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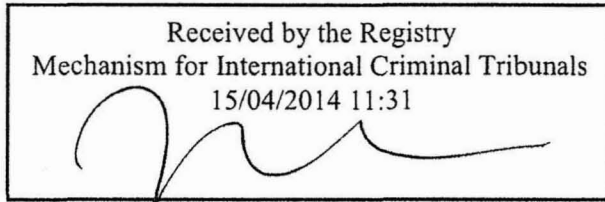
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**Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda**

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31 Mutarama 2013

Kuri : Perezida w'Urukiko Mpanabyaha Mpuzamahanga  
Rwashyiriweho u Rwanda

Perezida Urwego rushinzwe kurangiza imirimo y'Inkiko  
Mpanabyaha Mpuzamahanga

Binyujijwe kuri : Bwana Bongani Majola,  
Gerefiye wa TPIR

Byanditswe na : Constant K. Hometowu [umukono]  
Umugenzuzi washyizweho na TPIR mu rubanza rwa Uwinkindi

Impamvu : **Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi  
(20 Ukuboza-31 Mutarama 2013)**

**Intangiriro**

1. Mbagejejeho iyi raporo nk'umukozi w'ibiro bya Gerefiye wa TPIR washinzwe kugenzura no gukurikirana urubanza rwa Jean Uwinkindi rwoherejwe muri Repubulika y'u Rwanda kugira ngo ruhaburanishirizwe, hashingiwe ku Ngingo ya 11 bis y'Amategeko Agenga Imiburanishirize n'Itangwa ry'Ibimenyetso.<sup>1</sup> Jean Uwinkindi, ubu ufungiyeye muri Gereza Nkuru ya Kigali, yimuriwe mu Rwanda ku itariki ya 19 Mata 2012, hashingiwe ku Cyemezo cy'Urugereko rw'Ubujurire ku bujurire bwa Uwinkindi wari wajuririye iyoherezwa ry'urubanza rwe mu Rwanda

<sup>1</sup> *Urubanza Porokireri aburana na Uwinkindi, N°ICTR-01-79R11 bis, Itegeko rya Gerefiye rishyiraho umugenzuzi wa kabiri wo gukurikirana urubanza rwa Jean Uwinkindi rwoherejwe mu Rwanda, 25, Nzeri 2012.*

R(RM)13-0017K

Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

*Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi (20/12/2012- 31/01/2013) Constant K. Hometowu*

n'ingoboka zijyanye na cyo<sup>2</sup>, cyashimangiye icyari cyafashwe n'Urugereko rwa Mbere rw'Iremezo. Urwo rubanza ubu rugeze ku rwego rw'iburanisha mbanzirizarubanza.

2. Ku itariki ya 22 Ugushyingo 2012, Urukiko Rukuru rw'u Rwanda, rumaze gushyikirizwa urubanza rwa Uwinkindi, rwatanze itegeko rigena ingengabihe y'iburanisha. Rubinyujije kuri Gerefiye warwo, Bwana Hypax Nyamutama, rwamenyesheje ababuranyi ko urubanza ruzatangira ku wa mbere tariki ya 14 Mutarama 2013.
3. Jean Uwinkindi ashinjwa ibyaha bibiri ari byo jenocide n'itsembatsemba nk'icyaha cyibasiye inyokomuntu.
4. Iyi raporo iribanda ku bikorwa mbanzirizarubanza byabaye guhera ku itariki ya 20 Ukuboza 2012 kugeza ku ya 21 Mutarama 2013, birimo n'ingendo zo mu rwego rw'ubugenzuzi nakoreye mu Rwanda kuva ku itariki ya 12 kugeza ku ya 18 Mutarama 2013.

#### **Iburanisha ku cyifuzo cy'ingoboka cyashyirijwe Urukiko rw'Ikirenga**

5. Ku wa mbere ku itariki ya 14 Mutarama 2013, inteko igizwe n'abacamanza icyenda b'Urukiko rw'Ikirenga rw'u Rwanda iyobowe n'Umucamanza Sam Rugege, yarateranye igamije kumva ingingo mu magambo z'ababuranyi, ku birebana n'icyifuzo cy'ingoboka Uwinkindi yashyikirije Urukiko rw'Ikirenga mu ibaruwa yo ku itariki ya 7 Ugushyingo 2012, avuga ko Urukiko Rukuru rudafite ububasha bwo kumuburanisha kandi ko rumuburanishije byaba binyuraniye n'itegeko nshinga.

