruza ibimenyetso bwatanze ku birebana n'ubumenyi bw'ururimi bwa Munyagishari.
 6. Mu rurimi rw'ikinyarwanda, Urukiko rwabajije Ubwunganizi niba bwiteguye gusubiza ku byavuzwe n'Ubushinjacyaha. Niyibizi yavuze ko Munyagishari atumva ikinyarwanda, ko bityo budashobora gusubiza ikibazo bubajijwe n'Urukiko.
 7. Ubushinjacyaha bwavuze ko bwatanze ibimenyetso bigaragaza ko Munyagishari avuga ikinyarwanda kandi ko Ubwunganizi butashoboye kubivuguruza. Ubushinjacyaha

bwavuze ko abunganizi, nk'abahagarariye Munyagishari mu rukiko, bagomba kugira icyo bavuga kuri iki kibazo.

8. Urukiko rwavuze ko abunganizi ba Munyagishari bombi bavuga ikinyarwanda n'igifaransa. Rwahise rubabaza impamvu batasubiza ku byavuzwe n'Ubushinjacyaha. Niyibizi yashubije ko n'ubwo we n'umwungirije koko bashobora kuvuga ikinyarwanda n'igifaransa, ntibashobora gukora akazi ko kunganira Munyagishari n'ako kumubera umusemuzi.
9. Urukiko rwabajije Ubushinjacyaha niba guha Munyagishari umusemuzi hari ikibazo byatera. Ubushinjacyaha bwashubije ko Urukiko rudakwiye guha Munyagishari umusemuzi mbere y'uko rukemura ikibazo cy'ururimi na mbere y'uko Ubwunganizi buvuguruza ibimenyetso Ubushinjacyaha bwatanze ku birebana n'ubushobozi bwa Munyagishari mu rwego rwo kumva ikinyarwanda.
10. Urukiko rwasubitse iburanisha, rumenyeshya ababuranyi ko ruzasoma icyemezo ku byerekeye ingingo zatanzwe ku itariki ya 30 Mutarama 2014.

B. Itariki ya 17 Mutarama 2014: Kubonana na Munyagishari

11. Ku itariki ya 17 Mutarama 2014, nabonanye na Munyagishari aho afungiyemo muri Gereza nkuru ya Kigali (« Gereza »). Muri icyo gereza kandi hafungiyemo Jean Uwinkindi, na we woherejwe mu Rwanda n'Urukiko Mpanabyaha Mpuzamahanga rwashyirihwe u Rwanda (TPIR) hashingiwe ku ngingo ya 11 bis. Bombi bafungiyemo mu gice cyihariye cya gereza, babanamo n'abandi bafungwa babiri. Amadosiye y'aba bafungwa bandi yoherejwe mu Rwanda n'inkiko z'ibihugu bari bafungiyemo.³

³ Reba na raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Ukuboza), 20 Mutarama 2014 (Raporo y'ubugenzuzi yo mu Ukuboza 2013, igika cya 13; Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Nyakanga na Kanama 2013), 19 Nzeri 2013 (Raporo y'ubugenzuzi yo muri Nyakanga na Kamena 2013), igika cya 17.

12. Ku birebana n'iburanisha ryari ryabaye ku munsu ubanza, Munyagishari yavuze ko bitamushobokera kugaragaza ko atumva ikinyarwanda, nk'uko byavuzwe na Porokireri. Munyagishari yavuze ko itegeko riteganywa mu buryo bwumvikana neza ko afite uburenganzira bwo guhitamo kuburana mu rurimi yumva. Yavuze ko atazaburana mu kinyarwanda kandi ko uburenganzira bwe buzaba butubahirijwe aramutse ategetswe kuburana mu rurimi atumva. Yavuze ko ashobora kwiregura gusa mu rurimi rw'igifaransa. Munyagishari yavuze ko muri TPIR, Inyandiko y'ibirego ye yahinduwe mu gifaransa. Yongeye kuvuga ko hakwiye kugenwa komisiyo yakora ipereza ku bwenegihugu bwe kugira ngo bigaragare ko ari Umunyekongo.
13. Ku birebana no guhamba abunganizi be, Munyagishari yavuze ko umubumbe w'amafaranga 15.000.000 y'amanyarwanda yo guhamba ikipe y'Ubwunganizi bwe adahagije.⁴ Yavuze ko aya mafaranga bavuga ko ari yo azatangwa agaragaza ko Guverinoma y'u Rwanda itubahiriza ibyo yasezeraniye TPIR; aho yari yivugiye ko Ubwunganizi buzahabwa ibya ngombwa bikenewe bihagije.⁵ Munyagishari yavuze ko bitewe n'uko u Rwanda rutubahirije ibyo rwiyejeje imbere ya TPIR ku birebana no gutanga amafaranga yo kunganira abaregwa, urubanza rugomba gusubizwa TPIR ikaba ari yo iruburanisha.
14. Na none kubirebana n'ikibazo cy'ubwunganizi bwe, Munyagishari anenga ibyavuzwe na Perezida w'Urugaga rw'Abavoka mu Rwanda (RBA) ko RBA yamuhaye urutonde rwuzuye rw'abavoka bari muri RBA.⁶ Yavuze ko yahawe urutonde ruriho abavoka 57 ngo

⁴ Umunyamabanga Uhoroho muri Minisiteri y'Ubutabera yavuze ko umubumbe w'amafaranga miliyoni 15 y'amanyarwanda ari yo azatangwa mu rwego rwo kunganira abantu imanza zabo zoherejwe mu Rwanda kimwe n'urwa Munyagishari. Reba igika 26 hepfo.

⁵ Reba *Urubanza Porokireri aburana na Munyagishari*, urubanza N^o ICTR-2005-89-I, Imyanzuro y'inshuti y'Urukiko yatanze n'Urugaga rw'Abavoka b'i Kigali, 23 Mutarama 2012, ibika 25-31.

⁶ Reba Raporo y'ubugenzuzi mu rubanza rwa Munyagishari (Ukwakira n'Ugushyirahamwe 2013), 20 Ukuboza 2013, igika cya 44.

ahitemo abo ashaka, kandi RBA yari yabwiye TPIR muri 2012 ko ifite abanyamuryango bagera kuri 890.⁷ Munyagishari yavuze kandi ko umwunganizi yari yihitiyemo witwa Natacha Ivanovich wari mu ikipe y'Ubwunganizi bwe muri TPIR, yatanze ibya ngombwa bye muri RBA ku itariki ya 11 Ukuboza 2013 kugira ngo abe yakwemererwa kumwunganira mu Rwanda.

15. Ku birebana no kuvurwa muri gereza, Munyagishari yavuze ko arwaye *hemorrhoid* kandi ko atavuye. Ubwo yavaga Arusha yoherezwa i Kigali, yari afite imiti ivura iyi ndwara, ariko amaze kugera i Kigali, ubuyobozi bwa gereza bwanze kuyimuha, buvuga ko yashaje. Yavuze kandi ko indyo ahabwa ikwiye guhindurwa, hakongerwamo imbuto, mu rwego rwo kuvura iyo ndwara arwaye. Yongeye kuvuga ko kuri gereza⁸ hakenewe umuganga uhakorera anavuga ko ubuvuzi butangwa n'abaforomokazi bahakorera budahagije.
16. Munyagishari yinubiye ko abafungwa⁹ badahabwa amazi yo kunywa ahagije kandi ko hari igihe amara iminsi ibiri cyangwa itatu atayahawe. Yavuze kandi ko ubuyobozi bwa gereza butigeze buhindura indyo ihabwa abafungwa. Munyagishari yavuze ko abafungwa basabye ubuyobozi bwa gereza ibikoresho by'isuku y'umubiri ariko ko nta na kimwe bahawe.¹⁰

⁷ Reba Imyanzuro yatanzwe na KBA nk'Inshuti y'Urukiko, igika cya 12.

