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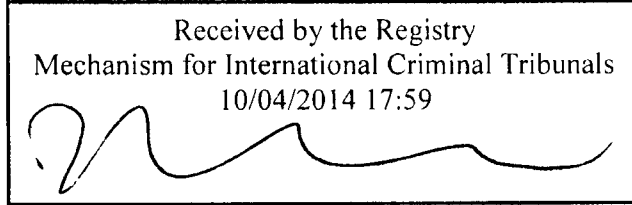


**Urukiko Mpanabyaha Mpuzamahanga
Rwashyiriweho u Rwanda**

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19 Ukuboza 2012

Kuri: Perezida w'Urukiko Mpanabyaha
Mpuzamahanga Rwashyiriweho u Rwanda

Perezida w'Urwego Rushinzwe Kurangiza
Imirimo y'Inkiko Mpanabyaha Mpuzamahanga

Binyujijwe kuri: Pascal Besnier,
Gerefiye w'Agateganyo wa TPIR

Byanditswe na: Constant K. Hometowu, Umugenzuzi
washyizweho na TPIR mu rubanza rwa Uwinkindi

Impamvu : Raporo yakozwe n'Umugenzuzi w'Urukiko mu rubanza rwa
Uwinkindi (Ukuboza 2012)

Intangiriro:

1. Mboherereje iyi raporo nk'umukozi wo mu Biro bya Gerefiye washyizweho nk'umugenzuzi ushinze gukurikirana urubanza rwa Uwinkindi rwoherejwe muri Repubulika y'u Rwanda kugira ngo ruhaburanishirizwe, hashingiwe ku ngingo ya 11 bis y'Amategeko Agenga Imiburanishirizwe n'Itangwa ry'ibimenyetso¹ Jean Uwinkindi ubu ufungiyeye muri Gereza nkuru ya Kigali, yoherejwe mu Rwanda ku itariki ya 19 Mata 2012 hashingiwe ku cyemezo cyafashwe n'Urugereko rw'Ubujurire ku bujurire bwa Jean Uwinkindi ku iyoherezwa ry'urubanza rwe mu

¹ Urubanza Porokireri aburana na Jean Uwinkindi, n°ICTIR-01-79 R11bis. Itegeko rya gerefiye rishyiraho Umugenzuzi wa kabiri ku rubanza rwa Jean Uwinkindi rwoherejwe mu Rwanda, 25 Ukuboza 2012.

R(RM)13-0016K

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

- Rwanda, n'ibindi byifuzo bijyanye na cyo,² cyemeje icyemezo cyafashwe n'Urugereko cyo kohereza urubanza mu Rwanda. Urwo rubanza ubu ruri ku ntera itegura urubanza. Iyi raporo irebana n'imirimo y'itegura ry'urubanza yo mu kwezi k'Ukuboza 2012, hamwe n'ingendo z'ubugenzuzi nakoreye mu Rwanda kuva ku itariki 1 kugeza ku ya 5 Ukuboza 2012.
2. Muri urwo rugendo, nabonanye n'Uregwa ari kumwe n'umwunganizi we mukuru Gatera Gashabana. Twabonanyije kuri gereza. Nabonanye n'umwunganizi mukuru ku giti cye nza no kubonana n'abakozi bo mu Bushinjacyaha Bukuru ari bo Jean Bosco Mutangana umushinjacyaha mukuru mu rubanza rwa Uwinkindi, na Yasmine Chubin, umujyanama mukuru mu by'amategeko wa Porokireri mukuru w'Ubushinjacyaha Bukuru bw'u Rwanda, Ishami rishinzwe gukurikirana ibyaha byo mu rwego mpuzamahanga. Nabonanye kandi na Olivier Rukundakuvuga, Gerefiye mukuru mu Rukiko rw'Ikirenga rw'u Rwanda na Solange Ingabire, Gerefiye w'Urukiko Rukuru ruburanisha ibyaha byo mu rwego mpuzamahanga, ngamije gushaka amakuru yerekeranye n'ibintu bishya byashyizwe mu idosiye y'urubanza.