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<sup>2</sup> *Urubanza Porokireri aburana na Uwinkindi*, N°ICTR-01-79R11 bis « Icyemezo ku bujurire bwa Uwinkindi ku Cyemezo cyohereza urubanza rwe mu Rwanda n'ibyifuzo bijyanye na cyo », 16 Ukuboza 2011.

6. Urubanza rumaze guhamagarwa, umwunganizi mukuru wa Uwinkindi, Gatera Gashabana, wari kumwe n'umwunganizi wungirije, Jean Baptiste Nyibizi [sic], yamenyesheje Urukiko ko umukiriya we Uwinkindi, na we wari mu rukiko, yashyikirije Urukiko rw'Ikirenga icyifuzo, ariko ko, kugeza icyo gihe, Ubwunganizi nta gisubizo cya Leta bwigeze bubona - niba hari icyo ifite. Gashabana kandi yavuze ko mu gihe nta gisubizo cya Leta Ubwunganizi bwabonye, budashobora gutanga ingingo zabwo. Yasabye Urukiko gusubika iburanisha kugeza igihe Leta izasubiriza icyifuzo cy'umukiriya we, hashingiwe ku mahame yo guca urubanza rubonye n'amategeko agenga imiburanishirize.
7. Intumwa ya Leta mu Nkiko, Bwana Epimaque Rumbango wo muri Minisiteri y'Ubutabera, wari uhagarariye Leta, yasubije ko yatanze igisubizo abinyujije mu buryo bwa elegitoroniki ku wa gatanu ubanziriza uwo muni, ku itariki ya 11 Mutarama 2013 ndetse na Gerefiye ahabwa kopi kandi we yamugezeho. Rumbango yavuze kandi ko yarebye agasanga *e-mail* itamugaragariza ko ubutumwa yohereje butagiye, bigaragaza ko bwoherejwe. Yongeyeho ko mu rubanza nk'uru, bitewe n'uko Guverinoma atari umuburanyi, icyo ikora ni ukugira Urukiko inama gusa, bityo rero icyifuzo cy'Ubwunganizi gisaba gusubika urubanza kikaba nta shingiro gifite.
8. Gashabana wunganira Uwinkindi yashimangiye ibyo yari yavuze ko atigeze abona igisubizo cya Leta. Yavuze ko intumwa ya Leta mu Nkiko imaze kumubwira, mu magambo, ko yohereje ubwo butumwa, yongeye gufungura « *e-mail* » ye ngo arebe, ariko icyo gisubizo nta cyo yabonye. Avuga rero ko byaba binyuranyije n'amategeko agenga imiburanishirize n'itangwa ry'ibimenyetso Urukiko ruramutse rukomeje rukumva imyanzuro mu magambo kandi icyo gisubizo cya Leta ku kirego cy'umukiriya we kitaraboneka. Gashabana yavuze ko n'ubwo Guverinoma itanga inama mu rubanza nk'uru, ikigaragara ahangaha ni uko Guverinoma na yo ari umwe mu baburanyi, igisubizo cyayo rero kikaba gikenewe mbere y'uko iburanisha rikomeza. Umwunganizi wungirije, Nyibizi,

yateye mu rya Gashabana yemeza ko nta nyandiko Ubwunganizi bwabonye. Ubwo Urukiko rwasubitse iburanisha kugira ngo abacamanza bajye impaka ku bibazo byari bimaze kubyutswa.