⁸ Reba Raporo y'ubugenzuzi yo mu Ukuboza 2013, igika cya 13.

⁹ Muri iyi raporo yose, aho tuvuga abafungwa, turaba dushaka kuvuga abafungwa bafungiyeye mu gice cyihariye cya gereza.

¹⁰ Reba raporo y'ubugenzuzi yo mu Ukuboza 2013, igika cya 14.

17. Munyagishari yavuze ko kuva aho umukobwa we afatiwe agafungwa nyuma yo kumusura kuri gereza,¹¹ abantu bo mu muryango we, baba mu Repubulika iharanira Demokarasi ya Kongo, batinye kuza kumusura. Yavuze kandi ko nta gisubizo yari yahabwa n’umubuyobozi wa gereza ku rutonde rw’abantu bo mu muryango we yasabye ko yakwemererwa guhamagara¹² kuri telefone. Yavuze ko muri iki cyifuzo yari yasabye no kwemererwa guhamagara abagenzuzi.
18. Munyagishari yavuze ko yifuzaga ko yajya ahabwa ku gihe za raporo z’ubugenzuzi zihinduwe mu gifaransa kugira ngo zishobore kumugirira akamaro kandi ashobore no kugira icyo avuga ku bizikubiyemo.

C. Itariki ya 20 Mutarama 2014 : Kubonana n’impuguke mu byo kwita ku batangabuhamya

19. Ku itariki ya 22 Mutarama 2014, nabonye na Janvier Bayingana, impuguke mu byo kwita ku batangabuhamya mu ishamba rishinzwe kwita ku batangabuhamya (« WPU » mu magambo ahinnye y’icyongereza)¹³ ry’Urukiko rw’Ikirenga rw’u Rwanda. Bayingana yavuze ko nta mutangabuhamya urindiwe umutekano mu rubanza rwa Munyagishari Urukiko Rukuru (Urukiko) rwari rwamusaba gushyikirana na we. Yavuze ko urubanza nirutangira, Urukiko ruzaha WPU gahunda y’uko abatangabuhamya bateganywa kuzakurikirana. Icyo gihe ni ho azabwirako Urukiko niba icyo gahunda ishoboka, azirikanye ibikenewe kuri buri wese mu batangabuhamya.

¹¹ Reba raporo y’ubugenzuzi mu rubanza rwa Munyagishari (Nzeri 2013), 31 Ukwakira 2013, igika cya 41. Ubushinjacyaha bwemeye ko bwabajije ibibazo umukobwa wa Munyagishari ariko buhakana ko yigeze afungwa. Reba raporo y’ubugenzuzi yo muri Nzeri 2013, igika cya 51.

¹² Reba raporo y’ubugenzuzi yo mu Ukuboza 2013, igika cya 16.

¹³ Nk’uko byavuzwe muri raporo za mbere y’iyi, WPU ifite inshingano zo kwita ku batangabuhamya mu manza zoherejwe mu Rwanda. Reba raporo y’ubugenzuzi mu rubanza rwa Uwinkindi (Nyakanga na Kanama 2013), 12 Nzeri 2013, ibika 100-106.

20. Bayingana yavuze ko mu gihe cy'iburanisha ry'imanza zoherejwe mu Rwanda nk'urwa Munyagishari, urukiko ruzakoresha mikoro n'indangurururamajwi zihindura ijwi, kugira ngo umwirondoro w'umutangabuhamya utamenyekana. Ubu buhanga ubu burakoreshwa mu buryo buboneye mu manza ziburanishirizwa mu Rwanda.
21. Bayingana yavuze ko muri rusange, ababuranyi mu manza z'ibyaha byo mu rwego mpuzamahanga mu Rukiko Rukuru bataramenyera ko abatangabuhamya bitabwaho n'Urukiko bakanarindirwa umutekano n'Urukiko. Bayingana yavuze ko ibi ari ngombwa kugira ngo hatabaho ukubogama no kubera mu rwego rwo kurinda umutekano w'abatangabuhamya. Ikindi kandi, iyi mikorere ituma abatangabuhamya barushaho kugirirwa icyizere.
22. Bayingana yavuze ko mbere y'uko umutangabuhamya urindiwe umutekano atanga ubuhamya, WPU ibanza kumubwira uburenganzira bwe. Babwira abatangabuhamya uko Urukiko ruburanisha n'uko imiburanishirize igenda, bagasaba abatangabuhamya kubaha Urukiko n'ababuranyi, cyane cyane iyo babazwa ibibazo binyomoza bishobora kuba bibabangamiye. Igihe ubuhamya bw'umutangabuhamya runaka bumara iminsi myinshi, WPU ikora ibya ngombwa kugira ngo acumbikirwe ahantu harindiwe umutekano. WPU yishingira gutwara abatangabuhamya baza i Kigali, no kubaha amafunguro.
23. Iyo umuntu amaze gutanga ubuhamya, WPU imubwira ko igihe agize ikibazo cy'umutekano agomba kubiyimenyesha. Iyo yakiriye ikibazo cyagizwe n'umutangabuhamya mu rwego rw'umutekano, WPU ibonana na we kugira ngo yumve ikibazo afiti maze igakora raporo yanditse. WPU irakurikirana kugira ngo irebe niba icyo kibazo gifitanye isano n'ubuhamya bw'uwo mutangabuhamya. Bayingana ubwe ni we abatangabuhamya bose bashobora kwiyambaza. WPU ifite kandi abakozi batatu bashinzwe umutekano w'abatangabuhamya bafasha abatangabuhamya barindiwe umutekano ku rwego rw'Urukiko Rukuru.

D. Itariki ya 22 Mutarama 2014: Kubonana n'Umunyamabanga Uhoraho wa Minisiteri y'Ubutabera

24. Ku itariki ya 22 Mutarama 2014, nabonanye na Pascal Bizimana, Umunyamabanga Uhoraho muri Minisiteri y'Ubutabera akaba n'Intumwa Nkuru ya Leta Yungirije.
25. Bizimana yavuze ko amasezerano y'akazi yahawe abunganizi ba Uwinkindi ateganya ko buri mwunganizi azajya ahabwa miliyoni imwe y'amafaranga y'u Rwanda ku kwezi mu gihe cyose urubanza rwa Uwinkindi ruzamara ruburanishwa. Bizimana yemeje yivuye inyuma ko ayo masezerano yerekeye gusa abunganizi ba Uwinkindi. Ku zindi manza zoherejwe mu Rwanda hashingiwe ku ngingo ya 11 bis, nk'urwa Munyagishari, amafaranga azahabwa abunganizi azatangwa nk'umubumbe mu kimbo kimwe ku gihe cyose urubanza ruzamara, aho kujya bishyurwa buri kwezi. Kuri izi manza zoherejwe mu Rwanda, umwunganizi azajya ahabwa miliyoni 15 z'amafaranga y'u Rwanda ku rubanza.
26. Ubwo twabonanaga, Bizimana yavuze ko Minisiteri y'Ubutabera yari itaramenyeshwa abunganizi ba Munyagishari abo ari bo, bityo rero, nta mishyikirano ku byerekeye igihembo cy'abunganizi muri urwo rubanza yari yagatangira.