Gahunda y'iburanisha

3. Mu nyandiko yo ku itariki ya 22 Ugushyingo 2012, ifite numero RP00002/12/HCCI, naherewe kopi n'Iburo bya Gerefiye w'Urukiko Rukuru, yanditswe kandi isinywa na Hypax Nyamutama, yakiriwe kandi ikanashyirwaho umukono na Uwinkindi ku itariki ya 23 Ugushyingo 2012, Urukiko Rukuru rwahamagaje Uregwa kurwitaba ku itariki ya 14 Mutarama 2013 saa mbiri za mu gitondo, kugira ngo yiregure ku birego aregwa ari byo jenoside n'itsembatsemba nk'icyaha cyibasiye inyokomuntu.
4. Urukiko rwasabye kandi Ubwunganizi gutanga igisubizo mu nyandiko ku byavuzwe na Porokireri bitarenze itariki ya 15 Ukuboza 2012, kugira ngo

² *Urubanza Jean Uwinkindi aburana na Porokireri* n° ICTR01-72-AR 11bis Icyemezo ku bujirire bwa Uwinkindi ku cyemezo cyo kohereza urubanza rwe mu Rwanda no ku byifuzo bijyanye na cyo.,16 Ukuboza 2011.

28 Ukwakira 2013

imihango ibanziriza urubanza irangire, bifashe Urukiko gufata icyemezo ku buryo urubanza rwakomeza.

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Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi (Ukuboza 2012) Constant K. Hometowu

Ibyavuzwe n'Ubwunganizi

5. Ubwunganizi bwa Uwinkindi bwatanze igisubizo kuri iryo hamagarwa mu ibaruwa yo ku itariki ya 27 Ugushyingo 2012 yashyizweho umukono na Gatera Gashabana, umwunganizi mukuru, na Jean Baptiste Niyibizi umwunganizi wungirije. Muri icyo baruwa, Ubwunganizi bwemeraga ko bwabonye urwandiko ruhamagara Uregwa rwo ku itariki ya 22 Ugushyingo 2012. Mu byo Ubwunganizi bwavuze harimo ko budashobora gusubiza ku byavuzwe na Porokireri, buvuga ibibazo bikurikira busanga bibubangamiye mu rwego rwo gutegura urubanza:
- Kuba hari ibice bimwe bya dosiye bitahinduwe mu rurimi rw'ikinyarwanda. Bwavuze ko zimwe mu nyandiko, nk'urugero inyandiko z'ubuhamya bw'abatangabuhamya ziri mu gifaransa cyangwa icyongereza kandi Uregwa avuga akanumva gusa ikinyarwanda. Izo nyandiko zikeneye guhindurwa mu kinyarwanda kugira ngo Uwinkindi ashobore kumva neza ibyo aregwa, bityo ashobore gutegura urubanza neza.
 - Kuba nta bakozi b'iperereza n'abafasha mu by'amategeko bakorera Ubwunganizi bashyizweho kugira ngo bafashe Ubwunganizi mu kumenya aho abatangabuhamya bashinjura baherereye, abenshi muri bo bakaba batari mu Rwanda kandi bahindura kenshi aho batuye; no kubasaba niba bakwemera gutanga ubuhamya bushinjura.
6. Ubwunganizi bwanzuye buvuga ko ibibazo byavuzwe haruguru nibibonerwa umuti, buzakenera andi mezi atandatu buzakoresha mu kwiga idosiye yose, kugira ngo bwitegure neza itangira ry'urubanza.
7. Nabonye kandi kopi y'ibaruwa yo ku itariki ya 26 Ugushyingo 2012 Ubwunganizi bwandikiye Urukiko Rukuru, burusaba gushyiraho abakozi b'iperereza babiri bakorera Ubwunganizi n'umufasha mu by'amategeko umwe wo kunganira Ubwunganizi mu gushakisha abatangabuhamya bashinjura Uwinkindi, bwibutsa ko abenshi muri abo batangabuhamya bari hanze kubera ko bahunze mu wa 1994, Uwinkindi akaba atarigeze abonana na bo ukundi kuva icyo