9. Iburanisha rimaze gusubukurwa, Umucamanza Sam Rugege yamenyesheje ababuranyi ko nyuma y'impaka z'abacamanza ku bibazo byabyukijwe n'ababuranyi, Urukiko rwanzuye ko, mu rubanza nk'uru, Guverinoma atari umuburanyi. Yavuze ko itegeko rirebana n'ububasha bw'Urukiko rw'Ikirenga riteganywa, mu ingingo ya 56, ko imanza zisesengurwa gusa Guverinoma ihari.
10. Umucamanza Rugege kandi yamenyesheje ababuranyi ko mu rwego rwo guca urubanza ruboneye hashingiwe ku mategeko agenga imiburanishirize arebana n'iki kibazo, Urukiko rusubitse urubanza kugeza ku wa mbere tariki ya 21 Mutarama 2013, kugira ngo Ubwunganizi bubanze bubone igisubizo cya Leta, hanyuma ingingo z'ababuranyi mu magambo zikomeze kumvwa. Kubera iyo mpamvu, Urukiko rwasubitse iburanisha.

#### **Iburanisha ry'urubanza mu mizi yarwo mu Rukiko Rukuru**

11. Nyuma yaho, kuri uwo muni, inteko igizwe n'abacamanza batatu b'Urukiko Rukuru, bayobowe n'Umucamanza Alice R. Ngendakuriyo na yo yarateranye kugira ngo itangire kuburanisha urubanza rwa Uwinkindi mu mizi yarwo. Urubanza rumaze guhamagarwa, umwunganizi mukuru wa Uwinkindi, Gatera Gashabana, yamenyesheje Urukiko ko hagitegerejwe icyemezo ku cyifuzo cy'ingoboka cyashyikirijwe Urukiko rw'Ikirenga, muri icyo cyifuzo Uregwa akaba asanga Urukiko Rukuru rudafite ububasha bwo kumuburanisha kandi ko binyuranyije n'itegeko nshinga. Yasabye Urukiko gusubika iburanisha kugeza igihe Urukiko rw'Ikirenga ruzafatira umwanzuro ku cyifuzo rwashyikirijwe.
12. Martin Ngoga, Umushinjacyaha Mukuru wa Repubulika y'u Rwanda, wari mu rukiko, ari kumwe na Porokireri Jean Bosco Mutangana, yavuze ko Ubushinjacyaha butigeze bumenyeshwa ko hari icyifuzo cy'ingoboka nk'iki

cyashyikirijwe Urukiko rw'Ikirenga. Yavuze ko nta cyemezo cy'Urukiko rw'Ikirenga cyafashwe kibuza Urukiko Rukuru kuburanisha uru rubanza. Yavuze ko mu gihe nta cyemezo nk'icyo kiriho, Urukiko Rukuru rwagombye gutangira kuburanisha urubanza.

13. Umwunganizi mukuru Gashabana yarwanyije ibivugwa n'Umushinjacyaha Mukuru, ahubwo asaba Urukiko Rukuru kumva icyo cyifuzo mbere yo gutangira urubanza, nta muburanyi uryamiwe kandi rutirengagije ihame ry'inyungu z'ubutabera. Nyibizi, umwunganizi wungirije, yavuze ko Ubwunganizi bwiteguye gushyikiriza Urukiko Rukuru imyanzuro yabwo, ku buryo Ubushinjacyaha n'Urukiko byaba biyimenyeshejwe ku mugaragaro.
14. Urukiko Rukuru rumaze gutegeka Ubwunganizi gutanga icyifuzo cyabwo uwo muni mbere ya saa cyenda z'amanya, rwasubitse iburanisha, rikazasubukurwa saa yine za mu gitondo, ku muni wakurikiyeho, ku wa kabiri tariki ya 15 Mutarama 2013 ; rutegeka kandi Porokireri gutanga igisubizo cye saa tatu za mu gitondo ku muni ukurikiyeho.
15. Ku wa kabiri ku itariki ya 15 Mutarama 2013, iburanisha rimaze gusubukurwa, Urukiko rwamenyesheje ababuranyi ko rwabonye icyifuzo gisaba isubika ry'iburanisha kubera icyifuzo cy'ingoboka cyashyikirijwe Urukiko rw'Ikirenga, kivuga ko urubanza ruramutse ruburanishijwe n'Urukiko Rukuru byaba ari ukunyuranya n'Itegeko nshinga. Urukiko rwasabye Uregwa, Jean Uwinkindi kugira icyo avuga kuri icyo kibazo.
16. Uwinkindi yabwiye Urukiko ko, koko, hari icyifuzo yatanze mu Rukiko rw'Ikirenga, avuga ko Urukiko Rukuru ruburanishije urubanza rwe byaba binyuraniye n'Itegeko nshinga.
17. Umwunganizi mukuru Gashabana, yunganiwe n'umwungirije Nyibizi, bagiye basimburana bavuga ko kuba hari icyifuzo cy'ingoboka cyashyikirijwe Urukiko rw'Ikirenga rukaba rutaragisuzuma, byonyine bivuze ko iburanisha ryaba