E. Itariki ya 27 Mutarama 2014 : kubonana n'Ubushinjacyaha

27. Ku itariki ya 27 Mutarama 2014, nabonanye na Florida Kabasinga, Umujyanama mu by'amategeko wa Porokireri Mukuru, mbonana kandi na Jean Bosco Mutangana, Umushinjacyaha mukuru mu rubanza rwa Munyagishari.
28. Mutangana yasubiyemo muri make ibyo Ubushinjacyahaha bwavuze mu Rukiko ku itariki ya 16 Mutarama 2014, bwemeza ko Munyagishari yumva ikinyarwanda, ko bityo agomba kuburanishwa muri urwo rurimi. Mutangana yavuze ko Munyagishari yavukiye mu Rwanda, akaba ari ho yiga. Yavuze kandi ko Munyagishari yakoze mu Rwanda, agakorera rubanda akoresha ikinyarwanda, kandi ko yigishije mu mashuri abanza mu

kinyarwanda. Mutangana yavuze ko Munyagishari yakurikiranywe mu rukiko mu Rwanda akaburanishwa mu rw'iremezo no mu bujirire kandi ko inyandiko z'izo manza zombi zaciwe mu kinyarwanda. Yavuze ko Ubushinjacyaha bwatanze ibimenyetso bishingiye ku nyandiko bigaragaza ko Munyagishari yumva ikinyarwanda, kandi ko Ubwunganizi nta gisubizo bwabitanzeho.

29. Mutangana yavuze ko Urukiko Rukuru ari rwo ruzakemura ikibazo cy'ururimi ruzakorehwa. Yavuze ko Ubushinjacyaha burwanya ko iburanisha ryaba mu gifaransa. Mutangana yavuze ko ikinyarwanda kiza mbere y'izindi ndimi mu nkiko z'u Rwanda. Ikinyarwanda ni ururimi rw'igihugu kandi ni rwo rukoreshwa mu nkiko.
30. Mutangana yavuze ko yaburanye izindi manza Uregwa yahawemo umusemuzi. icyakora, izo manza ngo zabaga zirimo abantu batari Abanyarwanda. Yavuze ko guha Uregwa umusemuzi nta kibazo byatera mu rwego rw'imikorere kandi ntacyo bizatwara Ubushinjacyaha kuko Urukiko ari rwo ruzamuhemba.
31. Mutangana yavuze ko Ubushinjacyaha bwiteguye gukorana n'Ubwunganizi kugira ngo umwunganizi Munyagishari yihitanyemo azaboneke kandi amwunganire.

F. Itariki ya 27 Mutarama 2014: Kubonana n'umukuru w'Ishami ryita ku batangabuhamya n'abakorewe ibyaha ryo mu Bushinjacyaha

32. Ku itariki ya 27 Mutarama 2014, nabonye na Theoneste Karenzi, umukuru w'Ishami ryita ku batangabuhamya n'abakorewe ibyaha mu Bushinjacyaha (WVSU mu magambo ahinnye y'icyongereza).
33. Karenzi yavuze ko WVSU ifasha ikanakorana n'abatangabuhamya bashinja, mu rwego rwo kubafasha mu by'ubuvuzi no mu bibazo byo mu rwego rw'imitekerereze, kubaha amafaranga y'ingendo, kubarindira umutekano, kubashakira amazu arindiwe umutekano yo gucumbikamo no kubatuzza ahatekanye. Karenzi yavuze ko ibiro bye

birinda umutekano w'abatangabuhamya bashinja mu gihe cy'iperereza, no mu gihe cy'iburanisha ritegura urubanza. Mu gihe cy'iburanisha ry'urubanza, amadosiye y'abatangabuhamya ahabwa ishami rishinzwe abatangabuhamya ryo mu Rukiko rw'Ikirenga. icyakora WVSU ikomeza kugira uruhare mu kurinda umutekano w'abatangabuhamya bashinja mu gihe cy'iburanisha baramutse bagize ibibazo by'umutekano. Nyuma y'urubanza, WPU na WVSU bikomeza kwita ku batangabuhamya. Karenzi yavuze ko ibiro bye bikoranira hafi na WPU. Yavuze ko WVSU na WPU biri gutegura amasezerano yo guteza imbere kurushaho ubufatanye hagati y'izo nzego zombi.

G. Itariki ya 28 Mutarama 2014 : Kubonana n'umuyobozi wa Gereza

34. Ku itariki ya 28 Mutarama 2014, nabonye na Alex Murenzi, Umuyobozi wa Gereza nkuru ya Kigali (Gereza).
35. Murenzi yavuze ko ashaka gusaba ibiro by'umuyobozi mukuru ushinzwe amagereza mu Rwanda kumuha umujyanama mu by'amategeko uzafasha mu gutegura inyandiko y'amabwiriza n'amategeko bizagenga abafungwa bafungiyeye mu gice cyihariye cya gereza, by'umwihariko ku birebana n'imyitwarire yabo. Murenzi yavuze ko ayo mabwiriza n'amategeko mashya bizaba byagiyehe mu gihe cya vuba. Yavuze ko yifuza ko ayo mabwiriza n'amategeko mashya bijyana n'ibiteganywa mu rwego mpuzamahanga. Ayo mabwiriza n'amategeko bizagenga uburyo abafungwa bakoramo imyitozo ngororamubiri, amafunguro bahabwa n'ibirebana no gusurwa kwabo. Azaba arimo kandi ibihano bihabwa abatubahirije amabwiriza ya disipline, birimo nko guhindura gahunda y'isurwa ryabo cyangwa kubaha igihe gitoya kigenewe imyitozo. Ayo mabwiriza n'amategeko bizashyirwa mu nyandiko kandi bihabwe buri mufungwa. Abafungwa nta ruhare bazagira mu gutegura ayomabwiriza n'amategeko.