- gihe. Ubwunganizi bwibukije ko abakora iperereza nibamara kubonana na bo bakareba ubuhamya bashobora kuzatanga, ari ho Ubwunganizi buzashyikiriza Urukiko imyirondoro yabo nk'amazina, aho babarizwa n'uko bagerwaho. Mu gushyigikira ibyo busaba Urukiko, Ubwunganizi bwifashishije ibiteganywa mu ngingo ya 13 y'Itegeko Ngenga ryo ku itariki ya 17 Werurwe 2007.
8. Ku itariki ya 5 Ukuboza 2012, nabonye kopi y'ibaruwa Uwinkindi yandikiye Urukiko rw'Ikirenga rw'u Rwanda ku itariki ya 3 Ukuboza 2012, arusaba kuvana mu bitabo by'amategeko ingingo ya 1 y'Itegeko Ngenga n°03/2009 ryo ku itariki ya 26 Gicurasi 2009, rirebana no koherezwa mu Rwanda kw'abantu baregwa muri TPIR no mu zindi nkiko z'ibihugu byo hanze. Avuga ko iryo tegeko rinyuranyije n'ibiteganywa mu ngingo ya 11, iya 16 n'ya 19 by'Itegeko Nshinga ry'Igihugu.
 9. Nta cyemezo Urukiko rw'Ikirenga rwari rwafata kuri iki cyifuzo.

Ibyavuzwe n'Ubushinjacyaha

10. Nakoranye inama n'abahagarariye Ubushinjacyaha Bukuru (Jean Bosco Mutangana, umushinjacyaha mukuru mu rubanza rwa Uwinkindi, na Yasmine Chubin, umujyanama mukuru mu by'amategeko wa Porokireri Mukuru) ku itariki ya 4 Ukuboza 2012, mu byo twaganiriye hakaba harimo aho imyiteguro ya Porokireri igeze mu rwego rwo gutangira iburanisha ry'urubanza. Mutangana yavuze ko Porokireri yiteguye itangira ry'urubanza ku itariki ya 14 Mutarama 2013 nk'uko byategetswe n'Urukiko. Yongeyeho ko Porokireri yamenye ibibazo byavuzwe n'Ubwunganizi mu mabarurwa ya bwo yo ku itariki ya 22 n'ya 27 Ugushyamba 2012, ko, abyibwirije, azatanga igisubizo cye igihe nikigera.
11. Nyuma naje kubona kopi y'ibaruwa Porokireri yanditse asubiza ku bibazo byavuzwe n'Ubwunganizi. Igisubizo gifite n°1/1510/D11/A/ONPJ cyo ku itariki ya 6 Ukuboza 2012 kikaba cyarashyizweho umukono na Martin Ngoga, Porokireri Mukuru mu Bushinjacyaha Bukuru, cyoherejwe Perezida w'Urukiko Rukuru, cyakirwa ku itariki ya 10 Ukuboza 2012. Mu byavuzweho muri icyo baruwa harimo ibibazo bikurikira :

- Itariki yo gutangira kuburanisha urubanza: Porokireri avuga ko asanga Ubwunganizi bwarumvise nabi icyemezo cy'Urukiko kigena umunsi w'iburanisha cyanasabye Ubwunganizi gutanga ingingo zabwo bitarenze itariki ya 15 Ukuboza 2012. Porokireri avuga ko Urukiko rutasabye ababuranyi kurwitaba ku itariki ya 15 Ukuboza nk'uko Ubwunganizi bubivugaga. Avuga ko yumva ihamagara ry'Urukiko rivugaga ko inyandiko zigomba kuba zatanzwe bitarenze itariki ya 15 Ukuboza 2012, noneho urubanza rugatangira ku itariki ya 14 Mutarama 2013. Porokireri avuga ko kuba itariki ya 15 Ukuboza ari umunsi w'ikiruhuko, bisobanura ko ari wo munsi wa nyuma wo gutanga inyandiko. Porokireri yavuze ko asanga Urukiko rukwiye koherereza Uregwa irindi hamagara rugasobanura ikibazo kurushaho, kubera ko Uregwa afunze kandi agomba gutegurwa kugira ngo yitabe Urukiko.
- Icyifuzo cy'Ubwunganizi gisaba ko ibice bimwe bya dosiye bihindurwa mu kinyarwanda. Porokireri avuga ko Ubwunganizi butashubije ibaruwa ya Perezida w'Urukiko n° 004/PHCIC/11/12 yo ku itariki ya 13 Ugushyamba 2012, yabusabaga kuvugaga ibice by'Inyandiko y'ibirego n'inyandiko ziyishyigikiye bwifuzaga ko bihindurwa mu kinyarwanda, kugira ngo Urukiko rushakire umuti icyo kibazo.
- Icyifuzo cy'Ubwunganizi cyo guhabwa abapererezi n'umufasha mu by'amategeko: Porokireri yavuze ko Itegeko Ngenga 11/2007 ryo ku itariki ya 16 Werurwe ridateganya guha amakipe y'Ubwunganizi abapererezi n'abafasha mu by'amategeko, anatsindagira akamaro ko gukora nta gutandukira ibiteganywa mu itegeko rirebana n'iyoherezwa mu Rwanda ry'abaregwa bavuye muri TPIR n'ikinko z'ibindi bihugu kugira ngo bahaburanyire, nk'uko biteganywa mu ngingo ya 19 y'itegeko n° 03/2004 ryo ku itariki ya 19 Gicurasi 2004 nk'uko ryahinduwe. Ubushinjacyaha bwongeyeho ko Ubwunganizi bushobora kubona idosiye yose uko yakabaye harimo n'ibyavuye muri TPIR bukaba bwarasabye Ubwunganizi kuvugaga igice