rihagaze igihe Urukiko rw'Ikirenga rutarasuzuma icyo cyifuzo mu mizi yacyo. Gashabana yemeje ko Urukiko Rukuru rudafite ububasha bwo kuburanisha urubanza TPIR yohereje mu Rwanda kuhaburanishirizwa. Yasabye Urugereko gusubika urubanza kugeza igihe Urukiko rw'Ikirenga ruzafatira icyemezo.

18. Umushinjacyaha Mukuru Ngoga yasubije ko icyo ari ikibazo kitoroshye kirebana n'Itegeko nshinga kandi ko biterwa n'uko umuntu yumva amategeko. Ngoga yavuze ko igihe Urukiko Rukuru rutagejeweho icyo kibazo cyo kumenya niba kuburanisha urubanza binyuranije n'Itegeko nshinga, rugomba gutangira kuburanisha urubanza iyo bitabangamiye icyemezo icyo ari cyo cyose Urukiko rw'Ikirenga rwafata. Ngoga yavuze ko mu nyungu z'ubutabera, urubanza rugomba gutangira kuburanishwa.
19. Urukiko rwasubitse iburanisha, rikazasubukurwa ku muni ukurikiyeho, ku wa gatatu tariki ya 16 Mutarama 2013 saa cyenda z'amanywa, kugira ngo rubashe gufata icyemezo ku byavuzwe n'ababuranyi.
20. Iburanisha risubukuwe ku itariki ya 16 Mutarama 2013, Umucamanza Alice R. Ngendakuriyo, Perezida w'Urukiko Rukuru, yasomeye abantu icyemezo cy'Urukiko, avuga ko itangira ry' urubanza risubitswe kugeza ku wa mbere, tariki ya 4 Werurwe 2013. Urukiko rwavuze ko gusubika urubanza biri mu nyungu z'ubutabera kuko nta ruhande na rumwe rurebwa n'urubanza byari kubangamira.
21. Ku wa mbere tariki ya 21 Mutarama 2013, Urukiko rw'Ikirenga rwasubukuye iburanisha, rwumva ingingo ababuranyi batanze mu magambo ku birebana n'icyifuzo cy'ingoboka Uwinkindi yatanze, avuga ko Urukiko Rukuru rudafite ububasha bwo kumuburanisha kandi ko ibyo byaba binyuranije n'Itegeko nshinga.
22. Iburanisha rirangiye, Urukiko rwasubitse urubanza kugeza ku wa gatanu, tariki ya 22 Gashyantare 2013, ari bwo rwari gutanga icyemezo rwafashe kuri icyo cyifuzo.