36. Murenzi yavuze ko bitewe n’uko imiryango yabo ituye kure, abafungwa bo mu gice cyihariye cya gereza bemerewe gusurwa buri gihe, kuva ku wa mbere kugeza ku wa gatanu. Abandi bafungwa basurwa ku wa gatanu gusa. Abafungwa baba bemerewe kumarana iminota 30 na buri muntu wabasuye. Abavoka basura abafungwa bunganira, bemerewe kumara umunsi wose kuri gereza.
37. Murenzi yavuze ko abafungwa bo mu gice cyihariye cya gereza binubiye amafunguro bahabwa muri gereza. Yavuze ko ari guhindura ibintu abivuganyeho n’umuyobozi mukuru w’amagereza mu Rwanda. Urutonde rushya rw’amafunguro y’abafungwa ruzatangira gukurikizwa vuba. Ikindi kandi, Murenzi yavuze ko hari undi muntu wahawe isoko ryo kugaburira abafungwa kuva muri Gashyantare 2014. Urutonde rushya rw’amafunguro ruzashyirwaho byumvikanyweho n’uwahawe isoko ryo kugaburira abafungwa, abafungwa, n’ubuyobozi bwa gereza. Yavuze ko mu mategeko mashya, abafungwa batazongera guhanishwa guhindura amwe mu mafunguro ari ku rutonde rw’ayo bahabwa.
38. Murenzi yavuze ko gereza yandika mu gitabo amafunguro buri mufungwa yahawe. Abafungwa basinya muri icyo gitabo mu rwego rwo kwemeza ko bafunguye buri funguro bahawe. Abafungwa bo mu gice cyihariye cya gereza bahagaritse gusinya muri icyo gitabo mu ntangiriro ya 2014.
39. Ku birebana no kuvurwa, Murenzi yavuze ko gereza ifitanye amasezerano n’ibitaro byitiriwe Umwami Fayisali. Ubufasha bw’ibanze bushobora gutangirwa kuri gereza, kandi hari abafomokazi baha abafungwa barwaye imiti bahawe ku bitaro. Abafungwa bajyanwa ku bitaro mu rwego rwo kwivuzza ku buryo bwihariye, iyo babisabye. Murenzi yavuze ko gereza itigeze yanga kujyana umuntu wabisabye kwa muganga kandi ko abafungwa bashobora kubonana n’umuganga w’inzobere bibaye ngombwa. Murenzi yavuze ko umuganga aza ku ivuriro rya gereza kabiri mu cyumweru. Uyu muganga yita

- ku bantu bafunze bose ntabwo yita ku bafungwa bo mu gice cyihariye cya gereza bonyine.
40. Ku birebana no gukoresha telefone, Murenzi yavuze ko abafungwa bahamagara kenshi abunganizi babo. Murenzi yatweretse igitabo bandikamo ibirebana na telefone cyanditsemo itariki, abafungwa, igihe bahamagariye kuri telefone, uwo bahamagaye n’umukono wabo. Abafungwa bemerewe iminota 10 kuri buri muntu bahamagaye, ariko iyo bibaye ngombwa, bahabwa igihe kirenzeho. Gereza ni yo yishyura telefone. Murenzi yavuze ko abafungwa basabwe guha ubuyobozi bwa gereza numero za telefone z’abantu bifuzaga guhamagara.
 41. Murenzi yavuze ko umwe mu bafungwa bafungiyeye mu gice cyihariye cya gereza yasabye umuyobozi mukuru w’amagereza mu Rwanda kuzajya asurwa n’uwo bashakanye kandi bagahabwa aho babonanira mu ibanga ry’abashakanye. Haracyategerejwe igisubizo kuri icyi cyifuzo.
 42. Ku birebana n’isuku, Murenzi yavuze ko hari umukozi ushinzwe imibereho myiza y’abafungwa ukora ibya ngombwa byose kugira ngo habe hari amasabune, impapuro zo kwisukura, amavuta yo kwisiga n’ibikenewe mu kogosha ubwanwa bihagije. Hari abakozi babiri bashinzwe igice cyihariye cya gereza. Rimwe na rimwe abafungwa batanga mu nyandiko ibyo batishimiye, ubundi bakabibwira mu magambo ubuyobozi bwa gereza. Murenzi yavuze ko atarumva ikintu cyatswe n’abafungwa ngo bakibime. Hari igihe gushakira umuti ikibazo cyavuzwe n’abafungwa byagiye bitinda kubera amategeko agenga amasoko ya Leta, ariko ikibazo cyabonewe umuti kuko gereza igurira icya rimwe ibintu bimara amezi atatu.
 43. Murenzi yavuze ko abafungwa bemerewe kujya mu nyigisho z’amadini. Umupadiri aza kuri gereza saa tatu za mu gitondo, amasengesho akarangira saa sita n’igice. Murenzi

avuga ko abafungwa bo mu gice cyihariye cya gereza bajya muri ayo masengesho muri icyo gihe kimwe n'abandi bafungwa, bakivanga.

44. Murenzi yavuze ko gereza igifite igitekerezo cyo kubaka bundi bushya igice cyihariye cya gereza. Yemeje ko gereza yaguze dekoderi ya televiziyo nshya kugira ngo abafungwa bashobore kubona imirongo ya televiziyo y'inyongera.
45. Murenzi yavuze ko muri rusange, Munyagishari nta byo yinubiye kandi ko yitwara neza. Yavuze kandi ko Munyagishari anyura mu nzira zemewe iyo hari ikibazo ashaka kugeza ku buyobozi bwa gereza.
46. Murenzi yavuze ko yifuza gusura gereza y'Umuryango w'Abibumbye iri Arusha (« UNDF » mu magambo ahinnye y'icyongereza) kugira ngo amenye uko iteye. Abafungwa bavuye Arusha bavuga buri gihe ko ibintu byari bimeze neza kurushaho Arusha. Murenzi yashyikirije abamuyobora icyifuzo cyo kujya Arusha. Yifuza gusura UNDF kugira ngo atunganye kurushaho imibereho myiza mu gice cyihariye cya gereza anarebe imibereho abafungwa bemerewe Arusha.

H. Itariki 29 Mutarama 2014 : Kubonana na Perezida w'Urugaga rw'Abavoka mu Rwanda

47. Ku itariki ya 29 Mutarama 2014, nabonye na Athanase Rutabingwa, perezida w'Urugaga rw'Abavoka mu Rwanda.
48. Rutabingwa yavuze ko mu masezerano yasinywe yo guhamba abunganizi mu rubanza rwa Uwinkindi, RBA izakurikirana ko abunganizi bahawe kunganira Uwinkindi buzuza inshingano zabo z'akazi. Ikindi kandi, RBA izasubiza ibibazo byose izashyikirizwa n'Uregwa bijyanye n'uburyo yunganiwemo. RBA kandi izakurikirana ibibazo birebana no kumenya niba abunganizi bishyurwa na Minisiteri y'Ubutabera, kandi izaba umuhuza hagati y'abunganizi na Minisiteri y'Ubutabera niharamuka hari umwunganizi winubiye

ko atahawe umushahara we. icyakora RBA izagira uruhare gusa mu rwego rwo kumenya niba ibihembo by'abunganizi byatanzwe, ntabwo izagira icyo ikora umwunganizi aramutse agiranye ikibazo na Minisiteri y'Ubutabera ku bijyanye no guhabwa amafaranga y'urugendo rugamije gukora iperereza. Igihe twabonanaga, Rutabingwa yari ataragezwaho ikibazo icyo ari cyo cyose cyabyukijwe na Uwinkindi cyangwa n'abunganizi be. Rutabingwa yavuze ko urubanza rwa Uwinkindi nirurangira, abunganizi bashinzwe kumwunganira bazaba bafite inshingano yo gukorera RBA raporo mu nyandiko ivuga kuri urwo rubanza.