busanga kigomba gukorwaho anketi, kugira ngo Ubushinjacyaha bukorere Ubwunganizi anketi nk'uko bikorwa ubu mu Rwanda. Ubushinjacyaha bwavuze ko buramutse bugize imbogamizi mu gukora iperereza, Ubwunganizi ariho bwakwegera Urukiko kugira ngo rubufashe.

- Icyifuzo cy'Ubwunganizi gisaba kongererwa amezi 6 ku gihe cyatanzwe: Ubushinjacyaha buvuga ko Urukiko rukwiye kuzatumiza inama itegura urubanza ku itariki inogeye ababuranyi bombi kugira ngo bashakire umuti ibibazo byatanzwe n'Ubwunganizi, mbere y'uko urubanza rutangira kuburanishwa ku itariki ya 14 Mutarama 2013. Ubushinjacyaha bwanibukije ko icyifuzo cy'Ubwunganizi cyo kongererwa igihe ntaho giteganywa mu itegeko.

Imibereho muri gereza

Kubonana n'umuyobozi wa gereza

12. Nasuye Gereza ya Kigali ku itariki ya 4 Ukuboza 2012 mbere yo kubonana n'Uregwa. Nagiranye inama na Rusa Gahima, umuyobozi wa gereza. Ku kibazo cyo kumenya uko Uregwa abayeho muri gereza, yansubije ibikurikira : Uwinkindi afite ubuzima buzira umuze kandi asurwa na muganga buri gitondo na buri mugoroba. Amafunguro y'Uwinkindi ni meza. Avugana buri gihe n'ubuyobozi bwa gereza kugira ngo ibyo ahabwa birushaho kuba byiza. Uwinkindi yemerewe kuvugana n'abunganizi be buri gihe abyifuje ndetse no muri wikendi. Uwinkindi yemerewe gusenga mu idini rye, buri cyumweru ajya mu masengesho yo ku cyumweru. Uwinkindi yahawe mudasobwa na « *flash disc* » kugira ngo ashobore gutegura dosiye ye kandi asangiye « *printer* » n'abandi bafungwa bari mu gice kimwe cya gereza na we. Ku birebana n'ibyo Uwinkindi yari yinubiye mbere, ko adahabwa ibikoresho bimufasha kwiyogoshya ubwanwa bihagije no kuba hari abantu bambaye imyenda isanzwe baboneka aho ari, umuyobozi wa gereza yavuze ko azabonera umuti ibyo bibazo. Yavuze ko ni biba ngombwa, Uwinkindi n'abunganizi be bashobora kuzajya babonanira mu biro umuyobozi wa gereza ubundi avuganiramo n'abakozi aho kubonanira mu biro by'abashinzwe

umutekano, kugira ngo habe icyizere ko ibyo avugana n'abunganizi be biba ibanga. Inama yakurikiyeho nagiranye na Uwinkindi n'abunganizi be yabereye koko mu biro umuyobozi wa gereza abonaniramo n'abakozi. Mpibereye, umuyobozi wa gereza yahamagaye umukozi ushinzwe kwita ku mfungwa amutegeka kurangiza ikibazo kijyanye n'inzembe zo kogosha ubwanwa.