**Gushyingura no gutanga inyandiko mu buryo bwa elegitoroniki (*e-filing*) mu nzego z'ubutabera mu Rwanda**

23. Muri uru rugendo rw'ubutumwa, umugenzuzi woherejwe n'ibiro bya Gerefiye bya TPIR yagiranye ikiganiro na Martin Ngoga, kuri gahunda yo gutangira gushyingura no gutanga inyandiko hakoreshejwe uburyo bwa *e-filing* mu nzego z'ubutabera mu Rwanda. Ngoga yabwiye umugenzuzi ko inkiko zose zo mu Rwanda zatangiye gukoresha ubwo buryo guhera mu mwaka wa 2011. Yavuze ko iyo gahunda yari igamije kwihutisha itangwa ry'ubutabera. Yavuze ko abakozi bo muri za *internet café* [aho abantu bashobora kujya gukoresha *internet* bishyuye] bahawe amahugurwa kugira ngo babashe gufasha abavoka batamenyereye cyane ibya *internet*, kugira ngo iyo gahunda ikore ku buryo buhamye.
24. Ayo makuru yemejwe na Gerefiye Mukuru w'Urukiko rw'Ikirenga, Olivier Rukundakuvuga, mu nama twakoranye ku itariki ya 16 Mutarama 2013. Yambwiye ko gukoresha *e-filing* byatangiye muri Kanama 2011. Yeretse umugenzuzi *e-mail* ye yari irimo inyandiko yohererejwe mu buryo bwa elegitoroniki, avuga ko kugeza ubu iyo gahunda igenda neza. Yambwiye ko kuva iyo gahunda yatangiye, amaze kohererezwa muri ubwo buryo inyandiko zirenga 1.000.

**Impungenge zagaragajwe n'Ubwunganizi**

25. Mu nama twagiranye mu muhezo n'umwunganizi mukuru wa Uwinkindi, Gatera Gashabana, ku itariki ya 17 Mutarama 2013, yavuze ibibazo bikurikira bafite :
- **Kuba ikipe y'Ubwunganizi itongererwa ingufu :** Yavuze ko ikipe y'Ubwunganizi igizwe n'abavoka babiri gusa (umwunganizi mukuru n'uwungirije). Asanga badahagije ku rubanza rukomeye kandi ruteye nk'uru. Yanavuze ko Porokireri n'Ubwunganizi batanganya uburyo, ku birebana n'abakozi bakoresha.

- **Ishyirwaho ry'abapererezi b'Ubwunganizi:** Yashimangiye ko ikipe y'Ubwunganizi ikeneye abapererezi basobanukiwe neza na bene izi manza, kugira ngo bafashe mu kumenya aho abatangabuhamya bashinjura baherereye no kubabaza ibibazo, dore ko abenshi muri bo bataba mu Rwanda. Umwunganizi yongeyeho ko hari icyifuzo cy'ingoboka cyashyikirijwe Urukiko gisaba ko abapererezi bashyirwaho, rukaba rutaragifatira umwanzuro. Yanenze kandi imikorere ishaka ko Porokireri yakorera Ubwunganizi iperereza.

26. Yagaragaje icyizere ko Urukiko ruzakemura ibi bibazo bidatinze, kugira ngo Ubwunganizi butegure urubanza mu buryo bukwiye.

#### **Gusura Gereza**

27. Muri uru rugendo rw'akazi, sinasuye Uregwa kuri gereza kubera iburanisha ryabaye muri icyo gihe. Nyamara ariko, namubonye mu rukiko icyo gihe cyose. Nabonye ameze neza.

#### **Gahunda yo kwita ku batangabuhamya**

28. Ku itariki ya 16 Mutarama 2013, mu nama nakoranye na Olivier Rukundakuvuga, nongeye kubyutsa ikibazo cya gahunda yo kwita ku batangabuhamya. Yanyijeje ko urubanza nirumara gutangira abatangabuhamya bamaze guhamagarwa, Minisitari y'Ubutabera yiteguye kubaha ubufasha bwa ngombwa.

#### **Umwanzuro**

29. Ababuranyi n'abandi barebwa n'urubanza bahanze amaso icyemezo kizafatwa n'Urukiko rw'Ikirenga ku cyifuzo cy'ingoboka rwashyikirijwe n'Uregwa avuga ko Urukiko Rukuru rudafite ububasha bwo kuburanisha urubanza rwe. Icyo cyemezo nikimara gutangazwa ku itariki ya 22 Gashyantare 2013, ni bwo umuntu azashobora kumenya aho uru rubanza rugana.
30. Tubashimiye kwakira iyi raporo neza.



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Inyandiko yahinduwe mu kinyarwanda, byemezwa na SSL/TPIR

*Raporo y'ubugenzuzi mu rubanza rwa Uwinkindi (20/12/2012- 31/01/2013) Constant K. Hometowu*