49. Rutabingwa yavuze ko RBA yiteguye kuzagira uruhare nk'urwo mu zindi manza zoherejwe na TPIR.
50. Rutabingwa yavuze ko RBA nta nyandiko irabona yoherejwe na Natacha Fauveau-Ivanovich, asaba kwakirwa muri RBA mu rwego rwo kugira ngo azunganire Munyagishari.¹⁴ Mu rwego rwo gusaba kwemererwa kunganira Munyagishari, Fauveau-Ivanovich agomba kwandikira Perezida wa RBA, avuga urubanza asaba kuzaburana. Ikindi kandi agomba kuzatanga ikimenyetso ko ahagaze neza mu rugaga rw'iwabo akanatanga kopi y'umwirondoro we n'iy'impamyabumenyi ye. Rutabingwa yavuze ko mu gihe cyashize, bafashishe abantu bari bafite ikibazo nk'icyo kandi ko kwakira umwunganizi uvuye mu gihugu cyo hanze, ushaka gukora ku rubanza rumwe, nta kibazo kirimo.
51. Rutabingwa yavuze ko RBA ishobora guha Munyagishari urutonde rwuzuye rw'abagize RBA. RBA ishobora guha urwo rutonde umwunganizi wunganira Munyagishari ubu, akarumushyikiriza.
52. Rutabingwa yavuze ko abunganira Munyagishari ubu bamubwiye ko bafite ikibazo ku bijyanye no guhembwa. Rutabingwa yavuze ko abunganizi bashyizweho mu rwego rwo

¹⁴ Reba igika 14 haruguru.

kunganira Munyagishari ku buntu, ko bityo, igihembo icyo ari cyo cyose kigomba kuzaganirwaho hagati y'abunganizi bashyizweho, na Minisiteri y'Ubutabera. RBA izagira inama abunganizi bashyizweho kimwe na Minisiteri y'Ubutabera ku birebana n'igihembo gishyize mu gaciro abunganizi bahabwa. Rutabingwa yavuze ko igihembo gishyize mu gaciro kizajya kigenwa bitewe n'uko urubanza ruteye.

I. Itariki ya 29 n'iyi 30 Mutarama 2014 : Kubonana na Munyagishari

53. Ku itariki ya 29 n'iyi 30 Mutarama 2014, nabonanye na Munyagishari kuri gereza. Munyagishari yongeye kuvuga ko arwaye kandi atavurwa.¹⁵ Yavuze ko umunsi ubanziriza uwo twabonanyeho, ivuriro ryo kuri gereza ryamuhaye imiti yari yaravanye Arusha.¹⁶ Ubuyobozi bwa gereza bwari bwaramubwiye ko adashobora kuyihabwa ngo kubera ko yari yararengeje igihe. Munyagishari yavuze ko iyo miti izasaza muri 2015. Yavuze ko abayobozi ba gereza batashakaga ko avurwa.
54. Munyagishari yongeye kuvuga ko ashaka urutonde rwose rw'abanyamategeko bari muri RBA. Yatsindagiye ko ashaka kuzuzwa ikipe y'Ubwunganizi bwe.
55. Ku itariki ya 29 Mutarama 2014, nazungurutse mu gice cyihariye cya gereza. Mu gihe nahasuraga, Munyagishari yavuze ko imwe muri robine eshatu ziri muri icyo gice cya gereza, ari yo yonyine ikora. Yavuze kandi ko nta tara riba mu rwiuhagiriro kandi ko hava. Yavuze ko aho hantu hafite aho bituma hamwe n'urwiuhagiriro rumwe ku bafungwa bane. Munyagishari yavuze kandi ko mu twumba bafungiyemo nta rumuri ruhagije ruhari, kandi ko nta cyakozwe ku birebana no gushyira muri icyo gice cya gereza igikoresho gitabaza igihe habaye inkongi y'umuriro [*fire alarm*] cyangwa ibikoresho bigenewe kwitabazwa mu kuzimya umuriro [*fire extinguishers*].¹⁷

¹⁵ Reba haruguru, igika cya 15.

¹⁶ Reba haruguru, igika cya 15.

¹⁷ Reba raporo y'ubugenzuzi yo mu Ukwakira n'Ugushyirahamwe 2013, igika cya 7.

56. Ku itariki ya 30 Mutarama 2014, Munyagishari yavuze ko Perezida wa RBA yandikiye abunganizi be abamenyesha ko bagomba kwegera Minisiteri y'Ubutabera kugira ngo bavugane ku gihembo cyabo.¹⁸

J. Itariki ya 30 Mutarama 2014 : Iburanisha mu Rukiko Rukuru

57. Ku itariki ya 30 Mutarama 2014, Urukiko Rukuru rw'u Rwanda (Urukiko), rwasomye icyemezo rwafashe mu rubanza rwa Munyagishari. Jean Baptiste Kayitare ni we wari uhagarariye Ubushinjacyaha. Munyagishari yari mu Rukiko, yunganiwe n'umwunganizi we mukuru Jean Baptiste Niyibizi n'umwunganizi wungirije, John Hakizimana.
58. Nyuma y'iburanisha ryabaye ku itariki ya 16 Mutarama 2014, Urukiko rwafashe icyemezo cyo kugenera Munyagisha, by'agateganyo, umusemuzi uvuga igifaransa n'ikinyarwanda. Rusoma icyemezo rwafashe mu ruhame, Urukiko rwavuze ko uko gushyiraho umusemuzi bigamije gufasha Munyagishari gushobora gusubiza ku bivugwa na Porokireri ko ari Umunyarwanda kandi ko yumva ikinyarwanda. Urukiko rwategetse ko iburanisha kuri ibi bibazo rizasubukurwa ku itariki ya 19 Gashyantare 2014.

K. Itariki ya 31 Mutarama 2014 : Kubonana n'uwunganira Uregwa

59. Ku itariki ya 31 Mutarama 2014, nabonanye na John Hakizimana, umwunganizi wungirije wa Bernard Munyagishari. Hakizimana yavuze ko we n'umwunganizi mukuru wa Munyagishari ari we Jean Baptiste Niyibizi, babonye ibaruwa yanditswe na perezida wa RBA, ibabwira ko bagomba kujya kuri Minisiteri y'Ubutabera kuvugana ku masezerano y'akazi ateganya uburyo bazakoramo mu rwego rwo kunganira Munyagishari. Hakizimana yavuze ko we na Niyibizi bazasaba kubonana na Perezida wa RBA mu

¹⁸ Munyagishari yaduhaye kopi y'iyi baruwa yavuye muri RBA yohererejwe abunganizi be, yanditswe ku itariki ya 23 Mutarama 2014.

cyumweru gikurikiraho. Hakizimana yavuze ko ikipe y'Ubwunganizi ya Munyagishari itarahembwa na rimwe.¹⁹

60. Ku birebana no guha Munyagishari umusemuzi w'agateganyo, hakurikijwe icyemezo cy'Urukiko Rukuru cyo ku itariki ya 30 Mutarama 2014, Hakizimana yavuze ko Urukiko ruzashyiraho umusemuzi. Hakizimana yavuze ko ikipe yunganira Munyagishari izatsindagira ko uwo musemuzi agomba kuba umunyamategeko ushobora gusemura amagambo akoreshwa mu mategeko.

L. Itariki ya 19 Gashyantare 2014: Iburanisha mu Rukiko Rukuru

61. Ku itariki ya 19 Gashyantare 2014, nyuma yo guha Munyagishari umusemuzi w'agateganyo ku itariki ya 30 Mutarama 2014, Urukiko Rukuru rwaburanishije urubanza rwe. Ubushinjacyaha bwari buhagarariwe na Jean Bosco Mutangana. Munyagishari yari mu rukiko, ari kumwe n'umwunganizi we mukuru Jean Baptiste Niyibizi n'umwungirije ari we John Hakizimana.
62. Urukiko rwavuze ko umwe mu bacamanza atashoboye kuboneka kubera ko arwaye. Urukiko rwimuriye iburanisha ku itariki ya 26 Gashyantare 2014.