Kubonana na Uwinkindi

13. Kuri uwo muni, ni ukuvuga ku itariki ya 4 Ukuboza 2012, nakomeje mbonana n'Uregwa hari umwunganizi we mukuru Gatera Gashabana. Uwinkindi yagaragaraga nk'umeze neza. icyakora yatubwiye ko afite ibibazo bikurikira: yahawe gusa amashuka abiri kuva aho agereye muri gereza nkuru ya Kigali, ahabwa inzembe zo kogosha ubwanwa ebyiri. Mu Ugushyingo ni ho bwa mbere yahawe agacupa gatoya k'amavuta yo kwisiga, bikaba byarabaye bucya turi bubonane. Avuga kandi ko imiterere y'amafunguro n'ingano bidahwitse. Yavuze ko yahawe amabwiriza yo gushyira ku rutonde ibintu byose bitagenda neza akabishyikiriza umuyobozi wa gereza, kandi uyu muyobozi yemeye ko akwiye guhabwa ibyo yasabye byose. Yongeyeho ariko ko abantu bashinzwe kubishyira mu bikorwa badakurikiza buri gihe amabwiriza y'umuyobozi wa gereza.
14. Avuga ko ikimuhangayikishije kurusha ibindi ari urubanza rwe. Yavuze ko afite imbogamizi Ubwunganizi bwe bwavuze haruguru - guhindura mu kinyarwanda idosiye y'urubanza rwe no gushyiraho abapererezi bakorera Ubwunganizi n'umufasha w'Ubwunganizi mu by'amategeko. Yanavuze ikibazo cyo guha ababuranyi bombi ubushobozi bungana, avuga ko asanga Ubwunganizi budahabwa igihe gihagije n'ubushobozi kugira ngo ashobore gutegura imyiregurire ye. Yagize ati « Barangije kuncira urubanza, bakaba bashaka kuzafata icyemezo bagendeye gusa ku bimenyetso bwatanzwe n'abatangabuhamya bashinja ». Yakomoje ku ngingo ivuga ko ibibazo bye nibidashakirwa umuti atazitabira iburanisha ry'urubanza rwe.

Gahunda yo kwita ku batangabuhamya

15. Ku itariki ya 15 Ukuboza 2012, nagiranye inama na Olivier Rukundakuvuga, Gerefiye Mukuru w'Urukiko rw'Ikirenga, kugira ngo tuvugane ku byerekeranye na gahunda yo kwita ku batangabuhamya, iyi ikaba ari gahunda nshya yongerewe vuba mu mikorere y'ubutabera mu Rwanda. Yamenyesheje ko Minisiteri y'Ubutabera iri muri gahunda yo guhindura imiterere y'urwego rwa kera, avuga ko hari imiterere mishya y'ubuyobozi na gahunda y'ibikorwa biri gutegurwa, bizashyikirizwa ababishinzwe mu gihe cya vuba kugira ngo babyemeze. Yavuze ko Minisiteri iriho ishyira imbere ibikorwa bya ngombwa bikenewe kugira ngo hajyeho gahunda yo kurinda umutekano w'abatangabuhamya, nk'uko biteganywa mu itegeko rirebana no kohereza imanza mu Rwanda. Yavuze ko hari intumwa zo mu gihugu cya Suwedi ziri gukorana na Minisiteri y'Ubutabera kuri iyi gahunda.
16. Mubajije niba ibiro bye byariteguye kandi byiteguye gushyira mu bikorwa gahunda yuzuye yo kurinda umutekano w'abatangabuhamya, iburanisha niritangira, yanshubije yemeza ko biteguye, yongeraho ko hari inzu irindiwe umutekano yateguwe itegereje muri urwo rwego.

Umwanzuro

Bisa nk'aho ibintu byose byateguwe kugira ngo urubanza rutangire kuburanishwa ku itariki ya 14 Mutarama 2013, nk'uko biteganywa mu itegeko rigena itariki y'iburanisha, n'ubwo ibibazo byavuzwe n'Ubwunganizi bitarabonerwa umuti. Ababuranyi bategereje icyo Urukiko ruzavuga ku myanzuro yabo. Urukiko ni rwo ruzafata icyemezo ku bizakurikira.

17. Murakoze