M. Itariki ya 20 Gashyantare 2014: Kubonana na Munyagishari

63. Ku itariki ya 20 Gashyantare 2014, nabonanye na Munyagishari kuri gereza. Yavuze ko yifuzaga ko Guverinoma y'u Rwanda yubahiriza ibyo yijeje TPIR ubwo urubanza rwe rwoherezwaga mu Rwanda. Yavuze by'umwihariko ibyo umuyobozi mukuru w'amagereza²⁰ w'u Rwanda n'Umushinjacyaha Mukuru²¹ bijeje TPIR. Yavuze kandi ko

¹⁹ RBA yanditse ibaruwa imaze kubona fagitire abunganizi bayohereje ku itariki ya 6 Mutarama 2014.

²⁰ Reba *Urubanza Porokireri aburana na Munyagishari*, urubanza N° ICTR-2005-89-I, Imyanzuro yatanze na Repubulika y'u Rwanda nk'Inshuti y'Urukiko (« Imyanzuro y'u Rwanda »), 19 Mutarama 2012, Ikimenyetso gihamya cyahawe numero H (Inyandiko ikozwe hejuru y'indahiro y'Umukuru w'amagereza mu Rwanda).

²¹ Reba muri rusange, Imyanzuro y'u Rwanda.

Guverinoma y'u Rwanda yahinduye itegeko rigenga imanza zimuriwe mu Rwanda, mu buryo butari bwo, urubanza rwe rumaze kwimurirwa mu Rwanda.²²

64. Munyagishari yavuze ko ku wa gatanu wabanjirije umunsi twabonanyeho, abantu bo mu miryango y'abandi bafungwa bafungiyemo mu gice cyihariye cya gereza, baje kubasura. N'ubwo ubusanzwe abasuye n'abasurwa baba bemerewe kumarana iminota 30, Munyagishari yavuze ko abayobozi ba gereza bayigabanyije. Avuga kandi ko iyo minota 30 ubundi idahagije ku gusurwa ko muri urwo rwego, ko igihe cyo gusurwa gikwiye kongerwa. Abafungwa bo mu gice cyihariye cya gereza, bandikiye Umuyobozi wa gereza, binubira ibibazo bijyanye no gusurwa.²³
65. Munyagishari yinubiye ko abafungwa bo mu gice cyihariye cya gereza bari mu bwigunge. Hari umuryango ufunze ubatandukanya n'imbuga ya gereza ya rusange. Munyagishari yavuze ko hari ubwo abafungwa bakenera kuvugana n'umucungagereza, ariko hakaba nta mucungagereza uri inyuma y'urugi, bityo, hakaba hari igihe bategereza isaha imwe cyangwa abiri bataritabwa. Avuga ko uku kudasubizwa bwangu bishobora gutera ikibazo, hari umuntu wo mu gice cyihariye cya gereza ugize ikibazo cy'ubuzima cyihutirwa.
66. Munyagishari yongeye kuvuga ko utwumba bafugiyemo nta rumuri ruhagije dufite rwatuma abantu bashobora gukora nijoro. Nta cyahindutse kuri iki kibazo n'ubwo basabye ubuyobozi bwa gereza kugira icyo bugikoraho. Yongeye kuvuga ko hakenewe ahantu hisanzuye abafungwa bo mu gice cyihariye cya gereza bazajya babonanira n'abunganizi babo.

²² Reba Itegeko N° 47/2013 ryo ku itariki ya 16 Kamena 2013 rigenga kwimurira imanza muri Repubulika y'u Rwanda.

²³ Munyagishari yaduhaye kopi y'iyi baruwa.

67. Munyagishari yongeye kuvuga ko hakenewe umuganga ukorera kuri gereza. N’ubwo hari umuganga uza kuvura abafungwa muri rusange, Munyagishari avuga ko abafungwa bo mu gice cyihariye cya gereza batigeze bashobora kubonana na we. Abafungwa bo mu gice cyihariye cya gereza bagiye basa kubonana n’uwo muganga, ariko na n’ubu ntibirashoboka.
68. Ku birebana n’ubuzima bwe ku giti cye, Munyagishari yavuze ko arwaye sinizite [*sinusitis*]. Yavuze ko yasabye kubonana n’umuganga w’inzobere kuri iyi ndwara, ariko na magingo aya bitarashoboka. Avuga ko ari ngombwa ko avurwa kugira ngo abe afite ubuzima buzira umuze, igihe yitabye Urukiko.
69. Munyagishari yavuze ko yabonye inyandiko ihinduwe mu gifaransa ya raporo y’igenzura yo mu Ukuboza 2013, ko ariko igihe twabonanaga, yari atarabona inyandiko ihinduwe mu gifaransa ya raporo y’ubugenzuzi yo mu Ukwakira n’Ugushyingo 2013.

N. Itariki ya 25 Gashyantare 2014: Kubonana n’Umuyobozi wa Gereza

70. Ku itariki ya 25 Gashyantare 2014, nabonye na Alex Murenzi. Yavuze ko hari undi muntu mushya weguriwe kugaburira gereza kandi ko abafungwa nta kibazo bari bavugaga bafite ku mafunguro. Murenzi yavuze kandi ko umushinga w’inyandiko y’amabwiriza n’amategeko azagenga abafungwa²⁴ uri gusuzumwa n’abamukuriye mu kazi.

O. Itariki ya 26 Gashyantare 2014 : Iburanisha mu Rukiko Rukuru

71. Ku itariki ya 26 Gashyantare 2014, Urukiko Rukuru rwaburanishije urubanza rwa Munyagishari. Jean Bosco Mutangana na Bonaventure Ruberwa bari bahagarariye Ubushinjacyaha. Munyagishari yari mu rukiko kandi yunganiwe n’umwunganizi we mukuru Jean Baptiste Niyibizi n’umwungirije John Hakizimana. Umusemuzi w’agateganyo wa Munyagishari yari mu rukiko aranarahizwa.

²⁴ Reba igika cya 36 haruguru.

72. Urukiko rwasomye mu ijwi riranguruye umwirondoro wa Munyagishari, uvuga ko ari Umunyarwanda, ko yavukiye ku Gisenyi mu Rwanda, mu wa 1959. Urukiko rwasomye inomero y'irangamuntu ye n'inomero ye mu isanduku y'ubwiteganyirize bw'abakozi, izina ry'umugore we n'itariki bashyingiraniweho. Urukiko rwakomeje rusaba Munyagishari kwemeza niba ayo makuru ari yo.
73. Abinyujije ku musemuzi, Munyagishari yahakanye ayo makuru, avuga ko atari Umunyarwanda kandi ko yavukiye muri Kongo muri 1958. Yemeje ko izina ry'umugore we n'itariki bashyingiraniweho ko ari byo nk'uko byasomwe n'Urukiko. Yavuze ko inomero y'irangamuntu ye atari yo, yemeza ko inomero ye yo mu isanduku y'ubwiteganyirize bw'abakozi nk'uko yatanzwe n'Urukiko ari yo.
74. Ubushinjacyaha bwakomeje kwemeza ko Munyagishari ari Umunyarwanda atari Umunyekongo nk'uko abivuga. Bwavuze kandi ko, hatitawe kumenya aho yavukiye, Munyagishari akurikiranywe mu Rwanda ku byaha byakorewe mu Rwanda. Bwakomeje buvuga ko u Rwanda rufite ububasha bwo kumuburanisha kuri ibi byaha, hatitaweho kureba ubwenegihugu bwe.
75. Mu gisubizo cya bwo, Ubwunganizi bwavuze ko umwirondoro w'Uregwa ari ikintu cy'ingenzi mu rubanza. Ubwunganizi bwemeza ko, niba Ubushinjacyaha bwemeye ko Munyagishari ari Umunyekongo, iburanisha ryakomeza. icyakora, Ubwunganizi, bushingiye ku Itegeko Ngenga rirebana n'ubwenegihugu bw'u Rwanda, bwavuze ko ubwenegihugu bwa Munyagishari buramutse butemewe, urubanza rwe rwaba rusubitswe kugera igihe ikibazo cy'ubwenegihugu kizafatirwaho icyemezo.²⁵

²⁵ Ingingo ya 29 y'Itegeko Ngenga N°30/2008 ryo ku itariki ya 25 Nyakanga 2008 rirebana n'ubwenegihugu bw'u Rwanda iteganya ibikurikira :

Imanza zerekeye ubwenegihugu, zaba ziburanywe ukwazo cyangwa zibyukijwe n'ubujurire bukorewe ibyemezo by'ubutegetsu, ziregerwa inkiko zibifitiye ububasha.

76. Mu gisubizo cyabwo, Ubushinjacyaha bwanenze ibimenyetso byatanzwe n'Ubwunganizi mu rwego rwo kugaragaza ko Munyagishari ari Umunyekongo. Ubushinjacyaha bwavuze ko Munyagishari yatanze ikarita ya batisimu, ikarita y'itora, seritifika y'amashuri abanza n'icyemezo cy'amavuko agamije gushyigikira ibyo avuga. Ubushinjacyaha bwavuze ko nta n'imwe muri izo nyandiko zatanze igaragaza ko atari Umunyarwanda. Ikindi kandi, Ubushinjacyaha bwavuze ko icyemezo cy'amavuko atari inyandiko mpamo, buvuga ko cyagaragajwe muri 2011, Munyagishari yaramaze kugera muri gereza Arusha. Ubushinjacyaha bwakomeje buvuga ko Munyagishari atashoboye kugaragaza inyandiko ivuga mu by'ukuri ko ari Umunyekongo. Ubushinjacyaha bwavuze ko ibyo buvuga biramutse bitemewe, kubera ko u Rwanda rwemerera abantu kugira ubwenegihugu bubiri, Urukiko rushobora kwemeza ko Munyagishari ari Umunyarwanda n'iyi yaba ari n'Umunyekongo.
77. Urukiko rwabajije Ubushinjacyaha niba rwakongera ku mwirondoro wa Munyagishari ko ari Umunyekongo. Ubushinjacyaha bwongeye kuvuga ko Munyagishari ari Umunyarwanda kuva akivuka, kandi ko atagaragaje ko ari Umunyekongo. Bwavuze kandi Kongo itemerera abantu kugira ubwenegihugu bubiri icya rimwe kandi ko Munyagishari nta bimenyetso yatanze bigaragaza ko yiyambuye ubwenegihugu bw'u Rwanda. Ubushinjacyaha bwongeye kuvuga ko Urukiko rushobora kuburanisha Munyagishari n'iyi yaba ari Umunyekongo.
78. Nyuma y'isubika rigufi, Urukiko rwasabye ababuranyi kugira icyo bavuga ku birebana n'ingaruka ubwenegihugu bwa Munyagishari bushobora kugira ku rubanza, runabasaba kugira icyo bongera ku ngingo zabo ku birebana n'umwirondoro w'Uregwa.

Ingingo zihinyuza umuburanyi zishingiye ku bwenegihugu cyangwa ku bunyamahanga ni ndemyagihugu. Urukiko rugomba kuzisuzuma kabone n'iyi ababuranyi batabyibutsa.

Izo ngingo zishingiye ku bwenegihugu zigomba gusuzumwa mbere y'urubanza, bigatuma Urukiko ruba ruretse guca urubanza rwerekeye ikiburanwa.

79. Mu gusubiza, Munyagishari yafashe ijambo ubwe, yemeza ko kugira ubwenegihugu buburi bitemewe mu itegeko nshinga rya Kongo. Yavuze ko Ubushinjacyaha bwagerageje kumuvutsa uburenganzira bwe bw'ingenzi, bwemeza ko atari Umunyekongo.
80. Ubushinjacyaha bwongeye kuvuga ko hashingiwe ku biteganywa mu Itegeko rigenga imiburanishirize y'imanza nshinjabyaha, icyaha cyose cyakorewe ku butaka bw'u Rwanda, hatitawe ku bwenegihugu bw'uwigikoze, gishobora gukurikiranwa hashingiwe ku mategeko y'u Rwanda. Ubushinjacyaha, bushingiye ku bimaze kuvugwa, bwavuze ko ubwenegihugu bwa Munyagishari nta ngaruka bwagira ku rubanza.
81. Ubushinjacyaha bwavuze ko icyaha cyo gusambanya ku gahato Munyagishari yahamijwe n'urukiko rwo mu Rwanda gikwiye gufatwa nka kimwe mu bimuranga. Ubwunganizi bwemeje ko iki atari kimwe mu bigize umwirondoro wa Munyagishari. Urukiko rumaze kubaza ibibazo Munyagishari, yemeye ko mbere yahamwe n'icyaha cyo gusambanya ku gahato muri 1981, mu rukiko rwo mu Rwanda.
82. Urukiko rwavuze ko amazina « Bernard Nyarudede Mushari » agaragara ku cyemezo cy'amavuko n'ikarita y'itora byatanzwe na Munyagishari agamije kugaragaza ko ari Umunyekongo. Rwabajije Munyagishari niba yaritwaga n'izina rya Munyagishari. Yashubije ko muri 1971, muri Kongo, yitwaga Zayire icyo gihe, kubera gahunda ya Leta ya « *authenticité* »; byabaye ngombwa ko ahindura izina. Urukiko rwavuze ko rusanga kuri seritifika ye yo mu ishuri, yo muri 1974, izina riyanditseho ari « Bernard Munyagishari ». Munyagishari yashubije ko gahunda ya *authenticité* yabayeho kuva muri 1971 kugera muri 1980, kandi ko icyo gihe inyandiko zatanzwe na Leta zashoboraga kuba ziriho izina rimwe cyangwa irindi.
83. Ku kibazo cy'ururimi, Urukiko rwabajije Munyagishari niba ashobora kwiregura mu kinyarwanda.

84. Munyagishari yafashe ijambo mu Rukiko, atsindagira ko adashobora kwiregura mu kinyarwanda. Yatsindagiye ko, kugira ngo ashobore kwiregura mu kinyarwanda, agomba kumva neza ibisobanuro binyuranye by'amagambo y'ikinyarwanda. N'ubwo yize ikinyarwanda gike ari muri gereza, uburyo acyumva ntibuhagije kugira ngo ashobore kwiregura. Yavuze kandi ko yavukiye muri Kongo akaniga mu gifaransa. Yavuze ko mu buryo butandukanye n'ibivugwa n'Ubushinjacyaha, amashuri yize n'imirimo yakoze, ntibyashoboye kugaragaza ko yumva ikinyarwanda. Ikindi kandi, Munyagishari yavuze ko Abanyarwanda benshi badashobora kwiregura mu kinyarwanda. Yavuze ko mu Rukiko rwa mbere yaburaniyemo mu Rwanda muri 1981, iburanisha ryabaye mu gifaransa, hakoreshwa umusemuzi w'ikinyarwanda.
85. Umwunganizi wa Munyagishari yavuze ko afite uburenganzira ahabwa n'itegeko nshinga bwo kuburanishwa mu rurimi yumva.²⁶ Umwunganizi yavuze ko Munyagishari aregwa ko yakoze ibyaha byo mu rwego mpuzamahanga, ko inkiko mpuzamaha nka TPIR zemereye abaregwa kwiregura mu rurimi bumva. Uyu mwunganizi yavuze ko iki ari ikintu cy'ingenzi mu rwego rw'iburanisha riboneye mu manza nk'izo.
86. Ubushinjacyaha bwashubije ko hari ibimenyetso simusiga bigaragaza ko Munyagishari yumva ikinyarwanda. Bwavuze ko igihe yahamywaga icyaha cyo gusambanya ku gahato muri 1981, inyandiko z'iburanisha zitigeze zivugwamo ko hari umusemuzi witabajwe. Ikindi kandi, Munyagishari yasinye ku nyandikomvugo z'iburanisha, zari zanditse mu kinyarwanda. Ubushinjacyaha bwavuze kandi ko umukobwa wa Munyagishari yemeye ko yarezwe mu kinyarwanda, kandi ko Munyagishari yigishije mu kinyarwanda muri za 1980.

²⁶ Mu rwego rwo gushyigikira ingingo zabwo, Ubwunganizi bwifashishije ingingo ya 5, iya 28 n'iya 29 z'itegeko nshinga ry'u Rwanda; ingingo ya 14 y'Amasezerano Mpuzamahanga Yerekeye Uburenganzira mu by'Imbonezamubano no mu bya Politiki; ingingo ya 14 y'itegeko rigena kwimurira imanza mu Rwanda; n'ingingo ya 25 y'itegeko N° 30/2013 ryerekeye imiburanishirize y'imanza z'inshinjabyaha, ryo ku wa 24 Gicurasi 2013.

87. Ubushinjacyaha kandi bwavuze ko urubanza rwa Mugesera rwakomotseho ubukemuramanza Urukiko rukwiye gukurikiza. Mugesera wimuriwe mu Rwanda avanywe muri Kanada kugira ngo aburanishwe mu rubanza aregwamo jenocide, yaburanye avuga ko urubanza rwe rugomba kuburanishwa mu gifaransa kubera ko yumva igifaransa neza kurusha ikinyarwanda. Urukiko rwaburanishaga urubanza rwe, rwanze iyo ngingo, rutegeka ko aburanishwa mu kinyarwanda. Ubushinjacyaha bwavuze ko ibyemejwe muri uru rubanza rwa Mugesera bijyanye n'urubanza rwa Munyagishari, kubera ko yumva ikinyarwanda. Bwongeyeho ko guha Munyagishari umusemuzi bizasaba Urukiko gutanga amafaranga. Mu gusoza, bwavuze icyemezo cyafashwe na Komisiyo y'Umuryango w'Abibumbye ishinze uburenganzira bw'ikiremwamuntu, ivuga ko uburenganzira bw'uregwa bwo gucirwa urubanza ruboneye butabangamiwe, iyo urukiko rutatanze abasemurira uregwa wumvaga ururimi urukiko rwakoreshaga. Ubwunganizi bwavuze ko butemera ko Ubushinjacyaha bushingira kuri urwo rubanza kubera ko nta kopi ya rwo bwari bwahaye Ubwunganizi mbere yo kuruvugaho.
88. Ubwunganizi bwavuze ko mu cyemezo cyohereza urubanza rwa Munyagishari mu Rwanda, TPIR yavuze ko amafaranga y'ubusemuzi azaboneka. Ntibwemeranyijwe kandi n'Ubushinjacyaha aho buvuga ingaruka zo gutanga amafaranga zizakomoka kugutanga umusemuzi, butsingagira ko Munyagishari afite uburenganzira bw'ibanze bwo kumva ibivugwa mu rubanza. Ubwunganizi bwavuze kandi ko urubanza rwa Mugesera rutandukanye n'urwa Munyagishari, kubera ko we yakomeje kwemeza ko atumva ikinyarwanda, ibi bikaba bitandukanye n'ibya Mugesera.
89. Nyuma y'ingingo zavuzwe mu rubanza zimaze kuvugwa haruguru, Urukiko rwasubitse iburanisha, rumenyeshya ababuranyi ko ruzatanga icyemezo ku itariki ya 19 Werurwe 2014.

P. Itariki ya 26 Gashyantare 2014 : Kubonana n'Umwunganizi

90. Ku itariki ya 26 Gashyantare 2014, nabonanye na John Hakizimana, umwunganizi wungirije wa Munyagishari. Hakizimana yavuze ko kugeza kuri icyo Itariki, Ubwunganizi bwari butarabonana n'umunyamabanga uhoraho muri Minisiteri y'Ubutabera, ku birebana n'amasezerano y'akazi yashoboraga kuzasinywa ateganywamo igihembo kizahabwa ikipe y'Ubwunganizi bwa Munyagishari. Ubwunganizi bwagerageje guhamagara uwo munyamabanga uhoraho mu cyumweru cyabanjirije icyo twabonanyemo, bubwirwa ko yagiye mu butumwa bw'akazi. Hakizimana yavuze ko Ubwunganizi buzakomeza gusaba kubonana n'umunyamabanga uhoraho.

Q. Itariki ya 27 Gashyantare 2014: Kubonana n'Ubushinjacyaha

91. Ku itariki ya 27 Gashyantare 2014, nabonanye na Madamu Florida Kabasinga, Umujyanama mu by'amategeko wa Porokireri Mukuru, na Jean Bosco Mutangana, Umushinjacyaha mukuru mu rubanza rwa Munyagishari.
92. Mutangana yateganyaga ko urubanza rwa Munyagishari rushobora kuzatinda gutangira kurushaho. Yavuze ko atazi aho ikibazo cy'abunganizi ba Munyagishari kigeze. Yateganyaga ko Ubwunganizi bushobora kuzavuga ko bugomba kwibariza ibibazo abatangabuhamya babwo nk'uko byagenze mu rubanza rwa Uwinkindi. Urubanza rushobora kandi kuzatinda kurushaho kubera ko hazakenerwa guteganya amafaranga azakoreshwa mu iperereza ku batangabuhamya. Mutangana yavuze ko ibyemezo byagiye bifatwa mu rubanza rwa Uwinkindi, bishobora kuzatuma icyiciro kibanziriza iburanisha cyihuta.
93. Mutangana yavuze ko Ubwunganizi bushobora kuzajurira Urukiko Rukuru nirufata icyemezo butishimiye ku rurimi ruzakoreshwa mu iburanishwa.

III. UMWANZURO

94. Ku itariki ya 19 Werurwe 2014, Urukiko Rukuru ruzasoma icyemezo cyarwo ku kibazo kirebana n’ubwenegihugu bwa Munyagishari n’ururimi ruzakoreshwa mu iburanisha.

Murakoze.

Samuel Algozin [umukono]

Umugenzuzi washyizweho na MICT mu rubanza rwa Munyagishari
